

AGENDA
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, OCTOBER 14, 2024 5:30 PM

1. CALL TO ORDER

INVOCATION

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

2. PROCLAMATIONS

A. Orlando Health Air Care Team 40th Anniversary

3. PRESENTATIONS:

A. Leesburg CDC Update

B. America in Bloom Overview

4. PUBLIC COMMENTS:

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

5. CONSENT AGENDA:

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

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held September 23, 2024

B. PURCHASING ITEMS:

1. **Purchase request for the purchase of three (3) Ford Explorer SUV 4x2 vehicles from Duval Ford, LLC, for the City of Leesburg Police Department in the total amount of \$111,978.00. Duval Ford, LLC is the contract holder for the central Florida region under the Florida Sheriffs Association contract #FSA24-VEL32.0.**

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida, approving a mural sign for placement on the side of the building on a parcel owned by Star Five Properties, Inc., and operating as Checkers restaurant, and being located at 2508 Citrus Boulevard, in Section 10, Township 19, Range 24, in Leesburg, Florida; and providing an effective date. (Checkers Mural)**
2. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute the Leesburg International Airport, Disadvantaged Business Enterprise (DBE) Program; and providing an effective date.**
3. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Silver Lake Estates, Phase 1, a subdivision of the City of Leesburg, Florida, being a portion of Section 15, Township 19 South, Ranges 25 East, Lake County, Florida; and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Silver Lake Estates Phase 1 Plat)**
4. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Police Department to apply for and, if awarded, accept an Edward Byrne Grant (JAG Local) from the U.S. Department of Justice for \$13,703.00 to defray costs associated with the purchase of department equipment; and providing an effective date.**
5. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the designation of existing city staff to serve as the Clerk to the Local Hearing Officer for the School Zone Speed Enforcement program; and providing an effective date.**
6. **Resolution of the City Commission of the City of Leesburg, Florida, appointing one member to the Library Advisory Board to a five-year term ending September 30, 2029; and providing an effective date.**
7. **Resolution of the City Commission of the City of Leesburg, Florida authorizing Corey Goepfert as the City of Leesburg Designated**

Representative on the Florida Gas Utility Board of Directors, and James "Jim" Williams as Alternate; and providing an effective date.

- 8. Resolution of the City Commission of the City of Leesburg, Florida, appointing three members to the Leesburg Planning Commission; and providing an effective date.**

6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

A. SECOND READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida; creating Section 2-8 of the City's Code of Ordinances; entitled control of access to City-Owned, controlled, and leased property; establishing a process to designate facilities as public forums, limited public forums or non-public forums; establishing trespass notice for public property; providing for severability; providing for conflicts; providing for codification; and providing for an effective date.**
- 2. An Ordinance of the City of Leesburg, Florida; Amending Chapter 15, Article I "General Offenses" to create Section 15-7 Entitled "Public Camping or Sleeping" prohibiting unauthorized camping at any time within the City; providing for severability; providing for conflicts; providing for codification; and providing for an effective date.**

B. FIRST READING OF ORDINANCES

- 1. None**

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:

9. CITY MANAGER ITEMS:

10. ROLL CALL:

11. ADJOURN:

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

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

America in Bloom



WHAT IS AMERICA IN BLOOM? A global movement...with a local component



Overview



Vision: America in Bloom envisions communities across the country as welcoming and vibrant places to live, work, and play - benefitting from colorful plants and trees; enjoying clean environments; celebrating heritage; and planting pride through volunteerism.



Mission: America in Bloom promotes nationwide beautification through education and community involvement by encouraging the use of flowers, plants, trees, and other environmental and lifestyle enhancements.



How?



Transform Your Community WITH AMERICA IN BLOOM



America in Bloom offers numerous programs and educational resources to help your community become more beautiful, vibrant, and sustainable.

Our Tiered Program is as Easy as A-B-C.

DISCOVER HOW TO MAKE YOUR COMMUNITY MORE BEAUTIFUL AND VIBRANT.

A

Level 1: Activate Your Community

Get started with America in Bloom by utilizing the Level 1 quick self-assessment tool. Activate your community's path to transformative change by helping volunteers, municipal leaders, and organizations to identify community strengths and weaknesses.

LEARN MORE:

AmericaInBloom.org/Programs

B

Level 2: Build Your Community

Dive deeper in the America in Bloom program by going through a full and robust self-assessment. More metrics, more ideas, more inspiration. Plus, with Level 2 you are connected with a specially-trained AIB Advisor for a one-hour consultative session. It's a smart way to help you get the most from your self-assessment, and to gain community-building confidence.

C

Level 3: Celebrate Your Community

In-person coaching by specially-trained America in Bloom Advisors, a detailed community evaluation with recommendations for community transformation, eligibility for national recognition, and opportunity to receive distinguished awards for fully adopting and succeeding with the America in Bloom program.

Who?



STRUCTURE

- Judges and board are all volunteers.



Through volunteer leadership and community engagement, communities will work toward enhancement goals across seven criteria of self-assessment: community vitality, flowers, landscaped areas, urban forestry, environmental efforts, celebrating heritage, and overall impression.

Benefits



Improved quality of life

- AIB projects can improve the quality of life in communities by encouraging people to enjoy the landscape and connect with nature.

Economic benefits

- AIB can help ailing commercial districts and the local hospitality industry by boosting economic vitality.

Improved ecosystem services

- AIB projects can improve air and water quality, provide stormwater benefits, and conserve energy.

Community pride

- AIB projects can boost civic pride in communities.

Community engagement

- AIB provides a framework for community organizations to work together on beautification efforts.

Recommendations



- Establish a Beautification Board comprised of volunteers and City staff.
- The City acts as the action arm for execution of projects and initiatives that improve the City's AIB standing.
- The Beautification Board, City staff and volunteers work together or separately on project or initiatives as deemed appropriate.

Questions?



Learn More About
America in Bloom

AmericaInBloom.org



**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, SEPTEMBER 23, 2024 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, September 23, 2024, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:30 p.m. with the following members present:

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

Commissioner Allyson Berry was absent. Also present, were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Grant Watson, Deputy City Clerk (DCC) Anna Rottermond, 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.

Caroline Van Dyken of 120 Palmora Boulevard said she received a warning in the mail today and within

three hours of posting it on Facebook she could not believe how many other people received one. It was disturbing because it came from Maryland, and it said: Police Department Processing Center. She almost threw it away because she thought it was junk. When she opened it, it said the City Police Department Speed Enforcement Program and if it were a real ticket, she would need to mail the payment to a PO Box in Atlanta, Georgia, which is where the City of Leesburg Police Department Speed Enforcement Program is located. If she needed to make a request saying she was not speeding because she has a decent camera in her car that tracks her speed. However, it said she would have to send a hearing request form through the mail to the City of Leesburg. She also looked this up on Google, and within one minute she found that Winchester hired the same company to do speed cameras, and they were thrown out of Winchester because of the obvious problems and how it was processed through the mail. The worst part was, the law firm at the time said that the company, Altumint, Inc. was in charge of whether your ticket was rejected or if you got your day in court because they were the gatekeepers. She found it interesting that the financial records showed the City of Winchester received \$155,000 and Altumint kept \$69,000. She also pulled the new law from the State of Florida, and she saw that this company lobbied the State of Florida to pass the law. It showed how the costs were broken down and how much money went to which department. The State of Florida receives money every time this company writes a ticket. This company gets money, and all the different entities get money. So, she knew the driving force was money. She could not believe the commission went for this without questioning where the cameras started and stopped. She asked if anyone had gone along Main Street to see how ridiculously confusing it was as far as where it starts and stops. Her last question was, if they used radar, where is point A to point B, and where does point A start and point B end? The striping on the road says school zone and before the striping there is a sign posted that says they are videotaping. However, there is also a sign posted showing the school times for reduced speeds. She talked to Commissioner Reisman earlier and found out that they are not just recording from thirty minutes before school and thirty minutes after school. The cameras run from thirty minutes before school throughout the entire school day until thirty minutes after school. If you go through there speeding, you will receive a ticket. The warnings came through the mail today, but her warning was from a month ago. If she wanted her day in court to protect and defend herself, her camera would no longer have that information because it was dumped long before. She now has to go out to find a new camera that holds information longer so she can protect herself when driving through her own city. She does not speed through school zones, she has never sped through a school zone. There are problems within her neighborhood with speeding. All they have to do is shame those who are speeding, because she knows exactly who they are. Obviously, this was just the beginning, because everybody will get tickets because the warnings were a month ago. They have been issuing tickets since September 16th.

5. CONSENT AGENDA:

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Items pulled for discussion:

5.C.1 - Approving an Amendment with Kids Central, Inc., to modify the Scope of Services to be provided by Kids Central, Inc., at the Leesburg Resource Center

5.C.4 - Approving the sale of city-owned property located at 305 S. 6th Street with Frostinburg, LLC.

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

The roll call vote was:

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

Four 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 September 9, 2024**
- 2. Special meeting (Tentative Millage & Budget) held September 12, 2024**

B. PURCHASING ITEMS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Amendment with NFP Retirement, Inc. (fka Fiduciary First, LLC) for investment advisor services to the City's employee 401(a) Defined Contribution and 457(b) Deferred Compensation plans; and providing an effective date.**

ADOPTED RESOLUTION 11,896

- 2. Purchase request for Advanced Roofing, Inc. to repair the Granular Roofing System to the Leesburg Recreation Center in the amount of \$75,416.35.**

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida approving an Amendment to the Lease Agreement with Kids Central, Inc., to modify the Scope of Services to be provided by Kids Central, Inc., at the Leesburg Resource Center; authorizing the Mayor and City Clerk to execute the Amendment; and providing an effective date.**

ADOPTED RESOLUTION 11,897

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 said he had concerns about this. On the surface, it looks like we are approving Kids Central to run a Healthy Start Program, but we already have an agreement and the scope of services for what Kids Central was supposed to be doing have changed. There was a list of eight items in the addendum. He wanted to know what was going to happen to those items. **CM Minner** pointed out that some of the programs that Kids Central did or does less of now include the high school diploma stuff, the GEDs, preparation of resumes, those types of services. Some of the services the city picked up in the housing department, and we will continue to do them. It will not go through Kids Central. We are pretty confident that the Resource Center will still have those uses. Kids Central has moved more into family health service stuff versus being education and career-oriented. The city has picked up those services. **Mayor Burry** stated he did not want to see them go away because some of these, like money management, GED preparation and job placement, are geared more towards upper teenagers and young adults. It looks like they are making a complete change to infants, nursing babies, and those types of programs. He wanted everybody to be aware that we do not have a contract for these things now because their new agenda replaces their old agenda. Therefore, we will have no one doing life skills training except for the city because we are picking that up. **Commissioner Pederson** appreciated the clarification because the way he read it he thought they were expanding services. He did not realize they were replacing services. **CA Watson** mentioned it was his understanding that it was a replacement of prior services and the scope was an attachment to the amendment.

Housing and Redevelopment Manager (HRM) Keara McKnight, said she was a former Kids Central employee, and she was the one that handled those services. The services will continue to run through her. The GED program is run by Lake Tech because they have partnered with them, and it will be held on Tuesdays and Thursdays. She will continue to help residents if they come in for employment or resume assistance. Whatever she cannot do, they will go through Career Source since they are also partnered with them. They would redirect them there. Any previous services that were provided by Kids Central will now go through her, so they will still receive the services. **Mayor Burry** wanted to verify that the city would still provide those services. **HRM McKnight** answered yes. She was previously employed with Kids Central, so she will be picking up those tasks. **Mayor Burry** asked if there were any further questions or comments. There were none.

The roll call vote was:

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

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

2. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the City to enter into an Encroachment Agreement with Linda D. Lindsey, for the purpose of authorizing the limited continuation of the encroachments subject to terms and conditions described within; and providing an effective date.**

ADOPTED RESOLUTION 11,898

3. **Resolution of the City Commission of the City of Leesburg, Florida**

authorizing the Mayor and City Clerk to execute a lease agreement between the City of Leesburg and VMAX "FOR ONE COMMUNITY", INC., for space at the Leesburg Resource Center; and providing an effective date.

ADOPTED RESOLUTION 11,899

- 4. Resolution of the City Commission of the City of Leesburg, Florida approving the sale of city-owned property located at 305 S. 6th Street; and providing an effective date. (Frostinburg, LLC)**

ADOPTED RESOLUTION 11,900

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 asked the city manager to provide an overview, since it was not a big sale, and it tied into bigger stuff. **CM Minner** stated the concept we previously talked about was to bring in more mixed uses to the downtown. He would mark it back as far as the Downtown Master Plan, which was around 2018. The concept being that the more people we bring downtown benefits commerce, and the folks who live downtown help to create a healthy downtown. We have entertained the concept of a high density use at the old Lee School site, and we are still in the process of doing that. Frostinburg, LLC., approached the city about a mixed use/higher-density development. In the contract there are some planning and zoning contingencies due to the need to get the highest density-type zoning requirements. This was strategically placed on the agenda because we received an offer from Frostinburg and as we continued to work with the Lee School, we saw that we would need to expand the central business district, so he wanted to see where the commission wanted to go with this concept. If we expand the central business district to the north, we would also need to expand it to the south. Frostinburg is essentially looking to incorporate a number of lots. However, this facility is still currently open, but it will not be needed in our inventory since we are in the process of playing musical chairs. This property is about one third of an acre on the west side of 6th Street just south of the trail. The trail is at the southern edge of the central business district, and it is currently utilized by the gas department. In FY 25 we are contemplating moving the gas department over to Griffin Road into a larger facility. Their current facility is located on the east side of 6th Street, and we talked about moving the events division there. Again, this is a third of an acre site which houses a shed for equipment storage. Once the gas department is relocated, the uses for this site will be open. He introduced Bret Jones, representative of Frostinburg, LLC.

Bret Jones of 700 Almond Street, Clermont said they would like to acquire this piece of property to aggregate it with the surrounding parcels, since there are vacant fields on 6th and 7th Streets. The purpose of this is to have a trail-oriented development, since the city has an amazing asset running through the downtown. Other cities would metaphorically kill for that, and there are utility type uses on the property. What they realized when looking at this property was, if they could aggregate that block along the trail and orient the units to the trail, they would have no cars parked along the trail because the front doors to the homes would orient the trail. The purpose is to enhance walking ability and living ability, and attract a different demographic to the downtown urban area. It is funny to call it urban living, but it is Main Street USA, towns. In his opinion, Leesburg could fight with Eustis over this, but Leesburg

has the best Main Street in Lake County. He grew up and lives in Clermont where they are trying real hard to do this, but it is not organic. Leesburg has a trail that is two blocks parallel to Main Street. If they built residential units that front the trail, it would attract people who are right out of law school. It would be twenty-five-year-olds, who are brand new baby lawyers. It would attract nurses who work down the street at the hospital. It will attract a different type of demographic, which is the missing middle housing piece. It would be a form of attached housing. He would work with the planning staff to make sure it maps the character and nature of the city. A lot of people want the ability to walk downtown to go out to eat. They want to have this Main Street USA experience and not necessarily live in a big city. That is the goal of this project and aggregating this piece in will make it possible. Currently, on the property is a five or six-car garage that is being used for utility purposes. They hired Jeffrey Mowen, who is a world-famous architect/urban designer. He was the downtown architect for Celebration. He designed Baldwin Park and the neighborhood called Albany Bahamas. He also helped design this project. This is a good faith effort to bring in a type of residential use structure and style that is missing in Leesburg. Historically, our forefathers and foremothers would have done something like this if they were in our shoes today.

Commissioner Connell inquired if an appraisal had been done on this property. **CM Minner** answered no. **Commissioner Connell** wanted to know why it had not been done. **CM Minner** responded that he would ask the city attorney about whether that was a requirement. **CA Watson** agreed no appraisal had been done. He believed \$250,000 was the threshold requirement for appraisals. **CM Minner** continued to say it was not a requirement, and we did not do one because they were trying to process this simultaneously. However, he did not think \$50,000 was market value. The value would come with investing back in the downtown, but that was an option for the commission. If they wanted to beat up Frostburg to get more money out of them, he would recommend doing that. **Commissioner Connell** inquired if they were going to use the swap method for this. **CM Minner** agreed.

Mr. Jones said he did an appraisal the old-fashioned real estate guy way. He looked at the parcel immediately to the south due to proximity. It was the best comp, but it was an older appraisal valuation. It is a public record and that came in at \$133,000 per acre. When they looked at this per acre, he multiplied it by .3 acres, and it came to \$39,000. They will have to wreck the building, so there will be a cost of about \$30,000 as long as he does not have to jump through hoops with the city. **CA Watson** clarified that the appraisal requirement is for the purchase of property. It is not for sale of property. **Commissioner Connell** stated it would be handy to know what something is worth before selling it. **CA Watson** agreed. **Commissioner Connell** asked the planning and zoning director to do to, it being extremely important for some commissioners to address downtown parking and with this location not being that far off of Main Street, how many parking spots could we get on this lot? **PZD Miller** guessed somewhere between thirty-five and fifty depending on design. **Commissioner Connell** wanted to know how far off Main Street this property was. **PZD Miller** replied a little over seven hundred feet, give or take. **Commissioner Connell** remarked that this would be about seven hundred square feet off Main Street, and it would add between thirty-five and fifty parking spaces. He knows they are looking to spend a fortune of money, about 1.6 million dollars, on a study to address downtown parking. If parking downtown is a major issue for the commission, then this property should be something to consider because it will add between thirty-five and fifty parking spaces. If they sell it for \$50,000, they will also look at spending 1.6 million dollars to address downtown parking. **Mr. Jones** said he would be happy to talk about that as an academic, but he was not on the commission. The purpose of having a great downtown is walking ability, and the city has the bones for that already. This is probably the best place in the county for that. What he ventures to do, is create an area for people to live downtown. They could walk to the downtown and utilize all the commerce that is located on Main Street, along with everything else that is one block off on either side, then all the sub-blocks. That critical mass here is that people would not have to drive to the downtown to get to Main Street. Another part is there will be on-street

parking created from this. It will exceed the amounts that are required in the unit calculations under the city code. The on-street parking will have an ancillary benefit for non-residents who want to utilize the downtown. **Commissioner Connell** wanted to confirm that he said there would be on-street parking on 6th Street. **Mr. Jones** responded yes. **Commissioner Connell** questioned how many spots he was talking about. **Mr. Jones** responded that he would have to do the calculations. However, when selling a piece of property to the private sector, they can make parking on the roads a requirement. He could take his property lines and create some diagonal, ninety degree, or parallel parking inside as long as he still meets the sidewalk requirements. That is a common thing to do in walking ability neighborhood developments. If they think about the suburban style or sprawl style, which is a possibility, then on-street parking would not be possible. What he was proposing is a different style, a very old-fashioned style, a pre-World War II style of development where they build urban centers in a grid pattern, and they do not build huge parking lots. They figured out how to make parking work on the actual property they served.

Commissioner Connell replied that he was having a hard time visualizing how they would get on-street parking on 6th Street. He understands the residential development downtown, but we also have the old Lee School site that has already been approved and that will have a tremendous amount of downtown residential. **Commissioner Pederson** pointed out that the Lee School site had not officially been approved yet. **CM Minner** agreed. **Commissioner Connell** said it has in a sense. **Commissioner Pederson** said he was optimistic that the commission would approve it. **Mayor Burry** asked if it was approved as a PUD. **CM Minner** answered it was approved as a PUD for town homes at sixty-three units. The concept that is currently on the table is to convert them into an apartment complex, which would need significantly more planning and zoning review. It is currently on the table as a PUD, but all indications say the developer wants to go in a different direction and that different direction has not been approved. **Commissioner Connell** confirmed that the PUD was approved for residential and for years they have been wanting to address the downtown parking issue. This would be a great opportunity to add thirty-five to fifty parking spaces downtown a block off of Main Street. Are we going to give this property away at \$50,000 without even knowing what good/fair market value is? He did not believe that to be a good deal. **Commissioner Pederson** said he would support the Lee School site for apartments. He would start with the other parking because it has been talked about for the last twenty to twenty-five years. He was excited that this commission finally approved the money, which included knocking down the old Center for the Arts/Partnership building and re-engineering that whole thing. Yes, it was a lot of money, but when we look at the big picture it is good forward-thinking for the downtown. We have parking downtown now, but it is not in the best locations. The old Center for the Arts/Partnership building would be a premium location. He looked at this site since he was a commercial realtor. He looked at the value and yes, it was at the bottom of the range. However, it is in the range, so he was okay with it. He spoke to the city manager about keeping it for parking or if there were any other needs for that site. They talked about that at length. The city manager said we do not have any other needs for it, yet he scratched his head about using it for a parking lot. He believes we need this kind of housing in the downtown because it all ties together. With the other large parking lot, which will be hundreds of spaces, and bringing this development in would be a good deal. **Commissioner Connell** said he could not fathom spending a million something dollars to address downtown parking when we have a piece of property sitting there that could easily house thirty-five to fifty parking spots. **Commissioner Pederson** said right now we have a lot of scattered parking, and this would be another good example of that. We have lots like this throughout the downtown, but they are all off the beaten path. He has lived in bigger cities, where he had to walk six blocks to work. Yes, this is about a block and a half off, but right or wrong, the people in Leesburg that come downtown want to park closer, and we are trying to make it more convenient for them. He believes this would be a better use even though he has struggled with it, but putting residential homes here is a good use. He understands the comments about parking, but he was optimistic that the big parking project would fix that problem. We need to focus on the residential uses. We have had many consultants come and say we have parking, but it is scattered all over downtown in different places. That includes the multi-level parking garage, which is a little further east, but that is

coming into its own now. He would support this, because he went through the exercises today evaluating whether it should be held for parking. We need this type of residential housing downtown, and it would all go together. **Commissioner Connell** commented that when spending that kind of money, we do not know if they would even get thirty-five to fifty parking spaces out of the 1.6 million dollars. We have this location, and we could get additional parking spaces and the city would save a tremendous amount of money. **Commissioner Pederson** said that is the difference of opinions. We are trying to make it more convenient for the people who park downtown. It would be right up against Magnolia, right in the thick of everything. This lot is set back, so residential would be a great use especially since it is right on the trail. **Commissioner Reisman** agreed and said he would support this. Having residential on the trails is huge and he is a huge trail supporter. Half of the downtown businesses are in the audience, and he believed they would all argue that we do have a parking problem and the plan that we are presenting is something they are all in favor of. **Mayor Burry** asked if there was other property that butts up to this property with more residential development. **Mr. Jones** answered yes. With this property being on 6th Street, if you were on the trail you could walk all the way to 9th Street, so it would be that entire contiguous block. Then, all the way south until you started hitting houses. There is an apartment a little bit further away, but that would be all of that area. It would complete the critical mass calculation. **Mayor Burry** said the reality of the parking issue when looking at Google, and where our parking garage is compared to the downtown. If you look at this site compared to downtown, it is even further away. **Commissioner Connell** agreed, but where else would we put parking downtown without tearing buildings down? **Mayor Burry** pointed out that was not what he said he wanted to do. **Commissioner Connell** said we want more parking off Main Street, and he was trying to save the city 1.6 million dollars on a study to add another twelve parking spaces. **Commissioner Pederson** said that was not an accurate statement. He could not say twelve parking spaces. **Commissioner Connell** wanted to know how many parking spaces there would be. He has been asking this question for six months. He wanted to know how many parking spaces we would get by spending 1.6 million dollars. So far, he has not gotten an answer from anyone. **Commissioner Pederson** said he could guarantee there would be more than twelve. **Commissioner Connell** wanted to know how he could guarantee it? **Commissioner Pederson** said we are talking about knocking down a building and collapsing 5th Street because we do not need it now. We could also pick up some of the land from the gas plant by re-engineering. He would like to think that we would pick up one hundred more parking spots. **Commissioner Connell** stated this piece of property is not too far from that. We are talking about adding spaces there, but this space is not that far away. **Commissioner Pederson** pointed out that this site would not solve the city's parking problem because it is too far out. **CM Minner** pointed out that these are corresponding yet different concepts. The first concept is to address parking, which takes away non-conforming parking on Main Street, so there would be a deficit. Then we would go back to the multiple sites (alt key numbers 1344379, 1344361, 1346525 and 175984). We would also potentially work with Life Stream. Those blocks of area cover everything from the trail north to Magnolia and then working around. That area is where we are trying to pick up parking as well as get rid of the non-conforming parking spaces on Main Street. He has been asked by Commissioner Connell multiple times about the number of parking spots we would pick up and the answer has been and still is that we do not know at this time. We do not know because we have not put a significant amount of money on it. The only money we spent was \$7,500, which was to do the initial study. That study said we needed to focus on that five hundred foot radius so we could get as much parking as possible close to the downtown. What is different about this parcel is its location, and it is on the other side of the trail. He spoke with Commissioner Connell about this on the phone and the difference was this parcel was across the trail, and it was surrounded by other Frostburg property. The parcel we were contemplating demolishing was the gas building, but that will not be demolished because the concept now is to put the Events Division there. He could not dispute the number of parking spaces, but he assumed it would be somewhere between thirty and fifty spots depending on how it was designed. Yes, we will pick stuff up, but it will be outside the area, and we are trying to include the old partnership building, for lack of a better explanation. We want our cake, and we want to eat it too. We want to get as

much business and commerce as we can, and we want to make the parking as friendly as we can. He did not think selling this parcel would hurt the parking objective. He believes it would enhance the multi-use of the downtown. If the commission opts not to, then it becomes an opportunity for additional parking. However, he did not think parking should go into the equation. He would agree that the sales number was a little below value, but we have had this conversation a hundred times in the last year. As a public entity, we do not always make decisions based on money and even though that sounds horrible, it is the truth. We are not always looking to make a buck, because we also look at providing a service. We look at providing concepts that improve the community. If that means this is not the best sale, we are still promoting the concept of bringing people downtown. If we mix that with some other projects, then we are doing our mission. He would say this was a reasonable offer for a concept which will yield back in performance by bringing people downtown and getting into our mix use concepts that we have been struggling to do over the last five years. This is an opportunity to start cracking that nut. **Mayor Burry** asked for public comment.

Caroline Van Dyken of 120 Palmora Boulevard said she was a longtime resident of Leesburg. She agreed that we have been talking about parking forever, but how many people go to Mount Dora? She had to park five blocks away, but that did not stop her from going to the store or restaurant. There was stuff downtown that she wanted. She apologizes if that offends anybody who shops downtown because she also comes downtown to eat. However, is Mount Dora addressing their parking issue? It sure does not seem like it to her. Last weekend she went there. She could not find a parking space for thirty minutes and that did not stop her from eventually finding a parking space. She still went where she wanted to go. That is the harsh truth of it. We are dancing around and spending money on parking spaces. However, she did not think that is what would bring people downtown.

James Haygood of 501 South 1st Street said he was a business owner downtown. There are consumer reports and what the city manager mentioned was the conversion rate of somebody that comes into an area for the first time. We have a perception of Leesburg as being an old town and, for a long time, we did not have the best things. That is changing because if you have spent some time downtown you will see that the restaurant sector is doing a great job, and they are creating new and exciting shops and things for people to do. We need to provide for our first-time people. They want convenience, and we need to make them want to come back. He was specifically referring to the villagers. They see between fifteen and twenty percent of the consumers being from The Villages, and they do complain about parking because in The Villages they make parking a precedent. With the Mount Dora issue, the majority of their downtown is either parks or it is already developed. They do not have empty gas departments in their downtown area. This would be a great sale that in turn will bring additional residential homes. He fully supports the commission's choice to do the parking at the old partnership building because that would solve a lot of issues for the businesses in the downtown.

The owner of the Blue Line Sports located at 7112 West Main Street said parking was the number one issue for getting people downtown, and the commission was doing a fantastic job. That parking lot will not help because they cannot get people to walk one block. Constant uniform signage needs to be done. That was the recommendation, and he had full confidence that we would get there. We all want the same thing, but parking is a major issue. **Mayor Burry** asked if there were any other comments. There were none.

The roll call vote was:

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

Three years, one day, the Commission adopted the resolution.

6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

A. Public Hearing on the proposed millage and proposed budget for Fiscal Year 2024-25

CM Minner wanted to provide a highlight. In the general fund, we have a significant increase in public safety. We will increase the police department by twelve positions, and we are adding additional firefighter personnel so they can change hours and take the significant stress load off of them. They will be able to respond better to calls. Not that they are not currently, but there will be a higher level of service. In the general fund, we have a reduction of transfers which represents 6% of the current electric customers in the city limits. That is a significant change. It also puts us in a position where an extremely concerned state legislature may lead us, even though it is unwanted leadership. With the utility funds, we will endeavor to continue to provide the same quality service. There was a CPI increase in the utilities except for electric. Moving into FY 25, we will have the same electric base rate, with the noted power cost change that was discussed. The electric advisory board discussed it in great detail last Monday. With that said, we noted inflation and the growth factors in the electric fund. It is inflation as well as some of the expansions we have done to accommodate development. That has put some stress on the electric fund. We will be watching that closely, and it may be one we need to adjust. We may need to adjust the base rate mid-course of the year, and he would report accordingly. Another rate we will keep an eye on is the building department rate. We have done a great job reducing our building fees to where we are the lowest in the region. We did that as an attempt to bring back our surplus and fund it back by lowering the surplus through rates. That one is a time matter for when we may need to bring that back up to a fuller building rate. That will be based on the number of permits and activity in the department. At this time, we are balancing personnel openings, which we are trying to delay to see where we are by measuring the level of service with the need for a rate increase. He would keep a beat on that. With capital projects, we put together a big slate of things to do, which includes the parking conversation, completing Susan Street, finishing up the sewer plant and managing growth. Under a quick microscope, that would be the FY 25 budget. It does maintain the millage rate, and the fire assessment fee is at \$165 per residential unit.

1. Announce the name of the taxing authority, the rolled-back rate, and the millage rate to be levied.

Budget Director (BD) Brandy McDaniel announced the name of the taxing authority, the City of Leesburg, Florida. The current year's rolled back rate is 3.2327. The proposed millage rate of 3.4752 is 7.50% higher than the current year rolled back rate; the millage rate to be levied is 3.4752 mills per \$1,000.

2. Discuss the proposed aggregate millage rate

Budget Director (BD) Brandy McDaniel said on July 8th the commission approved the tentative millage rate of 3.4752 mills per \$1,000. This is the same rate as the prior fiscal year. Whereas, the proposed budget was developed using 3.4752 mills per \$1,000, and the tentative millage rate was approved at the September 12th commission meeting. Therefore, the tentative millage rate of 3.4752 mills per \$1,000

represents a 7.50% increase from the current year's rolled back rate, which is attributable to additional expenses and is a tax increase under TRIM guidelines.

3. Request comments from the public regarding adoption of the final millage rate

Mayor Burry requested comments from the public regarding the adoption of the final millage rate.

James Haygood stated he sat through the budget workshops, and they were highly educational. He publicly thanked the city for their professionalism, including the commission, the city manager, and his staff for putting together all the reports. It was eye-opening to hear all the numbers. He recommended that more citizens come because there were not very many people at those meetings. He encouraged citizens and business owners to come and be a part of the planning. We need to have our opinions heard and be educated on what is happening. A lot of the stuff they are talking about he learned at those meetings. He assured that the commission and the city were doing a great job. They were very professional and thorough in their presentations.

4. Resolution of the City Commission of the City of Leesburg, Florida finally adopting 3.4752 mills as the Fiscal Year 2024-25 millage rate for the City of Leesburg, Florida, representing the current year proposed aggregate millage rate of 3.4752 which is 7.50% more than the current year rolled back rate; and providing an effective date.

ADOPTED RESOLUTION 11,901

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. There were none.

The roll call vote was:

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

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

5. Request comments from the public regarding adoption of the final 2024-25 Budget

Mayor Burry requested comments from the public regarding the adoption of the final 2024-25 budget. There were none.

6. Resolution finally adopting the Fiscal Year 2024-25 Budget

ADOPTED RESOLUTION 11,902

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 said it caught his attention at the last meeting and the city manager said to bring it up at this meeting that we are sitting on \$491,000 in the CRA fund and the Resource Center owes the electric fund \$750,000 in a note. We know the electric fund could use that money, so he wanted to transfer that \$491,000 to help the electric fund, so they would have a little extra wiggle room.

Commissioner Pederson stated he would maybe do half of it. He would not want to move it all. **Mayor Burry** mentioned that he thought we were putting that \$491,000 aside for a rainy day. **CM Minner** agreed that was what they were doing. **Commissioner Pederson** said he respects what Commissioner Reisman was trying to do. **CM Minner** commented that Commissioner Reisman brought it up to him at first reading and his response was when they had discussions with the Carver Heights CRA board he could have brought that up as an option. At that time, they had several discussions and at the end of the day, we increased the funding for the home grant program to \$600,000 and put the \$491,000 into a rainy day fund. It was left unallocated. That money is open for discussion, and maybe they need to discuss this with the CRA board. It is important to put it on the table because that was an option that we did not talk about. **Commissioner Pederson** agreed, but some of that money was being left unallocated due to the Susan Street project. He thought that was why it was sitting there. **CM Minner** agreed. We kept it in the fund for a rainy day. It was left unallocated because we may need to go back depending on where the Susan Street project goes. It is a reasonable consideration. He would not say it would give the electric fund wiggle room, but it is certainly cash they need. They should have this discussion with the other CRA commissioners. **Commissioner Reisman** asked if they were okay with holding this off until the next meeting to make that decision. **CM Minner** said yes. **Commissioner Pederson** suggested amending the budget during the year if needed.

Commissioner Reisman said he also wanted to bring up another issue. We have already discussed it, and said we would live with what we have, but he believes it is totally different software than what we currently use. He gets calls all the time, and he was sure everyone else did, because our residents did not know where to go or how to do it. He would like the commission to reconsider the SeeClickFix option. It was an option for our residents to report things that they saw around our city. **CM Minner** said that would be an easy fix. The presentation was about \$15,000 to have either TextMyGov and/or SeeClickFix. They are different programs with applications, and SeeClickFix had easier communication for the public to point out problems. **Mayor Burry** asked if that was a presentation made by the IT department. **CM Minner** agreed, and the commission was a bit hesitant to do that. Commissioner Reisman talked to him about it afterward, and he told him to bring it up again. He believes it had some benefits and \$15,000 was not a game changer. It would be appropriate if they wanted to add that to the expense for next year. They could adjust the budget moving forward. **Commissioner Pederson** said they debated, and some neighboring cities were using it. **Commissioner Reisman** answered Eustis and Tavares both use it. **Commissioner Pederson** thought they agreed to see what the other communities thought about it. **Commissioner Reisman** stated they have been using it for a few years. The discussion was to see how TextMyGov goes, but there are two totally different applications. **Commissioner**

Pederson asked what the difference was. **Commissioner Reisman** said SeeClickFix lets residents take a picture of something they see, whether it be a pothole on the road, a tree that needs to be trimmed, or a fence that needs to be fixed. It will geolocate it and send it to our database. We can then sort it and send it to the appropriate department. It opens the line of communication for our residents. **Commissioner Pederson** said he was open-minded, but worried that it might turn into a complaint line. However, it may help his phone stop ringing as much. **Mayor Burry** said the IT Department came in and gave the presentation. He did not come away from that presentation with a good idea of which way to go. It was a little confusing. He was not sure if he was in favor or opposed because he did not have enough information. **Commissioner Pederson** mentioned that they could amend the budget and deal with that over the course of the year, since it was not that much money. He would like to know more about it as well. **CM Minner** said he would have IT do a presentation on SeeClickFix.

The roll call vote was:

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

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

7. Announce the adopted millage rate

Budget Director (BD) Brandy McDaniel announced the adopted millage rate. The current year proposed aggregate millage rate of 3.4752 mills per \$1,000.

B. SECOND READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, vacating and abandoning a portion of the improved Right-of-Way of 13th Street located between Center Street and W. Main Street in Leesburg, Lake County, Florida; providing for conditions; providing for severability; and providing for an effective date.**

ADOPTED ORDINANCE 24-59

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 resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

CM Minner explained that this ordinance contemplates the closure of 13th Street from Main Street to Center Street. The concept was to close the street because the First Baptist Church (FBC) has endeavored to buy the Melon Patch, and they will own all but a thirty-foot strip on 13th Street. With the FBC owning about 99.9% of both sides of 13th Street, they approached the city with the concept of owning that right-of-way while keeping our utilities intact. They wanted to close it to create more of a campus atmosphere

for the church congregation and the school students. There are safety and aesthetic concerns with FBC owning a big part of that region of downtown. At the last meeting, William Polk made some comments in opposition and the biggest comment caused a staff review of the project, because he thought 13th Street was already closed. We went back and double-checked, and it was indeed not closed. What we presented at that meeting was proper and accurate. Since that meeting there has been a lot of discussion, and he spoke with Art Ayris of FBC and there seems to be some accord that instead of closing it from Main Street to Center Street, we would close it from Main Street to Line Street. The mayor spoke about that and part of his correspondence with the First Baptist Church was that they were open to that. William Polk was unable to attend tonight's meeting. He asked the city clerk to read his letter as requested. **CC Purvis** read William Polk's letter aloud which stated he was not against the closing of 13th Street from Line Street to Main Street, but he was against closing 13th Street from Center Street to Main Street. **Mayor Burry** agreed. He would welcome the closing of 13th from Line Street to Main Street, but he would be opposed to closing it from Center Street to Main Street. He would be concerned that we would be doing that based on the First Baptist Church ownership of both sides of the road. When looking at the north side of Center Street, there is a private owner who owns both sides of the road. Would we then afford him the same opportunity? If we did that, what would happen to the traffic lights at Center Street and US 27 because it would become a road to nowhere? **CM Minner** mentioned that the commission may want to amend the motion prior to public comment. **Commissioner Reisman** wanted to know if all parties were in agreement about closing 13th Street from Line Street to Main Street. **Commissioner Pederson** said he would fully support closing Line Street to Main Street. He struggled with the residential houses east of 13th Street. He believed there were to be more postings in the neighborhood about the closure, and he wanted to know if anyone in attendance wanted to speak about that. **Mayor Burry** opened up for public comments.

Art Ayris of First Baptist Church said he spoke with the city manager, and he understood what everyone had to say. He agreed that it was reasonable to go from Line Street to Main Street, but his only caveat on that which Mr. Polk brought up was that we said we were going to do a lot of stuff downtown. He wanted to shed some color on that because they were not neglecting the downtown. They had a couple of opportunities that came up which they had to do. One was an eight million development in The Villages, and they had to continue doing that. They also had an opportunity to purchase forty acres by Windsong, so both these projects forced them to pull back on the downtown. However, they still plan on doing everything. Originally, when the opportunity came up to purchase Melon Patch, we thought it would create more problems because we would have more kids coming through there. They are still moving forward with the acquisition of Melon Patch, and they are fine with the closure of 13th Street from Line Street to Main Street. Mr. Polk was right, they had plans, but we were not able to get to the downtown due to other projects. However, in the future, if we acquire additional property, or we have a lot of kids going back and forth, he would want to revisit the closure of 13th Street up to Center Street. Right now, the concentration of kids is from Line Street to Main Street. They have hundreds of kids walking back and forth and this closure would solve that problem. However, if they do more development, they will come back to a future city commission to say they need to look at that again. He shared that with the city manager when they went around and looked at all the traffic. Yes, there was a business that would be impacted, but he would still have full access right off of Center Street. He would also have Perkins Street where there were no residents impacted. It was just that business there. He does not want to do anything to harm Mr. Polk's business, and this is a good solution for now, but if they continue to grow as a church and acquire additional property or build more buildings, they may have to revisit it in the future.

Lynda Workman said she purchased her house on Herlong Street in 1996, and they have seen a lot of good and bad. They are dealing with a lot right now on their block, and they are not getting any results. They are also dealing with the Lee School site, which is a whole other story. There have been a lot of people moving and some have passed away who did not agree with the First Baptist Church closing High

Street and building a wall. At that time, they also heard about Line Street, so it was interesting to hear Mr. Ayris say that he would bring it up again at a later date if they only closed the road to Line Street. High Street was closed quite a few years ago and they added a wall. They heard back then that Line Street was in the planning. She thought it was ridiculous, absolutely ridiculous. She has driven that way to work for the last fifteen years, and now they want her to drive a different way. She considers that to be a business, whereas she lives in that neighborhood. If the school was going to be that big, maybe it should have been considered that they cannot be that big, or maybe they should move it somewhere else. That is a small area, so where is it going to end? She was really upset that some of her neighbors were not in attendance. There are two people sick and one that is out of town. She also has a neighbor moving, but she sent a letter. She was at all the meetings, and she has been very vocal about Lee School. However, they have now sold their house and they are leaving the neighborhood. Where does this end? **Commissioner Pederson** inquired if she was objecting to the closure of 13th Street from Line Street to Main Street or was she expressing concern overall. **Ms. Workman** responded that, in general, she was opposed to closing any of it. **Commissioner Pederson** thanked her for her comment. He just wanted to be clear. **Ms. Workman** continued to say that she resides on Herlong, and she is at Publix every other day. She takes Herlong, and makes a right on 12th Street. She takes that to Line Street and turns left. So, now she has to change her route. She goes that route every day to get to work in Fruitland Park. **Commissioner Pederson** pointed out that the closure would not change her route. **Mayor Burry** added that the closure would be at the south end of Line Street. She would still be able to drive on Line Street and proceed north on 13th Street to Center Street. **Ms. Workman** wanted to know where they were closing it. **Mayor Burry** replied it would be from the intersection of Line Street and 13th to Main Street. **Ms. Workman** wanted to clarify that she would not be able to drive in front of the school. **Mayor Burry** agreed. She would not be able to drive in front of the church anymore. **Commissioner Pederson** pointed out that they are trying to create a campus environment and make it safer for the children. Her commute would not be impacted. **Ms. Workman** stated she drives home that way every day and some days she sees congestion three ways. **Mayor Burry** indicated that there would be no more traffic on 13th Street between Line Street and Main Street. **Ms. Workman** asked if they would be putting up another wall there? How are they planning to close it to stop traffic from going in front of the church? **Commissioner Pederson** said he did not think the church was trying to stop it, they were just trying to divert it another way. **Ms. Workman** wanted to know what they would put there to keep people off. **Mayor Burry** stated the road would be gone. **Commissioner Pederson** added that her route to Publix would not be impacted. **Ms. Workman** said she did not know that because when she drove through there on Thursday she saw the sign that said the meeting was tonight, and it said Line Street and when she went online, it said Center Street. So it was a bit confusing for her. **Mayor Burry** commented that the original notice said it was from Center Street, but they changed that to Line Street. **Ms. Workman** inquired if 13th Street in front of the church would be a road. **Commissioner Pederson** said he would allow Mr. Ayris to answer that because they are trying to create a campus environment. **CA Watson** stated effectively they would close the public roadway and what the First Baptist ends up doing is up to them. It would be their choice. It would essentially revert to private property so they could put up a barrier and block people from using it or do whatever they want because it would be their private property. **Ms. Workman** said she appreciated the information, but she wanted to know where it would end. Her neighborhood has been done wrong by the Lee School project and everything else that is going on. **Commissioner Pederson** asked about her concerns with the Lee School. **Ms. Workman** replied everything. She was disgusted with it all. **Commissioner Pederson** said there was a lot of controversy about that, but most people were happy that the city knocked it down. **Mr. Ayris** commented that they would bring somebody in to advise them about the closure. They are looking out for the safety of the children who attend school there. They could put up bollards, but they still have to wait to see what happens with Melon Patch, because they may be able to do some cutting across there. Remember, previously we talked about High Street, and part of that has been closed.

Referring to a map, **CM Minner** showed where US 27/14th Street was and then showed the Baptist Church property. The church essentially owns everything from US 27 to 13th Street, from Main Street to Center Street. They are now under contract with the Melon Patch, and they are looking to buy the synagogue, which would be on the southwest corner of Center Street and 13th Street. **Mr. Ayris** clarified that they were not in active discussions, but they have an excellent relationship with them. When that October 7th thing happened, he contacted them and said they were there to help with safety and everything. However, they will be interested at some point. **CM Minner** continued to say that FBC is scheduled to close on the Melon Patch in December, so they will own pretty much everything from the north side of Melon Patch all the way down. Both sides of the street will be FBC. The initial concept was to close all of 13th Street. Through discussion, it was said that there would be a problem because of the neighborhood and the residents who take 12th Street to Line Street. That was their primary traffic pattern to the north.

As the speaker said earlier, the route from the neighborhood to Publix is Line Street to 13th Street to Center Street to US 27 and that route will not change. The compromise was for the south side of Line Street on 13th Street. In the past, the First Baptist Church talked about different ways to close that and have removable bollards. That concept is still up in the air as far as how they would physically do that. He imagined that it may remain a street where they may add some tabletops or speed-reduction stuff, because their concept would be church/school campus type use. They may have some type of physical closure as far as bollards, but those would be added and removed based on when they want traffic to move through that area. That plan is still to be determined. That was the concept, but through discussions tonight, there seems to be some agreement to close the south side of 13th Street between Line Street and Main Street. High Street also came up, and High Street was something we needed to go back because that street needed to be cleaned up. It is a mess and part of it is not closed. However, there is a section of it that is probably still used by the public. The section of High Street from US 27 to the old railroad corridor, that is the city, and from the railroad corridor to the railroad corridor, that is First Baptist Church, and from the east side of the railroad corridor back to 13th Street, that is the city. At that time, there was no practical use of High Street for the city. It does not serve for any kind of cut through, and it runs through a portion of the First Baptist Church's property, so they should ultimately come back and formally close that and protect whatever utilities we have there. As we dug into the closure of 13th Street, we determined the issues with High Street. High Street is not 100% closed to the public, but that center portion is still a street, and it runs through private property. That is not a good thing. However, these things happen, and they need to clean that up. **Commissioner Connell** wanted to know how it will work for emergency vehicles if they have bollards blocking access to the roads? **CM Minner** replied that would be an issue for the First Baptist Church, and they would have to work that out in the design plan. **Commissioner Connell** questioned if it would be reasonable for first responders to get out of their vehicles to pull up bollards in order to drive down there. **CM Minner** answered it would be something to work out during the planning process. **Commissioner Connell** asked if the city, police or fire departments, would have a say in that? **CM Minner** replied yes. Ultimately, they would because whatever type of road improvements they do, it will have to come back through the city for permitting. It would go through the Development Review Committee (DRC), which is set up by the city. We will review the site plan for the development. We would review and provide comments on where they make a means of emergency ingress/egress. **Mayor Burry** asked if there were any other public comments. There were none.

Commissioner Pederson made a motion to amend the closure of 13th Street to go from Line Street to Main Street, and Commissioner Reisman seconded the motion.

The roll call vote on the Amendment was:

Commissioner Pederson	Yes
Commissioner Connell	Yes

Commissioner Reisman	Yes
Mayor Burry	Yes

Four yeas, no nays, the Commission approved the amendment.

The roll call vote as amended was:

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

Four yeas, no nays, the Commission adopted the ordinance as amended.

2. **An Ordinance of the City of Leesburg, Florida amending the City Code of Ordinances by amending Chapter 5, Section 5-6, Consumption of and open containers prohibited on public property; exceptions; amending Section 5-6.2 Consumption of or possession of alcohol in open containers near store selling alcoholic beverages; amending Chapter 18, Streets, Sidewalks, and other Public Places; providing for severability; providing for conflicts; providing for inclusion in the Code of Ordinances; and providing for an effective period and effective date.**

ADOPTED ORDINANCE 24-60

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 resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

CM Minner said this was also known as the entertainment zone. There was a map included in the packet which covered Magnolia to Meadow, Orange to Canal, and it included an extension down to cover John Sokol's restaurant. It allows for open containers within the district. The only other modification since first reading was that this ordinance would have no sunset. Approving this means that there is an entertainment district which allows for an open container in that box for perpetuity or until the ordinance is modified. **Mayor Burry** mentioned when this was first approved it included a sunset where they had to look at it every year. At the last meeting, the commission overall was in favor of getting rid of that sunset provision. **Commissioner Pederson** added that it could be terminated by the city commission at any time. **Mayor Burry** asked if there were any public comments. There were none.

The roll call vote was:

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

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

C. FIRST READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 208.5 +/- acres; and being generally located east of County Road 33 and south of Lake Brite Street, and west of County Road 33 and south of Desert Lane, lying in Section 3, Township 21 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. (Lake Bright/Brighurst ANNX)**

Mayor Burry asked the city attorney to perform his swearing in. **CA Watson** asked anyone in attendance who wished to speak about items 6.C.3 or 6.C.5 to stand. He swore them all in.

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

Mayor Burry requested comments from the Commission and the audience.

PZD Miller said the request was for an annexation, a large scale comp plan, and rezoning. It consists of two hundred and eight plus or minus acres on South County Road 33. This would allow for future development of a new neighborhood to consist of five hundred and eighteen detached single family lots. The property is generally located on the east and west sides of County Road 33 and north of Bridges Road on the far south side of Leesburg. The large scale comp plan request is to change the future land use designation from Lake County Rural to City of Leesburg Estate. The rezoning request would amend the current zoning from Lake County Agriculture to City of Leesburg Planned Unit Development. Under the PUD requirements, the proposal would consist of five hundred and eighteen detached single family lots for a density of two point four eight gross units per acre. There are no other permitted uses. The lot of sizes would be fifty and sixty feet in width, and be six thousand to seven thousand two hundred square feet. The house size would range from 1,600 to 1,700 square feet under the roof. There is a minimum of two-car garages, two floors maximum height, and we have design and architectural standards called out in the PUD. It includes 35% open space, as well as two trees in each yard and dark sky lighting which is included in all the PUDs. They have a prohibition on the use of St. Augustine grass, but Bahia, and Bermuda are permitted. There is a twenty-five-foot landscape buffer required along the entirety of the property boundaries and a fence is required along the frontage on County Road 33, which can be a split rail or an opaque fence. There is fencing required in the remaining areas of the development. The site access is along County Road 33, and it would have applicable acceleration/deceleration lanes as required by Lake County. The access points have to be boulevard roadways with a landscape median of at least eight feet in width and enough lane area to allow emergency vehicles to maneuver. There are 103,000 square feet of recreational requirements, which is about 2.4 acres, which is split on each side of County Road 33 because, essentially, there would be two separate neighborhoods. There is a requirement for the establishment of trails around the large retention ponds. Finally, there is a phasing and/or expiration clause which allows for substantial commencement within four years or an automatic revision to the RE-1 zoning district of one acre per unit. If this was approved, the entire development would be required to

be on City of Leesburg water and wastewater. There will be no wells or septic. At the planning commission meeting, city staff recommended approval. However, the planning commission recommended disapproval by a vote of 6 to 1. Their reasons for their disapproval dealt with traffic, housing density, the total number of housing units, and the need for a solid wall separating the nearby animal and farming operations. Ben Snyder of Hanover Homes and Andrew McCown of GAI Engineering are in attendance to answer any questions. **Mayor Burry** wanted to confirm that this must be sent to the state for review. **PZD Miller** agreed. This is a large-scale comp plan, so it has to go to the state. **Commissioner Connell** asked how many units this was. **PZD Miller** answered the request was for five hundred and eighteen. **Commissioner Connell** wanted to confirm that the planning commission recommended disapproval. **PZD Miller** agreed, and the reasons were noted in the agenda memo. **Commissioner Connell** inquired about the current zoning in the county. What would that density be? **PZD Miller** answered it is currently under county agriculture, which is one to five. **Commissioner Connell** wanted to know how many acres they were talking about. **PZD Miller** replied two hundred and eight acres. **Mayor Burry** stated when viewing the site he saw Lake Thomas Road at the south end of the property and, according to the planning and zoning minutes, that road was not a county road. So whose road is it, because when he looked at the map it looked like somebody had taken a grader to it. **PZD Miller** replied that he could not remember whether it was a county or private road. They could research that, but maybe someone in the audience lives there and they may know. **Mayor Burry** also wanted to know where access was to the property to the west if it was not that road? **PZD Miller** responded that on the site plan there were access points, and it may be Lake Thomas Road. If they purchase the entire property, they would be able to make that road an entrance point. **Mayor Burry** wanted to know if there was an easement for the guy behind the property. **PZD Miller** said if there was not, they would ensure that there was one because they cannot take away someone's access. They would not allow that, and it would be illegal for someone to lose access. **Mayor Burry** said looking at the development picture of the PUD, it does not account for that road at all. **PZD Miller** stated they would fix that, it would be an easy fix. **CA Watson** pointed out that there should be an existing easement governing that. They should take a look at it to see what it says. However, the city would make sure that the folks to the west have the ability to get to a public road.

Ben Snyder of Hanover Land Company said he would be happy to answer any questions. With Lake Thomas Road, the deal on that was that Mr. Hewitt built it personally as a road to get back to his C&D Landfill. They met with him and the plan was to have that as part of the community. They would wait to develop that area until he has finished filling his C&D Landfill, and they would reorient his access. They would absolutely continue to provide access in perpetuity through the neighborhood whenever that south side is developed. He would have to access/monitor that property back there. **Mayor Burry** wanted to confirm that it was a landfill. **Mr. Snyder** said it was a C&D for construction, trees and blocks, stuff like that. He met with Mr. Hewitt and they are being good neighbors by communicating, and they have a plan for it.

William Robertson of 23404 County Road 33 said his property butts up to the proposed development. They have a deeded access and their driveway runs out to County Road 33. Their property line runs along the entire south side of phase three, which is 2,161 feet. Their property line runs from County Road 33 back to the USDA Citrus Testing Lab. They are not happy about this proposed development. He is a retired City of Orlando firefighter/paramedic, so he has been around fires his entire career. With the density they are proposing to build, it is as close to a zero lot line as you can get without having a lot line. There is zero space. They are frame-built construction with vinyl siding, so if one house catches on fire, the City of Leesburg will be in an uncomfortable situation and that concerns him. They own thirty-three acres, and they lived there for thirty-six years. It used to be a dead orange grove many years ago. When they bought this property, he spent days out there on a frontend loader tearing out orange trees to build their home. They understand development but they want responsible development. The neighbors in the

area are concerned about it too, because it will change things for them greatly. Referring to an aerial photo, he showed the entrance to their property and on the left side of their gate was the property in question. Their driveway runs about 900 feet and their house is located on the hill. Their driveway will run along the right side of the fence which borders the property in question, and they will be looking at the back of the homes as they drive into their house. Of course, there will be a 25-foot buffer but the way they are proposing now, with a split rail or a poly fence, they will be able to look into the homes and see ladies washing their dishes. This development will greatly diminish the value of their property. They raise cattle, and it will affect them as far as people coming and/or jumping over the fence. They have problems now with dogs getting through, and they go after their cattle. A cattle operation is a dangerous operation and if people or kids come over, there could be problems. They also have a 7,000 volt electric fence that goes around their property and that will be dangerous for a lot of people. If someone has heart problems, that could be deadly. This is something that has come all of a sudden, and they feel like it is an invasion of their area, especially with the way they want to build. They have no consideration for the properties around there. Their house is 4,800 square feet with an 832 square foot garage. Adding those together, they have over 5,000 square feet of living space. On County Road 33, if they drive towards the City of Mascotte, there is a neighborhood there which is pretty similar to what they want to build, except for one thing: that development has an actual concrete wall that runs all the way around the perimeter of the property. That subdivision is called Roper Trails. They should look at the density of these places because those houses are only ten feet apart. This type of density does not fit their area, and it will change things not only for them, but for everyone else who lives around there. They spoke with an attorney, and they were advised that they needed to demand if this were to pass, even though planning and zoning turned it down six to one, but if this passed they would have a bunch of homes right next to them. If they do this, they should demand a solid concrete wall, much like The Villages has. They talked about that at the planning and zoning meeting and their spokesperson said that people would consider the concrete block wall to be like living in a prison. Well, the most popular homes in The Villages are Veranda Homes, and they have concrete block walls around them. People like them because it is safer for their pets. At any rate, they are concerned about liability because they own a very dangerous bull. He is fine when he is inside his electric fence, but if somebody comes over they will be in big trouble. Plus, the planning and zoning commission said they regret approving a lot of the smaller properties with fifty to sixty-foot lot sizes.

Tyler Robertson of 23404 County Road 33 said he grew up in Leesburg. He attended Leesburg High School. He lived in Lake County most of his life but recently moved to Sumter County. His father laid out most of the argument as far as the issues with the development. The primary concern here is that they are not being mandated or required to put a continuous wall of at least six feet high, as opposed to some split rail fence that they are proposing. That is not responsible development. Responsible development does not infringe upon the surrounding property owners and cause them to incur property devaluation or expose them to liability or risk. Someone can easily get through a split rail fence as opposed to a concrete barrier wall. People may come into contact with cattle and other livestock in the vicinity, but basically, that is part of owning property and a home. If someone were to make their way onto our property and get injured, they could sue our homeowners' insurance. The planning and zoning board already disagreed with this development due to the way it was presented. They are not against development, but they would like to see development gone about in a way that ensures responsible development. He was a firefighter/paramedic for the Orlando Fire Department. He used to work for The Village's Fire Department, so he knows what responsible development looks like. He also worked down in Lake Nona where Travis Docks Development is building, so he has seen different developers go about development in responsible ways and both areas have continuous walls ranging from five to six feet tall. At the planning and zoning meeting, the developer said they did not want to put up a wall because people would feel like they were in prison. Well, in The Villages, the most popular home being sold has concrete walls. So that is a bit disingenuous. Something else he saw as a red flag was when the builder's representative

was asked about the price range for homes the representative said they did not know. Now, anyone who deals with a development of this size knows the first thing you do is find out if it will be profitable. They will make sure their investment is feasible before spending this much money. So, the fact that they were not forthcoming about their expected price range shows there may be some lack of forthrightness.

Jerrill Robison of 3520 Desert Lane, said, looking at the map where it said Desert Lane was the northwest corner of his property. He owns the corner piece bordering two sides of this development. As the other gentleman said, we are not opposed to development because development is going to come. What we are opposed to is the density of development. They want to put 4.25 homes per acre and that is too dense. If they look at the properties, there are a lot of open places without trees. He has dealt with construction for forty years and as the property on the west side of County Road 33 gets developed, all the big oak trees will be bulldozed down very much like they were in Lake Denham Estates. That was a nice-treed property, and they planted little ones to get approved for certificate of occupancy. He has lived there for thirty-three years and when they do their environmental study they will dig up a couple of gopher turtles and say they have relocated them, and they will be done. However, there are a lot more animals that live out there. He has seen bobcats, indigo snakes and other wildlife. As soon as they start to develop, they will be pushed elsewhere. A lot of times it is not about the dollar, it is about community, and there is a community out here already. They should be able to have some input on what their community looks like. With that many homes going in that area and that concentration of people, they will have thousands of people in that area. The statistics show that crime, noise, and traffic are going to go up. He had to change his work hours so he could get to work on time due to traffic. He would sit in his driveway on Desert Lane and count the trucks that went by before he could get out on County Road 33. Then, the economic boom dropped off, and it slowed down, but then The Villages came and construction traffic started again on County Road 33. He rides a motorcycle but not as much as he would like to because of the traffic in that area. There is a bus stop on Desert Lane at the top of a blind hill. They do not want school buses being hit by cars because people are not paying attention. The density being suggested will have a negative effect on all the houses around there.

James Revels of 3430 Desert Lane stated the fence line also adjoins his property. He owns a little over ten acres. County Road 33 has a blind hill and traffic comes over that hill anywhere between 55 and 70 miles per hour. He saw a school bus last week pulled over on the grass. The bus driver was talking to the lady and the child was pointing at a road. He assumed he was trying to tell her that she needed to take the child down the hill.

With the maintenance of the roads, Desert Lane is maintained by the people who live on it. It has ingress and egress, but most of the roads are rural roads. His family has a history here and the USDA has been there since he was a kid. He was told his family owned it. That is the US Agricultural Research on Bridges Road. His grandfather was born in 1913, so they have lived there for 111 years. When he was a little boy, his grandfather told him a story about the low in the road on County Road 33. He said when he was a little boy he went to school in Okahumpka. There is a historical school in Okahumpka, but he said the school bus would stop to pick up the little kids, but the big kids could not ride on the school bus because the mule and wagon could not tote the load. His grandfather used to stand in the middle of the road in the wagon ruts catching fish. He pointed to the aerial map to show where a big sinkhole was. There is a history of sinkholes in this area. That sinkhole was big enough to put a house in. Back in the 90s, by the lake, he saw a sinkhole the size of the hood of a truck, but he could not see the bottom of it. Again, his family has lived here a long time. He knows the area. He has seen squirrels and fox squirrels, which are federally protected. He has seen two species of bobcats, wild turkeys, and wild hogs at his fence line. Since this area is not developed, he assumed it was the breeding ground. Referring to the aerial, he pointed to a heavily wooded area which used to be an old orange grove. The road to the landfill is asphalt, but it is a narrow asphalt road. The landfill is a class three construction landfill. He was told that they were going to reopen that landfill. With two hundred plus acres and five hundred and eighteen

homes, that means there will be more than one thousand people condensed into that two hundred acres and the houses will be ten feet apart. The trucks that travel this road will go right through the heart of this development and there will be a lot of children there. When they open the landfill back up, the children will want to play there and that will put the children in danger. With the sinkholes and the ground being unstable, no one knows when or how sinkholes happen, because it happened in The Villages. If they put houses that close together with that magnitude of weight on the earth, when it already shows the history of sinkholes, they are asking for a problem. People will be swallowed up. **Commissioner Reisman** politely asked him to finish since he was well over his three minutes.

Karen Robertson of 2344 County Road 33 Groveland said her attorney advised them that it was unfair to have this liability pushed on to them. They went to seek guidance from a real estate attorney because their house was their wealth. That was all they had. She was concerned about their sixty-six-foot driveway, because they would have to look at the back of all the homes when they drove in and out of their home. The builders representative at the planning and zoning meeting mentioned he did not know the price range of the homes, but when she spoke with the planning and zoning director she was told the low 300's. She assumed the range would be about \$325,000. If they take \$325,000 and multiply that by 518 homes, that totals \$168,350,000, so they can afford a concrete wall.

Mayor Burry asked if there were any other public comments. There were none. He asked if there was a thought process for building a wall. **Mr. Snyder** answered that in their neighborhoods they do not generally put up walls. They have never been asked to put up a wall. When asked, they were told that the landscape buffer was a requirement, and that has been well received by the city in their other developments. They do not see the need to incorporate a wall at this time. **Commissioner Pederson** mentioned that he was not crazy about walls and if he was there he would want a landscape buffer. He was not sure how the public felt, and he did not want to speak on their behalf. However, was there a way to make the surrounding owners happy with a wider buffer or heavy landscaping? **Mr. Snyder** replied that it was already heavily landscaped. **Commissioner Pederson** pointed out that he was looking to block their view of this development entirely with landscaping. Is there a way to block it with landscaping versus a wall? He was not asking him to commit tonight, because there will be a second reading, but it was something to think about. **Commissioner Connell** wanted to recap because, based on the present zoning of the county, this piece of property would only be allowed 43 units, and they are asking for 518. That is a tremendous difference between what the county would allow and what they are asking the city for. This will go back onto a two-lane road that will be funneled down to the worst intersection in Leesburg at County Road 33, County Road 48 and County Road 470. They want to add another 518 units to that intersection. That is craziness. To make matters worse, it butts up to a landfill and our planning and zoning committee voted against it six to one. He knows they are not voting tonight, but he would like everyone to look at the facts before considering this. Forty-three to five hundred and eighteen, with a landfill, two-lane roads, terrible intersections, and the planning and zoning committee recommended denial.

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

The roll call vote was:

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

Three yeas, one nay, the Commission approved the transmittal to the state.

2. **An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 208.5 +/- acres from Lake County Rural to City of Leesburg Estate Residential, for a property generally located east of County Road 33 and south of Lake Brite Street, and west of County Road 33 and south of Desert Lane, lying in Section 3, Township 21 South, Range 24 East, Lake County, Florida; and providing an effective date. (Lake Bright/Brighurst LSCP)**
3. **An Ordinance of the City of Leesburg, Florida, changing the zoning of approximately 208.5 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), for a property generally located east of County Road 33 and south of Lake Brite Street, and west of County Road 33 and south of Desert Lane as legally described in Section 3, Township 21 south, Range 24 east, Lake County, Florida; and providing an effective date. (Lake Bright/Brighurst PUD)**
4. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 10.02 +/- acres; and being generally located west of U.S. Highway 27 and north of El Presidente Boulevard lying in Section 25, 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. (Blue Ridge Storage ANNX)**

Commissioner Reisman introduced ordinances 6.B.4, 6.B.5, and 6.B.6 to be read by title only. CC Purvis read the ordinances by title only.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller said this proposal was an annexation, comp plan, and a rezoning for a much smaller project consisting of 10.02 acres. It is generally located on the west side of US 27, south of town and north of El Presidente Boulevard, which is near the Spanish Village neighborhood. If you were heading south on US 27, it would be on the right side before the Plantation subdivision. This request would allow for mini-warehouse and storage uses. It is a small scale comp plan request to change the future land use designation from County Urban Low to City of Leesburg General Commercial. The rezoning would change from County Planned Unit Development (PUD) to City Small Planned Unit Development (SPUD). Under the requirements of the SPUD, there would be indoor self-storage and outdoor self-storage. It does allow for one apartment for a manager/security officer. Under the SPUD requirements, where it is not governed by SPUD, we would simply use the C-3 Highway Commercial standards for the property. They require dark sky lighting and there are large setbacks of fifty feet on the front and rear, and twenty feet on the sides. They have plenty of open space requirements, 35% landscape buffer, and a non-opaque fence is required. There is a fence currently on the property, and that would be fine. There is a three floor maximum height and architectural standards are required. Site access would be along US 27

and Lake County did not indicate if any specific road improvements would be necessary. It would be on city water and wastewater. Attorney Joseph Bricklemeyer was in attendance to represent the project if there were any further questions. **Mayor Burry** wanted to know how much concrete parking there would be on these ten acres. **PZD Miller** replied the development would be located in the southeastern area of the property and a large portion of the property to the west is wetlands. It will create a natural buffer in the back along with some buffering to the south. The only true developable area is right along the US 27 roadway. As to the specific acreage of the ten, it is only a couple of acres. It is not that much and almost the entire treed area is wetlands.

Joseph Bricklemeyer of 17032 Johns Lake Drive, Winter Garden said they did not have a lot to add unless the commission had questions. The building would be about an acre, and there would be about twenty-five feet around the building for parking and access. They are talking about 1.4 acres and, as the planning and zoning director said, the majority of the parcel is wetlands. They only have a portion of the upland property and that is offset by power line easements that they cannot use on the northern side. They have not had estimates on the building costs, but they expect the building cost to be somewhere between \$40 and \$70 per square foot, which puts them somewhere between the \$5 and \$9 million dollar range. The anticipated employee count is between three and five, depending on maintenance and those types of things. **Mayor Burry** said he was concerned about the wetlands. Was there any mitigation needed? **Mr. Bricklemeyer** responded that they were not impacting the wetlands at all. The only thing they have that is even potentially close to that are the drainage ponds, and those are not in the wetlands. This would be away from the wetland barrier since they have a setback of fifteen feet. **Mayor Burry** asked for any other questions from the commission and public. There were none. He stated this item would lay over.

5. **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 10.02 +/- acres from Lake County Urban Low Density to Leesburg General Commercial, for a property generally located west of U.S. Highway 27 and north of El Presidente Boulevard lying in Section 25, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Blue Ridge Storage SSCP)**
6. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 10.02 +/- acres from Lake County PUD (Planned Unit Development) to Leesburg PUD (Planned Unit Development) to allow a self-service storage facility, for a property generally located west of U.S. Highway 27 and north of El Presidente Boulevard lying in Section 25, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Blue Ridge Storage PUD)**
7. **An Ordinance of the City of Leesburg, Florida; creating Section 2-8 of the City's Code of Ordinances; entitled control of access to City-Owned, controlled, and leased property; establishing a process to designate facilities as public forums, limited public forums or non-public forums; establishing trespass notice for public property; providing for severability; providing for conflicts; providing for codification; and providing for an**

effective date.

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

Mayor Burry requested comments from the Commission and the audience.

Dena Simpson of Renew Day Spa, 214 West Main Street said this was not the first time she has spoken about things happening in the city. They have owned a business for seven years and since the day they opened they have had problems with homeless people on their front porch. Originally, it was Jay Scott's building, and he had a big barrier in the front. It was strongly suggested for them to take that down. She regrets the fact that she had taken that down because it helped protect the front of that building and the property. A couple of years ago, she pulled up to her business around 7:30 in the morning and found a homeless man sleeping in the back half clothed. She did not feel safe, so she called the police and locked herself inside her business. She asked the police not to tell the homeless person who called. Two police officers showed up, one at the front of her business and one at the back. They proceeded to radio back and forth with one another, which she was sure they had to do only to find out the homeless man had a handwritten note giving him permission to be there. There were no trespass signs on the buildings for that entire block for well over three or four years. He was then warned that he needed to put clothes on. She was concerned about staff members, herself, as well as Beacon students who walked up the street to get to school. What were this man's intentions, and why was he only half clothed from his waist up? She did not feel safe, so she applied for her concealed weapons permit. To this day, she continues to keep her concealed weapons. She goes target shooting for her own safety, but she does not want to use it. Approximately six months later, after that incident, she had a problem entering the back door of her business. She did not understand why she was having a problem, because the property owner had not done anything to her lock. After hiring a locksmith, she found out that her back door had been superglued. They put up cameras at her cost and a security light and within 24 to 48 hours the lights and cameras were ripped down. That same gentleman was found in the town square with her cameras as he tried to ditch his backpack that had drugs. He was arrested, and he went to court. She was notified less than 24 hours before the court date and was told they did not want her at his court date. He was released and he continually walks the streets. She continues to have problems at her business. She has an order of protection against this man for her business and family. Her daughter worked at the city pool, and she could not walk or ride her bike to the pool because he knew who she was, who she was linked to and what business she was linked to. He would constantly harass and say rude comments. This was not something that was unheard of in the downtown. This man is still downtown, and she will continue to carry. She does not know if he is the one that continually vandalizes her property, because they have had many people on multiple occasions vandalize their property. They had defecated on her front porch. She had a homeless man during the day pass out on her front porch. This should not be a problem that business owners have to deal with. It is hard enough to make money and to get staff to come in to make money. A lot of her clients now go to her property in The Villages because they do not want to deal with this nonsense.

Tim Simpson of Renew New Day Spa said they clearly have a problem. They continually talk to their staff because they are in a problem-solving business. He applauded the city for looking at this to try and find an answer. He does not know all the details legally from the local level up to state level, but there is a problem. Former Chief Hicks and Chief Iozzi have been very instrumental in helping them navigate some of the muddy waters. On March 25, 2017, they opened their business, and it has been a pleasant experience being here. However, in those seven and a half years, he had a woman urinate on his front porch, someone stole a chair and three cameras were stolen. He is now looking at a more secure solution that will cost him upwards of \$1,500. He was sure the city would not give him money to do that. It is

very frustrating that he cannot go buy an \$80 camera and link it to his phone because it keeps getting stolen. Some of these people continue to vandalize the streets. He gets that homelessness is a problem, but his daughter formerly lived in Delray Beach, and they could go out on Atlantic Avenue where they could go out and not worry about a major homeless problem. They could go out to dinner and not worry. Delray Beach has found a way to get it done, and we need to find a solution to this problem. Some of these people need to be expelled from the city. He understands Life Stream is here, and that a lot of people who are baker-acted end up being dumped here. One of our famous ladies that walks up and down the street, who speaks at very high volumes, continues to live here. She has been shipped out and shipped back. He feels like he should live at the Mexican border because there is not much difference. He would love to hear from the city about what they can do about this problem. Chief Hicks personally answered a lot of his calls when they had issues. Why can't we have police patrol the streets in a timely manner? If they are doing it in other neighborhoods, why are they neglecting the downtown? There should be a police officer that comes downtown periodically to patrol the streets. When the phone buzzes, he looks at his cameras, and he calls the city because he has a no-trespass order. However, by the time the police arrive, the person that was on the front step was gone. It is a waste of time on their part and the police officers' part. They hear about developers wanting to do great things for the city, but if businesses cannot survive and thrive, it does not matter what they want to do, because people will not come down

.

Penny Castano of 2225 Angelfish Loop said she was new to the area. If they are trying to get new businesses and people to come in, why are they worried about parking? People do not want to come here if they are being approached by homeless people. They want to bring people in here while people are sitting in the parks. The parks smell like urine. She was from the Philadelphia area, and she could see exactly what was happening. They need to address homeless people who may have mental health issues. They need to get them help and get them where they need to be rather than sleeping in the streets. She does not want to go to Blue Island or the Day Spa because when she walks by she smells urine, and that is not appealing. How about putting money towards power washing where the homeless people are because the smell and everything lingers? Get them help rather than worrying about parking. With the area that is for sale, why would they not offer that to Beacon College for a student housing development?

Felicia Stewart of Hope to Restoration 2501 West Main Street, Suite 106, said she was from the Groveland area, and she appreciated everything the city was doing. She understands what all the business owners are saying. She is a former homeless individual because, about twenty years ago, she moved to Orlando, as a homeless person. She left a violent domestic relationship where she was shot, stabbed and left to die in North Carolina. She moved to Orlando, Florida, where she was homeless. She was a working parent, but she lived in her car. She was stereotyped because every time she walked into a facility she was looked at as a homeless lady, so she must have been on drugs or an alcoholic. Sometimes, homelessness gets a bad name. She wrote a book called Homelessness Through The Eyes. Her father was homeless. He died on the streets of Philadelphia as an absolute genius. He ran for mayor in two different states. She was there to find out what they could do as a city. She wants to give hope to people and help acclimate them back into society, because not everyone wants to be homeless. Some people do not want to be on drugs. She walked into a facility and said she was homeless with four children, and she was stereotyped. She was an animal lover, but a couple of years ago, when her organization was in Tavares, she was told that \$7.4 million dollars had been spent on an animal shelter, yet we have no shelters or transitional facilities for these people to help themselves get them back up on their feet. What are we doing to help instead of criticizing? Instead of saying they are urinating, or we put them in Life Stream. What are we doing to take the steps to help them get back up on their feet? She has statistics and a plan that she has been working on and right now her statistics of success is 32%. Her website shows they are actually becoming successful. She had a gentleman walk into her office who did

not know how to tie a tie. He is now a homeowner and he owns a car. So, what are we as a city doing? Are we standing back and just saying get away from my property, not in my backyard, not on my front porch, or are we getting together with organizations to find some type of building to put them in? Organizations like hers do not have funding to do it, because they cannot get grants, but she would love to have a facility to help these people.

James Hopkins said he met with the police chief, the deputy city manager, and the city manager a week ago about this issue. Yes, there are homeless people who want to get help through private entities and some state-funded things like Life Stream, the First Baptist Church, and the Salvation Army. There are a lot of opportunities for people who do not want to be homeless. The business owners are concerned about the perpetual people who live on the streets in downtown Leesburg. They are dealing with it too, because a purse was stolen from one of their servers and the second week they were open, a homeless guy came in, sat down and refused to leave. He was at a meeting when he got a call from his wife saying he had to come back because she could not get the guy to leave. By the time he got there, they had a line outside the door, and he was spitting on people as he left. He is known as a perpetual downtown homeless person who has been trespassed from just about everywhere downtown. They also have a trespass order as part of the solution. As business owners, they need to come to these meetings to keep this at the forefront of the commissioner's mind. There are a lot of legalities that go into this. They will have to put some order to what the state and governor have allowed them to do. He asked that they approve that next ordinance at second reading. So, come October 1st, we can give the police as much ability as they can within the law to enforce this in the downtown area.

Elliot Ward of 712 West Main Street said he tries to bring solutions to the commission. First, we need more officers in the downtown. We need more funding to keep them in the downtown. It may help to push/move the homeless people along. He has worked with some of the homeless people at his end of town, so he knows the game. They just need to move along to someplace else. He knows it is difficult because they do not have a facility to send them to. It is a bit of a conundrum, but his solution would be to have more law enforcement downtown. We need to find the funding to have more officers in the downtown. When they are there, there are no problems. Activity breeds activity, and having support from the police department is the solution.

Mayor Burry asked if there were any further comments from the commission and the public. There were none. This item would lay over.

8. An Ordinance of the City of Leesburg, Florida; Amending Chapter 15, Article I "General Offenses" to create Section 15-7 Entitled "Public Camping or Sleeping" prohibiting unauthorized camping at any time within the City; providing for severability; providing for conflicts; providing for codification; and providing for an effective date.

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

Mayor Burry informed the public that the State of Florida has a new law. He was not sure if everyone was aware of it, and it goes into effect on October 1st. They can find more information about it in Florida Statute 125.0231. It deals with public camping and basically addresses the homeless issue. He asked the city attorney to give a quick synopsis of the state statute and what the city must do.

CA Watson explained that the law will prohibit a city or a county from allowing any person to regularly engage in public camping or public sleeping. It covers private property, sidewalks, and parks. The statute

is pretty vague, but if somebody were to regularly engage in public camping or sleeping, such as sleeping on a park bench at three in the morning, that would be considered public sleeping. Now, whether they regularly sleep in public is unclear. There are some questions about the mechanics, but the general theme is that cities and counties cannot allow public camping or public sleeping. The only way they could allow that to happen would be to establish a public campground site. It would be a joint operation between the city and the county. The city would have to approve it, but the county would have to set up the campsite. It would require approval by the Department of Children and Families (DCF). They would have to apply with the state to get a certificate, since we do not have enough beds in the county. They would set up a campsite somewhere in town. The campsite would require regular patrolling, restroom facilities, and structures. It would be expensive to set that up. Long story short, the statute says that cities and counties will not be allowed to permit public camping or sleeping anymore. If it does occur, the city could be sued. That is essentially the mechanism that was put into place. The state did not exactly outlaw public camping or public sleeping, they just outlawed cities and counties from allowing it to happen. They also subjected the cities and counties to civil lawsuit if it does happen. We now have an ordinance that mirrors the state statute in terms of prohibiting public camping and sleeping. The ordinance prior to this one covered public facilities and trespassing. This would essentially set up a process for law enforcement to address the situation and ensure that the city is compliant with state law. This gives law enforcement some tools, because currently there is nothing on the books in the city that addresses this issue. This would set up a prohibition on that type of activity in the city, and give law enforcement tools to ensure that the code is being followed. **A gentleman from the audience** asked about the time and duration for what would be considered public camping. **CA Watson** answered the statute just says regularly and at this time that is all we have. **Mayor Burry** commented that if anyone wanted to speak, they needed to come to the microphone. However, the rule says regularly, which is defined as somewhere along sometimes. It is a very vague interpretation. **CA Watson** stated there was some discretion given to law enforcement to an extent to determine what regularly would be in their eyes, but what a judge determines as regularly we do not have that answer at this point. It would all be fleshed out down the road if somebody is trespassed and arrested after two times of sleeping on a bench, and if they challenge it a court will decide if that was regular. At this time, we do not know what that means without further definition or interpretation from the courts. **Mayor Burry** continued to say the ruling says we have to fill up the homeless beds that are available in the county, but Lake County has zero beds. So, we cannot ship them to a facility that accepts the homeless because the county has no beds available. If a campground was established, the campground could not be contiguous with a piece of property that is used for residential purposes, and it could not be zoned for residential purposes. It also says that the homeless camp cannot decrease the property values surrounding that camp. Functionally, in a city like ours we have no property available that meets the criteria to establish a camp. There is nothing that meets that criteria, so for us and just about everybody else, it is impossible. Even if we were able to set up a camp, we would be required to provide mental health services, clean restrooms, and we would have to make sure that people are safe. The list goes on and on, and it makes it very difficult for us to meet the needs that are out there with the way the law was written. We have to enforce the law and the law says we cannot allow people to regularly camp on public property and that is what they are trying to address.

Dina Simpson of Renew Day Spa questioned the two groups of religious people who sit in the same seats just about every day. They are there all day long, so is that considered camping? **Mayor Burry** replied no. **Ms. Simpson** said they sit in the same place in the park, and they sit on the park bench all day long. They are taking up space, but that is okay. **Mayor Burry** stated they were talking about sleeping. The ruling refers to tents, cardboard boxes, and things like that. **Ms. Simpson** said she was not comfortable with the individuals sitting in that spot all the time. **Mayor Burry** agreed, but camping in this statute is defined as tents, sleeping apparel, sleeping bags, or anything that indicates to an officer that the person intends on sleeping there. **CA Watson** concurred. If they look in the agenda packet, the ordinance definition says public camping and sleeping and that was pulled directly from the statute. It

talks about the evidence of sleeping bags, tents, or any material that indicates more of a permanent camp.

Tim Simpson of Renew Day Spa said they did not know the legal side of this, and not to put Chief Iozzi on the spot, but is there something the police can do to help business owners with this problem in the short, medium, and long term? He does not know what to do at this point, besides calling the police to say he has a no trespass order. He has little legal background, so what can the business owners do to work with the city so they can get this problem solved? **Police Chief (PC) Iozzi** explained that anytime there is criminal activity they need to call them. They have been pretty responsive to those issues as they occur throughout the city. This problem is not unique to downtown, but obviously, the businesses in the downtown see it more than other areas in the city. They will respond to calls and they can write trespass authorization letters. As this statue is being described, there is not a lot that will change, and that is the fact of the matter. There are abundant resources for people in bad shape, and there tends to be a disproportionate number of people in this town as a result of that. They will continue to provide the same level of service that they are allowed to by law constitutionally to keep the city from lawsuits by the ACLU and other entities because they watch out for people that might be harshly treated by law enforcement.

Felicia Stewart of Hope to Restoration asked if it was safe to say that this problem was not solvable in the city or the County. **Mayor Burry** explained that he did not say it was not solvable. The way this law was written, it says the county could establish a camp because there are no beds in this county. The beds do not exist, so the county can establish a camp or the county and city together can establish a camp. However, that camp would have to look like a state park, with showers, and regular patrolling. We would have to offer mental health services and some other types of services. **Commissioner Pederson** added that it would have to be fenced all the way around. **Mayor Burry** continued to say that all of it would be regulated by the Department of Children and Families. It has to meet all the criteria. He has read the statute many times, but in our case, the way the law is written, we can be held responsible for not doing this. This is not personal, but it is their job to follow the law and this law starts October 1st, and we are establishing how the city will follow the law. **Ms. Stewart** said she was a business owner outside of her nonprofit organization, but she wanted to get a solution to the problem. We have so many buildings that are being purchased for other things. She did not want the Humane Society to come after her because she was an animal lover, but she noticed so many abandoned hotels on US 27 and US 441, and if governed properly, could be used, so she was going to try and go after them. **Mayor Burry** stated the private industry can do that, but the city cannot put a camp in or near a residential community. Nor can we have a camp in an area where a residential community is being planned. We are limited in property and there is nowhere in the city that meets the criteria to address a camp. **Ms. Stewart** replied that she understood. She said she wanted to respect the business owners because there are some people who are not so nice, and they do crazy things, so they should be trespassed against. However, there are some people who sleep in their cars that want help. **Mayor Burry** responded that as long as the car is properly registered, the car is an exception. **CA Watson** agreed. If someone is in a vehicle that is properly registered and parked in an appropriate spot, they can still sleep in that car. **Ms. Stewart** wanted to confirm that in order to get something done about this she would need to contact DCF and the Mid-Florida Homeless Coalition. **CA Watson** agreed and DCF is the certifying agency. **Ms. Stewart** indicated that she had already met with Mid-Florida Homeless Coalition and Kirby Smith, but she wanted to take the proper channels because she believes this problem can be solved.

Ms. Simpson asked if Sumter County had any open beds or homeless facilities. **Mayor Burry** answered they did not have that information. **Ms. Simpson** said she owns two businesses in The Villages and whenever they have a problem with the homeless in The Villages, the Sumter County Sheriff's Department comes out, and they take care of it. There has been one person in the last four years and that one person was probably about two months ago. For those who frequent The Villages, they do not see

homeless people in the downtown or Sumter Landing or Brownwood. **Mayor Burry** pointed out that they do not know the laws for Sumter County regarding that, we know Lake County and Leesburg's laws. He stated this item would lay over. He advised everyone to read Florida Statutes 125.0231, because it explains everything.

D. NON-ROUTINE ITEMS

1. None

7. INFORMATIONAL REPORTS:

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

A. None

8. CITY ATTORNEY ITEMS:

CA Watson had no items to address this evening.

9. CITY MANAGER ITEMS:

CM Minner had nothing to report on.

10. ROLL CALL:

Commissioner Pederson had nothing to comment on.

Commissioner Connell had no comment.

Commissioner Reisman thanked the Leesburg Police Department and the Leesburg Blue Foundation, including Sergeant Walsh, for a successful Second Annual Leesburg Blue Foundation 5K. It was presented by Sun Air Aviation. He thanked Commissioner Pederson for coming out. It was a successful event, and they had a lot of runners. They are excited about announcing what they will be doing next year because they have some tricks up their sleeves.

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 8:11 p.m.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.B.1.

Meeting Date: October 14, 2024

From: Hosea Goodwyn, Senior Buyer

Subject: Purchase request for the purchase of three (3) Ford Explorer SUV 4x2 vehicles from Duval Ford, LLC, for the City of Leesburg Police Department in the total amount of \$111,978.00. Duval Ford, LLC is the contract holder for the central Florida region under the Florida Sheriffs Association contract #FSA24-VEL32.0.

Staff Recommendation:

Staff recommends approval of the purchase request to Duval Ford, LLC for the purchase of three (3) Ford Explorer SUV 4X2 vehicles in the total amount of \$111,978.00.

Analysis:

The City has added twelve additional police officers to its staff. This purchase is necessary to allocate vehicles to these new positions.

Procurement Analysis:

The City is utilizing an existing Agreement (Piggyback) with the Florida Sheriffs Association, Contract number FSA24-VEL32.0, to purchase the following vehicles listed below. Staff obtained a quote from Duval Ford, LLC, in accordance with the Florida Sheriffs Association contract # FSA24-VEL32.0.

DUVAL FORD, LLC	
Contract # FSA24-VEL32.0, Pursuit Administrative, and Other Vehicles	
2025 FORD EXPLORER ACTIVE RWD K7D, Police Vehicle per specifications	\$36,898.00
2025 FORD EXPLORER ACTIVE RWD K7D, Police Vehicle per specifications	\$37,391.00
2025 FORD EXPLORER ACTIVE RWD K7D, Police Vehicle per specifications	\$37,689.00
	\$111,978.00
TOTAL	

Options:

1. Approve the purchase request to Duval Ford, LLC as presented; or

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

Fiscal Impact:

Funds are available in the current Public Works-Fleet Services Division budget.

Account No.: 141-2111-521-6410

Requisition: 56933

Budget: \$111,978.00

Available: \$111,978.00

LEESBURG POLICE DEPARTMENT

Prepared for:		Contract Holder		10/2/24		
LEESBURG POLICE DEPARTMENT LIEUTENANT CHRIS PARSONS 352-728-9786 X 3887 Chris.Parsons@leesburgflorida.gov		DUVAL FORD Bambi Darr (Work) 904-388-2144 (Fax) 904-387-6816 bambi.darr@duvalmotor.com 405 Lane Avenue North Jacksonville, FL 32254				
PLEASE CONFIRM RECEIPT OF QUOTE VIA EMAIL						
		We appreciate your interest and the opportunity to quote. Pricing references the FLORIDA SHERIFFS ASSOCIATION LIGHT VEHICLE CONTRACT FSA 24-VEL-32 . If you have any questions regarding this quote please call! Note, Vehicle will be ordered white exterior unless specified on purchase order. Shipping and Invoicing instructions are required on agency purchase order.				
Labor: Rate/Hr \$100 Parts QTY	Code	Equipment	UNIT PRICE	EXTENDED		
	1	K7D CENTRAL	Item 221: Ford Explorer SUV 4x2 (K7D) Central Zone	\$ 36,327.00	\$ 36,327.00	
	1	99H.44T	2.3L Ecoboost Engine	\$ -	\$ -	
	1	200A	Equipment Group: Active (Power Windows, Doors & Backup Camera)	\$ -	\$ -	
	1	WT4	Weather Tech Laser Cut Floor Mats- 4 Piece (4417161, 4415752)	\$ 245.00	\$ 245.00	
	1	RKE	Programmed Integrated Key Transmitter Fob	\$ 326.00	\$ 326.00	
	0	1	M7	Carbonized Gray	No Charge	No Charge
	0	1	8H	Space Gray Cloth Seats	\$ -	\$ -
	0	1		Carpet Floor	\$ -	\$ -
	0	1			\$ -	\$ -
	TOTAL LABOR HOURS					
	Additional Notes					
	UNIT COST				\$ 36,898.00	
	TOTAL QUANTITY		1	TOTAL PURCHASE	\$ 36,898.00	

LEESBURG POLICE DEPARTMENT

Prepared for:		Contract Holder		10/2/24	
LEESBURG POLICE DEPARTMENT LIEUTENANT CHRIS PARSONS 352-728-9786 X 3887 Chris.Parsons@leesburgflorida.gov		DUVAL FORD Bambi Darr (Work) 904-388-2144 (Fax) 904-387-6816 bambi.darr@duvalmotor.com 405 Lane Avenue North Jacksonville, FL 32254			
PLEASE CONFIRM RECEIPT OF QUOTE VIA EMAIL					
		We appreciate your interest and the opportunity to quote. Pricing references the FLORIDA SHERIFFS ASSOCIATION LIGHT VEHICLE CONTRACT FSA 24-VEL-32. If you have any questions regarding this quote please call! Note, Vehicle will be ordered white exterior unless specified on purchase order. Shipping and Invoicing instructions are required on agency purchase order.			
Labor: Rate/Hr \$100	Parts QTY	Code	Equipment	UNIT PRICE	EXTENDED
1	1	K7D CENTRAL	Item 221: Ford Explorer SUV 4x2 (K7D) Central Zone	\$ 36,327.00	\$ 36,327.00
0	1	99H.44T	2.3L Ecoboost Engine	\$ -	\$ -
0	1	200A	Equipment Group: Active (Power Windows, Doors & Backup Camera)	\$ -	\$ -
0	1	WT4	Weather Tech Laser Cut Floor Mats- 4 Piece (4417161, 4415752)	\$ 245.00	\$ 245.00
0	1	RKE	Programmed Integrated Key Transmitter Fob	\$ 326.00	\$ 326.00
0	1	K1	Vapor Blue	\$ 493.00	\$ 493.00
0	1	8H	Space Gray Cloth Seats	\$ -	\$ -
0	1		Carpet Floor	\$ -	\$ -
		TOTAL LABOR HOURS			
		Additional Notes			
UNIT COST				\$	37,391.00
TOTAL QUANTITY		1		TOTAL PURCHASE	\$ 37,391.00

LEESBURG POLICE DEPARTMENT

Prepared for:		Contract Holder		10/2/24	
LEESBURG POLICE DEPARTMENT LIEUTENANT CHRIS PARSONS 352-728-9786 X 3887 Chris.Parsons@leesburgflorida.gov		DUVAL FORD Bambi Darr (Work) 904-388-2144 (Fax) 904-387-6816 bambi.darr@duvalmotor.com 405 Lane Avenue North Jacksonville, FL 32254			
PLEASE CONFIRM RECEIPT OF QUOTE VIA EMAIL					
		We appreciate your interest and the opportunity to quote. Pricing references the FLORIDA SHERIFFS ASSOCIATION LIGHT VEHICLE CONTRACT FSA 24-VEL-32 . If you have any questions regarding this quote please call! Note, Vehicle will be ordered white exterior unless specified on purchase order. Shipping and Invoicing instructions are required on agency purchase order.			
Labor: Rate/Hr \$100	Parts QTY	Code	Equipment	UNIT PRICE	EXTENDED
0	1	K7D CENTRAL	Item 221: Ford Explorer SUV 4x2 (K7D) Central Zone	\$ 36,327.00	\$ 36,327.00
0	1	99H.44T	2.3L Ecoboost Engine	\$ -	\$ -
0	1	200A	Equipment Group: Active (Power Windows, Doors & Backup Camera)	\$ -	\$ -
0	1	WT4	Weather Tech Laser Cut Floor Mats- 4 Piece (4417161, 4415752)	\$ 245.00	\$ 245.00
0	1	RKE	Programmed Integrated Key Transmitter Fob	\$ 326.00	\$ 326.00
0	1	AZ	Star White	\$ 791.00	\$ 791.00
0	1	8H	Space Gray Cloth Seats	\$ -	\$ -
0	1		Carpet Floor	\$ -	\$ -
		TOTAL LABOR HOURS			
		Additional Notes			
UNIT COST					\$ 37,689.00
TOTAL QUANTITY		1	TOTAL PURCHASE		\$ 37,689.00

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.1.

Meeting Date: October 14, 2024

From: Dan Miller, (Planning and Zoning Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, approving a mural sign for placement on the side of the building on a parcel owned by Star Five Properties, Inc., and operating as Checkers restaurant, and being located at 2508 Citrus Boulevard, in Section 10, Township 19, Range 24, in Leesburg, Florida; and providing an effective date. (Checkers Mural)

Staff Recommendation:

Staff recommends approval of the request to add a mural to the Checkers Drive In Restaurant, as seen in the attached Exhibit A.

Analysis:

Section 25-424(f) (11) City of Leesburg Code of Ordinances, requires approval of new murals within the city limits. The Checkers Drive In Restaurant, located at 2508 Citrus Boulevard, is requesting to add a mural to the side of it's existing building. The mural is a building wrap, meaning it is applied to the side of the building, much like wraps which are now popular on automobiles, but constructed specifically for application to commercial structures. Staff finds the request in keeping with previously stated code requirements. Exhibit A shows a typical design; in discussion with the sign company, a design specific to Leesburg is anticipated.

Procurement Analysis:

N/A

Options:

1. Approve the mural for the Checkers Drive In Restaurant; or
2. Such other action the Commission may decide.

Fiscal Impact:

No fiscal impact is anticipated from action on this request.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, APPROVING A MURAL SIGN FOR PLACEMENT ON THE SIDE OF THE BUILDING ON A PARCEL OWNED BY STAR FIVE PROPERTIES, INC., AND OPERATING AS CHECKERS RESTAURANT, AND BEING LOCATED AT 2508 CITRUS BOULEVARD, IN SECTION 10, TOWNSHIP 19, RANGE 24, IN LEESBURG, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CHECKERS MURAL)

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

THAT the City Commission of the City of Leesburg does hereby approve the addition and use of a mural, as seen in the attached Exhibits, to be placed on the side of the building, by Checkers-Drive In Restaurant, located at 2508 Citrus Boulevard.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 14th day of October 2024.

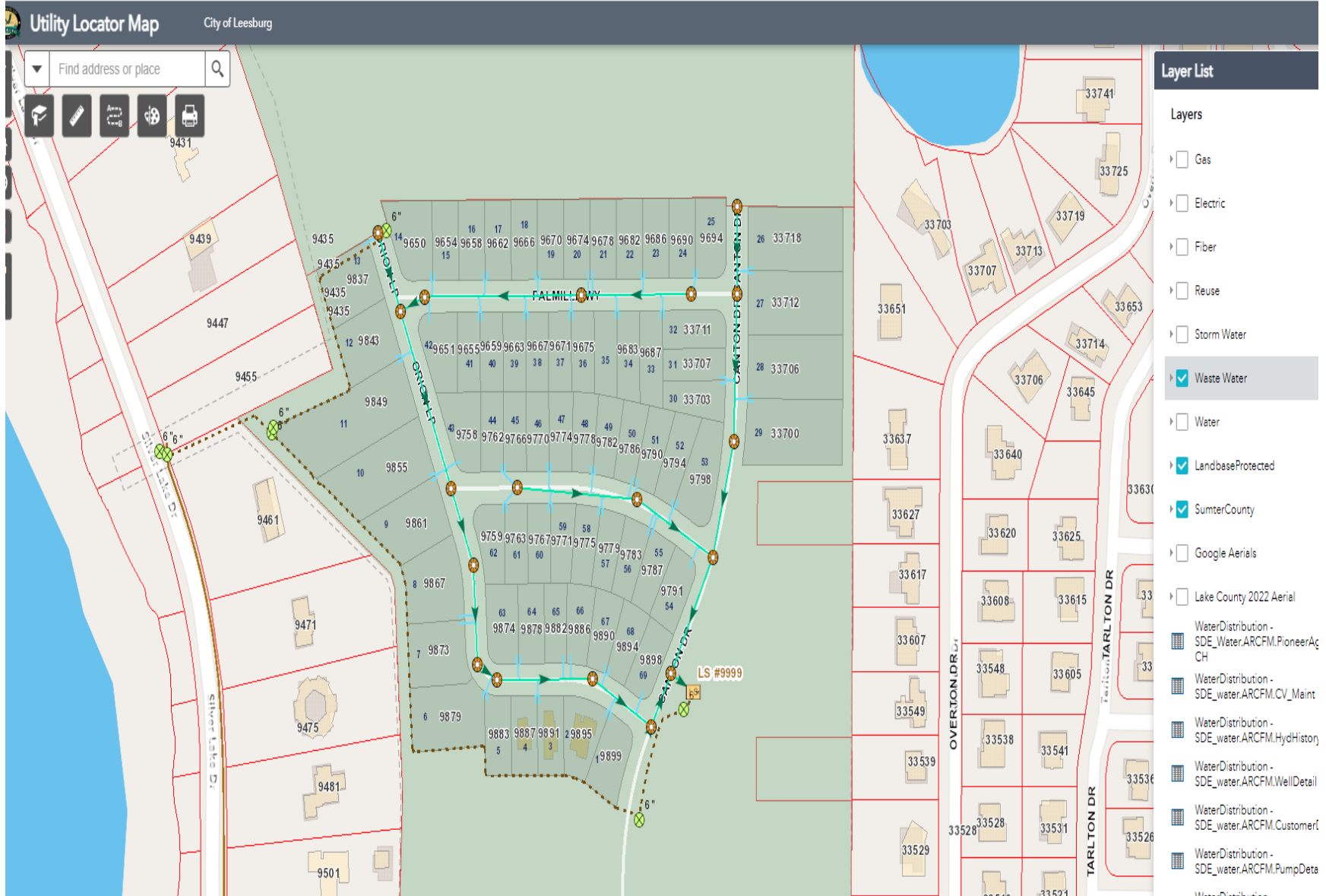
Mayor

ATTEST:

City Clerk

EXHIBIT A – MURAL SAMPLE





City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.2.

Meeting Date: October 14, 2024

From: Tracey Dean, (Airport Manager)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute the Leesburg International Airport, Disadvantaged Business Enterprise (DBE) Program; and providing an effective date.

Staff Recommendation:

Staff recommends approval of the Leesburg International Airport DBE Program.

Analysis:

The City/Airport is required to establish and maintain a DBE Program in accordance with Regulation 49 CFR Part 26, as a condition of receiving funding from the U.S. Department of Transportation.

Procurement Analysis:

N/A

Options:

1. Approve the LEE DBE; or,
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE
THE LEESBURG INTERNATIONAL AIRPORT, DISADVANTAGED
BUSINESS ENTERPRISE (DBE) PROGRAM; AND PROVIDING AN
EFFECTIVE DATE.**

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

THAT the Mayor and City Clerk are hereby authorized to execute the Leesburg International Airport Disadvantaged Business Enterprise Program.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 14th day of October 2024.

Mayor

ATTEST:

City Clerk

POLICY STATEMENT**Section 26.1, 26.23 Objectives/Policy Statement**

The City of Leesburg, owner of Leesburg International Airport, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of Leesburg, has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, The City of Leesburg has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of The City of Leesburg to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also The City of Leesburg policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Tracey Dean, Airport Manager, has been delegated as the DBE Liaison Officer. In that capacity, Tracey Dean, Airport Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by The City of Leesburg in its financial assistance agreements with the Department of Transportation.

The City of Leesburg has disseminated this policy statement to the Leesburg City Commission, the Mayor, and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on The City of Leesburg DOT-assisted contracts. The distribution was accomplished by email to each City Commissioner and the Mayor.

Mayor, City of Leesburg

Date

GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are elaborated in the policy statement on the first page of this program.

Section 26.3 Applicability

The City of Leesburg is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The City of Leesburg will use terms in this program that have their meanings defined in Part 26, § 26.5.

Section 26.7 Non-discrimination Requirements

The City of Leesburg will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, The City of Leesburg will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Data Collection and Reporting Requirements

Reporting to DOT

The City of Leesburg will provide data about its DBE Program to the Department as directed by DOT and its operating administrations.

DBE participation will be reported to the Federal Aviation Administration (FAA) as follows:

The City of Leesburg will transmit to FAA annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Part 26. The City of Leesburg will similarly report the required information about participating DBE firms. All reporting for this purpose will be done through the FAA’s designated reporting system.

Bidders List

The City of Leesburg will collect and maintain bidders list information as described in § 26.11(c)(2) and enter it into the system designated by DOT. The purpose of the bidders list is to

compile as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our federally assisted contracts for use in helping to set overall goals, and to provide the Department with data for evaluating the extent to which the objectives of § 26.1 are being achieved.

The City of Leesburg will obtain the following bidders list information about all DBE and non-DBEs who bid as prime contractors and subcontractors on each of our federally assisted contracts:

- Firm name
- Firm Address including Zip code
- Firm's status as a DBE or non-DBE
- Race and gender information for the firm's majority owner
- NAICS code applicable to each scope of work the firm sought to perform in its bid
- Age of the firm
- Annual gross receipts of the firm. The gross receipts can be obtained by asking each firm to indicate into what gross receipts bracket they fit (e.g. less than \$1 million; \$1-3 million; \$3-6 million; \$6-10 million, etc.) rather than requesting an exact figure from the firm.

The City of Leesburg will collect the data from all bidders for our federally assisted contracts by requiring the information in paragraph (c)(2) of this section to be submitted with their bids or initial responses to negotiated procurements.

The City of Leesburg will enter this data in the Department's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded.

In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan pursuant to § 26.53(e), The City of Leesburg will enter the data no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

The City of Leesburg will maintain records documenting a firm's compliance with the requirements of this part. Other certification or compliance related records will be maintained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Assurances Recipients and Contractors Must Make

The City of Leesburg has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: - Each financial assistance agreement The City of Leesburg signs with a DOT operating administration (or a primary recipient) will include the following assurance:

The City of Leesburg shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration

of its DBE program or the requirements of 49 CFR Part 26. The City of Leesburg shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The City of Leesburg DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Leesburg of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

Contract Assurance: The City of Leesburg will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the contractor from future bidding as non-responsible.

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City of Leesburg is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. The City of Leesburg is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and The City of Leesburg is in compliance with it and Part 26. The City of Leesburg will continue to carry out this program until all funds from DOT financial assistance have been expended. The City of Leesburg does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted to the relevant operating administration for approval.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this DBE Program.

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for The City of Leesburg:

Tracey Dean
Airport Manager
8807 Airport Blvd, Leesburg, FL 34788
PO BOX 490630, Leesburg, FL 34749-0630
(352)728-9801
Tracey.Dean@leesburgflorida.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Leesburg complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the City of Leesburg City Manager concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has the support and assistance of the Purchasing Department staff. The DBELO also has the support and assistance of the City Attorney and Aviation Engineering Consultants under continuing services, in accordance with Florida Statute 287.055 – Consultants Competitive Negotiation Act, to assist in the administration of the program. The duties and responsibilities of the DBELO and support, include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with Aviation Engineers to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the City of Leesburg's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Mayor and the City Commission on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars with Engineers assistance.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of The City of Leesburg to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. The DBELO will maintain an up-to-date listing of local and regional banks, which are owned and managed by socially and economically disadvantaged individuals. The listing will reflect the latest knowledge, available to the City of Leesburg, as to the full range of services in each bank. The DBELO will serve as the City of Leesburg's focal point to carry out the City's policy to utilize the listed services of these banks, to the greatest extent possible. The City's investigation with the National Bankers Association (NBA), an agency that tracks minority owned banks, indicates that there are no banks in this area, which are known to be owned by socially and economically disadvantaged individuals. On an annual basis, the City of Leesburg and the DBELO will investigate any new banks established in the community, in the future, which are owned by socially and economically disadvantaged individuals, and use their services when feasible. When a bank, owned and operated by socially and economically disadvantaged individuals, is opened at any time during the period of this approved Program, the City will provide notification to prime contractors.

Section 26.29 Prompt Payment Mechanisms

The City of Leesburg requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law. Prompt payment and return of retainage requirements also apply to lower-tier subcontractors.

In accordance with 49 CFR § 26.29, the City of Leesburg established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the City of Leesburg.

The City of Leesburg ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, The City of Leesburg has selected the following method to comply with this requirement:

The City of Leesburg will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after the City's payment to the prime contractor.

To implement this measure, the City of Leesburg includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract:

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. The Owner must ensure prompt and full payment of retainage from the prime Contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Owner. When the Owner has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

From the total of the amount determined to be payable on a partial payment, 10 percent of such total amount will be deducted and retained by the Owner until the final payment is made, except as may be provided (at the Contractor's option) in the subsection 90-08 of AC 150/5370-10 titled PAYMENT OF WITHHELD FUNDS of this section. The balance 90 percent of the amount payable, less all previous payments, shall be certified for payment. Should the Contractor exercise his or her option, as provided in the subsection 90-08 of AC 150/5370-10 titled PAYMENT OF WITHHELD FUNDS of this section, no such percent retainage shall be deducted.

When at least 95 percent of the work has been completed, the Engineer shall, at the Owner's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done.

The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

For every airport construction project funded under Federal grant assistance programs, The City of Leesburg includes the applicable clause from FAA Advisory Circular 150/5370-10 (Section 90-06) pertaining to the selected retainage method. The applicable clause will be included verbatim. However, if state or local prompt payment laws provide for payment in less than 30 days, any reference to "30 days" will be revised accordingly.

Prompt Payment Monitoring for DBEs and Non-DBEs

The City of Leesburg clearly understands and acknowledges that reliance on complaints or notifications from subcontractors about a contractor's failure to comply with prompt payment and retainage requirements is not a sufficient monitoring and oversight mechanism. Therefore, The City of Leesburg undertakes proactive monitoring and oversight of prime contractors'

compliance with subcontractor prompt payment and return of retainage requirements of 49 CFR Part 26. Such monitoring activities will be accomplished through the following method(s):

- The prime contractor shall submit a report of DBE expenditures with each pay application.
- The report shall show all DBE and non-DBE subcontractors, the amount of their subcontract, the amount earned to date, the amount paid to date, and the amount remaining to be earned.
- The report shall also have each DBE subcontractor verify the amounts earned and paid to date.
- The prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
- The DBELO will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.
- The DBELO will perform interim audits of each contractor's payments to DBEs to review payments to DBEs and ensure that the actual amount paid to DBE subcontractors equals the dollar amount stated in the schedule of DBE participation.

The City of Leesburg requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the City's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of The City of Leesburg or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The City of Leesburg proactively reviews contract payments to subcontractors including DBEs on a quarterly basis. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to The City of Leesburg by the prime contractor.

Prompt Payment Dispute Resolution

The City of Leesburg will take the following steps to resolve disputes as to whether timely prompt payment and retainage releases are being made as required by § 26.29.

- 1 Hold meetings with representatives of the prime contractor, the sub-contractor, the resident project representative and/or the project manager to resolve the payment dispute.
- 2 Every attempt will be made to have individuals authorized to bind each interested party with the authority to take enforcement action at the meeting, including representatives from the City of Leesburg.

The City of Leesburg has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

- The subcontractor should first contact the contracting prime directly to inquire as to the reason that prompt payment(s) have not been received.
- Should the subcontractor not receive a satisfactory answer from the contracting prime, or is uncomfortable contacting the contracting prime directly, the subcontractor should notify the DBELO in writing of the issue and ask for resolution.
- If filing a written complaint with the DBELO does not result in prompt, significant action by the City of Leesburg to resolve the prompt payment issue, the DBE subcontractor may contact the FAA Office of Civil Rights.
- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution. The FAA Prompt payment complaint reporting form can be found at <https://www.surveymonkey.com/r/PromptPaymentsComplaints>

Enforcement Actions for Noncompliance of Participants

The City of Leesburg provides appropriate means to enforce the requirements of § 26.29. These means include:

- In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor
- Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract
- Pay subcontractors directly and deduct this amount from the retainage owed to the prime
- Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purposes of calculating liquidated damages if milestones are not met

The City of Leesburg will actively implement the enforcement actions detailed above.

Section 26.31 Directory of Certified Firms

The City of Leesburg is a non-certifying member of the Florida Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs and/or ACDBEs, and it contains all the elements required by §26.31. The directory lists all firms eligible to participate as a DBE and/or ACDBE in the program. In the listing for each firm, the UCP directory includes the following details about the firm:

- Business address

- Business phone number
- Firm website(s)
- The types of work the firm has been certified to perform as a DBE and/or ACDBE.
- The type of work a DBE and/or ACDBE is eligible to perform is listed by using the most specific NAICS code available to describe each type of work the firm performs. Pursuant to § 26.81(n)(1) and (3), the UCP directory allows for NAICS codes to be supplemented with specific descriptions of the type(s) of work the firm performs.
- The UCP directory may include additional data fields of other items readily verifiable in State or locally maintained databases, such as State licenses held, Pre-qualifications, and Bonding capacity.
- The UCP directory is an online system that permits the public to search and/or filter for DBEs by:
 1. Physical location
 2. NAICS code(s)
 3. Work descriptions
 4. All additional data fields of readily verifiable optional information described above.

The directory includes a prominently displayed disclaimer that states the information within the directory is not a guarantee of the DBE's capacity and ability to perform work.

Section 26.33 Over-concentration

The City of Leesburg has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development and Mentor-Protégé Programs

The City of Leesburg has not established a Business Development Program or a Mentor-Protégé Program as described by 49 CFR Part 26.

Section 26.37 Monitoring Responsibilities

The City of Leesburg implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and sets forth these mechanisms in this DBE program.

The City of Leesburg actively monitors participation by maintaining a running tally of actual DBE attainments (*e.g.*, payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

The City of Leesburg undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

- The prime contractor shall submit a report of DBE expenditures with each pay application.

- The report shall show all DBE and non-DBE subcontractors, the amount of their subcontract, the amount earned to date, the amount paid to date, and the amount remaining to be earned.
- The report shall also have each DBE subcontractor verify the amounts earned and paid to date.
- The prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
- The DBELO will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.
- The DBELO will perform interim audits of each contractor's payments to DBEs to review payments to DBEs and ensure that the actual amount paid to DBE subcontractors equals the dollar amount stated in the schedule of DBE participation.

The City of Leesburg requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the City's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the City of Leesburg or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The City of Leesburg proactively reviews contract payments to subcontractors including DBEs on a quarterly basis. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to City of Leesburg by the prime contractor.

The City of Leesburg actively monitors participation and attainment toward overall goals by maintaining running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards to determine whether our implementation of contract goals is projected to be sufficient to meet the annual goal. The running tally for overall goal monitoring will be maintained by the DBELO utilizing spreadsheets similar to the DBE Achievement Reports. This mechanism to maintain a running tally of overall goal attainment will be used to inform City of Leesburg Procurement Department decisions to implement goals on contracts to be advertised, according to our established contract goal-setting process.

The City of Leesburg actively monitors participation with respect to each DBE commitment by using a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor. The running tally for contract goal monitoring will be maintained by the DBELO utilizing spreadsheets similar to the DBE Achievement Reports. These contract-specific running tallies will be used to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g). Utilizing spreadsheets in likeness to the DBE Achievement Reports will also streamline the required reporting process.

Monitoring Contracts and Work Sites

The City of Leesburg reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed, and such work is counted according to the requirements of § 26.55. Work site monitoring for counting and commercially useful function review is performed by the DBELO and the design consultant project manager. Contracting records are reviewed by the DBELO and the design consultant project manager. The City of Leesburg will maintain written certification that contracting records have been reviewed and work sites have been monitored to ensure the counting of each DBE's participation is consistent with its function on the contract. Subcontracts shall be reviewed in similar fashion and frequency, at the discretion of the DBELO and the consultant project manager.

Section 26.39 Fostering Small Business Participation

The City of Leesburg has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The small business element is incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation. The City of Leesburg acknowledges that implementation of the small business element is required for us to be considered by DOT as implementing our DBE program in good faith.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**Section 26.43 Set-asides or Quotas**

The City of Leesburg does not use quotas or race-conscious set-asides in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The City of Leesburg will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), The City of Leesburg will submit its Overall Three-year DBE Goal to the FAA Office of Civil Rights by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the FAA Office of the Civil Rights.

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City of Leesburg does not anticipate awarding prime contracts the cumulative

total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and The City of Leesburg will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The City of Leesburg will use the Florida Department of Transportation DBE Directory as a method to determine the base figure. The City of Leesburg understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. The City of Leesburg will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the City of Leesburg market.

In establishing the overall goal, The City of Leesburg will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by The City of Leesburg to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before The City of Leesburg is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which The City of Leesburg engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

The Overall Three-Year DBE Goal submission to FAA Office of Civil Rights will include any information and comments received, who provided the comment, and how The City of Leesburg considered and responded to any comments and information received before finalizing the goal.

The City of Leesburg will begin using the overall goal on October 1 of the relevant period, unless other instructions from FAA Office of Civil Rights have been received.

Project Goals

If permitted or required by the FAA Office of Civil Rights Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and it must meet all the substantive and procedural requirements pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated. If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Prior Operating Administration Concurrence

The City of Leesburg understands that prior FAA Office of Civil Rights concurrence with the overall goal is not required. However, if the FAA Office of Civil Rights review suggests that the overall goal has not been correctly calculated or that the method employed by The City of Leesburg for calculating goals is inadequate, FAA Office of Civil Rights may, after consulting with The City of Leesburg, adjust the overall goal or require that the goal be adjusted by The City of Leesburg. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to § 26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.47 Failure to meet overall goals

The City of Leesburg cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless The City of Leesburg fails to administer its DBE program in good faith.

The City of Leesburg understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

The City of Leesburg understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;

(2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;

(3) The City of Leesburg will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. The City of Leesburg will retain a copy of the analysis and corrective actions in records for a minimum of three years and will make it available to the FAA upon request.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

The City of Leesburg will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

The City of Leesburg will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.

Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order meet the overall goal.

For example, if the City of Leesburg overall goal for Year 1 is 12 percent, and the City estimates that it can obtain 12 percent or more DBE participation through the use of race-neutral measures, without any use of contract goals, in this case, the City is not required to set any contract goals for the contracts that will be performed in Year 1. However, if part way through Year 1, the City's DBE awards or commitments are not at a level that would permit it to achieve the overall goal for Year 1, the City could begin setting race-conscious DBE contract goals during the remainder of the year as part of its obligation to implement the City of Leesburg's program in good faith.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

Contract goals will be expressed as a percentage of *the total amount of a DOT-assisted contract OR the Federal share of a DOT-assisted contract.*

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO and Engineer of Record are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

The City of Leesburg will ensure that all information is complete and accurate and adequately documents the bidder/offeree's good faith efforts before committing to the performance of the contract by the bidder/offeree.

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeree:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - a. The names and addresses of DBE firms that will participate in the contract;
 - b. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - c. The dollar amount of the participation of each DBE firm participating;
 - d. Written documentation of the bidder/offeree's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - e. Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment. Each DBE listed to perform work as a regular dealer or distributor must confirm its participation according to the requirements of § 26.53 (c)(1).
 - f. If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract;
- (3) The bidder/offeree will be required to present the information stipulated in paragraph (2) of this section;
- (4) Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures;

Provided that, in a negotiated procurement, such as a procurement for professional services, the bidder/offeree may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (b)(2) of this section before the final selection for the contract is made by The City of Leesburg. This paragraph (b)(3)(ii) does not apply to a design-build procurement, which must follow the provisions in paragraph (e) of 49 CFR § 26.53.

For each DBE listed as a regular dealer or distributor The City of Leesburg will make a preliminary counting determination to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in §§ 26.55(e)(2)(iv)(A), (B), (C), and (3) under the contract at issue. The preliminary determination will be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. Where the DBE supplier does not affirm that its participation will meet the specific requirements of either a regular dealer or

distributor, The City of Leesburg will make appropriate adjustments in counting such participation toward the bidder's good faith efforts to meet the contract goal. The bidder is responsible for verifying that the information provided by the DBE supplier is consistent with the counting of such participation toward the contract goal.

In a design-build contracting situation, in which The City of Leesburg solicits proposals to design and build a project with minimal project details at time of letting, The City of Leesburg may set a DBE goal that proposers must meet by submitting a DBE Open-Ended DBE Performance Plan (OEPP) with the proposal. The OEPP replaces the requirement to provide the information required in paragraph (b) of § 26.53(b). To be considered responsive, the OEPP must include a commitment to meet the goal and provide details of the types of subcontracting work or services (with projected dollar amounts) that the proposer will solicit DBEs to perform. The OEPP must include an estimated time frame in which actual DBE subcontracts would be executed. Once the design-build contract is awarded, The City of Leesburg will provide ongoing monitoring and oversight to evaluate whether the design-builder is using good faith efforts to comply with the OEPP and schedule. The City of Leesburg and the design-builder may agree to make written revisions of the OEPP throughout the life of the project, e.g., replacing the type of work items the design-builder will solicit DBEs to perform and/or adjusting the proposed schedule, as long as the design-builder continues to use good faith efforts to meet the goal.

The City of Leesburg will apply the requirements of this section to DBE bidders/offers for prime contracts. In determining whether a DBE bidder/offeror for a prime contract has met a contract goal, The City of Leesburg will count the work the DBE has committed to performing with its own forces as well as the work that it has committed to be performed by DBE subcontractors and DBE suppliers.

Administrative Reconsideration of Good Faith Efforts determinations

Within 7 continuous calendar days of being informed by The City of Leesburg that it is not responsive because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Leesburg City Attorney
501 W. Meadow Street
Leesburg, FL 34748
(352) 728-9786 ext. 1100

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts. The Reconsideration official does not report to the DBELO who made the original determination and the reconsideration official is well acquainted with the requirements outlined in Appendix A of 49 CFR Part 26.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with

the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedural requirements (post-solicitation/award)

The City of Leesburg will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that The City of Leesburg deems appropriate if the prime contractor fails to comply with the requirements of this section.

The City of Leesburg will require the awarded contractor to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

The City of Leesburg will require that a prime contractor not terminate a DBE or any portion of its work listed in response to § 26.53(b)(2) (or an approved substitute DBE firm per § 26.53(g)) without our prior written consent, unless The City of Leesburg causes the termination or reduction. A termination includes any reduction or underrun in work listed for a DBE not caused by a material change to the prime contract by the recipient. This requirement applies to instances that include but are not limited to: when a prime contractor seeks to perform work originally designed for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

The City of Leesburg will include in each prime contract a provision stating that:

- (1) The contractor must utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the City of Leesburg's written consent as provided in § 26.53(f); and
- (2) Unless the consent is provided under § 26.53(f), the prime contractor must not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The City of Leesburg may provide such written consent only if it agrees, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the listed DBE or any portion of its work.

Good cause does not exist if the prime contractor seeks to terminate a DBE or any portion of its work that is relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged, or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award. For purposes of § 26.53(f)(3), good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit worthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR parts 180, 215, and 1200 or applicable state law;
- (6) The City of Leesburg has determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to The City of Leesburg written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract; and
- (10) Other documented good cause that The City of Leesburg determines compels the termination of the DBE subcontractor;

Before transmitting to The City of Leesburg the request to terminate a DBE subcontractor or any portion of its work, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to The City of Leesburg sent concurrently, of its intent to request to terminate and the reason for the proposed request.

The prime contractor's written notice must give the DBE five (5) days to respond, advising The City of Leesburg and the prime contractor of the reasons, if any, why it objects to the proposed termination of its subcontract or portion thereof and why The City of Leesburg should not approve the prime contractor's request. If required in a particular case as a matter of public necessity (e.g., safety), The City of Leesburg may provide a response period shorter than five (5) days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions or changes to DBEs or their listed work put forward by offerors in negotiated procurements.

When a DBE subcontractor or a portion of its work is terminated by the prime contractor as provided in § 26.53(f), or if work committed to a DBE is reduced due to overestimations made prior to award, the prime contractor must use good faith efforts to include additional DBE participation to the extent needed to meet the contract goal. The good faith efforts shall be documented by the contractor. If the City of Leesburg requests documentation under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days, if necessary, at the request of the contractor. The City of Leesburg shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of the City of Leesburg may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in § 26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in § 26.87(j).

For FAA-funded projects only, firms that exceed the business size standard in §26.65(b) will remain eligible for DBE certification and may be counted for DBE credit toward overall and contract goals on FAA-funded projects as long as they do not exceed the small business size, standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City of Leesburg is a non-certifying member of the Florida Unified Certification Program (UCP) and relies upon the UCP's determinations of certification eligibility. Florida UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying Florida UCP members make all certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

Victoria Smith
DBE Certification
Equal Opportunity Office
605 Suwannee St. MS 65
Tallahassee, Florida 32399-0450
(850) 414-4747

Victoria.smith@dot.state.fl.us

<https://www.fdot.gov/equalopportunity/dbecertification.shtm>

The Uniform Certification Application form, Personal Net Worth statement, and documentation requirements can be reviewed at <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City of Leesburg is a non-certifying member of a Unified Certification Program (UCP) administered by the Florida Department of Transportation. The FDOT UCP will meet all certification standards and procedures requirements of Subparts D and E of Part 26.

Section 26.83 Procedures for Certification Decisions – N/A

Section 26.85 Interstate Certification – N/A

Section 26.86 Decision Letters – N/A

Section 26.87 Decertification – N/A

Section 26.88 Summary Suspension of Certification – N/A

Section 26.89 Appeals to the Department – N/A

Section 26.91 Actions Following DOT Certification Appeal Decisions – N/A

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to The City of Leesburg

The City of Leesburg understands that if it fails to comply with any requirement of this part, The City of Leesburg may be subject to formal enforcement action under § 26.103 or § 26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

The City of Leesburg understands that, as provided in statute, it will not be subject to compliance actions or sanctions for failing to carry out any requirement of this part because it has been prevented from complying because a Federal court has issued a final order in which the court found that the requirement is unconstitutional.

Section 26.103 Enforcement Actions

Compliance reviews. The concerned operating administration may review the recipient's compliance with this part at any time, including reviews of paperwork and on-site reviews, as appropriate. The Office of Civil Rights may direct the operating administration to initiate a compliance review based on complaints received.

Section 26.105 Enforcement Actions Applicable to FAA Programs

Compliance with all requirements of this part by airport sponsors and other recipients of FAA financial assistance is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

The provisions of § 26.103(b) and this section apply to enforcement actions in FAA programs.

Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under 14 CFR part 16 with the Federal Aviation Administration Office of Chief Counsel.

Section 26.107 Enforcement Actions Applicable to Participating Firms

If a firm that does not meet the eligibility criteria of subpart D of this part attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.

If a firm, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

The Department may take enforcement action under [49 CFR Part 31](#), Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under [49 CFR part 31](#).

The Department may refer to the Department of Justice, for prosecution under [18 U.S.C. 1001](#) or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

Section 26.109 Confidentiality, Cooperation, and Intimidation or Retaliation

In responding to requests for information concerning any aspect of the DBE program, the Department complies with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Department may make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties. The “Florida Sunshine Law,” established in 1995, is a series of laws designed to guarantee that the public has access to the public records of government bodies in Florida. Public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or characteristics, or means of transmission, made or received pursuant to law to ordinance or in connection with the transaction of official business by any agency. Some exemptions that are included are federal records that the federal government has designated as non-public, personal e-mails sent from or received by City employees using a government computer, some “drafts” or “notes” are also exempt.

According to the “Florida Sunshine Law,” any person in Florida can request public documents and a purpose does not have to be stated. Records can be used any way the person wants, and the law does not specify a specific response time. The “Florida Sunshine Law” and its exemptions is contained in Title X, Chapter 119, *Public Records*, of the Florida Statutes.

Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under § 26.89 or to any other state to which the individual’s firm has applied for certification under § 26.85.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The City of Leesburg, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The City of Leesburg understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENTS

[List and append]

- | | |
|---------------|--|
| Attachment 1 | Regulations: Link to 49 CFR Part 26 (eCFR) |
| Attachment 2 | Organizational Chart |
| Attachment 3 | Bidder's List Collection Form |
| Attachment 4 | Link to UCP Directory of Certified Firms |
| Attachment 5 | Overall Goal Methodology – Snapshot of LEE Goal methodology. The document, in its entirety, has been submitted in accordance with the established schedule, independent of the DBE program document. The current goal methodology was approved by the FAA on 7/1/2024. |
| Attachment 6 | Demonstration of Good Faith Efforts Forms |
| Attachment 7 | DBE Monitoring and Enforcement Mechanisms |
| Attachment 8 | Link to Certification Application Form and Personal Net Worth Statement |
| Attachment 9 | State's link UCP Agreement & LEE Signature & Declarations & Agreement |
| Attachment 10 | Small Business Element Program |

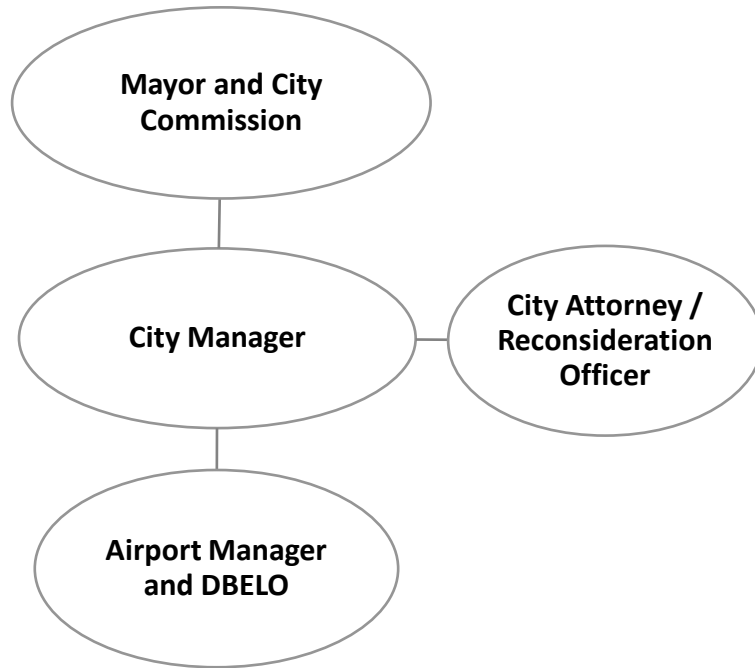
ATTACHMENT 1

DBE program regulations are codified in Title 49 of the Code of Federal Regulations, Part 26. They can be retrieved using the following link to the Electronic Code of Federal Regulations:

<https://www.ecfr.gov/current/title-49/subtitle-A/part-26>

ATTACHMENT 2

ORGANIZATIONAL CHART



ATTACHMENT 3**Bidder's List Collection Form**

The information below must be collected from every bidder who submits a quote/bid to the recipient and every potential subcontractor who submitted a quote/bid to each bidder. §26.11(c) requires the City of Leesburg to collect information from all bidders and subcontractors, including unsuccessful ones.

Firm Name	Firm Address (including ZIP code)	DBE or Non-DBE Status	NAICS Code(s) of Scope(s) Bid	Race/Gender of Majority Owner	Age of Firm	Annual Gross Receipts
				☐ Black American ☐ Hispanic American ☐ Asian-Pacific American ☐ Subcontinent Asian American ☐ Native American ☐ Non-minority Woman ☐ Other	☐ Less than 1 year ☐ 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than \$1 million ☐ \$1-3 million ☐ \$3-6 million ☐ \$6-10 million ☐ Over \$10 million
				☐ Black American ☐ Hispanic American ☐ Asian-Pacific American ☐ Subcontinent Asian American ☐ Native American ☐ Non-minority Woman ☐ Other	☐ Less than 1 year ☐ 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than \$1 million ☐ \$1-3 million ☐ \$3-6 million ☐ \$6-10 million ☐ Over \$10 million
				☐ Black American ☐ Hispanic American ☐ Asian-Pacific American ☐ Subcontinent Asian American ☐ Native American ☐ Non-minority Woman ☐ Other	☐ Less than 1 year ☐ 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than \$1 million ☐ \$1-3 million ☐ \$3-6 million ☐ \$6-10 million ☐ Over \$10 million

ATTACHMENT 4

Florida UCP Directory may be found here:

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/CustomSearch.aspx>

ATTACHMENT 5**Overall DBE Three-Year Goal Methodology**

NOTE: This attachment, although actual information for LEE FY 2024-2026, is only snapshot/preview. The complete LEE Goal Methodology, approved by the FAA Office of Civil Rights on July 1, 2024, is available for viewing. LEE Goal Methodology is updated as required by the FAA, independent of the LEE DBE Program Manual.

Name of Recipient: City of Leesburg, Leesburg International Airport

Goal Period: FY 2024-2026 (10/1/2023 – 9/30/2026)

DOT-assisted contract amount:	FY-2024	\$ <u>2,035,000</u>
	FY-2025	\$ <u>300,000</u>
	FY-2026	\$ <u>2,000,000</u>
	Total	\$ <u>4,335,000</u>

Overall Three-Year Goal: 10.61%, to be accomplished through 0.00% RC and 10.61% RN

Total dollar amount to be expended on DBEs: \$459,971.20

FY 2024-2026 Anticipated Projects:**Contracts Fiscal Year #1**

1. Wildlife Hazard Management Plan - \$35,000
2. Taxiways A1, A2, A3, and D Pavement Rehabilitation – Construction - \$2,000,000

Contracts Fiscal Year #2

1. Taxilane (T-Hangar) Rehabilitation – Design - \$100,000
2. Wildlife Fence – Design - \$200,000

Contracts Fiscal Year #3

1. Taxilane (T-Hangar) Rehabilitation – Construction - \$1,000,000
2. Wildlife Fence – Construction Phase I - \$1,000,000

Market Area:

The following counties within Florida: Citrus, Columbia, Hillsborough, Lake, Levy, Orange, Seminole, St. Lucie, Sumter, and Volusia.

Method: Use DBE Directories

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

and Census Bureau Data from <https://data.census.gov/cedsci/>

ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1, 2, and 3

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

- ☐ Bidder/offeror has met the DBE contract goal
The bidder/offeror is committed to a minimum of ____ % DBE utilization on this contract.
- ☐ Bidder/offeror has not met the DBE contract goal
The bidder/offeror is committed to a minimum of ____ % DBE utilization on this contract and has submitted documentation demonstrating good faith efforts.

Legal name of bidder/offeror's firm: _____

Bidder/Offeror Representative:

Name & Title

Signature

Date

FORM 2: LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/offeror's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Name of DBE firm: _____

Name & title of DBE firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Work to be performed by DBE firm:

<i>Description of Work</i>	<i>NAICS</i>	<i>Dollar Amount / %*</i>	<i>Manufacturer/Regular Dealer/Distributor/Broker**</i>

**Percentage is to be used only in negotiated procurements*

***For DBE suppliers only, state how the DBE will perform. For dealer/distributor/broker, Form 3 must be included.*

The undersigned bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is \$ _____. The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.53.

Signature of Bidder/Offeror's Authorized Representative

Date: _____

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation therefore.

Signature of DBE's Authorized Representative

Date: _____

If the bidder/offeror does not receive award of the prime contract, all representations in this Letter of Intent shall be null and void.

Submit this page for each DBE subcontractor.

Form 3: DBE Regular Dealer/Distributor Affirmation Form

OMB Approval Pending 04/17/2024

U.S. Department of
Transportation**DBE Regular Dealer/Distributor
Affirmation Form**

Bidder Name:

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

DISCLAIMER: This form has not yet received OMB/PRA approval and is subject to change. We are making it available for your voluntary use.

DBE Name:

Total Subcontract/Purchase Order Amount:

Authorized DBE Representative (Name and Title):

NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will all items sold or leased be provided from the on-hand inventory at your establishment? ☐ YES ☐ NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.** If "NO" Continue.)

- a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?

☐ YES ☐ NO (If "YES," Go to Question 2. If "NO" Continue.)

- b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

☐ YES ☐ NO* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**

*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?

☐ YES ☐ NO¹

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacture's facility)?

☐ YES² ☐ NO³

- a) Will you be using sources other than the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased?

☐ YES² ☐ NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

ATTACHMENT 7

Administrative Enforcement Mechanisms

The **City of Leesburg** has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract, as follows:
Withholding Payments to the Contractor under the contract until the contractor complies.
2. Breach of contract action, pursuant to: Cancelling, terminating, or suspending a contract, in whole or in part.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to the following:

1. Suspension of debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001

ATTACHMENT 8

DBE Certification Application Form and Personal Net Worth Statement:

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>

ATTACHMENT 9

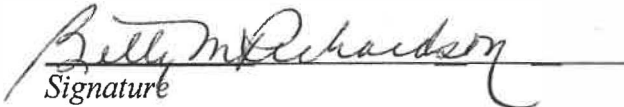
State of Florida UCP Agreement can be found here:

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/UCPMemberList.aspx>

STATE OF FLORIDA
UNIFIED CERTIFICATION PROGRAM
UCP AGREEMENT
SIGNATURE and DECLARATION OF STATUS

IN WITNESS WHEREOF, the UCP Members execute this Agreement prepared
_____ 2004, by authorized signatures, and attached resolutions if
appropriate.

ATTEST:


Signature

Betty M. Richardson
Name, printed

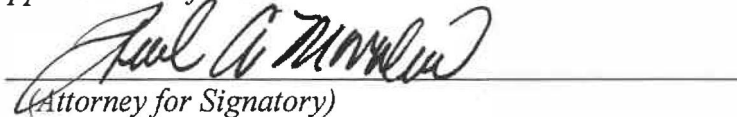
City of Leesburg, Florida
Signatory Entity Name, printed


Signature and Title

David Knowles, Mayor
Name and Title, printed

This 28 day of June, 2004

Approved as to form:


(Attorney for Signatory)

Certifying Member Status ☐

Non-Certifying Member Status ☒

**State of Florida
USDOT Recipients**

Unified Certification Program

Pursuant to 49 CFR Part 26

Approved: Secretary, U.S. Department of Transportation

By, **Jeffrey A. Rosen, General Counsel**

This **25th** Day of **March** 2004

Date Prepared: January 16, 2004

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FLORIDA UNIFIED CERTIFICATION PROGRAM AGREEMENT

RECITALS

WHEREAS, 49 CFR Part 26 Subpart E- Certification Procedures Section 26.81, requires that all United States Department of Transportation (USDOT) Recipients participate in a statewide Unified Certification Program (UCP); and

WHEREAS, this Agreement establishes the UCP for the State of Florida; and

WHEREAS, the UCP will comply with all certification procedures and standards set forth in Subparts D and E of 49 CFR Part 26 on the same basis as recipients; and

WHEREAS, the UCP will cooperate fully with oversight, review, and monitoring activities of USDOT and its operating administrations; and

WHEREAS, the UCP will implement USDOT directives and guidelines concerning certification matters; and

WHEREAS, all certification by the UCP shall be pre-certification, i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE; and

WHEREAS, the UCP will render uniform certification decisions on behalf of all USDOT financial assistance recipients in Florida with respect to participation in the USDOT Disadvantaged Business Enterprise (DBE) Program; and

WHEREAS, the UCP will provide “one-stop shopping” to applicants for DBE certification, such that an applicant need apply only once for a DBE certification that will be honored by all UCP Members in Florida; and

WHEREAS, the UCP shall develop and maintain an electronic DBE Directory of all firms certified in Florida that will be available to the public on the Internet and in print and continuously updated with additions, deletions, and other changes; and

WHEREAS, the UCP shall have sufficient resources and expertise to carry out the requirements of 49 CFR Part 26 Subpart E; and

WHEREAS, all obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and that recipients may use only UCPs that comply with the certification and nondiscrimination requirements of 49 CFR, Part 26.

NOW, THEREFORE, in consideration of the promises and covenants herein contained Florida UCP Members, agree to the following:

ARTICLE 1 – VISION

Florida’s USDOT Recipients share the common goal of creating a level playing field on which DBE firms can compete fairly for USDOT assisted contract awards, while enhancing the administration of the DBE Programs through the exchange of information and coordination of activities. In order to achieve the common goal, Recipients will establish the UCP for the State of Florida.

ARTICLE 2 – DEFINITIONS

Terms and Definitions used by the UCP shall be those specifically defined in this Agreement, and in 49 CFR, Section 26.5, which is incorporated by reference herein:

2.01 Certifying Member

A Florida Recipient as defined in 2.05, and UCP Member as defined in 2.10 and 3.01 who has a current DBE Program Plan approved by an appropriate USDOT Operating Administration that includes provisions for DBE certification and revocation processes.

2.02 Disadvantaged Business Enterprise (DBE)

A for-profit small business concern, that is at least 51% owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, in which at least 51% of the stock is owned by one or more such individuals; and whose management and daily business operations of the entity are controlled by one or more of the socially and economically disadvantaged individuals who own it.

2.03 Non-Certifying Member

A Florida Recipient as defined in 2.05, or UCP Member as defined in 2.10 and 3.1 who has a current DBE Program Plan approved by an appropriate USDOT Operating Administration that does not include provisions for DBE certification and revocation processes.

2.04 Personal Net Worth

The net value of the assets of an individual remaining after total liabilities are deducted. Pursuant to 49 CFR Section 26.67 and as used herein, the personal net worth of each disadvantaged owner of an applicant or a DBE firm, excluding the individual's ownership interest in the applicant or a DBE firm and the individual's equity in his or her primary place of residence, must not exceed \$750,000. As of the effective date of this Agreement, the personal net worth requirement is not applicable to airport concessions.

2.05 Recipient

Any entity, public or private, to which USDOT financial assistance is extended, whether directly or through another recipient, through the programs of the Federal Aviation Authority (FAA), Federal Highway Administration (FHWA) or the Federal Transit Authority (FTA), or who has applied for such assistance.

2.06 Small Business Concern

A Small Business Concern is as defined in Small Business Administration regulation 13 CFR Part 121 and in 49 CFR, Part 26; Section 65.

2.07 Socially and Economically Disadvantaged Individuals

Any individual who is a citizen or lawfully admitted permanent resident of the United States and who is:

- (a) Any individual who a recipient finds to be socially and economically disadvantaged individual on a case-by-case basis.
- (b) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - (i) “Black Americans” which includes persons having origins in any of the Black racial groups of Africa;
 - (ii) “Hispanic Americans” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - (iii) “Native Americans” which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - (iv) “Asian-Pacific Americans” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

- (v) “Subcontinent Asian Americans” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka;
- (vi) Women;
- (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA at such time as the SBA designation becomes effective.

2.08 **Executive Committee**

A single standing committee, comprised of the Manager of the Equal Opportunity Office in the Florida Department of Transportation (FDOT) or his/her designee, a Certifying Member selected annually by and among the FAA UCP Members, and a Certifying Member selected annually by and among the FTA UCP Members.

2.09 **Sub-Recipient**

Any entity, public or private, to which USDOT financial assistance is extended through another Recipient.

2.10 **UCP Members**

All Florida Recipients participating in this Agreement as described in 3.01 and 11.05, including both Certifying and Non-Certifying Members.

ARTICLE 3 – ORGANIZATION OF THE UCP

3.01 Members of the UCP – Recipients

Pursuant to Section 26.81(a), all USDOT recipients in this State shall participate in a UCP.

All recipients, including airports and transit properties, that receive funds directly from FHWA, FAA or FTA must agree in writing to participate as members in the UCP.

Signatures to the UCP agreement of all USDOT recipients in this State shall be maintained on file in the FDOT Equal Opportunity Office.

3.02 Responsible Certifying Member

It is the intent of this Agreement that a Certifying Member will be responsible for certifying DBE's who perform work in their respective fields of expertise (highway and bridge, aviation, and transit). If a DBE firm performs work unique to aviation or transit, and there is no available FAA or FTA Certifying Member in the local area, the FAA or FTA Members will coordinate and agree on the designation of a Responsible Certifying Member. The FAA or FTA Member designated as the Responsible Certifying Member shall either be located in the vicinity of the applicant or DBE firm or have an on-going contract or business relationship with the firm. Non-certifying Members shall likewise consider the location of the applicant or DBE firm and any on-going contract or business relationships with the firm when forwarding an application or a DBE file to a Responsible Certifying Member. To this end Responsible Certifying Members shall be responsible for DBE certifications as follows:

- a) FDOT shall be the Responsible Certifying Member for those firms primarily engaged in the delivery of highway, road and bridge related goods and services. These goods and services may include, but are not limited to, heavy highway construction contractors, road and bridge contractors, specialty construction contractors, engineering consultants, specialty consultants,

highway, road and bridge related material suppliers and fabricators and highway, road and bridge related maintenance services.

- b) An FAA UCP Member shall be the Responsible Certifying Member for those firms that are primarily engaged in the delivery of aviation related goods and services, including concessionaires. These goods and services may include, but are not limited to, food service and other aviation specialty firms.
- c) An FTA UCP Member shall be the Responsible Certifying Member for those firms that are primarily engaged in the delivery of transit related goods and services. These goods and services may include, but are not limited to, transit services generally, transit maintenance services and transit related materials and supplies.

3.03 **DBE Directory Management**

UCP Members hereby acknowledge that FDOT is the major recipient of FHWA funds in the State of Florida, has the largest DBE certification program in the State, and maintains a Directory of certified DBEs that is available electronically and in printed form to Florida Recipients, contractors, and other interested members of the general public.

3.03.1 FDOT shall serve as Manager for the UCP's electronic DBE Directory, which shall include all DBE certifications made by Certifying Members.

3.03.2 FDOT, as DBE Directory Manager, shall assume the following responsibilities with regard to the DBE Directory:

- (a) Keep and maintain the up-to-date electronic DBE Directory;
- (b) Ensure its availability to all UCP Members and other interested parties;
- (c) Make available printed copies of the Directory upon request; and
- (d) Provide Certifying Members with access to certification information in the DBE Directory through the Internet.

3.03.3 Certifying Members will, within 3 business days of receipt of any new application for DBE certification, complete input to a Directory application screen, whenever a new application for DBE certification is received, so that other Certifying Members will not process or otherwise duplicate work on any DBE application.

3.03.4 When a Certifying Member makes a DBE certification approval decision, information shall be submitted, through the Internet, by the Certifying Member, directly to the DBE Directory within three (3) business days of said approval. Pursuant to 49 CFR, Section 26.31, this information shall include:

- a) Firm Name, Street Address, P.O. Box, Telephone and Facsimile Numbers, and e-mail address;
- b) Name of Majority Owner, Gender, and Minority Code;
- c) Type(s) of work performed by the DBE using North American Industry Classification system (NAICS) adopted by the SBA on October 1, 2000, and other work specialty codes as needed;
- d) Name of Certifying Member;
- e) Expiration Date of DBE Certification; and
- f) Any other appropriate information, as agreed upon by UCP Members.

3.03.5 Certifying Members shall also input, through the Internet, within three (3) business days of the action, information as required in 3.03.3 on firms denied DBE certification. This information will be input on the DBE Status Page.

3.03.6 Firms denied DBE certification by a Certifying Member are eligible to re-submit a DBE application after one (1) year.

3.04 **Transition of Currently Certified DBEs**

Each UCP Member shall electronically submit its current DBE Directory to the DBE Directory Manager (FDOT) for inclusion into the UCP's DBE Directory. Each UCP

Member Directory shall include complete information as required in 3.03.4, and a statement attesting to the fact that each DBE firm submitted has been certified under the provisions of 49 CFR Part 26.

3.04.1 The Executive Committee shall meet and review those certified DBE firms submitted by Certifying UCP Members, and will determine the appropriate Certifying Member who will be responsible for future certification and re-certification of the DBE.

3.04.2 Upon determination by the Executive Committee of the appropriate Certifying Member, the Certifying UCP Member having possession of the DBE firm's certification file will be notified, and shall immediately forward that DBE file to the responsible Certifying Member, who shall assume custody and responsibility for the DBE file.

3.04.3 Presently certified non-Florida DBE firms must document current DBE certification by the DOT of the state in which they are domiciled or that state's UCP, if it is in place, prior to being included in the DBE Directory.

3.04.4 Designation of a Responsible Certifying Member for a non-Florida DBE firm shall follow the same process as described above.

3.05 **Executive Committee Duties**

It is agreed that upon approval by the Secretary of the USDOT, the Executive Committee shall begin implementing the provisions of this agreement and the Implementation Plan, attached as Exhibit C.

3.05.1 The Executive Committee shall meet as necessary to provide oversight and ensure compliance with 49 CFR Section 26.81. The Executive Committee shall at all times seek the participation, and may call special meetings of all UCP Members to ensure compliance with said regulation.

- 3.05.2 The Executive Committee may establish special committees, by majority vote, which may include, but are not limited to, Airport Concessions, UCP Member Dispute Resolution, UCP Process, Quality Assurance, Training, and Intake.
- 3.05.3 The Executive Committee will ensure that the UCP has sufficient resources and expertise to carry out the requirements of 49 CFR Section 26.81.
- 3.05.3 The Executive Committee will advise all UCP Members when it appears resources and expertise are not sufficient to carry out the requirements of 49 CFR Section 26.81.

ARTICLE 4 – RIGHTS AND RESPONSIBILITIES OF UCP MEMBERS

4.01 Types of UCP Members

Florida recipients acknowledge that this Agreement provides for two (2) classes of members, Certifying Members and Non-Certifying Members as defined in 2.01 and 2.03, and that each class shall have specific rights and responsibilities as set forth herein.

4.02 Certifying Member Rights and Responsibilities

Each Certifying Member shall have the following rights and responsibilities:

- (a) Comply with the terms and conditions of this Agreement.
- (b) Collect and evaluate information received regarding DBE certification applications, conduct site visits, and make certification decisions as to DBE status, in accordance with 49 CFR Part 26.
- (c) Promptly provide current information to the DBE Directory as required by and in the manner prescribed in 3.03 above.
- (d) Update the DBE Directory with all new and updated information (renewals, removals, change of address, etc.).
- (e) Retain and maintain appropriate DBE certification files.
- (f) Make file information available to other USDOT recipients and other state UCPs in response to questions or complaints, upon written request.
- (g) Upon request of a UCP Member, may conduct a site visit to a DBE applicant in its vicinity.
- (h) Process annual updates to verify continuing eligibility of DBE firms certified by it.
- (i) Perform specific file reviews at any time upon request by a UCP Member.
- (j) Make timely final decisions on DBE applications as outlined in 49 CFR Section 26.83(k) or within (90) ninety days of receipt of all information.
- (k) Provide information on any certified DBE upon request by a UCP Member.

4.03 Non Certifying Member Rights and Responsibilities

Each Non-Certifying Member shall have the following rights and responsibilities:

- (a) Comply with the terms and conditions of this Agreement.
- (b) Promptly forward DBE applications to the Responsible Certifying Member.
- (c) Provide information on any certified DBE upon request by a UCP Member.

ARTICLE 5 – RIGHTS AND RESPONSIBILITIES OF THE UCP

5.01 Certification Decisions

The UCP shall maintain processes and programs that conform to the overall certification standards set out in 49 CFR Part 26.

Certification decisions made by UCP Certifying Members shall be binding on all DOT recipients with respect to participation in the DBE Program. In the event of a conflict, the UCP, through the Executive Committee, shall make a final decision, subject to the provisions of 49 CFR, Part 26.

5.02 “One-Stop Shopping”

The UCP shall provide “one-stop shopping” to applicants for DBE certification in Florida, such that an applicant is required to apply only once for a DBE certification that will be honored by all UCP Members.

5.03 Processing Out-of-State Applications

The UCP will not process a new application for DBE certification from a firm having its principal place of business in another state unless the firm has already been certified in that state. When a Certifying Member processes an out-of-state application, a full certification application file with all supporting documentation will be compiled by the Certifying Member, including a copy of the Site Visit Report obtained from the applicant’s home state or from the state’s UCP if it is in place, before the firm is included in the DBE Directory.

5.04 Reciprocity With Other UCPs

It is understood that:

- (a) The UCP, through its Executive Committee, may enter into written reciprocity agreements at any time with UCPs of other states subject to approval of USDOT.
- (b) Such reciprocity agreement(s) must outline the specific responsibilities of each participating UCP.
- (c) The UCP, and its Members, may accept a DBE certification decision, made by another UCP or state DOT, on a case-by-case basis.
- (d) The UCP, and its Members, shall share information concerning Florida DBE firms or applicants with other UCPs and state DOTs upon written request.

5.05 **UCP Information Program**

UCP Members and the Executive Committee will provide information on the Florida UCP to the public and to DBE applicant firms; provide individuals and firms seeking DBE certification with UCP applications; accept DBE applications from any applicant firm, and forward DBE applications to the appropriate Certifying Member for processing.

5.06 **Meetings for Continued UCP Monitoring**

The UCP, through its Executive Committee, shall hold a statewide membership meeting at least once a year or more often as needed for continued monitoring of the UCP, and on-going processes.

5.06.1 The Executive Committee shall notify UCP Members in writing of the date and location of the meeting at least (30) thirty days in advance of the meeting.

5.06.2 A majority of those recipients having agreed in writing to participate as members of the UCP shall constitute a quorum for conducting UCP business.

5.06.3 When a quorum is established at a meeting, a majority vote of those members present and voting shall be required to pass on a matter.

ARTICLE 6 – CERTIFICATION PROCEDURES

6.01 Certification Application

UCP Members agree to utilize the USDOT Disadvantaged Business Enterprise Certification Application format attached as Exhibit A.

6.02 **Certification Process**

The UCP and its Members shall follow DBE certification processes and adhere to standards set forth in 49 CFR Part 26, Subparts D and E, Certification Procedures, as well as those guidelines set forth herein or otherwise attached hereto.

6.03 **Certification Site Visits**

Certifying Members shall conduct a site visit to the principal place of business of an applicant firm prior to DBE certification and submission or direct input via the Internet to the DBE Directory.

- (a) Certifying Members will utilize the On-Site Review Checklist, which is included as Exhibit D herein.
- (b) Certifying Members may conduct site visits for one another when requested, in instances where the member requested is geographically close to the DBE's location.

ARTICLE 7 – APPEALS, COMPLAINTS AND DISPUTES

7.01 **Appeals/Third Party Complaints**

DBE Certification appeals and third party complaints may only be filed with the Certifying Member whose action is being appealed or complained about and shall be handled in accordance with 49 CFR Part 26, Sections 26.85, 26.87, and 26.89.

7.02 **Member Agreement**

This Agreement recognizes that each Certifying Member has a DBE Program Plan approved by USDOT, and that each such Program Plan may be unique. Therefore, it is herein agreed, that actions under this Section shall, in addition to the foregoing requirements of 49 CFR Part 26, comply with the process and procedure provided for in those individual DBE Program Plans.

External or Internal Complaints regarding certification decisions of a Certifying Member may only be filed with that Certifying Member, and shall be processed in accordance with 49 CFR Part 26, Section 26.87, or as otherwise provided for herein.

LCPA

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7.03 **Notice Requirements**

DBIA

An action by a Certifying Member (certification denial, de-certification, etc.) shall be in writing, and shall:

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GDA
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- (a) Be delivered via Certified U.S. Mail, Return Receipt Requested.
- (b) Be specific as to the action being taken.
- (c) Be specific as to the basis of the action.
- (d) Be specific as to the facts relied upon.
- (e) Advise the party of the right to appeal.
- (f) Provide detailed information on the appropriate appeal process.

ACRA

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7.04 **Member Disputes**

UCP Members shall make every effort to resolve disputes that may arise between them.

7.04.1 **Unresolved Member Disputes**

When UCP Members are unable to resolve an internal dispute, the matter will be submitted to the Executive Committee for resolution. The decision of the Executive Committee shall be binding on all those UCP Members subject to the provisions of 49 CFR Part 26.

ARTICLE 8 – TRAINING

8.01 **Executive Committee Oversight**

The Executive Committee shall retain DBE certification oversight of UCP Members. FDOT will be responsible for DBE certification training of UCP Members. Upon approval of the Executive Committee, FDOT may provide, or otherwise arrange for,

DBE certification training for any Certifying Member upon request or it may require a Certifying Member to attend DBE certification training in order to ensure compliance with the provisions of this Agreement and 49 CFR Part 26.

8.02 **Training Costs**

Certifying Members requesting DBE certification training through FDOT, or who have been required to obtain such training, agree to bear the costs and expenses for said training.

ARTICLE 9 – DBE DIRECTORY

9.01 **Organization of the Directory**

The DBE Directory shall be organized and maintained by FDOT, using industry standard state-of-the-art software. All UCP Members agree to maintain compatible software and systems in order to best use the electronic DBE Directory, and to timely provide DBE certification information and updates for the DBE Directory.

9.02 **Availability**

The DBE Directory shall be available electronically on the Internet (and in printed form, when requested) to UCP Members, contractors, and other interested parties.

ARTICLE 10 – FEES/COSTS

10.01 **UCP Fees**

The UCP may assess its Members such fees as may, from time to time, be required in order to operate and maintain the UCP, ensuring that resources and expertise are sufficient.

The Executive Committee shall certify the need for a fee assessment to Members at statewide membership meeting, and shall recommend a fee amount to the Members.

Members shall vote to approve the imposition of any such fee.

UCP Members that receive less than \$250,000.00 annually from USDOT shall be exempt from the payment of any such fees.

10.02 **DBE Applicant Firms**

Certifying Members may charge a reasonable fee for DBE certification application processing.

ARTICLE 11 – GENERAL PROVISIONS

11.01 Exhibits

All exhibits to this Agreement are incorporated herein by reference and made a part hereof.

11.02 Interpretation

Article and section headings and Table of Contents are for convenience only and shall not affect construction of this Agreement.

11.03 Amendments

This Agreement may not be amended, modified, or supplemented except by an instrument in writing agreed to the UCP Members. Notwithstanding the foregoing, should any provisions of 49 CFR Part 26 be changed or modified, corresponding provisions of this Agreement shall be modified accordingly.

11.04 Compliance with Law

UCP Members agree that the operation of this Agreement and performance of all obligations hereunder shall at all times comply with 49 CFR Part 26 and with applicable federal and state laws.

11.05 Signed Agreement

This Agreement will become effective upon approval by the Secretary of USDOT, and will be fully operational within (18) eighteen months of approval.

By executing the Signature and Declaration of Status page of this Agreement recipients agree to become Members of the UCP, and agree to accept the terms and conditions of this Agreement.

Following USDOT approval, a recipient may become a member by submitting a fully executed Signature and Declaration of Status page from this Agreement to the Executive

Committee, which shall be delivered to FDOT's Equal Opportunity Office, where it shall remain on file.

11.06 **Severability**

Should any part, term, portion, or provision of this Agreement be in conflict with any law of the United States or of the State of Florida, or otherwise be unenforceable or ineffectual, the remaining provisions shall be deemed valid and severable, and not affected thereby.

11.07 **Successors**

This Agreement shall be binding upon and inure to the benefit of any successors or assigns of the UCP Members.

11.08 **Execution**

Execution of this Agreement by UCP Members shall comply with appropriate procedures, resolutions, authorized signatures, and required filings pursuant to the law governing each UCP Member. This Agreement will be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

ATTACHMENT 10

Small Business Element

Note: The City of Leesburg approved the Small Business Element of the DBE Program on February 14, 2022, by Resolution 11,030. Code of Federal Regulations changes/updates have been incorporated in this SBE, including the Small Business Affidavit 275-000-01, Equal Opportunity OGC 08/21 Form.

1. Objective/Strategies (49 CFR Part 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses, the City of Leesburg implementing a small business element into its DBE policy in accordance with applicable law. The City of Leesburg is including this element to facilitate competition by and expand opportunities for small businesses. The City of Leesburg is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The City of Leesburg will meet its objectives using a combination of the following methods and strategies:

1. Unbundling: The City of Leesburg, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The City of Leesburg will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, the City of Leesburg will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The City of Leesburg will assist prime contractors or prime consultants in identifying portions of work, which may be unbundled and performed by small businesses. The City of Leesburg will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.
2. Outreach and technical assistance: The City of Leesburg sponsors and participates in outreach and training opportunities for small businesses through various opportunities. The City of Leesburg staff will participate in business outreach sessions conducted by the City and non-profit agencies, which are designed to introduce small and minority-owned businesses to the City of Leesburg’s procurement processes and practices. The City of Leesburg advertises contracting opportunities through various outlets, including local newspapers, minority-based publications and trade publications as well as on its website.

The City of Leesburg will utilize various methods to facilitate small business participation. In each FAA-assisted contract, the DBELO will document the method in which the small business element will be implemented (i.e. unbundling and/or outreach) and the process

by which those methods were considered.

2. Definitions

1. Small Business: Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.
2. Disadvantaged Business Enterprise: A for-profit small business (as defined by the Small Business Administration):
 - That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
 - Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) described in 49 CFR Part 26. The current PNW cap is \$2,047,000.00.
 - Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
 - Has been certified as a DBE by the Florida Department of Transportation (FDOT) in accordance with 49 CFR 26.

For the purposes of the small business element of the City of Leesburg's DBE Program, small businesses, which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

3. Certification and Verification

The City of Leesburg will accept the following certifications for participation in the small business element of the City of Leesburg's DBE Program with applicable stipulations:

1. FDOT DBE Certification – Current DBE Certification by the FDOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by FDOT.
2. FDOT Small Business Enterprise (SBE) – Will require submittal of three years of business tax returns and the FDOT SBE Certification.
3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.
Special Note: Minority and women-owned business enterprises, which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

4. Assurances

- The program is permitted under state law;
- Certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
- No limits are placed on the number of contracts awarded to firms participating in the program, but every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
- Aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
- The program is open to small businesses regardless of their location (i.e., there is no local or other geographic preference).

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SMALL BUSINESS AFFIDAVIT

275-000-01
EQUAL OPPORTUNITY
OGC – 08/21
Page 1 of 2

Submit completed form to smallbusiness@dot.state.fl.us

Firm Type (select only one option below):

- ☐ **Construction Firms and all other Non-Professional Services Firms**
☐ **Professional Services**

Firms must be registered in MyFloridaMarketPlace (MFMP) before the Department is able to add to the small business database. Information to register with MFMP is available here:

http://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace

Please note: Completion of this form and listing on the small business site does not constitute Prequalification with FDOT.

Contractors who wish to become prequalified with FDOT in construction work classes should go to:

<https://www.fdot.gov/contracts/prequal-info/prequalified.shtm>

Consultants who wish to become prequalified with FDOT in Professional Services work types should visit:

<https://www.fdot.gov/procurement/prequalification.shtm>

Business Name _____

Business Address _____
Street City State Zip

Mailing Address _____
Street City State Zip

Telephone _____ Other _____

Business Owner _____

E-mail _____ Date Business Established _____

Federal Employer Identification Number _____

FDOT Districts I am interested in performing work in: (Please check all that apply)

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ District 1 | ☐ District 4 | ☐ District 7 |
| ☐ District 2 | ☐ District 5 | ☐ Turnpike |
| ☐ District 3 | ☐ District 6 | ☐ Central Office |

SMALL BUSINESS AFFIDAVIT

I, _____ am an owner or duly authorized representative
of _____ (Proposer/name of business), and I do hereby
declare:

This business:

☐ Meets the definition for a small business pursuant to Section 337.027, F.S.

- Gross revenues, three year average (include affiliate businesses) \$ _____

Pursuant to Section 337.027, F.S., a small business means a business with yearly average gross receipts of less than \$15 million for road and bridge contracts and less than \$6.5 million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last three years, including the receipts of any affiliates as defined in Section 337.165, F.S.

The undersigned hereby authorize(s) and request(s) any person, firm or corporation to furnish any pertinent information requested by the State of Florida Department of Transportation deemed necessary to verify the statements made in this affidavit or regarding the ability, standing and general reputation of the Proposer. I declare, under penalty of perjury, that the information provided above and any supporting documents are true and accurate to the best of my knowledge. By submittal of the Affidavit certification, you are affirming that your firm meets the definition for a small business, pursuant to s. 337.027, F.S. It is the responsibility of the owner/authorized representative to inform the Department within 30 days of any change that would affect your small business eligibility, including average gross revenues over the prior three years exceeding the small business size threshold. Changes that would affect eligibility should be communicated to smallbusiness@dot.state.fl.us. This certification is good for one year or until your firm exceeds the small business threshold, whichever is earlier. To ensure regulatory compliance and accountability for the Business Development Initiative program, firms agree to furnish any pertinent information to verify the statements in this Small Business Affidavit Certification, upon request by the Department. If financial documents are not timely provided within 10 business days, or financial documents do not confirm small business eligibility, the Department reserves the right to revoke this small business certification.

Owner/Authorized Representative Signature

Date

Owner/Authorized Representative Printed Name & Title

Notary:

STATE OF _____

COUNTY OF _____

Before me, the above signed authority, personally appeared _____, who is personally known to me or has produced _____ (type of identification) identification and is duly sworn, deposes and says that he/she is authorized to represent _____ (business). Sworn and subscribed to before me this _____ day of _____, _____.

(Notary Signature)

My Commission Expires:

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.3.

Meeting Date: October 14, 2024

From: Dan Miller, (Planning and Zoning Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Silver Lake Estates, Phase 1, a subdivision of the City of Leesburg, Florida, being a portion of Section 15, Township 19 South, Ranges 25 East, Lake County, Florida; and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Silver Lake Estates Phase 1 Plat)

Staff Recommendation:

Staff recommends approval of the request for a plat for Phase 1 of the proposed Silver Lake Estates subdivision.

Analysis:

The proposal is for approval of a plat consisting of 69 single family residential lots. The platting review process has been completed, and approval of this request will allow for the construction and sale of individual lots, for development of detached single family residences.

Procurement Analysis:

N/A

Options:

1. Approve the proposed plat for Phase 1 of Silver Lake Estates, or
2. Other action as the Commission may choose.

Fiscal Impact:

A positive fiscal impact is anticipated as a result of the development of single family residences, in the form of impact fees, ad valorem taxes and utility fees.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING AND APPROVING A PLAT FOR SILVER LAKE ESTATES, PHASE 1, A SUBDIVISION OF THE CITY OF LEESBURG, FLORIDA, BEING A PORTION OF SECTION 15, TOWNSHIP 19 SOUTH, RANGES 25 EAST, LAKE COUNTY, FLORIDA; AND ACCEPTING AND DEDICATING TO THE USE OF THE PUBLIC ANY EASEMENTS OR PUBLIC PLACES SHOWN THEREON AS BEING DEDICATED TO THE PUBLIC; AND PROVIDING AN EFFECTIVE DATE. (SILVER LAKE ESTATES PHASE 1 PLAT)

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

THAT the plat of the following described lands, which is named Silver Lake Estates, Phase 1, is hereby approved and accepted by the City of Leesburg, Florida; being legally described as:

Phase 1, Silver Lake Estates, containing 29.927 +/- acres.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 14th day of October 2024.

Mayor

ATTEST:

City Clerk

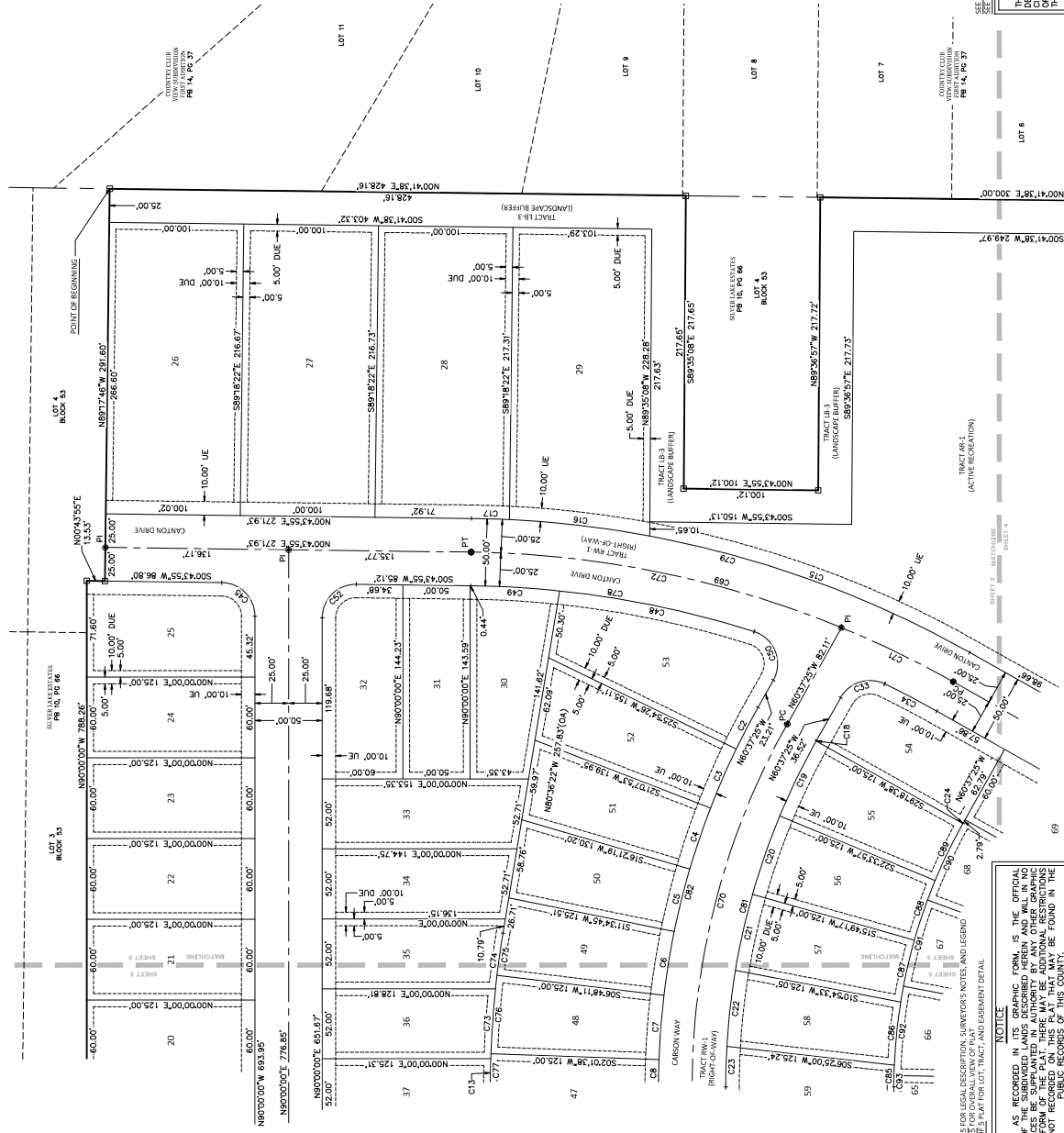
	PLAT BOOK	PAGE
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SHEET 2 OF 5



SHEET 3 OF 5

Curve Table					
Curve #	Radius	Delta	Chord	Chord Bearing	Length
C2	575.00	329°09'	34.81	N69°21'20"W	34.81
C3	575.00	329°09'	47.92	N68°55'41"W	47.93
C4	575.00	446°34'	47.92	N71°15'24"W	47.93
C5	575.00	446°34'	47.92	N70°01'58"W	47.93
C6	575.00	446°34'	47.92	N69°48'32"W	47.93
C7	575.00	446°34'	47.92	N69°45'32"W	47.93
C8	575.00	446°34'	20.34	N88°59'11"W	20.34
C9	750.00	127°39'	20.90	N88°08'41"W	20.90
C10	750.00	127°39'	20.90	N91°54'33"E	20.90
C11	750.00	127°39'	20.90	N91°54'33"E	20.90
C12	525.00	61°40'	61.76	N71°09'58"W	61.80
C13	525.00	61°40'	61.76	N71°09'58"W	61.80
C14	525.00	61°40'	61.76	N71°09'58"W	61.80
C15	525.00	61°40'	61.76	N71°09'58"W	61.80
C16	775.00	204°36'	28.09	N64°14'33"E	28.09
C17	775.00	204°36'	28.09	N64°14'33"E	28.09
C18	525.00	303°51'	0.60	N60°59'23"W	0.60
C19	525.00	303°51'	0.60	N60°59'23"W	0.60
C20	525.00	303°51'	0.60	N60°59'23"W	0.60
C21	525.00	303°51'	0.60	N60°59'23"W	0.60
C22	525.00	303°51'	0.60	N60°59'23"W	0.60
C23	525.00	303°51'	0.60	N60°59'23"W	0.60
C24	525.00	303°51'	0.60	N60°59'23"W	0.60
C25	525.00	303°51'	0.60	N60°59'23"W	0.60
C26	525.00	303°51'	0.60	N60°59'23"W	0.60
C27	525.00	303°51'	0.60	N60°59'23"W	0.60
C28	525.00	303°51'	0.60	N60°59'23"W	0.60
C29	525.00	303°51'	0.60	N60°59'23"W	0.60
C30	525.00	303°51'	0.60	N60°59'23"W	0.60
C31	525.00	303°51'	0.60	N60°59'23"W	0.60
C32	525.00	303°51'	0.60	N60°59'23"W	0.60
C33	525.00	303°51'	0.60	N60°59'23"W	0.60
C34	525.00	303°51'	0.60	N60°59'23"W	0.60
C35	525.00	303°51'	0.60	N60°59'23"W	0.60
C36	525.00	303°51'	0.60	N60°59'23"W	0.60
C37	525.00	303°51'	0.60	N60°59'23"W	0.60
C38	525.00	303°51'	0.60	N60°59'23"W	0.60
C39	525.00	303°51'	0.60	N60°59'23"W	0.60
C40	525.00	303°51'	0.60	N60°59'23"W	0.60
C41	525.00	303°51'	0.60	N60°59'23"W	0.60
C42	525.00	303°51'	0.60	N60°59'23"W	0.60
C43	525.00	303°51'	0.60	N60°59'23"W	0.60
C44	525.00	303°51'	0.60	N60°59'23"W	0.60
C45	525.00	303°51'	0.60	N60°59'23"W	0.60
C46	525.00	303°51'	0.60	N60°59'23"W	0.60
C47	525.00	303°51'	0.60	N60°59'23"W	0.60
C48	525.00	303°51'	0.60	N60°59'23"W	0.60
C49	525.00	303°51'	0.60	N60°59'23"W	0.60
C50	525.00	303°51'	0.60	N60°59'23"W	0.60
C51	525.00	303°51'	0.60	N60°59'23"W	0.60
C52	525.00	303°51'	0.60	N60°59'23"W	0.60
C53	525.00	303°51'	0.60	N60°59'23"W	0.60
C54	525.00	303°51'	0.60	N60°59'23"W	0.60
C55	525.00	303°51'	0.60	N60°59'23"W	0.60
C56	525.00	303°51'	0.60	N60°59'23"W	0.60
C57	525.00	303°51'	0.60	N60°59'23"W	0.60
C58	525.00	303°51'	0.60	N60°59'23"W	0.60
C59	525.00	303°51'	0.60	N60°59'23"W	0.60
C60	525.00	303°51'	0.60	N60°59'23"W	0.60
C61	525.00	303°51'	0.60	N60°59'23"W	0.60
C62	525.00	303°51'	0.60	N60°59'23"W	0.60
C63	525.00	303°51'	0.60	N60°59'23"W	0.60
C64	525.00	303°51'	0.60	N60°59'23"W	0.60
C65	525.00	303°51'	0.60	N60°59'23"W	0.60
C66	525.00	303°51'	0.60	N60°59'23"W	0.60
C67	525.00	303°51'	0.60	N60°59'23"W	0.60
C68	525.00	303°51'	0.60	N60°59'23"W	0.60
C69	525.00	303°51'	0.60	N60°59'23"W	0.60
C70	550.00	292°23'	278.91	N25°16'42"E	281.98
C71	550.00	292°23'	278.91	N25°16'42"E	281.98
C72	750.00	215°41'	280.91	N13°13'33"E	282.45
C73	750.00	215°41'	280.91	N13°13'33"E	282.45
C74	750.00	41°01'	52.12	N68°09'21"W	52.13
C75	750.00	41°01'	52.12	N68°09'21"W	52.13
C76	750.00	324°50'	41.23	N87°05'19"W	41.74
C77	750.00	324°50'	41.23	N87°05'19"W	41.74
C78	750.00	324°50'	41.23	N87°05'19"W	41.74
C79	750.00	324°50'	41.23	N87°05'19"W	41.74
C80	750.00	324°50'	41.23	N87°05'19"W	41.74
C81	525.00	299°34'	384.43	N15°03'15"E	387.45
C82	525.00	299°34'	384.43	N15°03'15"E	387.45
C83	525.00	292°23'	281.98	N25°16'42"E	281.98
C84	525.00	292°23'	281.98	N25°16'42"E	281.98
C85	400.00	21°56'	16.28	N84°17'44"W	16.28
C86	400.00	21°56'	16.28	N84°17'44"W	16.28
C87	400.00	64°40'	47.06	N87°41'02"W	47.09
C88	400.00	64°40'	47.06	N87°41'02"W	47.09
C89	400.00	64°40'	47.06	N87°41'02"W	47.09
C90	400.00	64°40'	47.06	N87°41'02"W	47.09
C91	400.00	64°40'	47.06	N87°41'02"W	47.09
C92	400.00	64°40'	47.06	N87°41'02"W	47.09
C93	400.00	64°40'	47.06	N87°41'02"W	47.09
C94	400.00	64°40'	47.06	N87°41'02"W	47.09
C95	400.00	64°40'	47.06	N87°41'02"W	47.09
C96	400.00	64°40'	47.06	N87°41'02"W	47.09
C97	400.00	64°40'	47.06	N87°41'02"W	47.09
C98	400.00	64°40'	47.06	N87°41'02"W	47.09
C99	400.00	64°40'	47.06	N87°41'02"W	47.09
C100	400.00	64°40'	47.06	N87°41'02"W	47.09



SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION, SURVEYOR'S NOTES, AND LEGEND
SEE SHEET 2 OF 2 PLAT BOUNDARY, LOT, TRACT, AND EASEMENT DETAIL

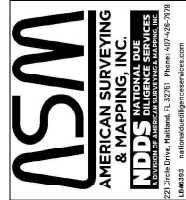
NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE DEFINITIVE AND AUTHENTIC REPRESENTATION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND THE DEEDS, CONTRACTS, MORTGAGES, EASEMENTS, AND OTHER INSTRUMENTS RELATING TO THE SAME. ANY OTHER FORM OR DIGITAL FORM OF THE PLAT, THERE MAY BE ADDITIONAL INFORMATION THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SEE SHEET 1 OF 5 FOR LEGAL DESCRIPTION, SURVEYOR'S NOTES, AND LEGEND
SEE SHEET 2 OF 5 FOR OVERALL VIEW OF PLAT
SEE SHEET 3-5 OF 5 PLAT FOR LOT, TRACT, AND EASEMENT DETAIL

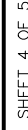
NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



SHEET 4 OF 5	PLAT BOOK	PAGE
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SHEET 4 OF 5



SHEET 4 OF 5

SHEET 4 OF 5

SILVER LAKE ESTATES PHASE 1

SHEET 5 OF 5

PLAT BOOK

PAGE

A PARCEL OF LAND BEING A PORTION OF SILVER LAKE ESTATES, RECORDED IN PLAT BOOK 10, PAGE 66 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SITUATED WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA

Curve Table				Curve Table	
Curve #	Radius	Delta	Chord Bearing	Chord	Length
C2	575.00'	328.09'	34.81°	N82°12'28"W	34.81'
C3	575.00'	446.34°	47.92°	N85°51'51"W	47.93'
C4	575.00'	446.34°	47.92°	N71°52'41"W	47.93'
C5	575.00'	446.34°	47.92°	N70°51'56"W	47.93'
C6	575.00'	446.34°	47.92°	N80°48'32"W	47.93'
C7	575.00'	446.34°	47.92°	N85°50'05"W	47.93'
C8	575.00'	201.38'	20.34°	N85°59'11"W	20.34'
C9	700.00'	142.39'	20.30°	N80°58'41"W	20.30'
C10	525.00'	070.57'	0.60°	N60°59'22"W	0.60°
C11	525.00'	644.40'	61.76°	N64°03'37"W	61.80°
C12	525.00'	644.40'	61.76°	N70°49'22"W	61.80°
C13	525.00'	618.29'	57.77°	N77°19'58"W	57.80°
C14	525.00'	612.27'	56.85°	N83°58'26"W	56.88°
C15	525.00'	318.21'	30.29°	N85°50'49"W	30.29°
C16	400.00'	070.57'	0.46°	N60°59'22"W	0.46°
C17	25.00'	86°32'54"	34.27°	N77°05'09"W	37.76°
C18	725.00'	327.08'	43.67°	N72°59'02"E	43.67°
C19	275.00'	238.19'	12.66°	N84°14'36"W	12.66°
C20	275.00'	164.49'	80.04°	N13°59'50"W	80.04°
C21	275.00'	117.75°	41.52°	S33°51'03"W	49.00°
C22	275.00'	674.05°	27.85°	S86°58'57"E	29.54°
C23	275.00'	674.05°	27.85°	S86°58'57"E	29.54°
C24	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C25	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C26	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C27	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C28	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C29	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C30	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C31	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C32	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C33	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C34	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C35	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C36	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C37	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C38	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C39	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C40	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C41	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C42	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C43	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C44	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C45	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C46	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C47	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C48	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C49	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C50	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C51	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C52	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C53	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C54	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C55	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C56	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C57	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C58	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C59	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C60	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C61	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C62	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C63	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C64	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C65	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C66	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C67	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C68	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C69	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C70	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C71	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C72	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C73	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C74	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C75	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C76	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C77	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C78	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C79	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C80	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C81	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C82	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C83	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C84	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C85	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C86	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C87	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C88	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C89	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C90	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C91	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C92	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C93	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C94	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C95	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C96	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C97	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C98	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C99	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°
C100	275.00'	1922.28°	75.72°	N12°58'41"W	75.72°

Curve Table				Curve Table	
Curve #	Radius	Delta	Chord Bearing	Chord	Length
C82	575.00'	292.23°	29.15°	N75°54'42"W	294.81'
C83	400.00'	279.56°	16.28°	N85°02'02"W	16.28°
C84	400.00'	644.40°	47.06°	N84°17'44"W	47.09°
C85	400.00'	644.40°	47.06°	N77°53'03"W	47.09°
C86	400.00'	644.40°	47.06°	N70°49'22"W	47.09°
C87	400.00'	644.40°	47.06°	N64°03'37"W	47.09°
C88	400.00'	644.40°	47.06°	N60°59'22"W	47.09°
C89	400.00'	644.40°	47.06°	N57°05'09"W	47.09°
C90	400.00'	644.40°	47.06°	N53°51'03"W	47.09°
C91	400.00'	644.40°	47.06°	N50°46'58"W	47.09°
C92	400.00'	644.40°	47.06°	N47°42'53"W	47.09°
C93	400.00'	644.40°	47.06°	N44°38'48"W	47.09°
C94	400.00'	644.40°	47.06°	N41°34'43"W	47.09°
C95	400.00'	644.40°	47.06°	N38°30'38"W	47.09°
C96	400.00'	644.40°	47.06°	N35°26'33"W	47.09°
C97	400.00'	644.40°	47.06°	N32°22'28"W	47.09°
C98	400.00'	644.40°	47.06°	N29°18'23"W	47.09°
C99	400.00'	644.40°	47.06°	N26°14'18"W	47.09°
C100	400.00'	644.40°	47.06°	N23°10'13"W	47.09°



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SEE SHEET 1 OF 5 FOR LEGAL DESCRIPTION, SURVIVORS NOTES, AND LEGEND
SEE SHEET 1 OF 5 FOR LOT, TRACT, AND EASEMENT DETAIL

NOTICE
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL
DEPOSITION OF THE SURVIVORS HEREIN AND WILL BE IN NO
WAY AFFECTED BY ANY REVISIONS, AMENDMENTS, OR
CORRECTIONS TO THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS
ON THE PLAT THAT MAY BE FOUND IN THE
PUBLIC RECORDS OF THIS COUNTY.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.4.

Meeting Date: October 14, 2024

From: Joe Iozzi, (Police Chief)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Police Department to apply for and, if awarded, accept an Edward Byrne Grant (JAG Local) from the U.S. Department of Justice for \$13,703.00 to defray costs associated with the purchase of department equipment; and providing an effective date.

Staff Recommendation:

Staff recommends approval of the resolution authorizing the Leesburg Police Department to apply for, and if awarded, accept the FY 2024 Edward Byrne Memorial Justice Local Solicitation Grant, Competition ID #: C-BJA-2024-00091-PROD, in the amount of \$13,703.00 to defray the cost of four (4) less lethal Conducted Energy Weapons (CEW) (Taser), holsters, and cartridges.

<u>Item</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Cost</u>
Conducted Energy Weapon (Taser) bundle, which includes: CEW, Battery Pack, Wall Mount Bracket for download, Power Cord, dock and license.	\$2,940.00	4	\$11,760.00
	\$40.25	30	\$1,207.50
Close Quarter Cartridges	\$40.25	30	\$1,207.50
Standoff Cartridges			\$14,175.00
Total Cost			\$13,703.00

JAG Grant Award Amount

Remaining Balance (Excess from current budget) \$472.00

Analysis:

The department currently has CEW's in service for sworn members who engage suspects and others who may pose a risk to themselves and others, on a routine basis. The current CEW's are antiquated and nearing or have reached their serviceability life. Furthermore, the CEW's that are no longer serviceable, cannot be repaired due to part availability. By upgrading to newer CEW systems, officers will continue to have this less-lethal equipment available during incidents in which the suspect is actively and/or aggressively resisting officers' efforts to apprehend them or take into custody, those persons who pose a

risk of harm to themselves or others.

Procurement Analysis:

N/A

Options:

1. Approve the resolution authorizing the application and acceptance of the FY2024 Edward Byrne JAG Local Solicitation grant of **\$13,703.00** and authorized source purchase; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

If awarded, a budget adjustment will be necessary to add this to the current budget. There is no local match required for this grant.

Account No. 001-0000-331-2100

Project No. JA0034

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE LEESBURG POLICE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT AN EDWARD BYRNE GRANT (JAG LOCAL) FROM THE U.S. DEPARTMENT OF JUSTICE FOR \$13,703.00 TO DEFRAY COSTS ASSOCIATED WITH THE PURCHASE OF DEPARTMENT EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

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

THAT the Leesburg Police Department is hereby authorized to submit an application, and if awarded, accept an Edward Byrne Memorial Justice Grant (JAG-Local) in the amount of **\$13,703.00** to defray costs associated with the purchase of certain department equipment.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 14th day of October 2024.

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.5.

Meeting Date: October 14, 2024

From: Joe Iozzi, (Police Chief)

Subject: Resolution of the City Commission of the City of Leesburg, Florida authorizing the designation of existing city staff to serve as the Clerk to the Local Hearing Officer for the School Zone Speed Enforcement program; and providing an effective date.

Staff Recommendation:

Staff recommends approval of the resolution designating Susan Baker, Code Enforcement, a current City staff member, as the Clerk for the Local Hearing Officer for the School Zone Speed Enforcement Program, which was authorized in Ordinance 24-48.

Analysis:

In accordance with Chapter 2023-174, Laws of Florida, and section 316.1896, Florida Statutes, as may be amended, the City Commission shall designate, by resolution, existing City staff to serve as the Clerk to the Local Hearing Officer for the School Zone Speed Enforcement Program. Susan Baker currently serves as Clerk during other Code Enforcement Magistrate hearings.

Procurement Analysis:

N/A

Options:

1. Approve the resolution authorizing designation of existing City Staff to serve as the Clerk to the Local Hearing Officer for the School Zone Speed Enforcement Program; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA AUTHORIZING THE DESIGNATION OF EXISTING CITY STAFF
TO SERVE AS THE CLERK TO THE LOCAL HEARING OFFICER FOR THE
SCHOOL ZONE SPEED ENFORCEMENT PROGRAM; AND PROVIDING AN
EFFECTIVE DATE.**

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

THAT Susan Baker, Code Enforcement, an existing City staff member, is hereby designated as the Clerk to the Local hearing Officer for the School Zone Speed Enforcement Program.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 14th day of October 2024.

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.6.

Meeting Date: October 14, 2024

From: Lucy Gangone, (Library Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, appointing one member to the Library Advisory Board to a five-year term ending September 30, 2029; and providing an effective date.

Staff Recommendation:

Staff recommends the appointment of one individual to the Library Advisory Board for a five-year term ending September 30, 2029.

Analysis:

Ms. Carolyn Pasquale was appointed to the Library Advisory Board on April 12, 2021, to fill an unexpired term ending September 30, 2024. That term is now ending. Ms. Pasquale has completed the application to be re-appointed to the Library Advisory Board for a five-year term ending September 30, 2029. Ms. Pasquale has a Masters in Library Science and is retired from a professional library position in the State of New York.

No other applications were received.

The position was advertised in the Leesburg Daily Commercial on August 18, 2024, and September 8, 2024, as well as on the City's website and Social Media.

Procurement Analysis:

N/A

Options:

1. Approve as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

There is no fiscal impact.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, APPOINTING ONE MEMBER TO THE LIBRARY ADVISORY
BOARD TO A FIVE-YEAR TERM ENDING SEPTEMBER 30, 2029; AND
PROVIDING AN EFFECTIVE DATE.**

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

THAT the City Commission of the City of Leesburg, Florida, finds that there is an appointment to be made to the Library Advisory Board in keeping with Section 2, Division 3 (2-92) of the Code of Ordinances of the City relating to the provision of Library Services.

THAT the City Commission hereby appoints _____ to a five-year term ending September 30, 2029.

THAT this resolution shall become effective immediately.

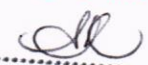
PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 14th day of October 2024.

Mayor

ATTEST:

City Clerk

RECEIVED
JUL 31 2024

BY: 

City of Leesburg
Appointed Boards & Commission Application

Date: 07/25/2024

Name: Carolyn Pasquale

Home Phone: 716 485 1227

Mailing Address:
5803 Blue Savannah Dr.

Home Address:
5803 Blue Savannah Dr.

Business Name & Type:
retired

Business Address:
none

Business telephone number: none ext. _____

Position: none

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

Professional Organizations/Memberships:

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

If yes, Dates Served 2020-2024

Name of Board or committee:

☒ Library Board ☐ Historic Preservation Board ☐ Planning Commission

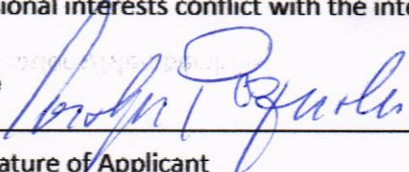
☐ Greater Leesburg CRA ☐ Carver Heights & Vicinity CRA

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

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

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

Carolyn Pasquale


Signature of Applicant

07/25/2024

Date

Return to: City Clerk's Office City of Leesburg

P.O. Box 490630

Leesburg, FL, 34739-0630

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City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.7.

Meeting Date: October 14, 2024

From: Andi Purvis, (City Clerk)

Subject: Resolution of the City Commission of the City of Leesburg, Florida authorizing Corey Goepfert as the City of Leesburg Designated Representative on the Florida Gas Utility Board of Directors, and James "Jim" Williams as Alternate; and providing an effective date.

Staff Recommendation:

Staff recommends approval of Corey Goepfert to serve as the City of Leesburg Designated Representative on the Florida Gas Utility Board of Directors and for James Williams to continue to serve as Alternate.

Analysis:

The City of Leesburg has been a member of the Florida Gas Utilities since October 2000, for the purpose of obtaining firm gas supply and related services. Robert "Bob" Thilmony has represented the City on the Board of Directors and James "Jim" Williams (Finance Director) currently serves as the alternate. With the resignation of Mr. Thilmony in August 2024, a new board member must be approved to represent the city in matters related to gas supply and services. Mr. Williams would remain as the city's alternate member.

Procurement Analysis:

N/A

Options:

1. Approve Resolution as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA AUTHORIZING COREY GOEPFERT AS THE CITY OF
LEESBURG DESIGNATED REPRESENTATIVE ON THE FLORIDA GAS
UTILITY BOARD OF DIRECTORS, AND JAMES "JIM" WILLIAMS AS
ALTERNATE; AND PROVIDING AN EFFECTIVE DATE.**

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

THAT the City Commission does hereby authorize Corey Goepfert to serve as the City of Leesburg's Designated Representative on the Florida Gas Utilities Board of Directors and James "Jim" Williams to serve as Alternate.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 14th day of October 2024.

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.8.

Meeting Date: October 14, 2024

From: Dan Miller, (Planning and Zoning Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, appointing three members to the Leesburg Planning Commission; and providing an effective date.

Staff Recommendation:

Staff recommends the City Commission approve three regular members for the Leesburg Planning Commission from the applications attached hereto.

Analysis:

The Leesburg Planning Commission is appointed by the City Commission to make recommendations on Planning and Zoning related cases, or final decisions on cases such as variances and conditional uses. It consists of seven members and two alternates. At this time, the terms of three regular members are expiring as of September 30, 2024.

The City of Leesburg advertised these positions in the Daily Commercial, and on the City's website, and on social media.

Expiring terms are for the following members:

1. Ted Bowersox
2. Nathaniel Sanders
3. Frazier Marshall

Through the City Clerk's office, only these three applications were received.

Procurement Analysis:

N/A

Options:

1. Approve three members to the Leesburg Planning Commission; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

The City of Leesburg budget provides funding to reimburse the Planning Commissioners for their

services; \$25 per meeting.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, APPOINTING THREE MEMBERS TO THE LEESBURG
PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE.**

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

THAT the City Commission of the City of Leesburg, Florida finds that as of September 30, 2024, there are three regular member positions expiring on the Leesburg Planning Commission.

THAT the City Commission hereby appoints _____ as an Active member to the Planning Commission with said term to expire September 30, 2027.

THAT the City Commission hereby appoints _____ as an Active member to the Planning Commission with said term to expire September 30, 2027.

THAT the City Commission hereby appoints _____ as an Active member to the Planning Commission with said term to expire September 30, 2027.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 14th day of October 2024.

Mayor

ATTEST:

City Clerk

RECEIVED
JUL 23 2024

City of Leesburg

Appointed Boards & Commission Application

BY: [Signature]

Date: 7/23/2024

Name: Ted W. Bowersox

Home Phone: 352-267-2534

Mailing Address:

521 Lakeshore Drive, Leesburg, FL 34748

Home Address:

Business Name & Type:

Retired

Business Address:

Business telephone number:

ext.

Position:

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

to which appointment is sought:

Service to the City of Leesburg on various elected & appointed
Boards: BOA, City Commission, Planning Commission

Professional Organizations/Memberships:

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

If yes, Dates Served 2013-2024

Name of Board or committee:

☐ Library Board ☐ Historic Preservation Board ☒ Planning Commission

☐ Greater Leesburg CRA ☐ Carver Heights & Vicinity CRA

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

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

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

Ted W. Bowersox

Signature of Applicant

7-23-24

Date

Return to: City Clerk's Office City of Leesburg

P.O. Box 490630

Leesburg, FL, 34739-0630

RECEIVED
AUG 06 2024

BY: SK

City of Leesburg
Appointed Boards & Commission Application

Date: 08/05/2024

Name: Nathaniel Sanders

Home Phone: _____

Mailing Address: _____

Home Address: _____

2117 Angel Fish Loop Leesburg FL 34748 United States

Business Name & Type: _____

Sanders Cleaning Services, Sanders N Sanders Enterprises & Sanders Janitorial Supplies & Paper Goods

Business Address: _____

404 Pine Street, Leesburg FL

Business telephone number: 352-255-8235 ext. _____

Position: CEO

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

Professional Organizations/Memberships:

President - Kappa Alpha Phi Fraternity
Vice-President - Mississippi Valley State University Central Florida Alumni Chapter
Vice-President - Ashton Woods Homeowner Association

Have you served on a city board or committee in the past? 4 years

If yes, Dates Served _____

Name of Board or committee:

____ Library Board ____ Historic Preservation Board x Planning Commission

____ Greater Leesburg CRA ____ Carver Heights & Vicinity CRA

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

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

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

NS
Signature of Applicant

8/3/24

Date

Return to: City Clerk's Office City of Leesburg

P.O. Box 490630

Leesburg, FL, 34739-0630

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RECEIVED
AUG 01 2024

City of Leesburg

Appointed Boards & Commission Application BY: af

Date: 8-1-24

Name: Frazier J. Marshall Home Phone: 352-255-4060

Mailing Address:

P.O. Box 490854 Leesburg FL 34749

Home Address:

2106 Angel Fish Loop Leesburg FL 34748

Business Name & Type:

Rose of Sharon of Central FL INC Home Health

Business Address:

615 W. Dixie Ave Leesburg FL 34748

Business telephone number: 352-530-2805 ext. _____

Position: Administrator

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

to which appointment is sought: I am currently a member of the Planning and Zoning Commission

Professional Organizations/Memberships:

CDC

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

If yes, Dates Served _____

Name of Board or committee:

____ Library Board ____ Historic Preservation Board ☒ Planning Commission

____ Greater Leesburg CRA ____ Carver Heights & Vicinity CRA

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

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

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

Frazier J. Marshall
Signature of Applicant

8-1-24
Date

Return to: City Clerk's Office City of Leesburg

P.O. Box 490630

Leesburg, FL, 34739-0630

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.1.

Meeting Date: October 14, 2024

From: Al Minner, (City Manager)

Subject: An Ordinance of the City of Leesburg, Florida; creating Section 2-8 of the City's Code of Ordinances; entitled control of access to City-Owned, controlled, and leased property; establishing a process to designate facilities as public forums, limited public forums or non-public forums; establishing trespass notice for public property; providing for severability; providing for conflicts; providing for codification; and providing for an effective date.

Staff Recommendation:

Conduct first reading and set public hearing and second reading for October 14, 2024.

Analysis:

This ordinance is required to facilitate new state legislation that goes into effect on October 1, 2024.

Procurement Analysis:

N/A

Options:

1. Approve as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

ORDINANCE NO. 2024-_____

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA;
CREATING SECTION 2-8 OF THE CITY’S CODE OF
ORDINANCES; ENTITLED CONTROL OF ACCESS TO
CITY-OWNED, CONTROLLED, AND LEASED
PROPERTY; ESTABLISHING A PROCESS TO DESIGNATE
FACILITIES AS PUBLIC FORUMS, LIMITED PUBLIC
FORUMS OR NON-PUBLIC FORUMS; ESTABLISHING
TRESPASS NOTICE FOR PUBLIC PROPERTY;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 166 of the Florida Statutes and Article VIII of the Florida Constitution authorizes the legislative body of each municipality to enact ordinances to protect the health, safely, and welfare of its residents; and

WHEREAS, City-owned, controlled, and leased properties serve many different purposes in provision of services to the residents of Leesburg, Florida, by its various departments; and

WHEREAS, to perform efficiently the various types of governmental services, it is necessary to designate City-owned, controlled, and leased properties as public forums, limited public forums and nonpublic forums; and

WHEREAS, federal courts have held that the “First Amendment protects the right to gather information about what public officials do on public property, and specifically, a right to record matters of public interest.” See *Smith v. City of Cumming*, 212 F.3d 1332, 1333 (11th Cir. 2000). However, “like all First Amendment protections, this right is subject to reasonable time, manner and place restrictions.” *Sheets v. City of Punta Gorda, Florida*, 415 F.Supp.3d 1115,1121 (M.D. Fla. 2019) (citing *Smith v. City of Cumming*, 212 F.3d 1332 (11th 27 Cir. 2000); and

WHEREAS, however, the United States Court of Appeals for the 11th Circuit has opined that “[i]t is now clear that the First Amendment does not guarantee access to property just because it is owned by the government.” *Bloedorn v. Grube*, 631 F.3d. 1218, 1230 (11th Cir. 2011); and

WHEREAS, the established law evaluates First Amendment claims based upon the type of forum the activity takes place in, or that activity is restricted from. In other words, the type of forum determines the level of scrutiny applied. *Keister v. Bell*, 879 F.3d 1282 (11th Cir. 2018); and

WHEREAS, one type of forum is a limited public forum. “Ordinances regulating speech in limited public forums are not subject to strict scrutiny. This forum exists where a government has reserved it for certain groups or for the discussion of certain topics.” *Sheets v. City of Punta Gorda, Florida*, 415 F.Supp.3d 1115,1122 (M.D. Fla. 2019) (citing *Barrett v. Walker Cty. Sch. Dist.*, 872 F.3d 1209, 1224 (11th Cir. 2017 and *Utah v. Summum*, 555 U.S. 460, 469-70, 129 S.Ct. 1125, 172 L.Ed.2d 853 (2009); and

WHEREAS, courts have also held that the “Government, like any private landowner, may preserve the property under its control for the use to which it is lawfully dedicated. Likewise, a government workplace, like any other place of employment exists to accomplish the business of the employer. It follows that the Government has the right to exercise control over access to the government workplace in order to avoid interruptions to the performance of the duties of its employees.” *Sheets v. City of Punta Gorda, Florida*, 415 F.Supp.3d 1115 (citing to *Sentinel Commc’ns Co. v. Watts*, 936 F.2d 1189, 1201 (11th Cir. 7 1991) and *Cornelius v. NAACP Legal Defense & Educ. Fund, Inc.*, 473 U.S. 788, 809, 105 S.Ct. 3439, 87 8 Led.2d 567 (1985); *U.S. v. Kokinda*, 497 U.S. 720 (1990) (Government may restrict or prohibit solicitation on government-owned property designed to conduct business and not traditionally considered an open public forum); and

WHEREAS, there are certain areas of City-owned, controlled, and leased properties where it is necessary to restrict public access or limit certain types of behavior to ensure that public business may be conducted uninterrupted; and

WHEREAS, within those areas, people often disclose confidential information to government officials and workers. People have a right to conduct business with the government free of intrusion and to prevent others from recording their interactions with the government where confidential information is disclosed; and

WHEREAS, the United States Supreme Court has opined that “the Government need not wait until havoc is wreaked [on its workplace] to restrict access to a nonpublic forum.” *Sheets v. City of Punta Gorda, Florida*, 415 F.Supp.3d 1115 (citing to *Cornelius v. NAACP Legal Defense & Educ. Fund, Inc.*, 473 U.S. 788, 809, 105 S.Ct. 3439, 87 Led.2d 567 (1985); and

WHEREAS, the City Commission also desires to establish a procedure for issuing and contesting trespass notices for City-owned, controlled, and leased property and determines that the adoption of this Ordinance serves the public interest and is a reasonable and viewpoint neutral regulation.

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

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

Section 2. Text Amendment. Creating Section 2-8 of the City Code of Ordinances, entitled Control of Access to City-Owned, Controlled, and Leased Property is hereby created to read as follows:

Sec. 2-8 Control of Access to City-Owned, Controlled, and Leased Property.

- (1) Public access to areas within enclosed facilities owned, controlled, and leased by the City of Leesburg, may be restricted depending upon whether such areas are classified as a “designated public forum”, “limited designated public forum”, or

“nonpublic forum”. How areas within enclosed facilities owned, controlled, and leased by the City are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of employees in the conduct of their business; there are certain areas which, while primarily intended for the use of employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

- (2) The City Manager and City Manager’s designee(s) are hereby authorized to manage public access to enclosed City-owned, controlled, and leased property. In the performance of such responsibilities, the City Manager shall have the authority to identify, through the issuance of a City Policy, which areas are to be considered a designated public forum, limited designated public forum, or nonpublic forum.
- (3) Upon the classification of areas within enclosed City-owned, controlled, and leased property, the City Manager and City Manager’s designee(s), are hereby authorized, subject to the availability of appropriated funds, to employ whatever means deemed necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to, the use of physical barriers and signage. The City Manager and City Manager’s designee(s) shall also have the authority to develop and implement procedures to regulate and control public access within City-owned, controlled, and leased properties to provide for the security and privacy of public visitors; to provide for the security and privacy of employees and officers; and to minimize potential disruptions to the work of city government. Any person who engages in conduct that causes disruptions to the work of city government shall be deemed to no longer be present within the City-owned, controlled, or lease property on legitimate public business.
- (4) Commission Chambers located in City Hall is hereby declared to be a nonpublic forum unless or until a public meeting is convened in such areas pursuant to public notice. All employee work areas within the City Hall designated by appropriate signage (e.g., employees only) shall be considered as nonpublic forums. Members of the public are prohibited from entering employee work areas without being escorted by an employee. All other areas of City Hall are hereby designated as limited public forums and only persons who are present to engage in legitimate public business with city officers or employees shall be authorized. It shall be a violation of this Section to be within a nonpublic forum or a limited public forum without authorization. Unauthorized persons found by the City Manager or designee to be within a nonpublic forum or a limited public forum and who refuse to leave the premises upon request, shall be considered a trespasser. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for this conduct as set forth in paragraph (9) below.

(5) Except within the Commission Chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Section, to record video and/or sound within City-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities. In addition to being a violation of this Section, if anyone who is observed to be recording video and/or sound within City owned, controlled, or leased property, without the consent of all persons whose voice or image is being recorded, refuses to cease activity after being advised that such activity is prohibited under this Section, such refusal shall be considered to be a disruption to the work of city government. Therefore, such persons shall be deemed to no longer be present within the City-owned, controlled, or leased property on legitimate public business. The City Manager and the City Manager's designees are hereby authorized on behalf of Leesburg, Florida, to request any person who refuses to cease the unconsented video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented to video and/or sound recording and refuses to immediately leave the premises following the request of the City Manager or designee, shall be considered as a trespasser. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for this conduct as set forth in paragraph (9) below.

(6) The City Manager and City Manager's designee(s) may have cause to remove any person they determine:

(a) Acts in any manner which violates or is reasonably suspected to violate any federal, state or local law, ordinance, rule or regulation; or

(b) Acts in any manner which violates any City rules or policy, including, but not limited to, the Facility Rules; or any directive on any sign or notice at the public property.

The City Manager or designees are hereby authorized on behalf of Leesburg, Florida, to warn persons of this prohibited activity and request such activity to cease. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for these violations of conduct as set forth in paragraph (9) below.

(7) The City Manager or designees are hereby authorized on behalf of Leesburg, Florida, to warn persons who have entered into or remain in areas where they are not authorized to be, and to request such persons to depart. The City Manager or City Manager's designees are hereby authorized to call upon Law Enforcement to treat as trespassers any persons who refuse to depart after such a request has been made. Law Enforcement, at its option, may charge any person refusing to depart by means of Section 810.08 and 810.09, Florida Statutes, or issue a trespass warning notice.

(8) The following conduct is prohibited within the interior spaces of all City-owned, controlled, and leased buildings. The Facility Rules are as follows:

- (a) Engaging in any conduct prohibited by federal, State of Florida, or local law.
- (b) Smoking, chewing tobacco, use of e-cigarettes or vaping device, or carrying any lighted or smoldering pipe, cigar, or cigarette.
- (c) Disruptive, harassing, or unsafe behavior, including conduct which interferes with employees or officials in the performance of their duties, or interferes with the proper use of the City facility by others.
- (d) Abusive or harassing behavior, including use or display of obscene language, gestures, or graphics.
- (e) Blocking entrances, exits, fire exits, access areas, or otherwise interfering with the provision of services or the use of City property.
- (f) Entering or remaining in nonpublic areas without authorization. Areas inside City buildings, including offices, hallways, stairways, and elevators are open to the public only to the extent necessary to attend to City business, or attending a City-authorized function, event, or activity to which the person is an invitee, or attending a duly noticed public meeting. Otherwise, such areas are deemed nonpublic areas.
- (g) Any act which could result in substantial risk of harm to persons or property.
- (h) Disrupting City business, events, or other City sponsored or authorized activities.
- (i) Leaving unattended packages, backpacks, luggage, or other personal items. Any such items are subject to immediate confiscation.
- (j) Laying down or sleeping in chairs, benches, or other areas within City facilities.
- (k) Possessing illegal drugs.
- (l) Posting or affixing to City property without permission from the City Manager or designee, any signs, leaflets, posters, flyers, pamphlets, brochures, and written, pictorial or graphic material of any kind.

- (m) Tampering with or unauthorized use of building or facility systems or devices, including electrical, plumbing, locks, doors or cameras.
- (n) Audio and/or video recording anywhere inside of City buildings except during duly noticed public meetings, or as otherwise approved by the City Manager or designee. Except as otherwise approved by the City Manager or designee, audio and/or video recording may only be conducted within the Commission Chambers, and any room, or office within which said activity has been authorized by law. Any person found to be conducting audio and/or video recording except as authorized by herein, must cease doing so immediately if any visitor, employee, or official expresses his/her desire not to be recorded. This rule does not apply to audio and/or video recording performed by authorized law enforcement personnel engaged in the performance of their official duties. Audio and/or video recording of public meetings must be undertaken in a quiet and orderly manner so as not to interfere with the conduct of the meeting, block the view of any person attending the public meeting, or block any aisle, row, ingress or egress.
- (o) Remaining in a City building after posted hours of operation or after the conclusion of an authorized “after hours” public meeting or event.
- (p) Failing to cease conduct specifically prohibited in items a through o above immediately after a request by an employee or official to do so.
- (q) Soliciting in or near a City-owned building, on City-owned property, or in facilities leased by the City in a manner that is inconsistent with City Policies.

A copy of the foregoing Facility Rules shall be posted at all public entrances at all City-owned, controlled, and leased buildings.

(9) Trespass notices for City property.

- (a) The City Manager or City Manager’s designee(s), while acting in their official capacity, are hereby authorized to request a law enforcement officer to issue a trespass notice to any person who violates this Code, City policy, or Florida law while on or within a City owned or controlled facility, building, public property, park, or outdoor area. When neither the City Manager nor the City Manager’s designee are present, a Police Officer is authorized to issue a trespass notice to any person who violates this Code, City policy, or Florida law while on or within a City owned or

controlled facility, building, public property, park, or outdoor area. The trespass shall be effective for the specific property where the violation occurred unless otherwise stated. City controlled facilities include those that have been leased by the City for governmental purposes.

- (b) Trespass notices must be issued as follows:
 - (i) For the first violation, the person may be issued a trespass notice for a period not to exceed one (1) year.
 - (ii) For a second or subsequent violation, the person may be issued a trespass notice for a period not to exceed two (2) years.
- (c) A copy of the trespass notice must be provided by certified mail or hand delivery to the person and a copy provided to the City employee or official having control over the City-owned or controlled park, facility, building or outdoor area. The written trespass notice must advise the person of the right to appeal, provide the address for filing the appeal, identify the City owned or controlled facility, building, or outdoor area, including parks, to which the notice applies, and state the duration of the trespass notice.
- (d) Upon the completion of an appeal pursuant to this Section or the expiration of the time to file an appeal, any person found on or within any City-owned or controlled facility, building, or outdoor area, including parks, but excluding rights-of-way, in violation of a trespass notice may be arrested for trespassing.
- (e) The City Manager, City Manager's designee(s), or law enforcement officers, may authorize a person who has received a trespass notice to enter the property or premises to exercise his or her First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary City business. Such request and authorization must be in writing, must specify the duration of the authorization and any conditions, and must not be unreasonably denied.
- (f) This section must not be construed to limit the authority of any law enforcement officer to issue a trespass notice to any person for any lawful reason for any City-owned or controlled property when closed to general vehicular or pedestrian use, when necessary or appropriate in the sole discretion of the law enforcement officer.

- (g) The provisions of this Section shall encompass and include all City owned or controlled property within the legal boundaries of Leesburg, Florida and unincorporated Lake County.
- (h) Appeal of trespass notice issued by the City Manager or designee. A person to whom a trespass notice is issued under this section will have the right to appeal as follows:
 - (i) Appeals will be heard by the City's Code Enforcement Special Master in accordance with Article IV, Division 2 of this Code.
 - (ii) No later than ten (10) days from the receipt of a trespass notice, a person may file an appeal of the notice. The appeal must include the person's name, address, and phone number, if any. No fee will be charged for filing the appeal.
 - (iii) The appeal must be filed with the City Clerk's Office. The appeal may be filed in person at 501 W Meadow Street, Leesburg, Florida 34748 or by certified mail to the same address.
 - (iv) The hearing must be held as soon as possible and not later than thirty (30) days from the filing of the appeal unless the City and appellant agree to hold the hearing more than thirty (30) days from the filing of the appeal. Written notice of the hearing must be provided to the address provided in the appeal. If no address is provided, a copy of the notice will be posted in City Hall located at 501 W. Meadow Street, Leesburg, Florida 34748.
 - (v) Copies of documents in the City's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass notice to the appellant, will be made available upon request to the appellant prior to the hearing. Normal fees for public records will be charged.
 - (vi) The appellant and the City will have the right to testify, to call witnesses, to cross-examine witnesses, and to present evidence. The appellant will have the right to bring a court reporter, at the appellant's expense. Attorneys may represent the appellant and the City at the hearing.

- (vii) The Special Master shall consider any other evidence presented at the hearing. Formal rules of evidence will not apply, but fundamental due process will govern the proceedings.
- (viii) The City will bear the burden of proof by clear and convincing evidence that the trespass notice was properly issued pursuant to the criteria of this section.
- (ix) If the appellant fails to attend a scheduled hearing, the Special Master may review the evidence presented and determine if the trespass notice was properly issued pursuant to the criteria of this section.
- (x) No later than five (5) days after the hearing, the Special Master shall issue a written order on the appeal which shall be mailed by certified mail to the appellant at the address provided. If no address is provided, a copy of the decision will be posted in City Hall located at 501 W. Meadow Street, Leesburg, Florida 34748. A copy will also be provided to the City.
- (xi) The written order of the Special Master will be a final order and the appellant will be deemed to have exhausted all administrative remedies. Such order may be subject to judicial review in the manner provided by law.
- (xii) The trespass notice shall remain in effect during the appeal and review process, including any judicial review.

Section 3. Severability and Conflicts. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 4. Code Inclusion. The provisions of this Ordinance shall become and be made part of the City of Leesburg Code of Ordinances, that the sections of this Ordinance may be renumbered to accomplish such intention, and that the word Ordinance shall be changed to Article, Section, Subsection, or other appropriate word as may be applicable.

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

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

James A. Burry, Jr., Mayor

ATTEST:

J. Andi Purvis, City Clerk

Approved as to form:

William Grant Watson, City Attorney

Business Impact Estimate

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. This Business Impact Estimate may be revised following its initial posting.

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA; CREATING SECTION 2-8 OF THE CITY'S CODE OF ORDINANCES; ENTITLED CONTROL OF ACCESS TO CITY-OWNED, CONTROLLED, AND LEASED PROPERTY; ESTABLISHING A PROCESS TO DESIGNATE FACILITIES AS PUBLIC FORUMS, LIMITED PUBLIC FORUMS OR NON-PUBLIC FORUMS; ESTABLISHING TRESPASS NOTICE FOR PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): To restrict public access or limit certain types of behaviors at City-owned, controlled, and leased properties to ensure that public business may be conducted uninterrupted

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur.

No cost is anticipated.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible.

No new charge or fee will be imposed.

(c) An estimate of the City's costs, including estimated revenues from any new charges or fees to cover such costs.

No cost is anticipated.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):

N/A

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.2.

Meeting Date: October 14, 2024

From: Al Minner, (City Manager)

Subject: An Ordinance of the City of Leesburg, Florida; Amending Chapter 15, Article I "General Offenses" to create Section 15-7 Entitled "Public Camping or Sleeping" prohibiting unauthorized camping at any time within the City; providing for severability; providing for conflicts; providing for codification; and providing for an effective date.

Staff Recommendation:

Read ordinance and set public hearing and second reading for October 14, 2024.

Analysis:

This ordinance is required to facilitate new state legislation that goes into effect on October 1, 2024.

Procurement Analysis:

N/A

Options:

1. Approve as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

ORDINANCE NO. 2024-_____

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA;
AMENDING CHAPTER 15, ARTICLE I “GENERAL
OFFENSES” TO CREATE SECTION 15-7 ENTITLED
“PUBLIC CAMPING OR SLEEPING” PROHIBITING
UNAUTHORIZED CAMPING AT ANY TIME WITHIN THE
CITY; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; PROVIDING FOR CODIFICATION;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 166 of the Florida Statutes and Article VIII of the Florida Constitution authorizes the legislative body of each municipality to enact ordinances to protect the health, safety, and welfare of its residents; and

WHEREAS, commencing on October 1, 2024, the City is required to comply with section 125.0231, Florida Statutes, which was enacted by the Florida Legislature and signed into law on March 20, 2024; and

WHEREAS, pursuant to section 125.0231, Florida Statutes, the City may not authorize or otherwise allow any person to regularly engage in public camping or sleeping on public properties, including, but not limited to, any public building or its grounds and any public right of way under the City’s jurisdiction; and

WHEREAS, commencing on January 1, 2025, section 125.0231, Florida Statutes, authorizes City residents, an owner of a business located in the City, and the Attorney General to file an injunction lawsuit against the City for authorizing or otherwise allowing regular public camping or sleeping that is not otherwise permitted under the statute.

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

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

Section 2. Text Amendment. Amending Chapter 15 - Offenses, Article I - General Offenses, of the Code of Ordinances to create Section 15-7 to read as follows:

Sec. 15-7 Public Camping or Sleeping

(a) It shall be prohibited, unlawful, and a violation of this Section for any person to engage in public camping or sleeping on or in any public property, public building, or public right-of-way under the ownership, control, or jurisdiction of the City unless conducted on public property mutually designated by the County and City for such purposes pursuant to section 125.0231, Florida Statutes.

(b) For purposes of this section, Public camping or sleeping means:

- (1) Lodging or residing overnight in a temporary outdoor habitation used as a dwelling or living space and evidenced by the erection of a tent or other temporary shelter, the presence of bedding or pillows, or the storage of personal belongings; or
- (2) Lodging or residing overnight in an outdoor space without a tent or other temporary shelter.
- (3) The term does not include Lodging or residing overnight in a motor vehicle that is registered, insured, and located in a place where it may lawfully be for temporary lodging or residing.
- (4) The term does not include camping for recreational purposes on property designated for such purposes.

(c) The following procedures shall apply to enforcement of this Section:

- (1) A sworn law enforcement officer of the City of Leesburg is hereby authorized to issue a written warning to any person for violation of this Section when, based upon personal investigation, such a law enforcement officer has reasonable cause to believe that the person has committed a violation of this Section.
- (2) The warning shall be provided to the violator and shall establish a reasonable time within which the violator must leave the public property, including removal of any and all tents, temporary structures and other personal belongings. Such time period to comply will not exceed sixty (60) minutes. In addition to the written warning as provided herein, the law enforcement officer shall provide the person with contact information for local not-for-profit social services organization through which the person can receive information as to available resources.
- (3) If upon personal investigation by the law enforcement officer the written warning has not been complied with within the time period, the law enforcement officer shall issue a citation pursuant to Sec. 2-81 of the City of Leesburg Code of Ordinances as amended or renumbered. The citation shall with as much particularity as possible, identify the subject public property.
- (4) In the event that a person has been issued a citation and subsequently fails to leave the subject property or within the preceding six (6) months or the person has committed a violation of this Section on the same property for which the prior citation was issued, the person shall be in violation of F.S. § 810.09 as amended or renumbered.
- (5) In addition to the foregoing the City may pursue any enforcement action or legal remedy available under controlling state law and any legal remedy available to the City to include, but not be limited to a written warning to be followed by a fine not exceeding \$500.00 unless otherwise authorized by state law, followed by imprisonment for a term not exceeding 60 days unless otherwise authorized by state law.

(d) This section does not apply during any time period in which:

(1) The Governor has declared a state of emergency in Lake County or another county immediately adjacent to Lake County and has suspended the provisions of this section pursuant to s. 252.36, Florida Statutes.

(2) A state of emergency has been declared in Lake County under Chapter 870, Florida Statutes. ~~Whosoever shall violate the provisions of this section, upon conviction thereof, shall be punished as provided in section 1-14.~~

Section 3. Severability and Conflicts. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 4. Code Inclusion. The provisions of this Ordinance shall become and be made part of the City of Leesburg Code of Ordinances, that the sections of this Ordinance may be renumbered to accomplish such intention, and that the word Ordinance shall be changed to Article, Section, Subsection, or other appropriate word as may be applicable.

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

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

James A. Burry, Jr., Mayor

ATTEST:

J. Andi Purvis, City Clerk

Approved as to form:

William Grant Watson, City Attorney

ORDINANCE NO. 2024-_____

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA;
AMENDING CHAPTER 15, ARTICLE I “GENERAL
OFFENSES” TO CREATE SECTION 15-7 ENTITLED
“PUBLIC CAMPING OR SLEEPING” PROHIBITING
UNAUTHORIZED CAMPING AT ANY TIME WITHIN THE
CITY; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; PROVIDING FOR CODIFICATION;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 166 of the Florida Statutes and Article VIII of the Florida Constitution authorizes the legislative body of each municipality to enact ordinances to protect the health, safety, and welfare of its residents; and

WHEREAS, commencing on October 1, 2024, the City is required to comply with section 125.0231, Florida Statutes, which was enacted by the Florida Legislature and signed into law on March 20, 2024; and

WHEREAS, pursuant to section 125.0231, Florida Statutes, the City may not authorize or otherwise allow any person to regularly engage in public camping or sleeping on public properties, including, but not limited to, any public building or its grounds and any public right of way under the City’s jurisdiction; and

WHEREAS, commencing on January 1, 2025, section 125.0231, Florida Statutes, authorizes City residents, an owner of a business located in the City, and the Attorney General to file an injunction lawsuit against the City for authorizing or otherwise allowing regular public camping or sleeping that is not otherwise permitted under the statute.

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

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

Section 2. Text Amendment. Amending Chapter 15 - Offenses, Article I - General Offenses, of the Code of Ordinances to create Section 15-7 to read as follows:

Sec. 15-7 Public Camping or Sleeping

(a) It shall be prohibited, unlawful, and a violation of this Section for any person to engage in public camping or sleeping on or in any public property, public building, or public right-of-way under the ownership, control, or jurisdiction of the City unless conducted on public property mutually designated by the County and City for such purposes pursuant to section 125.0231, Florida Statutes.

(b) For purposes of this section, Public camping or sleeping means:

- (1) Lodging or residing overnight in a temporary outdoor habitation used as a dwelling or living space and evidenced by the erection of a tent or other temporary shelter, the presence of bedding or pillows, or the storage of personal belongings; or
- (2) Lodging or residing overnight in an outdoor space without a tent or other temporary shelter.
- (3) The term does not include Lodging or residing overnight in a motor vehicle that is registered, insured, and located in a place where it may lawfully be for temporary lodging or residing.
- (4) The term does not include camping for recreational purposes on property designated for such purposes.

(c) The following procedures shall apply to enforcement of this Section:

- (1) A sworn law enforcement officer of the City of Leesburg is hereby authorized to issue a written warning to any person for violation of this Section when, based upon personal investigation, such a law enforcement officer has reasonable cause to believe that the person has committed a violation of this Section.
- (2) The warning shall be provided to the violator and shall establish a reasonable time within which the violator must leave the public property, including removal of any and all tents, temporary structures and other personal belongings. Such time period to comply will not exceed sixty (60) minutes. In addition to the written warning as provided herein, the law enforcement officer shall provide the violator with contact information for local not-for-profit social services organization through which the person can receive information as to available resources.
- (3) If upon personal investigation by the law enforcement officer the written warning has not been complied with within the time period, the law enforcement officer shall issue a citation pursuant to Sec. 2-81 of the City of Leesburg Code of Ordinances as amended or renumbered. The citation shall with as much particularity as possible, identify the subject public property.
- (4) In the event that a person has been issued a citation and subsequently fails to leave the subject property or within the preceding six (6) months or the person has committed a violation of this Section on the same property for which the prior citation was issued, the person shall be in violation of F.S. § 810.09 as amended or renumbered.
- (5) In addition to the foregoing the City may pursue any enforcement action or legal remedy available under controlling state law and any legal remedy available to the City to include, but not be limited to a written warning to be followed by a fine not exceeding \$500.00 unless otherwise authorized by state law, followed

by imprisonment for a term not exceeding 60 days unless otherwise authorized by state law.

(d) This section does not apply during any time period in which:

(1) The Governor has declared a state of emergency in Lake County or another county immediately adjacent to Lake County and has suspended the provisions of this section pursuant to s. 252.36, Florida Statutes.

(2) A state of emergency has been declared in Lake County under Chapter 870, Florida Statutes.

Section 3. Severability and Conflicts. The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 4. Code Inclusion. The provisions of this Ordinance shall become and be made part of the City of Leesburg Code of Ordinances, that the sections of this Ordinance may be renumbered to accomplish such intention, and that the word Ordinance shall be changed to Article, Section, Subsection, or other appropriate word as may be applicable.

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

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

James A. Burry, Jr., Mayor

ATTEST:

J. Andi Purvis, City Clerk

Approved as to form:

William Grant Watson, City Attorney

Business Impact Estimate

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. This Business Impact Estimate may be revised following its initial posting.

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA; AMENDING CHAPTER 15, ARTICLE I “GENERAL OFFENSES” TO CREATE SECTION 15-7 ENTITLED “PUBLIC CAMPING OR SLEEPING” PROHIBITING UNAUTHORIZED CAMPING AT ANY TIME WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☒ X The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **To prohibit public camping or sleeping, pursuant to section 125.0231, Florida Statutes**

¹ See Section 166.041(4)(c), Florida Statutes.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur.

No cost is anticipated.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible.

No new charge or fee will be imposed.

(c) An estimate of the City's costs, including estimated revenues from any new charges or fees to cover such costs.

No cost is anticipated.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):

N/A