

**AGENDA MINUTES
CITY COMMISSION MEETING
VENETIAN CENTER, 1 DOZIER COURT
MONDAY, AUGUST 23, 2021 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, August 23, 2021, at the Venetian Center. Mayor Christian called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Jimmy Burry
Commissioner Jay Connell
Commissioner Dan Robuck
Commissioner Mike Pederson
Mayor John Christian

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

INVOCATION

Mayor Christian 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. Lineworkers Appreciation Day

Mayor Christian read the Lineworkers Appreciation Day Proclamation aloud in its entirety, declaring August 26 as Lineworker Appreciation Day.

3. PRESENTATIONS:

A. Certificates to Miss Leesburg winners: Miss Leesburg - Riley McDowell; Teen Miss - Kierstyn Riley; Junior Miss - Caliza O'Bryan; Little Miss - Shaylin Shumate; and Tiny Miss - A'Zyrani Taylor

Mayor Christian presented certificates to the Miss Leesburg winners. Miss Leesburg - Riley McDowell, Miss Teen Leesburg - Kierstyn Riley, Junior Miss Leesburg - Caliza O'Bryan, Little Miss Leesburg - Shaylin Shumate and Tiny Miss Leesburg A'Zyrani Taylor.

Riley McDowell stated she was this year's Miss Leesburg. She thanked the City of Leesburg for providing the opportunity for young girls to get involved in the community. She gave a special thank you to Miss Linda because she is an amazing woman and role model. It was such an honor to be Miss Leesburg. She mentioned if you know anyone or have daughters or granddaughters they should definitely enter by September 25th. **Mayor Christian** thanked the parents and Miss Linda for all their hard work. We can see how well you have trained our Miss Leesburg. She has not only displayed her love for Leesburg, but she is also recruiting new members.

B. Leesburg Lightning Championship Presentation

Tyler Brandenburg stated he is present on behalf of the board of directors, the players and coaches, along with the entire Lightning community. He is here to present a trophy to the Leesburg Lightning for winning this year's championship. This is the third time that the Leesburg Lightning has won the championship and it was done a few weeks back when we defeated the Winter Park Diamond Dogs, nine to one, here at home. The City of Leesburg has not won the championship in twelve years, so it is a big deal to bring this back to Leesburg. He gave a special shout out to Travis Rima, Steve Strickland and, Michael Thompson for all the help they provided over the year. They made the stadium look great all year and, with their help, they allowed the team to do their best and that helped bring the Championship back to Leesburg. With him tonight he introduced Jack Meiers, Board of Directors Member, Aaron Carney, he runs the Who's Families, Coach Rich Billings Sr. and Coach Rich Billings Jr, and Allen Reisman, who assisted a ton in the concession stand all summer. If it were not for them and the community's help, we would not have been able to do this. He is really excited about giving this trophy to the City. He thanked everyone for their support.

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.

Gwendolyn C. Allen-Carston wanted to give kudos to the City of Leesburg. She stated she was born in Lady Lake in 1952, and attended Dabney Elementary in Leesburg and Carver Heights High School up until her eleventh year. She commented with no offense that she did not like it there and she did not want to graduate from Carver Heights, so she switched over to Leesburg High School and graduated from there. After graduating from Leesburg High School, she went on to college at Southern University in Baton Rouge and from there life took her to a place called Kent in Washington State, where she has remained for forty-nine years. She periodically comes home to visit family and friends in Leesburg and has been noticing since 2013 a lot of changes going on, which she appreciates. She has seen everyone's efforts at making Leesburg grow and trying to keep up with the times. She still considers herself homegrown. The reason she is here tonight is that her mother passed away in February of 2021 and she

lived at 1115 CR 468. This property is in question with a proposed purchase by the City. It sits right next to the Resource Center. Her uncle, Joe Rimes, had donated part of his land to Rimes Elementary School. That is part of the Rimes family history here in Leesburg and her family was productive and economically driven. At one point, she was asked for proof showing there were businesses on CR 468, which her family was a part of, and she was taken back by that because her family on the Rimes and Allen sides were both very prominently known people in and around Leesburg. They instilled in her a legacy of making sure that things that belonged to the people of her culture and her community that we do as much as we can to keep those pieces of property in the hands of family. You may ask why she stayed away from Leesburg for so long, but that is just how her life went. She ran for City Council in Kent, Washington twice and did that in an effort to show folks that you do not have to be anyone special to run for City Council. When you pay taxes, no matter where you live, you have rights and some of those rights call for you to speak up. Some people may not agree with you, but as long as she can, she will continue to speak up for what is right. She remarked that she passed out a letter referencing the process and that she had conversations and meetings with Mr. Thomas. Some of them have been tough, but they managed to get through them. The letter was addressed to Mr. Minner's attention, notifying him that she would like to begin the negotiation process with the City of Leesburg on the purchase of her mother's property and home. She said she listened to the CRA meeting where this property was discussed and Commissioner Jasper asked what the rationale was for asking for more than the appraisal amount. Her answer is that her rationale is simply no different than anyone else's who wants to sell their home or property. It is no different than from anyone else who wants to benefit or take some sort of advantage of the fruit from the company. What she would like, since she has been going up and down with this process, is request a meeting with Mr. Minner. They have talked over the phone and they have had rush conversations, but she would like to request a meeting with Mr. Minner so that she could provide her input on the City of Leesburg purchasing the property at 1115 CR 468.

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

No Items were pulled from the Consent Agenda.

Commissioner Robuck moved to adopt the Consent Agenda and Commissioner Burry seconded the motion.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Robuck	Yes
Commissioner Burry	Yes
Commissioner Pederson	Yes
Mayor Christian	Yes

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

A. CITY COMMISSION MEETING MINUTES:

1. **Budget Workshop held July 6, 2021**
2. **Budget Workshop held July 8, 2021**
3. **Budget Workshop held July 13, 2021**
4. **Regular meeting held August 9, 2021**

B. PURCHASING ITEMS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Agreement to Piggyback a State of Florida contract for Management and Consulting services with Government Services Group, Inc. to support management of ARPA funds for an amount of \$49,000.00; and providing an effective date.**

RESOLUTION 10,899

2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement for natural gas distribution line installation services with Equix Energy Services, LLC; and Providing an effective date.**

RESOLUTION 10,900

3. **Solicitation award and purchase request approval - RFP 200422 - Extrication tools**

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute a Natural Gas Service Agreement between the City of Leesburg and Leesburg Senior Living Partners, LLC, for the purpose of setting forth the terms and conditions under which the City will provide Natural Gas Utility Service to the Development referred to as Leesburg Senior Living; and providing an effective date.**

RESOLUTION 10,901

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

authorizing the City Manager to approve expenditures not to exceed \$200,000.00, to fund construction of approximately 2,000 feet of new steel Natural Gas Lines along County Road 470 near County Road 501, and abandonment of approximately 1,500 feet of existing Natural Gas lines to facilitate construction of a Golf Cart Tunnel, pertaining to the expansion of The Villages development in that area; and providing an effective date.

RESOLUTION 10,902

- 3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Vacant Land Contract between the City of Leesburg and Park Square Enterprises, LLC; and providing an effective date.**

RESOLUTION 10,903

- 4. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Gas Service Agreement between the City of Leesburg and Park Square Enterprises, LLC; and providing an effective date.**

RESOLUTION 10,904

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

A. SECOND READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 32.68 +/- acres; being generally located on the south side of County Road 48, east of County Road 33, lying in Section 15, 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. (Sundance Subdivision)**

ORDINANCE 21-34 *DENIED*****

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

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

Mayor Christian requested comments from the Commission and the audience.

Commissioner Robuck stated he does not believe this is an appropriate use because it backs up to an industrial park. If we allow these houses to come in, we will end up just like we did with Legacy with the residents coming in to complain. His understanding is with the comments from the last meeting that we have not received any feedback from the developer addressing any of those issues. He opposes this development.

Mayor Christian asked if we heard from the developer regarding the noise or if they addressed anything to the fact that this development would back right up to industrial. **PZM Miller** responded that he was in contact with the developer and they were trying to make it to the meeting tonight. They are required to have a six-foot wall between the residential portion of the development adjacent to the industrial area, but they have not heard anything else. **Mayor Christian** wanted to verify that the developer was trying to come tonight. **PZM Miller** confirmed that they were, but there was a conflict with another public hearing. **Mayor Christian** then said that Commissioner Robuck's comments are a valid concern with us hearing from residents three years down the road who may purchase a house and without having this issue addressed, future commissions will not have answers.

Christopher Germana, Germana Engineering and Associates stated they are the engineers on this project. They heard concerns about being adjacent to the industrial park, so they have proposed a six to eight foot wall. In addition to the wall, they will have a twenty-five foot minimum landscape buffer, so these two items will be immediately adjacent to that industrial property. **Commissioner Robuck** pointed out that would do nothing for the sound, which is why the residents were coming in complaining. It was because of the sound and stuff flying in the air. This is in the wrong place for a residential development. He does not see how you could ever put residents there without a lot of complaints. When the residents come in, the commission wants to side with the residents, but these businesses have been here for fifty plus years and this area is a very industrial part of Leesburg. He is worried that even if we say let's address this, a future commission will side with the residents and the businesses will lose out. This area is just too industrial for him, but if the applicant wants to come back with some commercial or industrial uses, he would be able to support that. He does not generally have a problem with density, but again, this would be a bad place to put this type of density. It does not belong right next to an industrial park. They are not compatible uses. **Mr. Germana** pointed out that with the entire project they have about a hundred and thirty-eight units and there is only a portion of it that will be against that industrial development. They tried to keep most of the residents in the southern and western portions of the development. The developer also introduced a recreational area, which would be located more towards that industrial. They have tried to do everything they could to diminish what is next to them in terms of the sound. That is why they proposed putting up that six to eight foot wall and the twenty-five foot landscape buffer.

Mayor Christian asked if they were building anywhere else in Lake County. **Mr. Germana** replied that this developer has multiple projects in South Lake County.

Commissioner Burry agrees with Commissioner Robuck that this is not the right use or the right place. **Commissioner Pederson** said he also respects Commissioner Robuck's comments. He has been on the Commission for about two and half years now and he remembers hearing complaints about the ashes from the incinerator and the noise from the incinerator. **Commissioner Connell** commented that this is

not a great location for an additional one and thirty units. His understanding is that the conceptual plan showed two ingresses and egresses on CR-48 and now the county is saying they do not want that, so that traffic would have to be rerouted to Haywood Worm Farm Road. Now, if you have been down that way, you would know there are a lot of tractor trailers and garbage trucks, so if we put one hundred and thirty units coming out of a residential development, that would not be a good fit.

The roll call vote was:

Commissioner Robuck	No
Commissioner Burry	No
Commissioner Pederson	No
Commissioner Connell	No
Mayor Christian	Yes

One ye, four nays, the Commission denied the ordinance.

2. **An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, Florida, changing the Future Land Use Map Designation of certain property containing 32.68 +/- acres from Lake County Regional Office to City of Leesburg Estate Residential, for a property generally located on the south side of County Road 48, east of County Road 33, as legally described in Section 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance Subdivision)**

ORDINANCE 21-35 *NOT HEARD DUE TO ANNEXATION DENIAL*****

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 32.68 +/- acres from Lake County A (Agriculture) to PUD (Planned Unit Development) to allow for a single-family residential development for a property generally located on the south side of County Road 48, east of County Road 33, as legally described in Section 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance Subdivision).**

ORDINANCE 21-36 *NOT HEARD DUE TO ANNEXATION DENIAL*****

4. **An Ordinance of the City of Leesburg, Florida, amending the City of Leesburg Comprehensive Plan pursuant to Section 163.3177.6.(i) Florida Statutes, which requires the inclusion of a property rights element; Providing for conflict with other Ordinances; Providing a savings clause; and Providing an effective date.**

ADOPTED ORDINANCE 21-38

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

Commissioner Burry made a motion to adopt the ordinance and Commissioner Robuck seconded the motion.

Mayor Christian requested comments from the Commission and the audience.

Mayor Christian asked if the City Attorney or City Manager had anything to share in this. **CA Morrison** remarked that this item is a state requirement.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Pederson	Yes
Commissioner Connell	Yes
Commissioner Robuck	Yes
Mayor Christian	Yes

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

5. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 12.94 +/- acres from City of Leesburg PUD (Planned Unit Development) and City of Leesburg SPUD (Small Planned Unit Development) to PUD (Planned Unit Development) to allow for a church/social service and youth center campus for a property generally located at the intersection of South Street and Caballo Road, as legally described in Section 28, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Salvation Army)**

ADOPTED ORDINANCE 21-39

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

Commissioner Burry made a motion to adopt the ordinance and Commissioner Robuck seconded the motion.

Mayor Christian requested comments from the Commission and the audience.

Commissioner Robuck stated he felt this was a great project and after speaking with Mike Rankin, who is the representative, his only concern was with the housing aspect. While their intentions are not to use this as a homeless shelter, it would be an allowable use. If that were to ever be their plan, he would not be opposed to it, but he would want to discuss what that would look like prior to it being just blanketed in the PUD, which currently allows for it. He would like to add a prohibition to the PUD prohibiting the use of the facility as a homeless shelter. He has already discussed this with the applicant and they had no issue with that. At least that was his understanding and if there ever comes a time they are interested in doing that, he is open for that discussion.

Commissioner Robuck made a motion to amend the PUD by adding a prohibition of the use of homeless shelters and Commissioner Burry seconded the motion.

The roll call vote on the Amendment was:

Commissioner Pederson	Yes
Commissioner Connell	Yes
Commissioner Robuck	Yes
Commissioner Burry	Yes
Mayor Christian	Yes

Five yeas, no nays, the Commission amended the motion to include the prohibited use of homeless shelters.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Robuck	Yes
Commissioner Burry	Yes
Commissioner Pederson	Yes
Mayor Christian	Yes

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

6. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 28.92 +/- acres from C-3 (Highway Commercial) to PUD (Planned Unit Development) to allow for a mixed-use RV resort for a property generally located north of U.S. Highway 441 and east of Pemble Road, as legally described in Section 20, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Harbor View Park RV Resort).**

ADOPTED ORDINANCE 21-40

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

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Burry seconded the motion.

Mayor Christian requested comments from the Commission and the audience.

Commissioner Pederson pointed out that he must abstain from voting on this as he represents the sellers on another parcel.

Commissioner Robuck mentioned that he could not decide which rendering he liked better, but he could go with either one. Right now, there is a very large landscape buffer with a gap between the utilities and this development and the other development which would just have a standard fence. He has spoken with them about a wall and they said they would do a wall on the outside portion with less landscaping, but there are pros and cons to both. His concern is that it will look nice to start, but down down the road, what will it look like and will it be maintained more appropriately with minor landscaping and a wall or

major landscaping and a fence? **Mayor Christian** remarked that with this being an RV park there will be individual owners who basically control and maintain the landscaping. **Commissioner Robuck** stated that we would have to go after the owner of the property because the individual owners own the spaces they rent out. One good thing is, we will not deal with individual owners or an HOA because we will deal with the owner/operator of the property for the maintenance, which will make it a bit easier. **Mayor Christian** said the only concern he has is that it is right on 441, so we have to make sure it is maintained because that is a major road. **PZM Miller** replied that they required an eight foot buffer next to the manufactured home park on the west side, a thirty foot buffer on the south side along with a thirty foot buffer with a six foot high privacy fence. The applicant stated they are willing to work in different ways to use bamboo and other things of that nature that grow quickly and provide privacy and they would include that in the buffer along with the fence. We also included a requirement for larger tree calipers of six inches instead of the standard two inches and understory trees of four inches. This project was buffed up quite a bit. **Commissioner Robuck** replied he was okay with the landscape buffer without all the additional requirements that were put in, which were quite extensive. His only comment would be that he would like to see staff make sure that it looks nice and that it is not just to make the dense barrier possible because it would be visible from the corridor. On the flip side, it will look so much better than what is currently there. **PZM Miller** added that the property has been for sale for about fifteen years. We also require a significant amount of upgrades where every single space has to have a barbeque grill, has to be connected to waterways and electricity, so it will not be a place where they can charge \$9.95 a night. Staff also put in a number of conditions; no tent camping and no additional construction, so we do feel that it will be an upscale park.

Commissioner Burry asked if there were any requirements made for lake access and maintaining that canal. **PZM Miller** answered we do not have any specific requirements yet but, from a business standpoint, it would be suicide if we did not do that.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Burry	Yes
Commissioner Connell	Yes
Commissioner Pederson	Abstain
Mayor Christian	Yes

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

B. FIRST READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, renaming Dunlin Street, being an existing street shown on the Plat of Lake Denham, Phase III, as recorded in Plat Book 73, Page 63, Public Records of Lake County, Florida, and lying in Section 03, Township 20 South, Range 24 East; and providing an effective date.**

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

Mayor Christian requested comments from the Commission and the audience. There were none. He stated this item would layover to a future meeting.

C. NON-ROUTINE ITEMS

- 1. Resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute a Settlement Agreement between the City of Leesburg and Vermont, LLC for the purpose of setting forth the terms under which the City will resolve the pending Eminent Domain action and acquire the real property at 307 and 311 East Magnolia Street; and providing an effective date.**

ADOPTED RESOLUTION 10,905

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

CM Minner stated this item is to consider the settlement with Vermont LLC regarding the purchase of the last two remaining parcels. He provided a couple of powerpoints showing the properties the City purchased to combine and construct the Aquatic facility. As we were building the facility, there was a desire to acquire the northeast corner of the property which was not city-owned, so we went out and purchased that. Then we had discussions regarding the notched parcel, which was a vacant lot owned by a doctor in town, on the southeast corner, so we also purchased that parcel. Referring to the powerpoint, he pointed out that all the property within the blue lines is city-owned and the two yellow-highlighted parcels are the parcels in question. We did file eminent domain claims about a year ago. At the time of filing, our position was that we needed these properties for this project. We have been through several delays and he does not want to get into details for strategic purposes, but if we were to move forward with the properties, we have received a settlement offer from Vermont LLC for three hundred and sixty-three thousand dollars and that would cover their legal fees and allow us to move forward with this project. It is a steep price to pay for these lots, but as far as the settlement goes and for the project, it is a reasonable one when looking at the cost. Eminent domain cases have two phases. The first one has been delayed and when it goes to court, the judge determines whether or not there is a public purpose for taking the property. The City Attorney delayed this case, at his request, because it was scheduled to go before the judge last Thursday. We delayed that at the last second to provide the Commission with the offer from Vermont LLC of three hundred and sixty-three thousand dollars. We have estimated that if we win the eminent domain case it would cost a minimum of two hundred and sixty thousand dollars to purchase that property. The way eminent domain law works is, you are required to pay a fair market value and we are still arguing over what that fair market value is, and then there are legal fees, along with other costs associated with taking the property and that is estimated at about two hundred and sixty thousand dollars. The City Attorney believes that is probably on the low end, so it depends on where we go and where we end up after arguing over their appraisal versus our appraisal. Plus, they have been very difficult to work with. This number could end up anywhere from two hundred and sixty thousand dollars to three hundred and twenty five thousand dollars. It could even go higher than that if you throw in an appeal. In light of getting the parcels, he recommends acquiring them. He provided slides showing the current conditions of both parcels, which are substandard, dilapidated and blighted structures.

Essentially, that is where we are and to settle this case, the payment would be three hundred and sixty-three thousand dollars for those two parcels. His recommendation was to settle, but should we not settle, he asked for some discussion and subsequent direction. However, to affirmatively settle, we have to have four votes in the affirmative because this is over appraised value.

Commissioner Pederson pointed out he works in the real estate business. He has been very vocal about

doing this pool right and he is very proud of what we have done so far up until now. He was okay with some of the settlement discussions, but these discussions have spiraled out of control. He wanted to recite some numbers for the record. This party only paid fifty-two thousand nine hundred dollars per parcel. They paid less than one hundred and six thousand dollars for both parcels in April of 2019. They have owned them for less than two and a half years and they have not put any money into those properties. They are just slum properties and the owner is a slumlord. We purchased all four properties around it for two hundred and seventy thousand dollars, which breaks down to sixty-seven thousand five hundred dollars per parcel. Our appraisal came in on these two parcels at fifty-four thousand dollars and the appraiser understood, so he adjusted his number up to eighty thousand, but the numbers have just spiraled out of control. He wanted these properties more than anything, but unless they want to talk about a reasonable amount, his opinion is to put a fence around them and maybe they will sell them down the road. He has a number he would like to talk about tonight, and maybe give the City Manager some authority on it, but his opinion is maybe two hundred and fifty thousand, all in. He is not going to play their game plus pay legal fees anymore, because they are just churning out the legal fees.

Commissioner Connell commented that it is a terrible idea to purchase this property because it is way too expensive. He respects Commissioner Pederson's opinion, but he could not support anything more than the appraisal price. If we are only buying it because it is a major eyesore, then put up an eight-foot chainlink fence with privacy silk on it with some landscaping around it. We could maybe use some heavy bamboo if we really wanted to just put it out of sight. The price they are asking for is outrageous and he cannot support spending tax dollars on something that is this much overpriced. **Commissioner Robuck** agrees and said he was against this from the beginning. It is not that he does not want the property, he does not think we should use eminent domain to take someone's property who does not want to sell. He is opposed to doing anything about this. If it were a reasonable amount, he might pay it, but that is out of the conversation at this point. **Commissioner Pederson** wanted to clarify his desire for the property and that we really do not need it. In earlier discussions it was mentioned that we might need it if we had a really large swim meet where we had a lot of school kids and parents coming into town. This would have allowed for additional parking and that was his vision. This was supposed to be a grassy field to allow for overload and for buses. He really wanted the property but he is not going to pay this group of investors this kind of money. **Mayor Christian** mentioned in the initial discussions he thought we should pay the price. However, this group, the Vermont LLC, owns two additional properties which have really high code enforcement fines on them running about six hundred and twenty-five thousand dollars. Now, we talked about Lucerne Circle and the downtown development as well as Chester Street and they were going to include those in the initial price before we did the eminent domain. The City Attorney had that included in the foreclosure and he believes that Vermont LLC, gave it to Alabama LLC. He does not know if this is a citywide thing, where when these code enforcement cases get that high they then turn them over to another company. He does not know if they are doing that to avoid paying for the foreclosure or what. He believes we have fifteen hundred dollars in fines for the properties on Lucerne Circle and Chester Street. We have two cases at the attorney's office and one active file with Belem LLC, so this group of investors are tied into several investment groups. When these code enforcement fines get really high and we see these properties ready to go into foreclosure, they give them to another investment group. He is not a fan of rewarding bad behavior in the city and that is what we would be doing. Also, he is not a fan of making the pool look like a chain-link fence. He would rather put up a concrete wall around these properties. We could put a sign on the wall with the rules, we could put the City logo on the wall, add a mural with some dolphins and things like that. There should be something more attractive than a fence and he would be willing to pay more money for a nicer fence or a concrete wall, so that when you come to the Aquatic facility it enhances the City of Leesburg and this four million dollar investment. We have spent four million dollars on this project and he cannot see putting a chain link fence around those parcels. He would hope that we would want something a little more attractive. Maybe someday the owners may want to partner with the city, then they can come back

to us, but we should not spend more than the appraised value. We just had this same conversation in the CRA about spending much more than the appraised value. He does not think we should do anything more and award a bad party in the City of Leesburg.

Ms. Allen-Carston stated she has been living here since February, but with regards to what is going on with the Aquatic Center and on Pine Street, what is happening with the old black-owned businesses? Have we had enough discussions on whether there is anything going to be done for those businesses?

Mayor Christian responded that those businesses are owned by the Community Development Corporation (CDC) and they are currently under construction. **Ms. Allen-Carston** inquired what they were under construction for. **Mayor Christian** replied that there would be a restaurant and we already have a body contour business in operation. We have a barber shop, a night lounge and another restaurant that will be going under construction in the next two months. **Ms. Allen-Carston** asked about the apartments just beyond the proposed Aquatic Center, what are they going to do about those, because for forty-nine years, those things have looked exactly as they do now. When she left forty-nine years ago, those apartments looked the same. She wondered what was going to be done to enhance and beautify that area so it looked more like the other parts of Leesburg. She wanted to make sure we made improvements to match Leesburg and the Lakefront property. This was a concern of hers because when she came back to this city she saw the new archways that were built, which she understood for tourists, but she felt sincerely hurt when she drove down Pine Street and she saw what was there now as opposed to what was going on everywhere else. **Mayor Christian** assured her that this commission has made Pine Street a very high priority. The City designed a one-point-five-million dollar gateway and a streetscape for Pine Street and that is underway now with the design. Hopefully, with the next item on the agenda and the American Recovery Act, the City Manager will be able to find some additional dollars to help pay for this project. Pine Street will be beautified. The apartments that you are referring to past Childs Street are privately owned, so unfortunately, with the eminent domain, we cannot just take people's properties. We have to go through code enforcement and encourage people to fix issues with their property. We do not target any particular neighborhoods, nor do we know what any one property looks like. We have to go by the minimal housing standards and if those are met there is nothing the City can do except to support the property owners' rights. The Community Development Corporation purchased most of the property on Pine Street but, unfortunately, we do not have the financial funds for the other two on Pine Street which are privately owned and we have had discussions. **Ms. Allen-Carston** asked if the CDC and the CRA are two separate entities and if they work together. **Mayor Christian** answered yes, they are separate and they work very closely together. The City of Leesburg has three CRA's; the Carver Heights MontClair Area that covers the west, the Greater Leesburg CRA which covers the downtown, and the 441/27 CRA.

CM Minner stated if we are not going to make a motion to settle, he would recommend dropping the case. He sent an email and it included information on dropping the case and the costs associated. Those costs would be about fifty grand to walk away, we still have to pay attorney and legal fees. At this stage, if we are not interested in settling, we need to walk away. He asked for a motion to authorize the City Attorney to drop the case and to just pay the legal fees.

Commissioner Robuck made a motion to drop the case and authorize the City Attorney to pay the legal fees up to fifty thousand dollars and Commissioner Pederson seconded the motion.

Mayor Christian asked if anyone had any further discussion.

CA Morrison said that was a good recommendation because he ran the numbers and the way this works is if they were to go get an appraisal done, these eminent domain lawyers have appraisers that come back way high. He suspects they would run an income approach on this. We do not have the data to run it

because they would not share any of that information with us. However, if they came in around two hundred and seventy-five thousand dollars, the jury could pick any number between our one hundred and sixty thousand dollars and their two hundred and seventy-five thousand dollars, and the sweet spot in the middle would be around two hundred and twenty-five thousand dollars. We would end up paying about the same as we would now if we were to settle, so, if this price is too high it will be too high then too.

Mayor Christian asked if he could address the code enforcement issue on how they are able to switch these between companies. **CA Morrison** stated that with this particular one, it has not been switched, but particularly speaking to the one on Lucerne Circle that has been bought by a Spivey entity. The Spivey's are the ones behind this and it was transferred to a second Spivey entity and it is now in the hands of a third Spivey entity. He is not really sure why they keep doing this, because it does not avoid the code enforcement problem. The biggest issue with doing anything with the Spivey's is finding them for the service in the process. The registered agent for this Spivey case is an actual Spivey. The first time we tried to serve him during this eminent domain case, we found out his registered office address was a post office drop box in one of those private post office facilities. He briefly appointed a registered agent and the day before we grabbed that guy he switched it back to himself at a house address. We tried multiple times to serve him there, but he was never there and that was most of the delay in this case just trying to run this guy down. We were told by the process server that they had to literally chase him to the door to catch him before he got inside. That is the kind of people we are dealing with. They are very experienced at not being sued. We have another case pending with Lucerne Circle where we were finally able to serve him through the Secretary of the State. We are waiting for his answer and we do expect some push back once we get over the service issue, but we will eventually get to mitigate that case. After that case, he will push the other case as far as he can.

Commissioner Pederson commented that he gives the owners a one percent chance of selling but wouldn't it make sense to give the City Manager the authority to purchase those lots at the eighty thousand dollar appraisal value plus whatever the legal fees are. It would be about two hundred and twenty-five thousand dollars based on the appraised value and legal fees, and if we are paying the legal fees as part of the settlement anyway, why wouldn't we be willing to pay the appraised value? **CA Morrison** remarked that he would not bore him with the ins and outs of the negotiation process that he went through, but that would be a non-starter. **Commissioner Pederson** thanked him and hoped he would understand why he was trying before spending money on a wall. **CA Morrison** mentioned that we started at two hundred and fifty thousand dollars and that did not fly with them, so he does not think one hundred and sixty thousand dollars is going to work. **CM Minner** commented on that note, maybe there could be an addition to the resolution. You could have the motion to instruct you to drop the case and pay for the legal fees of fifty grand. Once they have been given notice, maybe they will want to come back and reconsider. Just for the sake of being optimistic, if they see this is going away, you will always have in your pocket that they authorized the City manager to go up to two hundred and twenty-five thousand dollars or whatever number you chose. He is sure they would not do it, but it is something to throw in there for prosperity.

Commissioner Pederson made a motion to amend the motion of the \$50,000 settlement to the attorneys to add an alternative authorizing the City Manager to settle at \$225,000 total for the sellers and Commissioner Burry seconded the motion.

Commissioner Burry stated that the City Attorney had already pointed out that this was a non-starter. He is not sure why we would even have an option to do that. **Commissioner Pederson** replied that it was a what if, these guys are trying to extort money out of us and we all have a pretty good visual of what these people are and he is probably down to .01% now, but he thought it was good to have that in the City Managers' pocket. **Commissioner Connell** believes that is way too much money for what we

would be getting out of it. There are other ways we can block that out of our complex without spending a quarter of a million dollars. **Commissioner Robuck** added that we have property across the street. If we ever get to the point where we run out of parking and even though we do have a lot of parking on site, there is a church there now, but, in the long term, if we do run out of parking, we do own some property across the street.

The roll call vote on the amended motion was:

Commissioner Burry	No
Commissioner Pederson	Yes
Commissioner Connell	No
Commissioner Robuck	No
Mayor Christian	Yes

Two yeas, three nays, the Commission denied the amendment.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Connell	Yes
Commissioner Robuck	Yes
Commissioner Burry	Yes
Mayor Christian	Yes

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

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the City Manager to execute the American Rescue Plan Grant Agreement; and providing an effective date.

ADOPTED RESOLUTION 10,906

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

Commissioner Robuck made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Mayor Christian requested comments from the Commission and the audience.

CM Minner pointed out that the actual number for the record is eleven million eight hundred and fifty five thousand seven hundred and seven dollars. Once we get this processed and receive the first draw, we will come back and start strategizing where we want to spend the money. We have already had a couple of discussions during the budget workshops, but before we get into it we will be revisiting this.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Robuck	Yes
Commissioner Burry	Yes
Commissioner Pederson	Yes
Mayor Christian	Yes

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

7. INFORMATIONAL REPORTS:

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

A. None

8. CITY ATTORNEY ITEMS:

CA Morrison had no further comments tonight.

9. CITY MANAGER ITEMS:

CM Minner had no further comments tonight.

10. ROLL CALL:

Commissioner Pederson had nothing.

Commissioner Burry mentioned that he was sure everyone was aware, but he wanted it on the record that the FDA gave full approval for the Pfizer vaccine today for COVID. He also read that Advent Health, which is one of the major providers in Lake County, made a statement today that inpatient admissions to the hospital is twice as high as they were when we had the winter peak. He encouraged everyone to follow the protocols issued by the CDC and to certainly get out and get their vaccinations.

Commissioner Robuck echoed Commissioner Burry's comments, stating that his sister's good friend died this week. He was in his mid thirties, so it is not just hitting old people anymore. We are seeing younger people die and we are seeing kids in the hospital. Even if you are one of those people who say it is my choice, it is only about me, listen to the hospitalization numbers. Other procedures are being put off and people cannot get the care they want because unvaccinated people are filling up the hospitals. You are putting other people at risk too, even if you are okay. He is tired of people with the "I do not trust the vaccine, because the second they get COVID to the point where they have to go to the hospital, they are okay with getting pumped up with whatever drugs the hospital has to put in them with no questions asked." He asked that they go out and get the vaccine.

Commissioner Connell had nothing.

Mayor Christian echoed Commissioners Burry and Robuck's sentiments because most everyone knows someone who has been sick or died from COVID. He has a close friend who is young, a pastor of a church with three young boys and he is literally fighting for his life right now. They placed him on a ventilator a couple of days ago and he is only about forty years old. This is serious and he hopes that we are all taking it into consideration. He does not know if there is anything we can do as a City with the Department of Health or the local hospital to open up additional vaccination sites for the residents who would like to get vaccinated. He saw an upcoming zoom meeting with local doctors where they would

be talking about the vaccination and discussing concerns that the residents may have. He wanted to know if we could put something on our website so we could get people the information so they could tune into the zoom meeting, who may have questions. **CM Minner** provided an update on what the City has done with respect to COVID. We have encouraged employees to get their vaccinations by giving them a PTO day once they have received their full vaccination. We also setup a vaccination point for our employees and the community and we have been working with the Leesburg Chamber of Commerce and Dr. Hussein. We are using the Venetian Center as a community spearhead where the doctors will provide information about the vaccine and they will try to encourage it. **Sandy Moore**, Leesburg Chamber of Commerce, stated there is a meeting scheduled for this Saturday. They have a panel of doctors who will be speaking and some of the doctors are coming from the ICU at the hospital. Dr. Hussein is moderating it, it begins at 11:00 a.m. and will be live on YouTube. People can submit their questions ahead of time about COVID and the vaccines and they will be answered during that meeting. They have a link to that show and where you can submit your questions on their website. They will have a limited audience with social distancing. **Mayor Christian** said that he was recently out in Groveland talking to that City Manager and their CRA Manager. There they talked about the CRA Conference which is October 27-29th. He wants this information to be made available to the commissioners and the CRA members who may need to learn, or know more about how it functions. The CRA Annual Conference is in Ft. Myers. It offers great opportunities; you could learn what other cities are doing and you could learn new ways to maximize and utilize the CRA dollars. If this is something you may be interested in, talk to the City Managers office and they will get you set up for the CRA Conference.

11. ADJOURN:

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

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

The meeting adjourned at 6:37 p.m.