

**MINUTES OF THE CITY COMMISSION MEETING
MONDAY, JULY 11, 2016**

The City of Leesburg Commission held a regular meeting Monday, July 11, 2016, in the Commission Chambers at City Hall. Mayor Hurley called the meeting to order at 5:32 p.m. with the following members present:

Commissioner Bob Bone
Commissioner John Christian
Commissioner Elise Dennison
Commissioner Dan Robuck
Mayor Jay Hurley

Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Fred Morrison, the news media, and others.

Mayor Jay Hurley gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS: None

MAYOR'S AWARD:

Mayor Hurley presented the Mayor's Award to Police Sargent Scott Mack who has been with the Leesburg Police department for 19 years. He has come up with an Action Plan "ACTION" (Addressing Crime Trends in our Neighborhoods) program. Chief Hicks stated Sgt. Mack has been crafting this program over a couple years and found an opportunity to implement this program. Sgt. Mack works on this program in his personal time and is accessible to our citizens 24 hours a day. This program has been wildly successful and violent crime, in one particular neighborhood, has dropped dramatically. This is a "pilot" program now and will be reviewed after a year to see if it can be implemented in other neighborhoods. Chief Hicks stated it is an honor to have Sgt. Mack as part of our Police department.

PRESENTATIONS:

LAKE COUNTY TRANSIT by TOMIKA MONTERVILLE

Tomika Monterville, Transit Manager for Lake County Connection and Lake Xpress, stated on behalf of Mr. Heath, County Manager, and the Commissioners, she wants to thank the City of Leesburg for time tonight to speak about Transit in Your Town.

She stated they have currently added two more bus routes for a total of seven, with the one really important and critical to Leesburg as being Route 2. The service in Leesburg constitutes almost over a third of the ridership for Lake Xpress, the fixed route system. Lake County Connection is their demand response system and that is the door to door service that many people with mobility impairments or mental cognitive impairments, seniors, or veterans use that service. Route 1, Route 2 and Route 1A (the new route) are the ones that serve Leesburg. Last year the ridership was about 300,000 people and of that 80,000 were from the Leesburg area. Leesburg has the highest riders in the system.

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There are eight shelter stops in Leesburg and an actual 108 transit stops to serve the residents throughout Leesburg. The most popular stop in Leesburg is at the Library on Main Street. The county is going to continue with the installation of these shelters and really wants to partner with the cities.

She stated she is really excited about the transit technology, the RouteShout traveler app, which the County Commission approved a couple months ago, as this is going to change the way they deliver services. This is a real time app, free for patrons to load on smart phones and be able to see where their bus is this fall. So if you are standing at the corner, you will be able to see the bus stop number, the next arrival time, and it will really help people plan for their lives and give them more options. Also coming to the area is the developing of bus stop design and siting guidelines and they will be looking for the cities to participate and be members of this advisory committee to help work on the guidelines.

Questions:

Commissioner Dennison stated she has received telephone calls from people who said they were forced to get off the bus at the Mall and then had to cross the busy road and she believes it was also on Dixie Avenue for the hospital. She asked is this has been addressed.

Ms. Monterville stated in siting the bus stops locations, what we have to look at is the legal duty of care on the transit agency. With the mall location, service began in 2007 and the stop was placed behind the mall next to the loading zone with no ADA accessibility and within one year the mall called and said they want the bus stop removed, so it was removed. Then within the same year customers called to complain and said that stop was convenient and they wanted it back. Looking at the location of many of the stops, there are many safety hazards, and that particular stop is not safe to access. Essentially, they put out a trash can and started stopping the bus in a parking island, that is not an ADA accessible stop, and recently had concerns because a patron was injured crossing 441 to get to the ADA bus stop in front of Rooms to Go. They are working on the issues, and in order to ensure no liability for the county, it was best to remove that stop and install an ADA pad and bench in front of Rooms to Go and then on the other side traveling west bound, put a stop in front of Duncan Donuts. The ADA pad will be on Radio Road and then Lake Boulevard and they are working with their Public Works department to identify how to work on the actual timing of the pedestrian signal because it is not enough time for an able body person to walk across 441.

Commissioner Dennison asked how is this going to affect the streetscape on Dixie Avenue because it now will become two lanes and if we have a bus stopping in the right lane then we are impeding traffic.

CM Minner stated he did not have an answer for that, but will have staff look into it. -

Commissioner Dennison stated she would like to make sure that there is a stop for Venetian Gardens.

Mayor Hurley asked if the new parking lot at Kids Korner could be used as a pull through bus stop.

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Ms. Monterville stated they do not like to do that because these are 35 foot buses and it takes a lot to navigate in these close spaces.

Commissioner Bone asked if Transit still does the stop where you are and waive the bus down.

Ms. Monterville stated they have eliminated that, with the exception of along Main Street because they do not have the posted signs, which is why it is so critical that they get their signs. It is just not safe now with the ADA compliance requirements to continue the flag stops. She stated Transit also offers travel training, which is really critical to many people who are intimidated, impaired, or scared to take the fixed route bus. Consultants will walk with them, ride the bus with them, and go to their home to discuss the trips they need to make. It may take a month to get acclimated, but they have someone to work with these patrons during the whole process.

Commissioner Bone asked about the cost for the little stops now with a bench and what looks like a solar light.

Ms. Monterville said the pad work for all the stops is anywhere between six to seven thousand dollars, the shelters are about another five thousand, and the sign and post are about \$1,500.

Commissioner Bone asked if those are solar lights and if they light up the benches.

Ms. Monterville stated they are solar, so at dusk or evening when the bus is coming, they patron can push the yellow button and it will illuminate so that the bus driver sees them.

Commissioner Christian asked if there is a specific point person with the city for contact or discussions. He thinks with all the future development coming into the city, that Dan should be somewhere in this mix to help with ordinances. We need to make sure we have good communication going both directions.

Ms. Monterville agrees and stated the good fortune right now, is that they are developing the capital request of FDOT for the next calendar year. They know shelters are needed along Main Street and some have been installed throughout the city already, but going forward quarterly meetings can be scheduled. She stated this is the beginning of a great relationship.

Commissioner Robuck asked if the signs downtown will match the style of the city's existing wayfinding signs.

Ms. Monterville stated anything that deviates from their logo and image, that people are familiar with, the city would have to do and pay for. Their brand recognition is with Lake Express and they would prefer that sign be used. The Lake Xpress sign could be affixed to one of the existing city posts wherever the bus stop is placed.

Commissioner Robuck asked if staff could talk to the county about getting them to match our wayfinding signs.

CM Minner stated yes, and staff will find out what other communities are doing as well.

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Commissioner Robuck asked if the bus stop ads comply with the city's sign ordinance.

Planning and Zoning Manager (PZM) Dan Miller stated he would have to look and see what is proposed, but thinks it probably will take an amendment to the sign code if the Commission wants to have it.

Ms. Monterville stated they are not trying to do any shelter advertising right now; the program is in its infancy.

Commissioner Robuck asked Ms. Monterville if she could provide a list of the specific businesses, like the dialysis centers, that she feels have special needs.

Ms. Monterville stated she can provide the list of transit and economic development tools that were provided the City of Groveland. She does not believe in reinventing the wheel, and there are a number of cities here in Florida that already have really good ordinances that speak to the minimums and maximums, so we can definitely work together and identify specific locations where we need to work on accessibility.

Mayor Hurley stated it is also good to see Director Dottie Keedy present, and also good to see our past Mayor, Mrs. Henderson, tonight.

CONSENT AGENDA:

Items pulled for discussion:

5.C.1 - Accepting a utility easement from the City of Mount Dora;

5.C.2 - Approving staff to move forward with negotiating the sale of 30 acres on the 470 property; and

5.C.3 - Assignment of operation of the Navigator Cafe by Beacon College to Sodexo USA, Inc.

Commissioner Bone moved to adopt the Consent Agenda except for 5.C.1, 5.C.2, and 5.C.3 and Commissioner Dennison seconded the motion.

The roll call vote was:

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|------------------------|-----|
| Commissioner Robuck | Yes |
| Commissioner Christian | Yes |
| Commissioner Bone | Yes |
| Commissioner Dennison | Yes |
| Mayor Hurley | Yes |

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

CITY COMMISSION MEETING MINUTES:

Regular meeting held Regular meeting held June 27, 2016

PURCHASING ITEM:

Change Order No. 3 with Barracuda Building Corporation on the Seminole Avenue storm water improvement project for an amount of \$2,209.00.

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RESOLUTION 9822

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Leesburg Police Department to allocate forfeiture funds for the "Kicks for Guns" Program; and providing an effective date.

RESOLUTION 9823

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Police Department to purchase electronic traffic safety equipment; and providing an effective date.

ADOPTED RESOLUTION 9824 ACCEPTING A UTILITY EASEMENT FROM THE CITY OF MOUNT DORA

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA ACCEPTING A UTILITY EASEMENT FROM THE CITY OF MOUNT DORA PERTAINING TO LAND LOCATED IN MOUNT DORA, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Hurley requested comments from the Commission and the audience.

Commissioner Robuck asked if staff knows what the cost is to do this and what type of rate is Mt. Dora paying us; a commercial rate or special rate.

Communication Utility Manager (CUM) Jim Lemberg stated he would be hard pressed to answer that off the top of his head.

Commissioner Robuck stated he is okay with the utility easement, but before doing this project would like to know if they are paying a commercial rate because he knows there are some people paying well below.

Commissioner Christian asked if this is already there and we are just making repairs.

CUM Lemberg stated yes, it is a repair effort on an existing service. It is an aerial cable that needs to be replaced and it is less expensive to replace it underground than it is to redo the aerial run, which is why the easement from Mt. Dora is needed.

Commissioner Robuck asked about the ongoing maintenance with underground.

CUM Lemberg stated it is minimal; probably less then there would be on an aerial run.

Commissioner Robuck asked for a list of the different rates our customers are paying and Commissioner Christian also asked for a price of what it cost to actually do this work.

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CM Minner stated that information will be provided.

The roll call vote was:

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|------------------------|-----|
| Commissioner Christian | Yes |
| Commissioner Bone | Yes |
| Commissioner Dennison | Yes |
| Commissioner Robuck | Yes |
| Mayor Hurley | Yes |

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

ADOPTED RESOLUTION 9825 APPROVING STAFF TO MOVE FORWARD WITH NEGOTIATING THE SALE OF 30 ACRES ON THE 470 PROPERTY

Commissioner Dennison introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA APPROVING STAFF TO MOVE FORWARD
WITH NEGOTIATING THE SALE OF 30 ACRES ON THE 470
PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Hurley requested comments from the Commission and the audience.

Commissioner Dennison asked for the facts, figures, and time line of this project.

Deputy City Manager (DCM) Mike Rankin, introduced Sam Weekley, with Lake County Economic Development, and stated they have worked together on this project for the last six weeks; a project known as "Project Chill". This project is designed to acquire some 30 acres for the building of about 625,000 square feet, entailing about 150 jobs, and the investment is about a \$110,000,000; a pretty substantial long term investment. This project has nothing to do with, but some of their clients are BMW, Chrysler, Dodge, UPS, and Lockheed Martin; that is the caliber of individuals they deal with. There is a Phase 2 component to this project of approximately another 204,000 square feet entailing another 70 to 80 jobs. The value for Duke power is about four million kilowatts per month, so it is a pretty substantial load, and you can see the schedule for the escalating abatement of some of the taxes we are proposing. With these present day numbers, he believes there will be about \$500,000 in new taxes a year; just on Phase 1. Staff is asking for the ability to move forward at \$20,000 an acre which gives some flexibility in the price to move forward and deliver as close to a pad ready site as we can.

Commissioner Christian stated he is okay with most of the tax abatement, but his concern is with item #2, the City will deliver a clear and graded rectangle footprint. He asked if this is saying the city will be responsible for going in and knocking down trees as opposed to the developer?

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DCM Rankin replied that is correct and it has been engineered to the site.

Commissioner Christian asked if we have a cost for the clearing and grating it and DCM Rankin replied yes, approximately \$100,000.

Commissioner Christian stated then #6, the City will offer in house engineering to aide with layout of the property and building footprint; what does this entail?

DCM Rankin stated that has already been provided.

Commissioner Christian stated so basically you are asking the Commission to do something staff has already done.

DCM Rankin replied we are just making you aware of the steps we have taken to move forward with this project.

Commissioner Dennison said sometimes you have to do some things ahead of time to make sure you get the business.

Commissioner Christian stated he just does not want to start a precedent of companies coming in to the city and saying they want a 100 acres now clear it for us.

DCM Rankin stated it was added in to the cost of the sale of the property above and beyond the price quoted to Core Slab to accommodate that work.

Commissioner Bone asked if the abatement amounts would start the year after purchase or after CO of the property.

DCM Rankin stated the first day they open the door for operations.

Commissioner Christian asked if they buy today and it takes them two years to build, are they going to pay taxes the first of the year on the vacant land and DCM Rankin replied yes.

CM Minner stated we can weave that in to the tax abatement ordinance and the tax abatement ordinance is something that is going to come back before the Commission, as well as the sales contract. Essentially, what we are trying to do, and it is a little bit different than the Core Slab issue, Mike has really been working on this and the company wants to basically know they have a ready partner.

Mayor Hurley stated this puts, actively right now about three things the city is working on down on 470.

DCM Rankin stated there are two others, all about the same caliber, one is at \$75,000 salary and the other one is at \$41,000 salary.

CM Minner stated if this happens, the city is looking at a 15% increase in the ad valorem, plus the 6% franchise fee from the electric sales from Duke.

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Commissioner Robuck asked how much the county going to tax abate for us.

DCM Rankin stated the challenge we face is there are states out there that have the ability to write a million-dollar check, slide it across the table, and say here is a million dollars now what do you need to make the project happen. We do not have that ability in Florida, so we are working with the county and the state to see what kind of creativity we can generate to help bring projects to this area. Leesburg has worked very hard along with the county to put this project there.

Commissioner Dennison stated she has not made a secret of the fact that she wants to make sure these jobs are coming to Leesburg. She would like the county to help a little bit more, and will bring this up to the County Commissioners and take it a little bit further. She knows the economic development here in Leesburg is quite capable of handling it on their own and this will be the second success that we have had; this is great.

CM Minner stated depending on where this commission stands, we have not had this discussion because we already have the tools on the property tax abatements, but that requires a referendum. So we really need to encourage the County Commission to get that referendum started and if the county decided to abate taxes they have to go through the ordinance process to get that on a referendum, so they probably are looking at six to nine months just to get the referendum questions started.

Commissioner Christian stated he thinks the county staff is working well with our staff in bringing these great companies that are still looking at Lake County. Leesburg is ready to go, so keep bringing companies to Leesburg.

CM Minner stated this has been a local effort, not a feed from the county. Frankly, Mike got this started and the county has had some other issues, but this is a city effort. Staff has gone to the county because they are a huge player when it comes to taxes and other issues, but this is local economic development.

DCM Rankin stated he has been in this business some 20 odd years, and is smart enough to know there are five people who get the credit for this project. He does not want the credit; he just wants the project.

Commissioner Christian stated and all our people in Leesburg get a job; that is where the credit goes.

The roll call vote was:

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|------------------------|-----|
| Commissioner Bone | Yes |
| Commissioner Dennison | Yes |
| Commissioner Robuck | Yes |
| Commissioner Christian | Yes |
| Mayor Hurley | Yes |

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

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ADOPTED RESOLUTION 9826 APPROVING ASSIGNMENT OF OPERATION OF THE NAVIGATOR CAFE BY BEACON COLLEGE TO SODEXO USA, INC.

Commissioner Bone introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA APPROVING ASSIGNMENT OF
OPERATION OF THE NAVIGATOR CAFE BY BEACON COLLEGE
TO SODEXO USA, INC.; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Hurley requested comments from the Commission and the audience.

Commissioner Bone stated through Beacon College the café was supposed to stay open from the time the Library opens until close, but he understands there has been a little bit of an issue over the hours with them now closing at some odd times. He wants to make sure if we assign this over that the new operator will honor the lease and the hours of operation as stated in the lease.

Library Director (LD) Lucy Gangone stated yes, when the café first opened they were keeping to Library operating hours, but then as they saw their traffic fall off dramatically in mid to late afternoon, they did start cutting back to 2:00 p.m. on Saturdays and 4:00 p.m. on weekdays. Because they were employees of the college, when the college had a staff meeting, they needed to close for half or the whole day. She thinks this will change now because they will be employees of Sodexo and not the college. This will be one of her items to discuss when she meets with Sodexo.

Mayor Hurley asked if language could be placed in the contract of a penalty if they fail to comply.

CM Minner stated this is really a technicality in the lease, because as the new company comes in they want to close down the café to get things fixed up and pursuant to the lease they cannot do that. This is an opportunity the city wants and he thinks Sodexo is going to be a great provider; they do serve Starbucks. Leesburg will have a Starbucks downtown, not the big giant Starbucks sign, but this is a benefit for the city, it is a benefit for the college, and it is a benefit for the Library. He stated this is a housekeeping item and thinks they deserve a little bit of flexibility.

The roll call vote was:

| | |
|------------------------|-----|
| Commissioner Dennison | Yes |
| Commissioner Robuck | Yes |
| Commissioner Christian | No |
| Commissioner Bone | Yes |
| Mayor Hurley | Yes |

Four yeas, one nays, the Commission adopted the resolution.

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ADOPTED ORDINANCE 16-28 CORRECTING A SCRIVENER'S ERROR FOR THE MINIMUM HOUSE SIZE ON ORDINANCE NO. 15-44, RANCHES OF ORLANDO

City Clerk Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA AMENDING EXHIBIT A OF ORDINANCE NO. 15-44, WHICH ESTABLISHED PLANNED DEVELOPMENT CONDITIONS FOR THE REZONING OF THE RANCHES OF ORLANDO LLC PROPERTY, IN ORDER TO CORRECT A SCRIVENER'S ERROR IN THE OMISSION OF REVISIONS DISCUSSED AND AGREED UPON AT THE TIME OF ADOPTION; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Dennison moved to adopt the ordinance and Commissioner Christian seconded the motion.

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

The roll call vote was:

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|------------------------|-----|
| Commissioner Robuck | Yes |
| Commissioner Christian | Yes |
| Commissioner Bone | Yes |
| Commissioner Dennison | Yes |
| Mayor Hurley | Yes |

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

TABLED ORDINANCE AMENDING SECTION 25-292(16) "OUTDOOR STORAGE AND DISPLAY OUTSIDE THE INDUSTRIAL ZONING DISTRICT"

Commissioner Bone introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA ESTABLISHING NEW CRITERIA FOR OUTDOOR STORAGE AND DISPLAY IN COMMERCIAL AND PROFESSIONAL ZONING DISTRICTS; REGULATING USE OF TRAILERS AND OTHER TEMPORARY STORAGE FACILITIES IN COMMERCIAL AND PROFESSIONAL ZONING DISTRICTS; PROVIDING FOR EXEMPTIONS; REPEALING §25-292(23) AND OTHER CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Hurley requested comments from the Commission and the audience.

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Commissioner Christian asked if this went through Planning and Zoning as he did not see any planning commission minutes attached.

CM Minner stated yes, it did go through the planning commission.

Commissioner Dennison asked why the planning commission turned this down.

Planning and Zoning Manager (PZM) Dan Miller stated they felt it was not business friendly and would result in excessive restrictions on businesses in the community. They asked staff to be very specific and make sure that message was conveyed to this commission. He apologized for not attaching the minutes and stated he would make those available.

Commissioner Robuck stated he is wild about this, but does agree and very specifically the more he read this, it is very anti-small business, because we have exempted every big business in the world out of this. Romac is exempt, Tractor Supply, Lowe's, every shopping center in Leesburg is exempt, so this is only going to target small businesses and he does not like that idea; thinks it is just too restrictive. When this was originally discussed at the workshop, we said if going to do this then it should apply to the entire city, but that is gone and now we are back to only the corridors. He thinks the 50 feet from residential zoning districts is entirely unfair; if someone has put in a commercial business knowing what the rules were and then now because they are closer to a residence than other businesses they could possibly have no outdoor storage at all. He thinks there are a lot of issues with this and thinks the reason it has to exempt everything is because this basically is addressing one specific site of the city, nothing else. He does not think it is practical to keep small businesses from operating and doing business unless they want everything inside.

Mayor Hurley stated obviously he disagrees and wants to be clear, this is not just about one business. Yes, we have agreed to exclude such places as Romac or any business that has done a business plan, put their money up front, who have looked at their business and know what they are going to do; not somebody who just pulled over on the side of the road, started pulling stuff out of their trunk, and say I am a small business. That is the furthest thing from what is taking place at that one specific site mentioned. That business has changed hands four times and should have already been shut down by the ordinances that have already been addressed. We started this whole process to try to clean up blight, and the fact of the matter is, this is an eyesore for the community, and it already violates some existing code enforcement issues. We are trying to put something in place that will stop the next guy from coming into town, stopping wherever, and saying I am a small business because I bought some junk and I am selling it; this is not a flea market. We have other places, one right across the street where they had to put in sidewalks and do all kinds of things to meet city code and it is the exact same business; a thrift store. We are addressing someone who refuses to comply with any city code, and the bottom line is when you have food spoiling, running down the street and all kinds of junk stuffed there, it is a problem. He understands they have a business license, but to say this is a business that went out and put together a business plan to operate in the City of Leesburg and be an asset to the community, he thinks that is a little harsh to try and paint that picture.

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Commissioner Robuck stated the whole discussion was about this one business, which he agrees there are problems and probably are some existing code violations, but thinks we are taking a sledge hammer to deal with that one small problem. This is going to put people out of business. They cannot have any more than 5% of their square footage outside; cannot store anything outside, even if it is in a shed or building. Why do we care if it is stored in a shed or building outside?

Mayor Hurley stated, having been in the retail business for quite a long time, no one puts all their retail stuff out on a side walk or outdoors, but can if it is part of their business plan. If somebody came in and wanted to open a business we would make exceptions to fit them.

Commissioner Bone stated he thinks there are some legitimate concerns from both Commissioners. He stated there is one piece of property across the street from Picciola Road that has some pretty odd stuff stored outside. He does not know how that ever got permitted with a chain length fence and some dead palm trees, for people to be able to put wood chippers and other stuff out there to be stored and sold there.

Commissioner Robuck stated this does not address them because that is equipment and they are exempt.

Commissioner Bone stated he wonders if this is really addressing the issue.

Mayor Hurley stated that is a legitimate question. If you have a tire guy, he does not have to go out and build a new building because this actually does allow him to go out and put up a fence to store them inside the fence.

Commissioner Robuck stated no, this says cannot use sheds or buildings.

Mayor Hurley stated outdoor storage allows it, but outdoor sales does not.

CM Minner stated Commissioner Robuck is correct as in the sales portion of this, the display area, the lean-tos, and the out buildings on those type things are not permitted.

Mayor Hurley stated used tires pulled off a car and waiting for pickup, they would not fall under display, they would fall under storage.

CM Minner stated he would classify a tire as a display and typically tire sales, whether it is a re-tread or whatever, the business man is going to own them and is going to display their tire out front. A display of that type activity he would think then falls into the 10% of area, so if the tire store or whatever effected store is a 1,000 square feet, then they could put tires out in a 100 square foot area. Those tires would go out and then come back in.

CA Morrison stated there is a distinction if you are storing things outside, without the intention of people looking at those as merchandise readily for sale, then that is outdoor storage and the Mayor is correct that you could fence that subject to the setbacks. If you are using the outdoor area as sales display, which a number of businesses here in

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Leesburg do, then that is outdoor sells and it is subject to a more stringent regulation; you have to bring it in at night and cannot use the temporary facilities for it.

Mayor Hurley stated we have been trying to address blight and if we have a struggle with this, he would rather tell staff what we are struggling with so we can address it. He does not want to come back before the vote and we just say we had some issues, we are tired of dealing with it and leave it. He stated if this is voted down, he does not ever want to hear another word about blight, because he is tired of hearing about how somebody cannot get their grass mowed and we are going to go down and fine them and end up levying their house, but we are going to let anybody come to town, open up a junk store, and just say well that is okay because it supports some small business. We are just going to look like the junk store city and he is not going to go for that.

Commissioner Christian stated his problem with blight is when you go in the neighborhood and a house has been broken down for 10 years, there is a law on the books but nothing has been done about it. He thinks this ordinance, like Commissioner Bone mentioned about the little chain link fence property with stored equipment and then this ordinance does not address it, but then someone is going to knock on someone's door who has been in business for 35 years and say hey, you are out of compliance. They are doing a good business, have some storage out there and this is how they fed the family, but now we want them to bring everything in and say you can only use so much percentage of your small building space. They may be downtown, but even downtown you bring stuff outside and bring it in, just trying to make a living. His only concern about this ordinance is he thinks it is really far reaching and we are probably going to impact people that we are not thinking about right now. Get off the corridor and go on some streets that have been like this for 15 to 20 years, not just yesterday, and we ride by them because they are in certain neighborhoods and we do not do anything about them. He stated it is kind of amusing that we are sitting here angry, but for 15 years he has been angry, has been talking, bringing in pictures, and all a sudden now we talk about blight. His whole issue is passing an ordinance and it hits people that we are not intending to hit. Leesburg is not Mt. Dora or the Villages, and we can make the most stringent ordinances we want, but if we are not going to be conducive to Leesburg, Florida, he thinks we are making a mistake, because you have to look at where we are. Mt. Dora has different laws and ordinances, just look at the Goodwill and the Auto Zone buildings, but he asks with this ordinance will companies build in Leesburg with the same demographic and same foot traffic, because the Transit people tonight told us we have the most stops in the whole county. Commissioner Christian stated he is just concerned that this reaches a little too far and it may hurt businesses that are doing a great job and have been here for a long time that are not problematic businesses.

Commissioner Bone asked if there is a way to do outdoor storage so that it does not interfere with the small business, but could be done in a way that there are additional use permit requirements so that it can at least be done in a clean, neat, and orderly fashion. The business would have to go before the planning board to get a conditional use permit for specific restrictions as to their particular conditional use for the outdoor storage on a case by case basis. Whether there is going to be a fence or not, what type fence, and how much can be stored based on that particular piece of property, because he thinks the real concern is that some of this storage is just unsightly.

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Mayor Hurley stated as to the one location on Lone Oak, that he is referring to is the trash, the tractor trailers that have been sitting out there for 15 years, and the lean-tos that have been built; it goes so far beyond just a bicycle or a lawn mower. He agrees for that for 15 years we have had issues with blight and Commissioner Christian has been beating the drums, but the City of Leesburg has done more in the last four years working on blight to knocked down buildings and clean things up than it has in the last 15 years because we have joined together to start working to address the blight issue throughout our community. Why in the world would a dollar general or a waffle house or anything, want to come here when they drive down our roads and see these kinds of buildings and say oh they are small business friendly but all the property around here looks like a dump so, yes we want to spend extra money to bring a nice facility here or we could just give them the strip down version because obviously they do not care what their community looks like. When you travel down Main Street there ought to be some guidelines in our beautification ordinances to address what this city is going to look like for our kids coming up. He just wants a city that is getting better, not getting worse or staying the same and getting worse because we want to say they have been doing it like this for 15 years. The issue is maybe that building should not be a thrift store, maybe it should be a book store or something else, but something needs to come from this Commission to give staff some direction besides the fact that we are just going to sit here having discussion. They put in all this work and we are just going to vote it down because we do not like it, that is not right for us, not right for them, or not right for our community. If there are some things we need to address then he thinks, if nothing else table it and have another workshop.

Commissioner Christian stated these same issues, speaking on tonight, were brought up at the workshop. He thinks this is far reaching.

Mayor Hurley asked what about an existing business being grandfathered in, but the next guy that comes in before he can open up would have to come up to whatever the level of standard is.

Commissioner Bone stated you cannot do that; it would have to be shut down for a certain length of time or they would have to get a threshold of so much monetary improvement to the property. If they just come in and change hands it continues on indefinitely; it is a non-conforming use until it is closed for six months.

Commissioner Robuck asked if an existing ordinance could be amended as to the use of portable storage in the city, because he does agree that running a business out of a stationary semi-trailer is not okay. He also does not think we should be regulating how much someone can store outside; he thinks we should be regulating how they do it.

Commissioner Bone stated he does not want to drive through Leesburg and see a lot of fences 10 or 25 feet off the road; that is why he brought up the conditional use permits. We want the city to look tidy, so take what these small businesses are and the people trying to make a living, and you can become eccentric in how you organize what some people might call junk that they are trying to sell. Being eccentric can be kind of fashionable to people who would be attracted to come and shop. With a conditional use permit, it would require those who want outdoor storage to come in for review to make sure it is done, for lack of a better word, in an eccentric way that is quant, clean, and

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orderly, and then it can possibly be approved by the planning commission with input and conditions. This would also give code enforcement an additional key to go out and say you have expanded your inventory too far out into this area, cut it back or whatever.

PZM Miller stated on the list of permitted conditional limited uses, staff could look at that and at the specific zoning categories to add something for a conditional use permit if the Commission chooses.

Commissioner Christian asked what about an already existing business.

PZM Miller stated right now that is pretty much the issue because they would have to be closed for a certain period of time.

CA Morrison stated similar to what they do in sign ordinances, you can impose a reasonable, and he is not prepared tonight off the top of my head to define what reasonable is, but a reasonable amortization period after which even existing buildings have to come into compliance. If the requirement turns out to be get a conditional use permit, then that can be a relatively short period of time as compared to sign ordinances which typically are years because you are not saying tear down something you spend \$100,000 on last week and replace it with a shorter one. You are saying come into compliance by getting a permit and let's see if you are going to be able to do this here and how you are going to do it.

Commissioner Bone asked if this ordinance passes as is, and if talking about this one particular property on Main Street, how much of that can go in non-compliance with the new ordinance or how much of that can we go and tell them you have to stop doing all this right now. Are they going to be grandfathered in for some of what they are doing now?

CA Morrison stated it is either 120 or 180 days, but thinks it is 120. They can be a thrift shop, but would have to get rid of the semi-trailers, would have to fence the outdoor storage that remains and would have to meet the setbacks for that fencing and the size requirements that are in the ordinance, whether it turns out to be five or ten percent. So, yes they could persist in the thrift shop operation with some outdoor presence but not anything close to what they have now.

Mayor Hurley stated somewhere there has got to be a fix. We have a reputation as a city and are always going to have one, whether good or bad, and that is just the truth. We will keep having discussions about this stuff and it looks like he is mad and leaving, but he is already late for a conference where he is supposed to give a speech at 7:30 p.m., so if you will all save your comments for me for the next meeting.

Mayor Pro-Tem Bone took over the meeting.

Commissioner Christian asked the City Attorney if he can bring back the conditional use time frames should the Commission go that route.

CA Morrison stated he thinks if the Commission went to a conditional use it would be a material change to the ordinance and would have to go back to a first reading. It might

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be the best thing to do would be to table it if that is where you are headed and it sounds like the consensus of other than the Mayor and we have not yet heard from Commissioner Dennison. He stated what he has heard, from the other side of the dais, is yes you want to do something, but not this, so go back and figure out something else.

Commissioner Dennison asked if we could do what was mentioned as far as giving them a time frame of when it has to be cleaned up, she would go along with that; absolutely. She does think that what has been developed is too restrictive, and yes, Commissioner Robuck the whole discussion started on one particular building that one person on this floor had a problem with, so why punish everybody else in the city. She agrees with Commissioner Christian and Commissioner Robuck that as this looks right now there has got to be a better way.

Mayor Pro-Tem Bone asked if anyone like to make a motion to table.

Commissioner Dennison moved to table this item until such time that something can be developed that is fair to everyone in the city and Commissioner Christian seconded the motion.

Mayor Pro-Tem Bone stated he does think we do need to move forward with something, and staff has put a lot of work in on this already, but he thinks it does need to be cleaned up.

The roll call vote was:

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| Commissioner Dennison | Yes |
| Commissioner Robuck | Yes |
| Commissioner Christian | Yes |
| Mayor Pro-Tem Bone | Yes |

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

Mayor Hurley left the meeting at 7:10 p.m. to give a speech at a conference and Mayor Pro-Tem Bone took over the meeting.

ADOPTED RESOLUTION 9827 AUTHORIZING TO FORM THE PLAN COMMITTEE TO MONITOR OPERATION OF THE CITY'S 457(B) PLAN AND 401(A) PLAN

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA APPOINTING A PLAN COMMITTEE TO ADMINISTER AND MONITOR OPERATION OF THE CITY'S 457(b) PLAN AND 401(a) PLAN, SPECIFYING THE DUTIES AND RESPONSIBILITIES OF THAT COMMITTEE, ITS AUTHORITY TO ACT ON BEHALF OF THE CITY IN CERTAIN TASKS, AND ITS AUTHORITY TO EXECUTE CERTAIN DOCUMENTS ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Pro-Tem Bone requested comments from the Commission and the audience. There were none.

The roll call vote was:

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|------------------------|-----|
| Commissioner Christian | Yes |
| Commissioner Dennison | Yes |
| Commissioner Robuck | Yes |
| Mayor Pro-Tem Bone | Yes |

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

INFORMATIONAL REPORTS:

Miscellaneous Accounts Receivable Customers with City Attorney
Expected Write-offs as of April 2016
Report of Receipts and Disbursements by Fund April 2016
City Manager Contingency Fund

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS: None

PUBLIC COMMENTS:

Don Lukich pointed out that it is hard to understand the Commissioner; it sounds as if they are mumbling. He asked that they speak more clearly into the microphones so everyone can hear; including the television audience.

Danny Bechtel, representing his mother Judith Bechtel, stated there is property owned by the city that has been discussed to be donated to the CDC; and the property they are inquiring about is located at 1112 W Line Street. This property is located in the historical district and they feel this property should be made available to bid as property in the historical district should be preserved and if not preserved it should be destroyed. **Mayor Pro-Tem Bone** stated there is a workshop on this tomorrow at 5:30 p.m. and that property is on the list. **Commissioner Dennison** stated the Commission did not approve the CDC; that is still an open issue. **Commissioner Christian** stated it was a proposal. **Mr. Bechtel** stated a letter was drafted and was hand delivered by his mother earlier today to each of the Commissioners and the Mayor. **CM Minner** stated the Commission does not have a copy of that letter, it is on his desk, he id received it late today, and he will get them out. Essentially about the same time that the CDC approached the city, so did Mrs. Bechtel. He asked Mrs. Bechtel if she did have interest in that to write a letter so that would dually inform the Commission and be part of the discussion making process as you move forward in the inventory discussion which is tomorrow. **Commissioner Robuck** stated the Commission will not actually vote on anything at the workshop, this will be discussed and it will then have to come to the Commission again.

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ROLL CALL:

Commissioner Dennison asked what is going to happen with the gas station at 14th and Main; she is constantly getting questions. **CM Minner** stated staff is still with the property owner to get all the concrete removed; they have given us permission, and we are still mobilizing to get that cleaned up a little bit better. **Commissioner Dennison** asked if they still own the property, why shouldn't they be doing this. **CM Minner** stated the concrete pad and the residual issues at that corner are not a code enforcement infraction at this time and so if it is not meeting our standard, it really needs to be our cost to remove those. The city really does not have any grounds on the property maintenance side to have them remove those. **Commissioner Dennison** asked if an agreement can be made with this owner so that after the city cleans up this corner they do not come back and then try to sell the corner. **DCM Rankin** stated he has been in contact with the property owner several times now, she does have an interest in selling the property, and she also knows we have an interest in helping her improve that property. We have already stepped up and removed the canopy and she is supposed to be coming into town to meet regarding that piece of property. **Commissioner Dennison** said she does not want to see the city go through the expense of cleaning up that corner and then she comes in and sells it out from under us when we paid for it. **DCM Rankin** stated it has been made very clear that we foot the bill for that. **CM Minner** stated the bottom line here is if we want to enforce something above the code, that is a cost that we are going to have to absorb, and our investment is that it does ready the property. If we want to remove blight, this is a cost we have to absorb and the complaints from this board were the canopy is ugly we need to get rid of it, we did, we absorbed that cost to the tune of about \$7,500. That building was ugly and we were able to use the code to get it down, but where we were not able to use the code we stepped up to the plate, invested public dollars in that private property, and that public investment has created a more attractive parcel for that person to sell and then hopefully it gets redeveloped and with redevelopment the city increases its tax base. **Commissioner Dennison** asked if the tanks still there and **CM Minner** stated to his knowledge the tanks are still there and that is a cost you do not want to bare. **Commissioner Robuck** stated the tanks are gone. **Commissioner Dennison** stated several weeks ago she had mentioned a letter from Representative Larry Metz regarding setting up a public municipal utility group and asked for an update on that. **CM Minner** stated he thinks this is a long term proposition and so the status update on that is it has not moved forward. In the next several weeks into probably the end of August we are going to be tied up with a couple of different workshops, the budget, and he thinks the utility authority issue is definitely one the city does want to look into. He thinks Representative Metz has an extremely valid point with his comment about creating representation for utility customers not inside city limits thereby they do not have a vote for representation and it puts them in that capitulum of not really represented by the public service commission nor are they represented by the elected body. However, he think this issue goes deeper than just the electric system; there is also that phenomena for the gas system and for the water sewer system, so thinks as we investigate this utility authority we really need to give thought to a) how deep we want it to go in terms of how it cuts across all our utilities; and b) one of the important things in that letter from Representative Metz was not just to have this shell game of the appearance of representation; there needs to be true representation. He is hesitant to put this on an agenda or encourage a workshop on this in the next couple months especially while the budget moves forward. **Commissioner Dennison** stated her last issue is of course our

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Policemen and after what happened this week, she thanks God we have the policemen we do here in Leesburg. She wishes everybody would realize that they are people just like you and me, they have families, but the only difference is that every day they are out risking their lives to protect us. She asked everyone to please, in your prayers, remember our first responders, our police department; they are really important.

Commissioner Robuck stated he spoke to Representative Metz as well on the utility issue and is certainly not opposed to looking at it, but thinks the one thing that needs to be pointed out, the people who are really pushing this hard failed to mention that a Duke customer really does not have representation. They cannot call Duke, in fact if you call us you are probably going to get more push back on it, and while they technically could go to the Public Service Commission you can imagine where that is going to get you. On code enforcement issues, he has talked to staff and still thinks we need to push a little harder. As to the mall sign, permission was given to put up that giant led thing with the caveat specifically that they were going to build this big entrance with a water feature and to his knowledge they have not done anything on that at all; it has been like 15 months and it needs to get going. He stated as to the golf course recently annexed into the city, we spoke to them ahead of time about if they come in, then they understand that they fall under city code regarding maintenance, and that thing still has not been maintained. He thinks if they are not going to develop it, then they need to look at the condition of the property.

Commissioner Christian had nothing this evening.

Mayor Pro-Tem Bone stated it is good to see our former Mayor Henderson tonight. He said as to code enforcement there is an issue in their neighborhood with a couple houses where he sees code enforcement has taken some action there on Lee Street. He is glad to see on one of them particularly, which has been getting worse and worse, it is boarded up now which is an improvement from where it was. Thank you for taking care of that. He also noticed that tonight we approved purchase of two speeding monitors for our Police department and knows that is a real serious complaint that people have in the city. He was out talking to a neighbor on his street last night, and they watched two or three cars speed by pretty quickly so hopefully this will help address some of that problem. Lone Oak is another street where people are real concerned and complaining about, so hopefully this will have some improvement on our speeding issues.

ADJOURN:

Commissioner Christian moved to adjourn the meeting. The meeting adjourned at 7:27 p.m.

Mayor

ATTEST:

J. Andi Purvis
City Clerk & Recorder