AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, SEPTEMBER 26, 2022 5:30 PM

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, September 26, 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 (5:31 p.m.)
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

Mayor Pederson 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.

Joannie Smalley, Leesburg Partnership, wanted to inform everyone that the end of summer splash that was scheduled for this Saturday was cancelled. They plan to do it again next year in 2023.

Dr. Erika Jasper commented that they are postponing the neighborhood cleanup that was scheduled for this Saturday, October 1st. They will notify everyone when they have a new date.

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

Commissioner Burry moved to adopt the Consent Agenda as presented and Commissioner Robuck 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 September 12, 2022

2. Special Meeting (Tentative Millage & Budget) held September 15, 2022

B. PURCHASING ITEMS:

1. Fiscal Year 2023 Vehicle Purchase Approval

2. Purchase request by Public Works to Mid-Florida Signs & Graphics for the installation of a monument sign and a monument sign with a digital message board for the H.O. Dabney Aquatic Center for a total purchase cost of $70,167.63.

3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Amendment with SWI Software Install, Inc. amending certain terms of an existing agreement for

meter reading services; and providing an effective date.

ADOPTED RESOLUTION 11,172

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

ADOPTED RESOLUTION 11,173

5. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the City to use the Master Services Agreement awarded by the Florida Municipal Power Agency (FMPA) to Osmose Utilities Services, Inc. to provide services related to system assessment and associated documentation and reporting; and providing an effective date.**

ADOPTED RESOLUTION 11,174

6. **Resolutions authorizing an Amendment to an existing Agreement for Tree Removal, Trimming & Related Services with Tip Top Tree Experts LLC., and with Native Land and Tree, Inc.**

   a. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Amendment to an existing Agreement for Tree Removal, Trimming & Related Services with Tip Top Tree Experts, LLC; and providing an effective date.**

ADOPTED RESOLUTION 11,175

   b. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an amendment to an existing Agreement for Tree Removal, Trimming & Related Services with Native Land and Tree, Inc.; and providing an effective date.**

ADOPTED RESOLUTION 11,176

C. RESOLUTIONS:

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

accepting and approving a plat for Villages of West Lake Unit No. 55, a subdivision of the City of Leesburg, Florida, being a portion of Sections 6 and 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. 55)

ADOPTED RESOLUTION 11,177

2. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 61, 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. 61)**

ADOPTED RESOLUTION 11,178

3. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 63, 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. 63)**

ADOPTED RESOLUTION 11,179

4. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 64, 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. 64)**

ADOPTED RESOLUTION 11,180

5. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 68, 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. 68)**

ADOPTED RESOLUTION 11,181

6. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Lease Renewal Agreement, between the City of Leesburg and Michael R. Dominick, Personal Representative of the Estate of Raymond D. Dominick, M.D.; and providing an effective date.**

ADOPTED RESOLUTION 11,182

7. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing Park Square Enterprises, LLC to include certain City Property within a Sand Skink Permit Application; authorizing the City Manager and City Clerk to execute the Owner's Authorization Form; and providing an effective date.**

ADOPTED RESOLUTION 11,183

8. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving an Interlocal Agreement for the Right-of-Way Transfer from Lake County, Florida for the public right-of-way known as Blackstarr Road and more particularly described in the document; and providing an effective date.**

ADOPTED RESOLUTION 11,184

9. **Resolution of the City Commission of the City of Leesburg, Florida suspending carrying charges for delinquent payment of utility charges; providing for conflict; and providing an effective date.**

ADOPTED RESOLUTION 11,185

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 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 3; and providing an effective date.**

ADOPTED RESOLUTION 11,186

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

AVAILABLE

A. Public Hearing on the proposed millage and proposed budget for Fiscal Year 2022-23

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

BD McDaniel stated the name of the Taxing Authority, the City of Leeburg, Florida, the current year rolled back rate is 3.6583. The proposed millage rate of 4.0192 is 9.87% higher than the current year's rolled back rate. The millage rate to be levied: 4.0192 mills per $1,000.

2. Discuss the proposed aggregate millage rate

BD McDaniel said on July 11th, the Commission approved the tentative millage rate of 4.0192 mills per $1,000. This is an increase from the prior fiscal year. Whereas, the proposed budget was developed using 4.0192 mills per $1,000. Therefore, the tentative millage rate of 4.0192 mills per $1,000 represents a 9.87% increase from the current year's rolled back rate, which is attributable to additional expenses and is a tax increase under TRIM guidelines.

3. Request comments from the public regarding the millage rate

There were no comments.

4. Resolution of the City Commission of the City of Leesburg, Florida finally adopting 4.0192 mills as the Fiscal Year 2022-23 Millage Rate for the City of Leesburg, Florida, representing the current year proposed aggregate Millage Rate of 4.0192 mills which is 9.87% more than the current year rolled back rate of 3.6583 mills; and providing an effective date.

ADOPTED RESOLUTION 11,187

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

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

Mayor Pederson requested 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.

5. Request comments from the public regarding the Fiscal Year 2022-23 budget

Mayor Pederson requested comments from the public regarding the adoption of the final 2022-23 Budget. There were none.

6. Resolution finally adopting the Fiscal Year 2022-23 budget

ADOPTED RESOLUTION 11,188

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

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

Mayor Pederson requested comments from the Commission and the audience.

CM Minner stated he had a PowerPoint presentation which everyone had already seen at the workshops and first reading. However, he wanted to add a few comments, but if the Commission wanted him to go point by point through the budget, he would. During the first reading of the budget he failed to mention it, but it was discussed at the workshops. The proposed budget calls for the stopping of the recycling in the solid waste fund. He wanted to remind everyone of that. Assuming the budget is approved in its current form, in the first quarter of the fiscal year 2023, which is the last quarter of 2022, there would be a campaign with Lakefront TV to get the residents informed. It would be about ninety (90) days. They would get information out regarding what is happening with recycling and how the city is moving forward. They do not anticipate starting the new process until January 1st. **Commissioner Robuck** wanted to clarify to the residents who may be hearing about this for the first time that the city is not stopping the recycling program. We are stopping with the use of a separate truck picking up the recycling, because everything including the garbage is taken to the incinerator for recycling. **CM Minner** replied that was correct. The recycling program, in terms of using a two-streamed collection, will stop. Those recyclable materials will be able to be thrown away effective January 1st. We will have further discussions on this and we will have a full quarter to prepare for it. The residents will keep their recycling cans and they will be able to throw anything in there. They could throw away whatever they have in their existing trash or recycling can. The only difference is that just one collection truck will come by and pick up both cans. That truck will then take everything to the incinerator. That is how the new program will work in the foreseeable future. The city uses the incinerator as our source because the incinerator burns trash/recycling at such a high BTU rate, which turns it into energy. It is then credited to the city in the program. Whether we physically recycle the materials or go through the incinerator, the city still receives credit as being a green waste source. **Commissioner Connell** asked if the city would be leaving the residents with the recycling cans or if we would be picking them up. **CM Minner** answered that the city would leave the cans for the residents. **Commissioner Connell** inquired if they would be able to put household garbage in the recycling cans. **CM Minner** replied they could put household garbage or recycling in either can. **Commissioner Connell** wanted to confirm that the regular solid waste would pick them both up. **CM Minner** agreed and said that they would discuss this more in the next quarter as part of the updates. **Commissioner Connell** questioned if we did away with this program how many employees would that affect? **CM Minner** replied none. In fact, it will help the city out in the future. As we get new growth, instead of having to add more trucks for solid waste and recycling, we can use the same trucks and the same number of employees. We would not lose employees because what they see on the other side of the house with the solid waste stream as it continues to pickup is not affecting our employee count at all. **Commissioner Connell** wanted to confirm that we are not losing any employees by making this move. **CM Minner** answered no. This move actually came from the solid waste department. That is where this was birthed.

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.

7. Announce the adopted millage rate

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

B. SECOND READING OF ORDINANCES

1. None

C. FIRST READING OF ORDINANCES

1. An Ordinance of the City of Leesburg, Florida; Amending Part II, Chapter 5 of the Municipal Code, Amending Section 5-2 as to the zoning areas where alcoholic sales are permitted and Section 5-6 as to the areas exempt from open container prohibitions, Amending Section 5-16 as to the zoning for Medical Marijuana Dispensaries, Amending Part II Chapter 12 of the Municipal Code, Amending Section 12-19 adding an Exemption, Amending Part II, Chapter 14 of the Municipal Code, Amending Section 14-71 adding an Exemption, Amending Part II Chapter 15 of the Municipal Code, Amending Section 15-5, adding an Exemption and Amending Section 15-8 adding an Exemption, Amending Part II, Chapter 18 of the Municipal Code, Amending Section 18-3, adding an Exemption and Amending Section 18-7 Exempting the Operation of Golf Carts and Utility Vehicles from

certain provision, Amending Part II, Chapter 25 of the Municipal Code, Amending Section 25-121, adding an Exemption, Amending Section 25-288, adding an Exemption, Amending Section 25-292, adding an Exemption, and Amending Section 25-362, adding an Exemption, Amending Part II, Chapter 26 of the Municipal Code, Amending Section 26-3 as to the Exceptions to Special Event Permit requirements, repealing conflicting ordinances; and providing an effective date. (VOWL code amendment)

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.

2. **An Ordinance of the City of Leesburg, Florida, Vacating approximately 6,100.80 square feet of Walker Road unconstructed easement consisting of an area 203.36 feet long by 30.00 feet wide MOL lying north of Tuller Road, and Vacating approximately 4,723.05 square feet of Seng Road unconstructed easement consisting of 314.87 feet long by 15.00 feet wide MOL lying north of Tuller Road and Vacating approximately 6,480.60 square feet of Tuller Road unconstructed easement consisting of an area approximately 216.02 feet long by 30.00 feet wide MOL lying east of Seng Road, said property being generally located in an unconstructed portion of Silver Lake Estates Plat as recorded in Plat Book 10, Page 66; Section 9, Township 19 South, Range 25 East; Public Records of Lake County, Florida; and providing an effective date. (The Hills of Leesburg Residential Subdivision)**

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, correcting a scrivener's error in Ordinance 22-17, by amending the language in Section D.1.f. from "7.5 feet" to "5 feet" for the side setback requirement, and amending the language in Section D.2.b. to read '"10 feet" instead of "15 feet" for building separation requirements, for a property consisting of approximately 41.69 acres, and being generally located west of County Road 44 and north of Seng Road, as legally described in Section 01, Township 19 South, Range 25 East, Lake County Florida; and providing an effective date. (Hills of Leesburg)**

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 questioned for clarity if the minutes reflected that they voted for five feet instead of seven and a half. **PZD Miller** replied no. They had discussions with the developer prior to the planning commission meeting and they took it to the planning commission with a scrivener's error stating seven and a half feet and it should have been five feet. That error went all the way through the process. He is here now asking for that correction. It should have been corrected prior to going to the planning commission. That corrected document should have been in the packets when it was first voted on. It should have said five feet for the separation of the side set backs and ten feet for the building separation. **Commissioner Christian** asked if they normally grant PUDs at five feet or seven and a half. **PZD Miller** answered it ranges depending on the lot sizes. Anything under sixty feet would be five feet and over sixty feet would be seven and a half. **Commissioner Christian** questioned if the back separation being ten to fifteen is normal or is that something the developer is asking for. **PZD Miller** replied that the building separation is when you have a five-foot side setback that building separation would be ten feet automatically. If you have seven and a half, that would be a fifteen-foot side setback. This was a scriveners' error where they failed to make the correction before it went to the planning commission. **Commissioner Chrisitan** asked if he was recommending five feet. **PZD Miller** replied yes. They generally have to put gutters down the side now, so that would take care of that. **Commissioner Burry** asked if this PUD requires gutters. **PZD Miller** replied yes. This was approved back in December 2021. They could also add side gutters and that would resolve that issue. **Commissioner Burry** said he would like that to be done.

Commissioner Robuck made a motion to amend to add the requirements for side gutters and Commissioner Burry 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 approved the amendment to the original motion.

4. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 49 +/- acres; and being generally located west of County Road 44 and north and south of Seng Road, lying in Section 16, 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 3; and providing an effective date (Swan Capital).**

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.

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 49 +/- acres from Lake County Rural Transition to City of Leesburg Estate Residential, for a property generally located west of County Road 44 and north and south of Seng Road, lying in Section 16, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Swan Capital)

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.

Commissioner Christian asked about the disapproval letter received from Renato Jaber that talks about Cutrale owning and operating the property on the western border and he disapproves of the development because of the incompatibility with the disposal site activities. Are you familiar with that? **PZD Miller** answered that Cutrale sent a letter stating they felt this was not compatible with the use. The staff took that into consideration and added in the buffer language. With that added buffer, staff feels it is compatible with their use. **Commissioner Burry** said there was a comment from the public works department regarding the impact on the existing water sewer pioneering agreement. He was curious about what impact they were referring to. **DPW Kelsey** answered they were informing them that these homes would have to reimburse the pioneering agreement that exists.

6. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 49 +/- acres from Lake County R-1 (Rural Residential) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential development for a property generally located west of County Road 44 and north and south of Seng Road, lying in Section 16, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Swan Capital PUD)

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 Burry commented that this PUD specifically states there would be either one hundred and sixty two single family units or one hundred and thirty five detached with sixty attached single family units. As long as he has been on the commission, they have never approved multiple options for a PUD. He is not comfortable with starting that process. The builder should bring the plan and he should stand on merit and not variety. **PZD Miller** replied that they have done this occasionally in the past. However, he would do whatever the commission wanted. They have had situations where they can have multiple uses and they tell the developer to decide and bring that back to staff. They have to let them know which one they are going to do before starting the development process with the pre-application meeting. **Mayor Pederson** remarked that he must have misread it because he thought it included both. **PZD Miller** stated it is an either or. The applicant has to do one or the other. **Commissioner Christian** mentioned that between now and the second reading, the developer needs to tell them what they want to do. The residents ask the commissioners about what is going in around them and if we tell them there will be one hundred and sixty houses and the developer turns around and puts in townhouses, that makes a difference. It will look like the commission does not know what we are doing. **Commissioner Burry** agrees, the applicants need to make a decision on what they want to do. **Mayor Pederson** stated this item would lay over.

7. 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 59.6 +/- acres from City of Leesburg Industrial to City of Leesburg Estate Residential, for a property generally located east of County Road 33 and north of Manor Oaks Court, lying in Section 22, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Cedar Creek LGCP)

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

Mayor Pederson stated this item would lay over. He requested comments from the Commission and the audience.

Commissioner Christian asked if these would be age restricted. **PZD Miller** answered no. **Commissioner Robuck** mentioned that we have done it in other areas when we think there may be an industrial nuisance like we had with the Arlington Ridge residents where we had complaints. There is much more residential out there surrounding this and he is okay with it being residential. However, we need something in writing. Maybe the city attorney could write something to help accomplish that. If the residents could sign something at the closing, where they acknowledge the commercial use nearby, so when they come back to complain, we can say they knew about it being there. **CA Watson** answered that was doable and they can notify the public of what is possibly coming in there so there would be no surprises.

8. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 59.6 +/- acres from City of Leesburg M-1 (Industrial) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential development for a property generally located east of County Road 33 and north of Manor Oaks Court, lying in Section 22, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Cedar Creek PUD)

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 asked what the density was for this development. **PZD Miller** answered it was two point three seven. **Commissioner Connell** inquired what the lots were and if they varied. **PZD Miller** replied there was a maximum of seventy lots and there were different lot sizes. There are seventy lots at fifty feet for sixty thousand square feet and a minimum of seventy-one lots at sixty for seventy-two hundred square feet. Yielding two point three seven units per acre. They have thirty-five percent open space, dark sky lighting and trees in every yard. **Commissioner Connell** asked what the setbacks were. **PZD Miller** responded twenty five feet on the front, eighteen on the rear and five feet on the sides with gutters. **Commissioner Connell** asked if they were all single-family detached homes. **PZD Miller** replied yes. **Commissioner Christian** inquired if the developer was retired. He then asked if DR Horton was the builder.

Greg Belliveau, LPG, 1162 Camp Avenue, Mount Dora stated at that time there was no designated builder. When they looked at this they had to redesign the project because they had to save a lot of trees greater than thirty-six inches and forty-eight inches. The tree canopy was saved, but they had to realign the roads. In doing that, they had to take out some of the lots. One of the design criteria was the preservation of the larger trees, which included the open space and parks. That is against the industrial area. There are no lots anywhere near the industrial neighbors. That was another consideration they made in recognition of the industrial properties to the north. They included a large buffer there. The planning and zoning department acknowledged the properties to the northeast as industrial and we acknowledged the condition in the PUD for that recognition and there would be a deed notification to acknowledge them. They also remembered years ago experiencing issues with Arlington Ridge and a neighboring concrete or asphalt plant. There were expressed concerns about that. They recalled that experience and they did not want them to come back to the commission with this project, so they went ahead and added extra buffering. On the south side, those neighbors expressed concerns about them not being a fifty-five plus community. They wanted to make sure they had a buffer with a fence on the south end to keep the children encased in the community. That way they would not bother the fifty-five plus folks. They agreed to that condition. **Commissioner Connell** asked if the entrance and exits were all off CR 33. **Mr. Belliveau** replied yes, they are all off CR 33. **Commissioner Connell** wanted to know if they would require any turning deceleration lanes. **Mr. Belliveau** answered most likely, but they will know more once they get with the public works department. All their traffic studies were completed and they showed no problems.

Commissioner Burry thanked Mr. Belliveau for all he has done for the City of Leesburg and helping Lake County become a better place. He told him to enjoy his retirement. **Mr. Belliveau** thanked him and said he had a few more cases to close out. Once he sent out his retirement notification, he had clients calling and emailing in less than ten minutes. **Mayor Pederson** congratulated him. He stated this item would lay over.

9. An Ordinance of the City of Leesburg, Florida, amending the conditions of a PUD (Planned Unit Development) to revise the buffer requirements and allow for bungalows and cottage sites on a property generally located north of U.S. Highway 441 and east of Pemble Road, lying in Section 20, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Gill Marina)

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

Mayor Pederson stated this item would lay over. He requested comments from the Commission and the audience.

Commissioner Burry asked about the revisions to the buffers. **PZD Miller** stated this is an existing PUD that came before the commission last year as an upscale RV resort. They would like to keep that PUD in place, but they have some specific changes. The most important change for them is to reduce the buffer on the western side of the property from eighty to thirty feet. City staff agreed to it. They still need to meet with the adjoining property owners. Once they get their approval or consent, they would have a four-foot berm with a fence instead of a broad buffer. They would have a planted buffer of thirty feet instead of eighty, but there would be a four-foot berm with the fence on top. City staff made that change along with some other things they wanted to change, including the number of garbage receptacles. The applicant has done some research and they showed staff some different types of units. They want to do something creative here. They call it "glamping", which is glamour camping. They would use some tents, yurts and different types of structures. They want to make it a fun place to go for a few days. It will be a very interesting project. They will also have a marina. They should be selling gas there because he had not seen where else on Griffin they could go to get fuel. There will be some boat slips and recreation areas. **Commissioner Burry** inquired if the neighbors to the west had signed an agreement. **PZD Miller** answered that right now they did not have anything in writing. They had a meeting, but he was sure he would hear something from the neighbors. **Commissioner Burry** remarked that they would need that before moving forward. **PZD Miller** said they have Tara Tedro working with them on this case, so he is confident everything will be good. **Mayor Pederson** remembered at one point there was a restaurant planned for this PUD. Is that still included? **PZD Miller** answered yes, it is still there.

10. An Ordinance of the City of Leesburg, Florida ratifying revisions to the form of Ballot Question Number 1 from the version appearing in Ordinance Number 22-43; providing for inclusion in the Code of Ordinances; providing for severability; providing for conflict; and for providing an effective date.

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.

Commissioner Connell mentioned that there may have been some misunderstandings. He has fielded numerous phone calls. He asked the city manager to inform the public what a yes or a no vote on the changes would actually mean. The phone calls he has received are from residents who are confused about what a yes or no vote means. **CM Minner** commented that back in July the city commission approved an ordinance that asked two referendum questions regarding electric utility. The overall purpose of the referendums was to make it harder to sell the utilities. We wanted to ensure that the utility is managed by the city in perpetuity. As the city grows to the south, we will have a considerable number of new residents who will be Leesburg residents. However, they will not be on the Leesburg Electric System. The utilities are managed by the city commission and there could be elected officials who are interested in the utilities who do not use the utility services. The purpose of the referendum is to make it harder to sell the utilities. Now, where could a sale come from? It could be an investor in utilities, a merger with Seco or something like that. Our utilities are seen as the best responders in severe weather times. We have demonstrated that throughout history. It also serves a communitywide purpose to keep the public utility a public utility. We need to ensure that the public utility is run as a utility first. The best way a public utility or a municipal utility can do that is to control its transfer amounts. In the charter, that is limited and that is a good thing because, as the utility limits its transfer amounts, that amount is directly connected to the base rate, so there cannot be a need. For example, someone could say they need money in the general fund, so they increase the electric fee or increase the transfer, which puts a load on the electric fund to pay for general operations. In the past nine years, the city commission has done just the opposite. The city commission has reduced the transfer to represent what a typical franchise fee looks like. What is the franchise fee? A franchise fee is a municipal corporation's right, by state statute, to control its rights-of-way. We have the ultimate franchise in what is considered a municipal service. A municipal service includes water, sewer, electric and solid waste service. Those are municipal services and state statutes give the municipal corporation the right inside its corporate limits to charge a franchise fee for an outside entity to come in and provide a municipal service. We can charge a fee for using the public rights-of-way to provide those easements. The typical franchise fee is six percent. In the case of Leesburg, we do not have a franchise fee for ourselves. That would be the city's general fund, which would charge a franchise to the electric fund. Instead, we have the transfer and we cap that number. Those are the two overall purposes.

Question one does two things. It says if the city ever considered selling any enterprise fund, which would be water, sewer, gas, and electric you would need a referendum. Right now, it could be sold by a simple majority vote. Three city commissioners could say they want to sell one of the enterprise funds. This city commission is trying to make it harder to do that. They want to make it harder to sell the electric utility. They want to protect it and keep it publicly owned and operated. Not only are they saying they want a referendum, they want a higher level of referendum. When we do a referendum there are two steps. Step one is that the city commission has to pass an ordinance calling for the question of a referendum. That question would then go to the people and a simple majority of the vote would clarify that. The next level would be a referendum. When three members of the commission pass an ordinance that sets a referendum for a simple majority. This commission went a step further on this referendum question because they want to make it a special referendum. They want the referendum to be a super majority of the city commission, which would make it a four-yes vote. That means four members of the commission would have to pass the referendum. It would then have to go for a super majority vote of the electors, which is sixty-six percent. That is what question number one does. It says any enterprise system of the City of Leesburg cannot be sold without a special referendum and a super majority vote of the city commission and a two-thirds vote of the electorate.

Question two is the financial one. It says the city will always keep by charter the franchise fee at six percent. The city cannot transfer more than six percent of the electric fund's money into the general fund. It will always be six percent or less. If it passes, that controls the amount of the electric fund that in perpetuity would fund the general fund. The question could not come at the worst time, because folks are probably thinking about getting rid of electric utility. He does not want to persuade the public, but actually it is the opposite. The position is that the electric utility needs to be more than just an enterprise fund to general fund services. It needs to be a utility first. He believes the history of the utility is that they have done that. When troubled times have come, they respond quickly. When you look at other communities which have changed from being publicly owned to investor-owned, the first thing you see is a reduction in time and service. You will see slow turn-ons during hurricanes and these types of things. Our utility has a very good history of being a great provider in responding in times of trouble. From that perspective, we do not want to lose that autonomy. Therefore, if a question were ever to be asked, we want to make it difficult to sell that utility. The second part of that question says we know it is critical to control the rates and part of the rate mechanism is when rates get high you can use too much electric money to fund non-electric things. In the charter, they would cap the transfer at six percent. With question two, there is no doubt it protects customer rates.

A yes vote on question number one makes it tougher to sell the utility. Question number two is a question that protects rate-making, it also protects using the electric fund to subsidize the general fund above six percent in revenues.

Mayor Pederson added that we have a long history of running a good utility company. This is awkward timing after the last month or so with electric rates, but this is good for our city. **Commissioner Robuck** pointed out that a big reason for doing this, at least from a fiscal conservative standpoint. If a commission were to sell one of the utilities, that commission would get a bunch of money. However, the reason that Leesburg has been able to do things that other communities cannot is because we have different utilities. It is not just electric, we have other utilities. The worst thing Leesburg could do is sell any governmental entity for a lump sum and spend it. Then it will be gone and we will never see it again. These utilities have enabled us, through many ups and downs of the economy, to have steady revenues. It has allowed us to punch our way a little bit. In terms of why we should have a super majority, we are no longer, as a governmental body, able to spend any money on any questions. If we want to send a flyer out in favor of these, we are now prohibited. We used to be able to do that, but now we are not allowed. However, if Duke were to say they wanted to buy our utility, they could spend as much money as they wanted trying to convince the public to let them buy our utility and we are not allowed to spend anything to try and counteract anything they would say, whether it be true or not. That is why the idea of a super majority vote makes sense. It sets that bar higher, which is where it needs to be. **Mayor Pederson** inquired that even if someone else started it, we could not counter that. **Commissioner Robuck** stated that was his understanding. **CA Watson** mentioned there was some new legislation that came out of the last session, but unfortunately there was not a lot of case law to help with interpretation. It is a little troubling in terms of the limits it places on the local government and getting any kind of messaging out. There used to be exceptions for just fact-based information that could be shared, but that exception has been removed. It is very difficult to be able to combat it at all with any kind of information whatsoever coming from the city or on the city's behalf.

Dr. Erika Jasper questioned with question number one, does the commissioners have a vote of fifty percent and the public vote fifty percent. Is that what was said? **CM Minner** answered that would be for a typical referendum. This referendum would increase the bar. The referendum process for a question being put to a referendum asking for the public's input would require the passage of an ordinance and fifty percent of the voting electors. This question says to consider a sale of an enterprise system, it has to be approved by a four-fifths vote of the city commission and two-thirds of the city electors.

D. NON-ROUTINE ITEMS

1. Resolution Amending Utility Rates for Fiscal Year 2022-23

ADOPTED RESOLUTION 11,189

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

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Connell questioned the reasoning for why stormwater was being increased by ten percent. **CM Minner** replied he wanted to give a quick overview of all rate increases in this resolution. During the budget workshops they talked about the increases and it boiled down to three things. One, to continue to make capital improvements to each of the different funds, so increases are contemplated: gas, water, sewer, and electric. For example, in the water fund, that fund is getting behind in terms of making capital improvements to existing systems with changing water mains, keeping up with inflation, personnel costs and meter costs. That theme is reflective of gas. Prices for getting equipment have increased, our personnel costs have increased and we are seeing inflation throughout all of our enterprise operations. None of the utilities have seen any type of increase since he has been here. In fact, we have gone the other way other than CIP increases. On the gas side, we are looking to increase the customer charge by four dollars and seventy cents a month to make us more competitive. We would be slightly underneath our biggest competitor, Teco. Even with the increase in gas, Leesburg will still be less than Teco. With water, that is a little more complicated. It will be about a ninety-six cent increase on the base. That is a ten percent increase, but in all it may be around eight dollars a month. It is about a penny more on the usage level per cubic foot. Sewer is a CIP increase. With the electric fund, they talked about that extensively. The two biggest issues that make up the electric rate are the power cost adjustment, which is where folks are really feeling it, and the base rate. The base rate goes directly into all the other issues. We have the power cost adjustment which is dictated by fuel costs and the Florida Municipal Power agency. There are a lot of misconceptions about where the city buys power. The city purchases power from the Florida Municipal Power agency's "all requirements project". It is a conglomeration of about thirteen municipal electric and we purchase our generation, spending generation and transmission. That is the all requirements project and it all goes into that bucket. Thirteen cities make up that conglomerate and the power bill has gone from two to four million dollars a month when the utility was buying power for around forty dollars a megawatt. This fiscal year the projection was fifty-seven million dollars a megawatt. Next year the projection is one hundred and twenty-five dollars a megawatt. We talked about power cost adjustments and we talked about the wholesale bill for the all requirements from FMPA, which is directly related to that. If FMPA's costs come down, the power cost adjustment comes down. If FMPA's costs go higher than that, the projection will go up. The second part of the bill is the base bill. The base bill can be seen under other charges, the customer charge and the use charge. There are three components to that bill; base, energy charge, and the power cost adjustment charge. The energy charge and base charge go into operations, capital and debt along with the fixed costs. As they increase over time, the utility contemplates increasing the costs. We have been extremely good for the last nine fiscal years at reducing that base cost. This is the first time we have contemplated an increase since the five percent increase trifecta in fiscal years 2012, 2013, and 2014. However, we decided against the last increase, which would have put the rate up to one forty. That number dropped, so when they talk about the base number and round numbers, right now, it is one hundred and two dollars per thousand kilowatts on the residential side. This increase contemplates pushing that up to one hundred and eight dollars in round numbers. It is actually one hundred and seven dollars and ninety-seven cents. It would be a six-dollar increase a month on the base rate. Unfortunately, we are still dealing with the fuel side, which is at seventy dollars or seven cents a killowatt. Those are the increases and the reasons for them. **Mayor Pederson** thanked him for the explanation. In the budget process, he was one of the commissioners pushing for the water rate increase. We are well below the market and even after the ten percent increase we are still below the average. **CM Minner** commented that on the water side we are significantly below the average. Groveland and Clermont are the only cities that remain lower than us. The average is eighteen ninety-five and that would bring us to fourteen fourteen for three thousand. The typical water usage is seventy-five hundred and that would be for a family of three or four. For just under ten thousand gallons, you would see about twenty-one-sixty and the average is thirty. We are still significantly under that number. Water is one of the areas where we are falling behind. Financially, we are hanging in there. We are starting to see the wear and tear on the mains and our breaks are going up. The Director of Public Works told him that the consumptive use permit needs another look, so there are a number of things in the house that need to be taken care of to keep the utilities from falling behind in terms of service. Ten percent sounds like a big number. He understands where everybody is at, there is justification and we are obviously still a competitive utility. Clermont, Minneola and Groveland will be about a dollar or two cheaper with the new rate. **Commissioner Robuck** mentioned what a lot of people do not realize about utilities when we talk about capital projects. These are basically construction companies. At the end of the day, that is what we do, we build stuff and we have to replace one hundred year-old water lines. The idea that you could have single digit increases is impressive. There are very few things that you can buy that are less than that. We are only ten percent more than two or three years ago. Most things nowadays, are way more than that. It does not make it feel any better, but that is the reality of it.

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.

7. INFORMATIONAL REPORTS:

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

None

8. CITY ATTORNEY ITEMS:

CA Watson stated he does not have anything to report on this evening. However, as a reminder, there is a closed session coming up at the tail end of the normal agenda. If the commission wants him to stick around until after the closed session is over, he would be happy to hang around. **Mayor Pederson** commented that he appreciates the offer, but he was free to enjoy the rest of his evening. **CA Watson** said for everyone to stay safe through the upcoming storm.

9. CITY MANAGER ITEMS:

CM Minner stated that with the passing of the fiscal year twenty-three budget, he wanted to thank the budget director and finance director for their hard work throughout the budget process. He also thanked all the department heads. He is very proud of the folks that worked on the budget team. They put together tremendous numbers and each year they seem to get tighter and tighter before coming to his desk. Unfortunately, this was one of the unhappiest budget seasons they have seen in a while. Right now, these are tough circumstances; from taxes, electric rates, and inflation. We did a tremendous job tackling it in the past and we have been extremely good fiduciary to our citizens and our utility users. When he was first hired almost nine years ago, he wrote a letter that said the city needed to be a utility first, before we started going to the general fund and doing all the fun stuff. We have had a lot of success at that and we can stand on that record. If there is hope for the future, it is that if we look at the past track record, at least with him as the manager, we will endeavor to get back to that as quickly as we can. This was not a fun budget year. We can put that to bed and we can move on to the next thing, which is watching the weather and this storm we have brewing. He asked that everyone pay attention to their TV because good information comes out from Lake County and the city website. The city has the emergency operations going and he will touch base with Chief Mera and the team. The director of electric already has mutual aid folks calling in and he has his staff set up. The director of public works has his debris management going and the finance director is working on getting the customer service folks setup with the phone bank. We are getting some online video/visual stuff on our IVR. That means we are mapping out the outages and times for how that stuff could come down. He asked that everyone give the city a little time right after the storm, especially if the storm is significant. They will need to do assessments, they will need to go out and see what all is down. They will then get some assessment on what they can get back up. However, remember the city gets the emergency lines back online first. That means if you live in the downtown area near the hospital you are a lucky customer. The hospital circuits are the first to get hooked back up and they work backwards with the schools and those types of stuff. The electric department does a great job on that. Keep in touch with the news and the weather channels. Watch the city and county websites for updates. Stay safe!

10. ROLL CALL:

Commissioner Robuck commented to the public that the FMP was able to lock in most of the October gas prices at about seventy-five percent and for November at the seven fifty-ish number. That is still historically high, but at least we are not talking about ten dollars. Especially depending on what happens with the hurricane. They were being proactive with getting out there. When the market fell off a little last week, they were able to lock in those prices. They are trying their best.

Commissioner Connell asked, other than emergency services, has there been a decision made regarding the general employees and their schedule for the week? **CM Minner** answered they would most likely follow suit, but he would first get with the commission before making a determination. He has a meeting with Chief Mera tomorrow mid-morning to make that decision. The storm looks like it will impact Pinellas and Hillsborough around eight in the morning on Wednesday. The projection seems to be moving a little faster and more east, so that has their attention. He believes by mid-morning tomorrow they will make the call. There would most likely be a Wednesday to Thursday shutdown. They are looking at a tomorrow or a Wednesday for opening the USC and the EOC Emergency Operations Center, which will be held at the police department. They also have the EOC at Lake County staffed by some of our folks. We issued a declaration of state of emergency that went into effect at seven o'clock this morning. It basically prepared us for FEMA reimbursement, which included our storm preparations as part of that calculation. The declaration at this stage is a standard operating procedure (SOP) more than anything.

Commissioner Christian stated he knows the EOC will be doing something for Lake County, but who from the city will be putting the information out to the Leesburg public. **CM Minner** replied that it would either be himself and Pam Hester. They would be working on that, especially on the electric side. They would work directly with the Electric Director.

Commissioner Burry commented that during his first year as commissioner he was asked why Leesburg no longer put fluoride in the water. He brought that to the city manager and they talked about it a little. Since that time, other members of the community have brought it to his attention, so he has endeavored to look up some information about why we would or would not do it. It is his belief that it is something we should be doing just from a community health standpoint. He did not want it put on the agenda tonight, but maybe in the next two weeks everyone could all look up a little information and brush up on it. Maybe the city manager can bring back some numbers regarding costs because that will be an issue. He strongly advised that the City of Leesburg to go back to putting fluoride in their water. **CM Minner** said he does not want to undermind Commissioner Burry's angle, but he also does not want folks thinking we do not have safe water because we do have safe water; we have good water. There has been a debate on whether or not to put fluoride back in our public water. They started putting fluoride in the public water supply in 1945. At that time, it was deemed one of the best things for public health reasons in the United States because it prevented cavities and dental decay. However, as we entered into the eighties and ninties there was some thought to stopping it. They thought maybe too much of it was a bad thing.

There was another school of thought that said too much fluoride could result in thyroid issues, brittle bones and those types of issues. That thought went back and forth on whether it was good or bad. However, the FDEP does not mandate whether you do it or not, but they do mandate levels. If you use fluoride in the water, you are supposed to keep it at a certain level, which is 7.7 MML's. Other folks pointed out that fluoride is naturally in the water and our level hangs around 0.2 MML's. The data from the health department and FDEP shows that about seventy-eight percent of all public water systems in the State of Florida put fluoride in their water. Region to region varies and our region, which is Lake County, is very small. There is natural phosphorus in the ground, and that is what fluoride is. Long story short, Leesburg stopped. We stopped in 2000 for financial reasons and safety reasons. When we upgraded the SCADA system, we saw it as a big cost with the monitoring and the SCADA equipment. There was a safety precaution too, because our folks did not have to deal with it and it made their jobs a little easier. The question had not been kicked around until Commissioner Burry brought it to his attention. Even though Bill Mathias also brought it to his attention, he must have had a conversation with the same dentist. Now, Commissioner Burry is correct, this is a public health issue. He will put together the financial data and bring it back to the commission. The rough house number will be around six digits to get the hardware, software, and pumps back up. It will be somewhere between two hundred and fifty and half a million dollars. Operationally we are looking at fifty to seventy-five grand. We will not use that much fluoride because of our natural resources. Those are just guesses from a quick conversation he had with the chief at the water plant, Al Purvis. He will bring the data back for direction. In the interim, he informed them that if you have any problems sleeping, there is a whole bunch of data online you can read up on regarding the fluoride issue. Commissioner Burry does have a good point that it is a source of fluoride for the financially hard-struck part of the community who does not have access to dentists or good fluoride. They could get it from the public water supply and that is important. We did unplug that when we unplugged the pump. So there will be more information to come on that. **Commissioner Christian** asked if the data would include the surrounding cities that use fluoride in their water. **CM Minner** replied that around us there are none. He cannot think of any off the top of his head, but he would get that data. Clermont, Mount Dora, and Tavares are a no. **Commissioner Burry** followed up by saying the Department of Health has good information regarding community water fluoridation and seventy-eight percent of providers in the state put fluoride in the water and that should tell you something. **CM Minner** added that the Florida Department does almost everything except tell you to do it. **Commissioner Burry** said it says water fluoridation is safe, effective, and healthy. The American Dental Association, the American Medical Association, the Academy of Pediatrics, and the World Health Organization endorse this and the list goes on. This is something we should look at. He understands finances are always something. Nonetheless, this is important and we should provide it for our citizens.

Mayor Pederson had no comment tonight.

11. SUSPEND REGULAR MEETING

Mayor Pederson suspended the regular meeting at 6:40 p.m.

12. OPEN the CLOSED ATTORNEY-CLIENT SESSION

The closed meeting convened at 6:49 p.m.

13. EXIT all BUT THE FOLLOWING INDIVIDUALS:

A. Mike Pederson - Jimmy Burry - John Christian - Jay Connell - Dan Robuck, III - Mark Brionez - Stephanie Brionez - John Metcalf - Al Minner - Court Reporter

14. END CLOSED SESSION and REOPEN COMMISSION MEETING

Mayor Pederson ended the closed session and reopened the regular meeting at 7:15 p.m.

15. 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 7:15 p.m.