

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, MAY 23, 2022 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, May 23, 2022, at Leesburg City Hall. Mayor Pederson called the meeting to order at 5:31 p.m. with the following members present:

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

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

INVOCATION

Commissioner 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.

There were no public comments.

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

Item pulled for discussion:

5.C.18 - Establishing the Public Art Advisory Committee

Commissioner Christian moved to adopt the Consent Agenda except for 5.C.18, and Commissioner Robuck seconded the motion.

The roll call vote was:

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

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

A. CITY COMMISSION MEETING MINUTES:

- 1. Regular meeting held May 9, 2022.**

B. PURCHASING ITEMS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Piggyback Agreement for Consumer Debt Collection services with I.C. System, Inc.; and providing an effective date.**

ADOPTED RESOLUTION 11,070

- 2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Construction Services Agreement for Labor and Equipment with Team Fishel, Inc. to provide labor and equipment to the City of Leesburg Electric Department for the reconductoring of circuit L59 which generally runs along 14th Street for an amount of \$1,066,029.45; and providing an effective date.**

ADOPTED RESOLUTION 11,071

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 40, a subdivision of the City of Leesburg, Florida, being a portion of Section 06, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 40)

ADOPTED RESOLUTION 11,072

2. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 41, a subdivision of the City of Leesburg, Florida, being a portion of Section 06, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 41)

ADOPTED RESOLUTION 11,073

3. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 42, a subdivision of the City of Leesburg, Florida, being a portion of Section 06, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 42)

ADOPTED RESOLUTION 11,074

4. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 43, a subdivision of the City of Leesburg, Florida, being a portion of Section 06, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 43)

ADOPTED RESOLUTION 11,075

5. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 45, a subdivision of the City of Leesburg, Florida, being a portion of Section 06, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 45)

ADOPTED RESOLUTION 11,076

6. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 46, a subdivision of the City of Leesburg, Florida, being a portion of Section 06, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 46)

ADOPTED RESOLUTION 11,077

7. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 47, a subdivision of the City of Leesburg, Florida, being a portion of Section 06 and 07, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 47)

ADOPTED RESOLUTION 11,078

8. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 50, a subdivision of the City of Leesburg, Florida, being a portion of Section 06, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 50)

ADOPTED RESOLUTION 11,079

9. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 51, a subdivision of the City of Leesburg, Florida, being a portion of Section 06 and 07, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 51)

ADOPTED RESOLUTION 11,080

10. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 52, a subdivision of the City of Leesburg, Florida, being a portion of Section 06, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 52)

ADOPTED RESOLUTION 11,081

11. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 53, a subdivision of the City of Leesburg, Florida, being a portion of Section 06 and 07, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 53)

ADOPTED RESOLUTION 11,082

12. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 54, a subdivision of the City of Leesburg, Florida, being a portion of Section 06 and 07, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 54)

ADOPTED RESOLUTION 11,083

13. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 57, a subdivision of the City of Leesburg, Florida, being a portion of Section 07, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 57)

ADOPTED RESOLUTION 11,084

14. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement from Coachwood East Homeowners Association, Inc., for the purpose of granting the City an Easement over the

property described therein; and providing an effective date.

ADOPTED RESOLUTION 11,085

15. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Liberty Preserve Phase Two, a subdivision of the City of Leesburg, Florida, being a portion of Section 10, Township 19 South, Range 25 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Liberty Preserve Phase Two)**

ADOPTED RESOLUTION 11,086

16. **Resolution of the City Commission of the City of Leesburg, Florida, Authorizing and Directing the Mayor and City Clerk to execute an agreement for School Resource Officer (SRO) services to be provided to Lake County School Board – Leesburg Schools - for the 2022-2023 school year starting in August 2022; and providing an effective date.**

ADOPTED RESOLUTION 11,087

17. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from FBCL Properties, Inc., a Florida Corporation, for the purpose of granting the City an Easement over the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,088

18. **Resolution of the City Commission of the City of Leesburg, Florida, establishing the Public Art Advisory Committee, Appointing initial members, Specifying the procedures, duties, responsibilities, and authority of the committee; and providing an effective date.**

ADOPTED RESOLUTION 11,089

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

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry stated he was not opposed to having a committee like this, but when reading about

how this committee was going to be set up, he wanted to talk about that. For him personally, with how we have the parks and recreation and the airport board, where each commissioner appoints somebody as their liaison, maybe they could possibly have somebody do the same here and have somebody from the Center of the Arts oversee the committee, since we really do not have a department of the arts. That might be a good idea for this. **Mayor Pederson** remarked that was his concern too. He wondered if they should each appoint one person. **Commissioner Burry** mentioned that the way it was set up, they would be elected to three-year terms. However, maybe we should appoint them to one-year terms.

Commissioner Robuck added that he thought that would work better. It would ensure that as the commission changes, that board changes and we would not have the same people serving on the board forever unless they are doing a good job. **Commissioner Christian** agreed and said that those changes sounded good to him. **CM Minner** asked the city attorney if he could make those changes in the resolution to include the one-year terms and there would be a six-member advisory board.

Commissioner Burry pointed out for clarity that it would be a five-member board with a leader being someone from the Center of the Arts. It would be just like having Travis Rima, the Recreation Director, as the leader of the Parks and Recreation Board. He is not a voting member of the Parks and Recreation, he is the liaison. **CM Minner** wanted to confirm for the write-up that this would be a five-member advisory committee with a chairperson. The chairperson of the committee would be the Executive Director of the Center for the Arts, who would have a non-voting role because that person's sole purpose is to lead the committee. The five voting members would be the one-year appointees from the city commission members. Depending upon approval, the commission would have to come back to the next meeting with the person that they would like to appoint to this committee. We would get those appointments to the current Executive Director of the Center of the Arts, which would be Maria Stefanovic, and then that committee would be off and running. **Commissioner Christian** stated his only concern is that we still do not have a city representative. We do not have someone that the city manager could say is the point person for the City of Leesburg. Although everyone loves Ms. Stefanovic, that position may change or someone else may take over. Basically, we would just have the volunteers we appointed. This may fall under the Recreation Directors purview because it deals with recreation. Even though Ms. Stefanovic is the Executive Director of the Center of the Arts and she will be leader of this board; we still need someone from the city to oversee the committee. **Commissioner Burry** stated that the overseer would be the city commission because they do not have any power to spend any money or to do anything without coming before the commission. **Commissioner Christian** remarked that he was referring to the committee meetings where no one from the city would be there to help guide the process of what the city would or would not do or direct any kind of recommendation. **CM Minner** replied that the easy answer would be that somebody could appoint the city manager. That could be done on a perpetual basis. If the commission wanted to set up this committee, the mayor could reappoint the city manager annually. **Commissioner Robuck** stated that, given how much money we give to the Center of the Arts, plus the city manager talks to Ms. Stefanovic so he would make sure things were good. She knows at the end of the day if she brings something to this commission that the city manager had already said absolutely no to, that is a non-starter. **CM Minner** replied that he believes they have enough checks and balances in that process. **Commissioner Christian** responded okay. **Mayor Pederson** said that the city manager could attend these meetings on an as-needed basis.

CA Watson stated for clarity that the way this committee will be structured is it would be a recommendation body. Ultimately, whatever their recommendations are, they would come before this commission and the commission would make the ultimate decision. He would be happy to draft the resolution. **CM Minner** said that it sounded like we need to make an amendment.

Commissioner Burry made a motion to amend 5.C.18 to read that we would have a five-member nominating committee with one-year terms who are appointed by the city commission. This committee would be chaired by the Executive Director of the Center of the Arts in a non-voting capacity and Commissioner Christian seconded the motion.

The roll call vote was:

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

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

The roll call vote as amended was:

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

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

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

A. SECOND READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 0.59 acres; and being generally located on the west side of County Road 468 and north of Schoolview Street, lying in Section 21, Township 19 South, Range 24 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 2; and providing an effective date. (Schoolview AX)**

**TABLED ORDINANCE 22-35
(APPROVED, THEN WITHDRAWN, AND Tabled)**

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

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Christian stated he previously voiced his concerns about this project at the last meeting.

However, he has even more opposition now. He even called and talked to the city manager about this. A few years ago, the city personally worked with the Carver Heights Redevelopment Agency to make sure that when homes were built they were built with garages. There was a lot of pushback from Habitat on this and they said they could not build a house at that price point. We know what happens in the homes of low-income neighborhoods where there are multiple people in the home. The stuff that should be in the garage just lies around outside of the house. If you drive down Harlem Street or go through any neighborhood in Leesburg where there are multiple people in a house with three bedrooms and no garage, there is stuff lying around outside. If they had a garage like he does, a place where they could put their stuff, it would not be lying around outside. His car is outside, but his stuff is in the garage. He thinks that SPUD circumvents the whole process of having a garage. He is even more convinced, as with Commissioner Burry, that we need to look at our Comprehensive Plan, because SPUDs should not be utilized to circumvent the laws of the city. They were put in place to protect our neighborhoods. This is only half an acre of land with six houses. He does not believe we would put this type of development anywhere else in the city. There is a current lawsuit over one hundred acres of land in the city where we did not put one hundred houses in that area because we did not want to do it. Now we are going to vote to crown six houses on a half-acre. That does not make sense. He believes that would be irresponsible. We should not be looking at this application. City staff should not recommend anything in a SPUD on a half-acre piece of land with six houses and no garages where cars and junk would be everywhere. That would just make the neighborhood look worse. Then to say that because there was a bus line close by that would be a reason to allow this to happen is just preposterous. He does not know why we are even considering this and he strongly opposes this project. **Commissioner Burry** inquired if we were still just talking about the annexation. **Mayor Pederson** answered yes, we are still on the annexation. **Commissioner Burry** replied that on the annexation issue he did not have a strong positive or negative feeling. We could talk about the development issue later. **Mayor Pederson** stated that we could discuss this issue later if the decision was to annex it. **Commissioner Robuck** remarked that it could get all screwed up. Kind of like Sunnyside, where we are being sued. Maybe the city attorney could shed some insight on how we should go about this.

CA Watson stated that the standards are different in terms of how the decision is made here. The decision to annex property is not a legislative decision. It is about whether it makes sense and what the rational basis is to support the decision made whether that is in favor or against annexation. When looking at quasi-judicial matters like rezoning, site plans or special exceptions, those are the types of decisions that need to be based on competent substantial evidence. Those decisions need evidence, a rational tier of facts that support the decision. The standard for that is stronger in terms of what your decision needs to be based on. If you base your decision on competent substantial evidence, which is the evidence that a rational person could find in support of the decision that was made, then that decision would generally hold up. With annexations, that is a legislative determination as to whether or not the city wants to bring the property in. If it makes sense in the context of the overall development of the city. It gives the city more leeway in terms of making the decision. When the property is annexed into the city, that is when you will look at the zoning classifications. That is where there needs to be competent substantial evidence to base the decision to place a specific zoning classification on the property.

Mayor Pederson inquired if this property was annexed to the city and if the commission did not approve the comprehensive plan amendment or the rezoning, could the applicant withdraw the annexation? **CA Watson** responded that if the property had already been annexed then it had been annexed. **CM Minner** remarked that what happened with Sunnyside was the commission annexed and voted in favor of annexation. When it appeared that the rezoning and the PUD were going to fail, the petitioner asked the commission to de-annex them. The previous city attorney, at that time, said because it was the same night, we could make a motion to undo the annexation. That would be appropriate. He asked the new city attorney if he would agree with the previous attorneys' opinion. We may want this 0.67 acres in the city. If so, we should vote yes. Procedurally, the city attorney would say yes. With the land use, after weighing the proponents of the evidence and rulings on the merits that Commissioner Christian brought up, which

are significantly good merits, he is sure everyone would be open-minded in the quasi-judicial hearing. If, by chance, the commission said no, then we may want to look at the petitioner. If they brought the SPUD into the city and it did not get approved, they would have one hundred and eighty days. He questioned whether if we did not put land-use on it within one hundred and eighty days, would that piece of land automatically revert back to the county? **CA Watson** stated that he was not familiar enough yet with the codes for annexation and the mechanics of how they work. He does not have too much background with the city on that. He did not think that it would, but he would like to look into the annexation language ordinance to see if there are any agreements that go along with it that might help answer that question. If the code has a trigger stating that if there was no land use put on it within one hundred and eighty days, then the previous action of annexation would be voided. **Senior Planner (SP) Kandi Harper** stated it was one hundred and eighty days per Florida Statute. During those one hundred and eighty days, whatever land use that Lake County applied operates upon the land. **CM Minner** remarked that there was the question of whether the city did anything within the one hundred and eighty days. He stated that they had their first answer. The second answer is "I don't know." We still have the next two agenda items. We could see where those go and always come back and revisit the annexation. **CA Watson** commented that when looking at zoning issues you are making decisions based on what zoning is appropriate. It is a hybrid between the legislative and quasi-judicial, where the applicant has their idea of what zoning is appropriate for the property and the commission has the legislative process to decide what they believe is appropriate. That is where that competent substantial evidence standard comes into play. If we say that we believe this to be an appropriate use and there is competent substantial evidence to support that classification, then there is competent substantial evidence to support that decision. However, what the applicant says is worthwhile and worth considering with what they want to do with their property. If evidence suggests that there is not an appropriate classification for the property and a different classification would be more appropriate, then you may need to assign a zoning classification by a certain date. That one hundred and eighty days does give you some leeway to make that decision. It does make sense provided there is some factual basis to support the decision being made. **Mayor Pedreson** stated he wished they could vote for all three items at one time. It would make it easier. However, it does not work like that. **Commissioner Burry** mentioned that something was said about one hundred and eighty days and the property being reverted back to whatever the county has it at. According to Lake County, the property is currently zoned at urban medium density. **CA Watston** said that is Lake County's current zoning classification. If it were to come into the city, it would need to be assigned a city zoning classification. **Commissioner Burry** agreed and said that right now it would be going from Lake County urban medium density to City of Leesburg medium density. That six units on half an acre is considered medium density. **CM Minner** replied that the density for Lake County and the city would be about the same. **Commissioner Christian** pointed out that by doing this through the SPUD they would be doing it without having the lot sizes. It would allow the applicant to put six houses on half an acre of land without going by the standard city minimal lot sizes. He wanted to know if that was why they were going through the SPUD, because it does not address garages or adequate parking. With this SPUD we would be allowing them to skirt around the normal lot sizes for a regular applicant. **Planning & Zoning Director (PZD) Dan Miller** stated he appreciated the comments, but that was not the intent of the SPUD. Usually a SPUD deals more with the buffers and the overall design. They could get close to six units there if they were given an R-2 or R-3 zoning category. The SPUD was not used with the intent of skirting around the garages or anything like that. The current wording in the SPUD says a carport/garage, which is in addition to each house having a parking space. **Commissioner Christian** stated for clarity that it was a covering, not a garage. **PZD Miller** replied he believes it was actually left open for one large carport or garage, but if the commission wants it to be a garage, they could have a separate garage for the six units. **Commissioner Christian** stated they fought and had discussions for years about getting rid of carports with houses because they were ugly. They were actually sending code enforcement out to tell people that. Now, after all that work, we are here and you want to tell somebody who wants to build a brand new house that it is okay to put a carport in front of the house. That should not even be an option. You should

have a garage. If you cannot fit that on the property, then you should not be putting up six houses. **PZD Miller** responded they would not see this in the future. **Commissioner Christian** said he could only think about the problems this would cause. If you drive down Harlem Street, you look at houses with garages and ones without garages. You are telling a community that has been working for ten to fifteen years to clean up the neighborhoods that one of the biggest issues has been looking at trash, bicycles, and stuff just lying out in the yard. It will just make it a bad eyesore. If you have a bicycle, you want to keep it in your garage, so everybody in the neighborhood cannot see it. We went through the whole process of adding garages to the houses and now you want to say it is okay to put six houses on half an acre without any garages. We are assuming there will be a homeowner association for these six houses. Who will be managing the HOA and who will be knocking on the neighbor's doors when there are only six of them? It just seems unrealistic to put that in a SPUD. The reality of it is, HOAs are difficult to manage even in large developments. Here we are saying to these six houses you could be your own HOA. He understands the intent, but it does not make much sense. With a three-bedroom house, even if you have one child in each room. When those kids grow up, they will eventually drive their own car. That would put us at four cars per house. We will then have twenty-four cars on half an acre. It was also said that they could park one car in front of the house, but they could also park down the road. That does not make sense. **PZD Miller** stated he understood and appreciated the comments. **Commissioner Robuck** remarked that with the annexation specifically and given the money we put towards revitalizing that area by trying to make it nice, it is important and it makes sense for this parcel to be in the city. That way, we have some control over the development of that parcel from the annexation standpoint. **Commissioner Burry** agreed. **Commissioner Robuck** added that we are spending a lot of money there, so we will want to control that. We would want to make sure that whatever is built there is up to city standards.

Tim Burns, part of the applicant team, stated they worked with the planning and zoning department on this for about three years. They met with Commissioner Christian over at the Resource Center about two years ago. They also met with the city manager to go through and worked with staff considerably. The question was whether to stay in Lake County or come into the city. If they stayed in Lake County they could build this product right now. However, they had bigger visions and they wanted to deal with the City of Leesburg. That was the reason why they went and had conversations with Ken Thomas about dealing with Leesburg when this piece of property came their way. Ken Thomas told them that Leesburg was facing an issue and he referred to it as the missing middle, a part of the market that makes too much for any kind of subsidization. A part that cannot afford a three hundred-thousand-dollar home. They went through that list and there were about twenty people that were pre-qualified. These people had gone through all of the work to get them to where they were pre-qualified but they could not find any housing. That was the problem, so they decided to work with Ken Thomas. They said they could design a product because they had a land trust. This land trust had been in the family for the last fifty to sixty years. What they were looking for was to help meet that part of the market that was not being addressed in the City of Leesburg. There was a considerable number of families that could not find housing because they made too much money to qualify for subsidized accommodation. They did not make enough money to afford a nice home, so they designed this with six covered carports. That was keeping with the price point that Ken Thomas had established. The City of Leesburg has people pre-qualified up to an "x" amount of dollars. So, how do we design and build it in spite of all of the labor and material increases that we have seen in the last two years? How do we do that and bring it in at a price that these people can qualify for? It was not looked at from the vantagepoint of someone having a bicycle outside. In fact, one thing that the planning and zoning director encouraged them to do was to put a covering outside the front door. Yes, there are only six houses. They understand that. It is a small project, but it is a worthwhile project. It is something that they feel would be very complementary to the City of Leesburg. It is something that would be good in the area right across from the Resource Center. They have always enjoyed Leesburg and want to be part of it. That is why they chose to try annexation. They worked with the planning department in order to bring it into the City of Leesburg. Now, he is unsure at this point whether to

annex, if they cannot get the rezoning. That would not make much sense. Another issue is the interlocal agreement for water and sewer. That is a big stumbling block. Basically, the owners of this property have very limited use under the county's zoning. They could build this type of development, but it is not worth a whole lot if they cannot get water and sewer. That is an issue that the city really should address one way or the other. Whether this goes through or not, there is an interlocal agreement with the county to service people in the area. The city is supposed to provide a service to that area with water and sewer. Could the city lock them out and would that really be servicing the community? They have spent an awful lot of time designing these six homes. They have met with the planning and zoning department so many times that they are not sure if they even like seeing them come through the doors anymore. They have been there so many times he feels like they should be coming through the back doors now. That is how many times they have been there. He feels that this is a really good product. They are three-bedroom homes at twelve hundred to fifteen hundred square feet. It is a product they are very proud of and it took a long time with help from the city to design. They would really like to be in the city if they could work this out. **Commissioner Christian** stated that he mentioned not being concerned about bicycles. **Mr. Burns** replied that was not what he meant. That was not the bigger picture, it was just a minor issue. **Commissioner Christian** stated that he has to realize that after they build these houses they leave. We have to live here, so we are concerned about bicycles. We are concerned about the code enforcement calls. They just build the houses, receive the checks and leave. We, the citizens, are the ones who will be hearing complaints about the conditions and the optics of their neighborhood. We are concerned about bicycles, cars, and people that may have multiple cars. If you drive down Magnolia Street, you will see cars on both sides of the road. Just the other day, he got stuck behind a garbage truck. It took him almost ten minutes to get through because the garbage collector had to keep getting out to move garbage cans. He then had to get back in the truck to dump the garbage cans and push the cans back on the sidewalk. He had to wait until the garbage collector was able to move further up the road to get around because somebody at the time said they were not concerned about multiple cars being on Magnolia Street. Well, the people who bought those homes that have to live on Magnolia Street are now inundated with cars on both sides of the road. They are now parking on the sidewalks because some developers said they were not concerned about that. They wanted to get it to a price point where people could afford it. That is great and all, but for the people who live in the city who have to deal with the fact that someone designed this product so that people could have a place to park their cars and bicycles so they could live in peace and harmony. That does become his concern. He has to deal with affordable housing and he works with people who need subsidies. You are not preaching to someone who does not understand that. Although Ken Thomas may have told you what we needed in the City of Leesburg, we have many vacant lots throughout Carver Heights that have been donated by non-profit organizations to build affordable housing. Half an acre may sound good and you may have spent a lot of time on it, but we would prefer to have the garages and the setbacks. He and his church have invested millions of dollars along CR 468. Not just six houses, they have donated church facilities and houses. That is why he is very particular about what goes on along Schoolview Drive. His son also resides two lots over from this half an acre of land. Maybe he could put five houses on his lot and sell them to someone. However, he does not think that is what the City of Leesburg needs to have on these lots, but the City of Leesburg does need to have control over what is developed. To be honest, when we met it was just about getting water and sewer to your lot. That is why you are not currently developing Lake County, because you need water and sewer. That was the whole reason for that conversation two years ago. We did not see this product which does not have garages because he would have told him then that if it did not have a garage, he might as well not come before the commission. The City of Leesburg has worked hard to make sure that houses had garages to protect the integrity of the neighborhoods. Just because it is a low-income neighborhood does not mean we are not going to give people what they need. We are going to give them what we know works for people with children. We are not going to settle for less and we will meet that price point. Right now, he is building an affordable house so it does work, but you need to provide the proper housing for people to live in. He does not want people to buy a house where they pay two hundred thousand dollars and five

years later they are frustrated because they do not have enough space for their family. He cannot support this if this is annexed in. It may sound great, but he would not vote for this product. **Mr. Burns** stated that he was sorry to hear that. He wanted to stress that he was not fixated on the bicycle situation. They do have two spaces per unit, one covered and one not covered in the driveway between the houses. He asked if this was multi-family housing and they put these together and made it into a townhome type of community. What type of zoning would that be? Two spaces per unit is adequate for any kind of multi-family housing. You could go anywhere in the state and see that is the maximum. They are looking to build under that and all of these are three bedrooms.

CM Minner inquired what the highest density was in the City of Leesburg. **PZD Miller** replied that we allow up to twenty-five units an acre in the downtown Central Business District (CBD). Outside the CBD, it is eighteen units per acre. **CM Minner** said that this property is twelve units an acre. **PZD Miller** said that it would be if it came into the city under medium density. **CM Minner** commented that they would have to meet all the setbacks. So, realistically, under the current zoning policy, with the highest density of six units an acre at 0.67 acres, considering roads and all the other requirements. **PZD Miller** responded that they probably would not meet that. They would not be able to get all six houses on there. They may get four or five. **CM Minner** remarked that their answer would be no, they could not do that. Now, we have not heard the preponderance of the evidence in the case of the quasi-judicial hearing. They would be required to have garages along with other things. So, this subdivision as proposed by the SPUD would not be able to be built. The petitioner brought up three points. First, he invoked the staff conversations and that he had worked with staff for three years. The applicant received this information and they prepared this proposal based on staff comments. Duly noted, but at the end of the day, city staff worked with their tools. As for former Housing Director, Ken Thomas, he worked with his tools, desires and experiences with what the city had been working with up-to-date. The planning and zoning director has also been working with his tools with SPUD. Now, remember SPUDs have come into question and SPUDs will be reviewed in our comprehensive plan update as we have had those internal discussions. It is dangerous to fall into a trap when a petitioner comes in and says that they talked to city staff and staff said this or that. At the end of the day, the bottom line is it is the city commission's prerogative to do as they choose. They should not base the decision on what staff said within reason. City staff used materials that they used as law and logic. They use experience, but sometimes there are equal reasons to the equation for when they should not listen to staff. That is when a petitioner comes in and says that they should listen to the staff and that the commission should do what they said. However, that is not necessary. Point two, the petitioner, said that he could do this in the county. As the planning and zoning director pointed out, we do not know the answer to that. Whether it be twelve units per acre as it is currently zoned, the petitioner would have to go through all the hurdles there as he did here. With twelve units an acre in the city, which was just pointed out by the planning and zoning director, they probably would not get more than four or five houses on this site. The petitioner would be working with the same issues, whether it be county or city. He would have county setback issues, county road issues and he would have all the other things that go into a single-family house, so he probably would not get six units. Hence, the reason why the planning and zoning department used the SPUD. Lastly, whether they can or cannot do it in the county becomes immaterial. There would be something he could do in the county, but it probably would not be six units. We do not know exactly, just like with the city. If we did not go the SPUD route, he would be able to do something with us under the current zoning. Finally, we do hold the stick, with the question about water and sewer. At the end of the day, he is here before us because he needs water and sewer. The county's position has been that they will not issue building permits unless they have a note from Leesburg which says they have water and sewer. In this case, he would not be able to serve that type of density on a septic system and he would not be able to get well water. At this point, we may consider tabling this until we double check everything. If we were to say no to a SPUD issue, that would be telling him no tap and no letter. At the end of the day, tabling this or not is immaterial because we own the water and we have the spigot. **Commissioner Christian** stated that if they were in the city we could control what happened. We could control what happens to ensure a better product. He

would like to see these houses have garages where people can actually drive into them. There was a person who built a house on East Street. It is a small lot, but he built the garage with the house upstairs. He put this on a small lot. It is a different looking house, but he made it work. The way this is now, it is unrealistic for him. They may start off with a five-year-old and an eight-year-old, but those kids will be driving. Then we will have four cars for each house. Most teenagers will get a car. Now if you have four cars per house, that is twenty-four cars on this half-acre property. There is a carport between each house and six extra parking spots, so there are only twelve spots with the possibility of twenty-four cars once everyone gets to be sixteen years old. There would be no where to park, so everyone would be parking in the street. He encouraged his fellow commissioners to drive down Magnolia Street. Look at the cars on both sides of the street. They have cars on the city sidewalks and you still cannot drive through there. This is what happens when we say it looks good on paper, but in reality this is what happens. It does not matter if you have a multi-family tool or not. When you go to maneuver around where there are multiple vehicles parked all over in a small development with two parking spaces on a small lot, it does not work. On Schoolview Road heading towards Woodbine, that will become problematic. If it had a garage, that may be something that works, but to tell people to go park beside your house, down the street or across the road, that will not work. He believes people deserve a nice house, they deserve a garage, to provide safety when it rains. They had a meeting the other day and someone there said they did not have a garage, so they were going to get wet regardless. It would be nice to tell people we are going to provide this. He does not think it adds more than five to six thousand dollars to the product. People deserve a garage.

Mayor Pederson said he respects Commissioner Christian's comments. He was trying to be more open-minded due to the affordability factor. He has seen communities where their land development codes are getting smaller and smaller. He thought Leesburgs was twelve hundred, but people are building smaller homes and there is a demand for smaller homes around the country in all demographics. With parking, he heard the concerns. He questioned the number of parking spaces. There is a covered space and one more car could stack in behind that one. There would also be an additional parking area, so that would make it three. He saw the playground area on the site plan and wondered if it would be possible to make that area more parking. He mentioned that for the applicant, with trying to get this approved. He knew there was discussion about garages. Maybe there could be a compromise because he had seen garages where there was a storage area in the front. Like a carport where you can pull in and there is an enclosed area that is much smaller than a normal garage. It could be a place to put the bicycles and those types of things. He also questioned the zoning. Are they going to lease the site or are they going to own the home? Will it be like a pad ready site because in the analysis he saw that they qualify for homestead exemption. From the affordability standpoint, he would like to make sure they qualify for homestead exemption to keep their expenses down. **Mr. Burns** responded that it would be similar to a mobile home-type community. **Mayor Pederson** responded, that is a good analogy. With the garages, he wanted to know if there could be a compromise. In the community there is probably a place for this. He understands what the applicant is trying to do. With trying to make it as affordable as he could and there was a market for that. He could probably get comfortable with it, but it had nothing to do with the location. He would put small houses anywhere in the city if that was what the market wanted. We need to vote on the annexation. We can always see how the next items go and he always has the option to ask us to come back and readdress this. He asked if there were any further comments from the public. There being none, he closed the public hearing.

The roll call vote was:

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

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

2. **An Ordinance Amending the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Designation of certain property containing approximately 0.59 acres, from Lake County Urban Medium Density to City of Leesburg Medium Density Residential for a property generally located west of County Road 468 and north of Schoolview Street, as legally described in Section 21, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Schoolview Properties)**

TABLED ORDINANCE 22-36

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

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

Mayor Pederson requested comments from the Commission and the audience.

CA Watson asked if there was anyone in attendance who wished to provide any testimony or evidence on items 6.A.2 or 6.A.3 to stand and raise their right hand to be sworn in.

Mr. Burns asked if they could table these items. He felt it would be in their best interest. They could bring this back at a later meeting. If they do not come up with something that is suitable after going back and giving real consideration to the comments, they could withdraw. He felt that they really needed to go back to the drawing board to turn this into something that would make everybody happy. **Mayor**

Pederson remarked that he could not advise on that. **Commissioner Robuck** stated that this parcel has already been annexed. We now need to put land use on it. **CM Minner** said we have one hundred and eighty days to put land use on it. **Mr. Burns** responded that was his question, which goes back to the annexation. That if they do not come up with something that is suitable, they do not want to be annexed into the city. **Commissioner Christian** wanted to know if it would be possible to add a garage to the current structure? Would it be possible to make the play area smaller and possibly add a garage to the house? **Mr. Burns** answered he could not answer that right now because he had not looked at it from that vantagepoint. **Commissioner Christian** responded okay. **Mr. Burns** added that there was certainly room in between the houses as they sit now to put a structure. If they could park a car there, they could put a structure there. It could possibly be attached. They may be able to get four units on one side and two on the other. He was unsure if they would be able to get everything attached. He did not know if they would be able to accommodate all of the things that had been discussed. They would need to go through it.

Right now, he was not in a position to answer that. **Commissioner Christian** questioned the playground area. He wanted to know if that was a requirement of the SPUD or if that was something that had been added. **Mr. Burns** answered that was something they added. They thought it was a nice amenity for the small site to have. A place for children to go play. That would be something that would be very attractive and appealing. **PZD Miller** stated that the playground area was a requirement of the SPUD. He stated that they could take this back, rework it to see what they could come up with. They would bring it back and it would not be a problem. He does understand the concerns and appreciates them. They would be happy to work with the applicants to come up with something that meets the concerns. **Commissioner Christian** responded he receives complaints like crazy regarding Magnolia. It is so unrealistic to sit here and pretend that they are going to have two cars per house or even three cars per house. He would not want to park his car down the street along Schoolview. Go into his house and leave his car where he cannot see it or access it. If the alarm goes off, he would not know if it was his or his neighbor's. When we talk about affordability for the people who are buying these houses, he looks at the educational

component, because most affordable builders have home buyer seminars where they educate the homeowners. These homebuyers are less likely to have experience with the FHA market nor will they have the three or five percent to put down. This will be more complicated because it will be more like a mobile-home-type community than buying a real house, because they will not own the land. They will be telling an inexperienced homebuyer with limited education in the process to sign a mortgage. When they compare that to their friends down the street even though they do not actually own the land, it will be complicated. That will complicate it more and the developer will be gone and we will have residents with a product that they may not understand because they did not have any homebuyer training. The Habitat has education. They hold a partnership for that purpose to make sure the people who are buying these products are well educated on what they are buying. That was another concern he was looking at. He lives here and the people buying these houses will call him and he will not be able to reach the developer because he will be gone. He does not want to be the commissioner who just said let's do this. Then we are stuck with residents who are frustrated because we did not do our due diligence. He did not know whether or not Ken Thomes talked to him about the homebuyers' program and educating the buyers because he was no longer with the city. You want us to vote for a product when we do not even know if our residents are prepared to understand what they are buying. He signs many mortgages and nobody reads all three hundred pages. He has concerns about the whole process. **Commissioner Burry** questioned, with Leesburg being medium density, how many single-family units could you put on an acre? **PZD Miller** responded twelve under the medium density. **CM Minner** said that with twelve units an acre with the roads, drainage and setbacks on 0.69 acres, you will only be able to squeeze about four units on that. You have to remember it is net, not gross. Even though it is twelve units per acre, we are working with 0.69 acres, so they would probably only get about four units. **Mayor Pederson** stated we should really have a better title for medium density residential. He understands the perplexity of that. **CM Minner** added that even if we put a medium density on this and there was no SPUD, he would only get four units. That is pretty much what he would get from the county too. Our medium density and the county's medium density are pretty similar. **Commissioner Robuck** stated he agrees with Commission Christian when it comes to the garages. He would like to see that. He does not care about the playground. He brought that up at the first reading where they could turn it into more parking. There also needs to be an enclosed garage. However, it does not have to be attached to the house. Whether it is attached to the house or not does not matter, as long as people can store stuff in it. Either way, he is okay, whichever is easier from a phasing standpoint. He is more concerned about who is responsible for the common areas of this property. **Mr. Burns** replied that would be the association. **Commissioner Robuck** asked if the association was the homeowners or the landowner? **Mr. Burns** responded that it would be the homeowners. **Commissioner Robuck** wanted to know why it would not be the person that owns the land? Why would it be the people that own the buildings, since this is a split structure? These people do not own the land, they only own the houses. **Mr. Burns** remarked that he did not follow because there would be an association just like a condo. **Commissioner Robuck** replied right, but you have this split structure. **Mr. Burns** said this development is like a town home. When you purchase in a town home community, you own the vertical structure, but you do not own the infrastructure or the land. The overall association was setup to facilitate that. **Commissioner Robuck** stated that was a concern because he has some experience in small developments like this and owning units. Over time, one or two people will quit paying their HOA dues and the associations rarely build up enough reserves. The roads will get torn up and then the city has to get involved, which just recently happened. Now they are trying to figure out who is responsible and, of course, they want the city to come and do it. He is sure it could be overcome, but he has concerns over how the association would be setup to make sure there is enough money to pay for the actual maintenance. If this were a big town home community with one hundred town homes in the HOA and it had an organization running it, he would feel differently about it. However, with parking and maintenance, this is not a large entity, so who is going to do that? His experience with smaller scale developments is that it does not always happen, especially if two of the six homeowners quit paying. It will basically be bankrupt. Those are concerns, but he believes they could be

overcome. **Mr. Burns** said he would like to respond to the city manager's comments. He may not have all the answers to the questions, nor can the city manager say we can only get four units. He asked if they could table this item. They could come back with the blessings of city staff. He knows the city manager's comments about staff, but they have been working very hard to go through the regulations. Having been censored, they would not come back unprepared to answer all of the questions that have been brought up. He asked them to table this item to allow them time to go back and make modifications. He asked the commission to keep an open mind when they came back. **Commissioner Christian** mentioned that with these six houses they asked them to pay for the grass to be cut, the playground area to be maintained, if a swing breaks it has to be replaced, and they are asking them to pay for that. If they cannot, someone will get sued. They need to remember that these purchasers are people who have low to moderate incomes. These are the types of people that can afford these houses. You are telling the homeowners to put two hundred dollars a month towards an HOA for the lawn, shrubbery and tree maintenance that is required. These are the type of things that sound good on paper. However, realistically, the end user may not be able to afford enough money to pay into the HOA to effectively maintain the common areas, the retention ponds, or the potholes that the Florida weather creates in the middle of the road. They will call and complain to the city, so it all sounds good, but realistically, these six homeowners may not put enough money into that HOA to cover the work. How do we know that six units can keep an HOA going without irritating each other? These are the things that we need to see and hear more about. We need to hear how this will work. Even with the lease and the landowner, can you bring in information on where you have done this type of development before? Could you bring in some examples of where this has worked? **Mr. Burns** responded fair enough. **Mayor Pederson** stated it sounded like everything could be negotiated or overcome except for the concerns with the HOA. He does not know if the commission has any comments on that. **Mr. Burns** remarked that if they cannot make it work they would say they cannot make it work. **Commissioner Burry** questioned the approval of annexation. If items two and three are tabled, does that mean they have to bring this item back within six months for either up or down? **CA Watson** answered yes. **Mr. Burns** stated to be clear about the annexation; if they cannot do something that is suitable to the city, they do not want to be annexed. **CA Watson** replied that the annexation had already been voted on. **Mr. Burns** stated that he was clear about that when this was brought up during the annexation. **CA Watson** responded that in the past there have been scenarios where annexations have been voted on. The city brought them backup and de-annexed or withdrew them the same night. The request for annexation was made at the same commission meeting and it was accepted by the commission. The time to make the decision to de-annex this to be consistent with what has been done before would be tonight. **Mr. Burns** asked if they could vote to de-annex and they would come back if they could make it work. **CM Minner** stated that the question would be whether they want to be in the city or the county. There are twelve units an acre with single-family-residential. Twelve units an acre would yield them about four units. If they are good at that, we should table this. **Mr. Burns** agreed. **CM Minner** commented that he should go check with his folks and come back because, instead of doing a SPUD, he would be coming back under R-2. He would have to live up to the standards that Commissioner Christian spoke too. Those specific codes are garages, house sizes and setbacks. He would have to meet all those standards. He would end up with around four units. If he does nothing tonight, it would stay county zoning and that would also be about four units. At the end of the day, it would behoove him to stay in the city because he would have four units, which is where this body is going. If he wants to be taken out of the city, the commission would say fine and they will de-annex the land tonight. He would go back off and develop in the county and there would still be about four units. He would still need to come back to the city to ask for water and sewer and the commission probably will not give water and sewer unless it is built to city standards. The answer tonight is that we are looking at about four units for this site. **Mr. Burns** remarked that he did not have his answer. **CM Minner** said that he did have his answer. **Mr. Burns** said that he had a partner who was not there, so he did not have his answer. **CM Minner** remarked that he had a dilemma, but the answer was four units. The only question is, does your partner agree with four units? The last question is with this body and about keeping you annexed or de-annexing tonight.

Commissioner Robuck stated that they have not made a decision one way or another on the units. They need more criteria regardless of the number of units. **Commissioner Christian** asked if they were to stay in the SPUD and the annexation. Would he go back to the architect and his partner and come back after working with our staff? He could come back with garages and a limited play area. He could also bring the answers to the HOA. He thinks he could answer most of the questions that the commission has. The city manager was alluding to that being in your best interest. You need to bring your best number for the housing in order for you to stay in the city. Bring that back under the SPUD with the adjustment of the garages. Answer the questions of the HOA and he thinks he would be fine. He wants to see garages attached to the houses. He would also like to see houses built where people can actually afford to live in them. So, ten years from now, they will still be happy with their house. The play area does not mean much to him, because kids will play anywhere. Plus, that play area will cause more problems with HOA and the residents will have to maintain the playground. Once children turn twelve or so, they will not be using the playground and the homeowners will still be paying for maintenance. He suggested going back to redesigning houses without spending three years doing it. Get with the architect to look at the houses and put garages on them. Whether they are detached or attached. Work with city staff and come back to this commission. At that time, maybe he could have his support. **Mayor Pederson** wanted to clarify being fair to the petitioner. When we say go make these changes it is to help get this approved. We have questions and concerns about the HOA. It is hard to understand an HOA with only six owners. He asked that he bring back answers for the commission to understand how this would be a functional association so that it would not be turned down for that reason. **Mr. Burns** stated that he would be okay with that. If they come back and the commission turns them down after he has answered what he perceives to be all the questions, he would be okay with that. He did not want to get himself into a corner tonight. He did not want to annex it without knowing one way or the other. He cannot sit here tonight and answer all the questions because he is the builder, he is not the architect. **Mayor Pederson** commented that he was trying to help him. **Mr. Burns** remarked that he appreciated that. **Commissioner Robuck** said the only downside they may have coming into the city, is that they would pay an additional forty dollars a year in property taxes. He asked if there would be a downside to not coming into the city? **Mr. Burns** responded it would be water and sewer. **Commissioner Robuck** replied that he would have access to water and sewer the second they were annexed into the city. **Mr. Burns** stated that when he comes back with a redesign he wants to build that redesign given the scenarios that have been brought up tonight. If he solves everything that was brought up and he gets shot down, fine. He wants to make sure it is under his interpretation of what has been said tonight. **Mayor Pederson** pointed out that meeting the commission's concerns, he could support that play area being gone in its entirety and make that parking. **Commissioner Robuck** mentioned that the applicant does not want to be in the city unless we approve it. He does not want to force anyone to be in the city as much as he would like to have the property. **Mr. Burns** stated that his preference would be to be in the city. **Commissioner Christian** commented that what Commissioner Robuck said was, even if that land remained vacant, you are only going to pay forty dollars more to be in the city. So, if nothing happened for the next five years, you would only pay forty dollars more to be in the city limits. **Mr. Burns** said that if he was making decisions on a development over forty dollars, he was in the wrong business. **Mayor Pederson** questioned in summary if he was okay with the approval of the annexation. **Mr. Burns** answered that he was not. He wanted to make it like tonight never happened. **CA Watson** provided his legal opinion on how the commission should vote and table all items to a date certain. **Commissioner Burry** remarked that there was a motion on the floor for item two and they needed to do something about that. It either needs to be tabled or withdrawn. **PZD Miller** commented that if we table these items to a date certain they do not have to re-advertise.

Commissioner Burry made a motion to table the amendment of the comprehensive plan to the June 27th meeting and Commissioner Christian seconded the motion.

The roll call vote was:

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

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

- 3. An Ordinance of the City of Leesburg, Florida, rezoning approximately 0.59 +/- acres from Lake County RP (Residential Professional) to City of Leesburg SPUD (Small Planned Unit Development) to allow for residential development for a property generally located west of County Road 468 and north of Schoolview Street, as legally described in Section 21, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Schoolview Properties)**

TABLED ORDINANCE 22-37

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

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

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

Commissioner Robuck made a motion to table this item to the June 27th meeting and Commissioner Christian seconded the motion.

The roll call vote was:

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

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

Mayor Pederson asked for someone to bring back Agenda Item 6.A.1, the annexation.

Commissioner Robuck made a motion to reconsider the vote on item 6.A.1 and Commissioner Burry seconded the motion.

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

The roll call vote to reconsider the vote was:

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

Four yeas, no nays, the Commission the commission approved the reconsideration of annexation.

Commissioner Robuck made a motion to withdraw the annexation and Commissioner Burry seconded the motion.

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

The roll call vote to withdraw the annexation was:

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

Four yeas, no nays, the Commission the commission withdrew the annexation.

Commissioner Robuck made a motion to table the annexation to the June 27th meeting and Commissioner Christian seconded the motion.

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

The roll call vote to table was:

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

Four yeas, no nays, the Commission tabled item 6.A.1 to the June 27th meeting.

CM Minner stated for clarification we basically reset the annexation, the comprehensive plan amendment and the SPUD for the June 27th meeting.

B. FIRST READING OF ORDINANCES

1. None

C. NON-ROUTINE ITEMS

1. None

7. INFORMATIONAL REPORTS:

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

A. Financial Reports as of March 2022

Mayor Pederson asked for questions or comments on the Financial Reports as of March 2022. He stated he had a question about the accounts receivable for planning and zoning. It referenced Mouktara and VPG with the MPO. He did not understand how we had a receivable from a traffic study. **PZD**

Miller stated that traffic studies are required in the development process and they are required to be done by the developer. Both the procedures and the study itself are shipped to the Metropolitan Planning Organization (MPO). They have three groups on contract which review these. Those are the bills for that and it does come back to us. It is all kept at arm's length. The developer does not know who other than MPO and one of three consultants. They do not know who is looking at their traffic studies or who is reviewing them. It is a milling process and we have a couple of people who still owe us money. **Mayor Pederson** said that the basis of the question was looking at the accounts receivable report. He sees developers that owe money and he was trying to understand how that happened. **Commissioner Robuck** mentioned he was supposed to bring this issue up. He was not sure if this was the type of traffic study or not, but the MPO used to want us to run all of our traffic studies through them. That was how the grants used to work. We would run the traffic studies through them and it would count like an in-kind contribution and it would allow for matching federal funds. That is no longer the case. We are one of three cities that still do this. It is more of a pain for the MPO because they are just passing paperwork around. They are not charging for it, but we really should stop doing that. He said staff needed to get with the MPO to figure this out. We could still use their contract, but we need to get with the purchasing department so they can do their part. **Mayor Pederson** asked if that would eliminate the receivables moving forward? **Commissioner Robuck** replied yes.

8. CITY ATTORNEY ITEMS:

CA Watson had no items to discuss this evening.

9. CITY MANAGER ITEMS:

CM Minner wanted to note the fiscal year 2023 budget process. The staff are working hard in the middle of it. The departments have submitted their requests and they have been reviewing those budget requests since May 23rd. Right now, we are a little over budget in the General Fund and the Electric department is also a little over budget. The standard operating procedure at this time is that everyone is on baited breath until June 1st because that is when the tax numbers come out. If there are any questions regarding the budget or if there are any items, anyone may want them to pay particular attention to give them a call and they will weave them in. The budget workshop schedule is July 5th, July 7th and July 12th. He asked that they mark their calendars in red for those dates.

10. ROLL CALL:

Commissioner Robuck had no comment.

Commissioner Burry had no comment.

Commissioner Christian stated he received a letter from Ms. Sandra Oberholtzer. He also attended a senior brunch where the same question came up. He said to the city manager that he thought it was very important for the seniors in our community to have the Aquatic Center open. Her letter says she is a

lifelong resident of Leesburg and she was psyched to hear about the new Aquatic Center and she awaited for it to open. She lives about three quarters of a mile from the pool. The City of Leesburg has many older citizens who would benefit from water walking and lap swimming. The city needs to offer water therapeutic exercises year-round, especially since the pool can be heated. The pool needs to be opened throughout the year. It should provide early morning hours for older adults to utilize the pool. Ms. Oberholtzer even names some people who would join in the early morning water walking or lap swimming classes. She says this would be really good for older citizens as they need time to get moving and since the Wellness Center closed in 2020, that was where many of the citizens used to go. They were all waiting for the new Aquatic Center to open. When he was at the senior brunch, a lady asked him why older people cannot use the pool. She said that it needed to be opened during the daytime. If he was in church he would say this is confirmation. He asked the city manager and the recreation director to get together to do something for the senior citizens of our community. He would like the pool to be open for them. **Commissioner Burry** commented that moving forward, the pool should be open. He asked if that was just weekends or was it every day? **Commissioner Christian** said that after Memorial Day it would be every day. **RD Rima** stated that starting this upcoming Saturday it would be open every day through the summer. In the off season, it would be six times per week that it would be open for lap swimming. The pool would be available for walking and exercising. Those hours are Monday, Wednesday and Friday from 6:30 a.m. to 8:30 a.m. and then 10:30 a.m. to 12:30 p.m. So, there are six times throughout the week that they could go. There will be water fitness classes starting this Wednesday. Staff members are doing it and we have options. We are open starting this week every day, seven days a week.

Mayor Pederson commented that he wanted to piggyback off Commissioner Christian's comments because he also received the same letter. He called and spoke with Ms. Oberholtzer today and they had a good conversation. He also spoke with the city manager about it and he was told that we should review this during the budget process, but he would also like to see the pool open. The city spent five-point-five million dollars on that. It would be nice to see the pool open year-round or close to it. It would be nice to have it more available to the citizens. **Commissioner Christian** remarked that we would also need to hire lifeguards. **Mayor Pederson** said that would be another issue to look at during the budget process. **CM Minner** said that he and RD Rima received that letter too. It was an older letter, dated April 11th. He had a conversation with RD Rima about it. Some of the stuff in the letter is not one hundred percent accurate. If there is a desire to see the pool open, as the commission has expressed here. We will need full-time staff for that facility. We would need to hire full-time professional lifeguards year-round. The issue is the certified lifeguards. He knows everybody likes to say there are retired people that are certified lifeguards. If someone could show them to him, he would hire them today. It was difficult hiring part-time lifeguard staff. That is a challenge for everyone and to bridge the gap, we need to look at full-time professional lifeguard staff. That would be one or two extra people in the budget.

11. ADJOURN:

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

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

The meeting adjourned at 6:58 p.m.