

**MINUTES OF THE CITY COMMISSION MEETING  
MONDAY, MAY 12, 2014**

The City of Leesburg Commission held a regular meeting Monday, May 12, 2014, in the Commission Chambers at City Hall. Mayor Christian called the meeting to order at 5:36 p.m. with the following members present:

Commissioner Elise Dennison  
Commissioner Jay Hurley  
Commissioner David Knowles  
Commissioner Bill Polk  
Mayor John Christian

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

Pastor Jeremiah Ware, Liberty Church of God by Faith, gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS: None

PRESENTATIONS:

**MAIN STREET STREETScape PROJECT UPDATE**

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Public Works Director (PWD) DC Maudlin stated staff is looking for direction from the Commission on which way it would like to proceed. He stated also this evening, under Public Hearings, is a contract for approval with Bellomo-Herbert for project design.

Streetscape Ultra-Lite - Oak Avenue to 14<sup>th</sup> Street at a cost of \$850,000 to include Gateway arches, walls, and pavers, and limited utility relocation (electric and stormwater).

Streetscape Lite - 13<sup>th</sup> Street to 14<sup>th</sup> Street at a cost of \$1,352,000 to include Gateway arches, walls, and pavers, and some utility relocation (electric, water, wastewater, Stormwater, and fiber).

Entire Project – 9<sup>th</sup> Street to 14<sup>th</sup> Street at a cost of \$3,872,000 to include Gateway arches, walls, and pavers, and all utility relocations (electric water, wastewater, stormwater, and fiber [Current estimated project cost; includes additional underground for Magnolia and ten percent contingency]).

CM Minner stated the County's formula for \$105,000 is based on what they feel it would cost to resurface and mill Main Street; the City would like about \$400,000. The City's rationalization for the increase in funding is because staff thinks the new local option gas tax is unfair to Leesburg; the new formula mechanisms do not benefit the City. CM Minner stated staff would like to remind the County that Leesburg is on the short end of stick and the least they could do is help with funding on this important project; one of the main thorough fares in the Lake County community. He stated worst case scenario is the 3.8 million dollar cost, less about \$100,000 from the County.

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PWD Maudlin stated staff recommends completing the entire project; Negotiate a transfer agreement with Lake County as County participation in the project will reduce the GLCRA costs, and Fund GLCRA project costs with a bank loan.

Commissioner Dennison asked the price of the pavers and if Leesburg will have the same concerns as the City of Sanford with its pavers and the shifting of the road underneath. PWD Maudlin stated the paver price is approximately \$60,000 which is included in the estimated 3.8 million dollars. He stated it all depends on how the base and pavers are installed, but this should not be a systemic problem as it will only be about 270 feet of the entryway.

Commissioner Polk stated it is not wise to spend all monies the CRA anticipates coming in. He stated it is hard to approve 1.3 million dollars when not sure if the money will be received and would like to see this number reduced. He also asked if the street lights will be the same as are down town now. PWD Maudlin stated staff is looking at two different options; an acorn top and the tear drop style used on Meadow and Magnolia Streets.

Commissioner Polk stated he would like to see this at another public meeting as it is sometimes hard for the public to speak in a commission meeting, so it may need a special meeting or workshop. Commissioner Hurley stated there have been several meetings already with only about ten percent of the residents attending.

Commissioner Knowles stated the entire program will be brought back before the Commission on July 14<sup>th</sup> and asked if at that time the Commission can trim it up. PWD Maudlin stated correct, and once it goes out for advertising, it will come back for award on August 25<sup>th</sup>. He stated this is a very aggressive schedule and would like this project completed prior to Bikefest, but not sure if the schedule will be met.

CM Minner stated staff has presented the Cadillac version. The biggest contingency cost will be the electric because when undergrounding older systems there is no telling what might happen. He stated another contingency area will be on the design, pavers versus stamped concrete, and the lighting. He stated the public may have some disputes with the pavers, which are more expensive than concrete stamping. CM Minner stated staff feels comfortable, unless something extremely extravagant is added, that upon the final design, the number will be reduced.

Commissioner Polk asked Electric Director (ED) Patrick Foster if there is an option available, like was done on US 27, to move the electric back on Magnolia Street instead of undergrounding on Main Street.

ED Foster stated the electric is fed from the center substation, which is by the Bank of America on US 27, so has to be fed from that direction.

Commissioner Polk stated he understands it runs south on 27, and then East on 44, which is Main Street, but his question is if staff is talking about undergrounding everything now overhead on Main Street or if it is possible to leave it above ground and move off Main Street to feed from the backside.

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ED Foster stated they are rerouting the main part of the feeder on Magnolia. The Church has a large transformer out front, so they will have to re-feed that direction. Also, having to dig a ditch through the area, or bore because of the street light design already, it will be more economical to do that section of Magnolia as it is in the underground plan.

Commissioner Polk asked if there is any way to leave it above ground and make it look attractive and ED Foster said no.

Mayor Christian stated his biggest concern is the money coming from the different utilities, as he believes the CRA should fund itself; he thinks this sends a bad message to the other parts of the City. He stated if spending all the CRA funding, then it is almost tapped out for the next thirteen years, and as Commissioner Polk alluded to on the Highway 27/441 CRA, if the property values decrease, it cannot repay its loans on what is already borrowed. Mayor Christian said when you hear numerous times that Leesburg is cash strapped, and now finds about two million dollars in a two week time period, what does this message send to our employees who we are trying to retain; no raises or any type increase for you, but yet found a million dollars. He stated the City needs to take care of its employees. Mayor Christian stated he totally supports this project and thinks a US 27 gateway will be beautiful, but coming down Main Street there are four churches, two funeral homes, and eleven businesses from 27 to 9<sup>th</sup> Street, so his question is does this really make an impact.

Commissioner Hurley stated as he sees it, it is a disappointment for our citizens if this is held off for two or three years as the City will end up spending more taxpayer money than if it goes ahead and does the entire project now.

Mayor Christian agreed, but stated the undergrounding work being done is for beautification purposes; it does not have to be done.

Commissioner Polk asked if this money will be coming out of the 2015 budget.

CM Minner stated no, most of the money will be coming out of the cash reserves. It will come out of the budget, but not as a CIP. He stated CIP monies would be capital projects allocated out of revenues from each fiscal year; this funding has been planned to come out of cash. The best case scenario would be the department heads shuffle around their CIPs so the new money coming in from fiscal year 2015 would get allocated and would save the cash.

Commissioner Polk stated the \$60,000 from Communications needs to be scratched as the Commission was told the department has a deficit. Communications Manager (CM) Jim Lemberg stated they do have a million dollars in the bank.

CM Minner stated four points for discussion are: 1) Employee side, he thinks it is always difficult when elected officials spend money on different items and then tell their employees there is no money. He stated the plan for fiscal year 2015 is to include a three percent COLA for the employees. 2) Capital reserve or reserve accounts, whether in the electric, water, or general fund, you do not want to get into the position of using those funds to re-numerate employees, because it is a recurring cost which generally will

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increase every year. He stated when taking money out of a reserve account and spending it on an asset, it is seen in the financial world as an investment in the organization.

3) The 441/27 CRA. He stated he does not really see this as a comparison and in his opinion, the 441/27 CRA put the City approximately ten million dollars in debt, which was based on revenue the City never received. It was anticipated at the peak of the market; however, the market crashed. He stated what is different about this is, there is a realized revenue in the GLCRA of about \$380,000 a year; about half is encumbered on general expenses, so there is a spare \$160,000 a year unencumbered revenue which can be used for the issuing debt. 4) Cash side of the electric fund, he stated there is about 20 million dollars in cash and yes the City is cash strapped, but there is about a million too, maybe \$750,000 to use for this project. He stated by requirement, the electric fund should have about twelve million in cash and a couple things which can fluctuate from year to year which may be worry some are the BPCA account and FMPA. He stated he thinks there are justifiable reasons to apply for this project and on the flip side if the last \$60,000 in the GLCRA is tapped out; there really are no other projects for the thirteen years left on the CRA.

Commissioner Polk asked Finance Director (FD) Bill Spinelli if the City has the legal amount of reserves, required by law, in these accounts to draw the money. FD Spinelli stated there is adequate excess above the reserve requirements and there are also the R&R funds.

Commissioner Knowles stated this is a project to say things are happening in Leesburg and it is one of the goals discussed last Friday in our workshop, reinvesting in downtown.

### PUBLIC COMMENTS:

In Favor:

Darla Miller

In Favor with Concerns:

Bennett Walling thinks there needs to be an economic component and spending 100% of money anticipated does not make any sense and also concerned if project is not completed prior to next year's Bikefest.

Carolyn VanDyken questioned the funding sources of utilities versus the CRA for different portions of project and will this open door for the other CRAs to also use utility funding to move utilities.

Dan Robuck thinks doing something here is good, but nervous about spending all the CRA money in case revenues do not increase.

Not in Favor:

BJ Flanders

Bill Yandell

Josh Cauthen

Commissioner Dennison stated Bikefest did not benefit the City financially; it did benefit non-profits, stores, and hotels. She asked if anyone has asked the Partnership for a donation on this project.

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Commissioner Polk asked how this could be changed so not all the CRA money is used because this is not addressing blight. He stated there are two homes or businesses on Oak Street that are boarded up and look like blight. He stated this will fix the street and the utilities, but is not taking care of these homes and all the other blighted businesses.

CM Minner stated yes practically, but technically not all the funding is being used. The Finance department wants 1.25% debt coverage, so there is \$180,000 left, and looking to take anywhere from \$150,000 to \$160,000 will leave approximately \$20,000 in the CRA. He stated as the Commission discussed at its workshop, this is investing in right of ways and gateway projects, and reinvesting in the City. The philosophy behind the CRA is to take those monies and reinvest it where it can hopefully encourage new development. CM Minner stated he thinks staff has given the Commission solid financial recommendations, pros and cons, how to get the project constructed, get the public input, and details on how this may or may not address blight.

Commissioner Knowles moved to approve the entire project from 9<sup>th</sup> Street to 14<sup>th</sup> Street as presented and Commissioner Hurley seconded the motion.

Commissioner Polk moved to amend the motion to only borrow one million dollars of the CRA funding and Commissioner Dennison seconded the motion for amendment.

The roll call vote for the amendment was:

Commissioner Polk	Yes
Commissioner Dennison	Yes
Commissioner Knowles	Yes
Commissioner Hurley	Yes
Mayor Christian	No

Four yeas, one nay, the Commission adopted the amendment.

The roll call vote on the motion was:

Commissioner Dennison	Yes
Commissioner Knowles	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Mayor Christian	Yes

Five yeas, no nays, the Commission adopted the amended motion.

Commissioner Polk stated last week in the newspaper there were sixty-seven pages of people who have not paid their taxes. He encouraged everyone in the downtown area to review the paper and make sure their taxes are paid as this will help the CRA with its revenues.

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### CONSENT AGENDA:

Item pulled for discussion:

4.C.3 - Order with Level 3 Communications

Commissioner Knowles moved to adopt the Consent Agenda except for 4.C.3 and Commissioner Hurley seconded the motion.

The roll call vote was:

Commissioner Knowles	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Commissioner Dennison	Yes
Mayor Christian	Yes

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

### CITY COMMISSION MEETING MINUTES:

Regular meeting held March 3, 2014

Regular meeting held August 26, 2013

Regular meeting held September 12, 2013

Regular meeting held November 12, 2013

PURCHASING ITEMS: None

### RESOLUTION 9394

Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to accept a Utility Easement from South Lake Hospital, Inc.; and providing an effective date.

### RESOLUTION 9395

Resolution accepting a Utility Easement from NuView IRA, Inc, FBO Dillard McMahan IRA # 1411671 pertaining to land located at 1818 Pine Ridge Dairy Rd. Fruitland Park, Florida; and providing an effective date.

### **ADOPTED RESOLUTION 9396 EXECUTING AN ORDER WITH LEVEL 3 COMMUNICATIONS**

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

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY  
CLERK TO EXECUTE AN ORDER WITH LEVEL 3  
COMMUNICATIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Knowles moved to adopt the resolution and Commissioner Polk seconded the motion.

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Mayor Christian requested comments from the Commission and the audience. Commissioner Polk asked for clarification on the monthly charge of \$1,500 to \$1,854, is this money the City is paying or receiving. Communications Manager (CM) Jim Lemberg said it is money the City is paying.

Commissioner Polk asked if this just electrical service, moving from a 10 amp to a 30 amp service. CM Lemberg stated no; this is collocation of a specialized facility with two electrical feeds and redundant generators. It is not just the electrical service as in a house or building.

Commissioner Polk asked was the \$2,000 non-reoccurring charge is for and CM Lemberg stated design work.

Commissioner Dennison asked if the City negotiated this price or did they just bill us and CM Lemberg stated this is not a negotiated price.

Commissioner Dennison asked if Level 3 is a customer of Leesburg and CM Lemberg answered yes.

The roll call vote was:

Commissioner Hurley	Yes
Commissioner Polk	No
Commissioner Dennison	No
Commissioner Knowles	Yes
Mayor Christian	Yes

Three yeas, two nays, the Commission adopted the resolution.

**FIRST READING OF AN ORDINANCE AMENDING THE EXISTING PUD ZONING OF APPROXIMATELY 500 ACRES, ON THE WEST SIDE OF U.S. 27, SOUTH OF U.S. 27 AND C.R. 48 (ARLINGTON RIDGE)**

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

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE EXISTING ZONING OF APPROXIMATELY 500 +/- ACRES WITH A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT TO PROVIDE FOR REDUCED REAR YARD SETBACKS FROM 18 FT. TO 10 FT. FOR LOTS ABUTTING OPEN SPACE, NON-DEVELOPABLE PROPERTY, GOLF COURSES ETC., LOCATED ON THE WEST SIDE OF U.S. 27, SOUTH OF THE INTERSECTION OF U.S. 27 AND C.R. 48, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 22, TOWNSHIP 20, RANGE 24, LAKE COUNTY, FLORIDA, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE. (Arlington Ridge)

Mayor Christian requested comments from the Commission and the audience.

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Commissioner Polk asked if these lots are by the recycle peat place or in the back of the subdivision and if it only addresses the setbacks. Community Development Director (CDD) Bill Wiley stated there are a couple of different areas where lots have been purchased and some of those back up to the golf courses or open areas. He stated this will only apply to the rear setbacks and no one will be able to tell the difference from the street as those setbacks will remain the same.

Commissioner Dennison asked how the HOA feels about this. CDD Wiley stated this was postponed with the Planning Commission for a month so the developer could meet with the HOA and residents. All disapprovals in the packet were received prior to those meetings, which staff attended, and believe all issues have been resolved.

Commissioner Dennison asked if the HOA and residents are now in agreement and CDD Wiley replied yes.

Commissioner Polk asked if the subdivision is doing okay because in reading the newspaper tax inserts, there are several lots with unpaid taxes. He also asked who now owns the subdivision. CDD Wiley stated he believes the bank took much of it back and the developer purchased some lots. He stated there are still some issues with the CDC.

**ADOPTED RESOLUTION 9397 EXECUTING A CONTRACT WITH BELLOMO-HERBERT**

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

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING EXECUTION OF A CONTRACT WITH BELLOMO-HERBERT TO COMPLETE DESIGN OF THE MAIN STREET STREETScape PROJECT; AND PROVIDING AN EFFECTIVE DATE.

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

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

The roll call vote was:

Commissioner Dennison	Yes
Commissioner Knowles	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Mayor Christian	Yes

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

**ADOPTED RESOLUTION 9398 AUTHORIZING EXECUTION OF A CONTRACT TO SELL A SINGLE FAMILY HOME TO TATISHA GIVENS**

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

RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT TO SELL A SINGLE FAMILY HOME TO TATISHA GIVENS ACQUIRED BY THE CITY THROUGH THE HOUSING DEPARTMENT NEIGHBORHOOD STABILIZATION PROGRAM (NSP1); AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Christian requested comments from the Commission and the audience.

Carolyn VanDyken asked if the City purchased this home for \$88,000 and is selling it for \$90,000, as she checked on line and prices in the area are higher. Economic Development Director (EDD) Ken Thomas stated the home was acquired for \$88,000. He stated this is a three bedroom, two bath home, 467 square feet and right now in the community the price per square foot is somewhere around \$71.00 a foot.

Mrs. VanDyken asked if a realtor was used because if you go look at the houses in the area this does not add up. EDD Thomas stated a real estate agent is not always used, but if a buyer comes in with an agent, staff will negotiate with them. He stated appraisals are done and the City just recently sold another property in this community.

Mayor Christian asked where the other property is located and EDD Thomas stated it is two blocks over at 2218 Aitkin Loop.

Mrs. VanDyken asked if the City's position is to buy homes, then turn around and sell them as she thinks this is ridiculous, especially if not trying to make a good profit. She stated the City is taking the lowest available offer and sometimes uses a real estate agent or not, when they are the experts on what drives the market and where the prices should be. She stated it seems like a heck of a deal with the homeowner getting \$30,000 for a down payment, and then the house for only \$50,000.

Mayor Christian stated the base of this program is the Housing Economic Recovery Act of 2008, and the City has been doing this for some time. He stated the purpose of this program is to stabilize neighborhoods, buy foreclosed houses, and when comparing these to a brand new house, of course the value will be different. Fortunately, the City was able to get the house with federal dollars, no funding from the City of Leesburg, so every dime received is a profit and no Leesburg taxpayer dollars were used to acquire these properties.

Mrs. VanDyken respectfully disagreed with the Mayor. She stated the Commission passed an ordinance not too long ago, if a property is vacant the City of Leesburg can now go in and make the bank clean up the property.

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Mayor Christian stated he is the one who probably pushed more than anyone else and the City has run into several road blocks making banks do anything. He asked CA Morrison for further explanation.

CA Morrison stated the short and sweet answer is a number of municipalities across the country passed foreclosure registration ordinances with similar requirements and the federal courts have held them to be invalid under the federal banking laws. He stated although they are on the books, they are not enforceable.

Mrs. VanDyken enquired as to the screening process and if any city funds were put into this home. EDD Thomas stated it is first come, first serve. Clients go through an extensive credit history, complete extensive home buying workshops, and maintenance classes, must have down payment or assistance, and be gainfully employed. EDD Thomas stated the home did require painting inside and out, a stove was installed, and some landscaping.

Mayor Christian stated this is a national program the City of Leesburg participates in to stabilize its communities. He thinks it is great that a Leesburg resident, who lives and works here, can actually buy a home in their City when the City can make it affordable for them. Mayor Christian stated the City can turn around, do this again to stabilize other neighborhoods, help other residents with down payment assistance, and stabilize communities that have been crying for years about abandoned property in the neighborhood.

Commissioner Knowles asked where the \$88,000 came from and EDD Thomas stated it came from the County program; all funding used to purchase and rehab this home was grant funding, not City of Leesburg money.

Commissioner Polk asked where the fifteen year lien comes in. EDD Thomas stated one of the County stipulations when they give the City money to purchase and renovate these properties, is the City must have a person who is a qualified first time home buyer.

CA Morrison stated this program provides what is called down payment assistance; this is the \$30,000 Mrs. VanDyken spoke about. This money is returned to the City at closing in the form of a promissory note for the term of fifteen years. He stated the \$30,000 balance declines so much per year over the fifteen year period and if the same individual continues to own and reside in the home for the entire fifteen years the debt is forgiven. However, if they sell or refinance at any time prior to the expiration of the fifteen years, then the portion of the down payment assistance that remains due, based on the sliding declining scale, has to be repaid to the City. CA Morrison stated the proceeds from the closing go back into the NSP funding pot which is used all over again.

Commissioner Polk asked where the City is in the lien line and CA Morrison replied second behind the bank.

Mr. Flanders, resident, stated the Commission is amazing. This is a three bedroom, two bath home and the discussion is like you are talking about a thirty million dollars house and the person does not deserve it. Mr. Flanders stated he gets upset when he hears people carrying on about someone having a home for their family who lives in the community and are hardworking tax payers; give them a break.

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Rachel Bledsoe, resident, stated she just purchased the home at 2218 Aitkin Loop. She stated for the lady in the back, she had two realtors and did everything asked of her. She lives in the community, was born and raised here, and thinks for someone else in the community to be able to get a house is awesome. Mrs. Bledsoe stated the City is not losing any money as they have to make a utility deposit and then pay utilities each month.

Bennett Walling, resident, stated he thinks it is good idea to get appraisals on these homes, so everyone knows how much the City is donating or what the house is worth.

Commissioner Dennison stated the City is not donating; this is federal money.

The roll call vote was:

Commissioner Knowles	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Commissioner Dennison	Yes
Mayor Christian	Yes

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

**ADOPTED RESOLUTION 9399 AUTHORIZING EXECUTION OF AMENDMENT 3 TO A SOFTWARE LICENSE AGREEMENT WITH TELVENT USA LLC**

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

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING EXECUTION OF AMENDMENT 3 TO A SOFTWARE LICENSE AGREEMENT WITH TELVENT USA LLC FOR A THREE YEAR COST OF \$116,700.00; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Christian requested comments from the Commission and the audience.

Commissioner Polk asked if the City is getting its money on this deal and Information Technology Director (ITD) Tino Anthony stated yes.

Commissioner Dennison asked why this was not a budgeted item and if it is needed. ITD Anthony stated it is a budgeted item; the \$14,000 is to catch up because Finance is asking IT to get in line with the fiscal year on all of its large contracts. He stated this is absolutely needed as it runs Communications, GIS, and ties in with Electric; like a tree with a large number of roots.

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The roll call vote was:

Commissioner Hurley	Yes
Commissioner Polk	Yes
Commissioner Dennison	Yes
Commissioner Knowles	Yes
Mayor Christian	Yes

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

**PULLED RESOLUTION TO EXECUTE A LEASE AGREEMENT WITH STEMPRO SYSTEMS, LTD. AT LEESBURG INTERNATIONAL AIRPORT**

CM Minner stated the partner decided he did not want to have a lease, so there is no item to bring before the Commission. Commissioner Dennison asked if the person who was going to sell should not have to bring this up to code before they attempt to sell it, rather than the City. CM Minner stated the City has always owned the property..

Commissioner Polk suggested before the Commission gets another one of these type deals, if there could be a meeting, for about an hour, to figure out how to do this so no one gets confused. CM Minner stated yes.

**ADOPTED RESOLUTION 9400 EXTENDING THE EXPIRATION DATE OF THE ELECTRICAL UTILITY LETTER OF CREDIT BY LONG FARMS NORTH, INC.**

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

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, EXTENDING THE EXPIRATION DATE OF THE ELECTRICAL UTILITY LETTER OF CREDIT POSTED WITH THE CITY BY LONG FARMS NORTH, INC. FOR AMOUNTS POTENTIALLY OWED FOR UTILITY INFRASTRUCTURE FOR THE DEVELOPMENT KNOWN AS PARK HILL, II PROVIDING THAT NO FURTHER EXTENSIONS WILL BE GRANTED; AND PROVIDING AN EFFECTIVE DATE.

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

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

The roll call vote was:

Commissioner Polk	Yes
Commissioner Dennison	Yes
Commissioner Knowles	Yes
Commissioner Hurley	Yes
Mayor Christian	Yes

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

**ADOPTED RESOLUTION 9401 VACATING A DRAINAGE EASEMENT SHOWN ON THE PLAT OF LOVE'S POINT ESTATES**

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, EXPRESSING THE INTENT OF THE CITY COMMISSION TO ENACT AN ORDINANCE VACATING A DRAINAGE EASEMENT SHOWN ON THE PLAT OF LOVES POINT ESTATES, LOCATED AT 1100 FAIRFAX STREET, AND PROVIDING AN EFFECTIVE DATE.

Commissioner Knowles moved to adopt the resolution and Commissioner Polk seconded the motion.

Mayor Christian requested comments from the Commission and the audience.

Jim Richardson, with ERA Tom Grizzard, thanked the City Manager and staff for jumping through hoops to get this completed. He stated they are filing a petition on Wednesday to vacate the easement. He stated his seller is an eighty year old plus female, who is on a fixed income and purchased the home in 1993. He stated they feel the easement should have been vacated in 1980 when the original building permit was issued, and respectfully asked the Commission to waive the \$400 filing fee.

Mayor Christian asked if the motion needed to be amended or handle each item separately.

CA Morrison stated it needs to be done separately as it is two separate issues.

The roll call vote was:

Commissioner Dennison	Yes
Commissioner Knowles	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Mayor Christian	Yes

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

Mayor Christian stated there is a request from Mr. Richardson to vacate and asked CA Morrison for direction.

CA Morrison stated his position, as he interprets it, is when the person who built the house originally applied for a building permit, the City should have noticed the problem and vacated the easement at that time. He stated his rejoinder is twofold: first, that person should have had the property surveyed when purchased and planned to put a building on it and noticed the easement was there and asked for it to be vacated. Second, since the current owner/seller purchased the property later in the 1990s, my other hat

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legally so to speak is a real estate practitioner, and it would be his opinion that person should have had the house surveyed then and fixed the problem. He stated in his opinion, this is sort of a double stacked error on the owner side and she would have received the title insurance commitment policy that would have taken the exception for anything shown on the plat. The law assumes that buyers of real estate have what is called constructive knowledge of anything contained in the public records like the plat. CA Morrison stated purely from a legal justification standpoint, he does not see a basis to waive the fee; however, that having been said not everything is decided on the legal basis.

Commissioner Polk stated the lady selling the house will be making money, so he thinks she would have the \$400 to pay the fee. He stated a title search should have found this and in his opinion, the Commission should not have to waive fees later down the road.

Commissioner Dennison stated she is concerned the Commission will be starting a bad practice.

Commissioner Hurley stated some bad practices have been made, and this should have been caught before now, but understands sometimes things like this do happen.

Commissioner Hurley moved to waive the \$400 filing fee. The motion died for lack of a second.

Mayor Christian asked if there is a problem with the lady paying up front or as she is making money off the house can she pay it out of that.

Mr. Richardson stated he does not know she is necessarily making any money. She is eighty plus years old, on a fixed income, so \$400 means a lot to her. He did state the home was originally built by a city employee. Mr. Richardson stated Mr. Morrison is correct on the title search and survey; stating this is a prime example why a law firm should be used for all title work instead of just a title company.

### **INFORMATIONAL REPORTS:**

Miscellaneous Accounts Receivable Customers with City Attorney

Expected Write-offs as of March 2014

Report of Receipts and Disbursements by Fund March 2014

City Manager Contingency Fund

Commissioner Dennison asked what the \$3,399 for Code Enforcement is on the City Manger's Contingency Fund.

FD Spinelli stated it is not a code enforcement issue; it was the taxes paid to acquire the home for the Housing Department.

**CITY ATTORNEY ITEMS:** None

**CITY MANAGER ITEMS:** None

**PUBLIC COMMENTS:**

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**Keith Winchell**, not a Leesburg resident, stated he comes down to enjoy Bikeweek, but was not able to attend this past event as he was busy with his paralyzed veterans race team in Georgia racing hand cycles. He stated he did not know anyone's name on the Leesburg Commission, until the Friday night after the Leesburg Bikefest when he happened to be in O'Keefe's Bar and Restaurant having dinner with his wife. He stated sitting in back corner about 8:30 p.m. he heard someone having a phone conversation and it caught his attention. He stated for a little background, he spent twenty-two years in the Air Force, was a Highway Patrol Officer for New York, doing accident investigations, DWIs, and so forth. He stated he is still a Police Officer employed by the City of New York, and now does mentoring programs for injured officers, as well as people who did criminal activity and end up in a wheelchair. Mr. Winchell stated as he was listening to this conversation three names came up, Jay Hurley, Lauren Richey, and Steven Tuttle; he had no idea who these individuals were until this conversation. He stated he was just four feet, an arm's length away from the individual and thought this sounds like a young brash lawyer talking. As he listened to the conversation, the women at the table asked who is it and the response was "Jay Hurley." He stated other statements made were quote "don't worry, the troopers earn double overtime so they cannot do the investigation, our guys are doing it", and "it will be okay, you will get a \$65 ticket and the insurance companies will dish it out in the end." Mr. Winchell stated this is not a court room, not to put Mr. Hurley on the spot, but his problem is you have two Commissioners talking about something under investigation by a police department and someone's life has been changed forever. He stated he does not know Steven Tuttle, if he is married; have never laid eyes on the guy, but talked to Mrs. Laurence, Mr. Tuttle's mother, who said he is still in an induced coma. Mr. Winchell stated accidents do happen, but the main thing which upset him the most was Mr. Knowles arrogance about the whole thing. You never know who is sitting next to you in a restaurant and asked Mr. Knowles if he addressed him in the restaurant. **Commissioner Knowles** stated he did.

**Mr. Winchell** stated Judge Millers' son is in a wheel chair, and asked if Mr. Knowles would have said that if she were sitting there. Your statement, when the female with you said, I heard he had some brains on the pavement, was "ugh, that guy will be walking with a stick and a little dog, sitting on the curb the rest of his life." Mr. Winchell stated he is kind of a big guy, with four spoke wheels, and kind of hard to overlook, but this is your attitude in public. He stated when he was a cop in the precinct; three things were said to him: 1) always respect somebody's constitutional rights, 2) do not lie, and 3) do not embarrass the boss. You are a public servant, just like the chief or fire chief; you will hold them accountable for what they say or do in public. You might not be in uniform, but you are representing the City of Leesburg and to come out with a comment like that, not knowing who is sitting there in a full restaurant, is disgusting.

**Commissioner Hurley** stated he is the one involved in the crash and for what is going on with Mr. Tuttle, he does not have the words and does not really know how to say anything because this is one area where he is torn up and his sorrow is very deep. He stated he prays every day for Mr. Tuttle and asked Mr. Winchell if he is saying Jay Hurley was on the phone with Mr. Knowles. **Mr. Winchell** stated yes sir.

**Commissioner Hurley** stated no sir; he has never had a phone conversation ever with Mr. Knowles since the accident.

**Commissioner Knowles** stated he will address Mr. Winchell's comments, and asked if they were not in a noisy bar on a Friday night. **Mr. Winchell** stated no they were not; they were in the restaurant area.

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**Commissioner Knowles** stated you said the restaurant was full and now are saying there was no noise in the building. Commissioner Knowles stated he was not talking to Commissioner Hurley and is not going to say to whom he was talking.

**Mayor Christian** stated at the sake of our lawyer, he thinks it is best to cut this off now and not trying to stifle the Commission, but thinks this is not a city issue, it is a civil matter. He stated this is not the place for this and does not want to have Mr. Hurley going through an open investigation discussing this; it is fair to him or to the rest of those involved. Mayor Christian stated Mr. Knowles has volunteered to speak with Mr. Winchell outside, one on one, so he would recommend that happen after this meeting.

**Dave Lewis**, Chairman of the Airport Advisory Board for over two years, stated he is present as a concerned individual to clear up some misunderstandings and misconceptions of his fellow citizens related to tax payer money being used for the airport. He stated at the present time the income from the Airport is placed into the City of Leesburg's general fund and then the Airport Manager comes before the Commission requesting the City return the airport money for a particular project. This is airport revenue placed in the general fund, not tax payer money, which he believes was stated at a previous Commission meeting. Mr. Lewis stated there also seems to be a misconception as to what this airport does for the City of Leesburg and its importance. The Florida Department of Transportation's Economic Impact of Leesburg International Airport (LEE) documentation states the airport's economic impact to the community in 2010 was \$63,729,000. If this is increased by twenty percent for the four years, the airport now has an economic impact on the community of \$76,474,800. In 2010 it supported 509 jobs and the salary of those jobs totaled \$17,607,900. Mr. Lewis said to paraphrase, he heard a very intelligent individual say it is always a good investment when you invest in an asset, and he agrees. He passed out copies of the FDOT documentation and stated he felt it is necessary to have this information on record. Mr. Lewis stated he appreciates the support for the airport and looks forward to seeing the airport grow.

**Mr. Smith** asked if any decision or date has been made for the town hall meeting with the Leesburg Partnership. CM Minner stated the Partnership is just freeing up now from Bikefest, so he will get with Mr. Shipps and try to set up the town hall meeting. Mayor Christian asked if a definite meeting date could be provided by the next Commission meeting and CM Minner stated he will do his best.

### ROLL CALL:

**Commissioner Dennison** stated on the Airport, as discussed Friday, she would like to see the split from the general fund to an Airport Enterprise Fund. She understands there is a contract ready to go with Brainerd Helicopters, to be provided at the next Commission meeting, which will make her extremely happy after waiting a year and a half. She would also like to reiterate her want of Code Enforcement and Fire Inspections in the City, as these are needed if Leesburg is to look better. Commissioner Dennison said it was brought to her attention that a hotel was checked and could have been a disaster ready to happen if not closed, which it was right before Bikefest. She stated this just re-enforces the importance of the fire inspections, especially with the old buildings like those downtown. She thanked those responsible for finally getting the gas station on the corner of Main Street torn down. Commissioner Dennison stated her other request is

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to revisit the emergency plan for Leesburg; the City has been extremely lucky over the past few years that it has not been hit with an emergency, tornado, or hurricane. She would like to make sure the City is prepared for this. **CM Minner** asked if she would like a presentation briefing or just an outline of the plan. **Commissioner Dennison** stated she wants to know the City's emergency plan is ready to go and maybe even do a dry run with everyone involved. She also asked the status of the parking garage. **CM Minner** stated staff has gotten with AECOM, an engineering firm, to have them review the buckles that connect the plates together. **PWD Maudlin** stated AECOM has been out, looked at the problem, and staff is anticipating their response within a couple weeks. **Commissioner Dennison** asked if the City will be able to recoup any money from the builder. **PWD Maudlin** stated AECOM has stated the repairs needed may be at no charge.

**Commissioner Knowles** stated parking was discussed earlier this evening and he thinks Commissioner Polk had a very good point. There is some land where the Mobile gas station used to be which would make an excellent parking lot for the west side of Main Street. He is not sure what the pricing would be, but if it were paved over it would make good parking.

**Commissioner Hurley** stated to Mr. Winchell, he understands where his feelings may be coming from after hearing the conversation he heard, but he has no idea about it. He asked Mr. Winchell to look into it as deep as he wants because on that Friday night he was actually at a National Boys and Girls Conference, as the Vice-President of the Lake and Sumter Boys and Girls Club, on the west coast in San Francisco, California. Commissioner Hurley stated he has not had a conversation, and the only reason he responds, is because this is the type things he will have to live with. Now this will be the front page news, the network news tomorrow, that he had an inappropriate conversation because instead of people asking questions, they make accusations. He stated he has no doubt he has been talked about by a lot of people, but he has not talked to those people. He stated he understand the concern, and respects those things, and will respectfully talk to Mr. Winchell to acknowledge those things; but making accusations are the things which are rough for him. Commissioner Hurley stated he knows you are going by what you heard, but he is letting you know from himself, the investigators who are going to work this, everything is obviously public, but he never had a phone conversation.

**Commissioner Polk** stated the Commissioners received a letter from Mr. Puckett saying he wanting to purchase the hanger talked about at the last meeting and asked the current status. **CM Minner** stated there are two individuals interested in this hanger, so staff met with the Procurement department and a public bid will be issued. Whoever provides the City with the highest quote; staff will negotiate with them to bring a lease before the Commission. **Commissioner Polk** asked if this will be a lease or a purchase and **CM Minner** said it is called a pre-paid lease, and after thirty years the facility reverts back to the City of Leesburg. **Commissioner Polk** asked if Mr. Puckett knows he would be paying \$140,000 as well as having a ground lease. **CM Minner** stated he personally spoke to Mr. Puckett and Mr. Puckett knows the City will be publicly issuing a procurement bid and if he is interested in purchasing the building he will need to provide the City with a proposal just like the other tenant. Should Mr. Puckett fail to provide a proposal then he will not be considered and the lease options will not come back to him. **Mayor Christian** asked if the two individuals will be contacted as well as putting the

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RFP in the newspaper. **CM Minner** stated he will check with our staff to make sure the procurement document was sent out and will have AM Treggi contact both individuals as perspective bidders. **Commissioner Polk** stated he thought Friday's workshop was good for everyone; thinks all got along fairly well, and would like to see another one later on. He stated it was good to have all department heads included so they could learn more about their Commissioners and see how we are not that hard to get along with. Commissioner Polk stated as to the accident with Mr. Hurley and Mr. Tuttle, he prays for all involved that they will find peace.

**Mayor Christian** thanked all residents for expressing their public right to involve themselves in local government. He stated he is excited about downtown and the fact the City is moving forward. He is more excited about the fact that the City has twenty million dollars and if there are no hurricanes or disasters this year, there will be another million dollars, Mrs. VanDyken, the City could spend on Kids Korner. Mayor Christian commended Mr. Lewis for all his work at the Airport, and all those who work on the volunteer boards, for their time and expertise, to keep the Commission on its toes.

**ADJOURN:**

Commissioner Polk moved to adjourn the meeting and Commissioner Knowles seconded the motion. The meeting adjourned at 7:45 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

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Betty M. Richardson  
City Clerk

J. Andi Purvis  
Recorder