

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, AUGUST 22, 2022 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, August 22, 2022, at Leesburg City Hall. Mayor Pederson called the meeting to order at 5:30 p.m. with the following members present:

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

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.

Max Parker, Jr., President of the West Leesburg Community Development Corporation stated he believes in law enforcement. He loves the Leesburg Police Department. There is no doubt about it. He believes in the City of Leesburg and all the efforts being made to make this city the best city. He believes in all the communities in Leesburg. With him having the title of President of the West Leesburg CDC, he has many concerns about West Leesburg such as Carver Heights, Woodland Park and Montclair. The West Leesburg CDC was contacted by the Carver Heights community residents requesting that the West Leesburg CDC help them develop and devise solutions to resolve and hopefully eliminate all the problems which impede growth in a positive living environment in Carver Heights. The issues of concern include illegal drugs, dealing and drug use in Berry Park, the destruction of Berry Park and exceptional live music played on the weekend in specific areas of Carver Heights without approved city permits. These events occur all the time. The West Leesburg CDC is concerned about the various criminal issues prevalent in the Carver Heights community that are devastating to the residents' quality of life. The West Leesburg CDC believes we need increased police presence, more aggressive policing and increased police arrests of individuals purchasing illegal drugs and other illegal activities in Carver Heights. For example, a senior questioned someone parking in their driveway. She went out and approached this person and that person reached into their pocket and gave her fifty dollars and told her to go back into her house and to not come back out. This person stayed in front of her house for over three hours. He suggested a solution using Florida State Statute 893.13 which handles illegal drugs and their arrests. It is a great statute. It does great things for the State of Florida as far as illegal drugs. He also offered Florida State Statute 877.03. It is a breach of the peace and disorderly conduct. This statute states, whoever commits such acts as are in a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of peace or disorderly conduct, shall be guilty of misdemeanor of the second degree. It would be right there if we were to go in and approach these people with loud music or with the other things they are doing in the Carver Heights. These are the West Leesburg CDC concerns and solutions. To each Commissioner, the City Manager and the residents of Leesburg, thank you and we need help. **Mayor Pederson** thanked him for his comments. He then asked for any further comments. There were none.

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.3 - Appointing three Regular and one Alternate member to the Leesburg Planning Commission
- 5.C.4 - Appointing regular members to the Historic Preservation Board
- 5.C.14 - Approving the Evergreen Construction - Aquatic Facility Construction Loss Request

Commissioner Christian moved to adopt the Consent Agenda except for 5.C.3, 5.C.4 and 5.C.14, and Commissioner Connell seconded the motion.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Yes

Mayor Pederson

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 August 8, 2022**
- 2. FY 2022-23 Budget Workshop # 3 held July 12, 2022**
- 3. FY 2022-23 Budget Workshop # 2 held July 7, 2022**
- 4. FY 2022-23 Budget Workshop # 1 held July 5, 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 Fixed Unit Price Agreement with J Walton Mowing, Inc.; and providing an effective date.**

ADOPTED RESOLUTION 11,140

- 2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Agreement with Halff Associates, Inc. for professional services related to US 27 Water Main Installation for an amount not to exceed \$331,376.75; and providing an effective date.**

ADOPTED RESOLUTION 11,141

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida appointing one regular member and one alternate member to the Lake County Arts & Cultural Alliance as the City of Leesburg's representatives; and providing an effective date.**

ADOPTED RESOLUTION 11,142

2. **Resolution of the City Commission of the City of Leesburg, Florida appointing two members to the Leesburg Firefighters' Retirement Plan Board of Trustees; and providing an effective date.**

ADOPTED RESOLUTION 11,143

3. **Resolution of the City Commission of the City of Leesburg, Florida appointing three Regular and one Alternate member to the Leesburg Planning Commission; and providing an effective date.**

ADOPTED RESOLUTION 11,153

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

Commissioner Robuck questioned if they needed to pick two. **CC Purvis** said they were appointing three regulars and one alternate. **Mayor Pederson** added there are four candidates total. We have three positions and one alternate. Two are existing and two are new. The question is which of the two new applicants should go as the regular and which one should go as the alternate. **Commissioner Christian** commented that Mr. O'Kelley currently serves on the Historic Preservation and the Planning Commission. Was there a preference regarding which board he wanted to serve on? **PZD Miller** stated that Mr. O'Kelley only wants to serve on the Planning Commission. **Mayor Pederson** asked if anyone had any recommendations. **Commissioner Christian** asked, out of the four do we need three regulars and one alternate? **CC Purvis** answered yes. **Commissioner Christian** said there were three applications received. **PZD Miller** commented they had two people reapply Ms. Carter and Mr. O'Kelley. Two people resigned because they moved out of the city limits. They were Michael Fitzpatrick and Chris Wood. Trey Holiday did not reapply, so that makes the five slots. Currently, Ms. Carter is an alternate and Mr. O'Kelley is a regular. We have enough to take all four, plus one. **CM Minner** said this needs to be specific because we have full terms, partial terms and an alternate position to fill due to the resignation. **PZD Miller** stated that was correct. Whoever replaces Mr. Wood would be good for one year. That term expires September 30, 2023. The others would be three-year terms. **Commissioner Christian** inquired if there were five slots and four applicants? **PZD Miller** replied that was correct. **Mayor Pederson** said that does make it easier. He thought there were four people, three permanent and one alternate. He does not know the two new candidates. **Commissioner Robuck** suggested having Mr. O'Kelley serve the short term because he has been on the board a long time. Right now, we do not have new people that want to do it. He is of the opinion that if new people want a shot at being on a board, they should. Maybe we should give him one more year. **Mayor Pederson** mentioned that he would be new to this board. He previously served on the Historic Preservation Board. **Commissioner Robuck** apologized and took back his comments. He thought he was on this one. His application said twenty years, but that was for a different board.

Commissioner Robuck made a motion to have Kenneth Simeone fill the one-year term and if he does a good job then he could be reappointed for a full three-year term, and Commissioner Christian seconded the motion.

Mayor Pederson wanted clarification because what he read and what is on the form is one alternate and four candidates; three permanent and one alternate. He heard Commissioner Christian say five candidates. **PZD Miller** stated that the one that did not reapply is what threw this out of balance. That just happened recently. He apologized for the confusion. **CC Purvis** wanted to make sure they were all

being made regulars. **Mayor Pederson** remarked that is the motion. **Commissioner Christian** asked if Mr. Simeone would be taking over the spot for the one who resigned. **PZD Miller** replied yes. Ms. Carter is an alternate and the rest are full-time members. If you want to move Ms. Carters position to a full-time position or leave her as an alternate. We could do that. **Commissioner Robuck** commented that he thought he just said he had five full-time spots. Is that wrong? **PZD Miller** said they have two alternates and three full-time spots, which makes five spots total.

Commissioner Robuck amended his motion to make Mr. Simeone, the alternate, and the other three regular members, and Commissioner Christian seconded the motion.

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

The roll call vote was:

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

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

4. Resolution of the City Commission of the City of Leesburg, Florida appointing regular members to the Historic Preservation Board; and providing an effective date.

ADOPTED RESOLUTION 11,154

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

Commissioner Robuck made a motion to appoint Vickie Lingerfelt and Ciara Bender, and Commissioner Christian seconded the motion.

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

The roll call vote was:

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

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

5. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 60, a subdivision of the City of Leesburg, Florida, being a portion of Sections 7 and 8, 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. 60)

ADOPTED RESOLUTION 11,144

6. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 62, a subdivision of the City of Leesburg, Florida, being a portion of Section 7, 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. 62)

ADOPTED RESOLUTION 11,145

7. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 66, a subdivision of the City of Leesburg, Florida, being a portion of Section 8, 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. 66)

ADOPTED RESOLUTION 11,146

8. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 69, a subdivision of the City of Leesburg, Florida, being a portion of Section 8, 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. 69)

ADOPTED RESOLUTION 11,147

9. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 70, a subdivision of the City of Leesburg, Florida, being a portion of Section 8, 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. 70)

ADOPTED RESOLUTION 11,148

10. **Resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute a natural gas service agreement between the City of Leesburg and Wetherbee Partners, LLC, for the purpose of setting forth the terms and conditions under which the City of Leesburg will supply natural gas service to the development known as Southwinds Phase III; and providing an effective date.**

ADOPTED RESOLUTION 11,149

11. **Resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute a natural gas service agreement between the City of Leesburg and Hanover 623 Holdings, LLC for the purpose of setting forth the terms and conditions under which the City of Leesburg will supply natural gas service to the development referred to as Eagletail Landing (McElyea) Phase 4; and providing an effective date.**

ADOPTED RESOLUTION 11,150

12. **Resolution of the City Commission of the City of Leesburg, Florida, amending Resolution No. 8839 approving new service fees and adjusting current Utility Service Fees; and providing an effective date.**

ADOPTED RESOLUTION 11,151

13. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a lease agreement with Blue Heron CPA for space at the Leesburg Incubator; and providing an effective date.**

ADOPTED RESOLUTION 11,152

14. **Resolution of the City Commission of the City of Leesburg, Florida approving the Evergreen Construction - Aquatic Facility Construction Loss Request; and providing an effective date.**

ADOPTED RESOLUTION 11,155

Commissioner Burry 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 Christian seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry stated he would like the city manager to explain the situation we are in and the possible alternatives or remedies we have.

CM Minner said the contractor is seeking an additional payment for what they deem as a loss due to Covid. It is certainly an unprecedented situation. The contractor would have come before this body no matter what due to the amount of the claim and the nature of the obligation. He tried to be vague in his staff report for a number of reasons. He did not present a recommendation to the body in deference to the contractor and the firm. It has been a difficult and frustrating experience for the staff all the while. Evergreen has done their best to provide a good product, on time and on budget. In this particular case, there were a number of situations with Covid and delays that stacked up on the contractor. At the end of the day, we were extremely happy with the product and it was completed. Unfortunately, Evergreen has had some difficult circumstances. He tried to keep the agenda packet brief in order to keep the apples to apples comparison. That way it would not mix up other stuff like the Owner Purchase Discounts (OPD), which change the numbers. All the while, you need to have a reference point for the claim. The initial claim that Evergreen says is that they lost five hundred and fifteen thousand dollars. They are seeking reimbursement from the city for that and their argument is that this is due to Covid. They lost money because of Covid and we received money from the federal government, which is the American Recovery Act money. We could use those funds to help offset a contractor loss. However, he was not sure if we should pay that complete amount, but it is a reasonable use of the expenditure. Legally, we had a fixed bid contract, and the city attorney can flush this out, but the city's position is, from a legal standpoint, that we had a fixed bid contract. We are only obligated to pay what the agreed to contract price was with the change orders. **CA Watson** stated that was correct. **CA Minner** continued to say that the contract price was four million eight hundred twenty one thousand nine hundred and seventy-three dollars. That number included two issues; the contractor's profit or the contractor's fee, which was listed at one hundred eight three thousand eight hundred and forty-five dollars. That also included what we call the OPD, the owner purchasing discounts. When we encounter major projects, we save on sales tax because we are a governmental agency because we make direct purchases. When the contractor buys plywood from the supplier, they have to say it is for a government agency. They do not have to pay sales tax because we save that seven percent. With this project, we agreed there was about one-point-one million dollars of available direct purchase items. In other words, there was one-point-one million dollars of stuff that we were not going to pay seven percent on. Seven percent of that one-point-one million dollars is about one hundred thousand dollars. That was our savings and we still had to write that check for one-point-one million dollars, but we did not write it to Evergreen. We wrote it to the supplier. The price that was included assumes that Evergreen was going to buy everything for us and that we would avoid the seven percent by doing OPD. We do track the expenditures. In a change order, we agreed on what was purchased and where we saved. The good news was Evergreen and the city agreed and there was a deduct change order for about one-point-one million dollars. There were six change orders in this project. At the end of the day, everything was a deduct change order, excluding the OPD. There was an increase in the contract price of one hundred forty-eight thousand seven hundred ninety-two dollars and forty-two cents, which he will henceforth refer to as one hundred and fifty thousand dollars. In that one hundred and fifty thousand dollar change order over a four point eight million dollar contract, that is a little less than four percent. In his opinion, that is pretty tight. Both the contractor and the city did a good job controlling the costs. With all the change orders in the project, it left one hundred and fifty thousand dollars. How did we do the math? The contract price was four-point-eight million dollars. When we subtract the OPD from that number and add the difference in the change orders, we come up with what the city actually paid and what the contract price was. We are in the green on the chart that was sent to each commissioner. The city actually paid three point eight nine three million dollars. That was about six thousand three hundred dollars short of three point nine million dollars. The contractor stated they spent four-point-two-five-five million dollars on the total project. The city checks

out at three point nine million dollars. The contractor says he was paid four-point-two and he has a contract fee of one hundred eighty-three thousand eight hundred and forty. Now, the contractor says due to him is four point four one million. Four-point-four-one million less three-point-nine is a difference of about five hundred and fifteen thousand. Now, Evergreen has requested a loss of five hundred and fifteen thousand dollars on this project due to Covid. They batted around this number and reminded Evergreen about the lump sum price. Technically, we do not owe them anything. However, the contractor will say, *force majeure*, it has been crazy times, this is Covid. He ran into Covid, prices increased, he bid one thing, Covid hit so not only did he have delays, he also had Covid impacts which drove his budget up half a million dollars. He would not recommend to the commission whatsoever that we pay the full contract price. They clearly lost money on the project, it was not the city's fault because of Covid. They should eat that number. In his agenda transmittal he showed the difference they are now arguing about, which is three hundred and thirty one thousand six hundred and sixty-nine dollars and ninety cents. There are three avenues we can take. We can choose not to pay. The city attorney will say that we are not obligated to pay that. We are not contractually obligated to pay that amount. We can choose to pay for it, but why would we pay for it? There are two reasons. First is a procurement risk. This was a multi-million dollar project and the city does a lot of multi-million dollar projects. This is different than having a contract on a private level at a lot lower level, because when they go over budget for whatever reason, who eats that cost. The difference here is the magnitude of half a million dollars and the impact it has on the marketplace. The impact on the marketplace is that the city will go out again to shop around for other multi-million dollar projects. That will happen soon. We are still in an economically challenged time where prices are all over the place. The public perception of larger contractors in the contractor world will be if we let a big contractor lose on a project, not just breakeven, lose, we will feel it on the next big project.

That pencil is going to be a lot sharper. On multi-million dollar projects we are going to get big bids because they are going to say we do not work with contractors. He cannot say that will happen, but he had to put that out there.

How much is it worth? He does not know, but our next multi-million dollar project is coming and we will find out with Pine Street. Now, will it be closer to an engineer's estimate or, will the marketplace know that we let a contractor lose and significantly raise funds on a project affect the bids. That is something that should weigh into your decision. The next issue is litigation. The city attorney says we are good and his legal opinion is that a contract is a contract. He did not address this issue with the contractor in their discussions because that would not be something he would reveal to him anyway in their conversations. However, what if Evergreen becomes litigious and they argue a forced *majeire*. Can that legally change a contract? That is what we have the city attorney doing here. He would defend us if something like that happened. He did not know the likelihood of that. Obviously, the more you hold Evergreen to a break-even standpoint, the less the litigatory risk is. **CA Watson** pointed out that his firm has done work for Evergreen in the past, so he would not be able to weigh in terms of giving specific advice on this particular item. He did opine as far as generally fixing the contracts, but he did not want to get too much further into it other than that. However, they would work with the city to ensure proper council, if there were any issues. **CM Minner** said this information was put out there, so when this is voted on everyone knows what the potential ramifications are. Either we do not pay, we pay in full or we split the baby. Splitting the baby may be a reasonable option in this case because of our financial position. There are a couple of money pots that could pay for this request. With the project pots, we shuffled the decks quite a bit. We moved cash from the marina project to fill the gap when we saw it came in under budget. We also delayed the marina wet slips. Remember we had half a million dollars in there and when we decided the pool was getting dynamic, we said we would shift that money and push off the marina project. We also shifted some of the DST monies. We have been very creative about keeping money in that budget to do the pool project so we were not affecting cash or other special revenues. At the end of the day, we have one hundred forty-one thousand seven hundred and eighty dollars available in that project fund. If the commission said pay that number he would say that is revenue neutral for the city. That one hundred and

forty-one thousand dollars would not go towards another project, but that one hundred forty-one thousand dollars would not come out of general reserves nor would it come out of the ARP money. This would be budget neutral. With the American Recovery monies, we received the full eleven million dollars from the federal government. Last week we received the last draw. Five million dollars of that has been encumbered, not spent, but encumbered. We have about six million dollars in Recovery monies that could fund the difference between the three thirty-one, so we are looking at just under two hundred thousand dollars to make up the difference. The owner of Evergreen, Mr. Starcher is in the audience if there are any questions. **Commissioner Christian** wanted to confirm this was for the swimming pool and if we would be expecting the same for the Teen Center? **CM Minner** said we have completed five big projects with Evergreen, the Mote Morris House, the Venetian Center, the Resource Center, the pool, and the Teen Center. The Teen Center has not been closed yet. He does anticipate a change order. He may be roughhousing the number, but there will be a one hundred thousand dollar Covid related change order coming. It has not made it to their attention yet. We may be back here again talking about another one hundred thousand dollars on the same type of issue. He tried to keep these issues weaved together so that we would only have to take one swag of the apple, but the bottom line is we are starting to get complaints about bills not getting paid. One way or another, we need to put this to rest. That way, Evergreen knows how to manage their project. This one is the pool. The Teen Center, to a lesser degree, is yet to come. **Commissioner Christian** said that Evergreen has done a great job for the city. Covid is something that caught the entire world off guard. He was out at the pool when he heard about products not coming in on time. In business you have to keep staff. If you let staff go, you cannot get them back. You still have to pay people to come to work even though your products may not be there. He has a place in his heart for this because it was a big contract for the city. They could have changed orders throughout the whole project and we would not be here. However, Evergreen has been a good partner for the City of Leesburg and we should do something to mitigate some of their costs. **Commissioner Burry** said as a business owner he was able to receive Covid money in his business. He wanted to know if Evergreen was able to receive federal dollars due to Covid. **Mark Starcher** thanked the commission for taking the time to consider this issue. He is currently dealing with a number of serious health issues. He asked that they pardon his demeanor and lack of clarity and speaking. However, they did receive a PPP loan last year. That helped them get through last year or 2019. This situation is a totally different animal than anything they have ever experienced, with the market being turned upside down by the declaration of a national emergency, Covid-19. **Commissioner Robuck** pointed out that he would have to abstain from voting because Evergreen is a customer of his. However, being in the industry, he would speak a little bit and his comments may be a little biased. On the commercial side, what they saw a lot of contractors do, when they were hit with this, was they either just stopped work until you agreed to a change order for the price or they would just walk away from the job and let someone else deal with it. He gave credit to Evergreen. They kept going to get this project done as quickly as possible. They could have walked away from the job and said let someone else deal with it, but they did not. The reality of the construction market is, contractors have had a lot of leverage over their customers over the last couple of years. With their credit and due to the long-term relationship with Evergreen, they chose to finish the project and that is worth something. **Mayor Pederson** commented that if he came to him as a business owner or any business owner on a fixed-price contract, he would not pay five hundred thousand dollars under the circumstances. He was concerned that we could be setting a precedence for other people to come in with this type of request. He was also concerned about parties bidding. He values the relationship with Evergreen, but he thinks the city could find better ways to spend the money. **Commissioner Christian** agreed with the mayor when it comes to setting a precedence. Maybe on the multi-million project we can put something into the contract. However, if Evergreen knew they were going to be in the position they are now in the middle of the pool project, they may have come to us then saying they needed to stop work until prices were more stabilized. He has some guys who are in the middle of building a house with his church. If the contractor just stops working, there are bills that still need to be paid. We would then have to find another contractor and that could set the whole job back at least three months. If you go to Home Depot,

sometimes their prices go up five or six dollars for two by fours. He understands the concern of setting a precedence, but Evergreen has been a great partner with the City of Leesburg. They did not stop at the pool. They went on and started working on the Teen Center. Could you imagine if they just said they were not going to work in the Teen Center or the pool? With the pool, when he talked to staff on the ground, he learned a lot about building a swimming pool and about the type of regulations that have to be accomplished. We do not build swimming pools all the time. He was concerned about setting a precedence for other contractors, that if a contractor loses money, Leesburg would not pay and you would just eat what you lose. When it comes to Susan Street and Sleepy Hollow with a five or six million dollar project, who would want to do business with us? If you look at the mowing contracts we just had? We had two bids and they were almost one hundred thousand dollars apart. One wants to charge four thousand for a cut and one wants thirteen thousand a cut. Can you imagine the next bid we get instead of five million? It is ten million. What do we say to the taxpayers: we cannot do business because we have a bad reputation? Evergreen has been a great partner for Leesburg. Everything they build has been top-notch. They are not trying to stick us or tell us to bail them out. They are simply saying they lost money on a city project due to the Covid and can the city help their business so they do not suffer. We give grants and other things to new businesses. We have an existing business here, so we are simply going to say we are not going to assist in their loss. **Commissioner Burry** said he asked the city manager to send everybody the actual costs of the bid and he would like some explanation. He would like to know why Earth Work's original bid was for seven hundred and seventy and one point two million was paid out. **Mr. Starcher** said that some of that was due to shifting money in the budget. Not all of that cost was apples to apples with their original bid. They also put another subcontract within that budget line item which increased the cost. On the other hand, that contractor did cost them about two to three hundred thousand dollars worth of work that they had to do on their behalf just to get through the project. That contractor defaulted on their contract and they ended up taking over the work and finishing it themselves. **Commissioner Robuck** added that is something, at least in their industry, they see over and over and over again. It was from people who have been doing this a long time. It was not just a fly-by-night company this time, it was a company that had been in business forever. They had a ton of work, they bid out for all the jobs and all of a sudden their material cost went up by two to three hundred percent, plus the labor shortages. They just said to the general contractors like Evergreen, tough, they were not going to do the job because it would put them out of business. They just walked away from the job. **Mayor Pederson** commented that he was struggling with this one. Commissioner Burry asked what he thought was a great question about the PPP loan. That PPP loan was there for all the different businesses that were hurt during Covid. That was a subsidy. **Mr. Starcher** replied that with all due respect, so was the American Recovery Act money. That was for those specific situations that we are talking about right now in which the city received ten million dollars. **Mayor Pederson** stated it is not an easy decision because he knows they have a long-standing relationship, but we have a lot on our plate and there are a lot of things we could do with one hundred and fifty to five hundred thousand dollars. We juggle that money all the time, but these are tough decisions. **Commissioner Burry** commented that we received Covid money to give it to people who were impacted and, obviously, this was someone who was impacted. As a private business, we received Covid money. Again, we should help our partner out, but he could not agree to helping out to the tune of three hundred thirty-one. He could agree to one hundred and forty, which is the remaining number in the budget. **Commissioner Connell** stated there have been a lot of businesses impacted. We cannot help everybody that was impacted.

Commissioner Burry made a motion to take the remaining money in the bucket, which was one hundred and forty-one thousand seven hundred and eighty dollars, and allocate that to Evergreen to cover Covid related expenses and Commissioner Christian seconded the motion.

Mayor Pederson asked for any further comments from the Commission and the public. There were none.

The roll call vote was:

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

Three yeas, one nay, one abstain, the Commission adopted the resolution.

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

A. SECOND READING OF ORDINANCES

1. None

B. FIRST READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 1.09 +/- acres; and being generally located north of U.S. Highway 441, east of Waters Edge Drive, west of Mark Road, and south of Brittany Boulevard, lying in Section 19, Township 19 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 1; and providing an effective date. (Brittany Estates)**

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

Mayor Pederson requested comments from the Commission and the audience. There were none. He stated this item would lay over.

- 2. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 1.09 +/- acres from Lake County Urban Medium Density to City of Leesburg Highway Commercial, for a property generally located north of U.S. Highway 441, east of Waters Edge Drive, west of Mark Road, and south of Brittany Boulevard, lying in Section 19, Township 19 South, Range 25 East, Lake County, Florida; and**

providing an effective date. (Brittany Estates)

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

Mayor Pederson requested comments from the Commission and the audience. There were none. He stated this item would lay over.

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 1.09+/- acres from Lake County RMRP (Mobile Home Rental Park District) and Lake County C-2 (Community Commercial District) to City C-3 (Highway Commercial) to allow dry storage for boats and trailers for a property generally located north of U.S. Highway 441, east of Waters Edge Drive, west of Mark Road, and south of Brittany Boulevard, lying in Section 19, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Brittany Estates)**

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Christian stated his concern is that it would be located on Highway 441. Are we going to have boat storage and what kind of buffers or signage will we have? Five years from now, he does not want to have a bunch of boats sitting right off Highway 441. **PZD Miller** replied the applicants have expressed their intent to annex it and zone it C-3 Highway Commercial. They would like to put up a large opaque fence to where you cannot see through it on the property. They would like to use it only for the residents of Brittany Estates who live in the manufactured home development immediately to the north. It would be strictly fenced off and used for their own use. **Commissioner Burry** asked, currently does it have boats on it? **PZD Miller** replied no, right now it does not have anything on it.

Mayor Pederson asked if there were any other comments. There were none. He stated this item would lay over.

4. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 133+/- acres; and being generally located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date (Anthony Property).**

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

Mayor Pederson requested comments from the Commission and the audience. There were none. He stated this item would lay over.

5. **An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 133 +/- acres from Lake County Rural to City of Leesburg Estate Residential, for a property generally located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Anthony Property)**

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

Mayor Pederson requested comments from the Commission and the audience. There were none. He stated this item would lay over.

6. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 133 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential subdivision for a property generally located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Anthony Property)**

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

Mayor Pederson requested comments from the Commission and the audience. There were none. He stated this item would lay over.

7. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 55 +/- acres; and being generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 1; and providing an effective date. (Treasures Trove)**

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

Mayor Pederson requested comments from the Commission and the audience.

PZD Miller commented that it was brought to their attention this morning that the agenda memo for the annexation and the rezoning showed that the planning commission and the planning staff voted for approval. That was a copy and paste error. He would like to make a change to item 6.B.7, which is the annexation to simply read; under staff recommendations that the planning and zoning staff recommended approval. The planning commission does not see annexations at all. Those come straight to the city commission for approval. That was a cut and paste error. Item 6.B.8, the comprehensive plan is correct. On item 6.B.9, they did the same thing. They put the planning and zoning staff recommends approval and the planning commission recommends approval. The planning commission actually recommended denial of this item. He wanted to bring that to their attention. He would like to be able to make those corrections. **Mayor Pederson** said that would be okay. He asked if there were any other comments from the Commission.

Commissioner Robuck said he had talked to the planning and zoning director about this, but he did not know if he had the chance to talk to the applicant about making a boulevard-style entrance off CR 44 and then making the one off East Treasure Island an emergency-access only. That way it would keep traffic off Treasure Island Avenue, since it is not an improved road. That may be a doable thing. **PZD Miller** agreed and said he thought that might be doable based on the PUD wording as it sits. He would double check that, if it was not, he could make a small change. **Commissioner Robuck** stated when we get to the PUD we could talk more about that. There are a lot of people here about this item and it probably does not address all their concerns. It is one that we could at least easily take care of.

Lisa Hayden, stated she resides on Dennis Road in Leesburg. She would like to talk about items seven, eight and nine together. It is hard to break them out individually. Plus, people would be coming up over and over. **Mayor Pederson** said feel free to talk about them together. The commission debates them like that all the time. **Mrs. Hayden** said she had six copies of a petition for the commission with forty-four signatures asking that they deny all three items. The reason being the city cannot annex something until they know what is being annexed. The applicants are talking about one hundred and fifty-five houses and that will never happen on that corner. There is no way. There is no infrastructure and the traffic would be ridiculous. It is wetlands. There are multiple reasons why there is no way one hundred and fifty-five houses can be supported on these fifty-five acres. There are people here that will talk in more detail about that. How can it be annexed, when we do not even know what is being annexed? Maybe this property can only support ten houses. With the map, and the wetlands, it will be very limited. With traffic, there would be a row of houses that would go right down CR 44. In twenty years, when CR 44 needs to be widened, where are those houses going to go? They would have to be torn down. There is nowhere for that road to be widened given the map that has been presented to the city commission with one hundred and fifty-five houses. At this point in time, discussing this without having a realistic plan is putting the cart before the horse. We need the applicant who, unfortunately, has been quoted at the last meeting of the planning commission saying we just threw this together. Well, they may be throwing something together, but they are riling up a whole bunch of people. We are quite upset about the possibility of there being flooding in the neighborhood along with other issues and traffic on a very deadly road. They should not just throw a plan together. They need to put together a really good plan that makes sense of the topography, for the area and the traffic. Then we can have a real discussion about this, but do not throw something together and just send it to the planning commission.

Larry Mott, 8700 East Treasure Island Avenue, stated he has lived there a long time. He is a CGC, he is not anti-building. He would love to build every single one of these houses. However, he has great concern and the city has the opportunity to take control of it now. With St. John's River Water, he is not even sure if they have been contacted yet because this is a tremendous bay head. They are proposing filling in a fresh water pond. There is another area in a curve they are proposing to fill in, so where is all

this water going to go? They are going to back the water up and it is going to go across Treasure Island Road to another community called Treasure Cove. With the names of the communities, it will make calling 911 very confusing. With the road situation, he appreciated Commissioner Robuck bringing up the entrance on Treasure Island, because what is the purpose of the entrance on Treasure Island when the only thing they are going to do is come out the side. They will still have to turn on CR 44. There needs to be a major entrance. If they do, like Commissioner Robuck mentioned, and do a boulevard entrance, there will be a need for a traffic light there eventually. There would have to be. There is another subdivision just up the road, to the south of them. They have started construction on it. He has personally witnessed a foot of water and a foot of clay on CR 44. Traffic had to come to a complete halt. The land out there is quite low and there is definitely a water situation that needs to be considered by St. John's River Water. As Mrs. Hayden mentioned the planning and zoning commission looked at this and said if they build those houses, there is no way CR 44 could ever be widened. There is an electrical substation on one side and there would be houses on the other. It is very tight right now and they would not be able to put turning lanes on CR 44. There have been a lot of accidents in this particular area and this is about the only passing area between Eustis and Leesburg. In the mornings, between seven and eight, when you try to pull out, you might be sitting there seven to ten minutes to get out onto the road. They are looking at one hundred and fifty-five houses. There will most likely be two cars for every house and that is going to generate a lot of traffic. He knows there will be a study done. Again, he is not anti-building. He wants to impress that upon the commission, with the planning and zoning meeting and the denial, which was four to two. There was a statement from staff that said they were recommending it because of the revenue it would generate for the city through impact fees. **Mayor Pederson** pointed out that the planning and zoning director was shaking his head behind him, indicating that was not correct. They did not vote on the annexation. However, they did deny approval of the future land use change and zoning. **Mr. Mott** said that the planning commission denied it, but city staff is recommending passage. **Mayor Pederson** confirmed that was correct. **Mr. Mott** stated city staff recommended it because of the revenue it would generate through permits, taxes and impact fees. He asked if it was all about money. What about the quality of living in Lake County or the City of Leesburg? It seemed to him like this was malpractice. **Mayor Pederson** reminded the public that comments need to be limited to three minutes.

Ray Hayden, 35121 Dennis Road, Leesburg, referring to a map, stated right along the top of the development is a yellow house and along the side is CR 44. He showed an image of CR 44 and the power lines along both sides of the road. His map showed south towards the development from the right-hand side. He said what they could not see were the two crosses for people who had recently died at that exact intersection. If the city closes off their other road, then death alley is where they will have to go to get out. If the other road is shut off, it will be the only other way out. Unless they purchase boats or other stuff like that, but who will pay for that? That is the only other road out of there. The residents usually take that road if they are going to turn left and head north on CR 44. They will exit out the other road because it is angled to the right, so they can turn right on CR 44. He showed a rendering of the power lines and he assumed they were owned by different power entities. There is no room to widen this road. This is the only passing area for miles. There is no way to get around that. You would get into easements and everything else. Take a stroll in a city vehicle and drive down CR 44 and you will see the red clay. He and his wife were shocked by the amount of red clay they saw today. It was not out in the road, but it could be. He brought a colored image of the wetlands to provide. They want to kill all the wetlands. The funniest thing of all about the plan they submitted is, it says and he quotes "remove wetlands." They said they would clear, cut, and remove wetlands. There is another piece of wetland in the corner of the lot that they want to take, which is about fifteen to twenty percent of somebody else's wetlands. Four different people actually own a piece of that one individual wetland and they want to remove it. Referring to another rendering, he showed where Treasure Island was. He then showed a green area, which was a river coming from the wetland. It goes over to the next area of wetland around Silver Lake. He showed different wetlands that they wanted to remove. It is a significant portion of the entire block. It is not just a

simple significant portion of an individual's lot of land. Lastly, we need to protect the wildlife. He wanted to go with gopher tortoises, which is just a fun thing because everybody laughs at him when he talks about a tortoise as a bird. Gopher tortoises are a keystone species. They provide habitats for between three hundred and fifty to four hundred other species. That is vitally important to the State of Florida and the wildlife economy here. He has several gopher tortoises on his property. He owns twenty acres. He transformed their land according to what kind of land gopher tortoises would like to have. He sees them on their property and he sees them zipping around. They are tortoises, but those things are pretty darn fast. They go fifteen feet deep and they go fifty-five feet out. They provide a huge nest for all kinds of other species. They are talking about removing a piece of significant wetland that is available to them. Now, the tortoises do not like the wetland. They like it a little drier, but the bottom line is they live here. They are on his property, which is not too far away. It is right around the corner from where this is being proposed. There are swamps there and it overflows when it rains heavily. This is a county road and the county maintains that road. There is a funny little curve that comes off the top of the development and the county will not touch it. They cannot legally, morally or ethically touch it because of the wetlands. This is only a one-point-five lane road. They have to stop to pass each other or they will have a million accidents on the only road they have to get out of there, especially if the other road is shut off. The county maintains this area and they do not go zipping across the wetlands either. The county knows that they legally, morally and ethically must protect that wetland and so must the City of Leesburg. The annexation of the property, the changing of the swampland to build houses on it; this plan was just thrown together. The annexation makes sense for only one reason to make money off the taxes of houses, assuming they are built. However, what are the taxes on swampland? If they buy the property, they cannot do anything with the property. It will remain wetlands. They will never be able to approve property here because of the endangered species on that property. They are protected species and they would be destroying wetlands and that would not be economically viable down the road.

Lorine Davey, 8940 East Treasure Island Avenue, stated she left South Florida because she wanted the rural life. She did not want to live the city life. The back of her property is wetlands and she is cool with that. She has to wear boots sometimes to get into her car and she is cool with that too. What is going to happen when this development comes in and takes out these wetlands with the bayhead? All that water will have to go somewhere. She should know she has been trying to divert it from her property for quite a while. That water has to go somewhere and it is going to go to their properties. It will flood them out. This project is detrimental in every regard. She asked that it be denied.

Mayor Pederson asked if the developer was in attendance and if he could speak to the wetlands. It would be good if he could help clarify the wetlands. **PZD Miller** stated that Jerome Henin and Bill Ray were in attendance. They could speak about environmental issues. **Mayor Pederson** said this would be a good time for them to speak before more people come to the podium.

Jerome Henin, stated he is the developer of this property. He thanked the Commission for allowing him to speak. He thanked the surrounding residents for their concerns. First, he wanted to say this was not put together out of nowhere. They have been working on this plan for the last eight to nine months. Another specificity of his company is that they never submit anything without fully going through the studies. Tonight, he has TMC Consulting with him. They performed the traffic studies and would be able to answer any questions. Sometimes the residents do not have all of the information they are working on when they are doing this type of work. **Mayor Pederson** asked if they were doing any wetland mitigation or if they were staying out of the wetlands. He wanted to clarify this for the group. **Mr. Henin** answered the exact number they have for wetland is 13.80 acres and they will not touch it. They will be creating a buffer around that wetland. There is point-eighty-three acres that will be removed because it is not a desirable wetland. That has no contribution to anything and it does not touch any wetlands. He just wanted to explain that to them. In addition to doing that, they do have studies. They have to go through

St. Johns Water Management District and Bill Ray would be happy to explain how that works. When they design this type of project they actually improve the water concerns because every bit of water that goes to the site will be contained, treated, stored and released. Not only are they preserving wetlands, they are protecting them by creating additional buffers. When you look at the plan, they do not touch them. They are already flagged. They are not part of the plan except for less than an acre. **Mayor Pederson** mentioned when he looked at the map it appeared they were not developing in the wetlands, so he wanted that explained. **Mr. Henin** said they were very precise on this plan and they had already flagged them. They will maintain, store and treat them. They will also create buffers. He heard concerns about traffic on Treasure Island Road that would be for emergencies only. They could transform that into something else, but that is not the main entry. If they would like more details from the traffic engineer, he would be happy to provide that information and explain the access to this property. There were concerns about buffers. They went to the city planner and asked if there could be a better solution. However, following the codes, it was determined that the first design had a much larger buffer than required. It goes all the way around the property. They are maxed out. They doubled the buffers along the property. They have much larger setbacks as well. They also have plans to design some buffers and berms. With the concerns about turtles, Mr. Ray can explain how that works and what they do. They want to be respectful because they are a family business. They are not a big corporation doing this. He does not get into projects just to sabotage the land. They go into projects to go beyond regulations and codes because it works better when you consider all the elements. They brought a presentation with them, but there was no need to present it at this time. If everyone looked at the projects they have done in the area, they are all special. They would be happy to talk directly to the surrounding neighbors to provide them with more information. **Mayor Pederson** questioned who owns the right of way and is there enough land to widen the road? **PZD Miller** answered that it is a county road and that would be Lake County. That answer would come from their Public Works Department. **Commissioner Robuck** mentioned that because it has been brought up a few times, it seems like a reasonable concern. Could we reach out to MPO on SR 44 on their part of the road to find out what their plan is there and could that cause a problem? It would be a very knowledgeable thing to know. **PZD Miller** responded staff could do that. Traffic studies are sent to MPO and they could put that with the packet and make that request. **Mayor Pederson** said he assumed they had adequate right of way when he saw the power lines and all that, but he does respect the concerns. **PZD Miller** said, without adequate right-of-way, the project would be killed.

A gentleman from the audience stated they are not stupid. **Mayor Pederson** remarked that with all due respect, he would appreciate it if he would be respectful. **The gentleman from the audience** said he would appreciate the same respect from the developer. **Mayor Pederson** commented that for the record we need his name and address. He also needed to be respectful. **The gentleman from the audience** said he lives on North Treasure Island Avenue. He has lived there for over twenty-two years. He did not buy in Leesburg city limits because he did not want to live in Leesburg city limits. He still does not want to live in the Leesburg city limits. He likes living in the country and he does not need that destroyed. He has enough people trying to destroy his lifestyle. He does not need everyone doing it because of tax money.

Louise Chen, of 8010 Treasure Island Road, said she has been living there for about five years. She absolutely loves unincorporated Leesburg. She has concerns about the wetlands and how the water will be treated in the wetlands. That was something that peaked her interest. **Mayor Pederson** said the developer may be able to speak about it better than him, but his understanding is these developments have to be self-contained. He did allude to that. The project would be self-contained in a way that it would not go on the road and it would not go into the wetlands. **Ms. Chen** said she was concerned about which ones were going to be filled in. **Mayor Pederson** stated he heard point-eight-three acres. **Mr. Henin** explained using a diagram which areas would be filled in. **Ms. Chen** asked if they could explain what freshwater, emergent wetlands are and why they can be filled in. Are these springs? **Mr. Henin** stated they have an environmentalist that could explain that. **Ms. Chen** said she was interested in why

those could be filled in. Why the freshwater. She has them marked for the different types. It is the diagram from Lake County's website. **The Projects Engineer (Environmental)** explained that the two wetlands are emergent wetlands, principally they are contained with lower vegetation. The larger one is an isolated wetland of approximately one acre. They also have the 0.83 up in the corner of the project. That one would be scored with a function and value matrix that was approved by the State of Florida and the US Government under the current operating agreement that Florida adopted, the 404 Standards. Those wetlands would be evaluated underneath an approved matrix. They are then mitigated, so there is proof of no loss in function or value of the wetlands that are impacted. The larger contiguous wetland is the highest value wetland on the side that is marked to be protected with buffering in accordance with city regulations. **Ms. Chen** said her concern is the one that is proposed to be filled in. It is owned by four different properties. How could you fill in part of the wetland when it is owned by four different people? **The Projects Engineer (Environmental)** said when the county goes around they do not necessarily have right-of-way on these roads, so it would be the same as anything else. They are working off of maintenance rights-of-way. There are also costs and the history of these roads where they were constructed to county standards. If they were intended to be constructed to county standards in the majority of cases, the wetlands would have been impacted by doing it. How do you impact part of a wetland? It is a common occurrence within the development industry. It is an unavoidable impact. We would put turbidity screen curtains at the edge of the proposed impact to make sure you do not get off-site movement of silt water and debris. So, now the wetland is impacted and the area that is impacted is fully mitigated within a mitigation bank. That area is then filled and it is converted to an upland. **Mayor Pederson** mentioned that they needed to wrap it up and he appreciated the help with the wetlands. He clarified for the audience that the State of Florida regulates the wetlands. It was not the City of Leesburg. **The Projects Engineer (Environmental)** said that the state regulates this through two principal entities; one is the Florida Department of Environmental regulations. They have premier guidance and delineating authority. That authority delegates to five water management districts. In this case, for residential, it would be St. Johns River Water Management District. Recently, the State of Florida adopted and transferred the authority to cover Section 404 of the Clean Water Act, which is a federal requirement. They are under the microscope to make sure they are meeting all those requirements. The lead entity on this from the permitting standpoint would be St. Johns River Water Management District. They ensure compliance with the federal regulations and the state regimes.

Mayor Pederson thanked him for those comments since he heard concerns from the audience. He wanted to be sure St. John's was involved. **Ms. Chen** said there is one wetland owned by other properties within the county. How is this going to be cut off for the other residents? **The Projects Engineer (Environmental)** said they are only impacting what is on their property. **Ms. Chen** commented that whatever happens on your property flows over to the other properties. **The Projects Engineer (Environmental)** answered that any drainage like a drop of water that hits their property will stay on their property. It will go to the retention ponds where it will be treated and stored. **Ms. Chen** asked if they would build dikes all the way around? **The Projects Engineer (Environmental)** responded that everything would be graded back to the streets. The streets will have a collection system and it will go to the stormwater ponds. **Ms. Chen** stated she is worried about them pinching off along the perimeters and boundaries. **The Projects Engineer (Environmental)** said it would drain back towards the right-of-way, then the secondary system would take it to the pond. **Ms. Chen** asked if they were going to leave the trees in the wetland areas. **The Projects Engineer (Environmental)** said yes. **Mayor Pederson** recommended that she meet with a developer outside of this meeting. **Ms. Chen** apologized and said she would do so. **The Projects Engineer (Environmental)** said while they were talking about mitigation for the record before any sight disturbance occurs on site, it is a requirement of the State of Florida to conduct a one hundred percent gopher tortoise survey. All active and potentially occupied or abandoned boroughs are located by gps coordinates. Then all potentially occupied burroughs are either excavated or trapped with bucket trapping, by which the tortoises captured will be relocated to an approved recipient site. There is an adequacy right now on about four mitigation sites serving the Central

Florida area. If there is not a mitigation site within one hundred miles, we are authorized by the State of Florida to go outside that one hundred miles.

Allison Fralick, 35442 North Treasure Island Avenue asked why the City of Leesburg has to annex all of them for one subdivision. **Mayor Pederson** said the applicant is only asking to annex the property they want to develop. They are not annexing anything else. **Ms. Fralick** wanted to verify that they would not be getting them. **Mayor Pederson** stated they would not. **PZD Miller** remarked they are only annexing the property they are requesting to develop. By state statute, the city cannot annex residential properties without a vote by those residents.

Michael Chen, 8010 Treasure Island Road, expressed concern about the wetlands and the floodplains. **Mayor Pederson** asked if he would join the meeting with the developer since we just went over this subject. **Mr. Chen** said he wanted to go through it briefly. He showed a 2004 aerial view which showed the floodplains. He showed an area which was concentrated in this upper region of the property. In 2011, after some trees were removed or something else that occurred in that area, it looks like the floodplains have moved further south. He does not know how it has changed since then, but it could have. It is basically coming over the road in some areas, so if this property goes in and there is work done in these areas, how will that change the flood plains? He thinks this is a concern that should be considered for the future. **Mayor Pederson** remarked that flood maps are updated every ten to twelve years. **PZD Miller** confirmed it is every ten years. The latest one was done in 2012. **Mayor Pederson** continued to say that this development is just like all other developments, it has to be self-contained on their site. **Mr. Chen** said he wanted this to be out in the open. **Mayor Pederson** asked if there were any other questions. There were none.

8. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 55 +/- acres from Lake County Rural Transition to City of Leesburg Estate Residential, for a property generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Treasures Trove)

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

Mayor Pederson requested comments from the Commission and the audience.

Ms. Hayden wanted to quote what the developer said from the planning and zoning board meeting. The gentleman said "this is just a concept plan, it was just thrown together with some good ideas, but it is not a concrete plan. **Mr. Henin** replied that it was not a construction plan, it was a concept plan. Those comments were made by the civil engineer. **Mayor Pederson** asked that they handle this outside this meeting. **Ms. Hayden** said she wanted the commission to consider one hundred and fifty-five houses as kind of ridiculous.

Ray Hayden, 35121 Dennis Road asked the commission if items 7,8,9 could be considered an all in one package because of the interrelated possibility between them from the annexation to the PUD change to the approval of anything being built there without the actual plan or new conceptual plan. If they can all be brought together, then he would like to reserve his same objections to 7, 8 and 9. **Mayor Pederson**

pointed out for clarity that the commission would not be voting on this tonight. It is the first reading.

9. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 55 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential subdivision for a property generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Treasures Trove)**

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Christian commented that the developer and the residents need to meet between now and the next meeting. They need to discuss their concerns and issues to see if they can come to any agreements before coming for the final vote. There may be misconceptions and misstatements that have been made. It would be better if they were able to talk about the buffers and wetlands. The concerns they have with the developer, they need to see if they can come to some sort of agreement. If not, we will take all of that into consideration when they take our vote. However, it works best for both parties, they should at least attempt to make it work. He assured them that the commission was not doing this for tax dollars. If they did the math on a single-family home after homestead exemption. Looking at tax bills, the City of Leesburg may only get two or three hundred dollars per house. That is not a lot of money when you consider a hundred plus million dollar budget. This is not done for tax dollars. It is everyone's choice whether they move to Leesburg or not. He believes it is a great city, but that still does not make him vote yay or nay. He does not like to hear people say they do not want to live in Leesburg because he loves Leesburg. He encouraged the surrounding residents to talk with the developers to see if they can work it out. If they did get an unfavorable vote, at least some of the concerns have been heard and addressed. **Mayor Pederson** thanked him for those comments. That was very well said. He wanted to be clear that there would be a second reading. We do not have that date yet, but this was the first reading. There will be a second reading. **PZD Miller** mentioned at this time they are anticipating the second reading to be in November. A large scale comprehensive plan has to be transferred to the State of Florida. From there, it will be about a sixty-day process. **Mayor Pederson** asked during this time would that be the best time for both parties to discuss the issues brought up tonight with the roads and wetlands to see if they can come to some sort of resolution. **PZD Miller** said yes. He also asked that they call their office or the city clerk's office regarding the date because it is subject to shift depending on how long it takes the state to finish their review.

Ms. Hayden asked if the commission had to transmit this to the state now or could it just not be transmitted to allow the residents time to communicate. Why transmit to the state when they are still working on a plan? **PZD Miller** informed her that they would receive comments from the state about the project. That is why they place in there that they will not see this one again until November. It allows time for everything to be reviewed. What they would not want to do is not transmit it to the state, because then they would not have any comments from the state which might impact the outcome one way or another. That is why the city needs to do that and there is plenty of time for the residents to get together with the engineer and the applicant.

10. **An Ordinance of the City of Leesburg, Florida, annexing certain real**

property consisting of approximately 717 +/- acres; and being generally located east of US Highway 27, south of Dewey Robbins Road and north of Florida's Turnpike, lying in Sections 05, 06, and 07, Township 21 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Bar-Key Groves)

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

Mayor Pederson requested comments from the Commission and the audience.

PZD Miller stated at the planning commission the applicant requested some minor changes which they would like to report to the commission. In Section 4D1, they would like to allow for the proposed multi-use trail to function as a golf cart path too. There are some changes to the gutter wording they would like to make also prior to the next meeting. They are minor changes, but they are important changes.

Commissioner Robuck said if you are going to make that a golf cart trail, there needs to be a separate delineated area. **PZD Miller** said it would be a multi-purpose wide trail. They could have all kinds of uses for it. That is what the applicant is asking for. **Commissioner Robuck** said he was okay with that, but he would want part of that to be delineated off. That way they could not use it as a two-lane golf cart path. He would not want to see it where no one else could do any other sort of recreation on it.

Commissioner Burry said his comment was about item 12. In the PUD it shows 45-foot lots, is that correct? **PZD Miller** stated that was correct. Everyone knows how he feels about those. The issue here is the Turnpike and what we anticipate is a significant number of people moving into this community. They will be using the Turnpike going back and forth. Generally speaking, around the larger roads, yes, that density can be supported. When it comes to the smaller roads, we would want to back off a bit. Cindy Terrapini of Terrapini Planning Strategies is here and she can give a presentation and discuss that. This development has three different lot sizes; 45, 50 and 70 feet for villas. **Commissioner Burry** asked about the 45's. Are we talking about four hundred and fourteen? Is that the correct number? **PZD Miller** stated he believes that is correct. **Commissioner Burry** inquired what the overall number is. **PZD Miller** answered it was seventeen hundred on seven hundred and seventeen acres, giving two point three seven total units per acre. **Mayor Pederson** wanted to clarify what the total development was. **PZD**

Miller answered there would be one hundred and forty thousand square feet of commercial space with thirty-five percent open space. It is a very interesting design. There is a loop road and a multi-use trail inside the development. **Mayor Pederson** mentioned that he called the city manager about this because he thought we had stopped 40-foot lots. We have been seeing 50's, 60's and 70 foot lots. Now, all of a sudden, there were 45-foot lots. He was curious how the commission felt about that. **Commissioner Robuck** said he sent something to the planning and zoning director and he printed it out but left it in his truck. There was an article on a development Groveland is doing, which he thought was an interesting concept in the sense that it had a mix of lots and it included some 40-foot townhouses. It was even denser than this one, on different parts, even on the bigger lots on the outside. Then they took a lot of the open space and created two really large parks. Just from a general concept, it looked nice to have a mix of uses. It would be more affordable with more usable recreational space and even bigger ones on the outside. He thought it was an interesting concept to discuss. **Mayor Pederson** said, even with other developments, it should be market driven. He does not feel it is their role to dictate. If people want to buy

45-foot lots, it is not his place to say no. **Commissioner Christian** mentioned he was against it until he went to a conference and found out Palm Beach was actually doing 30-foot lots due to costs. He talked to the city manager and came to the same conclusion. If someone wants to buy a 40-foot lot because they do not want to cut all that grass, who are we to tell them to buy a big lot? **Mayor Pederson** commented that the way he looks at it, if people are buying them, then that is fine. If they do not, the developer will be hardening the site plan. **PZD Miller** remarked that part of the staff's position on this was the fact that they did come up with a very good design for the loop road. It included twenty acres of potential institutional land and some commercial. It is not just a subdivision. It has a community effect because people can get around and go to the store. They have the potential for a fire station or police station down there and a school. The potential there is what pushed staff over the edge. Normally, we would push back hard on this, but this is a good one. **Mayor Pederson** said they could talk about that another day. When they scratched the 40's, he thought they were going with 50's.

Harriet Scales, 12379 Southeast Sunset Harbor Road, Weirsdale, thanked the commission for the opportunity to present the Bar-Key Groves project. Her family purchased this property in 1976. They grew and harvested citrus for their packaging facility in Weirsdale. Between the freeze, citrus canker, root disease and recent Chinese greening disease, it has made it almost impossible to grow citrus in Florida. The decision to sell the Bar-Key property did not come quickly. This property has been sitting here with cattle on it for years. They have been courted by many developers. They wanted to make sure that the buyer would be financially strong, strong enough to weather fluctuations in the housing market, so Leesburg would not be left with an abandoned project. They wanted the developer/builder to agree to create a community which the Scales family and the City of Leesburg would be proud of. They are located here in Leesburg, they have a family business in Leesburg and they want to make sure they develop Leesburg as the beautiful place it is. After much discussion, NVR (the country's fourth largest home builder) became the choice that the family decided to work with to build a community they can be proud of. On behalf of the entire Scales family, they asked the City Commission to consider giving them favorable consideration for this property.

Cindi Terapani, Terapani Planning Strategies, representing NVR, the proposed developer for the project, said she does have a powerpoint. She would like to show a few slides and answer any questions regarding the development. **Commissioner Robuck** asked if they could save some of the slides for the next meeting since there would be more people in attendance for that meeting. **Ms. Terapani** said she would go through the slides quickly. She thinks everyone will be happy when they see the overall concept plan that is being proposed. They had already heard from Ms. Scales, who is the longtime owner of Bar-Key Groves and Key-Scales Ford. With her tonight, is her team; landscape architect, Tom Daley, civil engineer, Brett Tobias, traffic engineer, Dwayne Booth, and not in attendance is Biotech Consulting. They have all done significant amounts of work on the property. The proposed developer is NVR. Ryan Homes was formed in 1948 by Ed Ryan. They merged with NVHomes in 1987 and renamed it as NVR. As Ms. Scales mentioned they are the fourth largest builder in the United States. She thought that was critical because a builder of that size has financial stability and they are able to carry out a project of this complexity and size. The overall site is seven hundred and seventeen acres and the frontage is on two roads, US 27 and Dewey Robbins Road. Referring to a slide, she showed where the wetlands are on the site. They also have several lakes on the site. They are not proposing wetland impacts except for a small wetland impact at the entrance road. The only impact would be what is necessary to build the road to enter into the project. They are requesting a voluntary annexation and a plan amendment. The plan category allows up to four units an acre. They are at two-point-four units per acre in the overall project. The estate residential plan category is appropriate. They would have estate planned category to the northwest and to the east of them with the new Anthony project, if that gets approved. Referring to another slide, she showed how the project is designed in villages. She showed the different colors and how they represented the different villages of the project. At the entrance road to US 27, once

you pass the commercial site, it is organized into villages, which all have access by the loop road. Just off the loop road will be a multi-use path that will be separate from the road. It will not be part of the road, it is separate. It will be available for recreational functions as well as for a golf cart path. This project would be constructed in three phases. The western section first, which would include the main entrance from US 27. It would include a five acre amenity center and a clubhouse including a pool and other activities. That would be right on Mulehead Lake. The second phase would be the northern section and the third phase would be the eastern and southern sections. Every phase has some of each type of unit, they are not pre-loading it with all of one type of unit. Every phase has all of the possibilities and different homes available for the residents. The planning and zoning director asked them to find more parking in the smaller lot areas, so their architect got creative and found a good solution. At the end of each block, they put in parallel parking to accommodate fourteen extra spaces on each block. This is in addition to the two-car garage and two car spots in the driveway. It would be used for guests or visitors. There would be on-street parking available in close proximity to the houses. With the entrance, they are proposing to align it with Bridges Road. They have a verbal agreement with their neighbors, the Lynden Nicholson property. Their project is located on the westside of US 27. They also own a piece immediately to the north. It would be a boulevard style entrance. It would include a major entrance feature with landscaping and signage. The commercial site is something the planning commission was excited about. It will bring commercial activities and uses to this area, including neighborhood shopping for the residents. It is a maximum of one hundred and forty thousand square feet. It is large enough to accommodate an anchored grocery shopping center. It would have outparcels for banks and other uses like restaurants. It may have another access point on US 27 providing approval by FDOT. They certainly understand that FDOT is going to have to approve all the access points on US 27. They also added a 20-acre school site to this property. It could be used for institutional uses, such as a church and synagogue. The main thing they want is a school in this area. They have shown this site and information to the school board staff. However, they were lukewarm about the opportunity, but they are reserving the 20-acre site for a school. The school board would have the first choice. Or it could be used for a charter or private school. There is a loop road that connects the entire project. Every single village will have access through the loop. That means if you live in the community you do not have to go out on US 27 to get to the shopping center. You do not have to go out on Dewey Robbins Road to get to the shopping center. All you need to do is use the loop road. The residents can use their cars, bikes, golf cars, or walk whatever mode of travel they want with the community. They do have more than one hundred units, so they are required to have two access points for the project. The only other road they front is Dewey Robbins and this access would also be a boulevard entrance with median landscaping and an entrance feature. She provided a rendering of what the community activity center would look like. It would be located on Mulehead Lake. It would be built with phase one at the beginning of the project. Another wonderful recreation feature they are adding is pocket parks. They would be in each village so the residents could easily walk with their children. They will also have outdoor recreational activities. As part of their package, they presented eleven different elevations for the four different products they would have. She believes everyone will be pleasantly surprised by the quality of the homes and the architectural diversity. The fact that there are one or two-story homes in every lot size is amazing. They will have paired villas where there will be two units in one building. They will have townhomes with a maximum of six units in each building. **Mayor Pederson** questioned the second entrance on to Dewey Robbins. Is there a way they could create two entrances on US 27? The Dewey Robbins crowd would be there in force at the next reading. He wanted to see if there was a way to check on that now. **Ms. Terapani** answered they hope to have another driveway on US 27 to serve the commercial, but that would be a right in and right out. It would not be full service. With Bridges Road, they hoped there would be full access to all four directions in cooperation with their neighbors. There could be two if that meets city's requirement they could consider that, but they think that Dewey Robbins would allow the folks that live on the northend the ability to quickly get over to US 27. When they were coming home, she suspected they would stop at Publix to pick up things for dinner. They would pull into the commercial center and then go on into their

home.

Deborah Shelley, of East Dewey Robbins Road, Howey-in-the-Hills, stated she represents the Citizens for the Preservation of Rural. She thanked Commissioner Christian for participating in the NAACP Conference panel discussion on growth management. He provided some good insight into many issues and challenges that the City of Leesburg is facing relating to growth and development. They appreciate him mentioning his willingness to participate in future discussions with the county and other cities to address growth concerns, especially preservation of some of the rural areas. One of the concerns for a lot of the residents in the area is that all the projects north and south of Dewey Robbins Road are on US 27. They total over fifty-five hundred units. Some of that has already been approved. We have the Lynden Nicholson property that was approved, Lakeco was approved, so they have a lot that has been approved. They are concerned that they are just addressing the development in this area in a piecemeal fashion. They are asking the City of Leesburg to consider an overall plan for the US 27 corridor and it needs to address the adjacent roads, be it part of the JPA with the county or just initiate a plan to address this area. There needs to be an overall plan that addresses traffic, schools, quality of life and infrastructure. There are some good amenities in the Bar-Key plan, but from a rural perspective, the folks who live in the rural protection area north and northeast of this project feel the density is excessive. They would like to meet with the developer. There are several folks in the community who would really like to speak with them to address their concerns. They do not want to address those issues here. She knows there is a trail proposed on US 27 and they think it would be really important if they could get these developments to take people down to Crist Ford, where a lot of the manufacturing jobs are. Instead of piecemealing everything, they could have the developers who are working on US 27 participate on the trail. Regarding traffic in this area, the Whispering Hills project was approved last year. The Department of Economic Opportunity cited a 2021 study, which stated there were over two thousand units that would increase the trip generation to over thirty one thousand trips on that road. Now they have a combination of fifty-five hundred homes proposed doing the exact same thing. She asked that they consider the traffic in this area.

Ellen Bachelor, who resides on Turkey Lake Road, said she has big concerns about Dewey Robbins. This is a huge development and anything that enters and exits off Dewey Robbins Road will cause a lot of congestion. The road is not big enough and there will be a lot more traffic. They already have Hodges coming across the street and their entrances are on Dewey Robbins Road. When Whispering Hills was coming in, they made arrangements to make sure that both entrances to that development were on US 27. Anything they could do to detour that traffic away from Dewey Robbins would be good. That is a small road. It will not hold all that traffic generated from these developments. There is this one and another new big one that is coming in, the Anthony project that was discussed earlier. **Mayor Pederson** said it was not approved tonight. It was only the first reading. **Ms. Bachelor** said okay, but there would be traffic, traffic, traffic. **Mayor Pederson** encouraged her to meet with a developer to discuss her concerns.

Leanna Ulmer, who resides on Thomas Allen Road, said her road is at the far end of Mulehead Lake. There are ten acre parcels that go all the way down and she is the second one. She has concerns about the density of the project. It is very concerning for this area. She would love to reserve the rural area that they have now. She thought she lived in a transitional area. She is concerned about the retention ponds and if Mulehead Lake will overflow. She lived in a house previously that was on our retention pond and when hurricanes and stormwater came through it was disgusting. All the trash and everything would go in there. If all that is coming from that community, it will flow into Mulehead Lake and that is a real concern because she is on the other side. She asked that they look into that, just having lived through that situation before, it was not good. She was concerned about buffers. She does not see a lot of buffers. Are they using the lake as their recreation area? She is hoping that if they put this in, at least there would be trees and forests. Are they using the lake for recreation? It is just heartbreaking and she would like to

know where the buffers and where their stuff is going to go. She is concerned about the density and the lack of buffers.

Mayor Pederson asked if there were any further public comments. There were none. He closed the public hearing.

11. **An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 717 +/- acres from Lake County Rural Transition, Lake County Rural, and Lake County Regional Office to City of Leesburg Estate Residential, for a property generally located east of US Highway 27, south of Dewey Robbins Road and north of Florida's Turnpike, lying in Sections 05, 06, and 07, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Bar-Key Groves)**

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

Mayor Pederson requested comments from the Commission and the audience. There were none. He stated this item would lay over.

12. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 717 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow commercial and residential development for a property generally located east of US Highway 27, south of Dewey Robbins Road and north of Florida's Turnpike, lying in Sections 05, 06, and 07, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Bar-Key Groves)**

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry said he had concerns about the buffers. He wanted to know if it was one hundred feet. **PZD Miller** replied there was a buffer minimum of twenty-five feet all the way around the project. **Commissioner Burry** remarked he thought it was bigger. **Ms. Terapani** mentioned that there is a twenty-five foot buffer around the entire perimeter of the site. Also, the last speaker mentioned the lake would be a recreational amenity on the east side that will actually be in the middle of their site. It is not the lake next to her property. They would be more than happy to speak with all the folks here that came tonight to work through any of those issues and to answer as many questions as they can. **Mayor Pederson** asked if there were any other comments from the commission or the public.

Deborah Shelley, Citizens of the Preservation of Rural, East Dewey Robbins Road, said they have ten residents who submitted comments. They did not realize there was an August 15th deadline for the comments. They submitted them to the planning and zoning director and the city clerk. She brought

copies of those comments with her. She presented them for the record.

- 13. An Ordinance of the City of Leesburg, Florida, modifying the zoning on approximately 4.64 +/- acres, for a property generally located south of County Road 44, west of Whitney Road, and east of Executive Boulevard, lying in Section 19, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (T T Storage)**

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

Mayor Pederson requested comments from the Commission and the audience. There were none. He stated this item would lay over.

- 14. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 3.42 +/- acres; and being generally located south of West Main Street and east of Progress Road, lying in Section 29, 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 a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Leesburg Small Bay)**

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Connell commented that he had a conflict of interest with items 6.B.14, 6.B.15 and 6.B.16. He would not be voting on these items.

Mayor Pederson asked for any further comments. There were none. He stated this item would lay over.

- 15. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 3.42 +/- acres from Lake County Industrial to City of Leesburg Industrial, for a property generally located south of West Main Street and east of Progress Road, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Leesburg Small Bay)**

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

Mayor Pederson requested comments from the Commission and the audience. There were none, this item would lay over.

16. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 3.42+/- acres from Lake County HM (Heavy Industrial) to City of Leesburg M-1 (Industrial) to allow a warehouse for a property generally located south of West Main Street and east of Progress Road, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Leesburg Small Bay)**

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

Mayor Pederson requested comments from the Commission and the audience. There were none, this item would lay over.

C. NON-ROUTINE ITEMS

1. **None**

7. INFORMATIONAL REPORTS:

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

- A. **None**

8. CITY ATTORNEY ITEMS:

- A. **Request Consideration of an Executive Session to discuss legal strategies Associated with current litigation (Sunnyside, LLC v. City of Leesburg)**

CA Watson commented that with the pending Sunnyside Lake Land Holdings LLC. case against the City mediation was held last week. Unfortunately, they did not come to a settlement at mediation, so this case will be moving forward. It will move into the hearing phase before a special magistrate. Even though mediation was conducted and did not settle, settlement negotiations did occur. The attorneys from Brionez & Brionez have requested another closed attorney-client session so they can discuss more settlement negotiations and litigation strategy. The attorneys from Brionez & Brionez would like to meet with the commissioners and the city manager on September 12th at the conclusion of the normal agenda items. They would need to request a court reporter present for that meeting and advertise the closed session. That advertisement would include the names of the parties present for that meeting, so that will be in the open. **CM Minner** said he sent out an email to the commissioners last week that updated them on the mitigation meeting. It was high-level, but pretty accurate. That memo is exempt from the sunshine, so he does not want to speak about the details. If they did not receive that email or missed it, give him a shout and he would make sure they received that update. **Mayor Pederson** confirmed that the meeting

would be September 12th.

9. CITY MANAGER ITEMS:

CM Minner stated Lake County has some ongoing issues. They will be conducting a workshop tomorrow at their regular meeting and part of that workshop will be a consideration of impact fee increases. The impact fees they are considering will affect the City of Leesburg primarily on the road transportation fee. Some of the other fees they will be discussing involve libraries and recreation. However, the increase they will be talking about is pretty considerable. It is a tiered structure. It would be seven hundred and fifty-one dollars for single-family residential units, one thousand dollars for units between fifteen hundred and twenty-five hundred and eleven hundred and eighty dollars for units greater than twenty-five hundred. Their proposed modification is forty-six hundred and twelve dollars for units less than fifteen hundred square feet. Fifty-one hundred-sixty-three dollars for anything between one thousand five hundred and two thousand five hundred square feet. Then two thousand five hundred square feet and greater is five thousand eight hundred and forty-two dollars. These recommendations exceed the new legislation that caps impact fees at fifty percent. However, there is a loophole in the legislation where if a community demonstrates an extraordinary need, then you can go beyond that. So, the county will be arguing that they have extenuating circumstances that justify the substantial increase in impact fees. He recommends that the increase is extraordinarily large and unreasonable. This directly affects Leesburg with respect to The Villages development. The report that Lake County published is approximately five hundred pages. The difference in Leesburg is The Villages, but he will not sit here and say there should not be road impacts. That would not be reasonable. However, some of the impact studies they performed did not capture the special nature of The Villages, because most of their transportation is clustered there. Their transportation is captured within their development through golf carts, bicycles and trails. Also, this location, especially in Leesburg, has close proximity to the Turnpike. The 470 property has immediate access out of town to the Turnpike. The Villages have already put together a previous agreement with Lake County on transportation to improve 470 from the s-curve and Lake all the way to 301. They will also construct a bridge. In short, this increase puts part of The Village's development which is located in Leesburg in jeopardy. He had already spoken with the County Manager about his concerns. He did not tell her that at this stage it was a City Commission concern. He is seeking guidance this evening on that. He will attend the workshop tomorrow to gather more information. This process is two-pronged. They announced a workshop for tomorrow and a second workshop will be September 6th where they will take action. He encouraged the commission to go on the record with their concerns about the impact fees to let Lake County know they have the potential to considerably damage some developmental things we have been working on. This needs to be encouraged. **Mayor Pederson** wanted to know what rights we had as a city? **CM Minner** responded that at the end of the day, Lake County would be the one who approves this. However, the more they hear from us and elected officials on a one-on-one basis will help. Ultimately, a resolution from this body that says we strongly oppose the increase would be a good way to let them know that the consideration of this is a bad one. He would not say no increase is the right answer, but at that level, that is certainly way too significant. **Commissioner Burry** asked if there were any other counties we could measure this against, perhaps Sumter or Marion? **CM Minner** answered that information was included in the report. Some other counties have a tiered system. With the tiered system, there could be a two thousand square foot unit and that could be a fifty-one sixty-three increase. That is what is being proposed. Right now, our district (north central district) is one thousand dollars, so that would be an increase of almost forty-two hundred dollars. In Volusia county, for the same unit, it is five thousand four hundred and thirty-two. Seminole County has a split between 1811, 2714 and 7312, depending on where you live. The core is Seminole suburban or Seminole rural. The seven thousand dollar one has a rural impact. Marion County is a good one at thirteen hundred ninety-seven dollars. Orange County is considerable. It has some urban, suburban and rural 8,200, 10,000

and 11,000. Osceola is urban or rural at 10 and 15. With the consideration of The Villages being next door, Sumter is 2,666. He was not going to represent what a good or bad one was. However, four hundred percent is extreme and it puts some of The Village's development in jeopardy. We have the most skin in that game. We encouraged their development with the sale and we had some other partnerships that helped encourage that. Tonight is interesting because we do not do things for tax revenue. There are other dynamics involved with the economy and making sure things move forward. This is a different case where we did actively sell the property and that makes a difference. There is upwards of around two billion dollars of potential taxable value in that corridor and that is going to happen on one side of that county line. If it happens on the wrong side of the county line, we will see considerable increases in these types of things without our influence on development or applying our codes and regulations and receiving tax revenues. That is something we need to look at. **Commissioner Burry** questioned if the legislative max was fifty percent. **Commissioner Robuck** remarked it was fifty percent over four years. **Commissioner Burry** asked if they approved that? **CM Minner** responded that was what the report was for. He will opine on their report. Demonstrating the extraordinary need, hence, the extra workshops and the process to exceed the legislative cap. **Commissioner Robuck** said with traffic studies, they can say anything. They hire consultants to write the reports which say they have an extraordinary need to fund the roads. **Commissioner Burry** commented that in twenty years Lake County has not done much with the roads. **Commissioner Robuck** added that the problem we have with all the developments going forward is they have been operating on the assumption that there is a state statute that says fifty percent over four years. He knows where they are today and he knows the worst case they are going to be in four years. Then Lake County comes in and says four hundred percent. **Mayor Pederson** remarked that the developers will be fighting this out and that is not good. The market is cooling off and interest rates are up. The timing is terrible. Lake County did not tax appropriately over the years, so they are trying to play catch up on the roads.

10. ROLL CALL:

Commissioner Burry had no comment.

Commissioner Christian left the meeting at 7:39 p.m.

Commissioner Connell had no comment.

Commissioner Robuck had no further comment.

Mayor Pederson had no comment.

11. ADJOURN:

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

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

The meeting adjourned at 7:43 p.m.