

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, DECEMBER 16, 2024 5:00 PM**

1. CALL TO ORDER

The Carver Heights/Montclair Area Community Redevelopment Agency held a regular meeting on Monday, December 16, 2024, at Leesburg City Hall. Chairperson Burry called the meeting to order at 5:03 p.m. with the following members present:

Commissioner Robert Alderman
Commissioner Allyson Berry
Commissioner Jay Connell
Commissioner Theresa Conner
Commissioner Mike Pederson
Commissioner Alan Reisman
Chairperson Jimmy Burry

Also present, were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Grant Watson, Deputy City Clerk (DCC) Anna Rotterdam, the news media, and others.

INVOCATION

Chairperson Burry gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. APPROVAL OF MINUTES:

A. Regular meeting held October 28, 2024

Commissioner Reisman made a motion to approve the regular meeting minutes of October 28, 2024, as presented, and Commissioner Pederson seconded the motion.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Conner	Yes
Commissioner Alderman	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Chairperson Burry	Yes

Seven yeas, no nays, the Commission approved the meeting minutes.

3. DISCUSSION:

A. COMMISSIONER BERRY - ADDITIONAL CONSIDERATIONS FOR LOT DONATIONS

CM Minner explained that city staff received a couple of requests from the Leesburg CDC on the lot donation policy. If they remember, about two years ago, when the new commissioners came aboard, we decided to modify the lot donation process. That way we can sell, donate, or do different things with the lots. However, the policy refers to the City Commission and the Carver Heights Montclair Area CRA being the ones who are able to donate lots. That policy has been modified. More specifically, the lots are owned and titled by either the City of Leesburg, which is governed by the City Commission, or the Carver Heights CRA, which is governed by this body. While making that policy, we put together a number of things. There was a brief moratorium put into place while that policy was put together. That policy was referenced in the deed being considered tonight. Long story short, that policy created a number of new circumstances to guide the CRA or the City Commission in donating lots/parcels. That would be a not-for-profit organization/nonprofit organization which is not defined specifically in the policy. However, typically a not-for-profit organization would be a 501(c)(3). Now, whether a church qualifies as a non-profit has come up a number of times. Under the new policy, it depends on when a church qualifies. A church qualifies when the church is not doing church business. The policy also goes on to say that its major purpose is to construct single-family homes, and typically a church's purpose is not to construct single-family homes. A typical church's purpose is to construct a parsonage, school, sanctuary, or thrift store. Those are typical church purposes. The exception for churches being able to qualify would be that the specific church organization was doing what the policy says, which is building a single-family residential home. That was his interpretation of the policy. The policy also puts in parameters for who qualifies for the homes and how the city reviews who will get the home. It also put in parameters for how many lots can be given out to a specific not-for-profit organization, and that is three lots over a three-year period. It says if an organization was to receive three lots now, they would have to wait three years to apply for another lot. So, if a request was made today for three lots, and they received three lots, they would have to wait three years before being eligible again. The policy also stipulates that construction has to begin within twenty-four months, and it has to receive a certificate of occupancy within thirty-six months. However, there is some language in the policy that could extend that for exceptions. This policy was adopted by resolution in August 2023. Another significant modification to the policy was the warranty deed versus the quit claim deed. In the past, and for as long as he has been the city manager, we have always issued a quit claim deed. However, a quit claim deed, in short, is non-legal, and the city attorney could provide the legal explanation. A quit claim deed says the city or the CRA owns the property, and that we are giving the property or lot to you. Yes, we are pretty sure it has a clear title, but we cannot warranty it. If something were to pop up where there was a cloud on the title, the city or the CRA would be wiping their hands, saying that is not an issue for us, that it was an issue for them. We have used the process of quit claim deeds a hundred times since he has been here. However, there was an issue with the Florentine house where there was a cloud on the title and that cloud was found after the Leesburg CDC invested in the house. It was found after we gave the Leesburg CDC the house. They came to the city, (he believed it was him and the former attorney), but the response was that we provided the quit claim deed, so it was your responsibility to fix it. At the end of the day, the bank and the CDC fixed the error, but they had to pay somewhere in the neighborhood of \$10-\$15,000. **From the audience, John Christian** said they paid about \$25,000. **CM Minner** continued to say that the Leesburg CDC had to pay the bank about \$25,000, to receive a clear title. We have now changed that process since

moving to the new city attorney. Our new city attorney has been working with code enforcement on this because he felt it was important to stop using quit claim deeds. He wanted to make sure the city had clear titles before donating any lots. The new city attorney pulled out state statutes that said the city needed to vet, advertise, and do more title research before donating any of the properties. In doing so, we will no longer provide quit claim deeds, we will provide warranty deeds because that is a better process. With the new policy in place, it states we have to issue a warranty deed for the requested lots, and whichever entity receives the parcel will have to follow the program pursuant to the policy as adopted. This was a significant change to the process, and that change was adopted by the commission.

The requests under consideration tonight were submitted to him by the requester. We currently have an inventory list that includes about thirty lots. He knew the city commission reviewed the list, but he could not remember if it was reviewed by this board. However, of the thirty lots, about half of them are under this CRA and the other half are under the city. Of those thirty lots, about a dozen of them have clear titles, which means the city attorney has done all the required work to get a clear title. At this time, we have between ten and fifteen lots available that could be donated or sold. As of now, the city and the CRA are in a position to do what they will with the lots. They can choose to sell, donate, or keep the lots. Of the fifteen cleared titles, there is a split of about seven city lots and seven CRA lots. After going through that process, his office received multiple lot donation requests from the Leesburg CDC. The donation requests were for two lots located on Beecher Street; the addresses are 704 and 706, and they are pretty much located directly across from the main entrance to Berry Park. **Commissioner Conner** agreed that one of the requests was for 706 Beecher Street. **CM Minner** continued to say that the lots are directly across from the main entrance to Berry Park and the lots are located in the CRA. Therefore, this board needs to determine whether they want to donate these lots pursuant to the new policy. Then, immediately following this meeting, the city commission will consider another request from the Leesburg CDC for the former Dabney pool site because that site is city-owned. Commissioner Berry had a number of conversations with him regarding modifications to the process. However, there were some communication errors about the changes between himself, Commissioner Berry, and the city attorney. However, since the city had already received these requests, he felt it was a catalyst to get them on the agenda because he had already received the requests along with emails and telephone calls. He felt pressure from the public to bring this to the board's attention. He also felt pressure from a commissioner who was not yet happy with the policy that was put together. A couple of weeks ago, Commissioner Berry submitted a few modifications that she would like this body to discuss along with the city commission. If we are going to adopt another modification to the policy, this body, as well as the city commission, would need to adopt the same policy. Without complicating the policy, the city commission would be the body that adopts the modifications and under that umbrella the CRA would follow them. At this time, it is important to have a joint conversation about where to go. Again, this consideration was made by Commissioner Berry, and the board can provide influence about how this policy may or may not be adopted or modified. There were a number of things that she wanted the body to consider. Summarizing, the biggest issue was with the clearing house of lots. When he said "a clearing house of lots", he meant the process that the city attorney went through with the vetting of the lots so they are publicly able to be disposed of. According to state statutes, we have to advertise the lots for a certain amount of time. However, that advertisement was not what Commissioner Berry had in mind. He believed Commissioner Berry was looking for a full disclosure of the city's inventory for anyone in the community wanting to apply for a lot. That was important to her because maybe one organization or another may know more about what we have in inventory than what is typically publicly advertised for disposal. Commissioner Berry wanted to make an even level playing field for the entire community. That way, everybody knows what we have available that could be doled out and the existing policy that was adopted does not include that process. Essentially, the lots being considered tonight are ready for consideration. The commission can choose to do nothing with the lots, sell the lots, or donate the lots; however, these lots have been legally vetted and we have clear titles. They are in a position to manage

these lots however they see fit. The question then becomes whether they want to modify the policy pursuant to that action. So, the first order of discussion is whether to modify or not modify the policy.

Commissioner Berry thanked the city manager for the introduction. She had a few changes she wanted to add, but for the most part, what has been said was her understanding of the process. They have two proposals submitted for surplus lots. The concern she had was not the process, it was the allocation of the lots after they had clear title. She wants to move the lots, but she wants to move them with a clear understanding and a better-defined process that would be equitable for all. That means any and all nonprofit organizations can purchase or ask for a donation. The purpose is to establish a clear and transparent method for the disposition of vacant lots throughout the City. The primary goal is to develop affordable single-family homes by partnering with nonprofit organizations. With that understanding, things evolve and may require them to review and amend the process as needed. She heard the comments and concerns, and she was ready to move forward. However, she asked that they understand this is not a new process; she just wants to clean it up and complete the existing process. The first thing she wanted to have some discussion about is how some of the organizations in the city have knowledge about what lots are on the books if they were never advertised to the public. How did those organizations know about the lots? How did they know to apply or request the lots? How was that information communicated? We have six organizations on the list and these six organizations know how to request lots. The advertisement for the lots appeared in the Daily Commercial on March 20th. It was advertised for thirty days, which meets the statute requirement for disposal of property by community redevelopment agency guidelines. When the city manager made his report to the city commission on November 12th, these ten lots were discussed as being ready to either sell or donate with clear titles. When she requested information about the allocation process, the mayor suggested that she create one. There are two processes out there which she has concerns about. It does not make sense, and it is not fair to everyone else. There is no formal application process, so there could be other non-profit organizations out there that do not know anything about this process. Also, the request for lots should include detailed projects, proposals, development plans, project timeline, budget, proof of financial capacity and evidence of experience with affordable housing development. However, she did not want to give away a lot to someone who might start the project and, for whatever reason, be unable to complete it. That would put us back at square one with blight, and then we would not own the property. No timeline has been put into place for the application submission, so a typical application process would have an open end. At this time, we do not have that included in the instructions or processes. Also, is the eligibility of a nonprofit clear? The city manager just explained that churches would be allowed to receive a lot as a gift, or they could purchase it as long as they are not doing any church business. Under Section D, of the details of lots, it says, "lots shall be donated on a first-come, first-served basis." It is impossible to have a fair process if the points are not outlined. It is only fair if everyone receives notice of availability at the same time. There should be an application even if it is a downloadable application with a cutoff date for when applications will no longer be received. That would make a fair process. If we receive a request from two or more organizations for the same lot, then we could need to create a vetting mode. She recommended adopting a lottery drawing process for the disposition of surplus lots. All future requests received should be made to go through an application process with predetermined timelines for the application access that includes a deadline for submission. The applications should be completed online with a timed submission and deadline and no applications will be accepted after that deadline. Once the deadline has passed, all applications will be vetted to determine eligibility and the applicants must appear at a CRA meeting for a lottery drawing. The applicants will select a number to determine who gets to draw first in the lottery. However, the city will ensure that all available lots are clear on the books. This process would allow for the disposal of lots in a more equitable manner and give clear fairness for everyone to participate.

Chairperson Burry wanted to know more about the lottery process. Would that lottery process only happen when there are two or more nonprofit organizations desiring the same lot? **Commissioner Berry** answered no. The lottery process would be the general process for all lots. Everyone would have an

opportunity to draw and whatever they draw, that would be the lot they get. Right now, no one knows what lots are available. So, if another church is interested in building a home, they do not know about the lots because they are not advertised. Once we advertise, there will be a window for the application process that includes all the requirements she ran through. We would come to a CRA meeting for a lottery draw where the applicants picked a number and whoever picked number one would draw first to see what lot they got. That would be fair. **CM Minner** replied that he understands what has been said. However, there has been a lot of chatter in the community and, to date, the city has not received duplicate requests. He suggested that if we were to vet these publicly, it would be a first come, first served basis. They could create a simple policy that states if there was a duplicate request that it go to a lottery. He would not force them into a lottery process unless absolutely necessary. **Commissioner Berry** stated she knew the West Leesburg CDC had requested lots, and they were told the lots were already taken, so they had to select another lot. She believed they requested two lots. Another concern was with the request from the Christian Worship Center. They requested the lot at 1111 Beecher Street (alt key 1174571), but the letter received was from the Leesburg CDC. So, who was actually requesting the lot, because that was unclear. **CM Minner** asked about the date of the CWC letter. However, for the record, the request on file came from the Leesburg CDC and the commission should disregard the CWC request. **Commissioner Berry** replied that she was looking at the information provided in the packet.

John Christian, Chairperson of the Leesburg CDC, said Commissioner Berry was correct. There may have been duplications, but as a non-profit, they all work together. In fact, the housing manager can vouch that Homes in Partnership also asked for the same lot. It was just a phone call to the nonprofit and there was no problem. They said they could have that lot. In the nonprofit world, we all work together with the city government. It is a donation, so there is no argument or fussing because they appreciate whatever the city allows them to have. The request tonight was from the CDC of Leesburg. The CWC and the CDC work hand in hand. The consideration tonight was for the CDC. If they grant that lot to the CDC, there would be no complaints from the CWC or any other nonprofit, because we are all appreciative of whatever the city provides. He heard the consideration. However, if they are going to tell him to provide a proposal for what he wants to put on a lot without knowing what lot they are going to get, they can not do that because each lot is different. How are they supposed to determine the size of house without knowing which lot they are going to get? The lots determine the house size. Until the organization knows what lot they are getting, they can not tell them what size house they can put on the lot. This commission is getting too deep into this, and he could promise that the six non-profits in the city are all well-to-do nonprofits. Here in Leesburg, we do not have any concerns about what those non-profits are doing. He was hopeful that the commission would not overly complicate the process. Yes, he does work with the housing department, so he does have an advantage. He was the one that told the city to buy that lot back when he was on the city commission in 1997. They worked with the city commission to get those lots into Leesburg and all six non-profit organizations are well aware of the lots. They need to ask how many nonprofit, affordable housing builders there are in Leesburg. There are maybe five or six and no one is knocking on the city's door to build homes in the most blighted part of the city. If they were to get more knocks, he would be amazed. Yes, his church builds houses because they are a great church, and that is part of their mission. He does not know any other church in this city that builds affordable housing. **Commissioner Berry** responded that he asked how they would know what lot they get, and the lottery process would determine the lot they get. The information about what lot would be handled afterward. The application was submitted for discussion, and it is possible that it could be amended, but it would create a fair process. We do not know if there are any other churches willing to build a single family home because it has never been opened up. **Mr. Christian** pointed out that his application was submitted nineteen months ago, yet they are still talking about the process. The city has been donating and selling lots since he came to Leesburg about twenty-five years ago, and he does not know of any other church in Leesburg that builds affordable houses in Leesburg. **Commissioner Berry** wanted to know if the opportunity was ever offered to them, and did they know lots were available? **Mr.**

Christian stated when he started doing this as a citizen, he approached the city, and got involved. What is happening now is unfair to the people who came in a long time who got involved with the city. Right now she was saying "poo to you" because they took the time to learn. They have taken time away from their families and careers to learn about city government. So, to say they are not going to consider this and open it up is not a fair process. Statutorily, the city did advertise in the newspaper. That is the city's responsibility. If they decide to go further and beyond that, kudos to the city, but they do not have to. However, the city should not punish the people who have been involved because others did not read the newspaper. Everyone has the ability to watch the meetings online, so the commission must understand that they are doing what is statutorily required of them. They have done their job and the responsibility is up to citizens and non-profits. This is his job. He is concerned, and he cares about what happens in his city. That should be everyone's responsibility, not just his. This commission should not penalize people who have gone beyond the call of duty to learn about this city. **Commissioner Berry** said this was by no means a punishment or anything. She just wants everyone to be aware of the available lots. Also, alt key 1174571 is the old Dabney pool site which is owned by the city. It is an acre lot, so the city may want to consider keeping that lot. There are other lots around Berry Park on the list that are of larger size. Once the lots leak into an acre site, the city should consider retaining them. We have ten lots available, and it was agreed upon at the November 12th meeting that we would keep some CRA lots and some city lots. There are lots located on Beecher Street, the old Dabney pool site, there is a lot located right next to the Resource Center, and the lots around Berry Park. The one-acre lots are on Nebraska Street and there was another lot somewhere. However, she wanted to be clear about this because there was an understanding that the city was keeping it. **CM Minner** recommended for this evening's consideration that all requests outside the ones on his desk be considered. It would eliminate confusion between what the CWC has requested and what the Leesburg CDC has requested. For the record, the action tonight is for the requests before them. With respect to the comment made at the November 12th meeting, his goal was to get some type of direction from the commission about how to move forward with the lots. His recommendation at that meeting was that there were some lots in inventory that they may not want to dispose of such as the Dabney pool site, which had been requested. Along with the lots in and around Nebraska and Alabama and the big acreage lots by Berry Park. He went on to further say that any lot greater than an acre, the commission may not want to dispose of. However, the commission never formally adopted that policy, because it was just a discussion, but there was a subsequent request to consider that. He was not going to make a determination based on what he thought the commission was trying to tell him. At that time, there was a request for the Dabney pool site, and he did not think they would want to give that one away. The city has received that request and later during the city commission agenda they will need to consider that. **Commissioner Berry** said she was referring to notes, because she wanted to be clear. The process should be clear and advertisements should be given for anyone to participate. She did not object to the lots for the Christian Worship Center, the Leesburg CDC, or Habitat for Humanity, but there needs to be a cleaner process because that is why we are where we are. Yes, lots have been requested, information has been submitted, and we have been back and forth on getting this cleaned up. She did not think it was fair to go back and say they had to do a re-submission. She was just stating facts about what she found as she dug through it. She saw there were other inconsistencies, and she wanted to be consistent moving forward. She just wanted to point out what she had found and if she was missing something she may want to add it. However, with what we voted at the August meeting, as far as the process and procedures, she did not believe they could use the first come, first served, since no one knows it is a first come, first served basis, because that was not advertised, and we need to be clear. She was not asking the commission to say no, nor was she trying to take anything away. Yes, these are the lots requested, but it was not a fair process because it does not allow others to come forward. If others come forward, and we have two or three other people asking for the same lots, then we have to come up with a lottery. She wanted to know if they wanted more discussion on this, or could she make a motion?

Chairperson Burry stated the floor was hers. **CA Watson** pointed out the notification process for publication and that there is a thirty-day window for the publication to receive applications. That thirty-

day publication time period provides enough timeframe for people to submit an application. If the city wants to give further notices or advertisements outside the newspaper publication, that could be another way to get additional information out. However, it is important for everyone to understand that when the newspaper advertisement window opens for that thirty-day period, that would be the time for everyone to submit their application to the city. They could do a pre-notification that lets everyone know what they are looking at along with the estimated advertisement window. That pre-notification could let them know they need to be looking at the Daily Commercial for the official advertisement. It needs to clarify that there is a statutory timeframe given, and that the city has to stick to it. If they wanted to do that, they could do that informally before the formal newspaper publication is made. **Commissioner Berry** said she understands the thirty-day statute, but the Daily Commercial is not the only place to advertise. We have social media, our city website, and the housing department. We could also utilize the chamber and rotary. She could name a wealth of places that we could use to get that information out. She did not want to limit it to the Daily Commercial because how many people really read the newspaper? **CA Watson** clarified that he wanted to make sure everyone understood that there was a timeframe in place for applications due to the state statute. If the city wanted to expand that time period by putting out a notice before the formal notification, they could do that. **CM Minner** stated with this agenda item they should not allow public comment because this was a consideration for this body, and it was not really germane to public comment. Having said that, he described it as pretty spot-on and there was a disconnect between Commissioner Berry's expectation of a fair playing field on the disposition of lots and the legal requirement that we have done to get clear title. Moving forward, we are trying to make sure there is a fair process of notification that goes beyond the standards of the law, which is reasonable and the city attorney has explained that. Commissioner Berry is seeking that this body modify the policy by adding the lottery, adding a special advertisement for a better disposition of notification of the process that goes beyond state statute requirements. **Commissioner Berry** agreed. **CM Minner** continued to say that the commission needed to debate this and give clear directions to staff whether that be doing nothing because we already satisfy the requirements of the law or do we amend the policy that is already in place. We also need to address the request by the Leesburg CDC. The city is confident that the primary not-for-profit organizations that work with us, the CDC of Leesburg, the West Leesburg CDC, the Lake Action Community agency, and Habitat for Humanity, are familiar with our inventory. For the matter of expediency, they could let Commissioner Berry know there are some modifications that need to be added to the policy, but the two Beecher Street properties are ready to go. He believed there were three directions the commission could go in. They could choose to modify the policy, which then becomes slightly more cumbersome because Commissioner Berry put a lot of intricacies in it. **Commissioner Berry** stated she wanted this to be a fair process with no objections. She does not have any problems with any of the organizations. She knows they are qualified because they have built homes and the district looks better. She was not trying to take away from anything, she just wanted other non-profits to do the same. They do not know about it and she is the one that receives the calls because they are being told no. **CM Minner** pointed out the options are that they can modify, not modify, or blend them and the commission needs to provide a clear direction. **Commissioner Berry** commented that they were only talking about three lots being requested, but what about the other ten lots in general?

CM Minner responded that this body has to deal with the two requests by the Leesburg CDC. If they give these two lots to the Leesburg CDC, they would only be eligible for one more lot in the next three years. So, if they gave the CDC those lots this evening, they would only be able to get one more lot within the next three years. However, they may get another lot during the city commission meeting following this meeting. If they did receive that lot, then they would not be eligible for another lot for three years. **Commissioner Berry** said she was not taking away anything that already existed. She was trying to amend the policy moving forward for future lots as the titles became clear. We cannot continue how we are doing it now because people do not know about it. **Commissioner Pederson** remarked that he has been very vocal about getting these lots off our books because they are costing the city money. We

have to clean and mow the lots, and we are not getting any tax revenue. We have not donated or sold any lots since January 2023. We have to get these lots moving. He respects all the comments about the policy and advertising, but that is about the only thing he would support. We should have always done that, but he would not sit there and say whether it should be placed on the city website or wherever else. He supports getting the word out because maybe it would generate more interest, but he was not convinced that would work even though he hoped it would. However, the rest of it is a little burdensome, and it could run some people off, and we will end up sitting on these lots longer. The whole idea here is to get the lots moving. These lots are located in the Carver Heights area, and it would greatly benefit the CRA to get these moved and have homes built on them. He wanted to get this going, and he was okay with the additional advertising. The other processes would limit nonprofit groups and damage the process.

Commissioner Berry said she would like to use the lottery process. **Chairperson Burry** said he was trying to understand the lottery process. If we have more than one person wanting a particular lot, then he could see a lottery process or a sealed bid or something. However, he did not understand the lottery process. If he were a non-profit organization who wanted to build a house, he would want to see what lot he could. He would come to commission with a plan to get the lot. However, the lottery would not allow him to have that plan because he would not know which lot he was getting. **Commissioner Berry** said they could do the drawing first. The people would get a number, and they would have to come to the CRA meeting to do the drawing. The CRA board would determine and ask the questions because it is important to know what is coming in the area. When we give lots away, we have no control over what they build. **Commissioner Pederson** said, for clarification, with the current process, we donate a lot, and they have one year or eighteen months to break ground, or they have to give the lot back. **CM Minner** said they have to start construction within twenty-four months and the CO needs to be within thirty-six months pursuant to the new policy. **Commissioner Pederson** inquired if that was included in the old policy. **CM Minner** replied there was no policy on that. We would donate the lot and they would build a house. At this point, Commissioner Berry needs to make a motion about how she wants to direct staff to amend the policy, because otherwise, we will just continue to talk about the nuances of this policy. If the majority of the body thinks we need to amend the policy, that would be an appropriate motion. Having said that, if they want a true lottery-type policy on lots, then we need to describe that process. If they want to state a certain month that the city has to put out an advertisement that says we are going to have a lottery on certain lots, then this body and/or the city commission needs to clarify which lots to get rid of. We could have Carver Heights CRA lots one through seven in the hopper, and we could include city lots in the hopper. We could then invite the public to a meeting on a certain date to spin the wheel. That is an example of a lottery process, and we need to describe that lottery process. If the commission favors the lottery process, that is how it needs to be set up. There could be different levels where it is first come, first served. Then, if we have a competing demand, then we could play a lottery. We can write the process that way too. **Commissioner Pederson** said they are acting like there is a line going out the door for these lots. **Commissioner Berry** said they did not know that. **Commissioner Pederson** pointed out that there was no line going out the door for these lots because we are sitting on thirty-something lots. **Commissioner Berry** stated they did not have clear titles for all the lots at this point, so we are not able to do anything and that could be the reason why we have so many lots sitting. **Commissioner Pederson** said all they are doing is spinning circles on this. **CM Minner** encouraged the commissioner to make a motion. **Commissioner Connell** wanted to verify that if an organization had already received three lots, they would not be able to come back for three years. **CM Minner** agreed. **Commissioner Pederson** agreed and said the new policy says if they get three lots they have to wait three years. **CM Minner** continued to say if they gave the lots to the CDC tonight, then those lots would not be in the lottery, and the CDC would now have two lots, so they would only be eligible to get one more. **Commissioner Berry** said that was the request. **CM Minner** commented that they are requesting three lots, but two of the lots are in the CRA and the other one will go before the city commission. **Commissioner Berry** mentioned that all she was saying was that moving forward the process was not clear. **Commissioner Conner** asked about the two lots in the Carver Heights CRA. Why didn't the West

Leesburg CDC have an opportunity to grab those lots? **CM Minner** pointed out that that was Commissioner Berry's concern. She did not think each organization had an opportunity or fair notice of the lots.

Commissioner Pederson pointed out that John Christian said they communicate with each other, so all these groups knew about the lots. **Commissioner Conner** disagreed. If these lots are in this CRA, and the West Leesburg CDC was there, why did they not have an opportunity to say they wanted the lot at 706 Beecher Street? That is where communication dropped the ball. **Chairperson Burry** stated he was not sure, but the West Leesburg CDC had just recently decided to start building with their money. **CM Minner** said he could not answer why the West Leesburg CDC did not know about the lots. However, the West Leesburg CDC was not funded the same way as the Leesburg CDC. Plus, the West Leesburg CDC may not be able to move forward with this due to organizational reasons, but the West Leesburg CDC has made strides in the past year or so as far as different investments once they received the \$750,000 in funding from the city. However, from the overall city perspective, and the most important thing is that, since the decree, the city has been extremely active in investing in the minority community, whether that be through the Leesburg CDC or the West Lesburg CDC. We have invested \$750,000 of American Recovery Act money into both organizations. We purchased the pool from the CDC and made an investment in the Pine Street district. We built the gym and a Teen Center. We also built the Resource Center along with under-grounding the utilities in Carver Heights. As a representative of the city, the city has done a good job since we were told we needed to invest. Frankly, this argument has become extremely semantical about whether it is east or west. It should be about all of Leesburg, it is about all of our minority community and this body has done an excellent job of investing in that. In all honesty, this is a frustrating process for him as the manager, and he can only imagine how frustrating it is for them. Everybody wants to do a good job and there are ways to keep the ball rolling while we straighten out the semantical issues. So, why did the West Leesburg CDC not request lots? He does not know.

Fred Griffin Jr., President of the West Leesburg CDC, said they were never offered an opportunity, whether funding was there or not. They were never given the opportunity. If they go back and look at the inventory, they have zero from West Leesburg CDC that ever got any lots from the city. He wanted to make sure it was clear for the record whether they had funding or not. They were never given the opportunity. Moving forward, they will be given the opportunity. When the process first came out, he sent four different requests, because he wanted to make sure it was a public record since he saw where it was going. He sent four different requests, and three were kicked back, so he was basically left with crumbs. When saying that, he was referring to the West Leesburg CDC. For the record, he is at the office every single day. He works nine to five and gets paid zero. Moving forward together, they can continue to do what is best for the community. He has listened to their concerns, and he is advocating to the best of his ability, but he is getting aggravated.

Commissioner Berry made a motion to adopt the surplus lots to be allocated via the lottery system with the understanding that the lots presently requested from the six organizations are all dispersed via a lottery system. Moving forward, we will use the lottery system as a way of determining who gets what. The second part of the motion is for the next round and all subsequent allocations, that they be done via lottery with the understanding that the current policies and procedures will be modified to include the lot allocation and establish the allocation as outlined in the proposal that was submitted. The advertising must be done beforehand, and there will be no first come, first served. This will provide an equal opportunity for everybody. It will not just be for the East and West Leesburg CDC. It would be for anyone who has a non-profit who is willing to come in and provide whatever, because it does not have to be a home, it could be something else. However, it would be for the first time, homeowners.

Commissioner Connell seconded the motion.

Chairperson Burry asked if there was any other discussion. **Commissioner Reisman** stated he was a little confused about the motion. Could she explain the first part again? **Commissioner Berry** answered that

the first part of the motion was that they adopt the surplus lots to be allocated via a lottery system. **Commissioner Reisman** wanted to confirm that it was for the current lots in inventory and that she wanted them to all be disbursed through a lottery. **Commissioner Berry** said no. The current lots that we have in inventory, the ten lots she would like to use the lottery system, but because the requests had been made per the letter that they have here for the three, she would move forward with those. **Commissioner Reisman** wanted to know if she was marrying the two policies and then approving the two properties on Beecher. **Commissioner Berry** said yes. **Commissioner Reisman** confirmed that she wanted to marry the two policies and then approve the two properties on Beecher. The married policy would be the existing policy and what she was proposing. **Commissioner Berry** said yes. **CM Minner** asked for clarity. Did she want to do option "c"? Did she want the city to move forward with modifying the policy, and did she want to go ahead and donate the two lots on Beecher Street that were being requested by the Leesburg CDC? **Commissioner Berry** said it sounded like they did not have a choice based on what was said about the warranty deed. Do the motions need to be separate? **CM Minner** agreed she should separate the motions. **Commissioner Berry** wanted to know if she needed to repeat it again. **CM Minner** answered yes. **Commissioner Connell** withdrew his second to the motion. **CM Minner** said that Commissioner Berry needed to withdraw her motion and to break it up. **Commissioner Berry** withdrew her motion.

Commissioner Berry made a motion to adopt the surplus lots that have been submitted for this particular letter by the Leesburg CDC, with the understanding that the lots presently requested by the five organizations will be dispersed via a lottery system.

Chairperson Burry wanted to verify that this excluded the two lots on Beecher Street. **Commissioner Berry** said yes. **Chairperson Burry** confirmed that this covers everything moving forward outside the two on Beecher Street. **CM Minner** wanted to know how many requests were on file. **Chairperson Burry** said one. **CM Minner** said that was the problem with the motion. **Commissioner Berry** responded, no, it was not. **CM Minner** continued to say that the other organizations that had requested lots there are dealing with them the same. **Commissioner Berry** stated that was what they had here. There were nine lots provided. **CM Minner** said no and asked for the list she was referring to. **Commissioner Berry** questioned if she had the request list. **CM Minner** said there was another list with yellow highlights. That was the list. It is a public record, and it has been handed out. That was the list they put together after their discussion on November 12th. It is a public record and anyone can get it. That list covers all the lots. It was divided up and shows what lots the city has and what lots the Carver Heights CRA has. The ones tagged in yellow are ones that have been through a vetting process that have clear titles. The CRA or the city can deal with the yellow-highlighted lots in some fashion. The formal request that we are dealing with tonight is from the Leesburg CDC. They requested two lots on Beecher Street (alt numbers 167447 and 167455). These are the two that this body is currently dealing with. The way he would word the motion is to instruct staff to modify the lot donation policy to address a lottery and a more fair system of public information along with a more fair system to notify the public about how lots may be donated. That would then trigger him and the housing director to modify the policy. They will write something up and bring it back to this body. They will deal with the lot donation policy to modify it. That would be step one. He recommended moving to the next item to consider the donation of two lots to the Leesburg CDC. All the while, the Leesburg CDC knows that when they get that warranty deed they have to follow the current policy or, as may be amended, which puts them on the clock. They can only get one more lot within the next three years. They will get their lots, they go off to construction land, and we go back to the drafting board. While on the drafting board, he would work together with the city attorney so that all the lots get yellow tagged. Once the lots all have yellow tags, they will move into further requests and advertise the properties. Once the requests are received, they will determine if there are conflicts. If there are conflicts, they can use a lottery system. That was not in order, but part one of the motion as amended would get the donation policy modification moving. He asked if

that was where she wanted to head. **Commissioner Berry** said no. **CM Minner** remarked that was how he understood the two motions put forward. The motion on the floor that she may want to put is to instruct staff to modify the donation policy. **Commissioner Reisman** said this motion cannot apply to the Beecher Street properties because there was a resolution item later on the agenda. **CM Minner** agreed. **Commissioner Berry** withdrew her motion.

Commissioner Berry made a motion to modify the donation process to a lottery system as discussed this evening and **Commissioner Connell** seconded the motion.

Chairperson Burry asked if there was any further discussion. There was none.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Conner	Yes
Commissioner Alderman	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	No
Chairperson Burry	Yes

Six yeas, one nay, the Commission approved the motion.

4. RESOLUTIONS:

- A. **Resolution of the Carver Heights / Montclair Area Community Redevelopment Agency of the City of Leesburg, Florida, approving donation of surplus lots identified as Parcel ID numbers 22-19-24-1000-00D-01500 AND 22-19-24-1000-00D-01400 on Beecher Street in Leesburg, Florida, to the Community Development Corporation of Leesburg, Inc; authorizing the Mayor and City Clerk to execute a Special Warranty Deed conveying the lots; and providing an effective date.**

ADOPTED RESOLUTION 112

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

Commissioner Reisman made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Chairperson Burry requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Conner	No
Commissioner Alderman	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Chairperson Burry	Yes

Six yeas, one nay, the Commission adopted the resolution.

5. ROLL CALL:

Commissioner Pederson had no comment.

Commissioner Berry had no further comment.

Commissioner Conner had no comment.

Commissioner Alderman agreed that the notification process needed to be expanded. With the former Dabney pool property, he would rather see that used as a public facility because it would better serve the community. Part of the CRA is to make things better for the community and, yes, building houses does that, but a public facility right here to host meetings and educational classes would be a great asset for the area.

Commissioner Connell had no comment this evening.

Commissioner Reisman had no further comment tonight.

Chairperson Burry had nothing to comment on.

6. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.

With a motion by Commissioner Reisman and a second by Commissioner Pederson, the meeting adjourned at 6:09 p.m.