



SUMMARY MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY HALL  
THURSDAY, JULY 20<sup>TH</sup>, 2023 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, July 20<sup>th</sup>, 2023, at City Hall.

Chairman Tim Sennett called the meeting to order at 4:29 p.m.

The following Commission members were present:

Ted Bowersox – Vice-Chairman  
John O’Kelley  
Nathaniel Sanders  
Ze’ Shieca Carter  
Stewart Kaplan  
Ken Simeone

The following Commission members were absent:

Tim Sennett - Chairman  
Frazier Marshall  
Rosalind Peebles-Johnson

City staff in attendance included Sabrina Mitchell, Executive Assistant I, Kandi Harper, Senior Planner, Dianne Yekel, Senior Planner, Christine Rock, Senior Planner, and City Attorney Grant Watson was also present.

The meeting opened with an invocation given by Vice-Chairman Bowersox, followed by the Pledge of Allegiance to the Flag.

Dan Miller informed the audience of the rules of participation and the need to sign the speaker’s registry. He also informed Commissioners and the audience that the City Commission meeting dates are tentatively scheduled.

**SUMMARY MINUTES OF THE PLANNING COMMISSION MEETING FOR THURSDAY, JUNE 22<sup>ND</sup>, 2023.**

**Commissioner Carter moved to APPROVE the minutes from the JUNE 22<sup>ND</sup>, 2023 meeting. Commissioner Kaplan SECONDED the motion, which PASSED by a vote of 6-0.**

Sabrina Mitchell swore in staff as well as anyone in the audience wishing to speak.

Vice-Chairman Bowersox called for the first case under new business be brought forward.

**NEW BUSINESS**

**1) PUBLIC HEARING CASE # SPUD-23-314 – GOOD NEWS CHURCH – SMALL PLANNED UNIT DEVELOPMENT**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 11.36 +/- ACRES FROM CITY OF LEESBURG SPUD (SMALL PLANNED UNIT DEVELOPMENT) AND R-3 (HIGH DENSITY RESIDENTIAL) TO SPUD (SMALL PLANNED UNIT DEVELOPMENT), FOR A PROPERTY GENERALLY LOCATED EAST OF EXECUTIVE BOULEVARD AND SOUTH OF STATE ROAD 44, AS LEGALLY DESCRIBED IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, AUGUST 14<sup>TH</sup>, 2023 AND SECOND READING IS TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 28<sup>TH</sup>, 2023)** (Good News Church Public / Private Partnership)

Dan Miller introduced case number #SPUD-23-314 – Good News Church – Small Planned Unit Development into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, and staff recommendations.

Dan Miller gave a background and explanation of the subject property, location, zoning, requests, overall; 11.3 total acres, and no negative impacts are anticipated, site will be used for Public Safety and canine training, Exhibit A; PUD (Planned Unit Development) changes read into the record.

Kandi Harper utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City Departments. Public responses – no comments or responses received from the State of Florida and City of Leesburg notice requirements, posted signs, and newspaper.

Dan Miller read the Staff Recommendations into the record for the case; Staff supports the case; recommended approval.

Vice-Chairman Bowersox stated if the Commission have any questions of the applicant.

Commissioners' and Dan Miller discussed comment in regards to the dogs; involved on site; dogs being trained.

Captain Scott Mack with the Leesburg Police Department Control Division Commander and stated he oversee the Leesburg Police Department canine program, we entered into agreement with Good News Church; utilized a portion of this property, open field, away from any residential properties, any noise; occur, from training won't affect anybody; residentially, training; canine, evenings and nights, fencing off a training field in that property; 6' fencing; contain dogs; inside that fencing; during training, tracking; missing person, suspect, drug training, locate narcotic types substances, general obedience training, including apprehensive training, or their bite work.

Greg Beliveau, with Good News Church and LPG stated the reason we are happy they are coming, problem; location, purchased from Boy and Girls Club; tucked in, joy riders, donuts, syringes, City of Leesburg Police Department; responded, activities gone, repair property; because of these activities, offered to do this activity and training, overjoyed, approved; no charge, Code Enforcement; showed up, no you can't do this, proceeded to go through this process, property owned by Boys and Girls Club; both tracts, purchased north half; changed to Good News Church; over 10 years ago, south half; option, purchase became available 4 or 5 years ago; exercised that option, fenced off, use; fun stuff, incorporated into SPUD; one document, one piece of property; destination, no mortgage; looking for a buyer, we will be glad to take it.

Vice-Chairman Bowersox stated if anyone in the audience would like to speak on this case.

Vice-Chairman Bowersox closes discussion from the Public, entertained a motion, and then the voting took place.

**Commissioner Sanders made a MOTION for APPROVAL of case # SPUD-23-314 – GOOD NEWS CHURCH – SMALL PLANNED UNIT DEVELOPMENT**  
**Commissioner Carter SECONDED the MOTION which CARRIED by a vote of 6-0.**

## **DISCUSSION**

### **1. EX PARTE COMMUNICATIONS**

A General Commission Discussion on Ex Parte Communications, regarding members of the public and Planning Commissioners.

Dan Miller stated we recently been talking to some of the Planning Commission

members who are receiving communication from people outside; in the Public, and wanted to bring up the subject; Ex Parte Communication, basically looking for to come to a general consensus, not a vote, general discussion, educational time; to talk about when you talking to people outside of this area; falls into the topics Ex Parte Communication and Quasi-Judicial meetings and proceedings, and then read into the record a detailed background and explanation of the topics to the Commission members, body make decisions, sometimes recommendations, if CUP; decision, Staffs goal; consensus, how Commission feel about Ex Parte Communication, in the past the previous City Attorney, Fred Morrison advised against it; under the law if you talk to someone about a zoning case; whether it's another member of the Commission, applicant, or member of the Public; bring up at this meeting; to put on the record, had conversation, Staff prefers the Commission not speak to anyone about the cases; let elected City Commission handle, presumption of doing something wrong; look, if Commission members approached; the best thing to do; Staff opinion, only speak about it in a public hearing setting, legally; stay at meeting; conversation, general Public; suspicion something went on, it's the look, optics, need remain above Board and clear, take time; make decision; honest on all our communications.

Grant Watson, City Attorney stated for the record Dan Miller gave a really good summary about the exact issue, then recapping of the Ex Parte Communication to the Commission members; gave brief background and explanation, roles of the Planning Commission, many of the hearings; Variances, Rezoning's, special exceptions, and Conditional Uses; heard under Quasi-Judicial proceedings; similar to court room; not exactly, similar to court does, listen to evidence, make factual determinations; evidence, apply COMP plan, City Code, land development regulations; to facts, render decision, procedures different, policy consideration; same, impact of decision, Ex Parte Communication; issue, in play Judicial and Quasi-Judicial hearings; while ago case law; in State, gave brief background and explanation, 1995 State Statue; types of bodies, talk about issues; pending, eliminated presumption of prejudice certain procedures adopted, overview of the Statues areas read into the record to the Commission members, disclosed before or during Public meeting; matter voted on, contrary position or prospective; challenge that or rebut; communication took place, keys to Statue; if adopted by a County or Municipal Ordinance or Resolution, do not see; an Ordinance or Resolution; City passed to adopt, statutory procedures; State passed, caution Commission member; engaging in Ex Parte Communication; without an Ordinance; approving or adopting statutory standards; to avoid, City; pass Ordinance or Resolution or find one; adopted procedures, if you choose to engage in it, if procedures adopted; require the Commission to participate; in Ex Parte Communication, if you choose to; this is the roadmap you need to follow; participate or disclosing those procedures, issue Dan Miller touched on is Public perception; consideration, disclosing nature of communication; rendering decision on item, perception from those present at the meeting; decisions made outside of the hearing context; concern, Statue; eliminated the legal presumption, perception from Public; how you want

to proceed, general recommendation; not to do it, not aware of an Ordinance or Resolution; adopted structure, to remove prejudice, if adopted, Board wide policy or consensus, Staff perspective; know who would participate in those types of discussion or not; inquiries from members from the Public; not going to be a meeting or maybe it will be a meeting; if anybody has any questions he is happy to talk about them now or give him a call at the office at any time; always available to you and happy to discuss any issues or questions; different issue Sunshine law, general policy having discussion, receiving the evidence; consider, in the Public hearing forum; best place, eliminates disclosures, Public perception standpoint, sound position; for Public confidence.

Commissioners, and Dan Miller discussed from Staff perspective public perception is extremely important; it takes time, don't want to happen for the Public to perceive their workings behind the scene, if the appearance of that shows up; how to prove or correct, concern; simpler for Commission and Staff; better for the Public not have to worry about the integrity of any Staff or any Commission member; Staff preferred position, wonderful advice to get, received a phone call; issue coming, happy to educate myself on what they wanted to do; discuss at Planning Commission meeting, discussion amongst ourselves outside of this room; enter into the Sunshine Law, thank you for educating us and reminding us all; very meaningful, have to be careful; Dan Miller stated we would like to bring forth topics like this; since we only had one case; and we did want to take this opportunity, looking at site; needs to be mentioned, no other party involved; ride by, look at site by yourself, problem; better understanding; overview of Ex Parte Communication, always advise; to educate yourself on what we looking at; drive by, no issue; Dan Miller stated Staff wanted to bring up; encourage going by every site, want Commission members to be educated; be careful; Dan Miller stated we can't give out Commissioners contact information.

Grant Watson, City Attorney stated that's a very good recap; tie back to what Fred Morrison had said; position founded of the fact theirs not an Ordinance or Resolution that adopts the State statutory procedures; recommendation or advice to not engage in those types of discussions.

Grant Watson, City Attorney stated we talked about this with Chairman Sennett and was getting into Sunshine Law and Public records; hard to cover everything, couple of general principals; stay out of trouble, gray area, invite Commission members to give him a call; also site visits and investigations broadly items addressed by Ex Parte Communications, you wouldn't do it together; Sunshine Laws, drive by going home; special trip over; gather information; help make decision; hearing comes to you, problem in the context that the Statue consider; purview of Ex Parte Communication; absent Ordinance or Code prevision; adopted these disclosures, procedures, take advantage, presumption, lack of Ordinance or Resolution, driving by site visit, visiting site; investigating site; different issues, don't need to disclose, then went over some examples of Ex Parte Communication; no definitions in Statue, investigation, site visit; collect

factual information about site; render a decision; issues, figure out the facts; outside hearing context, education on types of cases for hearing; general education.

## **2. SELECTION OF PLANNING COMMISSION VICE-CHAIRMAN**

Vice-Chairman Bowersox stated he wants to pass the gavel for Vice-Chairman of the Planning Commission; mentioned to Commissioner Sanders if he would be interested in taking that second chair and he agreed; then asked if anyone else on this Commission would like to put their names in for Vice-Chairman.

Motion made by Vice-Chairman Bowersox to elect Commissioner Sanders as the Vice-Chairman of the Planning Commission.

**Vice-Chairman Bowersox made a MOTION to elect NATHANIEL SANDERS AS VICE-CHAIRMAN OF THE PLANNING COMMISSION. Commissioner O'Kelley SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0.**

Commissioner Sanders stated he appreciates the opportunity to serve as the Vice-Chairman and thanks the Vice-Chairman Bowersox for thinking enough of him that I could do the job and he is here to learn and an interesting experience.

## **ANNOUNCEMENTS**

Dan Miller stated to the Commission that he thanks Staff for all the hard work done in his absence from a major surgery, Staff done such a wonderful job and he really proud of them.

Vice-Chairman Sanders entertained a motion to adjourn.

Motion to adjourn made by Vice-Chairman Sanders and seconded by Commissioner Kaplan.

## **ADJOURNMENT**

Meeting was adjourned at 5:15 p.m.

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Ted W. Bowersox, Vice-Chairman

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Sabrina Mitchell, Executive Assistant I