

**AGENDA MINUTES
CITY COMMISSION MEETING
VENETIAN CENTER, 1 DOZIER COURT
MONDAY, NOVEMBER 9, 2020 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting Monday, November 9, 2020, at the Venetian Center. Mayor Dennison called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian
Commissioner Mike Pederson
Commissioner Dan Robuck
Mayor Elise Dennison

Commissioner Jay Hurley appeared by telephone; had some technical issues. Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Fred Morrison, the news media, and others.

INVOCATION

Commissioner Robuck 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

There were none.

3. PRESENTATIONS

A. Service Award Recognition of Clell Coleman

Mr. Coleman was unable to attend. This item will be moved to the November 23, 2020 Commission meeting.

4. PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.

There were 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.B.1 - Construction Services Agreement with Wharton-Smith, Inc.

5.C.4 - Representative appointment to the Lake Community Action Agency Board of Directors

Commissioner Christian moved to adopt the Consent Agenda except for 5.B.1 and 5.C.4, and Commissioner Robuck seconded the motion.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Robuck	Yes
Commissioner Hurley	Technical issues
Commissioner Pederson	Yes
Mayor Dennison	Yes

Four yeas, no nays, the Commission adopted the Consent Agenda, as follows:

A. CITY COMMISSION MEETING MINUTES:

- 1. Regular meeting held October 26, 2020**
- 2. Regular meeting held October 12, 2020**

B. PURCHASING ITEMS:

- 2. Purchase request approval for the purchase of one (1) new regenerative air street sweeper from Environmental Products, Inc. for an amount of \$212,299.00.**

Approved

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a Warranty Deed from Taylor and Taylor, Inc., to**

the Community Redevelopment Agency (CRA) for the Carver Heights/Montclair Area for property lying in the City of Leesburg, Lake County, Florida; and providing an effective date.

ADOPTED RESOLUTION 10,749

- 2. Resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute a Natural Gas Service Agreement between the City of Leesburg and Leesburg Landing II Community, 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 Leesburg Landing Phase II; and providing an effective date.**

ADOPTED RESOLUTION 10,750

- 3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Natural Gas Service Agreement between the City of Leesburg and Leesburg Land Holdings, LLC, for the purpose of providing Natural Gas service to the proposed development referred to as Lake Griffin Preserve; and providing an effective date.**

ADOPTED RESOLUTION 10,751

- 1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Construction Services Agreement with a Guaranteed Maximum Price (GMP) with Wharton-Smith, Inc. for \$21,571,562.97; and providing an effective date.**

ADOPTED RESOLUTION 10,752

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

Commissioner Robuck moved to adopt the resolution and Commissioner Christian seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

Commissioner Robuck stated the Commission is familiar with this project, but since voting on a \$21 million dollar project, he asked the city manager to give a brief description of the project for the public.

CM Minner stated this is the Turnpike Wastewater Treatment expansion project, which required a few things for the city in preparation of growth in the south western and south Leesburg areas, as well as growth pending from the Villages. On a financial side, the city made some long range financial plans; issued debt for the sewer fund back in July, that was \$15 million, and planned on cash floating that debt with income coming in from the Villages, so there is an offset and a little bit of gain for the fund, which

is good. The plant had some issues where it really was never able to reach its nameplate capacity of 4 MGD (million gallons per day), so the plan was to get to that 4 MGD. Basically, doing some expansions of all the contact chambers in the plant, like the aeration chamber, the digesters, changing some pipe mechanisms, and changing the way the SBR works through aeration. With all that it is a \$21.5 million dollar project. The target deadline for completion is about 16 months, March 2022, which is ahead of schedule.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Hurley	Technical issues
Commissioner Pederson	Yes
Commissioner Christian	Yes
Mayor Dennison	Yes

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

4. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the City Commission to appoint a representative and alternate to the Board of Directors of Lake Community Action Agency; and providing an effective date.**

ADOPTED RESOLUTION 10,753

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

Commissioner Robuck made motion to appoint Commissioner John Christian as Representative and Commissioner Jay Hurley as Alternate and Commissioner Christian seconded the motion.

The roll call vote was:

Commissioner Hurley	Technical issues
Commissioner Pederson	Yes
Commissioner Christian	Yes
Commissioner Robuck	Yes
Mayor Dennison	Yes

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

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

- A. **Resolution of the City Commission of the City of Leesburg, Florida appointing one member to the Carver Heights / Montclair Area Community Redevelopment Agency (CRA) to serve the remaining four-year term set to expire December 31, 2023; and providing an effective date.**

ADOPTED RESOLUTION 10,754

Mayor Dennison read the resolution by title only.

Mayor Dennison read a statement from Constance Poitier-Christian withdrawing her application.

Mayor Dennison asked if the second applicant, Kevin Conner, was present. Mr. Conner was present and gave a brief statement on his background and why he would like to be appointed to the CRA board.

Commissioner Christian made motion to appoint Kevin Conner to fulfil the vacant seat set to expire December 31, 2023, and Commissioner Robuck seconded the motion.

The roll call was:

Commissioner Christian	Yes
Commissioner Pederson	Yes
Commissioner Robuck	Yes
Commissioner Hurley	Technical issue
Mayor Dennison	Yes

Four yeas, no nays, the Commission appointed Kevin Conner to the Carver Heights CRA board.

- B. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 158 acres; and being generally located west of U.S. Highway 27, north of Bridges Road, and east of Florida's Turnpike, lying in Sections 01 and 02, Township 21 South, Range 24 East, and Sections 35 and 36, Township 20 South, Range 24 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if such territory had been a part of the City of Leesburg at the time of passage and approval of said laws; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Whitemarsh II & III AX)**

FIRST READING OF ORDINANCE.

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

Mayor Dennison requested comments from the Commission and the audience.

Greg Beliveau, representative for the applicant, stated, if it pleases the Commission, that he would like to defer his comments until after the public has spoken on all three items (6.B, C, and D) rather than after each item. The Commission agreed.

- C. 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 158 +/- acres from Lake County Urban Low Density to city of Leesburg Estate, for a property generally located west of U.S. Highway 27 and north of Bridges Road, and east of Florida's Turnpike as legally described in Sections 01 and 02, Township 21 South, Range 24 East, and Sections 35 and 36 Township 20 South, Range 24 East, Lake County, Florida; and providing an**

effective date.

FIRST READING OF ORDINANCE.

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

Commissioner Robuck made motion to transmit this item to the State of Florida and Commissioner Christian seconded the motion.

The roll call was:

Commissioner Robuck	Yes
Commissioner Hurley	Technical issues
Commissioner Christian	Yes
Commissioner Pederson	Yes
Mayor Dennison	Yes

Four yeas, no nays, the Commission approved the transmittal to the State.

- D. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 158 acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), to allow for single family residential development for a property generally located west of U.S. highway 27, north of Bridges road and east of Florida's Turnpike, as legally described in Sections 01 and 02, Township 21 South, Range 24 East, and Sections 35 and 36, Township 20 South, Range 24 East, Lake County, Florida; and providing and effective date. (Whitemarsh PH II & III) PUD**

FIRST READING OF ORDINANCE.

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

Greg Beliveau deferred his comments until after the public comments.

Marlena Sokol stated the first time she heard of the proposed Whitemarsh 2 and 3 developments was at their September HOA meeting in September when one neighbor, out of four who had received letter from City of Leesburg dated July 23, 2020, brought this up. The rest of the neighborhood would not have known about the proposed development. Primary concerns brought up were the road use, protected wetlands, protected species, and their quality of life. The wetlands are visible upon entering the neighborhood, as is the playground immediately to the left of the entrance; children play in this playground as well as in the streets all through this neighborhood. Sandhill cranes are frequently seen and the presence of gopher tortoises has also been registered with the Florida Wildlife commission.

Great Egret Drive is initially 42 feet wide, landscaped from its U.S. Highway 27 access point then narrows to a 20 feet wide road. Orchard Drive, leading to the proposed development is a dirt path overgrown with vegetation and bordered on both sides by protected wetlands. Using these roads, especially Great Egret Drive as part of the proposed development would negatively impact the quality of life for the existing residents in favor of sprawl. Leapfrog development patterns further fragment natural landscapes by leaving patches of open land intermingled with built up areas. Roadways, fences and other abrupt human defined edges can act as barriers to wide-ranging species and with all these points, she asked the Leesburg Commission to not change the zoning. The neighborhood as it exists cannot handle

increased traffic; residential or heavy construction equipment. She invited the commission to visit their neighborhood and take a closer look at the impacts that this proposed development would have.

Dennis Bean thank Ms. Sokol for her comments; eloquent stated. Mr. Bean thanked the City Clerk's office for quickly and graciously providing him with requested information; so a thank you, great customer service. He also suggested that the commission take ten minutes, drive through the neighborhood, see how close everything is, and you will see what their real concerns are. When they purchased their home at Whitemarsh it was under the pretense of what the neighborhood currently is. In addition, they were told that the wetlands could not be touched; it is in their paperwork. He finds it disheartening that this could happen.

Lisa Christy thanked the commission for all its hard work and also Mr. Beliveau for being patient with them because this is all new, just sprung on them. She reviewed her documents, purchased home in 2013, and she saw nothing agreeing to new home building, only to an HOA, which they agreed. She asked that when work is done, if work is done, please do not drain the marsh. She promises the neighborhood is all in one spirit. She asked to use the remainder of her three minutes for silence. She also passed out pictures for the commission to review of the sandhill cranes seen just that morning. We are not a retirement community, we do not have a boulevard, we have a small narrow road that is the only way in and out of our neighborhood.

Mayor Dennison stated she has driven by Whitemarsh and will visit the community to see what is going on.

Bill Gamble stated he feels that the city is not going to turn down money that this development will bring so they obviously have an uphill battle. His suggestion, if that is the case, is to look at potential other avenues to reach this property. Driving into the community, if you drive faster than 15-20 mph, there is a sharp S curve and you can see multiple near misses; this narrow road is definitely not designed for the amount of traffic we are going to see there. Could an entrance come from the turnpike side? The builder or owner should take that on to allow them to keep their quality of life and raise their families in a safe place. Think about your own communities, take the 100 homes and then quadruple the size of residents and see how that would impact your streets, because that is what we are looking at.

Walter Beliveau stated development is good, but there has to be consideration given to the homes and people living in the area. Over 300 homes, no additional access egress planned, at least two working adults in each family, with at least two cars per home; 600 cars leaving in the morning and returning in the evening on a road 20 feet wide less than a mile from the top of Dilly Marsh, which is the entrance into this new development. Would you want to live on Egret Drive knowing that you are going to have a minimum of 1,200 cars per day potential; I doubt it. In good conscience can you allow this to happen. Development is good for the economy, good for you and the city, but let's do it in good conscience, put in proper access egress, and protect all those who already live here.

Greg Beliveau addressed the traffic and environmental issues. The traffic component, the road system and road design of that subdivision, Whitemarsh, is actually very consistent with several projects on South 27 that were designed by Keith Riddle. Pringle projects designed exactly the same, with the same number of lots and number of homes. For instance, Royal Harbor and Highland Lakes are subdivisions with 500 lots. A smaller subdivision is Legacy, which has a scrub jay habitat such as this project will have. They received a sign off from Fish and Game, which they have to abide by. The other component is that Whitemarsh 2 and 3 was always anticipated to be a growth of Whitemarsh 1; the original plat is designed with a stub out at the end of the road. The utilities are there and the expansion is to go to the west where our project is looked at as going as the entrance from all the roads, the water and sewer lines.

This was anticipated from the beginning with Whitemarsh 1. The environmentalist on this project are the original ones that did phase 1. As far as concerns about the wetlands and endangered species, they have studies accomplished on this property. St. John's just issued their wetland line determination, it has been verified and certified, so they are not going to encroach on those; they actually have to have an upland buffer. They did a sand skink evaluation, done cover boards and again, those have been signed off. We will be setting aside a scrub jay habitat, we know about the gopher tortoises, there is a study on that. They have done an exhaustive analysis. Traffic analysis clearance letters have been received from all agencies, not only local but also FDOT. This project has met all requirements, all reviews have been signed off. In anticipation of hopefully going through the PUD process, the second reading will outline the plan itself, giving all the details on the plan and design and show the concessions made on some of those with their neighbors to the north.

Commission Hurley asked how many homes are currently in Whitemarsh. **Mr. Beliveau** answered he believes 105.

Commissioner Robuck thinks this is a little unique in the access, not ideal, but does not see any other way to access the property. He requested, possibly, that Mr. Beliveau could come back with some restrictions during construction in terms of some time frames where you would not have heavy trucks going in and out everyday at 4:35 a.m. **Mr. Beliveau** stated yes, they can look into that.

Commissioner Christian stated on that note, he was in a Clermont subdivision and they actually had signs posted construction from 7:00 a.m. to 7:00 p.m. So in some cities they are actually doing is. Maybe something to look into and bring back. **Mr. Beliveau** replied certainly.

Commissioner Pederson stated that on the comments about the 20-foot wide road, he would trust that this road will be widened during development construction; wider into the subdivision. **Mr. Beliveau** replied it will probably be 24 with a two foot curb. Their road is actually 20 foot lanes with Miami curb on each side, so with that Miami curb it is 20 plus two feet on each side. It is not a normal curve with bumps, it is a Miami curb. **Commissioner Pederson** stated his guess is that this project is not large enough for a secondary road. **Mr. Beliveau** replied there is no way. They looked at it and the only access through Plantation is through their golf course, does not see that and the turnpike blocks them to the west.

Christa Wzynski stated all the housing developments mentioned are retirement communities for the most part, so when talking about the amount of traffic in and out through the day, Whitemarsh has a lot more. She feels the flow of traffic is different.

Greg Beliveau stated he also mentioned the fact that numerically those communities have a lot more number of lots on those same type of roads, so the traffic numbers would probably pan out numerically. Also, the other component is the not having an option, but having the fact that Phases 2 and 3, this road access was the road access historically outlined and planned that way on the plat of record.

Bill Gamble stated he was one of the first 10 or so homes built there, so he knows about the stub out was there, but he can guarantee it was not to build 300 homes. The lot sizes in the community have about an 80 foot front lot, which is larger than these other communities where you can reach out and touch your neighbor's house from your window. Not sure if that is what is being planned, but when they talked with the original sellers, they did mention that it was going to be a mirror of this, which maybe talking another 100 homes, not 300. The communities mentioned have main boulevards with streets branching off, but that is different than our small road. We are not looking at increasing the traffic on a 20 foot road, even if taking away that Miami curb, so please take that into consideration because this is going to be a big

impact on our community.

Walter Beliveau finds it quite interesting that this gentleman calls it a boulevard; his concept of a boulevard is much more different than a 20 foot road. He appreciates their want, but just because it was that way back in history does not mean it has to be that way today. The way it is is quality of life, safety for children, for families and smart development.

Paul Wzynski thanked his neighbors for eloquently stating their concerns. It was mentioned that the roads in the new part of the development would be 24 feet wide and ours is 20, so I am assuming that your 24 foot is for safety reasons and traffic. Our road is not and they have concerns about the safety of all the residents because their roads are not set for an extra 300 homes.

Greg Beliveau stated instead of a continued debate, he would delay this until the commission has seen the actual plans, see what they are doing, what is proposed, and what they are accomplishing. That way we can go through a discussion that actually outlines what they are trying to accomplish and how they are getting there. He will also have Keith Riddle present to address the road situation and the transportation items.

Commissioner Pederson asked Mr. Beliveau if he could compare the lot sizes in phase 1 to what is being proposed.

Mr. Beliveau stated they have three different lot sizes and in the proposed design they are proposing to put the larger lots abutting the existing subdivisions. With the layout they have extensive wetlands as proposed buffers, so they have a lot of open space.

Mayor Dennison thanked everyone for coming and stated the second reading will be announced. She also encouraged the other Commissioners to take a ride down there to help visualize what is going on.

7. INFORMATIONAL REPORTS:

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

A. Financial Reports as of September 2020

No comments.

8. CITY ATTORNEY ITEMS:

None.

9. CITY MANAGER ITEMS:

None.

10. ROLL CALL:

Commissioner Pederson had nothing.

Commissioner Robuck congratulated our new incoming Commissioners, Jimmy Burry and Jay Connell.

Also, congratulation to the other candidates, he thinks everyone ran a really good race; it was very cordial and that was good for the City. He gave a shout out to Alan Hays, Supervisor of Elections; in Lake County we knew in two houses what our totals were and that says a lot for him and the professionalism of this staff and how well prepared they were with this historic turnout. Lots of mail votes, early voting, and in Lake County, at least, it wall went well, flawlessly, so that was good to see.

Commissioner Christian echoed Commissioner Robuck and welcomed new incoming Commissioners elect Jimmy Burry and Jay Connell. Also to the other candidates who ran an outstanding race, we had some new faces involved and he thinks it does Leesburg well to have spirited competition and it makes our city look progressive. Also, to Mr. Conner for coming on the Carver Heights CRA. We look forward to seeing some very progressive things from Carver Heights/Montclair area as see the last few meetings we have had a lot of new growth opportunities for our city. He thinks our city is poised to grow and he commends our staff working with all those that come in and even those who oppose. He also thinks the Mayor has done a very fine job with some very contentious, in the middle of a pandemic, so we do commend you. Also, Al and Andi maybe on our agendas we could add back the first and second reading of ordinances; without it, it is kind of confusing.

Commissioner Hurley echoed the other commissioners in welcoming Jimmy Burry and Jay Connell, good job. He hopes the success of Leesburg just keeps on rolling as we have had the last several years.

Excited to see what kind of ideas you all bring and to the other contestants as well. Thank you to everyone still in the room from the Whitemarsh project; we have a great need in Leesburg with the Villages coming in that, that whole corridor is going to explode. We are going to have lots of jobs in the service industry and when these things get brought up it is not that we are not doing our job, our due diligence, we are not being methodical about it. You can go to any neighborhood in Leesburg, over to Sunnyside, Sleepy Hollow, wherever, there are neighborhoods with 500 houses in them without boulevards. It comes down to responsibility, the people who are going to be driving in there are not the visitors flying through your neighborhoods and wrecking things, they are going to be your neighbors if this thing passes. Hopefully when this comes back there will be a lot of answers. When Whitemarsh when in the Plantation was mad about it and when Plantation when in people who owned cows were made about that. It does not matter when we are trying to do some type of development, we continually have opposition. Have not, in my eight years, had one residential community being developed where the surrounding houses wanted it there. At the end of the day, Leesburg is growing, Florida is growing at a rapid rate and as part of that we have got to be able to have housing for our residents. If we are ever going to raise our medium income and get all the things done that everybody wants to have in Leesburg, if you do not have a place for work force to live you are never going to bring industry in. It is not just oh wow we can get a little more money on the taxes so put this development here, there are a lot of things that go into it. So when I vote, please understand I am not going to be voting one way or the other just on some tax dollars or just from the history of the old days, it is looking at the totality of it all.

Mayor Dennison asked the situation with the restaurant in Venetian Gardens. **CM Minner** stated the last he checked the Boyd group was in the process of getting their loan. They were on the brink of getting their financing all wrapped up back in March and COVID happened, which has been a big delay.

They were down to two weeks on getting their loan closed and the bank challenged our title, so Fred did some work on that, we got it back to the title company. He has a message into Mr. Boyd but has not heard back. We have not heard back from the title company, so we are assuming that is good news. He

will provide a more formal update as soon as he hears back from Mr. Boyd. **Mayor Dennison** inquired to the status of Mote Morris, what are we looking at as far as reopening. **CM Minner** thinks we are about four months out and asked Public Works Director Cliff Kelsey. **PWD Kelsey** stated that is correct, we are looking at finishing construction the end of January, first of February, and then move in some furniture and some other small work. Goal for ribbon cutting is first of March. **Mayor Dennison** thanked everyone who voted in the election to change our city charter so that going forward no district can take control over the board in Leesburg. There will be a fair distribution over the districts, do away with at-large, and it will depend on how the census turned out as far as what changes are going to start happening in the different districts. Looking forward, she thinks the citizens have protected Leesburg and she thinks it is a great amendment, so thank you. Finally, she reminded everyone that COVID is not over; every country in the world is experiencing massive increases in this disease. We had a great announcement this morning that Pfizer looks like they have a 90% efficacy rate, in other words, they expect this to work 90% of the time for our people; so that is coming, but please continue to take your precautions with the masks, with the six foot distance and no massive parties or anything. We have the holidays coming up and we all want to get back to normal, please just be careful.

Commissioner Christian stated the new pool had its groundbreaking and work has already started.

Mayor Dennison stated yes, the pool had its groundbreaking the other day and has Commissioner Christian must said building is already going on, so that is going to add a lot to the Pine Street area of Leesburg. We are also continuing with our teen center over on the other side of town, so while things have slowed down a little because of what has happened this year, and it has been a crazy year, we are still moving ahead with the things we promised.

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.

Meeting adjourned at 6:31 p.m.