AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, JANUARY 22, 2024 5:30 PM

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, January 22, 2024, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:30 p.m. with the following members present:

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

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

INVOCATION

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

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

2. PROCLAMATIONS:

A. None

3. PRESENTATIONS:

A. None

4. PUBLIC COMMENTS:

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

Evelyn Gould of 312 Nebraska Avenue, Leesburg thanked the city for the nice events this past weekend.

She enjoyed the Martin Luther King parade and Soulfest. There were a lot of different organizations represented. The police department representatives walked around and talked to everyone.

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.9 - Agreement to issue a Special Event Permit for Alcohol Sales at Bikefest 2024
5.C.10 - Reimbursement of legal expenses in the amount of $420.00 to Commissioner Berry regarding ethics complaint

Commissioner Pederson moved to adopt the Consent Agenda except for 5.C.9 and 5.C.10, and Commissioner Reisman 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. Organizational meeting held January 8, 2024

2. Regular meeting held January 8, 2024

B. PURCHASING ITEMS:

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Professional Services Agreement on a continuing basis with AVCON, Inc. and Hoyle, Tanner & Associates, Inc.; and providing an effective date.

a. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Professional Services Agreement with AVCON, Inc.; and providing an effective date.

ADOPTED RESOLUTION 11,769

b. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Professional Services Agreement with Hoyle, Tanner & Associates, Inc.; and providing an effective date.**

ADOPTED RESOLUTION 11,770

2. **Purchase request by Fleet Services for the purchase of one (1) new sewer jetter with vacuum.**

Approved

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida approving the Second Amendment to Agreement for Section 8 Project-Based Voucher Program between Lake County Government and the City of Leesburg for Two (2) years through July 31, 2025; and providing an effective date. (Mispah Simmons Apartment Complex)**

ADOPTED RESOLUTION 11,771

2. **Resolution of the City Commission of the City of Leesburg, Florida, ratifying the appointment of Corporal John Sommersdorf as the "Fifth Member" of the Leesburg Police Officers' Pension Board for a four-year term to expire December 31, 2027; and providing an effective date.**

ADOPTED RESOLUTION 11,772

3. **Resolution of the City Commission of the City of Leesburg, Florida appointing one member to the Leesburg Firefighters' Retirement Plan Board of Trustees; and providing an effective date.**

ADOPTED RESOLUTION 11,773

4. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to grant a utility easement to Duke Energy Florida, LLC., to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological**

purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers in support of the Turnpike Wastewater Treatment Facility Phase II Expansion Project; and providing an effective date.

ADOPTED RESOLUTION 11,774

5. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Gas Service Agreement between the City of Leesburg and TLC Hodges Reserve, LLC, regarding offsite development for the provision of natural gas service to the development known as Hodges Reserve; and providing an effective date.**

ADOPTED RESOLUTION 11,775

6. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement affecting the property described therein from Leesburg CFA LLC, joined by Fidelity Co-Operative Bank; and providing an effective date.**

ADOPTED RESOLUTION 11,776

7. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Lift Station and Utility Easement from Public Housing Assistance, Inc., relating to Lift Station 29; and providing an effective date.**

ADOPTED RESOLUTION 11,777

8. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Gas Service Agreement between the City of Leesburg and TLC Hodges Reserve, LLC, for the purpose of setting forth the terms under which the city will provide natural gas service to the development known as Hodges Reserve Phase 3; and providing an effective date.**

ADOPTED RESOLUTION 11,778

9. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement to issue a Special Event Permit for Alcohol Sales at BikeFest 2024; and providing an effective date.**

ADOPTED RESOLUTION 11,779

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 the city manager to provide an overview. **CM Minner** stated the agreement is between the City of Leesburg and the Leesburg Area Chamber of Commerce. They are to provide alcohol during Bikefest. The city commission set aside five hundred thousand dollars from the reserve cash in the general fund for Bikefest, but the expenditures did not include alcohol. When we set up the reserve, we said we would come back with a recommendation on how to handle alcohol. The biggest thing management heard was that money from Bikefest needed to stay local and the largest generator of revenue is alcohol sales. The hitch was that alcohol sales cannot be used by a municipal corporation for the general fund. There were some discussions about using alcohol sales to fund the event. However, there is clear delineation in the statute, and the city attorney advised, that alcohol sales cannot be used to fund the general fund. Bikefest is a profit vehicle and the profits from alcohol sales cannot be used by the general fund. The funds have to be spent on not-for-profit organizations. We are setting up Bikefest to bifurcate regular expenses and alcohol income. In doing so, he recommended partnering with the Chamber. It pretty much mirrors what the Partnership did. The Partnership set up alcohol sales two ways; one was monitoring the consumption of alcohol. Whatever was purchased was measured by what was sold. There is a formulaic approach for measuring efficiency. For example, a keg of beer has eighty twelve ounce pours and a bottle of Jack Daniel's has twenty shots. The Chamber will calculate what alcohol is distributed at each point of sale, a booth. It will be measured by consumption. In the past, the Partnership paid civic organizations for what they sold. The organizations collected the tip money during the time they manned the point of sales. They also received a bonus for efficiency. If they had one hundred percent efficiency, they would receive additional money. The agreement showed how the chamber set that up. The Chamber also needs to have insurance. The agreement states that the Chamber will organize and bring in the volunteer groups to manage each point of sale. It also talks about how they will monitor the money. The Chamber will collect the funds from each point of sale and the city will periodically go around and collect the money from the Chamber. There will be another group who will help count the collected money. This process is new to the city, but the Chamber has experience doing it. After the first year we will have the accounting sorted out. The agreement outlines what we anticipate as Chamber expenses and what we need to pay. There were rough estimates of what the Chamber expenses will be. The bottom line is, it could be somewhere in the neighborhood of one hundred and twenty-five thousand dollars. That includes purchasing tents, rentals, insurance, equipment, purchase of alcohol and the group to help with the efficiency formula. On Friday he sent an email showing rough estimates for Chambers expenses on alcohol. It was in budget format. The expense side is also similar to what the Partnership did. The collections for alcohol sales showed 2019 being the best year. They spent about one hundred thousand dollars and with profit margins the total gross sale of alcohol was about four hundred thousand dollars. It did vary because looking at 2019 through 2023 in terms of performance 2023 was weak but it was only a one-day event in April. That day also had bad weather, but they still did well with alcohol sales. It also showed Bikefest was getting back to where it was in 2019. This agreement puts it in broad parameters for how it will work. At the end of the day, the Chamber has experience doing this and it will keep the money local. We need to get through the first year and then we will reevaluate.

Commissioner Reisman wanted to know where they came up with the fifty thousand dollars. **CM Minner** pointed out that this agreement will set the Chamber up with a one-stop shop in terms of funding from the city. Since he has been the city manager, the Chamber has received funding two ways. Through various events the city sponsors (teacher appreciation day and golf tournaments), we also provide the Chamber with five thousand dollars annually through civic funding. The city gives the Chamber about twenty thousand dollars annually. When we received the Cares Act money and the American Recovery money we shared that equally between the big three, the Chamber, the Partnership, and the Arts Center. However, the Chamber receives about twenty thousand dollars each year in funding. Moving forward, after Bikefest 2024 the city will not provide anymore funding to the Chamber. Instead, they will receive fifty thousand dollars annually which doubles their efforts. That will cover their expenses of twenty thousand dollars, and leave thirty thousand dollars in the coffers for work within the organization. It basically doubles their funding source, and they will be secure in perpetuity as long as we continue Bikefest. This funding source helps the Chamber and it will help with the 501c3 status of alcohol sales. **Commissioner Reisman** wanted to verify that when people purchase alcohol they will provide invoices and those invoices will be provided to the city for reimbursement to the Chamber. **CM Minner** answered yes. **Commissioner Connell** mentioned when this was first approved he asked about that. The revenue side was about five hundred thousand dollars and the expenditure was five hundred thousand, it was supposed to be a break even status for the city. He inquired if the alcohol sales were included on the revenue side? **CM Minner** replied it was about thirty thousand dollars. **Commissioner Connell** asked where that money was going now, since it cannot be counted towards revenue since the general fund is paying for it. **CM Minner** answered the general fund will pay for the event as far as vendors, set up and bands, those types of things. At a previous meeting, he showed five hundred thousand dollars in and five hundred thousand out, but we were short thirty thousand dollars on alcohol sales. **Commissioner Connell** asked if the event would only generate a profit of thirty thousand dollars from alcohol? **CM Minner** could not answer for what may be generated. Based on the review of the Partnership books from 2019-2023, there were margins. We are borrowing half a million from ourselves and we should recover our expenses on the alcohol side. There was thirty thousand dollars in revenues from alcohol sales that went to expenses. He was sure there would be thirty thousand dollars in net sales after expenses. It would count towards expenses on the half a million side. He appreciates the leniency, because they have made a lot of educated budget estimates based on previous years. He was comfortable that the city expenses will be covered. We will know more after this event is done. **Commissioner Reisman** asked if they were taking out a weather policy? **CM Minner** responded he has not spoken with the Recreation Director on that yet, but he will. **Commissioner Connell** remarked knowing this is being put together on pretty short notice. How much money has been generated thus far through sales and vendors? **CM Minner** responded he would get that number for him. **Commissioner Connell** asked once the event is done how long will it take to get a turnaround on financials? **CM Minner** answered they should be able to turn it around in a month. We should know most of the expenses and have the accounting for it. They should be able to get it done fairly quickly, that is the goal. They will be extremely transparent. One benefit of the city handling this is that we will have the transparency issues done quicker. If this works out and everyone is happy with it in FY 25, there will be a division in the budget that lays out the Bikefest budget. Every year they will be transparent and it will be a public document. However, we need to get through the first year, so we can have better accounting for it. Right now, we are depending on the Partnerships numbers. **Commissioner Connell** pointed out that he only voted to go with it because it was a break even status. We should not spend taxpayer money to fund special events. Special events should pay for themselves, at least the majority of them. We are not talking millions, but it should fund itself, it should not come out of the taxpayer's money. He was interested to see the expenditures and revenues from this event. **Commissioner Reisman** wanted to clarify that we were partnering with the Chamber because the city cannot sell alcohol. **CM Minner** said the city was partnering with the Chamber because it was the best option. There were other options they looked at. They could bring in a consultant or a contractor who specializes in sales. They would be responsible for the set up of everything. That includes vendors, purchase of alcohol and the people to sell the alcohol. We would take a cut of the net revenues. However, the reason we opted from that was twofold. First, due to the short notice we did not feel there was enough time to go through the procurement process. We also need to keep it transparent, while trying to control the money collected and keeping it local. That is why he recommended going with the Chamber. **Commissioner Pederson** said he was cautiously optimistic. In the best years, the Partnership made good money on this event. He remembers seeing an article in the newspaper that said they paid one hundred and seventy thousand dollars to local nonprofit groups on top of their profits. This is good for the community, and we will make money on this. **CM Minner** pointed out that they squeezed this pretty tight. When he recommended a half a million dollar expenditure to get this deal done by the general fund he was very hopeful that all bases were covered. We are farming out the alcohol sales and hopefully they cover each other. Remember this was new to him. He has raised and lowered electric rates a thousand times, but he has never overseen Bikefest. He was comfortable with having our bases covered. They can rest assured it will be calculated. The 2019 Bikefest had the best numbers that the Partnership revealed, which was sent to the Commission on Friday. The net alcohol sales minus beverage purchases were in excess of three hundred thousand dollars. The net bottom line was somewhere around two hundred thousand dollars for the Partnership in 2019. Based on the 2019 performance, he was confident that exposure would be minimal to none. We will break even and we may even be a little bit in the black. They will be counting and watching. **Commissioner Reisman** remarked that he wants to be cautious on the number of alcohol booths. We talked about having six or seven. He does not want to go over that because there are twelve downtown businesses counting on this event as revenue.

Mayor Burry asked if there were any other comments. There were none.

The roll call vote was:

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

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

10. Resolution of the City Commission of the City of Leesburg, Florida authorizing the reimbursement of legal expenses in the amount of $420.00 to Commissioner Allyson Berry regarding an ethics complaint; and providing an effective date.

ADOPTED RESOLUTION 11,780

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

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

Mayor Burry said he pulled this item to get it out in the light. When he saw this, he immediately called the city manager to find out more about ethics complaints since we had not had any up until now. **CM Minner** clarified the more accurate statement is that no sitting commissioner, since he has been city manager, has received an ethics complaint. **Mayor Burry** stated that since this is relatively new, he wanted to clearly state his position. In the packet on page 209, it states there were no findings by the state. Therefore, because there were no findings, he wanted to make sure our commissioner was compensated. In the future, should there be findings on an issue, he would not support paying attorney's fees. He wanted to make that clear. **Commissioner Reisman** agreed. **Mayor Burry** wanted to go on record saying how he felt about it.

Dr. Erika Jasper stated she filed the ethics complaint. She provided a packet of information to each commissioner. The packet included the housing documents from the initial application and the one that was modified. She filed the complaint on September 26th because she received a call from Commissioner Berry. She was irate and upset about her passing out material to the community. She briefly told her she would call her back since she was at work. Commissioner Berry aggressively called back while she was at work. She questioned her authority and wanted to know who gave her the authority to pass out packets. She later threatened her and told her to no longer pass out information within the community, district one. She lives in district one, she is a citizen of district one, and a taxpayer. At that time, she was still on the CRA board, so she was doing her due diligence by bringing awareness of the program to the citizens while making sure they qualified for the program. She was trying to support and be supportive of the citizens in Leesburg. She filed the complaint because we are not supposed to talk or have conversations outside the CRA board concerning matters that were agenda items. She asked if she could call her back, but she was aggressive and threatened her. That is why she filed the complaint. She also included the call log that showed the date and times. It also showed when the changes were made to the application process, which did not go back to the CRA. There was a violation made between the old and the new because it did not go back before the CRA. She downloaded the packet that the commission approved from the city's website on June 12th. It was approved for dispersement throughout the community. It then came back because Commissioner Pederson wanted to add a lien. The new packet which is being distributed to the community imposes a ten percent fee or a five-year commitment. Those changes were made without coming back to the CRA board for approval. She knows that for a fact because she sat on the CRA board. Even though she was exonerated, that does not excuse the fact that she was aggressive and that she threatened her. She took it upon herself to file the complaint because she knew it was unethical to make the changes to the packet without prior approval of the CRA board.

Mayor Burry stated he understood. He read through the complaint and all the information. He read the comments from the ethics board, where it stated "the allegations in paragraphs three through five do not support an investigation under Section 112.3136 of the Florida Statutes because the complaint does not substantially allege in a factual non-conclusory manner that the respondent corruptly used or attempted to use her public position or resources within her public trust or that she corruptly performed her official duties in order to benefit herself or another person". He could go on, but that was the position of the ethics board. **Ms. Jasper** said she wanted to give her reasons. **CM Minner** added before voting on this item, he wanted to make sure the i's were dotted and the t's were crossed. Dr. Jasper mentioned that the CRA board should have approved the modifications and that was not correct. After the home program was initially created, they decided to revise it to contemplate inspections, terms and liens. As we got into reviewing it, we found some places that needed to be nipped and tucked. This home program is a citywide program. It is a program that the city commission approved to blanket the entire city. The only difference is that the funding for FY 24 will come from the CRA fund. The program was done by the city commission to cover the whole community, and it is being funded by the CRA. It is a city-wide program which can be changed and modified by the city commission. As far as funding, it can come from the CRA or general fund. It is wherever the commission chooses to fund it from. The program was modified correctly.

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.

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 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)

ADOPTED ORDINANCE 24-03

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

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

Mayor Burry requested comments from the Commission and the audience.

Mayor Burry asked the city attorney if he would handle the swearing in. **CA Watson** asked for anyone in attendance wishing to provide testimony on any item under 6.A or 6.B to stand. He swore them in.

Planning and Zoning Director (PZD) Miller stated this was the second reading for the Tierra Vista, Planned Unit Development (PUD) rezoning. It consists of approximately one hundred and thirty-five acres. This is a rezoning only, there is no annexation or comp plan. The request is to go from City RE-1 Estate Density Residential to a PUD Planned Unit Development. It is located just south of the Turnpike on the east side of County Road 33. It is immediately north of the Battaglia subdivision, which was approved a few months ago. The specific request would allow for three hundred and seventy-one detached single-family homes on one hundred and thirty-five acres. That gives a gross density of two-point-seven-four units per acre. Under the PUD rezoning, it would be single-family residential. There will be no townhouses, apartments, duplexes/triplexes, or commercial. There is a minimum of two hundred and seventy-six fifty-foot lots with a minimum of sixteen hundred square foot house size. There will be ninety-five sixty-foot lots with a minimum of seventeen hundred square foot house size. All lots will have a twenty-five-foot setback, gutter requirements, dark sky lighting, and two trees in each yard. It includes the architectural standards and two car garages. This is a pretty standard PUD. Ben Snyder from Hanover Land Company was in attendance for any questions.

Ben Snyder of Hanover Land Company said he had a presentation. The only reason for the presentation was to show how they shifted a couple lots around and a pond due to some updated Geotech data they received since first reading, but the plan is substantially similar. There are sixty-foot lots on the outside and fifty-foot lots on the inside. It will be just as they did with Battaglia. They had to move a retention

pond around, which caused them to shift some lots around. **Mayor Burry** asked about noise abatement. Could they include something, so the residents are informed about the possibility of noise from the Turnpike. **PZD Miller** answered there would be a fifty-foot buffer along the Turnpike. He asked if the commission would like them to add any additional plantings? **Mayor Burry** wanted to make sure the residents who purchase there are aware that the city was of the position that if they purchase land next to the Turnpike, the city is not responsible for sound barrier walls. He does not want them coming back ten years from now asking the city to do something. **PZD Miller** suggested adding a clause to the PUD. **Mr. Snyder** stated they could have a disclosure in the Homeowners Association Covenants, Conditions and Restrictions. **Mayor Burry** agreed a disclosure would be good, so when they sign they know what they are getting into. He wants them to know ahead of time what they are buying. **PZD Miller** stated that would be added. **Commissioner Pederson** remarked that was a great point.
Commissioner Reisman mentioned he knows Village Palms is putting in fountains and for any future PUDs, could they add in a requirement for fountains to help with esthetics, health, mosquitoes, and allergies? **PZD Miller** said they have had some conversations about that, but it depends on the design. City staff is in favor of having each wet pond aerated. However, they do not know whether it will be wet or dry until the engineering is finished. If it pleases the commission, staff will add in wording that says wet ponds must be aerated. **Commissioner Reisman** agreed and asked that it be put in all future PUD's. **PZD Miller** wanted to clarify that he was referring to a spray-up fountain type of decorative feature. **Mayor Burry** agreed. He asked if there were any public comments. There were none.

The roll call vote was:

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

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

B. FIRST READING OF ORDINANCES

1. An Ordinance of the City of Leesburg, Florida, adding a PDO (Planned Development Overlay), with a waiver from Section 25-282(a)(1) PDO five-acre minimum, to the existing C-1 (Neighborhood Commercial) zoning, on approximately 0.34 +/- acres, to allow for a triplex use on a property generally located north of West Main Street and west of Harold Street, lying in Section 28, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (2512 W Main Triplex PDO)

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

Mayor Burry asked if there were any questions for staff. There were none. He stated this item would lay over until the February 12th meeting.

2. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 464 +/- acres; and being generally located west of County Road 33, south of Florida's Turnpike, and east of

County Road 48, lying in Sections 32 and 33, Township 20 South, Range 24 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (ANNX Banning Ranch PH III and IV)

Mayor Burry informed the public that this item has been pulled from the agenda because this property has already been annexed into the city.

3. **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 464 +/- acres from City of Leesburg Neighborhood Mixed Use to City of Leesburg Estate Residential, for a property generally located west of County Road 33, south of Florida's Turnpike, and east of County Road 48, lying in Sections 32 and 33, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (LSCP Banning Ranch PH III and IV)**

Commissioner Reisman introduced ordinances 6.B.3 and 6.B.4 to be read by title only. CC Purvis read the ordinances by title only.

Mayor Burry asked the planning and zoning director to provide some information on this item. **PZD Miller** stated this request was for a large-scale comprehensive plan and rezoning. It is four hundred and sixty-four acres. It is located on the west side of County Road 33, south of the Florida Turnpike and east of County Road 48. The proposal is for four hundred and sixty-four acres and this site is mostly undeveloped. The comprehensive plan is large-scale, it has to be transmitted to the Department of Commerce. It will go from Neighborhood Mixed Use to Estate Residential and both allow for four units per acre maximum. There will be no real change. The rezoning would go from Planned Unit Development to Planned Unit Development. The specific request is for a PUD of five hundred and thirty detached single family lots, which renders a density of about one point one five gross units per acre. There will be a significant amount of wetlands and open space preserved. It will only be detached single family residential. There will be no industrial, sales or tattoo parlors, none of those things. This is strictly a single family development. There will be a mix of fifty, sixty, and seventy-foot lots. Three hundred and fifty-eight lots will be fifty-foot, one hundred and eighteen will be sixty-foot, and a minimum of fifty-three will be seventy-foot. Generally, the seventy-foot lots are on the exterior of the property. There is the standard PUD requirements of twenty-five foot setbacks and gutters for any lot that has less than a seven and half foot setback. It includes dark sky lighting, two trees in each yard, architectural standards and two-car garages. There will be additional guest parking in some of the residential areas. They are well over the thirty-five percent for open space. There will be two access points; one is contiguous to the property on the west and the other is contiguous to the property on the east. There are two and a half acres of recreational requirements, including a dog park and a fenced playground. There are other recreational amenities shown in the conceptual plan. This property is currently a Banning Ranch property. Phases one and two have two hundred and seventy-eight units. This would be phases three and four, which have five hundred and thirty units. If the math is correct, there will be around eight hundred and eight total units. The previous Banning Ranch project was closer to nineteen hundred units, which was much bigger and more dense in terms of the number of units. This reduces the number of units. When the next two properties to the west eventually come in, it will create an ability to connect between County Road 33 and County Road 48 and that will be good for access and transportation. It is also important for our utilities because water needs to flow in a circular path rather than being stopped. There are some advantages, but it depends on when the other two properties to the west come in. There have been early discussions on those properties, but nothing in writing. Mike Rankin of the Land Planning Group out of Mount Dora was in attendance and available to answer any questions. **Mayor Burry** inquired about The Villages. We annexed The Villages of West Lake off of County Road 48, so as we move across Banning Ranch towards County Road 48, where is The Villages property? Is it south or north? **PZD Miller** answered he believed it was directly across the road. **CM Minner** agreed. **Mayor Burry** thought it was on this side. **PZD Miller** said this is on the east side of County Road 48 and The Villages is on the west. Eventually, with transportation and connection points, being these are county roads, both applicants will work with Lake County. It is usually whoever gets there first, they get to decide where the access points go. At this point, we do not know who will be there first.

Michael Rankin of Land Planning Group said he there serving as the representative for the applicant. As this was the first reading, he wanted to yield his time until the second reading. He would answer any specific questions. **Mayor Burry** asked for any public comments.

Nadia Crispin of 2801 Hammock Grove Road, Groveland said she lives right next to the subject property. Her community does not want this development. They spoke with the previous owner, and he did not want it to be developed. There was an environmentalist that came down the road, he was trying to make his way to Banning Ranch. He was hired to investigate the property, and he said the property is about forty percent wetland. He said they should avoid this property and not build. She had concerns about flooding because the water that connects to this property goes around to them. The environmentalist told them flooding was a concern. Besides that, it will connect to County Road 33 and there will be five hundred and thirty single family homes. There will be more than five hundred and thirty residents when this is built. County Road 33 has more fatal car crashes every year. Last year alone there were eleven fatal car crashes and three people died in the last crash. It was said at the last meeting that the city does not have control over County Road 33, because it is a county road. They would be approving a development knowing there could be thousands of more cars on that road and the chances will increase for more fatalities. That is not fair to anyone that lives in that area and no one wants this development.

Commissioner Reisman made a motion to transmit the information to the state for review 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 approved to transmit to the state.

Mayor Burry stated the second reading is tentatively scheduled for March 11th. It all depends on when we receive the State's response.

4. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 464 +/- acres from City of Leesburg PUD (Planning Unit

Development) to City of Leesburg PUD (Planned Unit Development) to allow for a residential subdivision for a property generally located west of County Road 33, south of Florida's Turnpike, and east of County Road 48, lying in Sections 32 and 33, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (PUD Banning Ranch PH III and IV)

5. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 15.34 +/- acres; and being generally located east of Montclair Road and south of Colonial Street, lying in Section 21, 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. (River Fox Commons ANNX)**

Commissioner Reisman introduced the ordinances 6.B.5, 6.B.6, and 6.B.7 to be read by title only. CC Purvis read the ordinances by title only.

PZD Miller stated this was for the River Fox Commons. It is an annexation, small scale comprehensive plan, and rezoning. It is approximately fifteen point three four acres. It is generally located east of Montclair Road and south of Colonial Street at the end of Gregory Street, which is off Montclair Road. The overall proposal would take it from Lake County Urban High Density to City of Leesburg Low Density. The rezoning would go from Lake County Urban Residential to City of Leesburg PUD. It would allow for a ninety-two unit apartment complex which is being proposed as a senior living complex. Under the density allowed in Lake County right now, it is six units per acre and under the density shown on this PUD it would be five-point-nine-nine, which equals six units per acre. It would create the same level of density, but in two buildings instead of buildings being spread out across the entire property. This is a standard planned unit development and anything not specifically called out in the permitted uses is not permitted, including internet cafés, tattoo parlors and those types of things, town homes. This is an apartment complex, a multifamily complex. It will include twenty-five foot perimeter buffers and more than thirty-five percent open space. There is a one hundred foot setback on the front and on each side and fifty on the rear. Regarding the sizes of the apartments, they are planning on one, two, and three bedrooms, which equate to seven hundred, eight hundred, and nine hundred square foot apartments. That is what we have used previously in our apartment complexes. There is a six-foot PVC fence required along the north, south, and east. There was additional work with Lake County to secure an additional access point to the north. It is not required by code, but they went ahead and asked for that which would be emergency access that meets Colonial Street. All the rest is standard PUD language. If you look at the site plan, it appears that when the property is developed they either have the choice of doing straight single family residential, which covers all the property, or concentrating on these two buildings and having the larger open space and wooded areas that include the fence. **Mayor Burry** said this property has some significant wetlands. **PZD Miller** agreed there are some significant wetlands which are being preserved. **Mayor Burry** pointed out that he took the opportunity to go out and drive through this area. After turning off Main Street onto Montclair, he was not sure about the suspension on his car. He then turned on to Gregory and that road was no better. These are county roads, and they are not kept by Leesburg. These roads are not sufficient for this type of project. **PZD Miller** stated within the PUD there is wording that supports whatever Lake County requires to be done on the roads. If Lake County says the roads need to be upgraded or a turn lane, traffic signal, or stop sign needs to be done, whatever Lake County says the PUD is designed to automatically back up what they say. Everyone in the county pays for roads. It does not matter where you live. We are strong supporters of any roadway improvements that Lake County requires. He would make a call to the county if needed. **Mayor Burry** mentioned right now we do not know if Lake County will require an upgrade on Gregory Street. **PZD Miler** agreed. At this point, we do not know. He could try to reach out to them tomorrow. **Mayor Burry** urged everyone to take a ride out there to look at it. **Commissioner Pederson** questioned whether the road was paved. **Mayor Burry** answered yes, it has been paved several times. There was a lot of repaving done and potholes, especially on Montclair Road. **Commissioner Pederson** inquired if the developer was willing to make road improvements in some form of fashion. **PZD Miller** replied that developers typically do not want to spend any more than they have to. If the county requires road work to be done, they will do it. **Mayor Burry** pointed out that before he could render any type of opinion, the roads need to be looked at. That is pretty important. **PZD Miller** remarked that he would contact them because right now we have not heard anything specific. **Commissioner Pederson** wanted to know if these apartments would be market rent or subsidized? **PZD Miller** responded he was unsure, but it would be senior living. By implying it is senior living, it could be market rent or government assistance. The staff has no ability to regulate that. **Mayor Burry** stated the PUD regulates that there will be no single family, duplexes/triplexes or town homes. The only thing they are approving is some type of apartment development. **PZD Miller** agreed. This is being proposed as senior living, which generally reduces the number of trips made because seniors tend to drive a little bit less. Instead of the standard nine-point-six trips per day, it cuts down the number of trips that leave. **Mayor Burry** stated the second reading is scheduled for February 26th.

Stephen Bien of Soho Housing Partners, LLC, said they are part of the Paces Foundation and they are the developers. There were a couple of corrections he wanted to make. They have made efforts to go beyond Gregory. There is an easement with the landowner to the north, which is west of Colonial. They have an agreement with the landowner for an access easement to Colonial. **Mayor Burry** asked if that was across the trail? **Mr. Bien** answered no, it would not go across the trail because it dead ends before the trail. They added an extra access point and, understanding the circumstances of the road at Gregory, they would be amendable with Gregory access even if it were just for emergency access. They like to have ingress/egress on two sides for emergency purposes. If they are required to do it, they would improve the road where necessary. The staff has done a wonderful job working with them. This will be for seniors, and there will be one or two-bedroom apartments. They have built several senior properties in the southeast. They have six in the State of Florida in Pensacola, Panama City, and similar communities to Leesburg. The average household age in these developments is around seventy-two. That is what they have experienced. Typically, the vehicular traffic from these developments is for the necessities of the household. They will not see the average traffic here like they see in multifamily developments. The desire is to blend with the surrounding neighborhood. They tried to make this a very low density development. There are ninety units on fifteen-point-three-four acres. That is extremely low. They will maintain the enormous natural buffers because the property has heavy tree lines. They try to be as friendly as possible to the neighbors by being good stewards in the community. In trying to gain access, it was their attempt to make sure if there was push back or concerns about Gregory or Deborah, they would have a third point of access that would be amendable with fewer obstructions. **Mayor Burry** wanted to know if they could have access to Deborah. **Mr. Bien** responded that was an alternative thought. They decided to go with Colonial if that was the county's desire. That would be their desired location for the access point. There is a foot of road, and it would be easier to traverse in and out. **PZD Miller** stated they would get with Lake County and go more in depth on this. The site plan shows how the layout is pushed up to the north side of the property and that is a tremendous amount of savings. That was the point.

Mayor Burry asked for any other comments. There were none. He stated these items will lay over until February 26th.

6. **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 15.34 +/- acres from Lake County Urban High Density to City of Leesburg Low Density Residential, for a property generally located east of Montclair Road and south of Colonial Street, lying in Section 21, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (River Fox Commons SSCP)**

7. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 15.34 +/- acres from Lake County R-6 (Urban Residential District) to City of Leesburg PUD (Planned Unit Development) to allow for residential uses for a property generally located east of Montclair Road and south of Colonial Street, lying in Section 21, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (River Fox Commons PUD)**

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 commented that the special magistrate had made a recommendation for the Sunnyside Lake Land Holding case against the city as a result of the recommendation made by the commission. On behalf of Brionez + Brionez, the attorneys representing the city in this case, they are requesting a closed session meeting be held on February 12th following the regularly scheduled City Commission meeting. There they will discuss the settlement negotiations and strategy session related to the litigation expenditures, coming on the heels of the recommendation from the special magistrate. He believed Mark and Stephanie Brionez would both attend the February 12th meeting. **Mayor Burry** asked if that date was good for everyone. Everyone agreed it would work.

9. CITY MANAGER ITEMS:

CM Minner asked the city attorney if he was going to contact Brionez + Brionez or did he want him to send an email confirming the date. **CA Watson** said he would reach out to them about this. **CM Minner** mentioned over the last few weeks he has sent out various emails to the commission. He wanted to make sure they were receiving and reading them. On most issues they were already up to speed. There was an email that discussed Bikefest and an email that provided an update about Pine Street. More importantly, he wanted to make sure they received his email about House Bill 1277. The state legislature is back at it again this year with utilities and House Bill 1227 now has a senate sponsor. He sent out a memo about two weeks ago that came from our utility rating companies. It was a good memo that talked very positively about our utility management and the re-rating of our water, sewer, and gas bonds. He also sent an email getting them up to speed on the city manager evaluation process, and the commission agreed to do so in August. Also, with the Sunnyside issue, the recommended order was sent by email. It provides the details of that order. This case is still covered by Sunshine, so he would not say anything out loud, but it is in their mailbox. **Commissioner Pederson** said he knows the city hired an attorney/lobbyist on behalf of our utilities last year. He wanted to make sure the city was doing that again. **CM Minner** replied that the city still has them on retainer. **Commissioner Pederson** asked about FMPA and if they were doing equal or more this year with their lobbying efforts? **CM Minner** answered FMPA really lobbies and stays up to speed on this through Jodi Seigel, the general counsel. However, most of our lobbying efforts come out of FMEA, and we are back at it again, just like last year. There is constant feedback with Ryan Matthews. **Mayor Burry** added at the FMPA meeting, it was stated this has a companion Senate Bill now. Where before, it was just a House Bill.

10. ROLL CALL:

Commissioner Reisman had nothing to comment on.

Commissioner Connell had no comment.

Commissioner Berry gave kudos to the Gas Director, Robert Thilmony and his group, including Cory Proctor and Kevin Wolgamott. They did a great job carrying out a duty for one of the city's residents. She received great reviews, and they went beyond the call of duty. She also gave kudos to Fire Chief, Joe Mera and his group at Fire Station 62 for their prompt response and ability to be there due to a concern this past week. She thanked them all for their service.

Commissioner Pederson had no comment.

Mayor Burry thanked everyone who came out for the Martin Luther King Parade. There was a nice group and they had a good time. He especially wanted to thank the City of Leesburg and everyone who was involved with the ceremony yesterday. It was eighty years to the day, during World War II, that Staff Sergeant Hall was shot down and killed over France. His body went missing for about seventy-nine years. They finally identified his body, and he was brought home yesterday. Many people were on Facebook inquiring about the jets flying over. That was part of his ceremony. There were roughly three hundred people in attendance. **CM Minner** agreed it was a good crowd. **Mayor Burry** said the city did a wonderful job bringing him home. He was pleased with the showing by the city.

11. ADJOURN:

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

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

With a motion by Commissioner Reisman and a second by Commissioner Pederson, the meeting adjourned at 6:33 p.m.