

**AGENDA
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, JANUARY 8, 2024 5:30 PM**

1. CALL TO ORDER

INVOCATION

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

2. PROCLAMATIONS:

A. None

3. PRESENTATIONS:

A. 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.

5. CONSENT AGENDA:

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

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held December 11, 2023

2. Regular meeting held December 18, 2023

B. PURCHASING ITEMS:

1. **Purchase request by Fleet Services for the purchase of one (1) new side loading refuse truck.**

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the City Commission to direct Staff to include the addition of wet-slips at the Venetian Cove Marina to future Marina Construction Project designs and proposals; and providing an effective date.**
2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing applying for and accepting, if awarded, a grant from the Florida Department of Health for the purchase of one (1) set of battery operated, hydraulic rescue tools; and providing an effective date.**
3. **Resolution of the City Commission of the City of Leesburg, Florida designating one member and one alternate member to the Lake County Library Advisory Board for a four-year term beginning February 29, 2024, and ending February 28, 2028; and providing an effective date.**
4. **Resolution of the City Commission of the City of Leesburg, Florida, approving a Proportionate Share Agreement entered into by and between the School Board of Lake County, Florida, TLC Whitmarsh, LLC, and the City of Leesburg, Florida, to allow for payment of Lake County School Impact Fees; and providing an effective date. (Preservation Place Proportionate Share)**

6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

A. SECOND READING OF ORDINANCES

1. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 0.08 +/- acres from City of Leesburg SPUD (Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg P (Public) to resolve an encroachment from 314 Canal Street onto 300 Canal Street, for a property generally located south of Pine Street and east of S Canal Street, lying in Section 26, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (CAC Canal Street RZ)**
2. **An Ordinance of the City of Leesburg, Florida amending the City Code of Ordinances by modifying Chapter 7, Article II - "Building Standards" and Chapter 10, Article II - "Fire Protection and Prevention" to conform with revised Florida Building Code - Eighth Edition (2023); providing for**

severability; providing for conflicts; and providing an effective date.

B. FIRST READING OF ORDINANCES

- 1. None**

C. NON-ROUTINE ITEMS

- 1. Resolutions authorizing the appointment of members to various Leesburg City Boards**

- a. Resolution of the City Commission of the City of Leesburg, Florida appointing one member to the Leesburg Police Pension Plan Trustee Board for a Four-Year term to expire December 31, 2027; and providing an effective date.**
- b. Resolution of the City Commission of the City of Leesburg, Florida appointing two members to the Carver Heights / Montclair Area Community Redevelopment Agency (CRA) Board for a Four-Year term to expire December 31, 2027; and providing an effective date.**
- c. Resolution of the City Commission of the City of Leesburg, Florida appointing two members to the Greater Leesburg Community Redevelopment Agency (CRA) Board for a Four-Year term to expire December 31, 2027; and providing an effective date.**

7. INFORMATIONAL REPORTS:

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

- A. None**

8. CITY ATTORNEY ITEMS:

9. CITY MANAGER ITEMS:

10. ROLL CALL:

11. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES

DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

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

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

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, December 11, 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.

Mayor Burry then informed the audience that Item 6.A.1 (Tierra Vista PUD) had been pulled from the agenda and would not be heard or discussed at this meeting. **CM Minner** added there was an error in the advertisement, so they needed to readvertise for that public hearing. Everyone will be notified pursuant to state statutes.

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

2. PROCLAMATIONS:

A. Leesburg High School Boys Bowling Team - State Champions

Mayor Burry presented a proclamation to the Leesburg High School Boys "Yellow Jackets" Bowling Team recognizing their exemplary sportsmanship and achievements. He recognized the skills and perseverance which led them to win the 2023 State Championship. He thanked them all for being exceptional ambassadors of the city and wished them continued success in their future endeavors.

3. PRESENTATIONS:

A. Employee Service Award Recognitions:

Five Years: Darrell Blanton, Electric; Benjamin Lenfant, Police; and Jonathan Pearson, Public Grounds

Fifteen Years: Tracey Dean, Airport; Desmond McLean, Solid Waste Residential; and Claudia Procko, Library

Thirty Years: Nicholas Romanelli, Police

Ten Years: Al Minner, City Manager

HR Director, Melissa Arriaga and CM Minner presented employee service awards to each employee acknowledging their years of service to the city.

B. Downtown Parking Study Presentation - Public Works

PWD Kelsey said the public works department was tasked to look at the parking situation downtown, and they enlisted the services of Blake Drury with GAI Consultants. He was prominent with the development of the Downtown Master Plan. He will provide the findings from their study.

Blake Drury, Assistant Vice President with GAI Consultants, said they have been involved in Leesburg over the past few years. They were asked a few months ago to look at the downtown parking and more specifically five things. It started with documenting locations and the amount of parking. It helped to understand the difference between on-street and off-street, along with public and private parking. They had to make general assumptions about parking demands. They were asked to use industry standard rates to compare supply and demand as it related to on-street parking. They talked about conformance and standards, and there are a number of different standards that on-street parking could be measured by in terms of dimensional standards and site lines. That was done at a more granular level. They came up with recommendations based on their analysis for parking additions, modifications, and improvements.

Referring to a slide, he showed the area that the study covered. The first thing they looked at was circulation. Before they could analyze the parking, they had to look at how people get to the parking areas. It is important to recognize Main Street as a special condition because it is a pedestrian environment in the downtown. Main Street has the most activity, and it has a lot of on-street parking. It is important to note that the area has mostly two-way streets. However, there are one-way streets that run on both sides of city hall, which creates some challenge for circulation. With it being one way, it creates an opportunity to have on-street parking given the size of the street. One notable thing is, as they move east, some streets have fallen out of the network as Beacon College has continued to grow and consolidate its campus. While that does not have a huge impact on parking, it does have an impact on the circulation. It affects how people get to and from parking. In terms of off-street parking lots, there are restricted parking lots, public parking lots, and a public parking garage. In total, the city has over seven hundred and fifty parking spaces and roughly three hundred and fifty of them are public, while four hundred of them are private or restricted. The city has almost three hundred on-street parking spaces within the study area. In total, there are about one thousand parking spaces within the downtown. One thousand parking spaces sounds like a lot, but it also depends on the demand. The mid-range parking demand is about two spaces per thousand square feet. The Institute of Transportation Engineers trip generation rates for a suburban environment say parking should be three to five spaces per one thousand. Referring to a rendering, he showed different studies of parking throughout the country for small downtown's like Leesburg. This study covered about four hundred and seventy thousand square feet of non-residential area, which has about nine hundred and forty parking spaces. There is a demand generated for those parking spaces. There are city blocks that have off-street parking where people can park and walk. Those parking spaces

cover a two hundred thousand square feet area and include three hundred and ninety-six parking spaces. That equals about one point nine-eight spaces per one thousand square feet and that is a good number. Now, not everyone will park in the off-street parking spaces because some people will park on the street. However, the off-street parking pushes the limit of the supply. That is the area where the city needs to look at other parking opportunities. There are other blocks that do not have parking at all on them, so people utilize the public parking lots or the garage. In total, between the public parking lots and the garage there are six hundred and fifty-two parking spaces, which is about 2.41 spaces per one thousand and that provides a little extra space. The only issue he saw was with the parking garage because it was not utilized like it could be and that is partially due to its location and distance from Main Street. On-street parking or any public parking should be within four hundred feet of walking access to Main Street. Market Street between city hall and the library is tight and the furthest away from the bulk of parking. The city has a few large public parking lots and there is always competition for on-street parking spots and then there is the garage that is a bit underutilized.

When it comes to parking standards, there are many places to find those standards; the Uniform Vehicle Code (UVC) and the manual on Uniform Traffic Control Devices (MUTCD). The Florida Statutes have codified some parking standards for state roads and county roads and the Florida Greenbook is FDOT's manual of uniform minimum standards for design, construction, and maintenance for streets and highways. All the manuals address different elements for on-street parking. The MUTCD lays out parking dimensions. It says there should be twenty feet from the front of a parking space to a crosswalk, and twenty feet minimum per UVC. The UVC was started back in the twenties and thirties when the state started to make uniformed traffic laws. The language from the UVC was codified in state statutes (FS 316.945) and it is pretty much verbatim. It states you cannot park a vehicle within twenty feet of a crosswalk or within thirty feet of a traffic control signal. The statute also gives power to local authorities to regulate stopping, standing, and parking. However, the City of Leesburg does not do that. The City of Leesburg defaults to the Florida Statutes.

Referring to a slide, he said looking at Fourth Street, there is a concern because on-street parking is less than twenty feet from the intersection, and they should be concerned with the ability to see a pedestrian as cars enter the intersection, along with the ability to see a traffic control device. That is why the twenty-foot distance is important. Looking at other communities, Winter Garden on Plant Street has a fantastic pedestrian environment. Winter Garden also has no parking within ten feet of a crosswalk at an intersection and there is no parking within thirty feet of any flashing beacon, stop signs, or other traffic control devices located at the side of a roadway, unless otherwise indicated. The City of Orlando defers to their traffic engineer to set the distance for parking on roadways. Winter Park has the highest valued street in all central florida and there are a lot of conditions where parking is close. Their parking areas are designated by the city traffic engineer, which provides flexibility for different standards. The thing the city needs to focus on at every intersection is the sight of the pedestrians. When coming up to an intersection, the view of pedestrians can be blocked by a car parked too close. That could be mitigated in some areas of the downtown by installing bump outs for crosswalks or move the sidewalk out to the edge of the parking spot, so people can be seen at all stop signs. At signalized intersections there is not that much of concern because they have a traffic signal that mitigates site distance. However, there is concern about clipping pedestrians. At four-way stops it is required that you stop, so you can see all the other cars. Throughout the downtown, it is generally met, but there are issues at the two-way stops where crossing traffic does not have to stop. There is also concern about on-street parking because it can obstruct the view when looking down the street. Referring to a slide, he showed a rendering of Fourth Street where there may be a problem. Within the downtown there are three different intersection types; we have two-way stops, four-way stops, and traffic signals. Referring to another slide, he said the areas shown in purple have some proximity concerns with parking close to an intersection. There could be twenty to twenty-five parking spaces impacted.

His recommendation to optimize parking is to adopt a local parking ordinance giving the city engineer the ability to designate parking locations within the city. That way, they can have an individual analysis to guide where parking happens, versus a blanket statement. The city could perform an engineering evaluation on intersections of concern. Pedestrian safety should be the top concern within the downtown. The improvements will create a comfortable walking environment to and from parking. For additional parking, they could facilitate the relocation of the Leesburg Center for the Arts and remove that building. That would expand the parking lot onto Fifth Street. It would also engage Lifestream, where they could potentially incorporate their lot to increase the footprint and efficiency. They could improve the streetscape between the city parking lot and Main Street along Fifth and Fourth Streets to encourage easy use of the parking lot. They could design laneway plazas as pedestrian plazas on Second and Fourth Street between Market and Main Street to facilitate pedestrian movement to and from parking. This can also alleviate loading and service issues like dumpster access that affect on-street parking. Design Market Street as recommended in the Main Street Master Plan. Evaluate alternate parking arrangements in the design to address pedestrian safety concerns and parking supply needs. The last recommendation would be to install common signage on all public parking lots. Current conditions have multiple sign types and inconsistent messaging. The city should consider it as part of an overall refreshing of way-finding signage within downtown.

Mayor Burry asked if there were any questions or comments from the commission. There were none. He questioned the city attorney about the city having our engineers determine where people can and cannot park. Does that go against guidelines or put the city at some form of risk? **CA Watson** answered, if they went against guidelines, it would open up all kinds of questions about why they did that. The city engineer would look at each area situation by situation to see whether the risk is significant or not. That way, everyone can look at it and evaluate whether it is something the city would be interested in. The idea was to have someone with professional experience to look at these and make determinations about what is appropriate and what is not under the specific circumstances.

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 handed papers to the commission. She wanted to continue with her concerns about the code violations and the documents she handed out were for the property at 1138 Main Street. She wanted them to know how she feels because it is weaponizing some of the community members. Code violations are one hundred and fifty dollars per day. The documentation she handed out shows what the fines have accumulated to within a year's period. It is nearly fifty-four thousand dollars. How is it possible for someone who is living off social security or of a low socio-economic status to bring themselves to remedy the situation? The code fines on the property were merely for overgrown weeds and grass. It seems unreasonable that these fines are so high for grass. She was looking on the city's website for boards and commissions. There are two CRA boards; the Greater Leesburg CRA and the Carver Heights CRA. She inquired about the possibility of volunteering for these boards. She reviewed the requirements which say you need to reside within a certain area and, unfortunately, she does not live within that area. She wanted to know if all the positions were filled on the boards and if there was an exception for someone who was willing to be a voice for the people in these areas. **CM Minner** responded that he still owed her a phone call. He apologized for not getting in touch with her after the last meeting. At the last meeting, the commission directed him to talk about the perimeters of a deal on how

the city might work a purchase deal of that property if the city were to take possession of it. With respect to the boards and committees, she needs to submit an application to the clerk. When committee appointments come up, he would make sure the commission got them. **Commissioner Connell** wanted to know if the property had been mowed? **CM Minner** replied yes, Ms. Gould has been mowing it. **Ms. Gould** said she was currently maintaining the property, and she will continue to do so. **Commissioner Connell** asked if fines were still being accrued. **Ms. Gould** said no, the fines stopped on February 24th when Officer Porter came out and inspected the property. **Commissioner Connell** asked how long it took to accrual that amount based on one hundred and fifty dollars per day. **Commissioner Reisman** said at one hundred and fifty dollars a day it took three hundred and sixty days to add up to that amount. **Commissioner Connell** inquired why it took a whole year before someone started to maintain the property. **Ms. Gould** said she was helping the previous owner and he passed away. He passed away before the fines were initiated and by the time she found out from the family, the fees had already accumulated. **Commissioner Pederson** said he walked out with Ms. Gould after the last meeting, and he appreciates what she had done. She is not the owner of the property, but she has been maintaining it to keep the code violations off the site. He is only one voice, but the city will work with her the best they can. He knows she wants to buy the property, and the city may find some flexibility. However, the special magistrate has the ultimate authority over this. **Commissioner Berry** asked for her address again. **Ms. Gould** said it was 312 Nebraska Avenue. She lives over by Harley-Davidson, and she knows it is outside the CRA's area. **Commissioner Pederson** asked if she lived within the city limits. **Ms. Gould** said she believed so. **Commissioner Pederson** said he thought they just needed to live within the city limits. **Mayor Burry** asked if that was the neighborhood behind the Race Trac. **Ms. Gould** responded it is Mount Vernon behind the Enterprise and Shell gas station. She was pretty sure, but her parents pay the city utilities. **CA Watson** pointed out that there are procedures to ask for a reduction of code enforcement fines, but that has to go in front of the special magistrate. He was not sure if that was something she had applied for. **Ms. Gould** responded that Officer Porter gave her the packet. **Mayor Burry** remarked that the city manager would get with her after the meeting.

Vonda Parker, co-founder of VMax for One Community, Inc., a non-profit 501-C, said she was there with her husband, Max Parker, who is the other founder. They wanted to publicly thank the City of Leesburg for the continued support. She wanted to recognize the city manager, city commissioners, the parks and recreation and police departments. They held their twelfth annual fashion designers runway showcase at the Leesburg International Airport. They worked closely with the airport manager. Again, they wanted to publicly thank everyone for their continued support for the youth creative arts program.

Teresa Connor said she submitted her application to the CRA board. She wanted to know when that would be looked at and if there was anything she needed to do. **CM Minner** replied that the CRA board members are appointed for a term. The city has two CRA boards which the city commission appoints members too. The Carver Heights CRA has seven members. The city commission makes up five members and there are two appointees. The members of that board must live within the Carver Heights CRA area. The Greater Leesburg CRA also consists of seven members, the city commission plus two appointees. Canal Street is the divider, and they must reside on either the east or west side of that street. The term of office for those boards is four years. We have one vacancy on the Greater Leesburg CRA, and Betty Stevens-Coney currently serves as a representative. Her term is up at the end of this year. With the Carver Heights CRA, there are two openings due to terms expiring on December 31st of this year. **Ms. Connor** informed them that she would like to serve on the Carver Heights CRA. **CM Minner** mentioned that at the January 8th commission meeting, appointments would be made.

Jim Harnage of Lake Denham Estates asked if there was a way the city could look at putting more speed limit signs in the Lake Denham Estate subdivision. Coming into the development, there is a half mile stretch with nothing there, until they run into the development. That half mile has two speed limit signs,

one at each end that says twenty-five miles per hour or otherwise posted. Those are the only speed limit signs they have throughout the whole neighborhood. There are five hundred and sixty-seven homes. Is there anything they can do to get more speed limit signs because they have a lot of issues with speeding, especially on the main drag. People pass other people and many times they come close to hitting other people because they drive too fast. Is there a possibility to have law enforcement drive through to keep an eye on things? With that half-mile drag strip, people act like it is their own personal runway. There are a lot of kids that go through there and the school bus stops at the end of the road, so they have a lot of issues. He also came before the commission about a year ago to ask about a noise ordinance. He wanted to know if there was a noise ordinance of any kind in the City of Leesburg. **CA Watson** answered there was a noise ordinance, but he was not familiar with all the details. **CM Minner** pointed out that the city does have a noise ordinance which gives discretion for police officers to issue citations. If the police department receives a complaint and an officer goes out and investigates, and they identify the noise, it is within the officers' discretion to issue a citation. We do not have a noise ordinance that gives certain decibel levels. They have had this conversation many times and the commission in general has opted not to implement an ordinance related to decibels since the existing process works, and it is easily enforceable and not problematic. Now, Lake Denham Estates streets have multiple issues. There are problems with maintenance and potholes. The streets also have issues with signage and speeding. The city is currently working with the developers of Lake Denham to address the maintenance of the roads along with signage issues. The larger scope of the problem is that Lake Denham streets are private, and they are not under the city's jurisdiction. There is a possibility of taking the streets over through a dedication to the city, but the city will not accept the streets until the developer has fixed them correctly. The public works department has been in constant contact with the developer because we want them to make the repairs and to date the repairs have not been made. The city knows there is a broken guardrail, but that guardrail is located on a private street, so it is not the city's responsibility to fix it. The city has been getting after the developer to get that fixed. Right now, it is not in the city's best interest to take the private roads until they are built to a standard that the city will accept. After Lake Denham was constructed, the city saw what was going on and that it may become an issue for future development. Since that time, the city has changed policies. We now force developers to build the streets to city standards because we do not repeat issues as we do with Lake Denham. Lake Denham is an issue for the residents that live there. Hopefully, in the future, we will not have issues because of that change in policy where the developer builds the streets to city standards and the city will accept them upon dedication and acceptance of streets through PUD's. For years, the city practiced a policy of where storm water and private streets were private, and we did not accept dedication. However, we saw as developments started to come in that the policy needed to be changed. Unfortunately, we have not been able to fix some of the issues and the public works department is still working with the developer. As far as traffic control, we could issue tickets on private streets. They will have more police presence and hopefully that will help with the entry into the development. **Mr. Harnage** inquired about a trailer sign being placed out there a couple of months ago. It would flash if you were going over twenty-five miles an hour, and one out of ten it would go off. About ninety percent of the cars were speeding down that road. He was told that the device monitors traffic, and they would use the information from the device to figure out if they needed to put speed bumps on that road to slow traffic down. Is that just a farce he is being told? **CM Minner** replied there are studies that the police department can do to determine when speeding happens, when it occurs and the time of day it most occurs. However, he would need to get with the chief to see if they could do some of those studies. They have done some in Arlington Ridge and Legacy because Legacy had issues with speeding and after doing the study it was determined that a lot of the speeding issues related to service trucks and not residents. He was not sure if that was the case in Lake Denham, but he would get with the chief to see if they could get that study set up. **Commissioner Pederson** inquired if there was a bond on this development? **CM Minner** said no. This was one of the last subdivisions where the PUD stated streets may be adopted, but the enforcement practice was that the city would not accept dedication of streets. When these complaints started generating a few years ago, that was when the city

looked at the policy, and it was noticed quickly after folks started moving into Lake Denham that there was deterioration of the road surfaces. We knew it would be an issue and that we would receive these types of complaints. At that point, the city changed the organization structure of the public works department. We made policy modifications where future developments would have dedicated streets. We changed and added staff to put ourselves in a position where we could monitor the construction better. Moving forward, we will not have this issue. This was an existing issue, and we are doing our best to remedy it. **CA Watson** pointed out that there was a maintenance bond for Lake Denham that expired, and we had a claim on the developers prior to that expiration. For the city to take over the streets, the city requires a maintenance bond on the roads for two years. Lake Denham had a bond for the streets and there was a claim made on that bond. The public works department has been working with the developers to try and fix those issues. They will do it with a bond in place. There will be some relief down the road on the issues with maintenance problems and the deterioration of the roads. **Mr. Harnage** asked when the bond is released will the roads become the city streets? **CM Minner** answered it would be if the city chooses to accept dedication. At this time, the city would not accept dedication because the streets were not built to city standards. **Commissioner Pederson** added that right now this could default to the homeowners' association. **Mr. Harnage** remarked he was there on behalf of the homeowners' association. He was trying to figure out what could be done for the residents. These were the issues brought before their association, and he wanted to bring it to the city because there were issues with driving, speeding and the roads. **CM Minner** added he would also get with the director of public works on these issues.

Steve Brown, a resident of Lake Denham Estates, asked the commission about potentially doing a traffic study, so they could get a stop light put up at the entrance to the subdivision. There have been accidents there, and he has seen close calls due to it getting backed up when trying to get in and out. He understood there would be townhouses going in right on the corner, and he wanted to get ahead of the game. He wanted to know if this was something the city could help with. **Mayor Burry** informed him that he would need to get with the Florida Department of Transportation on that.

Elliott Ward said he was a new business owner and chamber member. He wanted to push on the parking issues in the downtown. Right now, it works as far as enforcement from the police department, but there are issues with employees parking along North 7th Street. They are taking up his customers' parking spots. There should be enough parking for his customers and that could be done with proper signage. He is a sign guy, and he offered his expertise and service at no charge to get this done. He appreciates the enforcement of the police department and Commissioner Reisman. He loves what he sees in Leesburg, but they need help. We need some enforcement by knocking on doors to stop employees from parking there. They personally hike it, they park at the structure and walk.

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.8 - Amending the existing Investment Policy to increase the allowed cash percentage for Intergovernmental Investment Pools and to add language as required by the State of Florida;
5.C.10 - Accepting a conveyance of real property from Leesburg Partnership III, LLC. in furtherance of the Asset Transfer Agreement between the City of Leesburg and Leesburg partnership, Inc., Leesburg

Partnership II, and Leesburg Partnership III, LLC; and
5.C.11 - Approving Funding of the City of Leesburg in FY 2024 up to \$500,000.00 for Bikefest 2024; authorizing the City Manager to make individual purchases and/or incur individual expenses up to \$75,000.00, within the budget.

Commissioner Reisman moved to adopt the Consent Agenda except for 5.C.8, 5.C.10, and 5.C.11, and Commissioner Berry seconded the motion.

The roll call vote was:

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

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

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held November 27, 2023

B. PURCHASING ITEMS:

1. Fiscal Year 2024 Vehicle Purchase Approval

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Debt Service, Capital Projects, Gas, Water, Solid Waste, Health Insurance, Workers Compensation, Discretionary Sales Tax, Gas Tax, Police Education Receipts, Police Impact Fees and Recreation Impact Fees Funds for the Fourth Quarter; and providing an effective date.

ADOPTED RESOLUTION 11,745

2. Resolution of the City Commission of the City of Leesburg, authorizing the Mayor and City Clerk to apply for, and if awarded, accept the Assistance to Firefighters Grant (AFG) from FEMA, for the purchase of firefighter protective gear; and providing an effective date.

ADOPTED RESOLUTION 11,746

3. **Resolution of the City Commission of the City of Leesburg, Florida, adopting the National Institute of Standards and Technology Cybersecurity Framework as the Cybersecurity Standard for the City of Leesburg, Florida; authorizing the City Manager or the City Manager's designee to adopt policies and procedures as necessary to implement the Cybersecurity Framework and comply with the provisions of Section 282.3185, Florida Statutes; authorizing the City Manager or the City Manager's designer to affirm compliance with the requirements of Section 282.3185, Florida Statutes; and providing an effective date.**

ADOPTED RESOLUTION 11,747

4. **Resolution of the City Commission of the City of Leesburg, Florida, rescinding Resolution No. 11,185, reinstating carrying charges for delinquent payment of utility charges as of January 1, 2024; and providing an effective date.**

ADOPTED RESOLUTION 11,748

5. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Community Development Block Grant (CDBG) Program Subrecipient Agreement between Lake County, Florida, and the City of Leesburg for the Mispah-Simmons Apartment Complex Parking Lot replacement project CDBG FY 2023-2024; as described in the agreement; and providing an effective date.**

ADOPTED RESOLUTION 11,749

6. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Community Development Block Grant (CDBG) Program Subrecipient Agreement between Lake County, Florida, and the City of Leesburg for the Mispah-Simmons Apartment Complex Fence Replacement project CDBG FY 2023-2024; as described in the agreement; and providing an effective date.**

ADOPTED RESOLUTION 11,750

7. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Lease Agreement with Find Peace Counseling at the Leesburg Business Incubator for a three-year term; and providing an effective date.**

ADOPTED RESOLUTION 11,751

8. **Resolution amending the existing Investment Policy to increase the allowed cash percentage for Intergovernmental Investment Pools and to add language as required by the State of Florida.**

ADOPTED RESOLUTION 11,753

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 Pederson questioned why they were being asked to increase the allocation of one investment fund from fifteen to fifty percent. He was curious about the rate differentials between the accounts. He wanted to ensure that the city was comfortable with the risk. Rates are a function of risk and there is a spread. He spoke with the city manager about this, and it had not been in default for a while. However, with the economy wobbling a little bit, and going through economic cycles, he does not want to get caught. **Finance Director (FD) James Williams** said the reason he requested this was because that particular section of the investment policy has many market funds allocated up to fifty percent and the local pools are at fifteen percent. There are three investment pools, and we are over fifteen percent. If he wanted to, he could get that money out tomorrow. Right now, we are getting the best rates. If folks start lowering rates, the rates will go down as well, but he could pull that money at anytime. **Commissioner Pederson** said he answered his question. He looked at the different investment options, and they were fairly close. However, he did not dissect them that far. **FD Williams** said he would rather have it in a government authorized investment pool than Fidelity or Schwab. **Commissioner Pederson** said the only thing that jumped out at him was the obligations from other municipalities, but he may have misread that. **FD Williams** said they could invest in any trade or bond.

The roll call vote was:

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

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

9. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement from Florida Gift Fruit Delivery, Inc., a Florida corporation, and Key Scales Ford, Inc., a Florida corporation, affecting the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,752

10. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a conveyance of real property from Leesburg Partnership III, LLC, in furtherance of the Asset Transfer Agreement between the City of**

**Leesburg and Leesburg Partnership, Inc., Leesburg Partnership II, Inc.,
and Leesburg Partnership III, LLC; and providing an effective date.**

ADOPTED RESOLUTION 11,754

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 Reisman said he knows a lot of private businesses use this lot. Will the city be sending them letters to tell them they need to find elsewhere to park their private vehicles? **Mayor Burry** asked if he was referring to permanent vehicles being parked there? **Commissioner Reisman** remarked that people park there all night and during the day. **CM Minner** answered that they could do that and, obviously, the use needs to be a public use. They will notify the public that it is a public lot, and it will be enforced.

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.

- 11. Resolution of the City Commission of the City of Leesburg, Florida, approving funding from the General Fund of the City of Leesburg in Fiscal Year 2024 up to \$500,000.00 for Bike Fest 2024; authorizing the City Manager to make individual purchases and/or incur individual expenses up to \$100,000.00 within the budget; providing conditions; and providing an effective date.**

ADOPTED RESOLUTION 11,755

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.

CM Minner said two things about this. At the last meeting, the commission took an informal vote to move ahead and fund Bikefest. The new special event's manager made a presentation where, essentially, the city would pull half a million dollars from the general fund reserve account as seed money for

Bikefest. They would then do different things with the vendors and there are other things that go along with Bikefest. A matrix was provided to the commission which showed we should break even. Remember this money is separate and, apart from the event's division money. Part of that request was that the city manager have one hundred thousand dollars spending authority. He accidentally put in seventy-five thousand dollars and that needs to be corrected. That was an error. He asked that they amend that from seventy-five to one hundred thousand dollars. As we started with the FY-24 budget, we did not know we were going to create an events division. We did not know we were going to take over Bikefest. However, due to the amount of money, we need to have transparency with the transfer and that is memorialized in the resolution. His opinion is that Bikefest will be a success, everyone will enjoy it, and the city will break even. We may even make a few dollars and that would be used for civic purposes. Potentially moving into FY 25, they could create a Bikefest division in the budget if that is where the commission wants to go. Until then, the purpose of this resolution is to publicly provide transparency and a formal notice that we are shifting money for this purpose. The primary reason for the increase in the spending authority for the city manager is that entertainment can be booked without having to come back to the commission. **Commissioner Pederson** mentioned that over the years The Partnership purchased insurance. It may have been to cover weather. He believed The Partnership had stopped doing it, and it became cost prohibited. **CM Minner** said he thought it went the other way. It started because they did not have insurance and for the last couple of years they did. They did for the last Bikefest and that will be something put in the mix. He will have that discussion with the recreational director. **Commissioner Pederson** said he had no idea what the insurance cost. He just put that out for discussion purposes. **CM Minner** remarked that it would be looked into. **Mayor Burry** pointed out that the city manager was looking for a motion to increase the spending authority to one hundred thousand dollars. **Commissioner Connell** pointed out that two meetings ago he said he was not a fan of spending taxpayer money on funding special events, especially not this kind of money. He asked if the revenue numbers were solid. **CM Minner** responded that we are as solid as we can get for now. The history comes from The Partnership's numbers. They eliminated the alcohol numbers because there was a variance between good and bad years. They looked at the numbers from 2019, 2020, and 2021. There was a blip with covid, but the last solid number was the 2019 Bikefest, where it showed a net alcohol sales of about two hundred and fifty thousand dollars. Obviously, in 2020, covid canceled everything. Then they held a one-day Bikefest where the net alcohol sales were around twenty thousand dollars. Then they held the November Bikefest, which brought in about fifty thousand dollars. This past April it rained the whole weekend and the net sales of alcohol were about seventy-five thousand dollars. When the recreation director presented the budget to the commission, he specifically left out the alcohol number. First, it was all over the place, and he was not sure how the city would be involved with alcohol. He wanted to present a budget that was without the consideration of alcohol and that budget showed half a million dollars of expenses and half a million dollars of revenues. In that revenue there was only a net revenue of alcohol for about thirty thousand dollars. They feel comfortable with the numbers. That is the best answer he can provide at this time. The recreation director and special event manager felt extremely confident about providing the budget numbers. He shared the exact trepidation with taking a half million out of the reserves. Hence, the reason for the resolution. A couple of things, the city received one hundred thousand dollars or so from The Partnership when they closed, so we have that cash accounting wise. That cash is already in our reserves, and even though we are taking out half a million dollars, four hundred thousand dollars is city money and one hundred thousand dollars was partnership money. We have one hundred thousand dollars that we did not expect and that was put into the reserves account, and we are taking five hundred thousand dollars. They also put together a pretty conservative budget. Moving into this, he expects plus or minus about one hundred and twenty-five thousand dollars. That would be a good day. Once they start the next budget season, they will consider whether to do this again. Last year, there was extreme pressure from the public who said to do it and pretty much every commissioner said yes. On the other hand, if we end up in the black, that would be good. This is a risk, and they did the best they could from the data they have. There will be alcohol discussions within the next few meetings. He sent out an email to the

commissioners outlining some parameters of how they could do alcohol sales. They could do it with the chamber or use the private sector. If the city brought in a private company, we would only receive an "x" amount from the alcohol sales, even if they had a gain. The city has received a proposal for thirty percent. The negative of that is we lose some control as far as knowing exactly how much money comes in. Even though the private corporation would be completely honest about how much they sold. The bigger issue is that Bikefest has always had an umbrella that said the monies received would go back to the community. When we bring in an outside group, even though it is easier for us, we lose the accounting and autonomy of having public money. He spoke with Sandy Moore from the Chamber and said she was going to have a conversation with her board to see where they stand on this. After that meeting, she would brief him on how it went. He would bring that back to the commission. **Commissioner Connell** mentioned he voted yes based solely on the numbers staff prepared and that it would break even. However, he did not agree with spending a large amount of taxpayer money on funding a special event. He wanted to know if any other jurisdictions like the county participate and help fund this event, since they all benefit from it. **CM Minner** answered the county would. The city would receive forty thousand dollars in Tourist Development Council (TDC) money. Historically, the county provided TDC money, which is heads and beds tax for this event, which covered advertising and a few other things. That was previously provided to The Partnership. Right now, they are confirming with the county that the contribution will be provided to the city. The county is the one governmental agency that we know provides money. **Commissioner Connell** asked if it was forty. **CM Minner** answered yes. That would be the typical amount cut for Bikefest by the TDC. He did not expect other municipal corporations to contribute to this event. Other municipal corporations contribute to their own events. When reviewing the budget estimate, we had some primary sponsorship from Wayne Dench, Gator Harley, Progressive, and the county. Some of the old contributors that gave to the partnership are willing to help the city. Those numbers were over one hundred thousand dollars and the sponsorship could be banked on. There are other things they could bank on with vendors, but he feels good with the cut-down budget, and remember this is an event the city has never managed before. He is not taking it lightly, asking for half a million dollars. **Commissioner Connell** said the projected revenue was five hundred thousand dollars and two hundred and fifty thousand of that was through advertising. This was approved about a month ago. How much money has the city received through advertising so far since we are on a very short clock? **CM Minner** said we have not collected any checks yet. **Commissioner Connell** wanted to confirm that we have not collected any of the two hundred and fifty thousand dollars because there is only a three-month window left. **CM Minner** responded that was not atypical, and he was not worried yet. **Commissioner Connell** informed him that it does worry him. **Commissioner Reisman** wanted to clarify that there would be discussions on the pros and cons of going privatized or with the chamber at a future meeting. **CM Minner** replied yes. **Commissioner Reisman** stated he would reserve his comments for then. **Commissioner Pederson** said this was more than just Bikefest. He was very vocal in supporting The Partnership to help keep them going. However, they decided not to move forward, so the city took over them. He was also very vocal about these events being a quality of life issue. This goes beyond Bikefest, and he hopes Bikefest does break even. At least that is the projection. The city just did the Christmas Parade, and we have other events coming up. It is more than just Bikefest, it provides a quality of life for people who live in Leesburg. **Mayor Burry** stated at this point there was a request to change the city manager's spending authority from seventy-five thousand dollars to one hundred thousand dollars. He asked if there was a motion to do that.

Commissioner Reisman made a motion to change the spending authority from seventy-five thousand dollars to one hundred thousand dollars for Bikefest and Commissioner Pederson seconded the motion.

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 approved the amendment to the resolution.

Mayor Burry said they now have an amended motion. He asked if there were any comments or discussion. There were none.

The roll call vote was:

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

Four yeas, one nay, the Commission approved the resolution as amended.

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

A. SECOND READING OF ORDINANCES

Mayor Burry asked the city attorney to swear in anyone wishing to speak about these items. **CA Watson** requested that anyone wishing to present testimony or evidence on items 6.A.2 or 6.A.3 to stand. He swore them all in. **Mayor Burry** pointed out again that item 6.A.1, the Tierra Vista PUD, was pulled from the agenda. It will come back before the commission on January 22, 2024.

- 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)**

Pulled from agenda.

- 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)**

ADOPTED ORDINANCE 23-69

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.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller said this property is located east of the Florida Turnpike and south of County Road 470. It consists of thirty-six point nine six plus or minus acres. It is an undeveloped site to be used for residential and commercial uses. The comprehensive plan request will go from neighborhood mixed use to general commercial. The zoning is PUD to PUD with revised conditions. The permitted uses include both residential and commercial uses. On the residential side, there would be a maximum of three hundred and fifty-two apartment units. That is a gross density of twelve point eight units an acre. The commercial side, could be general office, medical office, pharmaceutical, veterinarian, and retail uses such as restaurants and personal services, like hair and nails, hotel, daycare, and houses of worship. The prohibited uses are anything not called out as a permitted use and that includes internet cafés, tattoo parlors, etc. There are some specific standards for this particular development which include twenty-five foot perimeter buffers. They are asking that it be undisturbed where there are existing trees. Those trees will remain in place. There will be a minimum of thirty-five percent open space, which they will meet according to the plan. The maximum building height for the apartments would be four stories or fifty-two feet. There are specific access requirements to come off County Road 470 on the existing road, versus each parcel having a separate access point. There are architectural standards and a very specific amenity package that requires a pool, cabana, gym, playground, and dog park. They are offering some raised bed gardens with a six-foot wide walking trail. Mr. Mike Rankin of the Land Planning Group out of Mount Dora is present to answer any questions.

Mayor Burry asked if there were any questions or comments. There were none.

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.

- 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)**

ADOPTED ORDINANCE 23-70

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

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 0.08 +/- acres from City of Leesburg SPUD (Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg P (Public) to resolve an encroachment from 314 Canal Street onto 300 Canal Street, for a property generally located south of Pine Street and east of S Canal Street, lying in Section 26, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (CAC Canal Street RZ)**

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 said this was basically a land swap to clear up boundary lines to allow for the future development of the Children's Advocacy Center and the Community Development Corporation (CDC). They are both located on Canal Street. The request would be to resolve a building encroachment issue from 314 South Canal Street on to 300 South Canal Street. It would correct a split zoning where one property has two zoning districts, which is legal and possible. However, he hates them and he would like to clear that up. It is basically simple zoning to a standard zoning district. It does not have conditions or anything like a PUD would have. This is a cleanup operation that would help the CDC and the Children's Advocacy Center.

Mayor Burry asked if there were any further questions. There were none. He stated this item will come back to the commission on January 8, 2024.

C. NON-ROUTINE ITEMS

1. LAKE SQUARE MALL UTILITY BILLING

CM Minner stated the next two items cover the Lake Square Mall. This is to ultimately resolve the issue and to get a payment structure for utilities owed to the city from Lake Square Mall. It is a two-step process that needs to be done. First, he would propose the creation of a specialized sewer rate for the

mall. They would then apply that to the outstanding delinquent unpaid utility expenses from the inception of when Village Lake Promenade bought the mall property up till now. They will come up with a payment plan, but part one is to consider a new sewer rate that will be specifically designed for the mall and part two will be to approve a payback plan.

Referring to a slide, he wanted to take a moment to describe the current billing process for the mall. The mall bill has two components. They receive one bill for water and electricity, and that bill goes out automatically. There is a master water meter for all the consumption at the mall. They have several different meters for electric and, because of the automation for billing, those are easily assembled. That is why the mall gets one bill. It is automatic based on the consumptive reads. The mall also receives a bill for sewer, and that one is a bit more complicated. In a typical household, the industry standard is that your sewer bill is based on whatever you consume in water. It is the assumption that whatever water you use is discharged back into the sewer. With all utilities, there is a base rate and a discharge rate. We have different base rates for each type of sewer customer. We have residential customers, commercial class one, commercial class two and commercial class three. The mall is filled with commercial class one and commercial class three tenants. An example of the commercial class one would be a professional service, like a lawyer, doctor or bank. A commercial class three would be a restaurant, which uses more. However, we have to remember the mall receives utility bills in two different ways. Obviously, there have been some errors and situations that have occurred that led the mall to where it is now. They have a large amount of unpaid bills. They reviewed some errors that led to this, and we learned from them. Moving forward, that will be corrected. First was an error of circumstance, missing stuff and at that time, there was a lot of chaos going on. If they review the commission minutes of April 13, 2020, he referred to covid being a major hurricane that never ends. At that time, it was constant with things stopping. It was interesting and, without making excuses, clearly, the error was that several things occurred at once and the city ultimately stopped billing sewer. There was a change in personnel, and we received complaints from the mall about the formulaic approach and the methodology of their sewer bill. At the commission meeting of October 13, 2020, they approved to stop disconnections and late fees. All those things culminated, and we dropped the sewer bill, and we never picked it back up. So that situation existed until staff got back to the mall in April 2021 to say they needed to start paying. They started paying their water and electric bill, but they insisted there was an error with the sewer billing. It was not until the fall of 2023 that it came to his attention that the city missed the ball. We missed the ball on re-instituting the sewer bill. That was brought to the city's attention by the auditors. After finding that out, he brought it to the commission's attention. The commission questioned him about it and by March 2023 he had a proposal on the mall's desk about how to move forward. The mall then got into cash flow situations and situations where the mall and the county had lease issues. There has always been a feeling about the mall and the need to help them because the mall is an important economic development part of the city. For all these reasons, it stopped and, without making excuses, that is a fair representation. Ultimately, he would take some blame for this, because he knew the mall had a billing complaint with the sewer and his office did not aggressively seek a remedy for that until March of this year.

Referring to a slide, he described the current sewer billing methodology. It was important to remember that this was the heartbeat of the mall's discrepancy with the city about how we bill for sewer. When the city initially started billing for sewer, there were one hundred and four units in the mall. Some are also referred to as out parcels, which include Ichiban, Dunkin' Donuts, Wendy's and the bank. There were four out parcels and the mall interior had one hundred units. Those units range from class one, class two and class three. They did a count way back when, and the city continued to use that count over different ownership of the mall. We never received a complaint about that process until Lake Village Promenade took ownership. They are the ones that started asking questions. There are a number of different units and each of the units has a different classification; class one, class two or class three. The class one monthly charge is about twenty-seven dollars a month, where class three is about one hundred and fifteen dollars a

month. They can see the discrepancy or the variance between the usage charges. Another issue was that the city did not know if a unit was open, vacant or occupied. We just charged the base bill. The next part of the bill is the consumption charge and the city gave the mall a class three consumption charge. The mall base charges ranged from twenty-five and twenty-seven dollars up to one hundred and fourteen dollars. The use charges are one dollar per thousand or one hundred cubic feet to about three hundred and forty-five per one hundred cubic feet of water on the class three side. When they put all the numbers together, the mall had roughly a six thousand dollar month bill on sewer charges alone. That was why they started to complain about it. While reviewing this, they started questioning the methodology of what was being used. The mall was being charged for wastewater that was being disposed of in the city lift stations located offsite. The mall has two private lift stations located on the mall property. The water comes in from the water tower located at the mall, and it spreads out through the interior infrastructure and wastewater goes back the same way the water came in. So with the out parcels, there is a privately owned lift station, and it gets pumped to that lift station in the back. It then gets pumped to lift station 35. That lift station is offsite because it is a city lift station, and it pumps it into the city's system. It ultimately flows back to lift station number 35, located at the airport. The question of methodology there is, is it proper for the city to charge a portion of the maintenance and operation of an offsite lift station. When that question was brought up, they started looking at a lesser charge or no charge for electric off premises to keep the mall happy. However, we never formally corrected that, and the mall was not happy with the way they were being billed. Then came covid and the lack of payment. What they need to do to entice, encourage or force the mall to pay their unpaid utility bills that are racked up from covid, which is March 2020 to April 2021 on the electric and water side and February 2020 through the present time on the sewer bill. No, how do we fix that? He proposed coming up with a better counting system at the mall. We need to come up with a better method of accounting based on the actual units in the mall and what the units are. As the mall changed hands, some units closed or merged into other areas of the mall. Right now, the mall does not have one hundred and four units, they have eighty units. The agreement or philosophy would be to bill for the units that are occupied. We would not bill units on base charges. They would not bill the base charge on vacant units, they would only bill for the ones occupied. We would have a better system of accountability where the onus is on the mall to contact the city if there is a change in the number of units. The agreement is written in a way that is in the city's favor. If the mall under-counts, and we find out they under-counted, it goes back on them to get the correct count. If it is the other way, and we over billed the mall because they did not give us the proper number that would be on the mall. He does not anticipate that happening, because there has been enough communication where once a month, or quarterly, we would go to the mall to make sure their numbers are correct. So, the first fix is to make sure we have the proper number of units counted. They will need to provide the count for what is vacant and what is not. That way, they can bill accordingly. The next thing to change is the type of classes within the mall proper. The lion's share of units in the mall do not have restrooms open to the public. They only have a toilet and sink for employee use only. We were charging all of them at a class one fee, even the units that had an employee-only bathroom. We charged the mall at a rate that would be typical of a class one use. He proposed that an employee-only restroom (water closet and sink) is not a class one use, nor is it a residential use. They have come up with a base bill for the typical use. He would say the typical use of an employee restroom is about ninety percent less than a single family residence. Remember a single family residence has restrooms and kitchen use, there are showers, dishwashers and irrigation and the base bill is about twenty-five dollars. We are talking about a water closet and a sink. Now, what would be an equitable base bill for that type of hookup? He recommended five twenty-eight per month. That is substantially discounted, and that amount is the heartbeat of the discount in this. It collects and identifies what we are going to call the class one internal mall use. They counted the potential class one internal mall units and there are fifty-six and twenty of them are vacant. There would be a monthly base bill of five twenty-eight on the occupied units, which right now is thirty-six. It would be thirty-six times five twenty-eight and that is one hundred and eighty-nine. The current way that we do it, it would have been more like fifty or seventy times one hundred and fourteen. We have been charging

the class ones at a class three type rate. Next are the class three uses in the mall proper and we identified sixteen units. Seven are vacant and nine are occupied. The nine that are occupied would be the movie theater, VIA Port (the entertainment center), the main bathroom in the courtyard, and some of the different restaurants. Plus, the big stores, like Belk and the book store, because they have public restrooms. The bookstore, for example, has a café, so it would be considered a restaurant. That is how that would be calculated. It would be that number times the base bill of one hundred and fourteen. They also identified that the mall has four units that do not have a restroom at all. It is recommended that those do not have a base bill. In the mall proper there are seventy-six units and the simple, clean and easy ones are the out parcels. There are three class threes and one class one and that is how we came to the total of eighty. Those get the same billing. Part two is the use and right now we are billing the mall at three forty-eight per one hundred cubic feet of water that goes into the mall because most of the consumption is class three. That is a pretty accurate charge. However, we see that some of the de minimus usage is not completely class three, so we estimated about ninety percent of what is used and discharged at the mall is class three. They came up with a special use rate for the mall which reflects about ninety percent of the value of the class three discharge. Instead of it being three forty-eight per one hundred cubic feet, it would be three sixteen per one hundred cubic feet. That is still a pretty significant bill for the mall, but it closely reflects the discharge that comes out of the mall.

When they put all this together to figure out how much the mall owed the city, it was done in two steps. The first step was sewer. Since the current owners have owned the mall, which was from October 2018 through the end of this December, it was calculated that they would owe four hundred and ninety-four thousand dollars. We also know that they paid two hundred and twelve thousand dollars, so if the city stuck with the current rate, the mall would owe the city about two hundred and eighty-one thousand dollars in sewer charges. On the electric side, the amount is two hundred and thirty and the two numbers would be added together. One reason why they pushed this decision back to December was to try and iron out the issues with the mall. Since June, the mall has started to make good faith payments on what they owe. From June until now, the payments equal seventy thousand dollars. Long story short, if they used the current method, the mall would owe four hundred and forty-two thousand dollars. That does not take into consideration the creation of a new billing method which takes into account the complexities and nuances of changing the sewer bill to better reflect a discharge and impact on our system. If they adopt the sewer rate that was promulgated and laid out, the mall would owe two hundred and seventy-four thousand dollars. That is an adjustment of about forty-four percent. That is reasonable because we can identify that the use is focused on class three's and not class one's. They would be billed as class three. The city would create a new class for the water closet or the employee-only restroom, since that does not have an impact. We would officially stop the electric charge for any waste that ends up in our system coming off of the mall premises. Once it leaves the mall premises, it is a public waste issue and that will be the city's thing to manage moving forward, and we should not charge them electric at lift stations. They are not privately owned and operated because they are a part of the public collection system. If they modify the bills from October 2017 to the present, it will be two hundred and seventy-four less the amount they have already paid. They would owe the city about sixty-two thousand dollars in sewer bills. If we add the electric and water component of two hundred and thirty thousand less good faith payments, the mall owes two hundred and twenty-two thousand three hundred two dollars and seventy-four cents.

While considering this, it needs to be done in a two-step process. The first thing they need to do is approve the sewer rate modification because the sewer rate modification is calculated into the next item, which is the repayment agreement in the amount of two hundred and twenty-two thousand three hundred two dollars and seventy-four cents. The mall would pay that over the next thirty-six months. If they approve the first item, they would need to approve the second item. The mall would then have a three-prong bill for the next thirty-six months. They would pay for their electric, water and modified sewer bill.

They would also pay the catch-up payment of about sixty-one hundred dollars a month. After a lot of work and different communications, the mall as of late last week agreed to the proposal. They have executed the repayment agreement. The matter is now before the commission to consider how they would like to move forward. **Commissioner Reisman** asked about the two hundred and twenty-two thousand dollars. Is that just for the electric they owe? **CM Minner** answered that the two hundred and twenty-two thousand dollars is for the sewer, which includes the modified rate, plus water and electric, less the good faith payment of seventy thousand dollars. The two hundred and twenty-two thousand dollars is the total owed to the city through December 31st of this year. **Commissioner Reisman** questioned the portion that is just electric. **CM Minner** replied it is roughly two thirty and that brings them up through December 31st.

- a. **Resolution of the City Commission of the City of Leesburg, Florida, establishing a schedule of rates, charges and fees applicable to the Lake Square Mall for Wastewater service; setting forth findings; providing a savings clause; and providing an effective date.**

ADOPTED RESOLUTION 11,756

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 stated this item was the agreement for the new rate structure. **Commissioner Pederson** said he fully supports this analysis and the proposal. However, he was confused about the meter issue. He would like to push that back on the mall. **CM Minner** answered they could not do that because there is only one water meter. It works well because it has been checked a million times. The water works, so there are no water or sewer meter issues. With electric, there are a number of meters because there are different electric meters at different sites. Those are based on mall leases and different things. There is a meter at the mall lift station, a meter for each restaurant and so on. There are a lot of electric meters, but there is only one water meter. We do not have a metering problem at the mall. **Commissioner Pederson** stated that was not where he was going with that. He just wanted to help staff find an easier way. **CM Minner** remarked that the only complication with the mall is the breakdown for each individual unit. This is not like any house or other business in Leesburg. This is a special entity that happens nowhere else in the city. This is only one premise that has eighty different uses. **Commissioner Pederson** said the basis of his comment was to push it back on the mall entirely. **CM Minner** pointed out that in the agreement it does push it back on the mall. It says the mall is required to inform the city of any changes. **Commissioner Pederson** stated he trusts the mall, but he would like it cross-checked. **Commissioner Berry** commented that she understood and appreciated how they came up with the estimated rate for the special restroom closet, considering there is nothing but a toilet and sink. That is fair. As the mall grows, and new units are added or taken away, would that information be provided on a monthly or quarterly basis? **CM Minner** answered quarterly, that is what the agreement calls for. However, the city will check it more frequently to make sure everything is accurate.

Mayor Burry asked if there were any further comments or discussion. 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 resolution.

- b. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Repayment Agreement for Unpaid Utility Charges with Village Lake Promenade, LLC, for repayment of \$222,302.74 over 36 months; and providing an effective date.**

ADOPTED RESOLUTION 11,757

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 asked if this was the only business like this, and if there had been an audit done on all of them. **CM Minner** answered the mall is the only major business that owes the city over six figures. **Commissioner Reisman** questioned if they were adding interest to the repayment plan? **CM Minner** responded that interest was not proposed. **Commissioner Reisman** indicated he was having a hard time with the repayment plan being so long since they quit paying the electric bill. The city would normally shut people off. **CM Minner** commented that the city did not shut anyone off between March 2020 and November 2021. We have to look at the mall the same way because back in April 2020, when the commission discussed the policy at the first meeting, during covid, the concept was to help businesses. They did not want any of them to be shut down by the federal government, since there had been a mandatory shutdown on certain things. **Commissioner Pederson** added that the federal government encouraged the city to work with people. **CM Minner** agreed the city was to work with people and businesses and the policy for not disconnecting came from other communities who had municipal utilities. At that time, we suspended cutoffs and late fees. We re-implemented the policy, and then suspended it again, when the power cost adjustment went crazy high due to gas. They put together a policy for all utilities which said the city would not disconnect, and we would not charge late fees because we knew businesses were hurting from covid. Another side of the equation was a staff error. There was a billing discrepancy in the sewer and that was the catalyst to why the mall stopped paying their bill. Now, that a policy has been put in place to help folks, that justifies why the city would not charge interest. The commission at that time wanted to help the businesses that were forced to shut down. That is why they were lenient on the repayment policy. **Commissioner Berry** concurred and said there were errors on both sides. We need to make this agreement and have a happy medium. We already have their signatures, so we just need to move forward and accept the payment plan as is. This can be chalked up as a learning experience. We need to pray that we never have another issue that mandates how people do business. Covid was new for everyone, and we are all learning. Some people are still recovering and some are still suffering. **Mayor Burry** pointed out the number of jobs located at the mall. We are talking about hundreds of jobs between mall employees and the four out parcels. That is something that needs to be considered.

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 resolution.

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 no reports this evening.

9. CITY MANAGER ITEMS:

CM Minner stated there will be a short turnaround in meetings this month. The next meeting will be Monday, December 18th. Then we will have a break before coming back in the New Year.

10. ROLL CALL:

Commissioner Pederson stated it was time for the Lee Schools to be torn down. The buildings need to go. The city had an agreement with the current owner/developer where they could knock down both buildings upon the development being approved and before breaking ground. The demolition was tied to the property being developed. He knows we have to cut back on density, but right now there is no deal, and this has been lingering. He was not sure if code enforcement could be put on this, that might help us get somewhere. These buildings continue to add to the blight in our city. Whether this developer develops the property or not, the buildings need to go. This may have to go back before the historic preservation board because they previously agreed to knock them down and the planning commission did too. However, he knows it was contingent upon development. At this point, we need this amended so we can knock them down. It would be beneficial to the city, and then we can work on getting it developed. He does not care if it is developed in one or three years, but he wants it developed like yesterday. **Mayor Burry** said the city attorney could speak about it, but there was a conditional approval for knocking down both buildings. The current developer wanted to put in sixty-three units and the commission said no, we would approve fifty or fifty-one units. We put a condition on it which said he had two months to bring back an updated plan. He never brought that back, so the PUD expired. Technically, the approved plan is to only knock down the north building and save the south building for fourteen apartments. They would then add forty-nine condos. That is the approved PUD, and it has a ten-year run on it. Right now, knocking down buildings is not something they can do. **Commissioner Pederson** pointed out that PUDs can always be amended. **CM Minner** stated he speaks with Mr. Mansfield on a regular basis and he is serious about the redevelopment of that site. However, he feels he cannot develop it under the approved

PUD. The mayor explained it perfectly because there is a current PUD that says he can move forward, but he would not be allowed to knock down both buildings. Mr. Mansfield wants to knock down both buildings. If the wish of the commission is for him to get back with Mr. Mansfield to bargain with him about knocking down both buildings he would. However, they would need to amend the existing PUD, so he could have a blank canvas to work with. The only issue is that this needs to go back to the historic preservation board. The historic preservation board is the one that can say demolish both buildings. If the wish of the commission was to see those buildings knocked down, and to get a new PUD, he was pretty sure Mr. Mansfield would agree to that. However, it would have to go back to the historic preservation board for approval first to demolish the structures. It would ultimately come back to the commission for approval of the PUD. At this time, the commission is asking to change the deal by saying knock them down and start from scratch. **Commissioner Pederson** emphasized that he wants the buildings knocked down. This has been lingering a long time. **CM Minner** said by the consensus of the commission he would visit with Mr. Mansfield to discuss this. **Commissioner Pederson** stated his fear is that this will drag out anywhere from one to three years. It has already been a long process to get to where we are now. He was sure the community would agree that those buildings needed to be knocked down. He is at the point where it is just too important, and they need to go ahead and knock them down. Then the developer can develop it, but at least the buildings will be gone. When he says he wants it demolished, he wants to see a beautifully mowed piece of property. He does not want any games nor does he want to see that ugly wall. They also need to clean up all the debris on the property. **Mayor Burry** agreed, he would like to see that too, but there are legal issues that need to be dealt with and there is the existing PUD. **CM Minner** pointed out that they could make the PUD go away. **CA Watson** added that they could amend the PUD, but the historic preservation board has to be involved. **Commissioner Berry** mentioned that the historic preservation board's agreement was to leave one building. **Mayor Burry** added the historic preservation boards' last agreement was to tear down both buildings. **Commissioner Berry** thanked him for the information. **Mayor Burry** said the agreement was for sixty-three condos and the commission said no, we want fifty-one units. **Commissioner Pederson** pointed out that the buildings have been a hindrance to every developer, and it is time to move on and tear them down. **CM Minner** mentioned, without complicating this further, another thing they need to look at from a staff level, are credits for impact fees and storm water. With credits for impact fees, this is a recognized school site which is connected to the public system. The developer may be entitled to some type of impact fee credits for the school. There may be something they can do as far as storm water credits. They may be able to run the storm water to a different spot like Fountain Lake, which would help. We could work with the developer to come up with something creative. By helping them with these issues, it would definitely help get that site developed. If they decide to throw out the PUD and tear down the buildings, they can work with the developer and preserve some credits potentially for the school site. This could encourage the developer to start development. **Commissioner Pederson** said, with the age of the buildings, the infrastructure may not be good, so why would they give them credit? **CM Minner** agreed, but those are things they can work with the developer on. **Commissioner Pederson** said it may be worth looking at. **CM Minner** mentioned these are tools they never really looked at, and it would help to get this going. It is like they are Wednesday morning quarterbacking because everything else they tried has not been successful. They are now back at it trying to come up with a way to encourage the removal of blight in the middle of the city. **Commissioner Pederson** said he would fully support credits if the infrastructure is good. However, he does not want to pre-agree to credits to find out we have to spend hundreds of thousands of dollars because the infrastructure is bad. **CM Minner** commented that the impact is on the public system, so once it leaves the school site it goes into the city's collection system. At one time, we were treating an "x" number of gallons that came out of the Lee School which went to the sewer plant. That impact has already been felt. It has nothing to do with lead pipes. However, he would go back and have a discussion with Mr. Mansfield.

Commissioner Berry had no comments this evening.

Commissioner Connell had nothing to address.

Commissioner Reisman had no comment.

Mayor Burry stated he attended the last quarterly meeting of the Lake/Sumter Metropolitan Planning Organization (MPO). He knows everyone has heard about the US 441 widening between Perkins and Mill Street that would be part of a thirty-mile length of US 441 from north of The Villages to Donnelly Street in Mount Dora. It was all supposed to be six lanes. However, at the last meeting, that project moved from the top five. It was previously in that position for the last four to five years. It was a project at the top of the list, but now that project is just for resurfacing, and we will not have six lanes through Leesburg. They will just resurface it and the cost for that is about three million dollars. That means places like Lake Street, where it comes off US 441, which holds one of the city's largest employer, will still be dealing with the same issues when trying to turn on to Lake Street. We also have Griffin Park, which is the only public boat ramp for Lake Griffin. They will still have a hard time maneuvering boats because of the poor turn lanes. From his position, the MPO is making a very bad decision. They are just throwing money at something that should be six lanes. **Commissioner Pederson** pointed out that they have already done all the condemnations, and they already have the property they need. This is crazy because they already have the required rights of way. **Mayor Burry** said they are now spending three million dollars to just resurface it in 2026. **Commissioner Pederson** added that the condemnations were made almost fifteen years ago. **Mayor Burry** agreed. They have been working on this forever. **Commissioner Reisman** wanted to know if there was anything the commission could do to try and change this. **Mayor Burry** said he was not sure because this is a Florida Department of Transportation (FDOT) issue. When he voiced his concerns and told them it was a bad idea, FDOT just shook their heads. He does not know if there is anything that can be done. **CM Minner** stated the commission could pass a resolution, and send it to FDOT, Representative Truenow, and Senator Baxley. **Mayor Burry** said he should add that to the to-do list. Also, at that meeting, there were two gentlemen who got up during the public discussion. They were residents of The Villages who live on the Sumter County side. They purchased homes located very close to the Turnpike. They were there as representatives of their neighborhoods. These gentlemen said they wanted a sound barrier wall put up by the Turnpike. Apparently, within their contracts, The Villages spelled out that they would not do that. So, before they moved in, they knew The Villages would not do that. These guys are now looking for other remedies to get a sound barrier wall. This concerned him because the city is approving homes along the Turnpike south of CR 33, and he did not want hundreds of residents coming to the commission meetings asking the city to provide a sound barrier wall because the Turnpike is too loud. He had already spoken with the city manager about it, and he was going to talk to the planning and zoning director. However, this should be spelled out in the PUD's, so they know the city will not be held liable. We should not have to put something up for someone who bought a house next to the Turnpike. **CM Minner** pointed out that he had already spoken with the planning and zoning director. They will be going back with the developer to talk about a buffer berm, trees, or a wall. In the PUD, if these developments are put next to somewhere like an industrial park, they include a disclosure statement that says the developer will inform the residents of a potential problem. That way, if they come back to the city, we can say they were told. **Mayor Burry** mentioned they are looking for remedies, and he does not want to see the city in that position ten years from now. **Commissioner Pederson** said his reaction is that if they purchase a house that close to the Turnpike, that is on them. He would not feel that sorry for them. **Mayor Burry** stated his last comment is, in the agenda packets under public hearings and non-routine items, it states that there is a comprehensive plan information sign-up sheet (yellow) and over the past three years he has not seen that. He does not know what the yellow sign-up sheet is. He would like to see that taken off the agenda since it does not serve a purpose. **CA Watson** mentioned the only thing is they need to make sure that anyone who wants to present information under that header signs the sign-up sheet. That way, the city can go back and verify who was there if something

happened down the road. **Mayor Burry** stated it has never been utilized in his three years. He asked Commissioner Pederson if he had used it since he had the longest tenure on the commission. **Commissioner Pederson** answered no, not that he remembers. It may have been incorporated at one hostile meeting about electric rates.

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 seconded by Commissioner Pederson. The meeting adjourned at 7:00 p.m.

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, DECEMBER 18, 2023 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, December 18, 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. State of the City Address - Lakefront TV Production

CM Minner stated he had an eighteen-minute video presentation which was the State of the City Address. For the last ten years, the Chamber of Commerce has asked him to do a State of the City Address in December at the Sunrise Breakfast. About a week ago, he received a call from Lakefront TV where he thought they were expecting him to say no, but the call was about the concept of doing a video presentation like Lake County did. He reviewed the video presentation from Lake County, and thought it was pretty cool. He reached out to Lakefront TV and informed them that he would like to do something similar. He believed they could get this pulled together rather quickly, and they finished it earlier than anticipated. He wanted to tee it off, so the commission could see before it went to the Chamber. Jokingly,

he said that everybody in attendance had to sign a waiver because they cannot talk about this video presentation until after the Chamber Sunrise Breakfast on Thursday. He presented the video of the State of the City Address. From the audience, **Dr. Annamarie Chwastiak**, owner of Lakefront TV, thanked everyone who participated in the making of the video. **CM Minner** informed the audience that the video was not currently online, it would be uploaded after Thursday's breakfast with the Chamber. He was pretty excited about how it turned out, which is why he wanted to provide it to the commission prior to its unveiling.

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.

Judith Martussi of 721 Timbercrest Drive said she was there regarding traffic safety issues that should be taken into account when approving the development on SR 44 between Whitney Road and the Lake County line. The current speed limit on SR 44 is 55 mph, but due to the distance between traffic-calming devices, people travel at least sixty-five to seventy mph. There are no signs or traffic lights between the intersection of CR 468 and SR 44 until Morse Boulevard in Sumter County. That is a distance of three point six miles. These developments will have three or four exits on to SR 44 without an established plan for traffic-calming devices. At this point, if all the developments are approved, there would be at least one additional vehicle for each unit built. That would add approximately two thousand seven hundred additional cars daily on SR 44. At the very least, there should be a reduction in the speed limit. The best case scenario would be to have a traffic light installed at the two opposite access points that will become a crossroads intersection. The Department of Transportation should permanently reduce the speed limit at the beginning of construction for the safety of everyone using that segment of SR 44. Development and accepting new residents into the area is fine, but it needs to be planned from every aspect. Safety for current and future residents should be a major part of the plan. Incurred costs for road improvements should fall to the developers. In addition, there is an approved site on the southside of SR 44 on Whitney Road, which is an amusement complex that includes entertainment for all ages. This will add more traffic to this section of SR 44. Currently, there are no turning lanes onto Whitney Road from either direction and traffic moves at a speed of fifty-five mph. **Mayor Burry** informed the audience that comments with respect to the Twin Palms 44 project will be discussed later tonight. Public comments provide the opportunity for others to speak about items not on the agenda. He asked if there was anyone wishing to speak about any other item not on the agenda.

Joe Fuller of 33502 Pembroke Parkway said his concern was with new development and looking at it from fire and EMS safety. He questioned who would be providing EMS and fire coverage once it was completed. At this time, Lake County provides fire and EMS coverage to Pembroke Fairways. Will the Leesburg fire department provide that service for the development? Will Lake County provide EMS service to that side of the highway or will the Leesburg fire department handle that? Also, off Lewis Road there is the Lake County Fire Station 59. Directly across the road there is the Tara Oaks development that started and then stopped. He understands that it is the City of Leesburg. He was concerned about who would be providing EMS and fire for that development. Will there be a mutual agreement between Lake County and the City of Leesburg? With new growth, he has not heard anything about fire and safety. He was especially concerned about EMS coverage. Will The Villages be involved with fire and EMS coverage for any of the developments?

5. CONSENT AGENDA:

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

Items pulled for discussion:

- 5.B.2 - Execute Amendment 1 to the Professional Design Services Agreement with Halff Associates, Inc.
- 5.B.3 - Purchase Request by the Recreation Department for the Splash Pad flooring replacement

Commissioner Reisman moved to adopt the Consent Agenda except for 5.B.2 and 5.B.3, 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. None

B. PURCHASING ITEMS:

- 1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Construction Services Agreement to furnish and install four (4) lift station generators; and providing an effective date.**

ADOPTED RESOLUTION 11,758

- 2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment 1 to Professional Design Services Agreement with Halff Associates, Inc.; and providing an effective date.**

ADOPTED RESOLUTION 11,759

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 Connell mentioned that this was brought up about a month ago. He wanted to know if the city has spoken to the owners of the property since the city will need an easement from them. Do we have a verbal agreement about what they want to charge the city for easements? **CM Minner** answered that staff had not spoken to them yet. Part of this includes the design concept and if we are unable to gain access to US 27, then the full amount of the change order will not be spent. **Commissioner Connell** remarked that he was concerned because we have no conceptual plan for what is being proposed. **CM Minner** responded there was no conceptual plan other than what had been drawn. They are in the process of getting the approvals and getting the design going. They are being worked on at the same time. **Commissioner Connell** inquired if the city was going to spend one hundred and thirty-two thousand dollars without knowing we would be provided easements. **CM Minner** replied that the city would only spend one hundred and thirty-two thousand dollars if we gain the easements. **Commissioner Connell** wanted to clarify that not even one dollar of that would be spent. **CM Minner** said he could not confirm that because the lion's share of the money will only be expended through design if we ultimately have entry off US 27. **Commissioner Connell** wanted to know why the city was not securing the easements first, before paying for the design. **CM Minner** answered they are done at the same time. **Commissioner Connell** disagreed. We should not spend that kind of money when we do not even know if we can secure the easements. Even if we can, will we be able to afford what they want for them? He felt the city was getting ahead of itself. **CM Minner** said he understood, but at the end of the day, we have an eight million dollar budget for the project. The engineering addition makes it about ten percent of the total scope. The goal is not to exceed eight million dollars. If we have to spend an extra hundred grand on engineering, we would scale back on some of the other concepts in the park. The ingress/egress off of US 27 is primary. If that puts us over the edge, then we will trim back field improvements and piece mill the inside of the park. **Commissioner Connell** said it was a good idea to have access to US 27, but he cannot see spending any money until we can obtain and afford the easements. As far as design, once people get back there, how do they get into the parking lot? **CM Minner** stated a picture of that was shown in the presentation earlier, but it will come off US 27 between Pizza Hut and the Beall's parking lot. It would go into the back and turn to the north where the racquetball courts are located now. **Mayor Burry** said there was a lot of open space where the racquetball courts are. **Commissioner Connell** inquired if they would come in at the end where there is no intersection? **CM Minner** stated the entryway would be across the street from McDonald's between Beall's and Pizza Hut. You will go into the park and turn right. The major parking lot will be where the racquetball courts are. **Commissioner Connell** said he was concerned about having large crowds because there would be a lot of vehicles trying to come out there to get back on US 27 at a non-intersection. **CM Minner** pointed out that was the reason for the engineering. **Mayor Burry** stated there is a light out front of Beall's Plaza. **Commissioner Connell** commented that the light was on the other side. They would have to drive through the parking lot. He doubted the parking lot wanted that either. **Mayor Burry** disagreed. He would think the parking lot wanted more traffic coming through. **Commissioner Connell** said we should secure the easements first before spending any money on engineering.

The roll call vote was:

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

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

3. Purchase request by the Recreation Department for the Splash Pad flooring replacement.

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

Commissioner Reisman made a motion to approve the purchase request and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Reisman said he pulled this, so the city attorney could provide more information.

CA Watson stated there were a couple of terms and conditions in the contract language that needed to be worked out with the contractor. They reached out to them today, and the contractor expressed openness to accept the changes. He suggested if the commission was inclined to approve this, that a motion be made to approve it subject to resolution of the contract terms and conditions made by the city manager and city attorney. The concerns are with venue provisions and governing law provisions when dealing with an out-of-state contractor. They have expressed openness to making modifications to the contract language. Unfortunately, they were unable to iron the issues out before tonight.

Commissioner Pederson made a motion to approve the purchase request subject to the terms stated by the city attorney and Commissioner Reisman seconded the motion.

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 approved the item.

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Directive Confirmation and Addendum to the Gas Services Agreement between Florida Gas Utility and the City of Leesburg, Florida, dated October 1, 2000, for the purpose of purchasing a Firm Gas Supply from Black Belt Energy at discount pricing; and providing an effective date.**

ADOPTED RESOLUTION 11,760

- 2. Resolution of the City Commission of the City of Leesburg, Florida,**

accepting a Utility Easement to the City of Leesburg from The Plantation at Leesburg Homeowners Association, Inc., for the purpose of granting the City an Easement over the property described therein; and providing an effective date.

ADOPTED RESOLUTION 11,761

6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

A. SECOND READING OF ORDINANCES

1. None

B. FIRST READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 316 +/- acres; and being generally located south of State Road 44 and west of Whitney Road, lying in Sections 19 and 30, Township 19 South, Range 24 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 2; and providing an effective date. (Village Palms ANNX)**

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

Mayor Burry asked the city attorney to swear in everyone wishing to offer testimony. **CA Watson** asked anyone in attendance who wished to provide testimony on item 6.B.3 (Village Palms Rezoning) to stand and raise their right hand. He swore everyone in. **Mayor Burry** asked the planning and zoning director for a brief overview.

PZD Miller said this was the first reading for the Village Palms Holding. The second reading is scheduled for February 12th. The request is for annexation, large scale comprehensive plan amendment, and rezoning. The property is located south of SR 44 and west of Whitney Road, east of the Sumter County line. The overall proposal includes three hundred and sixteen acres. It is mostly undeveloped. The large scale comprehensive plan request would take the land from Lake County Rural and Regional Office to City of Leesburg Neighborhood Mixed Use. The rezoning would take the land from Lake County Agriculture to City of Leesburg Planned Unit Development. Within that planned unit development, the zoning would allow for five hundred and sixty-two detached single family lots, two hundred and sixty-four townhouse units, one hundred and thirty-four duplex units, and approximately three hundred multifamily units. There would be one hundred and thirty thousand feet of commercial uses, forty-two

thousand square feet of medical professional offices and potentially a hotel with approximately one hundred and twenty rooms. This development would give about one thousand two hundred and sixty total residential units. The residential units include single-family detached, and single-family attached, which are generally considered townhouses or villas. It is another way of saying duplex and multifamily units. Within the commercial area, the permitted uses would be medical, pharmacy, urgent care, veterinary, and general retail. That includes coffee shops, restaurants, daycare, fitness centers, personal services, the hotel, houses of worship, and professional offices. There is a list of prohibited uses that includes auto sales, tattoo parlors, check-cashing stores, adult-uses, internet cafés, and pawn shops. The single family attached development would consist of a mix of lot sizes ranging from fifty, sixty, and seventy square feet in width and there will be a twenty-five-foot front setback. It will include the standard gutter requirements and dark sky lighting, which requires that any type of lighting for residential or commercial uses be sheltered and shaded directed onto the property. It cannot bleed off the property. There are architectural standards and garages are required. On the commercial side, one hundred and thirty thousand square feet of commercial development would run along the northern side of the property adjacent to SR 44. There are forty-two thousand square feet of medical and professional office and a space for a hotel to come in. There is also potential space for a private school. All the developments in this PUD have the architectural standards required. He noted that additional guest parking will be located at the end of a number of blocks in the residential areas. With the standard thirty-five percent minimum open space, they will exceed that as noted in the site plan. There is a minimum of twenty-five foot buffer surrounding the exterior boundary of the property and there will be fencing on the southern and eastern boundaries. They are proposing three access points along SR 44, which will be boulevard-type roadways. Boulevard-type roadways have wider lanes and a landscaped median. The lanes are eight to ten feet wide to allow for emergency access. If one lane is blocked by a vehicle, emergency vehicles will be able to access the other lane to get around. The three primary roads will flow south to an east/west main connector roadway. There will be three roundabouts within the development to keep traffic flowing, so there are no backups. However, due to the size of this development, he was unable to guarantee that, because roads are not a city decision, that falls to the Florida Department of Transportation (FDOT). He does anticipate a new stoplight coming in at some point as this development progresses. For recreation, there are at least six acres within this development required and three separate primary recreational areas. These areas include swimming pools, dog parks, playgrounds and a trail system within each neighborhood that interconnects with the whole development. The remaining requirements are the standard PUD language requirements, which include protection of all wetlands, making sure that flood zones are taken care of, and that water cannot flow out into adjacent properties. All that has to be engineered, and we have used this language for a long time, and it has been very successful. Staff has been working with Lake County and FDOT on the roads and the city will send them all the information. Their normal requirements include additional turn lanes and potential signalization. They always require the necessary rights of way to allow access. Someone mentioned earlier a potential reduction in the speed limit and that would not be a surprise at all. In fact, it would be a very good idea. They worked with the school board, and they noted that this is a situation where a proportionate share mitigation agreement would most likely be required. This is a form of mitigation in which the developer agrees to make a direct cash payment based on negotiations with the school board to provide for the necessary student stations. Those have to be paid, and they will come online prior to the students living in the homes. That is a significant payment and with all proportionate share agreements, they have to come before the city commission. The last one was several million dollars and that development was a third the size of this development. We expect that to be a significant agreement. Mr. Michael Rankin of the Land Planning Group out of Mount Dora is here. He would be happy to answer any questions. **Commissioner Pederson** questioned if the parking was adequate throughout the multifamily and the duplexes. **PZD Miller** answered yes. **Commissioner Pederson** inquired about the extra parking on roads. **PZD Miller** replied that he met with the applicant in the early stages, and it was noted at that time that there would be additional parking in all the neighborhoods. In the duplex and multifamily areas, they carved out areas at

the end of the blocks for additional parking. They have done this in other developments to bring in additional parking. **Mayor Burry** asked if he would talk more about the roads. **PZD Miller** said that every road within the development has to be built to city standards. The roads could potentially be turned over to the city, but they are not always turned over to the city. Even if they are not turned over to the city, they still have to build them to city standards. There are no exceptions. **Mayor Burry** wanted to verify that there would be trees in every yard? **PZD Miller** replied yes. This development has a lot of open space and a lot of trees. Some of the trees are along the boundaries of the property, and they are working with the developers. Where there are no trees there will be fencing and where there is thick tree cover, that will provide a natural buffer. In any case, there is a minimum of twenty-five foot natural buffer all the way around the development. Where there are no trees there will be fencing and where there are trees the city is okay with that. On the eastern side of the development there are a couple of hundred feet because there are power line easements. There will be nothing on that side. **Commissioner Pederson** informed the audience that the state controls the traffic lights and the speed limits. **PZD Miller** agreed. The state controls that because that area of SR 44 is controlled by the state. The city does not have any jurisdiction over it. However, we will send the information to the state, and ask for a light. We cannot tell them we have to have a light as much as we would like to. **Mayor Burry** asked if there were any other comments from the commission. There were none.

Mike Rankin of the Land Planning Group wished everyone a Merry Christmas. With this being the first reading, he wanted to yield his time for the second reading where they would have a full presentation. At that time he will answer all the questions he has heard tonight, including the two questions raised earlier.

Mayor Burry opened the floor for public comment.

Beth Reed of 432 Glenn Arbor Lane, Leesburg, said she had multiple concerns. She wanted to know why there were no entrances proposed on Whitney Road and why it was all being put on SR 44? She asked if anyone ever shopped at the Lake Deaton Publix and if they noticed the trash in the middle of the road from car wrecks. The city may not have control over the roads, but someone has to change this. People race up and down SR 44 on Saturday and Sunday nights. She lives right on and overlooks SR 44. She will get the majority of both developments, including the one that was approved last year. Traffic will be a real problem for school kids, buses, and teachers. Where will they go and how will the city educate them, because the state is already thousands of teachers short. They are using people who are not skilled or trained to educate the students. With safety services, she bets the city was short on police, firefighters, and EMS. There is extra traffic from The Villages in South Leesburg. The increase in traffic on SR 44 has been amazing. She was unsure if the traffic studies were accurate. We need to step back and look at the traffic and the traffic patterns being proposed. In light of this being approved, what will the city do once all the open land has been built? Her background was in education, so she was more worried about schools. So what, if the developer pays a bunch of money and there is space available for a private school, who will make them build the school and staff it appropriately? It is just like the three medical arts buildings that were approved last year. Who will staff those? Where will the city stick her when she is old and senile? Will it be in a place that is understaffed? The planning needs to go deeper than it has. She asked the city to step back and not approve this in a rush. Look beyond ten years to what will be left behind as a legacy. Will it be worth it?

John Apostolik of 32200 Summer Tree Circle said he resides close to the front of the community. He is for growth, expansion, and making the city better, but he lives in unincorporated Leesburg, and he is under the county. He said he was not notified about this like he was in January for the Crossings at 44 project. He had to look at the Planning Commission meeting on Lakefront TV to find out information. He was concerned about traffic and traffic lights. Some residents of Pembroke stand to be negatively impacted by a traffic light if not some type of mitigation does not take place for the noise. There are a lot

of homes right along SR 44 with lanais and nice gardens and this is a fifty-five plus community. He hoped that a compromise could be made because on Allibrandi Road there is open land on the other side of Pembroke Fairways where a traffic light could be set. That would allow residents of Pembroke Fairways to come in and out and still have a light to go to rather than having to use the U-turn that is located fifty yards up the road. It could be placed somewhere not in front of their community where most of the houses are. He would like that to be considered. If it cannot be considered, he hoped that LPG and Village Palms could consider some noise mitigation for them. He wants to be a good neighbor, but there is a small minority of homes that will be negatively affected by noise. He hoped the planner and the developer would do something to help the houses in the front.

Beth Crouch Payne of 308 Westwood Drive said she grew up in Leesburg. She lived off SR 44 in Bamboo, which is about a mile into Sumter County. She has seen growth. She was a mail carrier in Leesburg for thirty years. Where will the mail for this new development come from? The Lady Lake Post Office, or will it be contracted carriers out of the Leesburg Post Office? She has concerns about traffic on SR 44 because it is already insane. She remembers when it was a two-lane highway. She could ride her bicycle from Leesburg to Wildwood and not be afraid. Every time she pulls out of Pembroke Fairways to go fifty feet down the road to make a U-turn, she takes her life into her own hands. The speed limit may be fifty-five, but people go more like seventy miles an hour. There have been multiple accidents in front of her brother-in-law's property just over the Sumter County line. Unless it was insisted that something be done, they could not live with this. She used to live on North Lake Avenue in Leesburg and a big new development came in called Lake Griffin Reserve. That builder was not held accountable and her house flooded. She sold her house and moved to Pembroke. She thought she would not be subjected to this type of development. As city representatives, it is up to you to make sure the developer is held accountable for all concerns.

Mike Tyson of 406 Grand Vista Trail said he did not want to rehash what other people said. He thanked everyone from Pembroke for coming out to show concern. He did not mind development, but he was concerned about safety. It is a mess getting out of Pembroke and SR 44 is a mess. It is not safe. He was not going to say he wanted a red light right in front of their intersection because that was done through planning. He was concerned about the city, saying it is up to the state and that the city washes their hands because there is nothing that can be done. He thinks the city could put some pressure on the state, and he sure planned to. He will let the state know what he thinks. To just say we may get a light or not, does not sit well for him. He would like more planning because on Lewis Road there is a subdivision that started and stopped. It will eventually be developed and there will be more traffic. There are concerns about coming out of Pembroke and the traffic coming down Whitney Road to SR 44. His biggest concern is safety and how development impacts the city and the citizens. Look twenty-five to thirty years in the future.

Mr. Rankin of LPG stated he would address all the comments made tonight at the second reading. He was not an attorney, but he knew not everyone who spoke stood up to be sworn in. He wanted to make sure they were protected. **CA Watson** said for the purpose of this hearing the concerns were heard. There were a couple of folks sworn in, but this was not the final hearing. For purposes of tonight, that was okay.

Mayor Burry informed the audience that the second reading will be held February 12th. **Commissioner Reisman** mentioned that they needed to make a motion to transmit this application to the state for review under 6.B.2.

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 316 +/- acres from Lake County**

Rural and Regional Office to City of Leesburg Neighborhood Mixed Use, for a property generally located south of State Road 44 and west of Whitney Road, lying in Sections 19 and 30, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Village Palms LSCP)

Commissioner Reisman made a motion to transmit this application to the state for review and Commissioner Pederson seconded the motion.

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 approved transmittal.

Mayor Burry informed the public that they voted to send the plans to the state for review. The state has to approve anything that happens, so the city is not approving it before being sent to the state.

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 316 +/- acres from Lake County A (Agriculture) and MP (Planned Industrial) to City of Leesburg PUD (Planned Unit Development) to allow mixed-use development, including single-family, duplex, multi-family, and townhouse residential units, commercial, medical/professional office, and a hotel, for a property generally located south of State Road 44 and west of Whitney Road, lying in Sections 19 and 30, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Village Palms PUD)**
4. **An Ordinance of the City of Leesburg, Florida amending the City Code of Ordinances by modifying Chapter 7, Article II - "Building Standards" and Chapter 10, Article II - "Fire Protection and Prevention" to conform with revised Florida Building Code - Eighth Edition (2023); providing for severability; providing for conflicts; and providing an effective date.**

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

Mayor Burry requested comments from the Commission and the audience. There were none. This item will come back on January 8, 2024.

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 wished everyone a Merry Christmas and Happy New Year. He looked forward to seeing everyone in the new year.

9. CITY MANAGER ITEMS:

A. School Zone Camera Update

CM Minner mentioned that he sent the commission an email last week. They received information back on the concept of school zone cameras. The next step of the process was to do an RFP to seek a vendor to install the cameras. There are about eight different schools in the city that will have cameras to issue speeding tickets when the lights are flashing. About half of the school roadways are under the jurisdiction of the county or the state. We would need to seek county approval to put school cameras on the road rights of way. The City of Eustis recently did the same project, pretty much the exact same way. They went before the Board of County Commissioners, and they were denied. They could not put cameras up for various reasons. It was done by a three/two vote. The City of Eustis is trying to figure out how they will move forward with monitoring speed in school zones and the concept of putting cameras on private property. That is the concept they are considering. In short, this put a wrench in our plan. The next step was for us to go before the County Commission to seek approval. The schools affected are Leesburg High School, Carver Middle, Oak Park, and Leesburg Elementary. These school zones would need county approval. He suggested letting this rest until we can get approval from the county or the political scene changes. Since this was previously discussed publicly, he wanted to provide that update.

B. Pine Street Utilities Recommendation

CM Minner said there were concerns when they started the Pine Street project. Some concerns have continued and that is why the commissioners received an email last week. He went out and spoke with the business owners. He asked the commission for permission to solve some of the issues. Some of the concerns were within his authority, so he has already moved forward with them. He has moved forward with signage, because that was important. There are temporary blue signs that go in construction zones. They show detours and what businesses are open during construction. They are currently working on making the signs, and they hope to have the signs installed as soon as possible. Essentially, the blue signs have the business name with detours to bring the business traffic around to the rear where the CDC parking lot is, and it is now usable. They did some work on the lighting in a temporary capacity. The CDC parking lot is logistically next to these businesses or just behind them. People will have reasonable access. It just needs signage and temporary lighting. The construction plans call for permanent lighting, but it is getting dark earlier these days, so they put some temporary lighting in to help. They installed temporary sidewalks to bridge the gap between the parking lot and the sidewalk on Pine Street. Those are

within his authority, so he wanted to get them going.

He asked the commission for approval on solid waste. The city should waive the solid waste fees during construction of the project. The reason for that is, one business had a dumpster and that dumpster has been relocated to the CDC parking lot. It is now centrally located, and that dumpster is a little harder for that business to dump their trash. Plus, now that it is centrally located, because we can not pick it up behind the business, they have all sorts of people using it to dump trash. Whether it be other businesses or contractors, it made it harder for that business to throw away their trash. They pay the freight on that can, so it would be reasonable to pay for the trash service, which is de minimis to the city while the project is under construction. Another thing about six businesses are being affected. He was not asking to waive the utility fees, but he asked the commission to give him authority to go ahead and put the water, sewer, electric, and gas bills in abeyance. Businesses may or may not choose to do that, but essentially, we just passed a resolution to un-suspend no late fees or disconnects. In this case, that would be a reasonable accommodation. We should not turn them off or not have businesses pay immediately if they have lower traffic. At the end of the day, the city will work out a payment plan once construction is over where the unpaid utilities will be paid back. It will not be a significant number and these solutions are reasonable accommodations that the city can provide for those businesses. They are looking at four months for construction, but hopefully it gets knocked out quicker. With the commission's direction or consensus, he would see that changes are made. **Commissioner Connell** asked about waiving the solid waste fees. Is that for all six business or just one? **CM Minner** answered it was just one business. There was one dumpster located behind Cotton's Kitchen. That was her dumpster. It was immediately behind Cotton's Kitchen and when it was located behind her business she was the only one throwing trash in it. We cannot pick it up now because of construction, so it has been relocated to a central location which is about three businesses down from her. So, instead of just her throwing trash in that dumpster, there are all sorts of businesses and the construction folks throwing trash in it. That is why he suggested stopping that payment until the city can relocate that dumper back behind her business. **Commissioner**

Connell wanted to clarify that it was just one business they would waive the solid waste fees for and if the other businesses would continue to pay for their solid waste? **CM Minner** answered yes, if they have that service. **Commissioner Connell** questioned, as far as utility bills go, the ones who ask not to pay their utility bills until April or whenever the road is done, are we going to have an agreement before we do this where they sign agreeing to the terms of how they pay the city back? Will it include a time frame and percentage for what they pay each month? **CM Minner** responded they could put together a written agreement, but he had not anticipated that. He was not sure if the businesses would take on to this, but if the qualification is to put together an agreement, it will be done. **Commissioner Connell** said we should have an agreement in place with a time frame and percentage wise about how they will pay the city back and if it is done over a 12-month period. That way, there is no misunderstanding at the end of terms. He does not want them coming back, saying they did not realize it would be that much and that they cannot pay that much. He does not want this dragged out. An agreement should be in place up front about how they are going to pay us back percentage wise over a length of time. If they do not want to sign it, then they can just continue to pay the utility bill. **CM Minner** asked if the maximum term was about twelve months? **Commissioner Connell** responded he would not want to go over twelve months from the end of construction. **Commissioner Reisman** said he would not want it to be more than twelve months either.

CM Minner responded that he would put that together.

Commissioner Berry asked if all the businesses were requesting assistance or just one business, Cotton's Kitchen? **CM Minner** replied that in all candor the businesses will seek remuneration from the city, to which he advised that we not pay that. Some businesses have asked for a direct financial check for the impact on their business. That request is problematic. In his conversation with them, they asked about that, and he told them that he would not bring that recommendation to the commission because it is not a reasonable accommodation, and it sets a significantly poor precedent. The things that have been outlined with signage, lighting, temporary parking and the waiver of utilities and stopping of the solid waste bill,

these are all reasonable accommodations. They have not asked for those things. They went directly to the money. He said he did not think the commission would sign off on that as it was not a reasonable accommodation if we had these other options in place. **Commissioner Berry** mentioned that her concern was whether all the businesses were lucrative with having actual services being provided? She knows 327 Pine Street is vacant and the 323 Pine Street Lounge will be open at nighttime because that is how it was before. Her concern was if all of them had made that request. Right now, she just knew the one business had made that request. She agreed we should have something in writing, so everyone would be responsible and going forward with other businesses when we have road construction. It is understood, and we can expect to accommodate them in the same way across the board. **CM Minner** stated every case is different and in this particular case these things provide those businesses with reasonable accommodation. What makes this different is that those businesses are closed off from the front of that entire block, but we are providing access and signage from the back. Every case is different and these are reasonable accommodations, including the written agreement if they choose to hold off on their utilities. He asked if the commission was good on Pine Street with reasonable accommodations being provided, with the waiver of the solid waste fee, and if they choose to make the agreement, then it is a 12-month payback from the end of construction. If we get takers on that, he and the city attorney will work to put that agreement together. They will get those agreements out to commission, so they know who chimed in. **Commissioner Berry** asked if there needed to be a motion. **CM Minner** answered no, the consensus will get it done.

Athia Linzy, owner of Cotton's Kitchen, said she appreciated the dumpster and the signage, stuff like that. When talking about the electric bill, she is at the restaurant on Pine Street, so she is the only one there full-time. That is her business, her livelihood. Her electric bills run anywhere from \$1,300 to \$1,800 a month. Yes, all together that is her electric bill, and it will pile up on her. She is very slow right now because of the road construction. On one day, she had only one customer. Her sales were nineteen dollars and some change. Yes, she asked for financial compensation for this because she lost a lot of business. Not only this, she lost her employees. She is literally running that business by herself. She had to modify her hours because her employees left, and if nothing is coming in she cannot afford to pay them. She had to modify her hours from 11:00 to 5:00 p.m. just so she could run it by herself. That is cooking, washing dishes, taking orders at the register, and fixing dishes. She has people that dine in, and she has to clean the dining room, sweep and mop the floors. Every now and then, somebody might stop in to check on her to see if she needs some help, free labor, because she cannot afford to pay anybody. That is really all she wanted to say. She was not looking for a handout, but she is the only one that is full-time. All the other business owners have full-time jobs. She is the only one there every day. Even on her days off, she is there because she has to be there. Whatever she cannot do from Wednesday through Sunday. She comes back on Monday and Tuesday to complete the task even because she may not have time because she is tired. On Sunday she tries to get out of there, so on Monday morning she would go back there to sweep and mop the floors because it is just her. So, yes, this has really hit her hard. She has a bunch of customers that come from The Villages. She calls them her villagers, and she has not seen one of those villagers since construction started because they are older, and they cannot maneuver around construction. There is no way for them to get up there with their walkers and wheelchairs. A lot of her customers get dropped off right in front of the door. She has a lot of senior citizen customers, not just in The Villages. They are not just white or black, she has a lot of people. They come to see her and because of this construction she has not seen half her regulars. She does appreciate what the city is doing, but as far as the utility bill, her utility bill is almost two grand a month. That is what it is, and it is going to pile up on her. She then has to keep up, and she does not want to do that. If there was something else the city could come up with, she did talk to the city manager, and she asked him about financial compensation because she knows how her business is run and how she stays afloat and keeps her doors open. She wanted them to consider that. Thank you for your time, Merry Christmas and Happy New Year. **Commissioner Berry** asked if she was asking for longer than twelve months? **Mayor Burry** said no, she

was asking for cash payment. **CM Minner** added that she wants cash.

10. ROLL CALL:

Commissioner Reisman wished everyone a Merry Christmas and a Happy New Year. We will see you next year.

Commissioner Connell had nothing further to comment on.

Commissioner Berry said there was an item on the last agenda of December 11th for district one. We are here for the City of Leesburg and that is their sole purpose. Keeping that in mind, we must work together. There was an agenda item up for vote that was in her district. She was not ready to have it put on the consent agenda. She was not comfortable with it, and she still had questions concerning it. She had asked that it be removed from the agenda, but it was not. Instead, that item was moved to the consent agenda. She voted for it and missed it. That item was Resolution 11,327, and it will be coming out in FY 23-24. She asked respectfully that in the future she would be given and shown all the privileges and rights as a commissioner. If there are any concerns about this, she would like to discuss it further. She also requested that when an agenda item comes up for any commissioner, all questions and concerns are allowed before moving forward and combining the vote. Again she missed it because she thought it was removed. Going forward, she would like to be considered, so this does not happen again. She would expect that any other commissioner would have the same opportunity to pull anything and have that option, and she knows this will not happen again, but just in case, she asked that she be considered. She also added if it was possible to request to have one meeting in December 2024? **CM Minner** responded that is a charter issue, we have to have two meetings per month. She then wished everyone a Merry Christmas.

Commissioner Pederson wished everyone a Merry Christmas and be safe.

Mayor Burry stated this meeting winds him up and serving as mayor has been a pleasure. **A lady from the audience** interrupted and asked where the restaurant was located, so they could send people her way. **Commissioner Reisman** indicated that it is located at 305 Pine Street, which is accessible off Childs Street. Coming from Pembroke, go down US 27 and turn left on Dixie and then turn left on Child Street. You will see the parking lot marked, and it will be right off Childs Street and the construction zone. You will pull off into the parking lot and follow the sidewalk around to Pine Street and head left. **Mayor Burry** continued to say that it has been a pleasure serving as mayor, we got a lot done. Merry Christmas to everyone!

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.

The meeting adjourned at 7:00 p.m., with a motion from Commissioner Reisman and a second by Commissioner Pederson.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.B.1.

Meeting Date: January 8, 2024

From: Aaliyah Davis, (Purchasing Manager)

Subject: Purchase request by Fleet Services for the purchase of one (1) new side loading refuse truck.

Staff Recommendation:

Staff recommends awarding Invitation for Bid (IFB) 240301 and approval of the purchase request to Nextran Truck Centers for an amount of \$369,329.00.

Analysis:

The purpose of this purchase request is to purchase a new side loading refuse truck to replace an existing unit. This truck is used for commercial solid waste service to empty commercial dumpsters.

The new truck will replace existing unit #9098, a 2013 Mack. The Fleet Division conducts evaluations of all equipment to determine condition and eligibility for replacement. Equipment that scores 39 or above is considered in poor condition and should be replaced during the next budget cycle. Unit #9098 received a condition score of 61.6 during its last condition assessment.

Procurement Analysis:

On December 5, 2024, the Procurement Division issued Invitation for Bid (IFB) 240301. On December 21, 2024, the City received three (3) responses from 4 commercial truck dealers.

Summary of Bid Responses:

- Nextran Truck Centers - \$369,329.00
- Florida Kenworth, LLC - \$402,953.50
- Fedharmony - \$438,689.00

Following a review of all bid responses, the Procurement Division has deemed the offer from Nextran Truck Centers to be responsive. Fleet Services has reviewed the bid response and confirms the equipment bid by Nextran Truck Centers meets all technical requirements as specified in the Solicitation package.

Options:

1. Award the IFB and approve the purchase from Nextran Truck Centers for \$369,329.00; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

Funds are available in the Fleet replacement account.

Account No.	510-5199-519-6413
Project No.	FLEET
WF No.	WF1519038/1
Requisition	55921
Budget	\$340,000.00
Available	\$369,329.00 (savings from other vehicles)

CUSTOMER PROPOSAL



PREPARED FOR

FSA - CITY OF LEESBURG
5500 NORTH 14TH STREET
LEESBURG
FL 34748

DATE

12/11/2023

PREPARED BY

NEXTRAN CORPORATION
2200 W LANDSTREET RD
ORLANDO
FL 328097900

QUOTE INFORMATION

NEXT2023000561C669
LR 64R
Qty: 1



TECHNICAL SPECIFICATION

LR 64R



MODEL DEFINING		DESCRIPTION
S	PRICE BOOK LEVEL	2025A Pricebook

APPLICATION PACKAGES		DESCRIPTION
	CHASSIS CONFIGURATION PACKAGE	LH Battery Box, 6.6 Gallon (25L) LH DEF, Single LH Fuel Tank, Vertical BOC DPF/SCR

CUSTOMER/VEHICLE INFO		DESCRIPTION
S	CHASSIS (BASE MODEL)	LR 64R DAYCAB
S	CUSTOMER FLEET SIZE	DEALER FLEET WITH LESS THAN 25 VEHICLES IN OWN FLEET OF ANY VEHICLE BRAND
S	TYPE OF SERVICE	COMMERCIAL
	INTENDED REGISTRATION LOCATION	FLORIDA
S	WARRANTY REGISTRATION LOCATION	USA - WARRANTY REGISTRATION LOCATION
	EMISSION WARRANTY CERTIFICATION	EPA (only) for Mack MP7 / MP8 Diesel
S	INITIAL REGISTRATION LOCATION	USA REGISTRATION
S	VEHICLE APPLICATION CLASS	CLASS B HIGHWAY-INNER CITY
	VEHICLE USE & BODY/TRAILER TYPE	REFUSE AUTOMATIC SIDE LOADER TRUCK
S	OPERATING TERRAIN GRADE CONDITIONS	NORMAL HIGHWAY, STARTING GRADES<12%
S	LOADING SURFACE FACTOR	CONCRETE LOADING AND / OR UNLOADING SURFACE
	VEHICLE VOCATION	REFUSE / NON LANDFILL OPERATION

ENGINE/TRANSMISSIONS		DESCRIPTION
S	ENGINE PACKAGE, COMBUSTION	MP7-355C MACK 355HP @ 1600-1800 RPM (PEAK) 2100 RPM (GOV) 1250 LB-FT, US'21
S	TRANSMISSION	4500 RDS 6 SPEED ALLISON GEN 6 W/PROGNOSTICS, WITH PTO PROVISION

EXHAUST/EMISSIONS		DESCRIPTION
S	NOX LIMITS	CARB LEGACY / EPA (200MG/HP/HR), 50 State Idle Compliance
	DIESEL EXHAUST FLUID TANK	6.6 GALLON (25 L) 22" LEFT SIDE FRAME MOUNTED
S	EXHAUST	SINGLE VERTICAL RIGHT SIDE OUTBOARD MOUNTED STRAIGHT EXH STACK PLAIN END, SIDE OUTLET DIFFUSER
S	EXHAUST SYSTEM MATERIAL FINISH	W/O VERT EXH-BRIGHT FINISH
	EMISSION ON BOARD DIAG CONTROL	EMISSION OBD, DISPLAY ONLY, USA2024

ENGINE EQUIPMENT		DESCRIPTION
S	AIR CLEANER	13" SINGLE ELEMENT, DRY TYPE W/SNORKEL BEHIND CAB, AIR RESTRICTION INDICATOR ON FILTER
	AIR COMPRESSOR/DRYER	BENDIX AD-IP EP HEATED AIR DRYER W/ WABCO 636 (37.4 CFM) AIR COMPRESSOR
S	AIR DRYER POSITION (CA)	AIR DRYER POSITION STANDARD
S	ALTERNATOR	DELCO 12V 160A (28SI) BRUSH-TYPE
S	BATTERIES	(3) MACK 12V 760/2280 CCA THREADED STUD TYPE
S	BATTERY BOX - MOUNTING (x)	PERPENDICULAR TO FRAME 11" FROM NTOF (3 BATTERY MAX)
S	BATTERY BOX COVER	MOLDED PLASTIC
S	BATTERY DISCONNECT SWITCH	FLAMING RIVER BIG SWITCH WIRED TO POSITIVE SIDE
S	STARTER MOTOR	12 VOLT DELCO 39MT-MXT
	ENGINE BRAKE	MACK MP7 POWERLEASH
S	FAN DRIVE	BEHR FAN AND ELECTRONIC MODULATING VISCOUS FAN DRIVE

TECHNICAL SPECIFICATION *(cont.)*



ENGINE EQUIPMENT		DESCRIPTION
S	COOLANT PROTECTION	ETHYLENE GLYCOL FULLY FORMULATED COOLANT (50/50 MIX DYED PINK) TO -34DEG, W/ FILTER
S	COOLING PERFORMANCE	W/O AUXILIARY COOLING
S	HOSES - RADIATOR/HEATER	SILICONE RADIATOR AND HEATER HOSES
S	FUEL-WATER SEPARATOR	MACK W/MANUAL DRAIN VALVE V2 (INTEGRAL W/ PRIMARY FUEL FILTER)
S	OIL SUMP	OIL PAN
S	ENGINE HEATERS	120v 1500w BLOCK HEATER ONLY (120V-15A PLUG)
S	ENGINE BLOCK HEATER RECEPTACLE (CA)	ENGINE BLOCK HEATER RECEPTACLE, BASIC LOCATION
S	TETHER DEV PKG, CAPS & COVERS	PLASTIC COATED CABLE, MOUNTED FRONT OF EACH BATTERY BOX LENGTH TO ALLOW COVER TO SET ON GROUND

CLUTCH/TRANS EQUIPMENT		DESCRIPTION
	MINIMUM REQUIRED PROP SHAFT SIZE	MINIMUM REQUIRED FOR KAX PROP SHAFT, PROPS-M
S	DRIVELINE - MAIN	MERITOR 18 MXL "XTENDED LUBE" (PROPS-L)
S	DRIVELINE - INTERAXLE	MERITOR 17 MXL "XTENDED LUBE"
S	PROPELLR SHAFT MAIN, UNVSL JNT	UNIVERSAL JOINT HALF-ROUND TYPE
S	PROP SHAFT INTERAXL UNIV JOINT	HALF-ROUND UNIVERSAL JOINT
S	LUBRICANTS, TRANSMISSION	TRANSYND SYNTHETIC LUBE FOR ALLISON TRANS
S	TRANSMISSION OIL COOLER	ALLISON 4xxx SERIES TRANSMISSION W/DIRECT MOUNT COOLER & SS COOLANT TUBES

FRONT AXLE EQUIPMENT		DESCRIPTION
S	FRONT AXLE	20000# (9100 KG) MACK FXL20 STRAIGHT SPINDLE/UNITIZED BEARINGS
S	SPRINGS - FRONT	MACK TAPERLEAF 20000# (9100 KG) GROUND LOAD RATING, EQUAL BIAS
S	FRONT AXLE BRAKES	MERITOR "S" CAM TYPE 16.5" x 6" Q+
S	FRONT BRAKE ADJ. MANUFACTURE	HALDEX - AUTOMATIC
S	FRONT BRAKE CHAMBER MFG.	FRONT BRAKE CHAMBER MANUFACTURER, HALDEX
S	HUB MATERIAL, FRONT	FERROUS
S	SHOCK ABSORBER, FRONT	DOUBLE ACTING TYPE
S	STEERING	M100P PLUS RIGHT SIDE ASSIST CYLINDER
S	BUMP STOP, FRONT SUSPENSION	STATIC LOAD CUSHIONS

REAR AXLE EQUIPMENT		DESCRIPTION
S	REAR AXLE	46000# (20900kg) MACK S462R CAST DUCTILE IRON HOUSING
S	REAR AXLE CASING WIDTH	W/O WIDE TRACK AXLE
S	DRIVE AXLE LUBRICANT	DRIVE AXLE LUBE, SHELL 80W90 MINERAL OIL
S	CARRIER - REAR AXLE	150/151 SERIES (Tandem Mack Rear Axles up to 150,000lb GCW)
S	POWER DIVIDER LOCKOUT	INTERAXLE POWER DIVIDER LOCKOUT, W/BUZZER & LIGHT
	REAR AXLE RATIO	4.80 RATIO
S	REAR SUSPENSION	SS46 MACK CAMELBACK MULTILEAF 46,000 lb, STANDARD DUTY
S	BOGIE SPREAD, REAR	50" AXLE SPACING (BOGIE WHEELBASE)
S	TRANSVERSE TORQUE RODS, R SUSP	TRANSVERSE TORQUE ROD (REAR AXLE ONLY)
S	BRAKES - REAR	MERITOR "S" CAM 16.5"x7" Q+ (Total for QTY = 2)
S	BRAKE, DRIVE, REAR	CAST IRON
S	REAR BRAKE ADJ MANUFACTURE	HALDEX - AUTOMATIC
	REAR BRAKE CHAMBER SIZE	REAR SPRING BRAKE CHAMBERS 30/30 TYPE
	BRAKE ORI REAR-MOST DRIVE AXLE	DRUM BRAKE CHAMBER ORIENTATION: High Mount - Rear of Axle - Chamber Down

TECHNICAL SPECIFICATION *(cont.)*



REAR AXLE EQUIPMENT		DESCRIPTION
S	PARKING BRAKE CHAMBER	HALDEX "GOLD SEAL PLUS" (3" STROKE) BRAKE CHAMBERS (Total for QTY = 2)
S	BRAKE CHAMBER DIAPHRAGM MATERIAL (CA in PC28 only)	W/O BRAKE DIAPHRAGM OPTION
S	HUB MATERIAL, DRIVE	IRON PRESET REAR HUB W/INTEGRATED SPINDLE NUT
S	ANTILOCK BRAKE SYSTEM	BENDIX WITHOUT TRACTION CONTROL 4S4M

FRAME EQUIPMENT/FUEL TANKS		DESCRIPTION
CA	WHEELBASE	221"
CA	AF (OVERHANG)	111"
	FRAME RAILS & LINERS	9.5 x 82 x 340mm - (0.375" x 3.25" x 13.38")W/ Full Liner; RBM 3,122,400 LB-IN
	FRONT FRAME EXT. (BOLTED ON)	100MM FRONT FRAME EXTENTION, BOLTED ON (4")
S	CROSSMEMBERS	STEEL 1/2" PL BOLTED BOC & INTERMDT 1/8" BELOW TOP OF RAIL
	AUX CROSSM. IN REAR OVERH TYPE	BACK TO BACK BOLTED TYPE CROSSMEMBERS
S	REAR CROSSMEMBER OPTIONS	STEEL CLOSING REAR CROSSMEMBER
S	FRONT BUMPER	FLUSH-PAINTED STEEL
S	GUARD	SKID PLATE UNDER BUMPER AND RADIATOR
S	TOWING DEVICE, FRONT	CENTER TOW CAPABILITY BASED ON BUMPER SELECTION
	FUEL LEVEL SENDER UNIT, LIQUID	BASIC FUEL LEVEL SENDER MOUNTED ON L.H TANK
	FUEL TANK - LH	80 GALLON (300 L) ALUMINUM, 26"x24" RECTANGULAR
	FUEL TANK - RH	W/O RH FUEL TANK
S	FUEL HOSES, LIQUID	AEROQUIP FIRE RESISTANT HOSE
	FUEL TANK POSITION (CA in PC28 only)	LOCATE BEHIND LH RAIL- 5" BELOW TOP OF RAIL
	FUEL FILLER NECK OPTIONS	FOR LH FUEL TANK

AIR/BRAKE		DESCRIPTION
S	AIRTANK DRAIN VALVE	AUTO DRAIN VALVE, HEATED ON SUPPLY TANK, MANUAL (PETCOCK) ON ALL OTHER TANKS
S	AIRTANK MATERIAL	STEEL AIR TANK PAINTED CHASSIS COLOR
S	PARKING BRAKE VALVE	SINGLE VALVE SYSTEM
	AUXILIARY BRAKE CONTROL	AUXILIARY WORK BRAKE HAND CONTROL, ACCESSIBLE BOTH SIDES
	BODY BUILDER, AIR PREP KIT	BODYBUILDER AIR LINES (SEVEN 1/4" AIR LINES FOR USE W/PNEUMATIC JOYSTICKS)

ELECTRICAL		DESCRIPTION
S	BACK-UP ALARM	PRECO, MODEL 1059
S	ROOF & SIDE MARKER LIGHTS	TRUCKLIGHT TYPE ROOF MARKER for LR
S	HEADLAMP BULB TYPE	HEADLAMP BULB TYPE, LED
S	DAYTIME RUNNING LIGHTS	ENGINE RUNNING ACTIVATED
S	AUX. POWER OUTLET, INTERIOR (CA in PC28 only)	COMPUTER AND 2-WAY RADIO DEDICATED CIRCUIT
S	FRONT & SIDE INDICATOR LMP TYP	FRONT AND SIDE DIRECTION IND & MARKER, LED TYPE

TRAILER CONNECTIONS		DESCRIPTION
S	EXT. INDICATOR LMP, MAIN SWITCH (CA in PC28 only)	FURNISH ON OR NEAR BATTERY BOX (LIGHT ON IN RUN POSITION)

PTO		DESCRIPTION
S	HYDRAULIC PUMP	FURNISH PUMP MTG PROVISIONS - INCLUDE WIRING, SWITCHES, AND INDICATORS AS REQUIRED

TECHNICAL SPECIFICATION *(cont.)*



PTO	DESCRIPTION	
S	CRANKSHAFT ADAPTER	1350 SERIES FLANGE (DOES NOT INCLUDE FRONT FRAME EXTENSION)
S	TRANSMISSION MOUNTED PTO	PREP KIT FOR EXTENDED SHAFT PTO
S	BODY BUILDER MODULE	ControlLink III BODY BUILDER EL PREP KIT, REFUSE, RP170 ELECT. INTERFACE (3 CON 54 PINS)

SPECIALTY EQUIPMENT	DESCRIPTION	
S	PASSIVE SAFETY SYSTEM	WITHOUT PASSIVE SAFETY SYSTEM
S	TRANSPORT ADAPTATION	UNIFORM LOAD NO ADAPTATION

CAB INTERIOR (A THRU G)	DESCRIPTION	
S	AIR CONDITIONING/HEATER	(LR) MANUAL CONTROL CLIMATE UNIT
S	SURVEILLANCE CAMERA OPTIONS (CA)	WITHOUT CAMERA
S	FLOOR MATS	FLOOR MAT, RUBBER
S	GAUGE TRANSM. OIL TEMP	TRANSMISSION GAUGE AND TRANS. OIL HIGH TEMPERATURE LIGHT
S	SPEEDOMETER -&- GAUGES - UNIT(s) OF MEASURE	U.S. UNITS (PREDOMINANT)

CAB INTERIOR (H THRU R)	DESCRIPTION	
S	KEY TYPES FOR DOORS	BASIC UNIQUE KEY
S	AUDIO ACCOMMODATION	PREMIUM STEREO, AM/FM, MP3, WEATHER BAND, BLUETOOTH
S	ANTENNA - RADIO	RADIO ANTENNA, CH STYLE COWL MOUNTED ON LH SIDE
S	AUDIO SHUTOFF	AUTO SHUTOFF FOR RADIO ENTERTAINMENT SYSTEM WHEN VEHICLE IS ENGAGED IN REVERSE
S	POWER LEADS	POWER LEADS (5-WAY BINDING POSTS FOR CB RADIO) MOUNTED ON TOP OF DASH

CAB INTERIOR (S THRU Z)	DESCRIPTION	
	SEAT - DRIVER'S	BOSTROM TALLADEGA 910 (MID-BACK) AIR SUSPENSION
	SEAT - PASSENGER'S	MACK FIXED (MID-BACK) NON-SUSPENSION
	SEAT COVERING	ALL CLOTH, BLACK W/CORDURA COVERING, DRIVER & RIDER SEATS
	SEAT BELT(S)	LAP & SHOULDER (BOTH SEATS) ORANGE IN COLOR
S	STEERING WHEEL	DIAMETER 450MM STEERING WHEEL, RUBBER GRIP V1
	STEERING WHEEL ADJUSTMENT	STEERING COLUMN, ADJUSTABLE TILT TELESCOPE
S	TURN SIGNALS	SELF CANCELLING TURN SIGNALS
S	WASHER RESERVOIR POSITION	W/O WINDSHIELD WASHER OPTION
S	WINDSHIELD PROTECTOR	FURNISH WINDSHIELD PROTECTOR

CAB EXTERIOR	DESCRIPTION	
S	FRONT GRILLE	LR BLACK GRILLE WITH BLACK SURROUND
	CAB	RH & LH SIT DOWN;RH DRIVE ONLY, EXTENDED CAB VERSION
	CAB DOOR OPTIONS	LH & RH FRONT HINGED DOORS W/POWER WINDOWS BOTH SIDES
S	CAB TILT PUMP	LOCATED IN STD LOCATION
S	CAB INSTEP VERSION	Cab Low Entry Step
S	PASSENGER SIDE VISIBILITY OPTIONS	WITHOUT AUXILIARY WINDOW IN RH DOOR WITHOUT SIDE CLOSE VIEW MIRROR
S	HORN - AIR	(1) TWIN-UNDER CAB TRUMPET W/DUAL LANYARD CONTROL
S	HORN - ELECTRICAL	DUAL TONE
S	MIRRORS - LEFT SIDE EXTERIOR	LH BLACK AERO MIRROR ELECTRICAL OPERATED & HEATED, W/ HEATED SQUARE BLACK CLOSE VIEW

TECHNICAL SPECIFICATION *(cont.)*



CAB EXTERIOR		DESCRIPTION
S	MIRRORS - RIGHT SIDE EXTERIOR	RH BLACK AERO MIRROR ELECTRICAL OPERATED & HEATED, W/ HEATED SQUARE BLACK CLOSE VIEW

WHEELS & TIRES		DESCRIPTION
	TIRES BRAND/TYPE - FRONT	315/80R22.5 L BRIDGESTONE M870 (20000 lbs) (Total for QTY = 2)
	WHEELS - FRONT	22.5x9.00 ACCURIDE 29300x WHITE POWDER COAT STEEL, 7.00" OFFSET, 5 HAND HOLE (Total for QTY = 2)
S	FRONT AXLE TIRE & WHEEL QUANTITY	TWO FRONT TIRES & WHEELS
	TIRES BRAND/TYPE - REAR	11R22.5 G BRIDGESTONE M713 ECOPIA (23360 lbs) (DRIVE ONLY) (Total for QTY = 8)
	WHEELS - REAR	22.5x8.25 ACCURIDE ACCU-LITE 51487x WHITE POWDER COAT STEEL, 6.60" OFFSET, 5 HAND HOLE (Total for QTY = 8)
S	REAR AXLE TIRE & WHEEL QUANTITY	EIGHT REAR AXLE TIRES & WHEELS
S	DRIVE WHEEL STUDS	DRIVE WHEEL STUDS LONGER LENGTH
S	TIRE INFLATION VALVE	STANDARD VALVE STEMS AND CAPS

COMMUNICATION SYSTEMS		DESCRIPTION
S	DIAGNOSTICS DISPLAY IN CLUSTER	DIAGNOSTICS DISPLAY IN CLUSTER, BASIC
S	TELEMATIC GATEWAY	TELEMATICS GATEWAY, 4G/LTE AND WLAN SYSTEM WITH DIAGNOSTIC SERVICES
	REMOTE DIAG SERVICES	REMOTE DIAGNOSTIC SERVICES, ENABLED

ENGINE ELECTRONICS		DESCRIPTION
S	OIL PRESSURE, ENGINE SHUTDOWN	OIL PRESSURE, ENGINE SHUTDOWN
	COOLANT LEVEL, ENGINE SHUTDOWN	COOLANT LEVEL ENGINE SHUTDOWN
S	COOLANT TEMP, ENGINE SHUTDOWN	COOLANT TEMP, ENGINE SHUTDOWN
S	ENGINE PROTECTION SYSTEM	ENGINE PROTECTION (SHUTDOWN)
S	ENGINE IDLE CONTROL	IDLE CONTROL, 600 RPM
S	SMART IDLE ELEVATED IDLE RPM TIME	INCREASE 10 MINUTE MAXIMUM TIME
S	IDLE S/D ABS TAMPER CHECK	IDLE SHUTDOWN ABS TAMPER CHECK, ENABLED
S	IDLE S/D WARNING TIME	30 SEC IDLE S/D WARNING TIME
S	IDLE S/D IF WARM-UP TEMP	38C DEG (100F), WARM UP TEMP DELAY
S	IDLE S/D WARM-UP TIMER	5 MIN. WARM UP TIME DELAY
S	IDLE S/D IF PTO ACTIVE	ENGINE IDLE SHUTDOWN TIME OVERRIDDEN IF PTO ACTIVE
S	IDLE SHUTDOWN IF POWER > LIMIT	ENG IDLE SHUTDOWN TIME OVERRIDDEN IF TORQUE > THAN LIMIT
S	AMBIENT TEMP MIN TRESHOLD	AMBIENT TEMP MIN TRESHOLD, 10 DEG C, (50 DEG F)
S	AMBIENT TEMP MAX TRESHOLD	AMBIENT TEMP MAX TRESHOLD, 27 DEG C, (80 DEG F)
S	EL HD THROTTLE, MAX ROAD SPEED	ELECTRONIC HAND THROTTLE, MAX ROAD SPEED, 16 KMH (10 MPH)
S	EL HAND THROTTLE, MAX ENG SPEED	ELECTRONIC HAND THROTTLE, MAX ENGINE SPEED, 2100 RPM
S	EL HAND THROTTLE, MIN ENG SPEED	ELECTRONIC HAND THROTTLE, MIN ENGINE SPEED, 700 RPM
S	EL HD THROTTLE, SPEED RAMP RATE	ELECTRONIC HAND THROTTLE, SPEED RAMP RATE, 100 RPM/SEC

TRANSMISSION ELECTRONICS		DESCRIPTION
S	HILL START ASSIST	WITHOUT HILL START ASSIST
	TRANSMISSION PROTECTION	TRANS. PROTECTION, ENGINE SHUT DOWN (HIGH TEMP.)
S	TRANSMISSION ELECTRONICS PACKAGE	GENERAL REFUSE SERVICE (168) - LIMITED TO 2ND GEAR IN SECONDARY MODE (RH DRIVING POSITION)
	TRANSM AUTO NEUTRAL ON P-BRAKE	ALLISON PARK BRAKE AUTO NEUTRAL-ALLOWS THE DRIVER TO ENGAGE GEAR PRIOR TO DISENGAGING THE PARK BRAKE
	TRANSMISSION ELECTRONIC SHIFTING PROPERTIES	FUELSENSE, FULL NEUTRAL AT STOP

TECHNICAL SPECIFICATION *(cont.)*



VEHICLE ELECTRONICS		DESCRIPTION
S	ROAD SPEED LIMITER SETTING	105 KM/H ROAD SPEED LIMITER (65MPH)
S	PEDAL RSL SETTING	105 KM/H PEDAL ROAD SPEED LIMITER (65MPH)
S	CRUISE CONTROL	CRUISE CONTROL
S	CRUISE CONTROL, MAX SPEED	MAX CRUISE, 105 KPH (65 MPH)
S	CRUISE CONTROL MIN SPEED	MIN CRUISE, 32 KPH (20 MPH)
S	ENG BRK ENGAGE IN CRUISE	ENG BRK ENGAGE IN CRUISE, 3 MPH, ABOVE SET SPEED
	PDLO ENGAGED VLS	POWER DIVIDER LOCK OUT (PDLO) ROAD SPEED LIMIT 24KMH (15MPH)
	DIFF LOCK SPEED LIMIT	WITHOUT DIFFERENTIAL LOCK ROAD SPEED LIMIT
S	DETECTION SPEED SENSR TMPRNG	DETECTION OF SPEED SENSOR TAMPERING, ENABLE
S	ENG TORQUE LIMIT,SPEED SENSOR	ENG TORQUE LIMITED TO 50%, IF SPEED SENSOR TAMPER DETECTED
S	ENGINE OVERSPEED,ALL COND, LOG	ENGINE OVERSPEED, ALL CONDITIONS, TIME LOG IF ABOVE 2200 RPM
S	ENGINE OVERSPEED,FUELED, LOG	ENGINE OVERSPEED, FUELED, TIME LOG IF ABOVE 2100 RPM
S	VEHICLE OVERSPEED,ALL COND,LOG	VEHICLE OVERSPEED,ALL COND, TIME LOG IF ABOVE 75MPH (121KMH)
S	VEHICLE OVERSPEED, FUELED, LOG	VEHICLE OVERSPEED, FUELED, TIME LOG IF ABOVE 70MPH (113KMH)
S	ENGINE IDLE DELAY TO LOG	ENGINE IDLE DELAY TO START LOG, 2 MIN
S	PERIODIC TRIP LOG DAY OF MONTH	PERIODIC TRIP LOG, DAY 1 OF THE MONTH
S	VEHICLE APP SERVICE INTERVALS	SERVICE INTERVALS, VOCATIONAL APPLICATION
S	SERVICE ALERT	WITH SERVICE ALERT
S	MAINTENANCE DUE ALERT %	ACTIVATE ALERT AT 90% OF THE TIME/DISTANCE SETTING

PTO ELECTRONICS		DESCRIPTION
S	PTO1 SINGLE SPEED CONTROL RPM.	PTO 1ST, SINGLE SPEED SETTING, 1000 RPM
S	PTO 1ST, MAX ROAD SPEED	1ST PTO, MAX ROAD SPEED, 10 MPH (16 KPH)
S	PTO 1ST, SPEED RAMP RATE	PTO 1ST, SPEED RAMP RATE 100 RPM/SEC
S	PTO 1ST, MAX ENGINE SPEED	PTO 1ST, MAX ENGINE SPEED, 2100 RPM
S	PTO 1ST, ROAD SPEED LIMIT	PTO 1ST, ROAD SPEED LIMIT, 97 KMH (60 MPH)
S	PTO 1ST, MINIMUM ENGINE SPEED	PTO 1ST, MINIMUM ENGINE SPEED, 600 RPM
S	PTO1 DECEL BUMP-DOWN RPM	PTO1 DECEL "BUMP-DOWN" 50RPM
S	PTO 2ND, SINGLE SPEED SETTING	PTO 2ND, SINGLE SPEED SETTING, 1000 RPM
S	PTO 2ND, MAX ROAD SPEED	2ND PTO, MAX ROAD SPEED, 10 MPH (16 KPH)
S	PTO 2ND, SPEED RAMP RATE	PTO 2ND, SPEED RAMP RATE 100 RPM/SEC
S	PTO 2ND, MAX ENGINE SPEED	PTO 2ND, MAX ENGINE SPEED, 2100 RPM
S	PTO 2ND, ROAD SPEED LIMIT	PTO 2ND, ROAD SPEED LIMIT, 97 KMH (60 MPH)
S	PTO 2ND, MINIMUM ENGINE SPEED	PTO 2ND, MINIMUM ENGINE SPEED, 600 RPM

PAINT		DESCRIPTION
S	PAINT DESIGN	SINGLE COLOR
S	PAINT TYPE	SOLID PAINT
S	PAINT COLOR - FIRST COLOR	MACK WHITE; P9188
S	PAINT COLOR - SECOND COLOR	NO SECOND TRUCK COLOR PROVIDED; NO COLOR
S	PAINT COLOR - THIRD COLOR	NO THIRD TRUCK COLOR PROVIDED; NO COLOR
S	CAB COLOR	SAME AS FIRST COLOR - CAB
S	PAINT - CAB PAINT SYSTEM	PAINT - CAB, URETHANE CLEAR COAT
	CHASSIS RUNNING GEAR PROCESS CODE	CHASSIS PAINT PROCESS, STANDARD COLOR (MACK BLACK) 6ABZ1X
S	CHASSIS RUNNING GEAR	MACK BLACK (URETHANE); P3036

TECHNICAL SPECIFICATION (cont.)



PAINT		DESCRIPTION
S	BUMPER	PAINT BUMPER SAME COLOR AS CHASSIS RUNNING GEAR
S	FUEL TANK - ***NO INVENTED VARIANTS ALLOWED in the FUEL TANK PAINT FAMILY***	W/O OPTIONAL FUEL TANK PAINT

CALCULATED CODES - KAX		DESCRIPTION
S	PROPCALC SELECTION	YES, THE ORDER MUST BE CALCULATED

BASE WARRANTY & PURCHASED COVERAGES		DESCRIPTION
S	VEHICLE WARRANTY TYPE	HEAVY DUTY WARRANTY CLASSIFICATION
S	BASIC CHASSIS COVERAGE	HEAVY DUTY STANDARD BASE COVERAGE 12 MONTHS/100,000 MILES (161,000 KM)
	EMISSION - SURCHARGE	EPA (only) for Mack MP7 / MP8 Diesel
S	ENGINE WARRANTY	MACK MP7/MP8 BASE ENGINE COVERAGE 24 MONTHS / 250,000 MILES (402,000KM)
S	EMISSION COMPONENT COVERAGE	US and CANADA EQUIPPED VEHICLE EMISSION COMPONENTS COVERAGE 60 MONTHS/100,000 MILES (161,000 KM)
S	TRANSMISSION WARRANTY	ALLISON TRANSMISSIONS (Contact Allison Transmission for standard warranty and extended coverage data)
S	CARRIER & AXLE HOUSING WARRANTY	STANDARD MACK HEAVY DUTY COVERAGE 60 MONTHS / 500,000 (804,672 KM)
S	AIR CONDITIONING WARRANTY	AIR CONDITIONING STANDARD COVERAGE (Sealed System Only) 12 MONTHS UNLIMITED MILEAGE
S	CHASSIS TOWING WARRANTY	STANDARD NORMAL / HEAVY DUTY CHASSIS TOWING 90 DAYS OR 5,000 MILES
S	ENGINE TOWING WARRANTY	STANDARD MACK ENGINE TOWING COVERAGE 24 MONTHS/250,000 MILES (402,000 KM)
S	GUARDDOG CONNECT BUNDLE	NO GUARDDOG CONNECT (ASIST & MACK ONECALL)

SERVICES		DESCRIPTION
S	MACK INTEGRATED UPTIME	MACK INTEGRATED UPTIME - 24 MONTHS
	MACK CONNECT LOCATION & REPORTING	MACK CONNECT LOCATION & REPORTING - 24 MONTHS
S	FLEET INTEGRATION	WITHOUT FLEET INTEGRATION
S	PARTNERED SERVICES	NO PARTNERED SERVICES PROVIDED

Z - DO NOT USE - OBSOLETE		DESCRIPTION
S	HUBS & DRUMS-FRONT	SAME AS CHASSIS RUNNING GEAR
S	HUBS & DRUMS-REAR	SAME AS CHASSIS RUNNING GEAR

ADDITIONAL ENGINEERING (Non Approved)		DESCRIPTION
CA		

MACK®



Mack Trucks
www.macktrucks.com

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.1.

Meeting Date: January 8, 2024

From: Travis Rima, (Recreation Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida authorizing the City Commission to direct Staff to include the addition of wet-slips at the Venetian Cove Marina to future Marina Construction Project designs and proposals; and providing an effective date.

Staff Recommendation:

Staff recommends including additional wet-slips into the Venetian Cove Marina project.

Analysis:

At the October 23, 2023 meeting, the City Commission approved a resolution for Recreation and VCM staff to create a storage slip waitlist deposit policy for the Venetian Cove Marina. The VCM policy mirrors the waitlist policy of the Leesburg International Airport. Per the policy, potential customers must fill out an application, pay a \$150 deposit, and be added to the waitlist if a space is not available at the time of their inquiry. The purpose of creating the waitlist policy was to determine the need for construction of additional wet-slips at the VCM. Once approved, staff contacted both private and commercial customers that were on the current waitlist, and accepted new additions to the waitlist according to the approved policy. As of submission, we have received applications and paid deposits from 40 customers. Per the attached plans, the proposal is to add 42 wet-slips to the existing 44 for a total of 86 wet-slips.

Procurement Analysis:

N/A

Options:

1. Accept and approve the Resolution as presented; or
2. Such alternative actions as the City Commission may deem appropriate.

Fiscal Impact:

The projected additional revenue for the 42 slips is \$77,364 per year increasing the wet-slip revenue from its current \$81,048 average to \$158,412. Funding to add the additional wet slips is included in the current Capital Projects fund utilizing American Rescue Plan Act (ARPA) funds.

Account No. 031-8125-572-6310

Project No. 310081

WF No.	WF1454563/1
Budget	\$2,000,000.00
Available	\$1,782,937.00

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA AUTHORIZING THE CITY COMMISSION TO DIRECT STAFF TO
INCLUDE THE ADDITION OF WET-SLIPS AT THE VENETIAN COVE
MARINA TO FUTURE MARINA CONSTRUCTION PROJECT DESIGNS AND
PROPOSALS; AND PROVIDING AN EFFECTIVE DATE.**

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

THAT the City Commission does hereby authorize and directs City staff to include wet-slips in designs and proposals at the Venetian Cove Marina.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of January 2024.

Mayor

ATTEST:

City Clerk



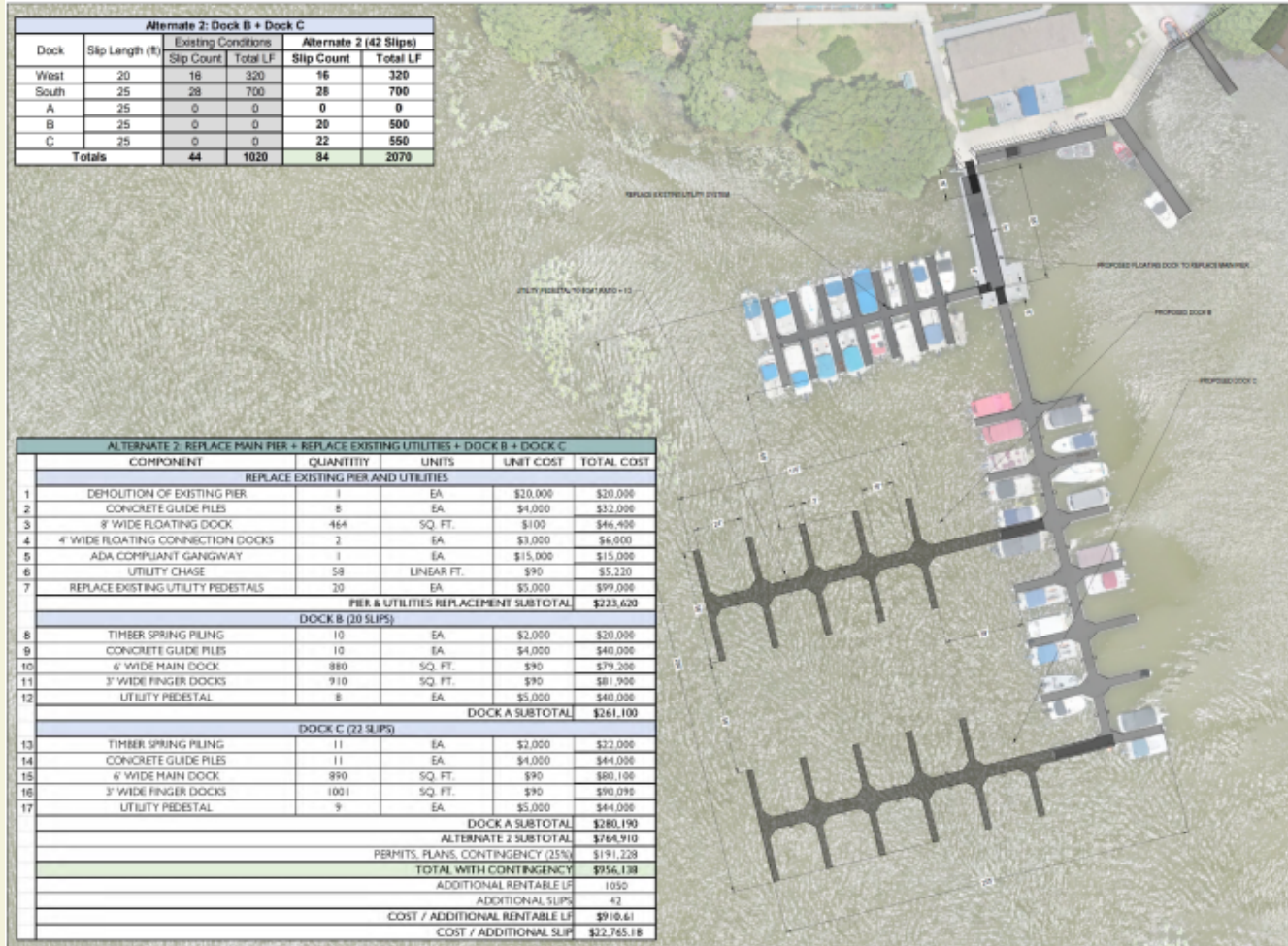
VENETIAN COVE MARINA WET AND DRY STORAGE WAITLIST POLICY

250 Ball Park Road, Leesburg, FL 34748 - 352.728.9870



1. Vacant slips will be offered to individuals on the wait list. For a person to appear on the slip waiting list they shall:
 - A. Complete and file a slip request application with Marina Administration. Applicants are solely responsible for maintaining a current address, email, and telephone numbers on their application.
 - B. Pay slip deposit fee.
 - 1) All persons on the Wet and Dry Storage waiting list, either existing or new, shall make a \$150.00 slip deposit.
 - 2) The slip deposit shall be applied to the first month's slip rent. The \$150.00 deposit will be refunded if an applicant removes their name from the storage wait list by choice, or if an applicant is removed from the list by Marina Administration for declining a slip.
2. Position on the slip waiting list. Waiting list position for new applications shall be determined by the date the correctly completed application and deposit is received by the Marina Administration either online or via walk-in at the Marina Office, 250 Ball Park Road, Leesburg, FL.
3. Slip offers shall be made chronologically (oldest date to the most recent). When a slip becomes available, an offer notification will be made by Marina Administration. To accept the offer, the applicant must:
 - A. Reply in the affirmative within 2 business days of the date when positive notification was made with the applicant.
 - B. Complete Marina storage contract.
 - C. Vessel acquisition: Have a vessel registered to the applicant in the slip within thirty (30) days from the date Marina Administration received the applicant's contract and slip rental payment. Failure to have a seaworthy vessel registered to the applicant in the slip within 30 days of acquiring the slip may result in termination of rental agreement and removal from the slip.
4. Marina Administration Staff shall make every effort to contact the person in the top position of the slip waiting list either by email or telephone when a storage space becomes available. It is the applicant's responsibility to provide the most current contact information.
5. No-contact, failure to respond, or a "not interested" response, to the slip offer notification after 2 business days, shall be interpreted as – applicant is no longer in need of a slip and the next individual on the list will be contacted. Applicant's deposit will be refunded and they will be removed from the waiting list.
6. Persons removed from the slip waiting list may restore their names to the bottom of the waiting list by filling out a new application. If a past deposit was returned, a new deposit will be required.
7. Slip fees listed on the waiting list application are subject to change. Applicant is not guaranteed the monthly rate stated on the application form. Rates may increase periodically.
8. Deposits shall be either check, credit, or money order. In the event a check is returned for NSF or other reason, the applicant will have 5 workdays to remedy or will be removed from the list.
9. Applications may be completed online, or delivered via walk-in to the Venetian Cove Marina at 250 Ball Park Road, Leesburg, FL.
10. Positions on the slip waiting list shall not be transferred, traded or sold.
11. The applicant must provide one deposit per vessel. Applicants may select a wet slip, dry slip, or both on the application. For example, if an applicant has one vessel to store in either wet or dry slip they may select both on the application and submit one deposit.

Wet Slips



Revenue Breakdown



Average Revenue per slip (FY '19-'22)

- \$1,842 per year
- 44 slips = \$81,048 per year

Projected Additional Revenue

- 42 slips = \$77,364
- Yearly Total Projected Wet Slip Revenue = \$158,412

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.2.

Meeting Date: January 8, 2024

From: Joseph Mera, (Fire Chief)

Subject: Resolution of the City Commission of the City of Leesburg, Florida authorizing applying for and accepting, if awarded, a grant from the Florida Department of Health for the purchase of one (1) set of battery operated, hydraulic rescue tools; and providing an effective date.

Staff Recommendation:

Staff recommends applying and acceptance, if awarded, of the Florida Department of Health grant and authorizing the purchase of one set of battery operated, hydraulic rescue tools.

Analysis:

The purpose of this grant project is to purchase one (1) set of battery operated, hydraulic rescue tool; these tools are used to disentangle patients that are trapped in a vehicle subsequent to a motor vehicle accident.

Procurement Analysis:

N/A

Options:

1. Approve the application and acceptance of the Florida Department of Health grant and authorize the purchase of one (1) set of battery operated, hydraulic rescue tools; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

The total cost of the rescue tools is no greater than \$61,836.00. The State's share, if awarded, is \$46,377 (75%) and the City of Leesburg's match is \$15,459 (25%) which is available in the current budget. If approved, a budget adjustment will be processed to add the State's funds to the current budget.

Account No. 001-0000-334-2200

Project No. FDOH24

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA AUTHORIZING APPLYING FOR AND ACCEPTING, IF
AWARDED, A GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH
FOR THE PURCHASE OF ONE (1) SET OF BATTERY OPERATED,
HYDRAULIC RESCUE TOOLS; AND PROVIDING AN EFFECTIVE DATE.**

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

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with the Florida Department of Health, for the purchase of one (1) set of rescue tools;

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of January 2024.

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.3.

Meeting Date: January 8, 2024

From: Lucy Gangone, (Library Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida designating one member and one alternate member to the Lake County Library Advisory Board for a four-year term beginning February 29, 2024, and ending February 28, 2028; and providing an effective date.

Staff Recommendation:

Staff recommends the designation of Robert Glockler to the Lake County Library Board as the member representing the City of Leesburg, and the designation of Debra Wanza Dabney as the alternate member, who shall serve in the member's absence.

Analysis:

The current member and the alternate member representing Leesburg on the Lake County Library Advisory Board are Robert Glockler and Debra Wanza Dabney, respectively, with terms ending February 28, 2024. Both members have submitted applications to the City of Leesburg to be designated again as the representatives to the Lake County Library Advisory Board, terms beginning February 29, 2024, and ending February 28, 2028.

Mr. Glockler has been the City's designated representative to the Lake County Library Advisory Board for three (3) four-year terms, from February 29, 2012, through February 28, 2024, serving as Board Chairperson and Vice Chairperson during that time. He also served as President of the President of the Friends of the Leesburg Library, Inc. from 2008-2010, and in various capacities on the Friends' Board of Directors from 2006-2010. He was instrumental in the Friends' fund-raising campaign for the new building.

Mrs. Dabney has been the City's designated alternate member to the Lake County Library Advisory Board from February 29, 2020, to February 28, 2024. She has been an active member of the Friends of the Leesburg Library, Inc., serving as President, Co-President, Vice-President and Membership Committee Chairperson since 2011, and is part of the Management Team of the Library Bookstore. She is a retired educator from Lake-Sumter State College. Her awards include the Lake-Sumter State College Distinguished Alumni and Hall of Fame Awards.

Procurement Analysis:

N/A

Options:

1. Designate Robert Glockler as member and Debra Wanza Dabney as Alternate Member representing the City of Leesburg to the Lake County Library Board, terms beginning February 29, 2024, and ending February 28, 2028; or
2. Seek other candidates of the Commission's choosing; or
3. Seek alternative action as the Commission may deem appropriate.

Fiscal Impact:

There is no fiscal impact.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA DESIGNATING ONE MEMBER AND ONE ALTERNATE MEMBER
TO THE LAKE COUNTY LIBRARY ADVISORY BOARD FOR A FOUR-YEAR
TERM BEGINNING FEBRUARY 29, 2024, AND ENDING FEBRUARY 28, 2028;
AND PROVIDING AN EFFECTIVE DATE.**

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

THAT the City Commission of the City of Leesburg, Florida, finds that there is a designation to be made to the Lake County Library Advisory Board for a member and alternate member to represent the City of Leesburg; the designated individuals to be appointed by the Lake County Board of County Commissioners, in keeping with Section 12-37 of the Lake County Ordinances relating to the Library Advisory Board.

THAT the City Commission hereby designates _____ for a four-year term as member, and _____ for a four-year term as alternate member, terms to expire February 28, 2028.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of January 2024.

Mayor

ATTEST:

City Clerk



CITY OF LEESBURG
APPOINTED ADVISORY BOARD APPLICATION

Name Robert Glockler

Home Address 821 Lake Port Blvd Apt G114 Leesburg, FL 34748

Mailing Address Same

Home Phone 352-314-3739 Cell Phone 352-408-3796

Email Address rglockler114@gmail.com

Business Name Retired Type

Business Address

Business Phone Extension

Education, Training or Experience related to the activities of the Advisory Body to which Appointment is sought:

Applying for re-appointment as Leesburg representative to the County Library Advisory Board on which I have served for the last 12 years. Also served as president of the Friends of the Leesburg Library.

Professional Organizations/Memberships:

Have you ever served on a City of Leesburg Advisory Board in the past?

If yes, which Board? Dates Served

Please select Board for which you would like to serve:

☐ Airport Advisory Board

☐ Carver Heights CRA

☐ Downtown Leesburg CRA

☐ Electric Advisory Board

☐ Fire Pension Board

☐ General Employee Retirement Board

☐ Historic Preservation Board

☐ Library Advisory Board

☐ Planning and Zoning Commission

☐ Police Pension Board

☐ Recreation Advisory Board

☒ Other Lake County Library Advisory Board

I will attend meetings in accordance with the adopted policies of the city of Leesburg. If at any time my business or professional interest conflict with the interest of the Advisory Board, I will not participate in such deliberations.

Signature of Applicant

10/24/2023

Date



CITY OF LEESBURG
APPOINTED ADVISORY BOARD APPLICATION

Name	Debra Wanza Dabney		
Home Address	1883 Pruitt Street Leesburg, FL 34748		
Mailing Address	Same as above		
	Home Phone	352-314-0249	Cell Phone 352-408-5924
Email Address	rattlertally71@gmail.com		
Business Name	Retired	Type	
Business Address			
	Business Phone		Extension

Education, Training or Experience related to the activities of the Advisory Body to which Appointment is sought:

Retired Professor; Volunteer at the Barbara Morse Library; Board Member of the Friends of the Leesburg Library, Inc; Community and Service minded.

Professional Organizations/Memberships:

American Alliance of Health, Physical Education, Recreation, and Dance; Delta Sigma Theta Sorority, Inc., Leesburg Alumnae Chapter; The Charmettes, Inc., Lake County Chapter; Florida Retired Educators Association; Phi Delta Kappa International

Have you ever served on a City of Leesburg Advisory Board in the past?

Yes

If yes, which Board? Lake County Library Advisory Board

Dates Served 2020-2023

Please select Board for which you would like to serve:

- | | |
|--|---|
| ☐ Airport Advisory Board | ☐ Historic Preservation Board |
| ☐ Carver Heights CRA | ☐ Library Advisory Board |
| ☐ Downtown Leesburg CRA | ☐ Planning and Zoning Commission |
| ☐ Electric Advisory Board | ☐ Police Pension Board |
| ☐ Fire Pension Board | ☐ Recreation Advisory Board |
| ☐ General Employee Retirement Board | ☒ Other |

Lake County Library
Advisory Board

I will attend meetings in accordance with the adopted policies of the city of Leesburg. If at any time my business or professional interest conflict with the interest of the Advisory Board, I will not participate in such deliberations.

Debra Wanza Dabney

Signature of Applicant

12/08/2023

Date

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.4.

Meeting Date: January 8, 2024

From: Dan Miller, (Planning and Zoning Director), Andi Purvis, (City Clerk)

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

Staff Recommendation:

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

Analysis:

A proportionate share agreement is a method of paying for student station costs to assist in future funding of additional student stations created by a new development. This Proportionate Share Mitigation agreement requires a payment of \$2,231,168.00, payable to the Lake County School board, prior to recording the plat for each phase of the property in the Public Records of Lake County. This agreement runs with the land, and shall therefore be binding on all successors and assigns of the Applicant/Contract Purchaser. The City of Leesburg does not assume duties under this agreement, nor does it undertake any liability. It joins as a party only in its capacity as the local government having jurisdiction over the development.

Procurement Analysis:

N/A

Options:

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

Fiscal Impact:

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

RESOLUTION NO. _____

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

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

THAT the Mayor and City Clerk are hereby authorized to execute a Proportionate Share Mitigation Agreement, under Lake County School Concurrence Case Number 2023-17, for the Project known as Preservation Place, as attached hereto, between the Lake County School Board, whose address is 201 West Burleigh Avenue, Tavares, Florida, 32778, and TLC Whitemarsh, LLC, a Florida limited liability corporation, whose address is 605 Commonwealth Avenue, Orlando, Florida, 32803, and the City of Leesburg, whose address is 501 West Meadow Street, Leesburg, Florida, 34748.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of January 2024.

Mayor

ATTEST:

City Clerk

Return to:
Heather Croney
Lake County Schools – Growth Planning Dept.
201 W. Burleigh Blvd.
Tavares, FL 32778

PROPORTIONATE SHARE MITIGATION AGREEMENT

Project Name: Preservation Place School Concurrency Case# 2023-17

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

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

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

WHEREAS, Applicant is the record owner of those certain tracts (s) of land located in Leesburg, Florida, commonly identified by Alternate Keys 1035481, 1775302, 1035465, 3884013, 1088224, 1775329 and more particularly described on **Exhibit “A”** attached hereto, and illustratively depicted on **Exhibit “B”** attached hereto (the “**Property**”).

WHEREAS, Applicant has requested Local Government approval to allow the development of five hundred sixty-one (561) total dwelling units (the “**Total Units**”) on the Property (the “**Project**”), as depicted on the site plan attached hereto as **Exhibit “C”**.

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

WHEREAS, School Board has determined the anticipated deficit created by the Project as of the date of the School Board’s capacity review is sixty-four (64) high school students (the “**Capacity Deficit**”).

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

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

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

1. **Recitals.** The above recitals are true and correct and fully incorporated herein.
2. **Definitions.** Any capitalized terms used but not defined herein shall have the same meaning as set forth in the Interlocal Agreement.
3. **Term.** The term of this Agreement shall commence on the date this Agreement is recorded in the Public Records of Lake County, Florida (the “**Effective Date**”) and, unless earlier terminated in accordance herewith, shall end on the date that is two (2) years after the Effective Date (the “**Expiration Date**”). The term of this Agreement may be extended once for a period of one (1) year if (i) requested by Applicant by delivering a sworn affidavit to School Board, no later than thirty (30) days prior to the Expiration Date, that demonstrates Applicant’s good faith efforts to obtain all development approvals required to proceed with the Project, and (ii) School Board and Local Government, in their reasonable discretion, agree to extend the term of this Agreement. Any extension of this Agreement shall be evidenced by an Amendment to this Agreement signed by Applicant, School Board, and Local Government and recorded, at Applicant’s sole expense, in the public records of Lake County, Florida.
4. **Mitigation Payment.** The Applicant shall pay to School Board the cost to mitigate the Capacity Deficit as follows:
 - a. **Amount.** Applicant’s proportionate share mitigation payment is Two Million Two Hundred Thirty-One Thousand One Hundred Sixty-Eight and 00/100 Dollars (\$2,231,168.00 USD) (the “**Mitigation Payment**”). The Mitigation Payment is the product of the Capacity Deficit multiplied by the applicable Cost of the Student Station (i.e. $64 \times \$34,862.00 = \$2,231,168.00$).
 - b. **Due Date.** The Mitigation Payment shall be made in connection with, and as a condition to, prior to the recording of the plat for each phase of the Project (in each case, as the context may require, the “**Due Date**”), with the amount of the Mitigation Payment being allocated proportionately across all phases. This provision shall survive the expiration of this Agreement. By way of example, if the phase 1 plat contains 173 residential dwelling units, then the Proportionate Share Mitigation payment due prior to the recording of such plat would be \$688,043.00 ($173/561 \times \$2,231,168$). The remaining phases would be as follows:

Phase 2 (198 units):	\$787,471.00
Phase 3 (190 units):	<u>\$755,654.00</u>
Total:	\$2,231,168.00

In the event that the final plat or site plan approved by the LOCAL GOVERNMENT results in less than five hundred sixty-one (561) residential single-family dwelling units, then the estimated Proportionate Share Mitigation set forth above will be adjusted accordingly based on the final number of residential dwelling units (lots) approved for the Project by LOCAL GOVERNMENT.

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

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

6. **Termination.** This Agreement shall be terminable at the School Board's option if (a) the Local Government does not issue final site plan approval for Phase 1 of the Project within nine (9) months of the Effective Date of this Agreement, or (b) Applicant fails to fully pay the Mitigation Payment when due hereunder and such breach remains uncured for a period of thirty (30) days. Provided, however, with respect to clauses (a) and (b) of the preceding sentence (collectively, the "**Termination Conditions**"), prior to exercising the termination right set forth herein, the School Board shall provide written notice of its election to terminate this Agreement as a result of the failure of the foregoing Termination Conditions, and provide Applicant with the reasonable opportunity to cure the same for a period of not less than thirty (30) days, following which, and provided that the Termination Conditions remain unsatisfied, the School Board may terminate this Agreement upon written notice to Applicant.

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

8. **Acknowledgements.** Applicant, School Board, and Local Government each hereby acknowledge and agree that (a) this Agreement constitutes a legally binding commitment, pursuant to Section 163.3180, Florida Statutes, to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the Project, (b) this Agreement does not constitute, and shall not be construed as, a development permit, development agreement, development order, or any other instrument or governmental act permitting the development of the Property, and (c) development of the Property and the Project is and shall remain subject to all land development rules, regulations, and approvals of Local Government and all other governmental bodies, agencies, or authorities having jurisdiction over development of the Property or the Project.

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

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

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

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

If to Applicant:	TLC Whitemarsh, LLC Attn: Stephen Orosz 605 Commonwealth Avenue Orlando, Florida 32803 Email contact: sorosz@hcpland.com
------------------	--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Remainder of Page Left Blank Intentionally

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

TLC WHITEMARSH, LLC
a limited liability corporation

By: _____
Stephen Orosz
As: Registered Agent

Date: 11-21-23

The School Board of Lake County, Florida

By: Mollie Cunningham
Mollie Cunningham, Board Chair

Date: 12-11-2023

Approved as to form:

School Board Attorney

Attest:

Diane S. Kornegay
Diane S. Kornegay, Superintendent

City of Leesburg, Florida

By: _____

Date: _____

Approved as to form:

City Attorney

Attest:

J. Andi Purvis, City Clerk

Exhibit A – Legal Description

PARCEL 1:

The Northeast 1/4 of the Southeast 1/4 of Section 34, Township 20 South, Range 24 East, Lake County, Florida, LESS the North 15 feet thereof.

PARCEL 2:

The North 15 feet of the Northeast 1/4 of the Southeast 1/4 of Section 34, Township 20 South, Range 24 East, Lake County, Florida.

PARCEL 3:

The North 1/2 of the Southwest 1/4 lying West of the Falatlakaha Creek (also spelled Palatlakaha) and the South 1/2 of the South 1/2 of the Northwest 1/4 lying West of the Falatlakaha Creek (also spelled Palatlakaha), all in Section 35, Township 20 South, Range 24 East, Lake County, Florida, lying West of Sunshine State Parkway, LESS that portion conveyed to the Florida State Turnpike Authority in Book 212, Page 415.

PARCEL 4:

That part of the South 1/2 of the South 1/2 of Section 35, Township 20 South, Range 24 East, Lake County, Florida, lying West of the right of way of the Sunshine State Parkway, established in Official Records Book 220, Page 31, Lake County, Florida.

AND LESS that part conveyed in Official Records Book 399, Page 942, being more particularly described as follows:

From the South 1/4 corner of Section 35, Township 20 South, Range 24 East, run South 89°35'00" West along the South line of said Section 35, 37.65 feet; thence North 18°16'30" West for 497.41 feet to the Point of Beginning; run thence South 83°11'00" East for 300 feet; thence North 06°49' East for 274.59 feet to a point on the Southwesterly right of way of Sunshine State Parkway; run thence North 43°58' West along said right of way for 516.25 feet; thence South 06°49' West for 600.94 feet; thence South 83°11'00" East for 100 feet to the Point of Beginning.

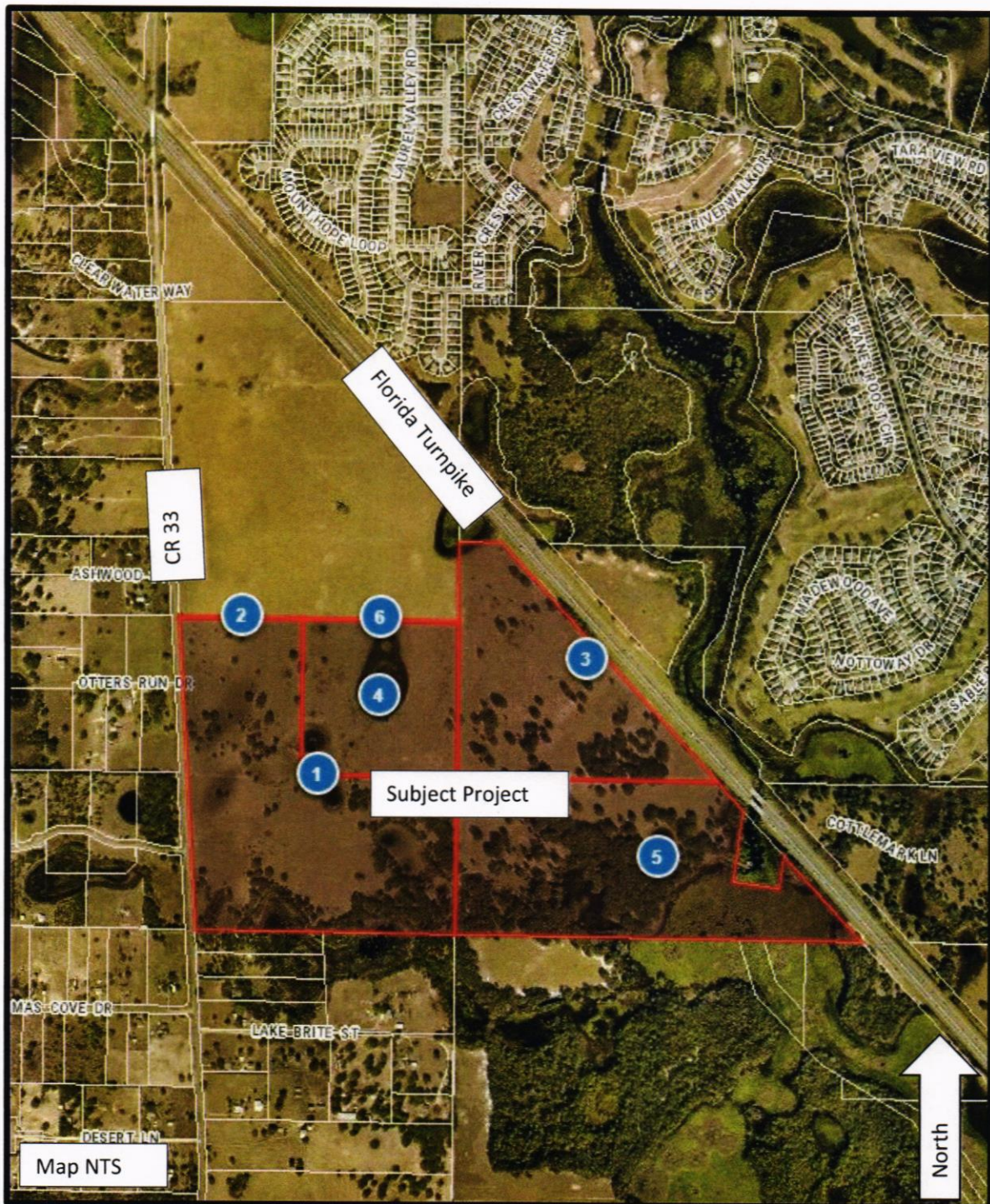
PARCEL 5:

That part of the Northwest 1/4 of the Southeast 1/4, less the North 15 feet thereof, and the South 1/2 of the Southeast 1/4, all in Section 34, Township 20 South, Range 24 East, Lake County, Florida, lying East of the right of way of State Road No. 33.

PARCEL 6:

The North 15 feet of the Northwest 1/4 of the Southeast 1/4 in Section 34, Township 20 South, Range 24 East, Lake County, Florida, lying East of State Road No. 33.

Exhibit B – Location Map



DEVELOPMENT PROGRAM

50' X 125' LOTS = +/- 401 (71%)
 60' X 125' LOTS = +/- 160 (29%)
 TOTAL LOTS = +/- 561 UNITS

PHASE 1
 50' X 125' +/- 114 UNITS
 60' X 125' +/- 59 UNITS
 TOTAL +/- 173 UNITS

PHASE 2
 50' X 125' +/- 158 UNITS
 60' X 125' +/- 40 UNITS
 TOTAL +/- 198 UNITS

PHASE 3
 50' X 125' +/- 129 UNITS
 60' X 125' +/- 61 UNITS
 TOTAL +/- 190 UNITS

HANOVER - PRESERVATION PLACE: PHASING PLAN

COMMUNITY SOLUTIONS

Exhibit D – Proportionate Share Mitigation Payment Form

Section 1	Proportionate Share Mitigation Information
LCS#:	2023-17
Project Title:	Preservation Place
Local Jurisdiction:	Leesburg
Parcel ID's/Alt Keys: (list all parcel identification numbers or alternate keys that apply to this agreement project boundaries)	1035481, 1775302, 1035465, 3884013, 1088224, 1775329
Permit Type: (Plat, preliminary plat or final site plan, final subdivision plan, etc.)	final site plan or final plat, whichever is applicable
Section 2	Applicant Information (to be completed by Applicant for each payment)
Date:	
Name:	
Company/Firm:	
Contact phone number:	
Email Address:	
Section 3	Residential Development Project Information
Plat/Site Plan Title: (as it appears on the document)	Preservation Place
Total Units:	561
Unit Type: SF, MF, MH	Single Family
Section 4	Payment Information
Payment Amount:	\$
Mitigation Review Fee (if applicable):	N/A Previously paid
Total Amount of This Payment	\$



Instructions
Complete form and return with payment to: Lake County Schools Growth Planning Department – Attn: Heather Croney 201 West Burleigh Boulevard Tavares, FL 32778 For more information contact Heather Croney, Growth Planning Department at 352-253-6696 or by email at croneyh@lake.k12.fl.us

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.1.

Meeting Date: January 8, 2024

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

Subject: An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 0.08 +/- acres from City of Leesburg SPUD (Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg P (Public) to resolve an encroachment from 314 Canal Street onto 300 Canal Street, for a property generally located south of Pine Street and east of S Canal Street, lying in Section 26, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (CAC Canal Street RZ)

Staff Recommendation:

Planning and Zoning Staff and Planning Commission recommend approval of the request to rezone the subject property from City of Leesburg SPUD (Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg P (Public) to resolve an encroachment from 314 Canal Street onto 300 Canal Street.

Analysis:

The project site (also known as "Tract B") is approximately 0.08 +/- acres, and is generally located south of Pine Street and east of S Canal Street as shown on the attached maps. At this time, the property contains a portion of the building at 314 Canal Street. The proposal will correct the building encroachment and existing split zoning on Tract B, while the building use at 314 Canal Street will continue. The existing land uses surrounding the property are community service, hospital, vacant residential, commercial, and office. City of Leesburg utilities are available on the property.

The Planning Commission held a public hearing on the application on November 16, 2023, and recommended approval.

Procurement Analysis:

N/A

Options:

1. Approve the proposed rezoning to P (Public); or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

No fiscal impact is anticipated as a result of this request.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 0.08 +/- ACRES FROM CITY OF LEESBURG SPUD (PLANNED UNIT DEVELOPMENT) AND R-3 (HIGH DENSITY RESIDENTIAL) TO CITY OF LEESBURG P (PUBLIC) TO RESOLVE AN ENCROACHMENT FROM 314 CANAL STREET ONTO 300 CANAL STREET, FOR A PROPERTY GENERALLY LOCATED SOUTH OF PINE STREET AND EAST OF S CANAL STREET, LYING IN SECTION 26, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CAC CANAL STREET RZ)

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

Section 1.

Based upon the petition of M. Meredith Kirste, P.A. (Kirste Law, Petitioner) for Lake Sumter Children's Advocacy Center, Inc., of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from City of Leesburg SPUD (Planned Unit Development) and R-3 (High Density Residential) to City of Leesburg P (Public) to-wit:

(Legal Description)
(See Exhibit A)

Section 2.

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

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 8th day of January 2024.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

CAC Canal Street – East of Canal Street and south of Pine Street.
RZ-23-XXX; Lot Line Deviation
AK#s: 1804787, 2940760
Parent Parcel Legal Descriptions Sourced from Lake County Property Appraiser
Tract B Legal Description Provided by Applicant
Tuesday, September 19, 2023

PARENT PARCELS LEGAL DESCRIPTION

(Sourced from Lake County Property Appraiser)

AK #: 1804787 (Existing Tract B Parent)

LEESBURG LOTS 8, 9, BEG AT A POINT 123 FT N OF SW COR OF LOT 11 BLK 56, RUN N 120 FT, SE'LY ALONG SAID RR R/W W 185 FT, THENCE W'LY 141 FT TO POB--LESS RR R/W--THAT PART OF ACL RR R/W DESCRIBED AS FOLLOWS: FROM NW COR OF LOT 9 BLK 56 IN CITY OF LEESBURG RUN S 88-06-56 E 12 FT ALONG N BOUNDARY OF SAID LOT 9 TO E R/W LINE OF CANAL STREET, S 01-51-07 W ALONG SAID E R/W LINE OF CANAL STREET A DIST OF 122.19 FT TO A POINT ON N'LY R/W LINE OF FORMER ACL RR R/W ASTOR BRANCH & POB, FROM SAID POB, BEING A POINT ON A CURVE CONCAVE SW'LY HAVING A RADIUS OF 1037.51 FT TO WHICH A RADIAL LINE BEARS N 36-18-04 E, THENCE SE'LY ALONG SAID CURVE & N'LY R/W THRU A CENTRAL ANGLE OF 10-58-17, AN ARC DIST OF 198.67 FT TO A POINT ON S BOUNDARY OF SAID LOT 8 BLK 56 IN CITY OF LEESBURG, N 88-03-40 W ALONG SAID S LINE 44.71 FT TO A POINT ON THE S'LY R/W LINE OF SAID RR, SAID POINT BEING A POINT ON A CURVE CONCAVE SW'LY HAVING A RADIUS OF 950.54 FT TO WHICH A RADIAL LINE BEARS N 44-44-16 E, THENCE NW'LY ALONG SAID CURVE & S'LY R/W THRU A CENTRAL ANGLE OF 08-18-19, AN ARC DIST OF 137.79 FT TO A POINT ON E'LY R/W LINE OF CANAL STREET, THENCE N 01-51-07 E 41.13 FT ALONG SAID E'LY R/W LINE TO POB ORB 2464 PG 979 ORB 3852 PG 2146 ORB 3872 PG 2250 ORB 3984 PG 827 ORB 5154 PG 2493

AK #: 1265606 (Proposed Tract B Parent)

LEESBURG LOT 11 BLK 56 LYING SW'LY OF ACL RR--LESS S 45 FT & LESS BEG AT A POINT 123 FT N OF SW COR OF LOT 11 BLK 56, CONT N TO NW COR OF LOT 11 BLK 56, E ALONG SAID N LINE OF LOT 11 TO SW'LY LINE OF ACL RR, SE'LY ALONG SAID RR R/W TO A POINT E OF POB, W TO POB--PB 2 PG 19 ORB 1741 PG 2004 ORB 1870 PG 2053

TRACT B LEGAL DESCRIPTION

(Provided by Applicant)

**TRACT B
LOT 11, BLOCK 56, CITY OF LEESBURG, ACCORDING TO THE MAP OR
PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC
RECORDS OF LAKE COUNTY, FLORIDA, LYING SOUTHWESTERLY OF THE
ABANDONED A.C.L. RAILROAD RIGHT OF WAY; LESS THE SOUTH 123
FEET AND LESS THE RIGHT OF WAY FOR CANAL STREET.**

Aerial



**Planning
& Zoning
Division**



CAC Canal Street Tract B RZ

RZ-23-454

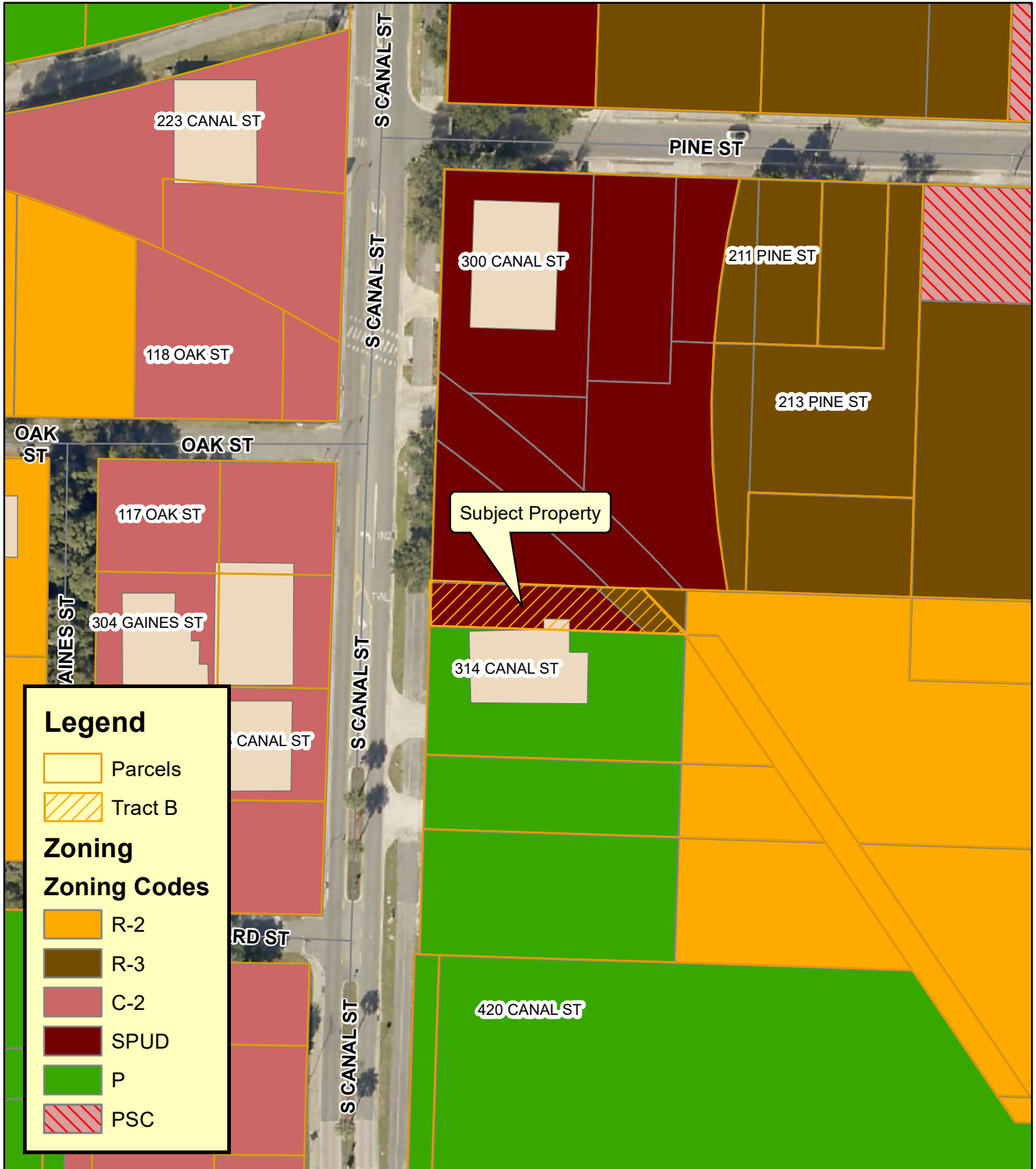
AK #: 1804787

300 S Canal Street, Tract B, Leesburg, FL 34748

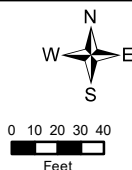
Section 26, Township 19 South, Range 24 East

September 19, 2023

Zoning



**Planning
& Zoning
Division**



CAC Canal Street Tract B RZ

RZ-23-454

AK #: 1804787

300 S Canal Street, Tract B, Leesburg, FL 34748

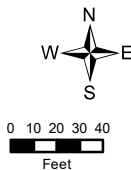
Section 26, Township 19 South, Range 24 East

September 19, 2023

Proposed Zoning

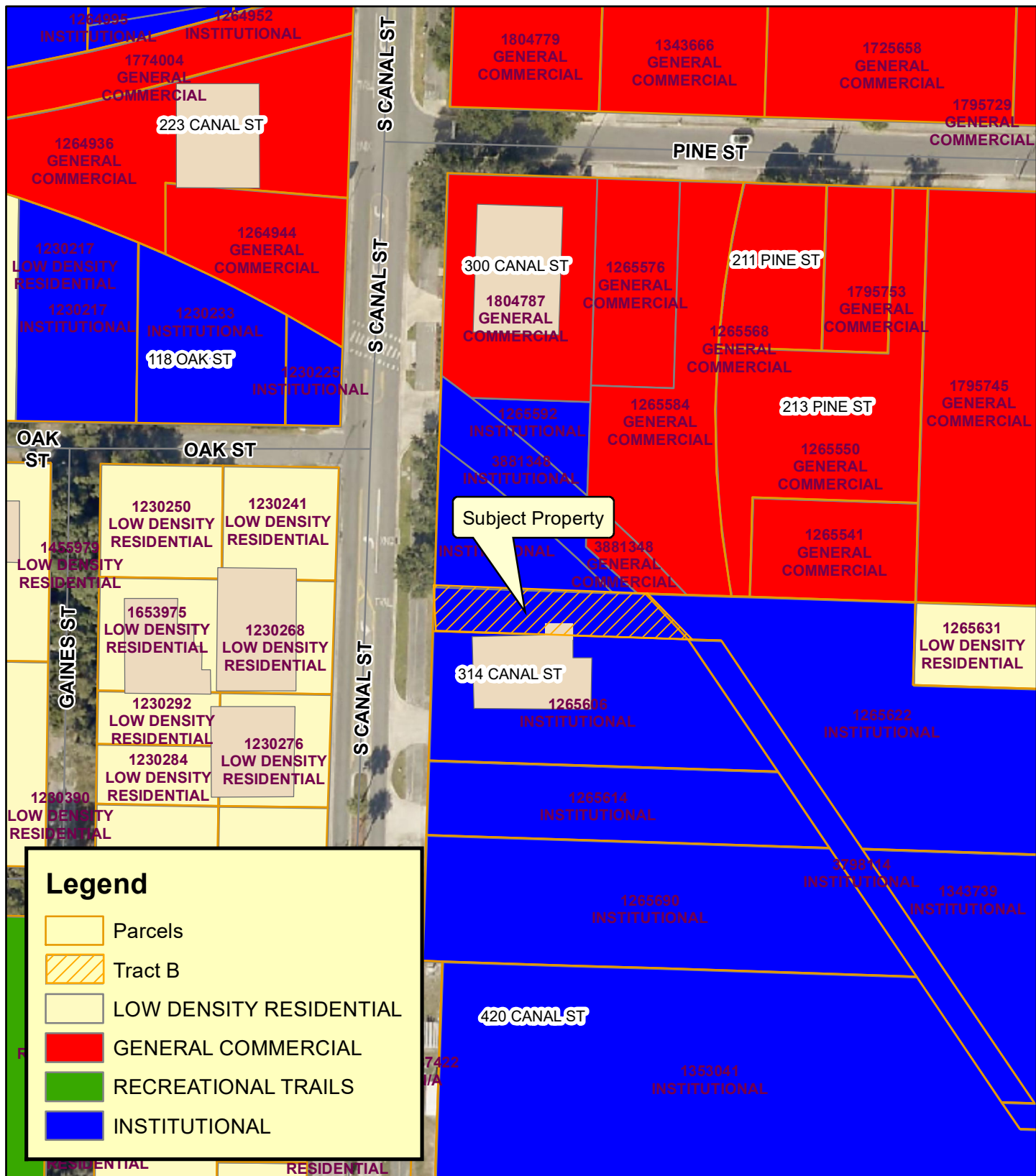


**Planning
& Zoning
Division**

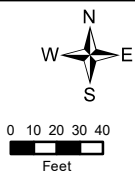


CAC Canal Street Tract B RZ
RZ-23-454
AK #: 1804787
300 S Canal Street, Tract B, Leesburg, FL 34748
Section 26, Township 19 South, Range 24 East
September 20, 2023

Future Land Use



Planning & Zoning Division

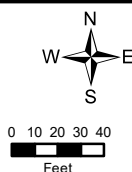


CAC Canal Street Tract B RZ
RZ-23-454
AK #: 1804787
300 S Canal Street, Tract B, Leesburg, FL 34748
Section 26, Township 19 South, Range 24 East
September 19, 2023

Surrounding Land Uses

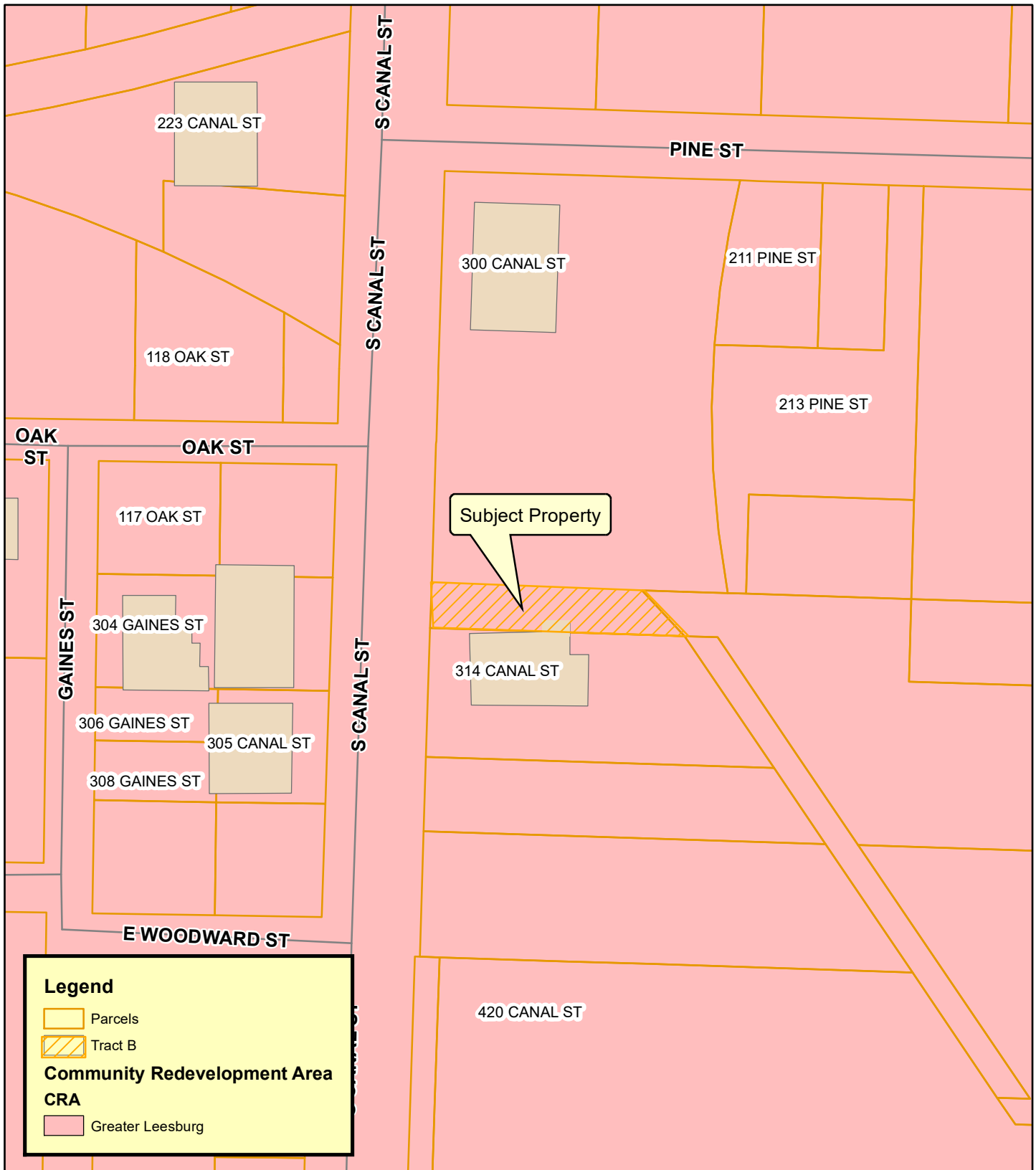


**Planning
& Zoning
Division**

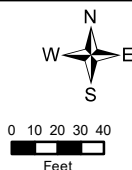


CAC Canal Street Tract B RZ
RZ-23-454
AK #: 1804787
300 S Canal Street, Tract B, Leesburg, FL 34748
Section 26, Township 19 South, Range 24 East
September 20, 2023

Community Redevelopment Area



**Planning
& Zoning
Division**

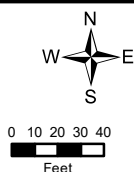


CAC Canal Street Tract B RZ
 RZ-23-454
 AK #: 1804787
 300 S Canal Street, Tract B, Leesburg, FL 34748
 Section 26, Township 19 South, Range 24 East
 September 19, 2023

Flood Zone and Wetlands

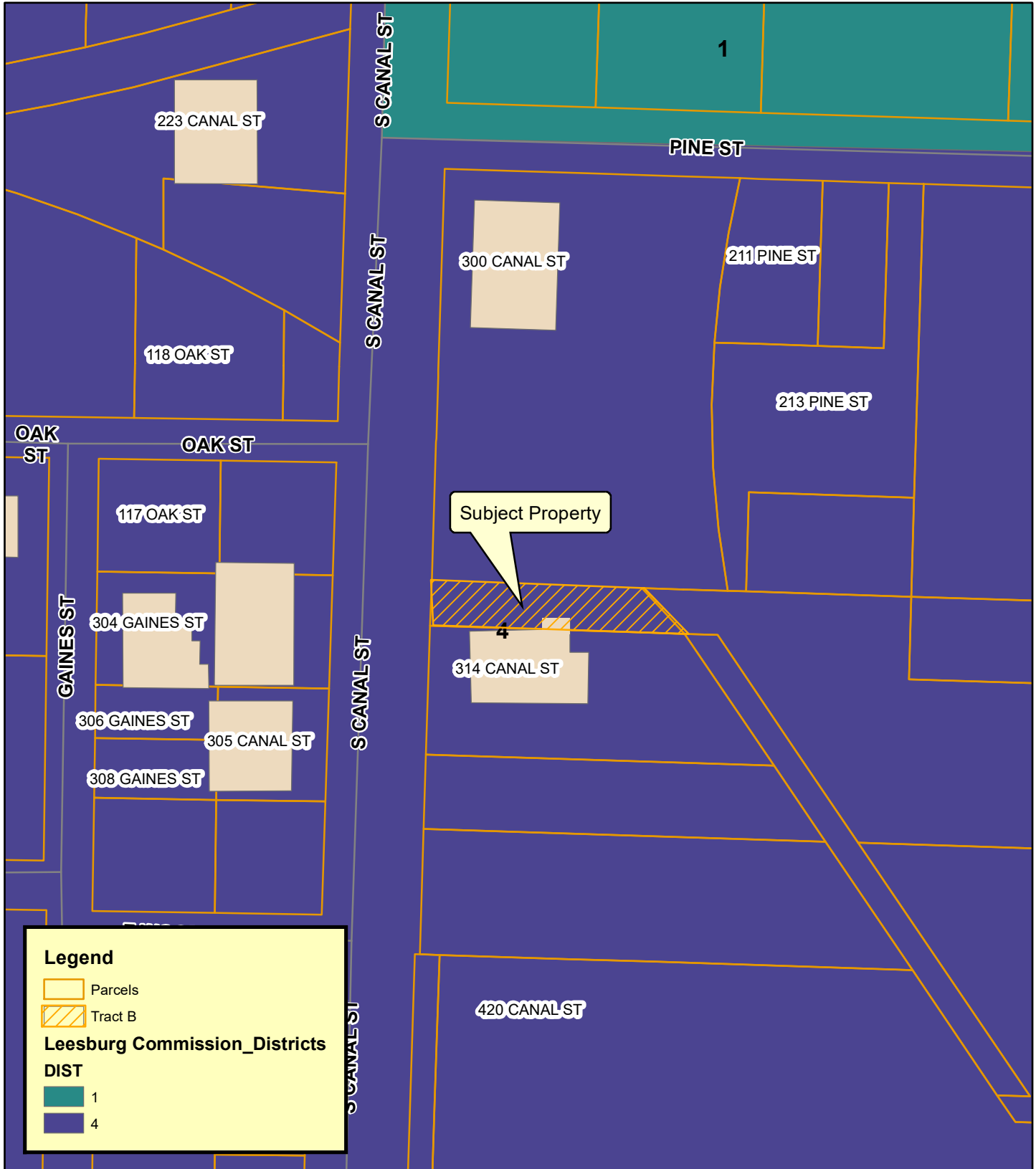


**Planning
& Zoning
Division**

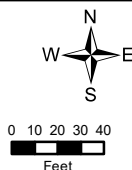


CAC Canal Street Tract B RZ
 RZ-23-454
 AK #: 1804787
 300 S Canal Street, Tract B, Leesburg, FL 34748
 Section 26, Township 19 South, Range 24 East
 September 19, 2023

Commission District



**Planning
& Zoning
Division**



CAC Canal Street Tract B RZ

RZ-23-454

AK #: 1804787

300 S Canal Street, Tract B, Leesburg, FL 34748

Section 26, Township 19 South, Range 24 East

September 19, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.2.

Meeting Date: January 8, 2024

From: Ann Kinsey, (Building Official)

Subject: An Ordinance of the City of Leesburg, Florida amending the City Code of Ordinances by modifying Chapter 7, Article II - "Building Standards" and Chapter 10, Article II - "Fire Protection and Prevention" to conform with revised Florida Building Code - Eighth Edition (2023); providing for severability; providing for conflicts; and providing an effective date.

Staff Recommendation:

Staff recommends passing this update of the existing Ordinance No. 20-01, as the existing version (2020) of the code cycle will be out of date December 31, 2023 per Florida Statutes.

Analysis:

Every three years, the State of Florida adopts a new Building Code per Florida Administrative Code 61G20. This is the Ordinance Amendment for the City of Leesburg Building Department to officially adopt by ordinance the 2023 Florida Building Code (8th edition), the 2023 Florida Fire Prevention Code (8th edition), the National Electric Code 2020, and the 2021 International Property Maintenance Code with all subsequent additions, deletions, amendments and supplements as adopted by the State of Florida. This will officially recognize the State of Florida's standard for building and property maintenance. On December 31, 2023, the State of Florida will require permit compliance with the Florida Building Code 2023 (8th edition) and related documents. Therefore, the Leesburg, Florida municipal code needs to be modified to adopt this new edition as well. This will keep the city in compliance with state statutes. In addition, this new code version has multiple sections of the code which are listed as "Reserved", which are sections to be filled by the local building official. These sections have been copied largely from the Building Officials Association of Florida recommendations for code compliance, utilizing their attorneys, and in coordination with several other city jurisdictions and Lake County, FL to ensure they are consistent with the intentions of the building code. Finally, these additions will continue to reduce the number of permits required, as it exempts most residential fences, small sheds without electricity, and small commercial tents without electricity. City legal counsel has read and accepted these updates.

Procurement Analysis:

N/A

Options:

1. Adopt and approve the ordinance update as presented; or

2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

N/A

ORDINANCE NO. 2023-_____

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA
AMENDING THE CITY CODE OF ORDINANCES BY
MODIFYING CHAPTER 7, ARTICLE II – “BUILDING
STANDARDS” AND CHAPTER 10, ARTICLE II – “FIRE
PROTECTION AND PREVENTION” TO CONFORM WITH
REVISED FLORIDA BUILDING CODE -EIGHTH EDITION
(2023); PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, the City of Leesburg, Florida has previously adopted the Seventh Edition of the Florida Building Code (2020) as the Building Code for the City;

WHEREAS, the Eighth Edition of Florida Building Code has now been adopted as the Building Code for the State of Florida;

WHEREAS, the City Commission and staff have identified areas of the Florida Building Code that require modification to implement the latest edition of the Code; and

WHEREAS, the City Commission has determined that it is in the best interest of the City and its residents, business owners, and visitors to adopt most recent version of the Florida Building Code as the Building Code for the City of Leesburg, subject to the modifications set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are adopted and incorporated herein by reference.

Section 2. Text Amendment. Chapter 7, Article II, of the City of Leesburg Code of Ordinances is hereby amended to read as follows:

(NOTE: Underlined words constitute additions to the original text of the Code of Ordinances; strikethroughs constitute deletions to the original text of the Code of Ordinances; and asterisks (***) indicate omission from the original text of the Code of Ordinances which is intended to remain unchanged.)

ARTICLE II. - BUILDING STANDARDS

Sec. 7-16. Building code adopted.

The 2023~~0~~ ~~Seventh~~ Eighth Edition of the Florida Building Code, effective as of December 31, ~~2020~~ 2023, and associated texts, is adopted as the Building Code for the City

of Leesburg, Florida. It is comprised of the following elements, including all annexes and references stated therein:

- (1) Florida Building Code- Building.
- (2) Florida Building Code—Residential.
- (3) Florida Building Code—Accessibility.
- (4) Florida Building Code—Energy Conservation.
- (5) Florida Building Code—Existing Buildings.
- (6) Florida Building Code—Mechanical.
- (7) Florida Building Code—Plumbing.
- (8) Florida Building Code—Fuel Gas.
- (9) ~~2017~~ 2020 National Electric Code.
- (10) Florida Fire Prevention Code (8th Edition includes the 2021 NFPA 1 and 101).
- (11) ~~2018~~ 2021 International Property Maintenance Code.
- (12) 2021 International Swimming Pool and Spa Code.

Modifications:

This code cycle has multiple areas listed as "Reserved", which means the local Building Official can set the code requirements for these sections. Some of the more static code issues are listed below. For any not stated here, the Design Professional of the project should consult the ~~2018~~ 2021 version of the International Code Council Building Codes ~~and the 2017 version of the Florida Building Codes~~ for design guidance on the intent of the code and discuss any questions with the Building Official.

1. [A] 101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. All appendices A-~~OM~~ are adopted, with the following modification: H111.2 (where wall signs attached to masonry and similar type walls, fasteners) ...shall be engineered per the Design Professional.

2. 101.2.2 Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

3. 101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

4. 101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

5. [A] 101.4.4 Property maintenance. (~~2018~~2021 International Property Maintenance Code) The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

6. [A] 101.4.5 Fire prevention. For provisions related to fire prevention, refer to the Florida Fire Prevention Code. The Florida Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

7. 102.2 Building. The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building. The following buildings, structures and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

(a) Building and structures specifically regulated and preempted by the federal government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Sections 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie-down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.

(f) Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(i) Family mausoleums not exceeding 250 square feet (23 m²) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(k) A building or structure having less than 1,000 square feet (93 m²) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;
2. Is not located within the 100-year flood plain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
3. Is not connected to an off-site electric power or water supply.

(l) A drone port as defined in FS 330.41(2).

8. 102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

(a) The building or structure is structurally sound and in occupiable condition for its intended use;

(b) The occupancy use classification for the building or structure is not changed as a result of the move;

(c) The building is not substantially remodeled;

(d) Current fire code requirements for ingress and egress are met;

(e) Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and

(f) Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the Florida Building Code, Building for all residential buildings or structures of the same occupancy class.

(See Florida Building Code, Existing Building Chapter 13 for additional requirements for Relocated or Moved Buildings)

9. 102.2.5 Each enforcement district or local enforcement agency shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:

a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition, alteration or repair shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.

b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.

c. Building plans review and inspection fees.

However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.

Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

108.[A] 102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

119. [A] 102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Florida Building Code, Existing Building, ~~2018~~2021 International Property Maintenance or the Florida Fire Prevention Code.

120. [A] 102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Florida Fire Prevention Code, ~~2018~~ 2021 International Property Maintenance Code or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

13. 102.7 Relocation of manufactured buildings.

(a) Relocation of an existing manufactured building does not constitute an alteration.

(b) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the Florida Building Code (on or after March 1, 2002), the wind speed map of the Florida Building Code shall be applicable.

(c) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

141. 103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

152. 103.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

163. 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as

delegated by the building official. For the maintenance of existing properties, see the 2018 2021 International Property Maintenance Code.

~~174.~~ [A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

~~185.~~ [A] 104.2 Applications and permits. The building official's office shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

~~196.~~ 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

~~2047.~~ [A] 104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

~~2148.~~ [A] 104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

~~2249.~~ [A] 104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

~~2320.~~ [A] 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises

and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

~~2424.~~ [A] 104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

~~2522.~~ 104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

~~2623.~~ [A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

~~2724.~~ [A] 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

~~2825.~~ 104.10.1 Flood hazard areas. The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

~~2926.~~ 104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the building official.

~~3027.~~ [A] 105.1.2 Annual Facility permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit.

The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

3128. [A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

Building:

- One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m2).
- Oil derricks.
- Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
- Sidewalks and driveways not more than 4 inches (102 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- Temporary motion picture, television and theater stage sets and scenery.
- Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground with plug-in filter and no hard piping to house.
- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- Swings and other playground equipment accessory to detached one- and two-family dwellings.
- Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support, of Groups R-3 and U occupancies.
- Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- Construction listed on current City of Leesburg brochure for items not needing permits.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

- Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

~~3229.~~ [A] 105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

~~3330.~~ 105.3.1.2 No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

(a)~~1.~~ Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.

(b)~~2.~~ Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 Florida Statutes, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.

(c)~~3.~~ Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-, two-, three-, or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building

accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower, this is considered to be an 18-ton system.

Note: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

(d)4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

Exception:

Simplified permitting processes.

(1) As used in this section, the term:

a. "Component" means valves, fire sprinklers, escutcheons, hangers, compressors, or any other item deemed acceptable by the local enforcing agency. For purposes of this paragraph, a valve does not include pressure-regulating, pressure-reducing, or pressure-control valves.

b. "Contractor" means a person who:

1. Is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489, Florida Statutes; or

2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

c. "Fire alarm system project" means a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.

d. "Fire sprinkler system project" means a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building. For purposes of this paragraph, a component is equivalent if the component has the same or better characteristics, including electrical, hydraulic, pressure losses, and required listings and spacing as the component being replaced.

(2) a. A local enforcement agency may require a contractor, as a condition of obtaining a permit for a fire alarm system project or fire sprinkler system project, to submit a completed application and payment.

b. A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a permit for a fire alarm system project or fire sprinkler system project.

(3) A local enforcement agency must issue a permit for a fire alarm system project or fire sprinkler system project in person or electronically.

(4) A local enforcement agency must require at least one inspection of a fire alarm system project or fire sprinkler system project to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

(5) a. For a fire sprinkler alarm system project, a contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.

b. For a fire sprinkler system project to alter an existing fire protection system, a contractor must keep a copy of the plans and specifications at the fire sprinkler system project worksite and make such plans and specifications available to the inspector at each inspection.

c. For a fire sprinkler system project to install or replace a component, a contractor must keep a copy of the manufacturer's installation instructions and any pertinent testing instructions needed to certify or accept the component at the fire sprinkler system project worksite and make such documents available to the inspector at each inspection.

(e)5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, requires an electrical system with a value of over \$125,000; and Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system; NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, Florida Statutes.

(f)6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes.

3434. [A] 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

3532. 105.3.89 Public right of way. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

3633. 105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority

to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.

37. 105.4.1.5 After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local enforcing agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permitholder in writing.

3834. 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.

3935. 105.5.1 Additional options for closing a permit. Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

(a)1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

(b)2. The property owner may assume the role of an owner- builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.

(c)3. If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.

(d)4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term "close" means that the requirements of the permit have been satisfied.

~~4036.~~ 105.5.2 For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official.

~~4137.~~ 105.5.3 For the purposes of this subsection, an open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1.

~~4238.~~ 105.6.1 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm's-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

~~4339.~~ 105.6.2 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed. A local enforcement agency has the authority to deny a new permit application from an applicant for other reasons.

~~4440.~~ 105.15 Opening protection. When any activity requiring a building permit, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind-borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or Florida Building Code, Residential for new construction shall be provided.

Exception: Where defined wind-borne debris regions have not changed, single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

~~4544.~~ [A] 107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

4642. 107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

4743. [A] 107.3 Examination of documents. The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), Florida Statutes, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.

2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the building official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

4844. [A] 107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

4945. [A]107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the cover sheet or first page of the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

5046. 107.3.5 Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

Building:

1. Site requirements:

Parking Fire access

Vehicle loading

Driving/turning radius

Fire hydrant/water supply/post indicator valve (PIV)

Set back/separation (assumed property lines)

Location of specific tanks, water lines and sewer lines

Flood hazard areas, flood zones, and design flood elevations

2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).

3. Minimum type of construction shall be determined (see Table 503).

4. Fire-resistant construction requirements shall include the following components:

Fire-resistant separations

Fire-resistant protection for type of construction

Protection of openings and penetrations of rated walls

Fireblocking and draftstopping and calculated fire resistance

5. Fire suppression systems shall include:

Early warning smoke evacuation systems

Schematic fire sprinklers

Standpipes

Pre-engineered systems

Riser diagram.

6. Life safety systems shall be determined and shall include the following requirements:

- Occupant load and egress capacities
- Early warning
- Smoke control
- Stair pressurization
- Systems schematic
- 7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways
- 8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Impact resistant coverings or systems
 - Structural calculations (if required)
 - Foundation
 - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage- resistant materials
 - Wall systems
 - Floor systems
 - Roof systems
 - Threshold inspection plan
 - Stair systems
- 9. Materials shall be reviewed and shall at a minimum include the following:
 - Wood
 - Steel
 - Aluminum
 - Concrete
 - Plastic
 - Glass

Masonry

Gypsum board and plaster Insulating (mechanical)

Roofing

Insulation

Building envelope portions of the Energy Code (including calculation and mandatory requirements)

10. Accessibility requirements shall include the following:

Site requirements

Accessible route

Vertical accessibility

Toilet and bathing facilities

Drinking fountains

Equipment

Special occupancy requirements

Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)

Light and ventilation (including corresponding portion of the energy code)

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

Electrical:

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment

3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Design flood elevation

Plumbing:

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser
14. Design flood elevation
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

Mechanical:

1. Mechanical portions of the Energy calculations
2. Exhaust systems: Clothes dryer exhaust

Kitchen equipment exhaust

Specialty exhaust systems

3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation

17. Smoke and/or Fire Dampers

Gas:

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

Demolition:

1. Asbestos removal

Residential (one- and two-family):

1. Site requirements:

Set back/separation (assumed property lines) Location of septic tanks

2. Fire-resistant construction (if required)
3. Fire
4. Smoke and/or carbon monoxide alarm detector locations
5. Egress:

Egress window size and location stairs construction requirements

6. Structural requirements shall include:

Wall section from foundation through roof, including assembly and materials
connector tables wind requirements structural calculations (if required)

Termite protection

Design loads

Wind requirements

Building envelope

Foundation

Wall systems

Floor systems

Roof systems

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations,
enclosures, equipment, and flood damage-resistant materials

7. Accessibility requirements:

Show/identify

Accessible bath

8. Impact resistant coverings or systems

9. Residential Energy Code submittal (including calculation and mandatory requirements)

Manufactured buildings/housing:

1. Site requirements

Setback/separation (assumed property lines)

Location of septic tanks (if applicable)

2. Structural

Wind zone

Anchoring

Blocking

3. Plumbing

List of potable water source and meter size (if applicable)

4. Mechanical

Exhaust systems

Clothes dryer exhaust

Kitchen equipment exhaust

5. Electrical exterior disconnect location

Exemptions: Plans examination by the building official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.

2. Reroofs

3. Minor electrical, plumbing and mechanical repairs

4. Annual maintenance permits

5. Prototype plans:

Except for local site adaptations, siding, foundations and/or modifications.

Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

51. 107.7 Review Audits. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to

the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

5247. 109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance

5348. [A] 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the building official as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the building official that shall be in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

5449. [A] 109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

5550. [A] 109.6 Refunds. The building official is authorized to establish a refund policy.

5654. [A] 110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain exposed and provided with access for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The building official shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined

in the field. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

~~5752.~~ 110.1.1 Manufacturers and fabricators. When deemed necessary by the building official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

~~5853.~~ 110.1.2 Inspection service. The building official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

~~5954.~~ [A] 110.3 Required inspections. The building official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:

- Stem-wall
- Monolithic slab-on-grade
- Piling/pile caps
- Footers/grade beams

~~1.1.~~——Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

~~1.2.~~——A foundation/form board survey prepared and certified by a Florida licensed professional surveyor and mapper may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

~~1.3.~~——In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the authority having jurisdiction.

2.——Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components:

- Window/door framing
- Window U-factor/SHGC (as indicated on approved energy calculations)
- Vertical cells/columns
- Lintel/tie beams
- Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- Draftstopping/fireblocking
- Curtain wall framing
- Energy insulation (Insulation R-factor as indicated on approved energy calculations)
- Accessibility
- Verify rough opening dimensions are within tolerances.
- Window/door buck attachment

2.1——Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.

2.2——Lath and gypsum board inspection for fire-resistance rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before ant plastering is applied or gypsum board joints and fasteners are taped and finished.

3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- Roof sheathing
- Wall sheathing
- Continuous air barrier
- Exterior siding/cladding
- Sheathing fasteners
- Roof/wall dry-in

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

5.——Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:

- Dry-in

- Insulation
- Roof coverings (including In Progress as necessary)
- Insulation on roof deck (according to submitted energy calculation)
- Flashing

5.1—Re-roof sheathing and flashing/underlayment inspections. In progress inspections or a city An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the building official.

6—Final inspection. To be made after the building is completed and ready for occupancy.

6.1—In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.

7—Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.

- a. Steel reinforcement inspection
- b. Underground electric inspection
- c. Underground piping inspection including a pressure test.
- d. Underground electric inspection under deck area (including the equipotential bonding)
- e. Underground piping inspection under deck area
- f. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place.
- g. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
- h. Final pool piping.
- i. Final Electrical inspection
- j. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17 of this code.

8—Demolition inspections. First inspection to be made after all utility connections have been dis- connected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations. Final inspection to be made after all demolition work is completed.

9—Manufactured building inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility cross- overs; utility connections from the building to utility lines on site; and any other work done on site

which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).

~~•10.~~—Where impact-resistant coverings or impact-resistant systems are installed, the building official shall schedule adequate inspections of impact-resistant coverings or impact-resistant systems to determine the following:

The system indicated on the plans was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

~~•1.~~Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

~~•2.~~Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.

Includes plumbing provisions of the energy code and approved energy calculation provisions.

~~•3.~~Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

Plumbing

~~•1.~~—Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

~~•2.~~—Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

Includes plumbing provisions of the energy code and approved energy calculation provisions.

~~•3.~~—Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the Florida Building Code, Plumbing for required tests.

Mechanical

~~•1.~~—Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

~~•2.~~—Rough-in inspection. To be made after the roof, framing, fireblocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

Includes mechanical provisions of the energy code and approved energy calculation provisions.

•3.——Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

•1.——Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

Includes gas provisions of the energy code and approved energy calculation provisions.

•2.——Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

•3.——Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris

•1.——The contractor and/or owner of any active or inactive construction project shall be responsible for the clean- up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.

2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

60.55.——[A] 110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

61.56.——[A] 110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

62.57.——[A] 110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 and Section R322 of the Florida Building Code, Residential, shall be submitted to the building official.

~~63.58.~~—[A] 110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

~~64.59.~~—[A] 110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

~~65.~~ [A] 110.3.10 Special inspections. See 110.3.9.

~~66.60.~~—110.3.11 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

~~67.61.~~—110.3.11.1 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.5 and Section R322 of the Florida Building Code, Residential, shall be submitted to the building official prior to the final inspection.

~~68.62.~~—110.3.11.2 Commercial Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

~~69.63.~~—110.3.11.3 Residential Energy Code documentation. If required by energy code path submittal (R405), confirmation that the duct test requirements shall be received by building official.

~~70.64.~~—[A] 110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

71. 110.9.1 General. The Legislature finds that maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

72. 110.9.2. As used in this section, the terms:

(a) “Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, Florida Statutes, by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition

of an existing building is in compliance with the Florida Building Code or the firesafety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.

(b) “Substantial structural deterioration” means substantial structural distress or substantial structural weakness that negatively affects a building’s general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

73. 110.9.3. Inspection Guide.

(a) An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718, Florida Statutes, or a residential cooperative under chapter 719, Florida Statutes, must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building’s initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building’s initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building’s certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

(c) The local enforcement agency may extend the date by which a building’s initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

(d) The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in Section 110.9.9. The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building’s

subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

74. 110.9.4. The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

75. 110.9.5. Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

76. 110.9.6. Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 110.9.5. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

77. 110.9.7. A milestone inspection consists of two phases:

78. 110.9.7.1. For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 110.9.7.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

79. 110.9.7.2. A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to

locations that are the least disruptive and most easily repairable while still being representative of the structure.

If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

80. 110.9.8. Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction.

The inspection report must, at a minimum, meet all of the following criteria:

(a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.

(b) Indicate the manner and type of inspection forming the basis for the inspection report.

(c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.

(d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.

(e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.

(f) Identify and describe any items requiring further inspection.

81. 110.9.9. Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector- prepared summary on the association's website, if the association is required to have a website.

82. 110.9.10. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

83. 110.9.11. A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

84. [A] 111.2 Certificate issued. After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

- a. The building permit number.
- b. The address of the structure.
- c. The name and address of the owner or the owner's authorized agent.
- d. A description of that portion of the structure for which the certificate is issued.
- e. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- f. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the building official.
- g. The name of the building official.
- h. The edition of the code under which the permit was issued.
- i. The use and occupancy, in accordance with the provisions of Chapter 3.
- j. The type of construction as defined in Chapter 6.
- k. The design occupant load.
- l. If an automatic sprinkler system is provided, whether the sprinkler system is required.
- m. Any special stipulations and conditions of the building permit.

85.65.—113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the affected person or agency should consult Florida Statutes 553.775 and apply through the Building Officials Association of Florida, Inc. non-binding interpretations.

86.66.—113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The BOAF board shall have no authority to waive requirements of this code.

~~87.67.~~—113.3 Qualifications. The BOAF board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

~~88.68.~~—114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

~~89.69.~~—114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

~~90.70.~~—114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

~~91.71.~~—114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

~~92.72.~~—116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

~~93.73.~~—116.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

~~94.74.~~—116.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

~~95.75.~~—116.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail

addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

~~96.76.~~—116.5 Restoration. Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

Sec. 7-20. – Permitting process.

(f) A master file may be established upon request for any "model" or prototype plan for a residential single-family or two-family building, accessory structures, and building components. The following shall apply to master files:

(1) One (1) copy of the plans submitted for master file should be submitted electronically with a valid and unlocked digital seal. Architect or Engineer must also submit a signed/sealed master file letter, stating that the master file plans can be copied and used as necessary by a named contractor until the next building code cycle. Master Plans for each model or accessory building shall be updated each time the adopted building codes are updated or as specified by the architect or engineer of record.

(2) Once the plans or drawings have been approved for master file, the building official or designee shall stamp each page. For subdivisions, apartment complexes, etc., eEach time the model, accessory building, or building component is submitted for a building permit, the contractor shall submit cut sheets showing the model, elevation, and any mastered options offered. The appropriate plans will be returned with the permit for construction. For other projects, the approved master filed plans will be returned to the customer, where they can submit them along with the regular documents required for a permit.

(3) No structural changes or modifications shall be made to master file plans without an approved revision. Deviations from the master file plans shall require the submittal and review of revised documents. If any contractor makes changes or modifications to master file plans, the building official or designee shall immediately terminate the contractor's use of the master file system.

(4) Paper and electronic applications to open a master file shall include the following when applicable:

a. One (1) set of engineered plans, which shall be dated, signed and sealed by an architect or engineer registered with the state in accordance to F.S. chs. 481 or 471, respectively. Each such set of plans shall contain a statement by the architect or engineer of record as follows: "This plan is for master file purposes only." The plans shall include the applicable information as specified by section 107 minimum plan review criteria for buildings of the Florida Building Code.

- b. One (1) set of pre-engineered truss drawings, which shall be dated, signed and sealed by an engineer registered with the state per F.S. Ch. 471. The truss drawings shall be designed and engineered for each specific model or accessory building.
- c. If the building plan may be reversed, a separate set of engineering plans and truss drawings shall be submitted for each orientation.
- d. Such additional information must be provided, as the building official may require, to ensure that the plans submitted for master file are complete, including but not limited to, electrical, mechanical, plumbing, window and door information. Energy calculations can be submitted to "worst case" criteria. Product Approval Sheet, gas risers, and other such items may be submitted if the builder so chooses.

(m) When any permit application is submitted to the building division, the application and the applicant's credentials will be verified to ensure they are complete and accompanied by all required information and documentation. Once the application and the applicant's credentials have been verified, the application and all accompanying documents shall be stamped with the date and entered into the permit tracking system. The building division shall not accept any application from a person lacking the proper credentials, nor shall the division accept any application which is not complete or which omits any required information or documentation. If an application is found to be incomplete, the division shall contact the applicant promptly to obtain the missing information and documentation, or in its option the division may return the application to the applicant. Note: when submitting online, applicant is creating a "packet" with a four-digit packet number. The Building Division will only accept the packet and make it a permit with a ten-digit number when all required documentation is submitted. If this packet is returned to the applicant, then the permit itself has not been applied for yet. When submitting paper plans, the Permit Specialist will review applicant's package and if required information is not present, they will give applicant a list of what is required and return the package to them. Again, the permit itself is not applied for yet. Some permit types will owe part of the permit fees at this time, which must be paid before the permit can be accepted.

(n) Upon receiving a permit application and associated documents, processed and deemed complete, the relevant information shall be entered into the permit tracking system and be given a ten-digit permit number, then a copy of the plans, specifications, and comment sheet shall be distributed to other involved parties, depending on the type of improvement being proposed. In all cases, the building official shall be the responsible custodian for all permit documents, throughout the plans examining process.

(o) Each party receiving application documents from the building official shall review them for compliance with the applicable codes and regulations, then return them promptly to the building official, along with a properly completed comment sheet. The building official shall track the process of the review by the various interested parties in the permit tracking system, and assure that all distributed application documents and comment sheets are returned in a timely manner to expedite the application review process. Upon receiving all distributed documents back from the various interested parties, the building official shall determine if the permit may be issued based on the comments received, in accordance with the following criteria:

(1) If any of the returned comment sheets indicate a disapproval, the building official shall promptly inform the applicant of the reason(s) for the disapproval, and maintain an ongoing dialogue with the applicant to facilitate a resolution of the problem. However, if the comments are minor in nature and can easily be provided at a later date, Building Official may choose to issue the permit "with comments", and place an inspection hold until the applicant returns the corrected information as a revision. This allows the Builder to proceed without waiting for the resubmittal to be approved, saving time. If time is not of the essence, Builder has the right to submit the resubmittal before paying for the permit, thereby saving the revision fee.

Sec. 7-181. - Standard Swimming Pool Code adopted; exceptions; modifications.

- (a) Adopted. The ~~2018~~2021 International Swimming Pool and Spa Code is hereby adopted by reference and is incorporated in this section as though set out in full herein, except as modified below:
- (b) Appeals. Chapter 7, sections 7-3, 7-4, and 7-5 of this Code shall govern all appeals in the City of Leesburg.
- (c) Fees: Section ~~1098~~2. "Schedule of Fees": Add Fee Schedule shown in section 7-182 below:
- (d) Modifications:
 - (1) Section 322, Ladders and Recessed Treads, is modified to include the following wording:

"Any notch or cutout step/shelf considered to be a swim out shall not substitute for a ladder or steps at the deep end, unless said swim out is at least 14 inches deep and 36 inches wide with some form of handhold or grasping device and the surface of said shelf is at least 12 inches below the pool water level".
 - (2) Chapter 1, Section ~~113~~4, Violations
 - a. [A] 113.4 Violation Penalties. Modify this section to read: "Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter or demolish any pool structure, or has erected, constructed, altered, repaired or demolished a pool structure in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state law".
 - b. The building official may refer any violation of this Code to the Code Enforcement Board for such action as that board shall deem appropriate. In the alternative, the Building Official may seek injunctive relief.
 - c. In addition to the remedies set forth in subsection (b) above, the building official may refer persons who violate any provision of this Code for prosecution as provided in Section 114 of the Standard Building Code. The remedies provided in the Standard Building Code and in this Code

shall be considered cumulative to one another and not exclusive of one another, and referral of any violation for criminal prosecution as provided in Section 114 of the Standard Building Code shall not preclude enforcement of this Code by any civil means as provided in subsection b. above.

Sec. 7-183. - Setbacks, safety barriers.

(a) Swimming pool setbacks shall be subject to the same zoning rules applied to accessory structures and shall be permitted as governed by zoning regulations set out in other sections of this Code of Ordinances except as modified in (c) [subsections (b) and (c)] below; however, in the ground pools, under any circumstances, shall not be constructed closer than five (5) feet horizontally from any building or structural foundation without appropriate engineered field support of the building foundation and engineered increased strength of the pool walls. A further restriction shall apply to any in the ground pools greater in depth than five (5) feet as follows: the set back from the water's edge of the pool to the building or structural foundation shall be at least the minimum of the planned depth of the pool below ground level i.e.: the planned pool bottom is eight (8) feet deep; therefore, the setback required is eight (8) feet (without appropriate engineered field support of the building foundation and engineered increased strength of the pool walls).

(b) A permanent screen enclosure with code specified door latches shall be judged to be an acceptable barrier under this article and a screen enclosure or some other form of acceptable barrier as defined in Chapter 2, "definitions" shall be erected to protect the swimming pool and restrict access by unauthorized persons or unsupervised children in compliance with the swimming pool code adopted in this section. A screen enclosure shall not be considered an accessory structure for the purpose of lot coverage and/or setbacks, whether attached to the principal residence or structure or detached; however, the swimming pool front yard setback shall be thirty (30) feet and for corner lots the additional swimming pool front set back line shall be fifteen (15) feet.

(c) No swimming pool shall be given a final inspection approval for use unless the required permanent safety barrier capable of restricting access is in place to safe guard the pool and said safety barrier has been properly permitted for construction and inspected. It shall be the continued responsibility of the owner(s) and/or occupant of the premises where the pool is located to maintain the safety barrier and any associated gates in a proper, safe and useful condition at all times. A safety barrier, either temporary or permanent, must be in place at all unsupervised time periods during the excavation and construction phase of the pool as the pool may constitute a safety hazard to children and the general public at that time.

Section 3. Text Amendment. Chapter 10, Article II, of the City of Leesburg Code of Ordinances is hereby amended to read as follows:

Article II, Chapter 10 - FIRE PROTECTION AND PREVENTION

Sec. 10-1. - Fire Prevention Code adopted.

The 2023~~0~~ Florida Fire Prevention Code is hereby adopted by reference and incorporated into this section as though set out in full. Appeals from the application or interpretation of this code by the building official or other city staff, and requests for variances, shall be presented to the board of adjustments and appeals utilizing the procedures in sections 7-3, 7-4 and 7-5 of this Code.

Section 4. Severability and Conflicts. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 5. Effective Date. This Ordinance shall take effect immediately after its final adoption by the City of Leesburg Commission.

PASSED AND ADOPTED this ____ day of _____, 2024 by the City Commission of the City of Leesburg, Florida.

James A. Burry, Jr., Mayor

ATTEST:

J. Andi Purvis, City Clerk

Approved as to form:

William Grant Watson, City Attorney

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.C.1.a.

Meeting Date: January 8, 2024

From: Andi Purvis, (City Clerk)

Subject: Resolution of the City Commission of the City of Leesburg, Florida appointing one member to the Leesburg Police Pension Plan Trustee Board for a Four-Year term to expire December 31, 2027; and providing an effective date.

Staff Recommendation:

Approve the appointment of one member to the Leesburg Police Pension Trustee Board for a four-year term to expire December 31, 2027.

Analysis:

The Police Pension Trustee Board consists of five regular members, of which two members are city-appointed positions.

Mr. William "Bud" Bowlin has served as a regular member of the Police Pension Board since being appointed in 2019. His current term expired December 31, 2023. Mr. Bowlin has expressed a desire to continue as a member of this board.

Public notice seeking citizens willing to serve on the board was published in the Daily Commercial newspaper on November 26 and December 10, 2023, the Triangle News Leader on December 6, 2023, as well as posted on the City's website and social media platforms.

No other applications were received.

Procurement Analysis:

N/A

Options:

1. Appoint one member to the Police Pension Board; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA APPOINTING ONE MEMBER TO THE LEESBURG POLICE
PENSION PLAN TRUSTEE BOARD FOR A FOUR-YEAR TERM TO EXPIRE
DECEMBER 31, 2027; AND PROVIDING AN EFFECTIVE DATE.**

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

THAT the City Commission of the City of Leesburg, Florida finds there is a vacancy for one city-appointed member on the Police Pension Board;

THAT the City Commission hereby appoints _____ as a regular member of the Leesburg Police Pension Plan Trustee Board for a Four-Year term to expire December 31, 2027;

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of January 2024.

Mayor

ATTEST:

City Clerk

City of Leesburg
Appointed Boards & Commission Application

Date: 11/28/2023

Name: William F Bowlin

Home Phone: 515-422-2578

Mailing Address:

909 Boylston Street, Leesburg, FL 34748

Home Address:

same as mailing address

Business Name & Type:

Retired college professor and United States Air Force officer

Business Address:

N/A

Business telephone number: N/A

ext. _____

Position: N/A

Education, Training or Experience related to the activities of the Advisory Body

to which appointment is sought:

Education: Ph.D, Accounting, University of Texas at Austin

Experience: Served two previous terms as a trustee on the Police Department Pension Board of Trustees. Currently on the Police Pension Board of Trustees.

Professional Organizations/Memberships:

Leesburg Police Department Citizens on Patrol

Have you served on a city board or committee in the past? Yes

If yes, Dates Served 2019 - Current

Name of Board or committee:

☐ Library Board ☐ Historic Preservation Board ☐ Planning Commission

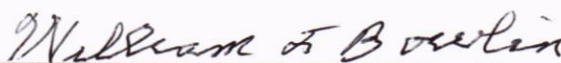
☐ Greater Leesburg CRA ☐ Carver Heights & Vicinity CRA

☐ Fire Department Pension Board of Trustees ☐ General Employees Retirement Board of Trustees

☒ Police Department Pension Board of Trustees ☐ Other(Specify): _____

I will attend meetings in accordance with the adopted policies of the City of Leesburg. If at any time my business or professional interests conflict with the interests of the Advisory Body, I will not participate in such deliberations.

William F Bowlin



Signature of Applicant

11/28/2023

Date

Return to: City Clerk's Office City of Leesburg

P.O. Box 490630

Leesburg, FL, 34739-0630

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.C.1.b.

Meeting Date: January 8, 2024

From: Andi Purvis, (City Clerk)

Subject: Resolution of the City Commission of the City of Leesburg, Florida appointing two members to the Carver Heights / Montclair Area Community Redevelopment Agency (CRA) Board for a Four-Year term to expire December 31, 2027; and providing an effective date.

Staff Recommendation:

Staff recommends the City Commission appoint two members to the Carver Heights / Montclair Area CRA Board for a four-year term.

Analysis:

The Carver Heights / Montclair Area CRA Board consists of seven regular members; five of whom are the City Commissioners and the other two members are appointed by the City Commission from members of the public who reside in, or engage in business within the boundaries of the agency.

Applications received:

Ms. Theresa Conner - Case Manager

Mr. Robert Alderman, Jr. - Military experience, planning and budgeting

Ms. Erika Jasper - Pharmacist

(Current Commission appointed member in 2019; term expired December 31, 2023).

Ms. Orlinda Littlejohn - CEO - Tutoring Company & High School Teacher

Public notice seeking citizens willing to serve on the board was published in the Daily Commercial newspaper on November 26 and December 10, 2023, the Triangle News Leader on December 6, 2023, as well as posted on the City's website and social media platforms.

Procurement Analysis:

N/A

Options:

1. Appoint Two members to the Carver Heights / Montclair Area CRA Board; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
None

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA APPOINTING TWO MEMBERS TO THE CARVER HEIGHTS /
MONTCLAIR AREA COMMUNITY REDEVELOPMENT AGENCY (CRA)
BOARD FOR A FOUR-YEAR TERM TO EXPIRE DECEMBER 31, 2027; AND
PROVIDING AN EFFECTIVE DATE.**

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

THAT the City Commission of the City of Leesburg, Florida finds that as of December 31, 2023, there are Two (2) vacant positions on the Carver Heights / Montclair Area Community Redevelopment Agency (CRA) Board.

THAT the City Commission hereby appoints _____ as a regular member with said term to expire December 31, 2027.

THAT the City Commission hereby appoints _____ as a regular member with said term to expire December 31, 2027.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of January 2024.

Mayor

ATTEST:

City Clerk



CITY OF LEESBURG
APPOINTED ADVISORY BOARD APPLICATION

Name	Theresa J Conner		
Home Address	910 Georgia Avenue		
Mailing Address	910 Georgia Avenue		
	Home Phone	352-728-1316	Cell Phone 813-774-1747
Email Address	Theresa.conner81@gmail.com		
Business Name			Type
Business Address			
	Business Phone		Extension

Education, Training or Experience related to the activities of the Advisory Body to which Appointment is sought:

BS in Nursing
Case Manager

Professional Organizations/Memberships:

FAMU Nursing Alumni

Have you ever served on a City of Leesburg Advisory Board in the past?

No

If yes, which Board?

Dates Served

Please select Board for which you would like to serve:

- | | |
|--|---|
| ☐ Airport Advisory Board | ☐ Historic Preservation Board |
| ☒ Carver Heights CRA | ☐ Library Advisory Board |
| ☐ Downtown Leesburg CRA | ☐ Planning and Zoning Commission |
| ☐ Electric Advisory Board | ☐ Police Pension Board |
| ☐ Fire Pension Board | ☐ Recreation Advisory Board |
| ☐ General Employee Retirement Board | ☐ Other |

I will attend meetings in accordance with the adopted policies of the city of Leesburg. If at any time my business or professional interest conflict with the interest of the Advisory Board, I will not participate in such deliberations.

10/19/2023

Signature of Applicant

Date

City of Leesburg
Appointed Boards & Commission Application

Date: 11/08/2023

Name: Robert O. Alderman Jr.

Home Phone: (407) 415-4522

Mailing Address:

1113 Beecher St, Leesburg, FL 34748

Home Address:

1113 Beecher St, Leesburg, FL 34748

Business Name & Type:

Business Address:

Business telephone number: _____ ext. _____

Position: _____

Education, Training or Experience related to the activities of the Advisory Body
to which appointment is sought:

Regarding the Carver Heights Community Redevelopment Agency (CRA). Military experience and education that encompasses working with others, researching, planning, & strategizing to implement actions and meet goals. Post High School education that includes a an Associates Degree and a Bachelors Degree. Work experience that includes planning and budgeting for equipment.

Professional Organizations/Memberships:

Have you served on a city board or committee in the past? No

If yes, Dates Served _____

Name of Board or committee:

____ Library Board ____ Historic Preservation Board ____ Planning Commission

____ Greater Leesburg CRA ☒ Carver Heights & Vicinity CRA

____ Fire Department Pension Board of Trustees ____ General Employees Retirement Board of Trustees

____ Police Department Pension Board of Trustees ____ Other(Specify): _____

I will attend meetings in accordance with the adopted policies of the City of Leesburg. If at any time my business or professional interests conflict with the interests of the Advisory Body, I will not participate in such deliberations.

Robert O. Alderman Jr.

Signature of Applicant

11/8/2023

Date

Return to: City Clerk's Office City of Leesburg

P.O. Box 490630

Leesburg, FL, 34739-0630

PRINT ONLY For information of how to use this form, Contact: City Clerk

City of Leesburg

Appointed Boards & Commission Application

Date: 11/22/23

Name: ERIKA JASPER

Home Phone: 352-255-2695 (cell)

Mailing Address:

2110 JOHNS AVE; LEESBURG, FL. 34748

Home Address:

2110 JOHNS AVE; LEESBURG; FL. 34748

Business Name & Type:

NONE

Business Address:

NONE

Business telephone number: 352-255-2695 (cell) ext. _____

Position: CARVER HEIGHTS CRA BOARD

Education, Training or Experience related to the activities of the Advisory Body
to which appointment is sought:

CURRENT BOARD MEMBER OF CARVER HEIGHTS CRA

Professional Organizations/Memberships:

NA

Have you served on a city board or committee in the past? YES

If yes, Dates Served 2019-2023

Name of Board or committee:

☐ Library Board ☐ Historic Preservation Board ☐ Planning Commission

☐ Greater Leesburg CRA ☒ Carver Heights & Vicinity CRA

☐ Fire Department Pension Board of Trustees ☐ General Employees Retirement Board of Trustees

☐ Police Department Pension Board of Trustees ☐ Other(Specify): _____

I will attend meetings in accordance with the adopted policies of the City of Leesburg. If at any time my business or professional interests conflict with the interests of the Advisory Body, I will not participate in such deliberations.


Signature of Applicant

11/22/23
Date

Return to: City Clerk's Office City of Leesburg

P.O. Box 490630

Leesburg, FL, 34739-0630

PRINT ONLY For information of how to use this form. Contact: City Clerk

City of Leesburg

Appointed Boards & Commission Application

Date: 12/20/23

Name: Orlinda Littlejohn

Home Phone: 352-531-0675

Mailing Address:

809 Georgia Avenue, Leesburg, FL 34748

Home Address:

Business Name & Type:

Echo-After-Me & Tutoring Services/ Holy Trinity Episcopal School & Teacher

Business Address:

Remote / 2201 Spring Lake Rd, Fruitland Park, FL 34731

Business telephone number: ☐ (561) 325-8768 ☐ ext. (920) 226-0050 Father Samuel

Position: CEO - Tutoring Company & High School Teacher

Education, Training or Experience related to the activities of the Advisory Body

to which appointment is sought:

BS Degree in Political Science/ 20 Years of education spanning grades 1st-12th/CEO, fostering growth and navigating intricate organizational challenges/ Financial aid advisor, including budgeting, strategic financial planning, and fiscal responsibility/ Academic advisor that provided mentorship, support, and guidance to help others make informed decisions to work effectively in diverse settings.

Professional Organizations/Memberships:

The Great Plan (Non-Profit) Organization as Youth & Community Organizer Assistant / Artist with a Purpose (Non-Profit) Organization as Children and Youth Activity Volunteer & Assistant Event Planner / Volunteer for Neighborhood Clean-up & COVID Care & Prevention Team

Have you served on a city board or committee in the past? No

If yes, Dates Served _____

Name of Board or committee:

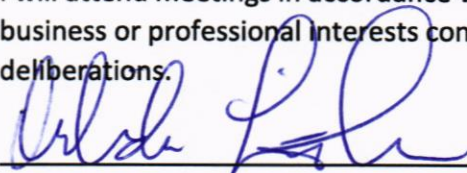
☐ Library Board ☐ Historic Preservation Board ☐ Planning Commission

☐ Greater Leesburg CRA ☒ Carver Heights & Vicinity CRA

☐ Fire Department Pension Board of Trustees ☐ General Employees Retirement Board of Trustees

☐ Police Department Pension Board of Trustees ☐ Other(Specify): _____

I will attend meetings in accordance with the adopted policies of the City of Leesburg. If at any time my business or professional interests conflict with the interests of the Advisory Body, I will not participate in such deliberations.



Signature of Applicant

12/20/23
Date

Return to: City Clerk's Office City of Leesburg

P.O. Box 490630

Leesburg, FL, 34739-0630

PRINT ONLY For information of how to use this form, Contact: [City Clerk](#)

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.C.1.c.

Meeting Date: January 8, 2024

From: Andi Purvis, (City Clerk)

Subject: Resolution of the City Commission of the City of Leesburg, Florida appointing two members to the Greater Leesburg Community Redevelopment Agency (CRA) Board for a Four-Year term to expire December 31, 2027; and providing an effective date.

Staff Recommendation:

Staff recommends the City Commission appoint two members to the Greater Leesburg CRA Board for a four-year term.

Analysis:

The Greater Leesburg (Downtown) CRA Board consists of seven regular members; five of whom are the City Commissioners and the other two members are appointed by the City Commission. One appointed member must reside in, or engage in business in, that portion of the GLCRA that lies **East** of Canal Street, and the other appointed member must reside in, or engage in business in, that portion of the GLCRA that lies **West** of Canal Street.

Applications received:

(East of Canal Street)

Ms. Bettie Stevens-Coney - Education Consultant

(Current Commission appointed member in 2019; term expired December 31, 2023)

Ms. Samantha Bentley Ponder - Certified School Counselor and Registered Mental Health Counselor Intern

(West of Canal Street)

Michael Huey - Downtown Business Owner

S. Elliott Ward - Entrepreneur, Business Owner

John Sokol - Downtown Property Owner

An application was received from Ronda Brewer; however, the addresses listed are not in the Greater Leesburg area.

Public notice seeking citizens willing to serve on the board was published in the Daily Commercial newspaper on November 26 and December 10, 2023, the Triangle News Leader on December 6, 2023, as

well as posted on the City's website and social media platforms.

Procurement Analysis:

N/A

Options:

1. Appoint Two members to the Greater Leesburg CRA Board; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA APPOINTING TWO MEMBERS TO THE GREATER LEESBURG
COMMUNITY REDEVELOPMENT AGENCY (CRA) BOARD FOR A FOUR-
YEAR TERM TO EXPIRE DECEMBER 31, 2027; AND PROVIDING AN
EFFECTIVE DATE.**

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

THAT the City Commission of the City of Leesburg, Florida finds that as of December 31, 2023, there are Two (2) vacant positions on the Greater Leesburg (Downtown) Community Redevelopment Agency (CRA) Board.

THAT the City Commission hereby appoints _____ as a regular member with said term to expire December 31, 2027.

THAT the City Commission hereby appoints _____ as a regular member with said term to expire December 31, 2027.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of January 2024.

Mayor

ATTEST:

City Clerk

City of Leesburg

Appointed Boards & Commission Application

Date: Nov. 27, 2023

Name: Bethany Stevens Conery

Home Phone: 352-978-7739

Mailing Address:

P.O. Box 491058 Leesburg, FL

Home Address:

33605 CR 468 Leesburg, FL

Business Name & Type:

The Heritage & Roots Teacher Ed. Foundation, Inc. 5013 L. J. Jander, CEO

Business Address:

same as above

Business telephone number: 352-978-7739 ext. —

Position: Founding CEO - G.H.R.J.F.

Education, Training or Experience related to the activities of the Advisory Body

to which appointment is sought:

Masters degree, Bus. Ed. Leadership; former school principal Lake District schools; developed programs in the school district; Producer of the other Leesburg - Creating about 47 shows; Initiated Cultures In Our Town - through RSC; Initiated performing arts through Leesburg Arts with George Kringle

Professional Organizations/Memberships:

Founding Chapter member, C&G Fees & Vicinity, Inc; Critteron Civic Club; Lake County member; author of My Soul Speaks truth as well as other teaching manuals

Have you served on a city board or committee in the past? yes - approx. 2020

If yes, Dates Served 2020 to the Present

Name of Board or committee:

*Awarded the State Library Award

☒ Library Board 90's ☐ Historic Preservation Board ☐ Planning Commission

☒ Greater Leesburg CRA ☐ Carver Heights & Vicinity CRA

☐ Fire Department Pension Board of Trustees ☐ General Employees Retirement Board of Trustees

☐ Police Department Pension Board of Trustees ☐ Other(Specify):

I will attend meetings in accordance with the adopted policies of the City of Leesburg. If at any time my business or professional interests conflict with the interests of the Advisory Body, I will not participate in such deliberations.

Bethany Stevens Conery
Signature of Applicant

Nov 27, 2023
Date



CITY OF LEESBURG
APPOINTED ADVISORY BOARD APPLICATION

Name Samantha Bentley Ponder

Home Address 1204 Baker St. Leesburg, FL

Mailing Address Same

Home Phone 352-321-2403 **Cell Phone** 352-321-2403

Email Address bsamantha247@gmail.com

Business Name Ponder's Personal Chef Services **Type** Food Services

Business Address 50 W. Orange Ave. Eustis, FL

Business Phone 352-460-1496 **Extension**

Education, Training or Experience related to the activities of the Advisory Body to which Appointment is sought:

Certified School Counselor and Registered Mental Health Counselor Intern
Former Science Teacher
Minority/Female Business Owner

Professional Organizations/Memberships:

Florida Education Association
American School Counselor Association

Have you ever served on a City of Leesburg Advisory Board in the past?

No

If yes, which Board?

Dates Served

Please select Board for which you would like to serve:

☐ Airport Advisory Board	☐ Historic Preservation Board
☐ Carver Heights CRA	☐ Library Advisory Board
☒ Downtown Leesburg CRA	☐ Planning and Zoning Commission
☐ Electric Advisory Board	☐ Police Pension Board
☐ Fire Pension Board	☐ Recreation Advisory Board
☐ General Employee Retirement Board	☐ Other

I will attend meetings in accordance with the adopted policies of the city of Leesburg. If at any time my business or professional interest conflict with the interest of the Advisory Board, I will not participate in such deliberations.


Signature of Applicant

12/07/2023

Date



CITY OF LEESBURG
APPOINTED ADVISORY BOARD APPLICATION

Name	Michael Huey		
Home Address	811 Washington Ave. Leesburg Florida, 34748		
Mailing Address	410 w Main Street. Leesburg Florida 34748		
	Home Phone	Cell Phone	352-223-6742
Email Address	Michaelhuey@me.com		
Business Name	Two Old Hags wine shoppe	Type	Bar/Retail
Business Address			
	Business Phone	Extension	

Education, Training or Experience related to the activities of the Advisory Body to which Appointment is sought:

Associates degree in interdisciplinary studies. Bachelors in International business. Business owner in downtown Leesburg. Two years of real estate experience in the area. Positive relationships With all the business and property owners downtown.

Professional Organizations/Memberships:

Board member Of the Leesburg area Chamber of Commerce.

Have you ever served on a City of Leesburg Advisory Board in the past?

If yes, which Board? _____ Dates Served _____

Please select Board for which you would like to serve:

- | | |
|--|--|
| ☐ Airport Advisory Board | ☐ Historic Preservation Board |
| ☐ Carver Heights CRA | ☐ Library Advisory Board |
| ☒ Downtown Leesburg CRA | ☒ Planning and Zoning Commission |
| ☐ Electric Advisory Board | ☐ Police Pension Board |
| ☐ Fire Pension Board | ☐ Recreation Advisory Board |
| ☐ General Employee Retirement Board | ☒ Other |

I will attend meetings in accordance with the adopted policies of the city of Leesburg. If at any time my business or professional interest conflict with the interest of the Advisory Board, I will not participate in such deliberations.

Signature of Applicant

12/09/2023

Date



CITY OF LEESBURG
APPOINTED ADVISORY BOARD APPLICATION

Name S. ELLIOTT WARD

Home Address 6867 Mickylee Run

Mailing Address _____

Home Phone 352-571-0391 Cell Phone 352-571-0391

Email Address Info@blueislandsportswear.com

Business Name Rld Ventures Type Custom Apparel

Business Address 712 W Main Street

Business Phone 352-499-0393 Extension _____

Education, Training or Experience related to the activities of the Advisory Body to which Appointment is sought:

Entrepreneur, Business owner,

Professional Organizations/Memberships:

BLUE ISLAND SPORTSWEAR

Have you ever served on a City of Leesburg Advisory Board in the past?

Yes

If yes, which Board? Chamber board

Dates Served Begin 2024

Please select Board for which you would like to serve:

☐ Airport Advisory Board	☐ Historic Preservation Board
☐ Carver Heights CRA	☐ Library Advisory Board
☒ Downtown Leesburg CRA	☐ Planning and Zoning Commission
☐ Electric Advisory Board	☐ Police Pension Board
☐ Fire Pension Board	☐ Recreation Advisory Board
☐ General Employee Retirement Board	☐ Other

I will attend meetings in accordance with the adopted policies of the city of Leesburg. If at any time my business or professional interest conflict with the interest of the Advisory Board, I will not participate in such deliberations.

SELL W

Signature of Applicant

12/12/2023

Date



CITY OF LEESBURG
APPOINTED ADVISORY BOARD APPLICATION

Name	John Sokol		
Home Address	31701 Terrace Drive Tavares Florida 32778		
Mailing Address	PO Box 895386 Leesburg FL 34749		
	Home Phone		Cell Phone 708-927-1200
Email Address	chicagofirebrewery@gmail.com		
Business Name	Great Chicago Fire Brewery	Type	Restaurant
Business Address	311 W. Magnolia St. Leesburg FL 34748		
	Business Phone 353-474-2739	Extension	

Education, Training or Experience related to the activities of the Advisory Body to which Appointment is sought:

I've been a long time commercial property owner in Illinois. I owned 4 downtown properties. Each property I redeveloped, including the downtown theater. I sat on the Main Street Community Redevelopment Board there. I now own 4 properties in the downtown area here in Leesburg. My degrees are in Business/Finance/Municipal Management

Professional Organizations/Memberships:

Current Vice President, Downtown Leesburg Business Association (Also a Past President) * Rotary Club of Leesburg * Leesburg Chamber

Have you ever served on a City of Leesburg Advisory Board in the past?

No

If yes, which Board?

Dates Served

Please select Board for which you would like to serve:

- | | |
|--|---|
| ☐ Airport Advisory Board | ☐ Historic Preservation Board |
| ☐ Carver Heights CRA | ☐ Library Advisory Board |
| ☒ Downtown Leesburg CRA | ☐ Planning and Zoning Commission |
| ☐ Electric Advisory Board | ☐ Police Pension Board |
| ☐ Fire Pension Board | ☐ Recreation Advisory Board |
| ☐ General Employee Retirement Board | ☐ Other |

I will attend meetings in accordance with the adopted policies of the city of Leesburg. If at any time my business or professional interest conflict with the interest of the Advisory Board, I will not participate in such deliberations.

Signature of Applicant

12/19/2023

Date