

**AGENDA MINUTES
CITY COMMISSION MEETING
VENETIAN CENTER, 1 DOZIER COURT
MONDAY, SEPTEMBER 27, 2021 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, September 27, 2021, at the Venetian Center. Mayor Christian called the meeting to order at 5:31 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. 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.

Dr. Erika Jasper gave kudos to the City of Leesburg and Keep Lake Beautiful along with all the City staff and residents who came out this past Saturday to volunteer for the neighborhood cleanup. It was a very successful turnout and she just wanted to thank everyone involved. She pointed out that both Cliff Kelsey and Ken Thomas, along with their staff, did a tremendous job. She is looking forward to doing bigger and greater things in the future.

5. CONSENT AGENDA:

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

Items pulled for discussion:

5.C.2 = Amendment 6 to the Cracker Barrel Old Country Store, Inc. Lease

5.C.3 = Utility Easement from Christian Worship Center of Central Florida, Inc.

5.C.7 = Contingent Gas Sales Contract with the City of Lakeland, Florida

Commissioner Robuck moved to adopt the Consent Agenda except for 5.C.2, 5.C.3, and 5.C.7, and Commissioner Pederson 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 coordinated resolution number listed below the header)

A. CITY COMMISSION MEETING MINUTES:

- 1. Regular meeting held September 13, 2021**
- 2. Special meeting held September 16, 2021**

B. PURCHASING ITEMS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida awarding an Invitation for Bid and approving execution of a fixed unit price agreement for liquid sodium hypochlorite (Chlorine) for use by the City's water and wastewater utilities with Odyssey Manufacturing, Inc.; and providing an effective date.**

ADOPTED RESOLUTION 10,915

2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment Three to amend the contract unit prices on an existing Agreement with H&H Liquid Sludge, Inc. for bio-solids disposal services; and providing an effective date.**

ADOPTED RESOLUTION 10,916

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida, appointing one Library Advisory Board member to a five-year term, said term ending September 30, 2026; and providing an effective date.**

ADOPTED RESOLUTION 10,917

4. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Leesburg Lake Harris, LLC., for the purpose of granting the City an easement over the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 10,918

5. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from T5 Leesburg, LLC., for the purpose of granting the City an easement over the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 10,919

6. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from VGP Leesburg 1, LLC., for the purpose of granting the City an easement over the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 10,920

2. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute Amendment 6 to the Cracker Barrel Old Country Store, Inc. Lease; and providing an effective date.**

DENIED RESOLUTION 10,921

Commissioner Robuck 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 Burry seconded the motion.

Mayor Christian requested comments from the Commission and the audience.

Commissioner Pederson commented that the escalators are at two percent and that seems a little low.

Every five years they are ten percent, so a two percent annual increase is well below the industry standards in today's real estate. Also, why would we be adding an additional fifteen years to this lease when we are already obligated for fifteen more years? It does not seem right to be stacking another fifteen years on top of that. **Commissioner Connell** remarked that his comments are along the same line, but he would like to hear the response to these questions first before adding anything else to that.

Airport Manager (AM) Dean responded that the existing lease expires in June of 2022 and the second allowable five-year renewal of the original existing lease will begin. If they choose to forgo this amendment, the second renewal would go up to fifty-eight thousand and some change, which would be that ten percent increase for that five-year term. There is an existing third renewal if they request that and it would run through 2032 and that would also go up another ten percent. **Commissioner Robuck** asked if they also wanted the city not to increase that one as well. **AM Dean** replied that they are only asking not to increase this second upcoming five-year renewal. Then they would go back to the ten percent incremental increases and add an additional three terms of five years. **Commissioner Robuck** agrees with Commissioner Pederson. He has a problem not increasing this lease. He would prefer to let it

play out as the lease was written. **Commissioner Connell** said he understands the restaurant industry has been bad the last year or so. Maybe some consideration could be given to amend the agreement, but to give them a full five years with no increase. No. This agreement could be revisited next year.

Commissioner Robuck inquired if the city had given them any relief during COVID already. **AM Dean** remarked that they had given them a deferral only. There was no abatement and they paid it back in a timely manner.

Mayor Christian wanted to know if they requested this or if we approached them. **CM**

Minner remarked that this is a tough predicament for the Commission to consider because it is dealing with a company playing hardball with the City over airport rent. He understands where the Commission is coming from when wanting the highest and best value for the property. If the City wants to demonstrate that to Cracker Barrel, then that statement needs to come from the City Commission. At the staff level, when we negotiate with Cracker Barrel, we do our best to get what we can from Cracker Barrel and the conservative approach is the one that was put before you. It basically defers the rent and we lose about five months. Even though it is not a significant amount of dollars, unless we look at what is considered the market rate. We also need to consider the idea that Cracker Barrel may walk away from the building. They may be willing to pay more, but that direction needs to come from the Commission because if they decide to walk, then the ultimate long term scenario is the impact of losing a major tenant and the impact that would have on the general fund.

We have to remember, once upon a time, the airport did not have large rents and they depended on the general fund subsidies to pay them back. Luckily, that situation has not occurred in a long time because we have been successful with the Cracker Barrel and Ruby Tuesday leases. In this case, if we decide to push them, they could push back and say they are out of here come June 2022. Then the airport and the city just went from fifty-four thousand dollars to zero dollars. We have an asset, but that is where our opinions will be put to the test. If we are right, great, that is more money for the airport and it stays. If we are wrong, then there will be an impact on the airport and the general fund. **Mayor Christian** asked if the city had looked at their financials. **CM Minner** answered that they were willing to share their financials if we signed a non-disclosure agreement (NDA). However, we could not sign an NDA because anything the city touches becomes public knowledge. **CA Morrison** agreed that sort of agreement is not binding under state law. **CM Minner** then said if they wanted to see their finances, we would not be able to do that, because we are a public entity. We have to be upfront to Cracker Barrel about that as well. We are at an impasse as to where this is going and as to what the commission wants to do. This is a reasonable deal on the table and he would not be ashamed to sign his name to the recommendation. He also understands if they want to pushback, but that needs to come from the commission. **Commissioner Robuck** pointed out that their fourth quarter of 2021 earnings are comparable to their 2019 earnings, so they have rebounded from COVID. He agrees with Commissioner Connell, maybe give them one year with no rent increase and then increase it to ten percent the following year. We are only getting that increase every five years, as it is now. **CM Minner** remarked that if they are going to play hardball they should not give them any wiggle room, they should just stick to the deal. **Commissioner Pederson** believes sticking to the deal is a good recommendation, but we still do not want to lose them as a tenant. **CM Minner** commented that they were asking for fifteen more years, so he calculated twenty five instead of thirty. They also have two five-year agreements left on their existing deal. On June 22, 2022, they are scheduled to start their second five-year term where their increase will go up to fifty-eight. Then there is another five-year deal where they will go up to sixty-two.

Commissioner Pederson remarked that they know they have a sweetheart deal and that is why they want to extend it for another three to five more times. He does not blame them for asking, but he agrees with Commissioner Robuck, we need to hold them to our current deal. **CM Minner** informed them that he received some pushback from the Airport Board on this coming to commission for approval. They do seem to agree with the majority of the Commission on holding them to the contract, but the reason this did not go before the Airport Board for recommendation is because of the push staff received from Cracker Barrel. Cracker Barrel wanted an answer by October 1st on this request. We felt that we had to

deal in good faith and that is why it is before this body. **Commissioner Pederson** stated when you drive by this establishment it is always full. We know they are doing well, so we really do not need to see their financials. We know they are doing well at this location. He stands behind his comments and that is why they want to go another fifteen years. **Commissioner Burry** said that we should hold them to the deal. **Commissioner Robuck** added, to be fair, he does not think they are calling our bluff with the financials because we are publically traded and they cannot disclose that information to us without disclosing it to everyone and that would be immaterial. **Commissioner Connell** remarked that everything said was his sentiments as well. He was not comfortable with giving them another five years without any price increase. If the rest of the Commission wanted to entertain giving them one year and then revisiting it, he would be fine with that, but he cannot bring himself to accept this as it is, without any additional rate increase.

The roll call vote was:

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

No yeas, five nays, the Commission Denied the resolution.

3. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Christian Worship Center of Central Florida, Inc. for the purpose of granting the City an easement over the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 10,922

Commissioner Pederson 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 stated that he pulled this because he needed to abstain from voting on this item as it is his church.

The roll call vote was:

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

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

7. **Resolution of the City Commission of the City of Leesburg, Florida, authoring and directing the Mayor and City Clerk to execute a Contingent**

Gas Sales Contract between the City of Leesburg and the City of Lakeland, Florida, for the purpose of setting forth the terms under which Leesburg will sell Natural Gas to Lakeland, and granting the City Manager and City Attorney authority to make minor changes and additions to the contract which do not have a material effect on its terms; and providing an effective date.

ADOPTED RESOLUTION 10,923

Commissioner Robuck 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 Burry seconded the motion.

Mayor Christian requested comments from the Commission and the audience.

Commissioner Connell asked the city manager to provide a quick overview of what we would be doing on this item. **CM Minner** stated this is an agreement that would allow the City of Leesburg to sell natural gas to the City of Lakeland. In exchange for that, we would partner with Florida Gas Utility (FGU) and we would receive a couple of therms, a couple of pennies a therm off the sale for being a wholesupplier. Meaning, that would grant the city somewhere between fifty and a hundred thousand dollars a year. Should the gas not be needed, we would either consume it ourselves for growth, other partners in the FGU would find use for it or we could totally divest ourselves of any issues that we have.

It really has no significant risk for us and it is actually a good deal for the city, plus we would be helping another community. **Commissioner Pederson** inquired if we have done this before as a city. **CM Minner** responded no. **Commissioner Pederson** thought it was a good business move for the city, but he did not know we were in the business of selling gas to other municipalities. **CM Minner** stated we were not, but this is a unique situation and he anticipates that we would never be in this position again. It is a sweetheart deal and generally, when these come around we question it, but this one, is a good one.

Commissioner Pederson asked if he expected them to work out a deal with the City of Clearwater. **CM Minner** answered most likely. **Commissioner Connell** wanted to know how long this agreement would be good for. **CM Minner** answered that it is a thirty-year purchase agreement that has blocks of five-year sales. **Commissioner Burry** pointed out that his only concern is locking us in this agreement may have some longterm effects on our ability to supply gas to our users here in Leesburg. **CM**

Minner believes that with the suppliers of our gas we would have different issues; like getting gas out in the field, supply and demand, transportation, things like that. A deal like this would not affect that.

Commissioner Pederson asked if we would have a pricing risk or if this was just the markup. **CM Minner** agreed. **Commissioner Robuck** commented that he spoke with the City Manager at length about this item along with Tom at FGU. When talking to Tom, we have this thirty-year agreement with FGU and a five-year agreement with Lakeland, and while Lakeland, in reality, could renew another five years, we do not know how many years beyond that they will renew. His thought is that if Lakeland does not renew at any of these five-year increments, the City of Leesburg could walk away and we would not be held to the thirty-year deal. Now, reviewing this agreement, it is way too complicated to understand, but is that accurate? **CA Morrison** agreed that was an accurate assumption. He had the same concerns when he first started reviewing the agreement. He also talked with Tom at FGU and he went back and reviewed the agreement again. He had a concern because Lakeland stated a reason for them entering into this deal rather than buying direct was that they may want to get out of it for environmental reasons and revert to clean power. However, there is no risk to Leesburg in this agreement. We could walk away from it and the gas would just go poof. **CM Minner** noted that he tried to avoid it a little bit, but he does

not see Lakeland Electric achieving their goal in the timeframe they want, so those five-year increments will require that there will still be a need for natural gas. **Commissioner Robuck** added for everyone's benefit that the FMPA, which is where they buy their power from, did an analysis of what would happen if the government were to say we are going net zero by 2035. With today's battery technology, that would require taking twenty percent of the State of Florida and converting it to solar farms and batteries because we do not actually generate a lot of good sun. We are moving that way, but with the idea of that happening tomorrow, it is not there. **CM Minner** said there was a report from FMPA, where they had a scenario of moving people to green energy by 2035-2040, where if you were one hundred percent green by 2040, your price would go up seventy-five percent. It was a big number like that, so what is seventy-five percent? The city buys power for around seventy-eight dollars a megawatt and our total power bill is about forty-million. If we were totally green by 2040, plus growth, looking at our power bill, it would go from forty-million to seventy-thousand in that short timeframe. Those expansion numbers to go green are a totally worthy goal. We definitely need to continue down this path, but to achieve that goal that quickly without a shock of rates is a tough task. That conversation has to deal with why we are in this deal with FGU and Lakeland.

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.

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

A. Public Hearing on the proposed millage and proposed budget for Fiscal Year 2021-22

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

Mayor Christian stated that the Budget Manager was present and would announce the name of the taxing authority.

Budget Manager (BM) McDaniel stated the name of the taxing authority; the City of Leesburg, Florida, the proposed millage rate of 4.0192 is 0.00% higher than the current year rolled back rate of 4.0192 and the millage rate to be levied of 4.0192 mills per \$1,000.

2. Discuss the proposed aggregate millage rate

BM McDaniel stated on July 12th the Commission approved the tentative millage rate of 4.0192 mills per \$1,000 or the rolled back rate. This is a decrease from the prior fiscal year. Whereas, the proposed

budget was developed using 4.0192 mills per \$1,000. Therefore, the tentative millage rate of 4.0192 mills per \$1,000 represents a 0.00% increase from the current year rolled back rate and is not a tax increase under TRIM guidelines.

3. Request comments from the public regarding the millage rate

Mayor Christian requested comments from the public regarding the adoption of the final millage rate. There were none.

4. Resolution of the City Commission of the City of Leesburg, Florida finally adopting 4.0192 mills as the Fiscal Year 2021-22 Millage Rate for the City of Leesburg, Florida, representing the current year proposed aggregate Millage Rate of 4.0192 mills which is 0.00% more than the current year rolled back rate; and providing an effective date.

ADOPTED RESOLUTION 10,924

Commissioner Robuck 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 Burry seconded the motion.

Mayor Christian requested comments from the Commission and the audience. There were none.

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.

5. Request comments from the public regarding the Fiscal Year 2021-22 budget

Mayor Christian requested comments from the public regarding the Fiscal Year 2021-22 budget. There were none.

6. Resolution finally adopting the Fiscal Year 2021-22 budget

ADOPTED RESOLUTION 10,925

Commissioner Robuck 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. There were none.

The roll call vote was:

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

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

7. Announce the adopted millage rate

BM McDaniel announced that the adopted millage rate represents the current year's proposed aggregate millage rate of 4.0192 mills per \$1,000.

B. SECOND READING OF ORDINANCES:

- 1. None**

C. FIRST READING OF ORDINANCES:

- 1. None**

D. NON-ROUTINE ITEMS:

- 1. Purchase request by Public Works for the furnish and installation of a new sign with digital signage at the entrance to 'The Lakefront'.**

Mayor Christian stated that we have a purchase request by Public Works for the furnish and installation of a new sign with digital signage at the entrance to "The Lakefront".

CM Minner commented that this is basically a directional item. At the direction of the commission, he has been asked to complete this project. It has been designed and the cost is about one hundred and fifteen thousand dollars. One hundred and fifty thousand dollars has been budgeted for this, so we are well within budget. He wants to make sure the commission is happy with the sign and the location at the intersection along with the height of twenty feet. This is a very attractive sign; however, he wants to make sure that the commission is happy with the size of it. **Commissioner Connell** remarked that he thinks this is a great sign. **Commissioner Robuck** stated he is fine with it, but he did do some research on resolution pixel pitch. He read all sorts of conflicting information in terms of smaller pixels are not

always better on a bigger billboards. It suggested that we may not want eight millimeter resolutions because it would make it harder to read. We are right between eight and sixteen. He wanted to know if the sign company suggested the eight millimeters based on where it is, the size, and where people are going to be viewing it from. **CM Miner** replied yes.

Commissioner Robuck made a motion to approve the purchase request to furnish and install a new sign with digital signage at the entrance to "The Lakefront" and Commissioner Burry seconded the motion.

Mayor Christian requested comments from the Commission and the audience.

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 approved the purchase request for digital signage at the entrance to "The Lakefront".

**2. Resolution of the City Commission of the City of Leesburg, Florida
Authorizing the City Manager to repair drainage issues in Arlington Ridge
for an amount of up to \$250,000; and providing an effective date.**

ADOPTED RESOLUTION 10,926

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

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

Mayor Christian requested comments from the Commission and the audience.

Commissioner Robuck stated that he understands the residents' problem, but from a legal standpoint, the city has no liability. The contractors' insurance was covered for a completed operation, which should cover this. They should be sued by the HOA. **CA Morrison** pointed out that he is right on the first part. The City has no liability for this. The second point is valid except for the fact that the contractor who actually built these homes has gone kaput. The builders that are out there now developing the remainder of the subdivision are not responsible for what the predecessors did on the lots already sold.

Commissioner Robuck questioned when he said kaput, did he mean they filed for bankruptcy? **CA Morrison** replied yes, their whole operation went under. **Commissioner Robuck** then asked whether or not their insurance coverage would have extended out past the build time. **CA Morrison** replied if they did have insurance the statute of limitations may have run out because that was quite a few years ago.

Commissioner Robuck wanted to know when the units in question were built. **CM Minner** replied that most of them were constructed between 2016 and 2018. **CA Morrison** pointed out that those would still fall within the statute of limitations. **Commissioner Robuck** said that they should not just go after the general contractor, they should go after the site work guys and anyone who literally touched that property so they could get paid. **CA Morrison** commented that he has not looked at that aspect of it, simply

because he was not representing the residents, so he did not need to. **Commissioner Robuck** stated that he understands how the residents are feeling, but the HOA needs to file a class action lawsuit. That is typical, and if they still cannot get relief, then maybe the city will come back. He feels bad for them, but this is not the city's responsibility. **Commissioner Connell** informed everyone that he was the one that asked for this to be put on the agenda. He has been working with the City Manager and Mr. Riddle for approximately six months on this. He does disagree with some of the interpretations, because even though the city is not solely responsible because we did not do the work, there is some responsibility to go around. The CDD is out there and there is a large berm at the back of these homes which separates the driving range from the rear yards of these homes. There is stormwater coming off that berm and there are no provisions that he can see to catch that stormwater, so that stormwater is being dumped right on to these private properties. The city approved the stormwater plans, which clearly calls for a swale to be run through these backyards to catch that stormwater and divert it away from the homes and that swale is not there. Also, from a building standpoint, we are supposed to provide positive drainage away from the foundation of homes and that is not there either, so there is blame to go around. The city did not put these improvements in, but ultimately, we do require plans and inspections to make sure things are done and they were approved. If we are not going to inspect these things to the standards to which these improvements are put to, then why do we even require plans and permits? It would be free for all if we did not enforce anything. From that standpoint, he does not think the city is fully responsible, but to fix this is the right thing to do. We approved these homes and these homes are still relatively new. These homeowners did not go out, create or regrade their yards to cause this problem. For two hundred and fifty thousand dollars, this is the right thing to do. We need to fix this problem. We are not talking about them being flooded by hurricanes, we are talking about a good heavy afternoon rain that will cause their whole lanai to fill with water. These people have to put sandbags around their glass sliders and, for them, being new residents, it is just pure craziness. He would understand if it was a thirty-year old house and the rear grade over time had been adjusted numerous times with different homeowners moving in and out, but in this case they have not done that. We approved these houses without them complying with the approved stormwater plans that we approved and we do not have positive drainage away from the homes. From these two standpoints alone, we should do the right thing and fix it. **Commissioner Pederson** wanted to clarify that the swale was in the plans and that it was not built by the contractor/developer and then we as a city also missed it. **Commissioner Connell** asked Mr. Riddle if he would step up to the podium. **Keith Riddle** of Riddle-Newman Engineering stated he is a consultant for the City of Leesburg. The physical address for the company is 115 North Canal Street in Leesburg. **Commissioner Connell** remarked that they have met out on this site several times. He asked Mr. Riddle, as he understands it, the city did not do this work, but would he say, based on the approved stormwater plans that were submitted to the city which were approved, does that swale exist? **Mr. Riddle** answered no, the swale does not exist. **Commissioner Connell** then questioned if the positive drainage away from the foundation of the homes exists. **Mr. Riddle** said no, that does not. **Commissioner Connell** stated that the point he is making is we did not put these in, but we did approve this project without these improvements being put in. Again, we are not talking about homes that are twenty to thirty years old that have been through numerous homeowners and numerous different grade changes and landscapes. The right thing to do is for the city to step in and fix it. We do not need to get into another frivolous lawsuit for over two hundred and fifty thousand dollars. We just need to fix this problem. We should not be asking our homeowners to live with sandbags against their back sliding glass doors, especially in homes that are relatively new. **Commissioner Pederson** mentioned that when he spoke with the City Manager about this, he asked if we could spread the wealth around to other parties instead of it all falling on us. He believes he tried to look at other options there, but the swale concerns him if the swale was not built according to the designs. What would have happened if we had a hurricane or a massive storm? These homes could have been flooded. He wondered if the city would have any liability there. **Commissioner Robuck** pointed out that the City has no liability for this. We can argue about whether it is the right thing to do or not and that is a valid concern, but it is important to understand

that we cannot be sued over this because we have no liability over this. That does not mean we should not pay for it, but that is a completely different question. **Commissioner Pederson** asked if the berm and the swale were not a concern. **CM Minner** answered there were a lot of factors that went into this for it to be in the condition that it is in and that is why his recommendation is that the city fix this problem.

We have looked at different ways to try and get the expense as minimal as possible. We also retained Mr. Riddle to come up with different solutions which he provided. The open-ended request is the right thing, which is that the City fix this. The high-end cost of this is about two hundred and fifty thousand dollars. He hopes they approve this and give him the authority to fix the drainage issues with authority to spend up to two hundred and fifty thousand dollars. There are a few different avenues that will still go down, pending approval on the expenditure. They would have a few more things to wrap up with the existing contractor to determine which direction to go, but we are at the stage where we are ready to fix it. We have some internal staff items we are working on to prevent this from happening again in the future. Again, the recommendation is that the city needs to do the right thing and fix the problem.

Commissioner Pederson questioned if these properties were in a floodzone. **CM Minner** replied no.

Commissioner Burry stated that the insurance by the original contractor was brought up, but there was no clean cut decision on whether we could pursue that. **CA Morrison** answered that the city could not because we do not have standing to sue the contractors' insurance company. We are not the damaged party. The HOA theoretically could and certainly the affected homeowners could. **Mayor Christian**

wanted to know if anyone from the HOA or the homeowners have tried to do that or if anyone from the city staff checked with the residents out there. **CM Minner** replied yes. **Commissioner Robuck** commented that they have not filed a lawsuit or if they did file a lawsuit no one would give up that information. It is like saying "Hey, you may have screwed this up and we don't want to sue the insurance company, but can you pretty please give this to me." It does not work that way, you have to file a lawsuit to make them produce and find out. He is fine with that, if they file a lawsuit and find out that there is no insurance left, then he agrees it is the right thing to do. We should fix it. It is frustrating that we are going to skip a step and jump ahead in the process. There are people who need to be made to pay. They have a legal liability to pay because they did not follow their plans. Yes, maybe the company does not exist, but they may have a five-year insurance coverage plan on the original insurance policy, but we will not know that unless a suit is filed. **Commissioner Connell** mentioned that he thinks asking the homeowners to wait for, who knows how long years, to settle a lawsuit over this amount of money is not right. We should step in and take care of the problem. We approved it this way. We did not do it, but we did approve it. It is against the approved plans and he believes we have some responsibility to do the right thing here. **Commissioner Robuck** asked if we could enter into an agreement with the HOA if the city fixed it and they are required to pursue the lawsuit. **CA Morrison** responded that he had drafted an agreement holding the city harmless and they would have to sign that before this work is done, and we could add that to it. **Commissioner Robuck** said then we could go ahead and fix it, but then they would be required to file the lawsuit and go after the contractors. Maybe that could be a more responsible compromise. **Commissioner Connell** wanted to know what would happen if the HOA did not agree to those terms. **CA Morrison** answered then work would not get done. That was his original opinion to the City Manager when he brought this up the first time. If they are not willing to sign the agreement, then the city does not do the work. **Commissioner Connell** remarked that he does not think that is right because he does not think the HOA is going to agree to that. There are two different entities out there. You have the HOA and then you have what they refer to as the CDD, which is where some of the water is coming off their berm. We would be talking about this getting bogged down in a long lawsuit and who knows if we will win or not. It is going to cost us money to do this and these homeowners are just going to have to live day to day worrying about heavy rain, a tropical storm or a hurricane coming through. It is pure silliness with the way we have helped other communities around town. We just need to move forward, approve this, and get it fixed. We did not make sure that the proper provisions were put in as part of the final grade to accommodate the stormwater. Now these residents have to contend with it on a daily basis. This is the right thing for the city to do. **Commissioner Pederson** inquired if we were to fix

it is there a way the HOA could sign their rights over to the city so that we may go after the insurance company. That way, we can do the work now and pursue suing them later rather than asking them to do it. **CA Morrison** stated that was a possibility. We would have to get copies of the contract documents along with the insurance documents to determine who has the ability to execute that assignment. He was not sure if that was the HOA because it may be the individual homeowners. **Commissioner Pederson** said he was trying to find common ground between the two commissioners because this is a tough one and he does see both sides.

Mayor Christian wonders if this would be setting a precedence for other neighborhoods down the road.

Whose to say their contractor did not follow the rules that the engineer set forth, so ten years later they are flooded, so now they will come in here asking the city to fix the drainage. Are we setting a precedence for other neighborhoods and do we have the proper staff required? He believes that if you are an engineer, you are a professional and if you are a developer, you are a professional, so if you are not following the guidelines that are set forth, then you should not be coming back and pointing fingers at the city saying you did not come out and check me to make sure that I am doing the job that I am supposed to be doing. He feels for the homeowners and he is in agreement with both Commissioners that it is the right thing to do, but he does not want to set a precedence for other subdivisions to come. We have had other neighborhoods flood for twenty or thirty years. It took a federal grant to get those fixed and those neighborhoods had multiple houses. It is not that it elevates the city's responsibility of taking care of the city residents, but if there is a way that the city can recoup funding, whether it is through the HOA signing over documents or the property owners signing documents, all those things should be exhausted first if the city is going to fix it. We should explore every avenue possible to recoup taxpayers' dollars from an issue that we did not cause. Now, do we wait two more weeks for the attorney to get the legal documents needed for the homeowners and the HOA. Then if they do not sign the documents to fix the problem that would be a problem for the HOA and they should have a meeting with their residents to say they are not going to partner with the city because it is two hundred and fifty thousand dollars. If there is a way for the city to recoup the dollars, we need to review those avenues. He is not opposed to asking the city attorney to see if it is possible to do so, as opposed to making a decision tonight without having all the information needed to make a proper decision. **Commissioner Connell** said he was not making light of two hundred and fifty thousand dollars. It is a lot of money. We are not talking about subdivisions that are twenty to thirty years old. These have not gone through different homeowners, they have not changed grades or built flower beds or berms. These are all relatively new houses where none of the grades have been changed. The swale did not get put in to accommodate the stormwater as the approved stormwater plan called for. We do not have positive drainage away from the houses that is required by inspections. We did not do the work, but we did approve. Homeowners rely on the city when they purchase a new home. They assume everything is safe, including the stormwater drainage, and we did not give that to them. We are not talking about just one unit, there are thirty-one units involved here. He is not pointing blame at anybody, everybody makes mistakes, he fully understands that, it is a human factor. The right thing to do is for the city to say okay, we did not do the work, but we did not make sure that these developers/builders followed the plans and we went ahead and finalized these projects anyway. Now, these homeowners are stuck with this burden every time it rains. The right thing to do would be to step in and fix it. We should not keep kicking the can down the road by telling them we have to look into lawsuits. That could take months or years before we come up with a solution. We are not talking about apples and oranges. We are not talking about a subdivision that has been around fifty years where all of a sudden there are some stormwater issues. There is plenty of documentation to show we missed some things on the inspection course. We need to step in and fix these. **Commissioner Pederson** asked, based on those comments, do you think the city has liability? **CA Morrison** replied that he has said it a hundred times, if not a thousand, anybody could sue anybody for anything if you have a napkin, a crayon, and filing fee. The city could be sued, but he does not know enough about the facts to say for sure if the city is not liable for something. They use comparative faults in these types of suits and the bulk of that is done by the percentage of who is most responsible and who is least

responsible and the bulk of the responsibility would be placed on the developer and the contractor. The city may not be held liable at all because there is a body of case law suggesting that the city's inspection duties are for the protection of the public at large. It is not for individual members of the public. He believes it would be a tough road ahead if they tried to hold the city liable for this. **Commissioner Pederson** wanted to verify that the developer and the contractor were gone and that the contractor was bankrupt? Also, do we know where the developer went? Has he turned everything over to the HOA or is he still involved? **CA Morrison** answered that the developer is gone and the company has been dissolved. They went out in the great recession, as they call it, and this development has been through a succession of different hands. In fact, different developers have purchased different sections of it, so it is not even under unified development control. Pending the responsibility for this, that would depend on who built these back in 2016 and 2017, which is one of the things he would have to look at on the insurance. The basic original developer that envisioned all this has been long gone. **Commissioner Robuck** stated that he would want to know, because we are not talking about waiting a year to do this. If we were to do this immediately, would the HOA be interested in going after them? He wondered if there was anyone in the audience from the HOA and if they were willing to speak as to why they have not or are not interested in pursuing a lawsuit or if they were not willing to help the city go after the developers. **CM Minner** said he could not speak for the HOA, but through his outreach with the HOA, they were difficult to deal with and they pinned the liability on the city. There is an email or two that went back and forth in that regard. At the end of the day, this is just a sticky wicket and the bottom line is we have suffering residents out there and if the problem does not get fixed, it will get worse. The right and fastest remedy is to fix the situation. **Commissioner Robuck** commented that if we can offer to fix this situation like you just said contingent on them either suing the developer or signing those rights to us. We will get a response because they will only have two choices. They can either sue the city and, as we just heard from the city attorney, that is going to be a long and difficult road or they can get it fixed immediately and let the city sue them. Either way, they are going to have to sue someone, but one way, they get it fixed right away and we pay for it. If they are going to refuse that, then that is just completely unreasonable or there is more to this situation than we are being told. **Mayor Christian** asked Commissioner Connell if he was familiar with their HOA. **Commissioner Connell** answered that he has had conversations with them and their contingency is that they do not have any responsibility for this because they did not develop the lots. The stormwater drainage from the area is from where the swale on the site plan should be and it was the builders' responsibility to put them in and they did not. They only developed the common areas and the drainage away from the homes is obviously not on them either, because they did not build the houses. From their standpoint, they do not have any contributing factors to this because the swale was part of the site developer who worked for the building contractor and the drainage away from the homes was also part of the building contractors' responsibility. According to them, they do not have a dog in the fight. They do not have any responsibility here because they are not contributing to the property and they do not develop individual lots. **CA Morrison** remarked that there are other factors to consider in determining liability because under the St. John rules that an entity has to be established to maintain the perpetuity of the stormwater facilities in a subdivision and typically the restrictive covenants are assigned to the HOA. He has not looked at this particular one, but somebody somewhere has that responsibility and that maybe where their remedy lies. They may need to go to the entity that is charged with maintaining the stormwater system. **Mr. Riddle** replied that the drainage we are talking about is actually on private property. It is located on individual lots, so the HOA does have responsibility for the stormwater ponds, the common areas, and the infrastructure that brings the stormwater to the ponds, but the individual lots are to be graded in a "type a" graded lot, which means all the lots are to be drained via pipe soils, gutters or whatever it takes, but in this case that was not done. The water that lands in these backyards cannot get to the front where it was supposed to go. He is of the opinion that the HOA does not have any responsibility for that part of the drainage. **Commissioner Pederson** commented that the first time he spoke with the City Manager about this his reaction was maybe we would do half of it. We could throw something in there, but there really is no other party.

Now, Commissioner Robuck has his attention. He thinks if we do settle this that there should be an agreement that they will file suit or assign that lawsuit to us. Let us pursue the insurance company. That way, we can get the work done now and protect their homes from more flooding. At least we would have some right to try and recoup some of our money back from the insurance company. We may decide to abandon that idea, but at least we would have that right to look into it. **Mayor Christian** wanted to clarify what Mr. Riddle said was that the property owners can sign something saying it was not done properly and that there is no swale in their backyard. Also, if the HOA refuses to do what we asked them to do, can the individual property owners assign us the ability to go after the insurance company? **CA Morrison** replied that he would need to examine the contract documents and the insurance policy to see what they said. His preference would be to get an assignment from both the property owners and the HOA to make sure there is nothing out there that could point to the insurance company. Meaning, if you are in a lawsuit, you want to make sure you get your assignment from the right person, so you need to get it from all parties and that is what he would prefer. **Commissioner Robuck** responded that in that case we would be responsible and we would bare all the legal fees for going after them and it would not cost the HOA anything. **Commissioner Connell** said that the amount of money we would spend going after a bankrupt contractor that probably does not have the money anyway seems like wasteful spending. They are not in business for a reason and chances are they probably do not have anything to sue. **Commissioner Robuck** pointed out that the builder was here in 2016 and 2017 before they filed for bankruptcy. He knows it was mentioned about the great recession but that was not in 2016 or 2017, plus we would be looking at their insurance company as well. **Commissioner Connell** said we are talking about thirty-one units built over the last fifteen years. **CM Minner** added that these have gone through two different developers. It started out with one and then it ended up with another. Now they are on their third developer and that is part of the reason why we are having issues with the plans and why this has occurred. Long story short, this is an unsavory situation and just to respect all the negative aspects of spending the funds, at the end of the day, this is another one of those situations where we just need to do the right thing and get it done, put it to bed and move forward. It is an anomaly and there are other things in place on future PUDs that would be similar to Arlington Ridge, where this situation will not happen again. **Mayor Christian** asked if there were any residents that would like to speak or address what was said.

MaryAnn Tortora, White Plains Way, stated she resides at this residence from December 22nd through September 27th annually. She has sandbags all over her lanai because it is being flooded and she is worried about it. She went to a contractor and she had a French drain put in at her own expense. She paid one thousand four hundred and ten dollars for it. Then he said she needed a gutter, so she went to another contractor and she paid for that as well. She now has that gutter which is attached to the French drain just so she will not be flooded out. She does not think it was fair because the house is so new. She could not find anyone who would do anything about it. Now, because of the rain and the foundation, she has a cracked window and they are trying to tell her it is because of a bird. It is the house settling because of all the rain. She also has a cracked ceiling and they have not fixed that and now they are telling her they cannot do anything with it until the term is up on the warranty. That is all she has to say and most of the people here are in the same boat. We get all the water coming down the hill from that berm and the driving range. We get flooded and we do not know what to do about it.

Gayle Tyson, White Plains Way, commented that she has lived and worked in Leesburg for thirty-four years. This is her fourth residence and this is the first time she has ever had an issue like this. These houses are duplexes and she closed last August, so her house is less than two years old. The flooding in her backyard is up to her calves and it is just ten feet from her house. This happens on a regular stormy night and we are not even talking about hurricanes. She looks at her neighbors and her neighbors are actually worse off because she has a higher elevation. Its actually going into their houses. These houses are not old and they have not changed the landscaping. She does not care who fixes it, but something

needs to be done.

Robert Lange, White Plains Way, remarked that he was a neighbor to Gayle Tyson. On the 29th of March he had a knee operation and on the 30th of March he had water coming through his patio door and into the front door. His neighbors were very good to him because they came over and used their dryvacs to get the water out of his house. He has called people at the permit department and they suck, suck.

Mayor Christian stated that with all due respect, this is not the place for this type of language. **Mr. Lange** continued to say that he called and someone came out to evaluate his home and someone from the permit department signed off on it and he does not even have any insulation along the whole roof line above his house. He called another party to come in to take care of their house and they said there is supposed to be a one percent drainage from their house area backwards, but Leesburg requires two percent. He thinks they have about a ten percent increase and his neighbors will tell you that. Does he enjoy water? He did not buy a pool. He bought a bird cage and they finally got it put in, but they still have water. Thank you, because this permit department is not what he would call a permit department.

Linda Lambert, White Plains Way, said she had some pictures and she would pass them around because they show what her house looks like. In the backyard you can see the berm that is on the golf course property, but they are not responsible. She provided a picture of what her home looked like in March when it had three inches of rain. They have talked about water being up to their calves. She had a pair of shoes that she left on her lanai. They ended up in her backyard. They just floated over there. She provided a picture of what the air conditioner looks like. They had the air conditioner raised once by four inches and it cost them five hundred dollars. She does not think that their request to the City of Leesburg for our grading the lots is abnormal. It is your responsibility, because if that swale was put in, we would not have the problems we are having and they are huge problems.

Peggy Rombach, White Plains Way, mentioned that she apparently has the steepest hill behind her. She put her handyman to work putting in rubber edging. She also put in stones to keep the water off her patio, but besides the patio, there is water coming right between the two houses. It is like a four-arm length regular swimming pool between the two houses. It would come up over the rubber and the stone that was installed, so she had to roll up a rug and put it against the sliding glass door on the outside. On the inside of the house, she put beach towels against the sliding door to help keep the water out. The water just keeps coming down and now we have little holes. She just paid another one hundred and twenty-five dollars to have sod put down behind the rubber edging, hoping that it would help absorb some of the water and keep it from coming into the house. If Leesburg was supposed to inspect all of the construction buildings, they should have inspected Arlington Ridge and said something to them so the builder would have had the time to fix it. That is usually what happens. Somebody was very neglectful and we paid the piedpiper. If we had the builder, we would probably sue the builder, but who is to say, we could probably still sue with a class action.

Marcella Mills, White Plains Way, said she lives right next to Bob Lange and Linda and Roger Lambert. Everyone refers to her as the young girl on that block, but she is almost sixty-nine. It is a frightening situation when someone's house gets flooded. All the neighbors ran over there, we lifted up the couch and rolled up the rug. It was dark outside, so it was all very scary. She loves sitting on her lanai, but what does she have to look at? Sandbags. This is the United States of America. We should not have to look at sandbags year round. Everyone keeps referring to 2016 and 2017, but she has only lived here two years. Some people have only been here nine months, so we are relatively new and these are relatively brand new houses. For the last six months, she has been looking at a hole in her neighbor's yard. Do you know what happens to a hole when a whole lot of rain comes? She gets to look at mud, just mud, and she is sick of it. She keeps sending pictures to the HOA and nothing seems to happen. She does not know what else to do. She does not have the money to just give up and move elsewhere, she is stuck and it is

not fair. She asked the city to help.

Lynn Collins, White Plains Way, stated she purchased her villa in Arlington Ridge because she is planning to retire in the next few years and wanted to downsize. This seemed to be a perfect fit for her because she would be four miles from her son. She trusted all the processes that are legally put into place to protect any citizen buying a new home. No one lived in this villa before her and she just closed on it May 21st of last year. Every time it rains, she has stormwater standing on her lanai and she frequently has stormwater in her sideyard. When this happens, the sidewalk leading to her front door is under water. The stormwater accumulates in the groundbox by the backflow in her frontyard and it takes several days for the stormwater in the backyard and the sideyard to dry all the way in. Stormwater has also been on the inside track of her sliding glass doors, almost flooding the inside of her home. She had to put sandbags on her lanai and leave them there since that first happened. No one should have to live in fear of their home flooding. Nor should they have to walk around in a soggy yard. When it rains she has to walk under water on her sidewalk to enter her home and that is not right. She should be able to enjoy her lanai and she should be able to look out her sliding glass doors without having to look at sandbags. She should be able to trust that the required permits and the approval of inspections were met and that she had nothing to worry about. If this was not correct, then she really needs someone to explain to her why permits and inspections are required. The burden of correcting the stormwater drainage issue should not fall on the homeowners of White Plains Way in Arlington Ridge. She respectfully requested that the City of Leesburg please do the right thing and correct the stormwater drainage issue.

James Ghent stated he is not a resident of Arlington Ridge, but resides in the Legacy. He has been listening to the comments and the problems of the residents that they are having over in Arlington and it just grieves him. We are supposed to be a community, we are supposed to look out for one another, so if the city has a plan in place already for the drainage, let's do it. Let's do it for these residents because he would want somebody to do the same thing for him. If it were him, he would want to live in a better place where he was not subjected to all the flooding. He also understands where the commission is coming from, but let's do the right thing and be neighbors. Let's be your brother's keeper. If we have the money, let's do it. He sees no problem with that. If we find the money and the resources, this city is a sovereign city, but we have to look at how we spend the money. God is looking at us, so let's help our neighbors. He is really saddened by what is going on. He hears these people coming up here story after story. He understands the city needs to recoup what they put out, but at the same time, we pay taxes, so let's find a better way to do some line item budgeting and find a way to rectify this problem. Please move forward, help these people and if the city needs to move in another direction to get some compensation, then you can do that, but the most important thing is to help these residents who are suffering.

James Neiford stated he was here to help support his mother. She lives on White Plains Way. As you can see, most of the people that reside there are elderly. They are the ones dealing with the stormwater issues and they should not be dealing with them. He has heard the attorney and some of the other commissioners say they do not feel like they have any liability, but trust me you do. If your planning department signed off on this, you are liable. He asked them to do the right thing and take care of these folks so they do not have to worry about this on a daily basis.

Commissioner Robuck stated that he went online and reviewed the property appraisers' website and there were six villas on the western side of this which were built in 2009, but the rest of them were built between 2017 and 2020. That alone leads him to believe that there is someone we can go after. He suggested that we should fix it now, but they assign the city their rights to it so we can go after whoever, and it would be of no cost to them, but that would give us the ability to at least find out.

Mayor Christian wanted to make sure that Commissioner Robuck was okay with the city barring the

responsibility for the legal fees on this. Commissioner **Robuck** said yes. **Mayor Christian** then inquired if we were going to make an amendment to the resolution. **Commissioner Robuck** remarked he was going to allow for further discussion before he offered an amendment. **Commissioner Connell** stated he would like to vote on this item without an amendment. **Commissioner Pederson** said he would like to follow Commissioner Robuck because they could sign the lawsuit over to the city. We could always dismiss it, but at least it gives us the opportunity to look into it and we are not just writing a check for two hundred and fifty thousand dollars. As a city, we have a responsibility to at least review our legal rights. He was tempted to table this, but he would support this as long as they assign us the rights to go after them. We can always make the business decision later on what to do, but we need to at least have that right and the right to evaluate it down the road. We have to have the opportunity to look at the possibility of recouping some of this money. He sympathizes with all these people. There was one gentleman that almost lost his vote, but he came back around because of all the nice ladies.

Commissioner Connell questioned how long the residents would have to wait before we actually do the work. Is it once they signed it over or do they have to wait until we can sue them? **Commissioner Pederson** wanted to clarify that what he meant was that once this was approved and they signed their rights over to sue, we could begin the work. **CM Minner** stated that for the sake of quorum, the debate and vote. Lets see where this vote goes and before we move on to the next topic on the agenda based on where that vote goes, we can make some more suggestions and come back with another motion. **CA Morrison** said that it is imperative that all these owners sign a document in favor of the city because the work to be done will involve the city entering onto each of their parcels. He cannot recommend that the city do that without a signed document from each homeowner. If they are not willing to sign, then it does not get done. **CM Minner** stated that we have not discussed the process yet and that is part of it. The city attorney has drafted a hold harmless agreement that the residents would be required to sign before they can begin to work. Pending a positive outcome here tonight, step two is that everyone sign a hold harmless disclosure and step three would be that we start the work. **Commissioner Burry** asked about that contract. Could we add to that the city's ability to go after whoever the responsible party is? **CM Minner** suggested that, based on what Commissioner Connell is asking for, we should vote on the motion as it stands. Then, depending on that vote's outcome, if it is negative, there will be a few suggestions on how to move forward with potentially another way to consider this item. **Commissioner Robuck** questioned if this item was voted down, are we allowed to bring it right back up again? **CM Minner** said yes because we are still on the same matter and since Commissioner Connell wants to vote on this item as it stands depending on that outcome, we can come back and modify the direction.

Commissioner Connell wanted to know if they could take two votes on this item; one to do the work and then the second vote would be for pursuing the legal actions and going after the contractors. That way, we have already approved the work and we can get it underway. Plus, if we do not get that approval, the work still gets done. **CM Minner** pointed out that he believes the amendment Commissioner Robuck wants to put on the table would be to approve this with the authority for the city manager to spend up to two hundred and fifty thousand dollars. The city manager would be authorized to spend that once the HOA signed off on the transfer to the city. He then asked the city attorney, if this was the way it went, if he would be okay with that motion and if he would draft the legal work authorizing him to sign and if that would speed up the process so that this matter does not have to come back before the commission. **CA Morrison** responded that it would be fine. He already has this document and he can add the assignment of rights. **CM Minner** said he has the inclination that the motion will be to approve the city manager up to two hundred and fifty thousand dollars pending the HOA and the homeowners signing over the legal rights to the city. **Commissioner Connell** stated he has concerns that the HOA may not sign their rights over. **CM Minner** then asked if that is why he called for the vote and, if so, then we should vote on it. See what the outcome of that is. If it is negative, then we can make some suggestions, come back and put a modified motion on the table, which would be the second best thing. **Commissioner Connell** wanted to know why we could not have two motions? **CA Morrison** said once a motion is approved we cannot go back and unapprove it. **Commissioner Robuck**

stated they are not just going to sign their rights over if we do the work. They could keep their rights and then could go sue and keep the money for themselves. **Mayor Christian** asked Commissioner Connell if he was concerned that the HOA would sign the agreement. **Commissioner Connell** responded that he had no idea what they would do, but through his discussions with them they had not been positive. He does not know what their stance is going to be, but his guess is they will lawyer up before signing that document to find out if they will be implemented in any type of legal responsibility. Also, how long will this drag on and will they still have this stormwater issue? We have just passed the major hurricane season, but how long do we have to drag this out waiting to see if we can possibly sue some contractors that may not even exist? **Mayor Christian** asked the city attorney, if the city submitted this to the HOA for signing, they would have no legal responsibility other than the City of Leesburg pursuing action for retribution and there would be no liability to the HOA, correct? For clarity, we are asking the HOA to sign their rights over to the city so we can go after the contractor, insurance company or the builders to see if we can recoup some of our two hundred and fifty thousand dollars. If not, then we just paid two hundred and fifty thousand dollars to fix it and we get to pay all the legal costs. **CA Morrison** replied that is essentially correct. He does not know any reasons why the HOA would not sign, it is not like they would be losing anything by doing that. They are not obligating themselves to anything and they are not accepting any responsibility. The only reason they would not sign it would just to be cantankerous.

Commissioner Robuck pointed out that all the people who are being impacted should show up at the HOA meeting just as they did tonight. They need to push them to sign that so we can get this work done that would be helpful. **Mayor Christian** said that he cannot predict the HOA when it comes to their timeframes, but he wondered how long it would take for them to review our document if they had to get a lawyer to review it? **CA Morrison** replied that it should not take any longer than two weeks because, if he remembers correctly, it is only a one-page document, two pages at most. This is not a one hundred page document that needs to be signed. It is a very simple release. **Commissioner Robuck** mentioned that he is sure this is being run by a professional HOA management company, so this would not be the first assignment they have ever seen. **CM Minner** shares Commissioner Connell's concerns with the HOA. There is a motion on the table and he recommends voting on that. If it fails, we will come right back with another motion that approves up to two hundred and fifty thousand dollars contingent upon the HOA. Those would be the two steps, but we have a motion on the table. **Commissioner Pederson** questioned what the current motion was? **CM Minner** responded that the motion is to approve as is.

Jane DeLaughter, White Plains Way, said she lives in a villa, not a duplex. All the people here have serious problems, but she has lived in her home for ten years. She has the same problems and she would like to make sure her villa, which is in a building that includes six other villas, is included in this. **CM Minner** informed her to reach out to him after the meeting and she could point out her location to him on a map.

The roll call vote was:

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

One yea, Four nays, the Commission denied the resolution.

Commissioner Robuck made a motion to amend the resolution and authorize the city manager to spend up to two hundred and fifty thousand dollars to make the improvements. Contingent on the HOA and the individual homeowners signing a hold harmless waiver and their rights to go after the developer and

waiving their legal rights to go after the City and Commissioner Pederson seconded the motion.

Mayor Christian asked if there was any discussion. **Commissioner Connell** asked if we are attaching a timeframe to this and if we were coming back to the commission for re-evaluation if the HOA, for whatever reason, decides not to sign. **CM Minner** responded that tomorrow he would reach out to the HOA and get that document before them. Hopefully, with the position of us accepting the legal fees and the wrangling that is off their table, that will coherst them to sign the agreement. Once they sign the agreement, we will move to get the residents to sign the disclosure and then we will begin the work. This will depend on how fast the HOA moves. He guaranteed that this would be on the HOA's desk tomorrow. **Commissioner Burry** wanted to clarify that we would not be able to do anything until they signed. **CM Minner** said we cannot do anything until we get their approval, but that should come rather quickly if they expedite it. We will know by the next meeting. If they do not sign it in within the next two weeks, he will have this item back on the agenda. **Commissioner Pederson** questioned why we would need the HOA if the thirty-one homeowners had assigned it to us. Where is the HOA's position in this? **Commissioner Robuck** replied that it was unclear who actually has the legal ability to go after the developer, the homeowners or the HOA, so we are asking for both.

Mayor Christian asked the homeowners in the audience if they understood what the commission was actually doing. **Linda Lambert** wanted to know if he could provide further clarification on the process. **Mayor Christian** stated that the city is proposing to talk with the HOA. We will be sending them a letter, which says they will be giving the City of Leesburg the rights to go after the developer or the site contractor, whoever had the legal authority or responsibility to repair that problem. Once the HOA gives us that ability to go after those people and once the individual homeowners sign off on the documents, we will be able to start the work and repair the two hundred and fifty thousand dollars worth of work that needs to be done behind those homes. It has nothing to do with whether or not we will be successful or not in a lawsuit or in court. It is just simple, once they give us the ability to go after them, we will be able to begin the site work. **Linda Lambert** asked how long they believed this process would take. **CM Minner** replied that it should be relatively quick. Tomorrow the HOA will receive notification from the city in the form of a waiver to sign. Once we receive all the waivers from the individual homeowners and the HOA, the next step would be to start the construction process. Hopefully, in the next six to eight weeks we should see some movement out there. **Linda Lambert** stated with the waiver that the HOA and that the homeowner have to sign will it indicate that it is related to the stormwater accumulation on the backside of the lots? **CM Minner** replied that he has not read the waiver, but basically the waiver is an omission that this is not a city issue and that the city is fixing it and you are granting permission for the city to enter onto your property and that you waive all legal rights to find the city liable for this issue. That should be how the document reads that you will sign. **Linda Lambert** said she can see the CDD or the HOA saying they are not going to sign it because it sounds like they are giving up all rights to sue on other issues. **CM Minner** said if the HOA does not sign this they are being extremely unreasonable and the next step should be calling your HOA president and encouraging them to sign this document so the stormwater drainage issue can be fixed. He knows they were hoping to walk out of here tonight with this being fixed, but they are three quarters of the way there. He foresees a favorable vote, and, essentially, the commission is agreeing that we need to fix this problem when we are putting out two hundred and fifty thousand dollars. The commission is asking, in return, for the right to cover the public's money by letting the city decide if we want to spend the legal fees to go after them. We would be totally releasing Arlington Ridge from any costs, so there is no reason why the HOA should not approve this. This is a totally reasonable approach to getting this fixed. **Mayor Christian** stated that we are trying to fix the problem, cover the costs and do the work as fast as possible. When it comes to the financials, are they coming from both the stormwater and the building department reserves? **CM Minner** responded yes, it would be a mix of those two accounts and that was how it was written. **Commissioner Pederson** inquired if there was any way of incorporating this into the Cares Act monies. **CM Minner** replied that

unfortunately, there would be no chance.

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 approved the resolution as amended.

3. Resolution of the City Commission of the City of Leesburg, Florida, approving American Recovery Grant Projects; and providing an effective date.

ADOPTED RESOLUTION 10,927

Commissioner Robuck 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.

Commissioner Connell wanted to make sure they were approving the allocation of the money to the various projects. **CM Minner** replied yes, included in the resolution was a quick outline of the recommended projects. Essentially, those projects equal 11.8587 million dollars. Staff's recommendation was that fifty thousand dollars go to grant administration. Four hundred thousand dollars would go to the Boys and Girls Club for operation loss replacement. Both the West Leesburg CDC and the Leesburg Community Development Corporation will receive seven hundred and fifty thousand dollars. The City of Leesburg is to receive one million dollars for revenue loss replacement and from there we have two immediate projects that should be covered. Pine Street is two point four million dollars and then we have the Turnpike Wastewater Facility Expansion or Other Rescue Projects at six million five hundred thousand dollars. We also have a sports marking contract at fifty thousand dollars and the Rails to Trails at three hundred and twenty five thousand, which would leave about fifty thousand dollars.

In the resolution, he asked for a little wiggle room on the Turnpike Facility and other reuse projects. Reuse and sewer projects are a qualifying project for the American Recovery Act projects, so that is why he is asking for wiggle room there. That is important to remember and he would like to have more discussion on that. In the city, with the growth we are experiencing, we are having a challenge with water, especially with the reuse of water and growth. We have a three-legged prong because if we could get people to use more of the reuse, the more we could stretch out the consumptive use permit. On that note, he does not lose a lot of sleep at night, because the city is getting closer to the end of the two million gallon capacity in the CUP. However, it does come with the caution that, ultimately, what will happen is, as we approach the end of our CUP, in 2030, or if we go before that time the district should allow us to get water from the aquafier. The solution to that will be to go deeper, but that water will not be as pristine, but it will not be as impactful on the environment. So what does that do? It will increase

our treatment and drilling costs. Now, what would half a million dollars get? It would get an "x" million gallon that would end up being a two million dollar well and those have impacts which still come back to us. Looking at that, we can stretch it out and not get CUP water in the reuse pipes and that is going to make us a conservator of water, which is beneficial for us environmentally and financially. The biggest place right now is that we have an opportunity to bring reuse water through a partnership with Cutrale. Cutrale discharges between two hundred and a million gallons a day whether they are juicing or not. Cutrale is close to making some internal decisions on some discussions that we had and entering into an agreement with us whereby we would get about two hundred thousand gallons of water for six out of seven days of the week for three hundred and sixty-five days. Long story short, that would be equivalent to stretching out another five thousand units in our CUP.

To do that, we could have about a three million dollar project where we would need to adjust the headworks to accept the fluency and put it in our system so it could easily be absorbed into our sewer capacity. It is a big long wheel, but this would be a perfect project for the American Recovery Act monies. This is one of the areas where he asked for wiggle room because, based on the time frame, he may say let's do the deal with the reuse versus putting the money towards the sewer plant expansion. We are going to end up having to do both, but we definitely have to do the sewer plant expansion. The next sixty to ninety days will tell us where we have to go with the reuse. We need to nail down where we are going to spend this money so we have a roadmap. With that said, he recommended the grant administration receive fifty thousand dollars. The Boys and Girls Club get four hundred thousand dollars. The West Leesburg CDC and the Leesburg CDC each receive seven hundred and fifty thousand dollars. One million dollars for recovery to the City of Leesburg to cover revenue loss in the general fund. Two point four million dollars for the Pine Street project and six point five million dollars for the Turnpike facility.

Continuing, he mentioned that Commissioner Connell asked for some other potential projects in the transmittal so he included some other ideas that best fit this program. They are projects that specifically match the American Recovery Act and they are projects next on the books. Some other considerations are the other water and sewer projects and other reuse projects. If they were to take the eleven point eight million dollars and put it all into the water and wastewater reuse project, they could spend it all right there and still have a big need for those types of projects. There were also requests from some community groups, such as the Arts Center, the Partnership and the Chamber of Commerce, because they also had losses. Those could also be other considerations that they may want to make. If you do decide to do that, the place he would peel some money back from would be from the Boys and Girls Club and/or the Turnpike project. He pointed out that the Pine Street project and the CDC monies are items we would want to leave alone. The Pine Street project is a critical project that has a ton of win-win scenarios, including infrastructure issues, and it also affects a targeted area that the Recovery money covers. With the CDC agreements, if you approve those in whole, the City Commission still holds the keys to that and the city would be making a statement to the CDC's and the minority community that we are committed to the tune of one point five million dollars to address the minority community on projects they think are best pursuant to the American Recovery Act. The next thing that would happen is that those items would be brought back on the agenda to those boards for approval with an agreement. He advised that if they decide to peel more money back for the Partnership and the Chamber, that they do a similar agreement so they know where that money will be spent. Those would be staff comments and the direction on how to frame the American Recovery Act monies. This resolution is a good one. It shows that we have discussed it and it will mark the third time we have discussed it.

Mayor Christian asked if there were any commission comments. **Commissioner Connell** stated that he was curious if there was anybody in the audience that wanted to speak before he started. **Mayor Christian** stated he wanted to start with the commission, then he would move to the audience for

comments. **Commissioner Pederson** commented that he thought it was a good recommendation, but he would like to peel off two hundred and fifty to three hundred thousand from the Wastewater Facility and allocate that to the nonprofits and the TV station. His starting point would be two hundred thousand and split it between the Chamber, the Partnership, the Center for the Arts and one hundred thousand dollars for the TV channel to help them. He read the letter from the TV Channel and they won him over with their educational initiatives. They have not always done that in the past, but they would like to do more of that, moving forward. That won him over and it does fall under the Cares Recovery Act. It also helps to spread the wealth around the city a little bit better. **Commissioner Connell** questioned what the figures were again. **Commissioner Pederson** replied it was three hundred thousand total. With two hundred thousand being split evenly between the three nonprofits and one hundred thousand going to the TV station. **Commissioner Connell** wanted to clarify that three hundred thousand would be coming from the Turnpike Wastewater Facility. **CM Minner** said that the project would go from six point five million dollars to six point two million dollars. **Commissioner Pederson** remarked that the first time he saw this he was trying to find a way to better spread money around the city. He talked to the city manager quite a bit and he learned more about the direction and how the money should be spent. He had other ideas but he was pulled back from some of those. He does think this is a fair compromise and these nonprofits were also hurt and they do not need to prove that to him. They have all served our community well for years and he has no problem giving them money. They can spend it or put it in the reserves. He respects all three organizations. He was also won over by the TV station after having a rough start with them. **Commissioner Robuck** stated that he would throw fifty thousand to the Art Center, fifty thousand to the Chamber of Commerce and fifty thousand to the Partnership. He thinks the TV station does a great job, but they are proficiently funded. We have gone from seventy-five to one hundred and fifty a year three years ago. At this point, they have done a great job with that money, but that is the right number. Also, he would take this money from the Boys and Girls Club because, the documents provided, is not what he was looking for. He still wants to see the actual documentation showing where they had revenue loss. They provided their budget and if they added a hundred kids without any new revenue. It just shows how much extra it would cost and that is not a COVID loss. He does not doubt it would be great to have an extra hundred kids. If they did that, they would deserve some funding, but all they did was multiply that number by two for the two years. Even under that scenario, that is double what a reasonable number is. For him, he would take that number down to two hundred thousand with a provision that they would not receive that until we receive the documentation showing their revenue loss due to COVID. **Commissioner Pederson** wanted to be clear that he followed Commissioner Robucks comments and that he said fifty thousand to each group and two hundred thousand in total in total and if he would give fifty thousand to the TV station? **Commissioner Robuck** replied yes, as long as it does not come out of wastewater, he would get behind that, but it is important we keep that number for wastewater. He asked the City Manager what the total number needed would be to fix that.

CM Minner answered that the wastewater expansion is going to be in the neighborhood of thirty million dollars and the reuse project accepting Cutrale waters will be in the neighborhood of three million dollars. After that, there would be a few subdivisions where we could immediately get water; Lake Denham, McElyea, the Number 2 Road subdivisions, Spring Creek and Tara Oaks. Every one of these little pockets includes another million dollars worth of pipe infrastructure. **Commissioner Burry** asked if we were going to give to any other individual groups or if we were just giving to the three or four nonprofits that we have on the books. What is the process for deciding who gets funding like this because he does not have anything in front of him showing any other groups or who may need this money? **CM Minner** replied that he did not want to upset other groups, but funding these civic groups is compliant with the American Recovery Act. The Partnership, the Art Center and the Chamber could all show a loss due to COVID, which will entitle them to be a recipient of these monies. That does not cover this body politically on who does or does not get money. This body flirts with that every year with the civic grants and if you are uncomfortable with that assumption or if you feel you are going to peel it off

of those three, then you should open it up because there are certainly other civic groups out there who would qualify for this type of funding. However, that is a political call the commission needs to make.

His recommendation eliminated giving money to civic groups for that reason. The recommendation structure comes from his office, which says keep it in the same spots where you do not stir the pot. It will make some folks happy and others unhappy. That is not a commentary on whether that money would be useful or not. It is a political comment about where we think the city could best use it, where it is easily transferable and where it would have an impact. The big three in that group and the explanation there was with the Boys and Girls Club, which is another group that takes care of kids who are minority kids. The federal government says they were affected the most by COVID and they had a loss. We just built a new facility for them and this assures that they will have good operations in that new facility. The city obviously had a loss according to the federal government. We also have both CDC's that have direct implementation to the community, which were affected greatly. We also have the Pine Street project that does the same and that fits a number of things. Then the sewer treatment plant project also fits that envelope. These projects, in his opinion, do spread the money around to the entire community with a minor emphasis on the minority community, and that minor emphasis is adding the numbers together.

However, if you want to split it, he would not put Pine Street in that split because it is a minority project and a community project. We have over two million million dollars for that project, which goes to the minority community and the minority community is 30% of Leesburg. It could be a little more if we included the African Americans and the Hispanics together, so the number could be closer to 35%. Not to belabor the point, but the recommendation was well thought out. We tried to avoid pitfalls for the commission. We know we will please some and not others, but we are affecting all the projects.

However, if the commission decides to shift funds, the places he would peel back would be the Boys and Girls Club first and then the Sewer Plant. **Commissioner Pederson** wanted to piggyback off Commissioner Robuck's comments. Rather than take two hundred thousand from the Boys and Girls Club, what if we took one hundred thousand from the Boys and Girls Club and the other one hundred thousand from the wastewater project? One hundred thousand dollars from six point five million is not really much and we could pay fifty thousand dollars to each nonprofit.

Commissioner Robuck commented that with nonprofits these are really good questions but he does not have strong feelings about this. To provide some historical perspective as to why we always talk about the same nonprofits. He and the Mayor are the only two commissioners left from when this all happened and we can do something entirely different now because that was an old commission. Back in the day, we were funding about ten to fifteen nonprofits every year and when the budgets were getting really tight, we decided that this had gotten a bit excessive and we were funding too many different organizations, especially when we were talking about what departments we were going to be able to fund that was one place we had to look at. The framework we looked at during that time was which nonprofits worked directly with and which ones supported what the city was doing. At that time, we came up with a list and the ones you saw there were: the Partnership, because they handled all the events, because the city would have to do them otherwise. The Arts Center because we used to specifically do the Arts Festival and that was an event that the city would have to do if they did not. Then the Leesburg Chamber and we specifically focused on the Leesburg Chamber specifically for businesses. There were some others, but that is what we used for that framework. That does not mean there are not other nonprofits that could fit that, but that would be a discussion we would need to have, but that was the framework that we looked at. There were some that did really great work, but unfortunately they were so far outside of what the city was looking at, so they got cut.

Mayor Christian added that when you bring nonprofits in, they will be saying my group is better than your group. Then you will get a group at the community center saying that they never get to go to the events or this is my event and we get caught between which nonprofit is better than the other nonprofit. What Commissioner Robuck is trying to say is that we had to figure out which ones to support on behalf

of the city. It is just like the Arts Festival. If you do not want to donate to it, then we have to do it ourselves and we do not want to do it, so that is why we fund that organization. We also threw in the Melon Patch because we said we liked the theater and that we wanted to support that, but the moment we open that up, we are going to have groups just start coming in asking that we support them. They may be just starting out and they will ask that we give them money even though they have not been here six months. Politically, we wanted to step out and not put nonprofits against each other and that is why we had that list and we narrowed it down to those few. Outside the high school band, which came in a few years later asking for help on a parade, we have kept that list tight. Once we open that up, it will become a pandora box. **Commissioner Connell** said he feels pretty strongly that some of this money needs to be earmarked towards our civic organizations. Even if we do not name them tonight, we should put something away. They can come back with a presentation stating how much they are asking for and what their plans are with that money. At that point we can make a decision, but some of that should be earmarked towards other civic organizations, even though we are not picking who it is going to tonight.

If the consensus is that we are concerned that we will have too many applicants coming in wanting money, we should let them make their case by application on why they should be one of the ones selected. **Commissioner Pederson** remarked that he would like to stand by the two hundred thousand dollars, as he said earlier, with fifty thousand dollars going to each group. He supports giving to them and believes that they have all proven themselves. He could look at numbers all day long, they were all impacted by COVID, and he did not have to look at their numbers to know that. He would like to go ahead and close the books on this. **Commissioner Connell** suggested going to three. **Mayor Christian** wanted to clarify that he wanted to do three hundred thousand dollars. **CM Minner** also wanted to clarify that he wanted to do three hundred thousand total, taking that from the wastewater facility and giving two hundred thousand split three ways between the civic organizations and a hundred for the Lakefront TV. **Commissioner Connell** stated that he would like to do three hundred thousand total. He wants to put that money aside and Lakefront can be put into the mix for that, but that three hundred thousand dollars we are not awarding tonight until we actually hear what they want to do with it.

As far as that goes, pulling it, maybe two hundred from the wastewater and a hundred from the Boys and Girls Club. **Commissioner Robuck** emphasized that it would not be a good idea for people to put in proposals for it. He suggested making it a little easier that we state the nonprofit organizations applying would have to have been a nonprofit in existence for an "x" number of years. **CM Minner** pointed out that they would have to have been a nonprofit organization that had been affected by COVID during the specific dates of March 2020 through August 2022. **Commissioner Robuck** stated that they also have worked in the City of Leesburg over the last five years, which should help minimize how many applications we get. **Commissioner Pederson** stated that there will be a lot of work on staff and we will be here debating this for hours over the next couple of meetings. **Commissioner Connell** agrees with Commissioner Robuck that we need to put some stipulations on who can apply for this, so it is not just anybody who goes down and applies for a 501C tomorrow who then comes in and wants to apply for the money. They should have to prove to us, show that they have an establishment in Leesburg and what they have done for the City over the last five years. **Mayor Christian** wanted to clarify for the record that he wanted to set aside three hundred thousand dollars and he does not want to earmark for any organizations tonight. He also asked if he was okay with earmarking a portion of that tonight and keeping a portion of that for other groups to apply for. **Commissioner Connell** answered that he was open to that. The reason why he made that comment is because he heard that we were not quite ready to name some specific organizations tonight to whom we may want to give this money too. If the commission wants to go in that direction and award some money to some of the groups that we have represented here tonight, he is fine with that. **Commissioner Pederson** stated he likes the three hundred number, but what about approving the two hundred thousand dollars and giving fifty thousand dollars to the four groups as we discussed and setting the one hundred thousand dollars aside to be determined at a later date for other groups? **Commissioner Connell** stated that he would be okay with that.

Commissioner Pederson made a motion to take a one hundred thousand dollar deduction from the Boys and Girls Club and a two hundred thousand dollar deduction from the Turnpike Wastewater Facility for a total of three hundred thousand. Two hundred thousand dollars of that money will be allocated evenly between the Leesburg Chamber, the Center for the Arts, the Leesburg Partnership and Lakefront TV. We will hold one hundred thousand dollars back for other nonprofit civic groups to be determined at a later date. They will be required to enter into an agreement with the City of Leesburg on how that money will be spent to ensure that it meets with the requirements of the American Recovery Act Grant.

Commissioner Robuck seconded the motion.

Commissioner Connell wanted to verify that this would be going out to the city perimeters, as discussed for applicants who want to apply for that additional one hundred thousand dollars. **CM Minner** stated that they would model this after how they did the Cares Act. They would put together the criteria and an application package and bring that to the commission for their implementation and, pending their approval, they will advertise it, collect all the applications and bring those back to the commission to pick how it would like to spend that one hundred grand.

The roll call vote was:

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

Four yeas, no nays, one abstain, 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

There were no comments.

8. CITY ATTORNEY ITEMS:

CA Morrison stated that he had no comment tonight.

9. CITY MANAGER ITEMS:

CM Minner offered no further comment this evening.

10. ROLL CALL:

Commissioner Robuck had no comment.

Commissioner Connell had no comment.

Commissioner Pederson had no comment.

Commissioner Burry had no comment.

Mayor Christian thanked Commissioner Connell for bringing the Arlington Ridge issue before the commission. He knew that was very dear to him and he wanted to commend him on fighting for his district, those residents in Arlington Ridge and the entire city. He believes anybody who has a flooding issue should be able to come to the city. Whether they have a new or an old house, no one should have to deal with flooding. It was a healthy debate and discussion, we protected the city and we will take care of our residents. He wanted to commend the commission on a very productive discussion tonight. He also thanked the nonprofit organizations who showed up in the audience for attending.

11. ADJOURN:

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

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

The meeting adjourned at 7:31 p.m.