

**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.