

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, MARCH 11, 2024 5:30 PM**

1. CALL TO ORDER

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

None

3. PRESENTATIONS:

A. Employee Service Award Recognitions:

Five Years: Samuel Britton, Public Works; Shyann Hubbard, Police; Ann Kinsey, Building; and Willie Porter, Public Works
Ten Years: Alicia Poth, Information Technology; and John Snow, Police
Fifteen Years: Israel Rolon, Public Works
Twenty Years: James Pew, Electric; Tino Anthony, Information Technology; Julie "Andi" Purvis, City Clerk; and James Williams, Accounting
Thirty Years: Barrie "Tracie" Hodge, Housing
Thirty-five Years: Stephen Strickland, Recreation

Director of Human Resources, (HRD) Arriaga and **CM Minner** recognized each employee and presented them with their years of service award.

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.

Rick Rojas of 9455 Silver Lake Drive said he was there on behalf of the residents in the Silver Lake area. He had submitted emails to the city, but wanted to put it on record that they were contesting the activity going on at the prior golf course with the KB Homes subdivision being developed. He wanted to bring it to the commission's attention because he was not aware if they were privy to the information he sent.

Mayor Burry said yes, they were aware of his emails. There is a meeting scheduled for tomorrow about it. **CM Minner** stated all emails have been privy to the commission, and they are a public record. If they were addressed to the commission, they found their way to the commissioners' email. There are three major issues that need to be discussed. There have been interpretations of where we are and what has happened. It has been outlined and they will have that discussion tomorrow. The city attorney and the mayor will be attending along with the planning and zoning director and the director of public works. **Mr. Rojas** asked if he could bring a videographer. **CM Minner** said yes, if he wanted to take care of that. **Mr. Rojas** said he would unless the city had someone lined up. **CM Minner** commented that he would be happy to record the meeting. He was going to have a tape recorder unless he wanted to bring a videographer. **Mr. Rojas** said that was fine. He looked forward to the meeting tomorrow.

Richard Calvin, Director of the Arts Center, said he was there on behalf of the board of directors to thank the commission, city staff, and the city manager for all the help they received at the 47th Leesburg Art Festival.

A few members of the Pine Street business district voiced concerns regarding the construction on Pine Street. They wanted to find out how the process worked because they had heard different dates for completion. There are days when no one is working and the project has stopped several times. They would like more updates about what is happening. It is frustrating for them and their customers. There are times they have to walk to the end of the road to flag their customers and direct them in because they could not find their businesses. They are excited about the project and anxious for it to be completed. However, they would like more updates about what is happening. There is a national church that comes to Leesburg every year and this year they were not able to have them come due to the construction.

CM Minner said they have been through this publicly a few times and there have been different meetings. Essentially, the city has tried to visit all businesses to provide periodic updates. There are two dates to keep in mind; first, the contractual completion date with Wharton Smith is August 2024. That date gave them about 365 days to complete the project. If we come up to that contractual completion date and the project is not finished, we will go into the process called liquidated damages. Typically, when a contract is not completed by the construction deadline, contractually, contractors will always argue and come up with reasonable excuses for why they could not meet that deadline. For example, they could say they did not anticipate the water and sewer lines being located incorrectly. If they do not make the August deadline, they will probably have some built-in days into the contract because of that. August is the contractual deadline, but we are trying to shoot for mid-May being the completion date. That would be about ninety days early. The latest update from public works was the May date. He would confirm the

date, since they heard otherwise. However, if it does go longer, it is probably due to the relocation of the water and sewer mains. That was a big delay based on old asbuilt maps, which were accurate, but not perfect because the depth of the water and sewer mains were deeper than the plans actually showed. When they started digging, they anticipated the water and sewer lines being higher, which meant they had to lower them before they could build the road. That was a delay, but they are still anticipating to beat the August deadline. They are still aiming for May. If it changes, the public works director will visit the businesses and the city will give a public notice to keep them informed. With the disruption, the city did a number of things to try and help with the disruption. We put up blue relocation signs and temporary lighting in the parking lot. We provided a waiver of trash fees and the abeyance of the utility bills. To date, no one has taken advantage of those things, but they are still offered. He would get with the public works director to make sure they stop by the businesses to give a personal update.

A member of the Pine Street business district stated the lights in the parking lot are not done. There are wires still hanging. She is in the parking lot at night, and they are not done. **Electric Director (ED), Brad Chase**, said from the audience that the permanent lights are not done, but the temporary lights are on. **CM Minner** added he would follow up on that. The city has invested over five million dollars into Pine Street doing capital improvement projects. It is hard due to disruption, especially in a business corridor. The city has done everything we can to inform folks. We have held different public meetings, posted it on the website, and different advertisements to get the word out. He apologized if that was not enough. The city would endeavor to do better and make personal contact. The city cannot tell the contractor that they have to have ten people on site every day. We cannot dictate ways and means. We can only make sure things are posted to keep people notified. The frustration is that this is affecting the businesses, and we understand that. The project on Pine Street would be no different than how FDOT would treat any other business on US 27. The overall investment in the Pine Street community is huge and that is being overlooked due to delays. When the contractors stopped working on the project, that was due to the lowering of water and sewer mains. When the project is done, it will bring more people in and boost the community. We will return to business better than it was before. That was the aim and purpose of this investment. We will continue to work with the contractor because the contractor has worked with the city in good faith. If there are financial concerns, there are incentives to delay and to put off some of those expenses. That was publicized and talked about publicly. He apologized for the delays, but it will be better when it is done.

A member of the Pine Street business district stated she understood the contractual end date, but she wanted to know if there were different phases where someone goes out and assesses the work that has been done because she believed they were not on track. They would like someone from the city to walk this with them, because there is no work being done. **CM Minner** remarked that all opinions differ, but the one that is legal and binding is the contractual date and the contractors are working within the contractual date. A lot of work for the naked eye has been done underground. It may not look like a lot of work has been done, but it is a boatload of work.

John Christian of the Community Development Corporation said they own most of the buildings on Pine Street. It may help to put an email list together to send updates to the business owners. They call the CDC for information, but he has no idea and cannot tell them anything. No one had worked in three weeks, and he called the public works director and was told about the permits. He tried to explain that to them. If there was an email list for the business owners, that would be best because some business owners work out of town during the weekdays. The fastest, most efficient way is to get everyone's email and treat them as a high priority. The email could say "this is what is happening this week on Pine Street". If they give them updates, it would alleviate many of the problems.

The owner of Cotton's kitchen said her business is on Pine Street. Originally, they were to have access

from the swimming pool to the businesses and that has not happened. Many of her customers are going to the Aquatic Center, and they have to direct them in. Until there is access from the pool to the businesses, could they get a sign, so they do not have to flag people down. They should have access from the pool to the business because she remembered at the meeting at the Venetian Center they were told that would happen.

5. CONSENT AGENDA:

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

Items pulled for discussion:

5.C.1 - Execution of an Agreement with the Florida Department of Transportation Shared-Use Non-Motorized (SUN) Trail Program, supporting a Sun Trails grant application for the design and construction portion of the Tav-Lee connector trail.

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

The roll call vote was:

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

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

A. CITY COMMISSION MEETING MINUTES:

- 1. Regular meeting held February 26, 2024**

B. PURCHASING ITEMS:

- 1. None**

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Florida Department of Transportation Shared-Use Nonmotorized (SUN) Trail Program, supporting a Sun Trails grant application for the design**

and construction portion of the Tav-Lee connector trail; and providing an effective date.

ADOPTED RESOLUTION 11,794

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

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

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell stated he had not been in favor of this project from the start. When this came up about a year or two ago, he voted against it. He knows there is a grant that alludes to the state providing some money. However, this will still cost the city two hundred and seventy thousand dollars for a trail that he does not see ever being used. It is two hundred and seventy thousand dollars, and it may look good on paper because the state is taking care of the lions share through a grant, but it is still two hundred and seventy thousand dollars of taxpayer money. That money could be kept, reserved, and used for a better purpose that benefits the majority of the citizens and not just a select few who want to ride a bicycle to Tavares. He pulled this because he wanted to put his comments on record. **Mayor Burry** asked if there were any further comments. There were none.

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.

2. **City Commission approval of the budget calendar for Fiscal Year 2024-25, which includes dates for Commission workshops.**

6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

Mayor Burry asked the city attorney to handle the swearing in. **CA Watson** asked if anyone wished to provide testimony on any agenda item under 6A to stand. He then swore them all in.

A. SECOND READING OF ORDINANCES

1. **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)

ADOPTED ORDINANCE 24-12

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

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

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this was for the Banning Ranch project, phases three and four. The request was for a large scale comprehensive plan and rezoning of approximately four hundred and sixty-four acres. It is generally located west of County Road 33, south of the Florida Turnpike and east of County Road 48. Originally, this property was one large PUD with one thousand three hundred and seventy-five residential units on six hundred and twenty-four acres. On a rendering, he showed the current subject property with the additional property going out to County Road 33. The property was sold, and it had one PUD on it. It was sold and broken down into two PUD's. One of the PUD's was recently approved under Ordinance 21-29, which was the property to the east. That was phase one and two, which allowed for two hundred and seventy-eight units on one hundred and sixty acres. The project before them is for phases three and four on four hundred and thirty-four acres with five hundred and thirty units. To sum up, they originally had thirteen hundred and seventy-five units on one PUD. The same property is now broken down into two PUD's with a total of eight hundred and eight units. That is a reduction of five hundred and sixty-seven units from the original PUD. The overall proposal goes from a large scale comp plan, neighborhood mixed use to estate residential. Both allow for a maximum of four units per acre. There would be a rezoning from the old PUD to the current one. The specific request was for five hundred and thirty detached homes on four hundred and thirty-four acres, which is one point one five gross units per gross acre. It will be all single-family residential in the development. There will be no commercial or industrial uses. The standard prohibited uses are written into this. It would consist of fifty, sixty, and seventy-foot wide lots. All lots will have twenty-five-foot setbacks and gutter requirements for any side setback less than seven and half feet. There will be dark sky lighting, two trees in each yard, architectural standards, and two car garages. There was additional guest parking provided on the site plan and more than thirty-five percent of open space. There is a twenty-five-foot buffer surrounding the exterior boundary of the property. Two access points, one contiguous to the east and one contiguous to the west. There will be two point four-three acres of recreational areas such as fenced in playgrounds for children, separate dog park areas, and other recreational type amenities. All the other standard PUD language is in there, including protection for wetlands and restrictions on the types of grass. They would not use St. Augustine grass, which requires a lot of water. This is a standard PUD. The total reduction from the combination of the old PUD is reduced by five hundred and sixty-seven units. It would all be single family instead of having some town homes. This is the same PUD they saw before. Mike Ranken of LPG, Mount Dora is here to answer any questions.

Mayor Burry inquired about access to the west. **PZD Miller** replied there would be access to the west, but that depends on what happens to the west. The properties to the west are under consideration by other developers, and they would have to punch out over to County Road 48. It will have access once it is built. They will also have access to County Road 33. **Commissioner Reisman** asked about large developments

like this. Do we require the developer to put in covered school bus drop locations? **PZD Miller** answered the city works with the school board. We send the information to them, and we make suggestions. There are times when they do not want them and other times they do. We let the school board make that decision, but he would be happy to make that recommendation to the county. **Commissioner Reisman** asked if costs were passed on to the developer. **PZD Miller** agreed. If the school board chooses to do that. In most cases, they have to do mitigate agreements with the school board to fund money for school seats. That is very common.

Michael Rankin of Land Planning Group, Mount Dora thanked the commission for the opportunity to speak. The planning and zoning director did a great job covering the project. He wanted to reiterate that the properties were contiguous, and they would have ingress/egress. They will make sure they have continuity between developments. This is a reduction in rooftops and they are all single family homes. We meet the open space requirements, and we fully agree with the design standard and architectural standards that city staff recommended.

Commissioner Connell stated this was as good a time as any to speak. There is smart growth and out of control growth. He believed the city had hit the out of control button with the amount of land that it annexes and rezones every month. It is tremendous. We have over thirty thousand lots on the books that have been approved, but not developed. That is more than double the amount of single family homes we currently have in this city. We are over double that already on the books for development. We need to take a step back and think about annexation and rezoning. We have a tremendous amount of property and there is no supply and demand problem. There is plenty of property that can be developed that has already been approved. We need to think about slowing down on development. We all know that transportation and roads lag way behind development. We are talking about over thirty thousand rooftops. We cannot handle another four or five thousand rooftops. When he was driving into the city the other day, it took thirty minutes to drive a five-mile stretch. Nothing against FDOT or the county, but it lags behind development. We already have over thirty thousand lots sitting on the books. We really need to consider not doing annexations or rezonings. He has heard the argument about if we do not do it, somebody else will. It was his understanding that if it was in our ISBA, they cannot do that unless all fourteen jurisdictions and the county agree that the other jurisdiction can take it. It is not like somewhere down the road, we are going to miss out on some annexation or rezoning, because if we do not do it, Groveland or Clermont will. They cannot do it because the property is located in our ISBA. We need to consider slowing down on handing out these annexations, rezonings, and PUD's. We are like Santa handing out Christmas gifts, and we really need to reconsider this. He has been thinking about it, but now is the time. There is another PUD with what eight hundred homes. **Mayor Burry** pointed out that this PUD actually decreases from the original PUD. **Commissioner Connell** said he understood it was a decrease, but this PUD is well expired. That is why they are back because their PUD that was approved is expired. The commission ought to think about this because there are over thirty thousand units on the books. That is over double the amount of single family rooftops we currently have in the city. How many more are we going to bring in?

Rick Rojas of 9455 Silver Lake Drive, Leesburg commended Commissioner Connell for his comments. He mentioned this back in December 2021 when another project was irresponsibly being developed on County Road 44 with two-way roads that cannot support what is already there. There is a fine line, and he makes a career out of this. He has been in this business for thirty-eight years and there is a fine line between responsible development and irresponsible development and the City of Leesburg crossed that line many years ago.

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

The roll call vote was:

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

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

2. **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)**

ADOPTED ORDINANCE 24-13

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

The roll call vote was:

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

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

3. **An Ordinance of the City of Leesburg, Florida, establishing the Dewey Robbins Community Development District pursuant to Chapter 190, Florida Statutes; providing for authority and power of the district; establishing the district; providing for the Board of Supervisors of the district; providing for the district budget; providing for functions of the district; providing for miscellaneous provisions; and providing an effective date. (Dewey Robbins CDD)**

ADOPTED ORDINANCE 24-12

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 Pederson seconded the motion.

Mayor Burry asked if there was any discussion. There was none.

The roll call vote was:

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

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

B. FIRST READING OF ORDINANCES

1. None

C. NON-ROUTINE ITEMS

1. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Property Sales Contract in order to purchase 120 and 122 West Main Street, Leesburg, Florida; and providing an effective date.

ADOPTED RESOLUTION 11,795

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 questioned the consideration of purchasing the Tropic Theater for two million three hundred and ninety-five thousand dollars to house, potentially, the Center for the Arts and Melon Patch. They are two nonprofit organizations that will pay absolutely zero rent, yet we would pay two point four million dollars. Then, we would tear down the Center for the Arts building. He went out and did an inspection of the Center for the Arts building earlier this morning and found nothing wrong with the building. The sprinkler system is properly tagged and up-to-date, which tells him it is functional. The fire alarm system is properly tagged so that means it is up-to-date. He found nothing wrong with the interior of the building. He was informed of a roof leak on one corner and some water intrusion at the front door. That is a grade problem from the outside and the concrete could be readjusted, so it does not drain into the front door. Maybe some weather stripping would help, but at a cost to tear down a perfectly good building is one hundred and fifty thousand dollars. We also have all kinds of stuff stored in there, so we will build a building for four hundred and fifty thousand dollars to house the stuff that is currently stored in a perfectly good building. Then, we would spend four hundred and fifty thousand dollars to do a design improvement plan of downtown for a total cost of three million four hundred and forty-five thousand dollars. That is absurd. There is nothing wrong with the present building the Center for the Arts is in. We do not need a theater building for two point four million dollars. We do not need to tear down a

perfectly good building for one hundred and fifty thousand dollars. We do not need to build another building to house the stuff that is currently in that building. This is craziness. **Mayor Burry** inquired if his contention was that the building was fine. **Commissioner Connell** stated he found nothing wrong with that building.

CM Minner mentioned that he put together a PowerPoint presentation he would like to share. He wanted to share the philosophies behind this with all due respect to Commissioner Connell's objection to the project. Referring to a slide, he said the purchase would be for two point four million dollars. That cost is the difference between two appraisals, which are required by state statutes to purchase anything over half a million bucks. That is how the base cost was determined of two point four. It was the middle price of the two appraisals from separate certified appraisers.

The reason for the purchase, is it supports the arts. Currently, the Leesburg Center for the Arts building or the old Partnership building, but so there is no confusion, the purpose is to support the arts. The building used to house The Partnership before they passed the baton to the city, and it also houses the Leesburg Center for the Arts for art programs. He appreciated where Commissioner Connell was coming from, but the reports the city received say otherwise, and the commission has previously determined that we wanted to reinvest in this. We allocated two hundred and fifty grand for it. If he remembered correctly, in 2015 or 2016 we put fifty or sixty grand into the building to upgrade the electric panels. That building went on for some time, but over the past couple years we have received complaints from the Center for the Arts as well as from The Partnership before it was defunct. We received complaints about all the problems; the aesthetic appearance of the outside, the roof leaks, and the walls dripping. Wharton Smith has gone through the numbers. Now, is the building in tear-down condition, probably not, but it is in need of some upgrades. In any case, we would come back to the that question momentarily.

Supporting the arts was the concept, and we are trying to create synergies to move in different ways to make other things happen in downtown. This body set that as a priority goal this past summer. The Melon Patch and the Arts are the core of what we do for the arts. If we can get those organizations in a facility that better supports them and better supports the downtown, then our investment is not just financial, it is long-term. It is the non-tangible things that bring people to our downtown, and it promotes Leesburg and local businesses. We want feet on the ground and part of this body's job is to think of things that enhance our community. By putting the Arts and the Melon Patch in a facility that represents Leesburg and those organizations better, accomplishes the building of commerce, it boasts our downtown, and it supports the arts. Supporting the arts and supporting downtown commerce are the two primary reasons. We have a number of issues downtown that we have tackled or grappled over for a long time and parking is one of them. In July 2003, city manager, Ron Stock wrote a memo to the City Commission saying they should buy that facility for a parking lot. They recommended a transfer of two hundred and fifty thousand dollars from the electric fund to do it. That is The Partnership building. Mind you, we did this when the parking garage was under construction. Then, a few months later, we passed a seventeen million dollar bond. In 2003, we said we needed to knock down the building for a parking lot. Then, ten months later, the city manager, Ron Stock, wrote another memo to the City Commission saying we needed to keep the building and put eighty grand into it to put The Partnership there. At that time, staff did not even give a recommendation. We bought the facility for a parking lot, and then we put the Center for the Arts and The Partnership in the building. Now, twenty years later we are revisiting this. One objective is that we are trying to do the downtown, and that is the purpose for bringing this up. There are objectives that we are trying to accomplish, and one is parking. We have been talking about parking since he has been with the city. Parking has been an issue. In December the consultant said one problem with parking is where the parking garage is located. That was not an ideal location for a parking garage, it needed to be centralized in the downtown. He was not sure about what the number would be to build that parking garage in today's dollars. However, he would guarantee it would be at least fifteen million, if not

more. Going back to the 2018 master plan with the pocket park concepts and the Market Street concept, Commissioner Reisman brought in the need to get rid of our nonconforming on-street parking and the consultant said if we use this location we could address those things. There are probably three underlying subreasons; investing in the building and the arts, and it also invests in our downtown. We have slum and blight issues and, with all due respect to the Melon Patch Theater and The Players, that building is blight. That is blight on 12th Street, it affects the Baptist Church and it lacks parking. We can do better. The Partnership/Arts building is blighted and while it may be a doable building it is old, outdated, and ugly. It does not represent the downtown well because it is blight. Removing both facilities helps move our core downtown forward and even a little bit outstretch of our core downtown by tackling the Melon Patch, which hopefully will be under contract, purchased, and removed. Then a new use plan will be developed for that. Finally, the events division is an ancillary reason and with the city picking up the baton from The Partnership, we necessitated an events division who are currently housed in The Partnership building. This would be an easy location for them to relocate to, and they would have more of a touch in the downtown. Of course, as Commissioner Connell said if we knock down the building that houses stuff already we have to find another location. We have another blighted area which is Hall Circle, we have a storage shed there that is underutilized, and if we push on it hard enough it will fall over. We do have blight issues and he understands the price tag being heavy. In the ten years he has been city manager, he believes it is totally reasonable for people to question concepts and ideas to figure out if it is a good or bad plan. Those are matters of opinion and, for this body when you vote on something you have the majority and that is accepted as consensus of the collective wisdom of the body.

One of the greatest things that we have done when it comes to general fund projects, under his leadership, is we have been excellent stewards of money. The definition of an excellent steward of money means, we have not issued one single penny of debt on a general fund project and everybody understands a caveat, so when it comes to the general fund and projects that depend on taxpayer money, zero debt has been issued. Now that was not always the case and not saying the investments were bad, but in past years we probably spent upwards of twenty to thirty million dollars on different projects from the pool, to Pine Street, the Resource Center, and the Venetian Center with zero debt. This is another one of those projects and it is affordable. Every time we do a project like this we have to allocate our scarce resources and we spend them wisely. We have talked about this since 2003. Right now, if we count our available cash allocations we have The Partnership building rehab allocation of two hundred and forty three thousand. We allocated seven thousand dollars for that, but we only did a couple of things. It may have been the air conditioner and sealing windows. However, we still have two hundred and forty-three thousand left from that. We have the remaining American Recovery Act funds of three hundred and nine thousand dollars and the remaining Market Street allocation of three hundred and twenty one thousand dollars. We also had allocated CRA money, but we did not like where that design was going, then covid hit, and we stopped. We have not spent any more of that money, so that money is still available. The capital improvement (CIP) account interest earnings is four hundred and forty-one thousand dollars. As you know, accounting wise, when we do capital improvement projects we take money from the general fund and shift it into the capital improvements fund before we spend it. That is the Gatsby rule. When that money is shifted over, we may or may not get the project done, but that money goes into that account and earns interest. We can spend it where we see fit. Over the years, we have generated about four hundred and forty-one thousand dollars in interest monies on CIP projects. We have one million dollars of unspent fiber sale proceeds left. It is exactly nine hundred and thirty-four thousand dollars. When we sold the fiber system, the best thing that asset did for us was with the right of use for thirty years. We are now in about year twenty-three. We were able to get what we needed out of the fiber by selling it. The perpetual use thirty-year deal lined us with about eight million dollars and of that eight million dollars, we have one million left. We also have FY 24 unallocated discretionary sales tax (DST) revenue. When we did the budget this year, we knew going in that it was an interesting year. We were shifting goals and priorities, so we did not allocate everything from FY 24. We bring in roughly two and a half million dollars a year

in DST money, which is the penny sales tax we get from the county based on a formula. At the end of the year, we said we were not going to spend it. We also have some other unspent DST monies of one point six million dollars. That, one point six million, has accumulated due to our approach. Since he has been city manager our approach has been to budget revenues low and spend even less, which creates cash.

Commissioner Berry wanted to know what the time frame was on the unallocated funds. **CM Minner** answered that was the unallocated DST revenue for FY 24 was the past twelve months. The one point six DST reserve started roughly 2020/2021 when covid hit. When covid hit we anticipated that it would hurt our DST revenues, so in the summer of 2020 during the budget we were extremely conservative and we cut the DST revenue projections because that was the time we saw people closing up shops. Although Florida is a free state, we were still closed for a little while. There was a lot of uncertainty when we did that budget so we were extremely conservative and we have kept that approach. Since then we have opened it up a little bit. So, those two together make two point nine million dollars. If we put all the numbers together that equals five point one four eight million dollars. This project would not hit the general fund reserves. We would not tap into general fund reserve monies and in out years we still have sources, primarily the DST revenues. This is allocating how to do this without spending one single penny in out years. It is all cash, no debt. Comparing it to a home budget, if you want to buy a home you squirrel away money and when you have what is needed to afford a home, you go out and purchase it. The pay as you go system has been the city's philosophy for the general fund over the past ten years. We have not taken it from the electric fund. However, we have done it with the gas and solid waste funds. We endeavored to do that for different reasons, but he would not get into it. He appreciates everybody's opinion. As the manager, this is a good project, and this is a priority type item. If you agree that it accomplishes the goals of marrying organizations, putting a better foot forward, investing in downtown, helping commerce, getting rid of blight, and tackling other projects, then this is an expense you may want to do. We can afford it because it uses roughly half of the five point four million dollars without going to future monies. He believes we can accomplish this with the monies we have available before tapping into allocations in FY 25. At the end of the day, this is really a priority item. If you feel this is a worthy project or a worthy expenditure then vote yes. If you think we can spend the money in other places than vote no. The staff recommendation is yes. This is a good plan and it fits with the directives given during the goal setting session from this past summer. It matches with the downtown business plan and it is affordable.

Commissioner Connell said he wanted to retouch on what the city manager brought up. With the leaks, there was a small portion of the roof that leaks, which is an easy fix. As far as the water weeping into some of the walls, we have planters that the city built along the exterior walls which is about two and a half foot of block walls that the city built planters in. There are no weed bowls in them, so any water that goes in there from rain has nowhere to go and no where for the water to escape. That is easy to fix. They could drill some holes for the water to go somewhere else so it does not weep into the building. At what cost to the city, as a whole, are we going to put into the Center for the Arts and the Melon Patch, three and half million dollars? That is craziness. We talked about bringing traffic to the downtown and the arts building is only one block off downtown. He did not know if we would see any more foot traffic downtown if we were to move them to the old Tropic building. That does not hold a lot with him, and we do not have a parking problem downtown. He keeps hearing about parking issues, but he could guarantee on any given day if you went to the parking garage there would be a few, if any, people parked on the second or the third floor. We have parking. We do not need to spend this kind of money to develop more parking spaces downtown. Even when we hold events, we do not run out of parking spaces. If we have a major event, most people that own property around Main Street sell their property for ten to fifteen dollars a car for parking. People can find a place to park if they want to come downtown for special events. On a regular basis, we do not have a parking issue. With the looks of the Partnership/Center for the Arts building, it does not look any different from other buildings downtown. It is not blighted and it is not an

eyesore. A good coat of paint goes a long way, so it does not stand out like a sore thumb. As far as the arts building, the electric was recently redone by Prime Electric. They did a beautiful job, and he would guarantee that upgrade with the inside panels, metallic tubing, and everything else that was put in it was not cheap. We also just replaced one or two units a couple of years ago. If it is such a disaster, why did we spend that kind of money on a building we are just going to tear down. Plus, is the Tropic building turnkey or are we going to have to spend two point four million dollars to turn around and dump hundreds of thousands more to accommodate these two new tenants. Is it turnkey and ready to go or is it going to cost more money to renovate it once we have ownership. Without arguing the point, if we have the kind of money to spend on Tav-Lee bicycle trails and three point five million dollars to have this dream happen downtown, he would make motions at budget time that we no longer just roll back the millage to adjust to the cost of what people's property values have gone up to, but we should actually reduce the millage rate significantly because apparently we have more money than we know what to do with.

Commissioner Pederson pointed out that some people call this progress. Twenty-five years ago our downtown was truly blight. He moved here twenty-six years ago and our downtown was two thirds empty. The major businesses were pawn shops. This city has come a long way. We did the Main Street design in conjunction with the Leesburg Partnership. The city has invested in the downtown and, as a result of that, the private sectors have invested substantially in the downtown. He brags about the downtown all the time because it continually improves every year. Some may wish it improved faster over the years, but it has not gone in the wrong direction. It continually goes in the right direction, and he is very proud of that. It is time for the city to invest in the downtown. We are moving forward with a downtown master plan, and we are budgeting money bigger than that. We were responsible because we put that money on hold due to covid. Money has been spent elsewhere through our town. We spent money all over town during the five years he has been on the commission. He has supported just about every one of them because that is progress. We are investing in our city, and it is time for the city to invest in the downtown. Two years ago he was against knocking down the current Partnership building, but he has reassessed that building. With parking, in the downtown master plan that was either number one or two by the residents of the city for where to spend money downtown. It was ranked high by the residents. It was the residents who came forward and ranked the priorities downtown. He was positive parking was either the number one or number two. When the parking garage was built, he shook his head because it was not in a good location. People complain about parking and we do have a parking problem. This is a great opportunity to do projects right. He supports the arts, it is good for the downtown, and it will draw people downtown. He was excited about parking, because we need to create more parking in a central location. To piggy back off of the study we did downtown, we have other parking problems that need to be fixed. Yes, it will cost a lot of money, but it is time for the city to invest in the downtown. He hoped the commission approves this because it would be good for the downtown. If people complain about parking after this, then they will just have to complain. This is a good move by our city.

Commissioner Berry said with all due respect to Commissioner Connell, he made some valid points that made her think differently. She knows the importance of what we need downtown as far as an arts theater. Right now, we cannot accommodate the arts organization, theater group or artists that may want to come and display paintings in our downtown. We need to fix this so we can draw people in who want to see it. It is important and it is needed. We have many people moving and relocating to this area, and they want to see the arts in the downtown. Right now, we are utilizing churches like Morrison United and First Baptist. Our downtown needs to be an inviting spot for all. When she says all, she means very diverse. It would up more job opportunities, which are definitely needed. She could question the dollar amount, but it has been laid out. It is simple to understand the costs to make sure we have representation to make our downtown look nice and inviting. When people buy homes or buildings they are never turnkey, ready to go. She does not care what you invest, there will always be some form of changes

needed to make it your own. There was a mention of The Partnership. She remembers going in there to look around, and the offices were okay. However, this would be a place to hold events, to bring business and people in. We need to step it up. We need to make it inviting for people who want to come downtown. It would be a big plus and change. We need to draw people to the area and we need to let them know we are stuck back in the 21st century. We are moving forward and this would be the first step.

Commissioner Connell said the Center for the Arts is only a block off of Main Street. It is not miles away. Moving it a block may not make that big of a difference one way or the other as far as bringing people downtown. They are already downtown and Magnolia is considered as part of the downtown. For the building itself, it is perfectly fine, there is nothing wrong with it. If we do not think it is pleasing to the arts people once they go in there he could assure that for a fraction of three point four five million dollars we could make some significant improvements to make it look beautiful. We are going overboard here to create something downtown that is already downtown because it is located one block away.

Commissioner Berry pointed out that the building is not accommodating. **Commissioner Connell** stated for the three-point five-four million dollars we could make that building very attractive for a fraction of the cost. They could make the most beautiful art center in Lake County maybe even Central Florida. We have parking for the building already, so it would not need any additional parking downtown.

Commissioner Reisman mentioned that this was exciting for the city. We as a city have supported a lot of things and we have invested in a lot of different areas around our city; whether it be sports complexes or trails. Not everyone is into trails and not everyone is into sports complexes. Some people are into arts, so it is exciting that we are diversifying and offering another opportunity for residents to have fun and enjoy our city. This would be a great thing for our downtown.

Mayor Burry pointed out that we can purchase it or not purchase it. If we do not purchase it, what happens to the building? Someone else will purchase it, and it would most likely be a local non-profit, so we would not see anything out of that deal. **Commissioner Connell** added by purchasing the building we are taking a big property value-wise off the tax roll. It would be a reoccurring cost by losing ad valorem taxes on the building every single year. If someone bought it, hopefully they would not be a non-profit. **Mayor Burry** said the chances of that happening are slim. His best guess is that a nonprofit located in close proximity to the area would purchase it, so we would still not see the ad valorem tax. We have a responsibility, as the other commissioners have mentioned. We need to support the arts. The current Melon Patch Players Theater is in terrible shape and it only supports about two hundred seats. The Tropic would have two hundred and fifty seats, so that is an improvement. The audience that already goes there will come to the Tropic. We could have at least two hundred and fifty people in the downtown on a Saturday night. We can expect them to eat the local restaurants, so that is a benefit to the downtown. He is not a great fan of the money. He gets it is expensive, but doing things for the city makes it better for everybody. This will improve the quality of life in Leesburg and he supports it.

Mr. Rojas said he did not realize this item was on the agenda. He was a prior owner of the Tropic Theater and Commissioner Pederson helped finance that mortgage. He struggled to finance that building at two hundred and fifty thousand dollars. They had to fight tooth and nail to make it happen by injecting over one hundred and fifty thousand dollars into it. He asked if that building had been assessed and how was it presented because it was not listed for sale. He knows the non-profit being talked about is Beacon College and they could certainly use it. He has said it for years, that the parking garage was not placed in a suitable spot. It should have been placed between fifth and sixth street. The city owns three properties that boarder the parking lot between fifth and sixth street, so they do not need to tear anything down. There is enough land space to build a parking garage there. He was well familiar with the infrastructure

of the theater and there are two hundred and thirty-eight seats in theater number two, which meets the requirement. However, it was renovated back in 1978. The city is looking at another million to a million and a half at best to rehab the Tropic Theater. He owned it for years and sold it because it was a money pit. When he moved here in 1979, the Arts Festival was held at Venetian Gardens. The city used to draw about the same crowd as Mount Dora. It was the thing to do. The year they moved it downtown, it killed the Arts Festival for Leesburg. That was when Mount Dora jumped on the opportunity. We have a beautiful, huge, triple the size of what the community center used to be that could house an annual event for the arts. We have a building on Magnolia and if a parking garage was next to it, it could be rehabbed for less money. He would be willing to put in a bid for it. This is wasteful dollars. He had to speak up because he used to own the Tropic. His girls performed at the current Melon Patch Theater and with a little bit of a touchup, for a lot less money, it could be a beautiful theater.

Bert Boliek of 126 South 8th Street said his family was celebrating their 106th anniversary of being in this community. They have a lot of experience here. With moving the Arts Center to Main Street, he wanted to provide a quote from the Americans for the Arts, "a summary of the investment in the arts community across the nation. Nationally, nonprofit arts and cultural sections generated one hundred and fifty-one point seven billion dollars of economic activity in 2022, seventy-three point three billion in spending by the arts and culture organizations and an additional seventy-eight point four billion in event related expenditures by their audiences. The industry supported over two point six million jobs and provided one hundred and one billion dollars in personal income to residents. It generated twenty-nine point one billion dollars in tax revenue to local, state, and federal governments." Now, let's compare that to Florida, Florida did a really nice report. With the national total spending of one hundred and fifty-one point seven billion, the State of Florida had five point seven billion in total spending for the arts. The total jobs created were two point six million nationally and ninety-one million two hundred and seventy thousand jobs were created in the State of Florida. Personal income one hundred and one billion nationally and three point seven billion dollars of personal income in the State of Florida. With individual spending, that is the big number that needs to be looked at, because it is important to move it downtown. On a national basis, individual spending is above and beyond the cost of a ticket to get into the event, it is thirty-eight dollars and forty-six cents per person. That is above and beyond the cost of the ticket. In Florida it is forty-four dollars and ninety-two cents per person spent above and beyond the cost of the ticket in a downtown. That covers food, drinks, shopping, lodging, transportation, clothing, groceries, child care, and other items with local merchants beyond the cost of admission. This is a critical piece to the puzzle. By investing in the arts and culture it attracts new populations and businesses to local areas according to research by the Arts Council. The industry is known to boost tourism both domestically and foreign. Acting studios in Chicago say live theater helps promote social discourse and theater is a cultural phenomenon that demands that society examine itself in the mirror. We can study societal problems and attempt to find solutions, but coming together as a community to listen to opposing points of view is necessary and we need that more now than ever in our nation.

Elliot Ward of Blue Island Sportswear thanked the commission for what they were doing. The different views are good to see. With that being said, we do have a huge parking problem in the downtown. He is a business owner, so he knows there is a big parking problem. Anything the city can do to help bring people downtown he is for it. He is for tearing it down and buying the Tropic because we definitely need parking.

James Hargood owner of Breakfast at Tiffany's on Fifth Street said his business is right where they are discussing. He sees that parking lot full every day. It is shared with Lifestream. If you go down there around ten thirty in the morning that parking lot is full. To say the city does not have a parking problem is really irresponsible. If you spent anytime downtown, you would realize very quickly that there is a major parking problem. Signage would be a big help, because people do not always know where to park.

He knows the chief and others have been doing some policing on the three-hour parking, because that is another huge problem. There is no other parking for business owners or employees. The workers would have to walk six blocks with totes and backpacks if they parked in the garage. He sees them park where patrons should be parking park, so when people come to eat or shop there is no place to park. The current parking garage is on the other side of downtown. It is over by the Beacon College. That is the only real business on that side of town other than RoMac and the Library, and that is why it was put there. It was to draw people to the library. He wanted to know if the city has explored all the options other than just tearing down the building. He did not disagree with Commissioner Connell because if it is a good functioning building, and it could be rehabbed and used. He has been here since the first grade and this was the first time he has owned a business in the downtown. He was concerned about wasteful spending because he is conservative minded. He wants to make sure the city is saving money and using taxpayer money correctly. However, we need to move the city forward. That building is blight, it has so many structural cracks on it. He was in construction, so he knows it has a lot of external structural cracks that stair step up and down the whole building. That is a sign of foundational shifting, which is normal because Florida is a beach, so it could be fixed. He questioned if the city had explored an option of partnering with Lifestream to utilize a piece of their property because their parking lot would make a really nice parking garage. The city could tell them that they can have the prime parking spots, if they allow everyone else to use it.

Dina Simpson of Renew Day Spa said she has been in business for almost eight years. They have seen wonderful improvements in downtown. She also sits on the board for the Arts Center. If they want to know how this would benefit them as a business in downtown, first it would be bringing new life to the downtown. There has been a lot of empty buildings sitting for a very long time. We have a lot of buildings that are worn and run down. She appreciated the commission trying to improve the downtown. For years, she has been on the board for the Art Center, and she cannot tell them how many times she has had to mop up the floor, over and over again. She cannot say how many times they have had artists put their possessions in that building for it to be damaged or destroyed by rainstorms. Part of the responsibility of the art board is to consider every rainstorm comes through, so the art does not get damaged or ruined. She has seen the look on the artists' face when their art has been ruined and that hurts her heart. She knows the time and effort that goes into art. Not to mention, how it reflects on them because they are responsible of taking care of that art. She understands art might not be for everybody, but sports may not be for everybody. We have to be inclusive. It adds culture to our downtown and it does not segregate. With the Melon Patch she did not know the last time a member of the commission has been there. Years ago, her husband was asked to be in a performance at the Melon Patch and she was like, where the heck is the Melon Patch. When you go in and sit down your nose fills up with the smell of mold and mildew, and everything else that is in that building and that is coming from an outsider. She does not know anything about construction, but that building is old, and it needs to be redone. She is tired of Arts Center and the theater being looked at as art, yet they are not under the same roof. They all get along, so why is it that the art people who work on the backdrops for the theater in a different building? That is very inconvenient. They need to look at the whole picture because they need to be inclusive of everybody. With the parking situation, speaking on behalf of Renewed Day Spa, she has clients that will not book an appointment between the hours of ten and two because lunchtime is too stinking busy. They cannot turn around or find a parking spot and good luck trying to find a handicap parking spot. Has anybody been out in The Villages to see the Sharon Building? They put in a lot of money to refurbish the Sharon because it used to be a church. It brings in a lot of people and it looks great. They really need to go look at that.

Mayor Burry asked for any other public comment. There were none. He asked for any further commission comments. **Commissioner Connell** said someone spoke about the theater and how much money the average person spends when they go see a play. Did Dance Dynamics have theater shows

where they brought people downtown? There are people downtown already coming to the Tropic. With somebody having their painting ruined, that is a new roof. That would be a lot cheaper than three point four million dollars. One gentleman talked about the parking issue and Mr. Rojas brought up other options for parking. If one of the main driving forces is parking, then we should find cheaper options to create additional parking spaces rather than spending three and a half million dollars.

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.

7. INFORMATIONAL REPORTS:

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

A. None

8. CITY ATTORNEY ITEMS:

CA Watson had no reports this evening.

9. CITY MANAGER ITEMS:

CM Minner had no items to address.

10. ROLL CALL:

Commissioner Pederson had no further comment.

Commissioner Berry thanked the Housing Director for her kindness and experience while working this week. She appreciated it.

Commissioner Reisman pointed out that they needed to go back and redo item 6.A.3, there needed to be public comment. **CM Minner** agreed, but at the moment Commissioner Connell was not in the room. (Commissioner Connell left between 7:02 p.m. and 7:05 p.m.) **Commissioner Reisman** said he would bring it back up after roll call. He invited everyone out for the Shamrockin' BBQ & Beer Festival this weekend. It starts on Friday afternoon and runs through Saturday night. Head downtown and enjoy yourself.

CM Minner said going back to the Community Development District (CDD) issue. They approved that item, but a procedural item was missed. **PZD Miller** stated their attorney, Ms. Michelle Rigoni of Kutack Rock Attorneys of Tallahassee reminded him that they should have allowed for public comment, but they

went through that one rather quickly. He noted the addition of pre-filed testimony from the district representative, district manager, financial consultant, and engineer, which provided support for the statutory findings in Chapter 190. This is the CDD for the Dewey Robbins Community, Lakewood Reserve and Hodges Reserve located on Dewey Robbins Road. This is a standard CDD, and it will be the seventh one in this city. **Mayor Burry** asked if there were any public comments about the Community Development District. There were none. **CM Minner** inquired if they should revote on this item. **CA Watson** suggested they revote to avoid any future problems.

Commissioner Reisman made a motion to approve the resolution for item 6.A.3 and Commissioner Pederson seconded the motion.

The roll call vote was:

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

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

Commissioner Connell had nothing further to comment on.

Mayor Burry had no comment.

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 7:08 p.m.