



# City Commission Regular Meeting Minutes

April 13, 2020 at 3:30 p.m.

City Hall, Commission Chambers  
401 S. Park Avenue | Winter Park, Florida

## Present

Mayor Steve Leary  
Commissioner Marty Sullivan  
Commissioner Sheila DeCiccio  
Commissioner Carolyn Cooper  
Commissioner Todd Weaver

City Manager Randy Knight  
City Attorney Kurt Ardaman  
City Clerk Rene Cranis

## 1. Meeting called to order

The meeting was conducted via GoToWebinar.

Mayor Leary called the regular meeting of the City Commission to order at 3:30 p.m.

## 2. Invocation and Pledge of Allegiance

City Manager Randy Knight provided the invocation followed by the Pledge of Allegiance.

## 3. Election of Vice-Mayor

Motion made by Commissioner Weaver to appoint Commissioner Cooper as Vice-Mayor; seconded by Commissioner Sullivan. Motion carried unanimously.

## 4. Approval of Agenda

Motion made by Commissioner Sullivan to approve the agenda; seconded by Commissioner DeCiccio and carried unanimously.

## 5. Mayor's Report

Commissioner Weaver spoke on the need for food sources during the COVID-19 health crisis. Since the Commission's previous discussion on allowing backyard chickens, the cities of Maitland and Orlando have allowed hens in residential areas with no complaints or code violations. He stated that he would like to limit the number of hens to four and asked to move this forward and have staff prepare ordinance.

Commissioner DeCiccio questioned whether approval of contiguous neighbors would be required and whether the hens would attract coyotes. Commissioner Weaver stated that coops need to be secured.

Commissioner Cooper recalled that this was a very controversial issue when previously discussed and said she would support only a pilot program and extensive community input and neighbor consent.

Commissioner Sullivan said that he feels requiring neighbor approval impacts a person's property rights.

Consensus was to place on a future agenda and base the discussion on Orlando's ordinance.

## 6. City Manager's Report

- a. Capital Project Update
- b. City Manager's Report
  - COVID-19 Update

Mr. Knight provided an update on Orlando Mayor Demings report on COVID-19 who stated that Orange County is near the peak with a slow-down in new daily cases and hospitals are able to meet the need. Mayor Demings reported that he has spoken with leaders of larger corporations regarding reopening the economy.

Mr. Knight commented on the proposed microloan program stating that area banks do not have capacity to process additional loans.

Betsy Gardner Eckbert, President and CEO of Winter Park Chamber of Commerce, stated that bank capacity to process loans is not likely to become available. She stated that it is more important to implement measures that address the need for the most vulnerable businesses who may not qualify for other funding. She responded to questions stating that although the business survey they conducted is only two weeks old, the data changes often. She expressed concern about the loss of business as it impacts employees and their families. She said she is pleased to provide support jointly with the city and is grateful for the city staff's concern and support.

- Purchase of properties on Fairbanks Avenue and Denning Drive for right-of-way

Mr. Knight stated that appraisals have been received and submitted to the owners of the two properties that are part of the sinkhole and have requested the owner's interest in selling the properties. Staff has reached out to the owner of the dry cleaner but did not receive a favorable response. Staff has requested its real estate broker to reach out to the eight property owners along Fairbanks Avenue and act on the city's behalf to acquire right-of-way. He responded to questions stating the two sinkhole properties are under water and appraised at less than \$25,000. The combined estimate of the eight properties is around \$8 million. He said the combined assessed value of the ten properties is approximately \$4.5 Million according to the Orange County Property Appraiser.

- CIP projects

Commissioner Cooper asked for clarification of projects that were on hold versus pending. Mr. Knight stated that items on hold are those that have been stopped during the health crisis. Pending items are delayed due to issues other than the health crisis. He explained that it is staff's intent to complete started projects and will start new projects depending on revenues.

- Purchase of Post Office property

Commissioner Cooper asked that the purchase of the Post Office be on the on next agenda to discuss the city's next steps in order to keep process moving forward. Consensus was to place on the next agenda to act on the Letter of Intent.

Mr. Knight advised that if the city signs the Letter of Intent it would immediately commit the city to \$75,000 in expenditures, a \$25,000 non-refundable deposit and \$50,000 cost deposit.

Mayor Leary said he is reluctant to spend \$75,000 at this time until more is known on construction costs and setup costs of a new post office and asked for a timeline and accounting of future outlay. Mr. Knight stated that \$75,000 has been budgeted and he will provide the estimated time line and financial output.

Commissioner Cooper asked for dates and links to action already taken by CRA and City since 2010.

## 7. City Attorney's Report

Attorney Ardaman addressed the matter of banning leaf blowers stating that it can be done, but must be done reasonably. In response to concerns previously raised, he added that infectious diseases can be spread by leaf blowers but nothing with respect to COVID-19.

Mr. Ardaman commented on the issue of banning handbills/materials dropped in driveways or yards. He stated that prohibiting unsolicited distribution of handbills has been held to be unconstitutional until a recipient has provided notice to distributor to stop delivery. An ordinance could be drafted and narrowly tailored to permit distribution provided the materials are secured and in areas where no solicitation or no trespassing signs are posted.

Mr. Ardaman reviewed the Petition for a Formal Administrative Hearing brought by several residents/business owners against the city challenging the Orange Avenue Overlay Comp Plan amendment. He asked the Commission for direction on whether to request the petitioners to abate, or put on hold, their petition to allow the city to move forward with the actions it may see fit with respect to the Overlay.

Commissioner Cooper asked for the process and options. Mr. Ardaman stated that if the petitioners do not enter into abatement, the administrative hearing process moves fairly quickly with the petitioners likely filing an amended petition and moving through the discovery process. He advised that he received communications from Holler and Demetree attorneys stating their desire to intervene in that proceeding. Additional parties intervening would complicate the proceeding. He advised that Florida Statute provides that effective date of ordinance adopting the OAO would be placed on hold during this process and would not become effective until the administrative challenge has been resolved. This is further complicated by the pending ordinance to rescind the OAO.

Mr. Ardaman responded to questions stating that if the ordinance that rescinds the OAO is adopted, challenged and ultimately overturned and there is no pending administrative hearing then the OAO would become effective. He added that he will call a shade meeting of the Commission only if there is no abatement. If there is an abatement, then everything stops and waits for a period of time. If there is no abatement, then there will be case filings, discovery orders and hearings. Discussion followed on potential actions and responses.

Mayor Leary addressed the matter of delivery of handbills in plastic bags and recalled previous discussion to prohibit distribution and challenges from local media. Mr. Knight advised that the city adopted an ordinance that states a resident can contact the company and request delivery be stopped.

Mayor Leary said that he does not see a need to take action on leaf blowers as it is an undue burden on users to purchase different blowers that create less noise.

Commissioner Weaver stated his intent is not to ban all leaf blowers but to ban contractor's use of gas-powered blowers due to noise. Mayor Leary questioned the city's authority to require use of gas-powered equipment. Mr. Ardaman advised that the city must have a rational basis to ban both/either electric and gas-powered equipment.

Commissioner Weaver expressed his concern with the spread of bacteria by leaf blowers and would like for contractors to transition to electric blowers.

Commissioner Cooper said she has received noise complaints but feels this will be an added expense for small businesses during the health crisis and economic shutdown. She asked that the sustainability board provide the pros and cons and the economic impact and bring back after health crisis. Commissioner Weaver agreed.

Discussion followed on the level and duration of noise and obtaining professional landscaping contractor input. Consensus was to delay until boards are reconvening after the health crisis and new board members are appointed.

## 8. Non-Action Items

## 9. Citizen Comments

Assistant City Manager Michelle Neuner advised that no citizen comments were received via the website unrelated to agenda items.

## 10. Consent Agenda

- a. Cancel City Commission meeting on Memorial Day, May 25, 2020.
- b. Approve the minutes of March 9, 2020
- c. Approve the minutes of March 30, 2020 (**Pulled by Commissioner Cooper**)
- d. Approve the following piggyback agreements:
  1. Stuart C. Irby Co.: Orlando Utilities Commission contract #4670 OQ - Padmount Switchgears; Not to exceed \$250,000.
  2. Rainbow Distributors; Transportation Control Systems: Florida Department of Transportation contract #DOT-ITB-20-9034-GH - FDOT APL Traffic Equipment; Not to exceed \$75,000 per year per vendor.
  3. Rainbow Distributors: Seminole County contract #IFB-603660-19/BJC - Purchase of Signal Cable Wires and Hardware; Not to exceed \$75,000 per year.
  4. SiteSecure: Extension of Osceola County contract #RFP-16-4469-TP - Video Surveillance and Access Control Repair, Maintenance, Upgrades and New Installation; Not to exceed \$300,000.
  5. (After-the-Fact) Florida Catastrophe Corp.: Piggyback of Osceola County contract #RFP-1-9-10971-VJ - Indoor Air Quality Remediation Services; Not to exceed \$75,000 per year.
- e. Approve the following purchases:
  1. Service Electric Co.: Fairbanks Transmission & Distribution Wreck-Out Project; \$808,481.16.

2. Sanders Co.: Installation of replacement lift station on Ranger Blvd; \$91,883.
- f. Approve the following contract items:
  1. GAI Consultants; Redevelopment Management Associates: Amendment to renew RFP-3-2018 - General Planning Services; To be utilized on an as-needed basis.
  2. (After-the-Fact) Brance Diversified: Increase allowable spend under IFB-7-2018 - Dredging Services for the clearing of the Mayflower canals; Not to exceed \$175,000.
  3. (After-the-Fact) ICMA-RC: Administrative services agreement for the management of city employees' retirement plan; No fiscal impact to be incurred by the city.

Commissioner Cooper pulled item 10c.

**Motion made by Commissioner Cooper to approve the Consent Agenda except 10c; seconded by Commissioner DeCiccio.**

There were no public comments.

**Motion made Commissioner Cooper to amend her comments on Page 6 of the minutes of March 30<sup>th</sup>, adding “that our charter is more restrictive than state statute”; seconded by Commissioner Weaver. Motion carried 4-1 vote. Mayor Leary no.**

**Motion to approve the Consent Agenda as amended carried unanimously with a 5-0 vote.**

## **11. Action Items Requiring Discussion**

## **12. Public Hearings**

- a. RESOLUTION NO. 2230-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING THE TERMS OF SUBSIDIARY BOARD MEMBERS WHOSE TERMS OF OFFICE EXPIRE IN MAY 2020; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title.

Mayor Leary clarified that this resolution does not revise the board appointment process but extends the terms of current board members to allow time for adoption of the ordinance establishing new board appointment procedures.

Commissioner Cooper said she feels that staff can develop the process and the ordinance can be adopted quickly without the need to extend current board member terms to July 31<sup>st</sup>. She suggested changing the board member term end date to May 31, 2020 and removing the whereas paragraphs relating to COVID-19 crisis.

In response to questions by Mayor Leary, Mr. Knight stated that staff prepared the resolution keeping in mind the time needed to adopt an ordinance, notify board members, open the application process, receive and distribute applications to the commission for review and to contact applicants and make decisions on appointments. The challenge will be if members of the commission select the same applicant for appointment. He stated that the procedures have been developed by staff and the ordinance will be ready for first reading on April 27<sup>th</sup>.

Commissioner Cooper reviewed her proposed changes establishing an expiration date of all terms of all boards and stated that she feels reference to affected city charter sections and code should be broad, not subsection specific, so it is inclusive of all boards.

Discussion followed on manner of appointment term expiration. Mr. Knight stated staff's proposal is that board member terms coincide with the commission member that appointed them.

Motion made by Mayor Leary to adopt the resolution; seconded by Commissioner Sullivan.

Motion made by Commissioner Cooper; seconded by Commissioner Weaver to amend the resolution as noted in the attachment as follows:

- Delete the six Whereas paragraphs relating to COVID-19 pandemic
- Revise title to read: A resolution of the City Commission of the City of Winter Park, Florida, establishing new expiration dates for the terms of all subsidiary board members to facilitate implementation of Charter Amendment No. 7, passed march 17, 2020; providing for severability and an effective date.
- Add/amend the Whereas paragraphs as follows:
  - WHEREAS, as a result of that referendum, 60.06% of Winter Park electors opted to adopt proposed Charter Amendment No. 7, which sets the size of all city boards at 7 members, removes the Mayor's ~~one~~ sole authority to adopt appoint board members, and reassigns such authority so that the Mayor has the authority to ~~adopt~~ appoint 3 board members on each such board with one appointment each to be made by the remaining 4 City Commission members; and;
  - WHEREAS, the Commission has scheduled public hearings on April 27, 2020 and May 11, 2020 to adopt said ordinance implementing such section; and
  - WHEREAS, as currently defined the term of office for the City's appointed subsidiary board members is three years; and several subsidiary board member terms are set to expire in May of this year; to allow time to implement Charter Amendment 7 terms for these board members are hereby extended through May 31, 2020 and
  - ~~WHEREAS, several subsidiary board member terms are set to expire in May of this year; and~~
  - WHEREAS, as currently defined the term of office for the City's appointed subsidiary board members is three years; in order to facilitate a prompt and smooth implementation of Charter Amendment 7, May 31, 2020 is hereby established as the new expiration date for the terms for all subsidiary board members. Existing board members whose terms expire after May 2020 are hereby encouraged to submit applications for boards for which they have relevant experience, interest and qualifications; and
  - WHEREAS, it is the intent of the City Commission for Winter Park, Florida, to allow the current sitting City Commissioners to be able to exercise their authority under newly adopted § 2. 19(a) of the City Charter (part of Charter Amendment No. 7) concerning board appointments ~~made in 2020~~; and
  - WHEREAS, the purpose of this Resolution is to ~~extend~~ establish May 31, 2020 as the new expiration date for the terms of office for all members of subsidiary boards (those boards identified in § 2-47, Winter Park City Code) whose terms will expire in May of this year until July 31, 2020, to afford the City Commission additional time to consider and adopt an ordinance implementing recently adopted § 2.19 of the City's Charter; and

- ~~○ WHEREAS, this Resolution does not affect the terms of office for any subsidiary board members whose terms do not expire in May 2020; and~~
- ~~○ WHEREAS, this Resolution is authorized by Executive Orders No. 20-52; § 252.38, Florida Statutes; the City's home rule authority; and any other applicable provisions of law.~~
- **Revise Section 2: Establishing New Expiration Date for Extension of Terms of Office for All Subsidiary Board Members. For the reasons set forth herein, the City Commission hereby establishes May 31, 2020 as the expiration date of ~~extends~~ the terms of office for all subsidiary board. ~~whose terms would ordinarily expire in May of this year through and until July 31, 2020.~~ Thus, the Mayor will not make board appointments in May of this year. Such expiration date may be extended by majority vote of the commission as deemed necessary.**

After discussion on the board member term end dates, Commissioners Cooper and Weaver accepted an amendment to change the term end date to June 22, 2020.

Jim Fitch, 1820 Via Genoa, opposed this resolution and urged the Commission to move forward with implementing the change approved by the voters.

Michael Perleman, 1010 Greentree Drive, disagreed with staff's proposal to have board member's terms coincide with commission terms as some members would be appointed for one or two years.

Upon a roll call vote on the amendment, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the resolution as amended, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

## **9. Citizen Comments - Items not on the agenda**

Samantha Goodowens, 1722 N. Park Avenue, spoke in favor of allowing 4-6 hens with appropriate restrictions.

Jason Goodowens, 1772 N. Park Avenue, thanked the commission for considering allowing chickens.

Frank Hamner, 407 Balmoral Road, spoke in opposition to allowing chickens.

Kimberly Murphy, 1835 Bryan Avenue, expressed support for allowing hens but opposed requiring neighbor consent.

Sarah Sleeth, 317 Valera Court, spoke in support of using CRA funds for small business grants.

Danielle Whitehall, 433 Whitehall Avenue, spoke in support of allowing chickens.

Kristopher Haddock-Murphy, 1770 Goodrich Avenue, spoke in favor of allowing chickens.

Julie von Weller, Williams Drive, spoke in support of providing assistance to small businesses and the use of CRA funds for small grants.

Mayor Leary declared a recess 5:31 and reconvened the meeting at 5:45 p.m.



b. Request of William Keegan for:

Subdivision approval to split the properties at 1760 and 1780 Bryan Avenue into three single-family lots, zoned R-1A. Variances are requested from the R-1A lot dimension standards. **Applicant requested that this item be tabled until the Commission physically convenes when allowed under COVID-19 health crisis orders.**

c. Ordinance repealing adoption of Orange Avenue Overlay

**ORDINANCE 3172-20** - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING ORDINANCE 3166-20 AND ORDINANCE 3167-20, WHICH RESPECTIVELY AMENDED THE COMPREHENSIVE PLAN AND ZONING CODE TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT AND GOVERNING POLICIES AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.  
**SECOND READING**

Attorney Ardaman read the ordinance by title.

Mayor Leary read a from a prepared statement that he feels this process is in poor board behavior and given established procedures this matter should not be before the Commission. He cited Commission protocol which allows for a member on the winning side of a vote to recall an issue and makes no allowance for new Commission members, which has been confirmed by the city attorney. If the protocol is not agreeable then the appropriate action would be for the procedures to be rewritten and presented to the commission for consideration. He feels it is improper for commissioners to work with the public to attempt to stall the project at the state level and to work with bloggers and others in an attempt to preempt the Commission on Ethics decision on his ability to vote on this matter. He cited other actions which he feels were improper and an attempt to undermine the process. He said he feels the Commission's action opens the city to legal action and has sunshine implications. Although the majority votes are in favor of overturning the OAO, it should be done following established protocol. He spoke in support of the OAO, the process and the committee. He ruled that this item is out of order given existing city commission rules and policies that govern commission procedures as it was not brought up by someone on the prevailing side of the original vote to approve the OAO.

Commissioner Sullivan said that throughout his campaign he stated his position on the OAO. His vote reflects his position on the OAO and what he feels the citizens want to happen.

Commissioner DeCiccio thanked everyone for hard work on the OAO. She addressed comments received in the last meeting stating the city has not ignored COVID-19, the tax base is driven by residential not commercial and that many businesses along Orange Avenue were developed before the Overlay and in the scale of Winter Park, which is what she is working to maintain on the Progress Point property. She commented on a video that was posted prior to her first commission meeting, although she did not see it until after the meeting. She feels the video was designed to bully her into withdrawing her motion to rescind the OAO. She stated her position has always been clear as she voted against the OAO as a committee member and spoke against it at the Planning and Zoning Board and Commission meetings prior to the election. She said her intent is make Progress Point a jewel and to work with residents and developers to make the Overlay a reality.



Commissioner Cooper expressed her disappointment in the video.

**Motion made by Commissioner Cooper to overturn ruling of the chair and move forward to consider the repeal of the OAO; seconded by Commissioner Sullivan.**

Mayor Leary asked for confirmation that a member of the commission by majority vote has the right to overturn what has been protocol and operation of the commission. Mr. Ardaman confirmed that the commission sets its own rules and policies so they have the authority to overturn it. He advised that the policy states no item can be brought back up for reconsideration by a commission member that was on the minority side of the vote until six months have passed since that action was taken; however, a commission member on the majority side of the vote can request reconsideration at any time following established procedures. In the case of new commissioners that did not vote on the item, there is nothing in the policy that addresses the authority of new commissioners to request reconsideration of an item taken by the member of the commission whom they replaced.

Commissioner Cooper explained that Resolution 2129-13 established rules of conduct and when it was adopted it repealed all prior rules and that it does not include the requirement that no item may be brought up for consideration by a commissioner that was on the minority side of the vote. Mr. Ardaman stated the Commission sets its rules and those rules can be changed by the commission. Based on commission prior actions, the rule has been treated where a member of the commission on the prevailing side can bring an item back up but one on the minority side cannot. Since the commission sets the rules it can change the policy to state that a new commissioner would take the same position as their predecessor.

Commissioner Cooper said she would support Commissioners DeCiccio and Sullivan assuming the vote of prior Commissioners, which in the case of the OAO was the prevailing vote.

Mayor Leary stated that Mr. Ardaman has opined that unless it expressly called out then that opportunity to reconsider an action does not exist. He stated that he feels that this matter was placed on an agenda by Commissioner DeCiccio before she was sworn in and also that it should have come back as a discussion item, not directly as an ordinance, which has been past practice of the commission. He restated his position that protocol and process was ignored.

Commissioner DeCiccio stated that the process was initiated due to the deadlines imposed by State Statute to act to repeal the OAO ordinance.

Commissioner Weaver stated that he attended a majority of the Overlay Committee commented the OAO process stating the process did not allow for sufficient public comment during the meetings and traffic concerns were addressed. He feels that some were unprepared to make decisions on the motions and that some involved in the decision-making process should have filed a conflict of interest due to ownership of properties within the OAO.

Mayor Leary said he feels he has been transparent on his ownership of property within the OAO which is less than a one percent.

**Upon a roll call vote on the motion to overturn the ruling that this item is out of order, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.**

**Motion made by Commissioner Weaver to adopt the ordinance to repeal the OAO on second reading; seconded by Commissioner Sullivan. (Motion withdrawn after public comments)**

The following spoke in favor of repeal

- Carey Bond, 1551 Grove Terrace
- CJ Williams 757 Antonette Avenue
- Rachel Andre, 1131 Oxford Road
- Yvonne Rausch, dentist, 1355 Orange Avenue, Suite 7
- Shelley Rife, 724 Via Bella
- Barbara Anderson, 1016 Tuscany Place
- Nancy Freeman, 1055 Tuscany Place
- Winnie Leung, Owner, Black Bean Deli, 1346 Orange Avenue
- Kim Allen, 1800 W. Fawsett Road
- Laurie Davis, 2171 Turkey Run
- Sally Miller, 222 Alexander Place

The following spoke in opposition to ordinance and repeal:

- Patrick Brazil, 2005 Lake Baldwin Lane, Orlando
- Jeffrey Blydenburgh, 204 Genius Drive
- Mickey Grindstaff, resident and attorney representing Demetree Global and all its affiliates
- Michelle Heatherly, resident and Director of Strategic Development for Demetree Global
- Kyle Sleeth, Floyd's Barbershop, 317 Valera Avenue
- Julie von Weller, Williams Avenue
- Heather Lewis, 1351 Oneco Avenue
- Hollie Finley, 1581 Grove Terrace
- Bradd Burkhardt, 1600 Legion Drive
- Suzanne Burkhardt, 1600 Legion Drive
- Frank Hamner, 405 Balmoral Road
- Genean McKinnon, 701 Via Bella
- Betsy Gardner Eckbert, Winter Park Chamber of Commerce
- Lawrence Lyman, 1731 Diana Drive

Motion to approve the ordinance on second reading was withdrawn by Commissioner Weaver as the maker and Commissioner Sullivan as the second.

**Motion made by Commissioner DeCiccio to adopt the ordinance to repeal the OAO on second reading; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.**

d. Ordinance vacating a portion of Kindel Avenue

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF THE RIGHT OF WAY OF KINDEL AVENUE, TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE

COUNTY, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS,  
RECORDING AND AN EFFECTIVE DATE. **FIRST READING.**

Ardaman read ordinance by title.

Applicant Dan Bellows was available by phone.

Public Works Director Troy Attaway reviewed the request from Dan Bellows, Ravaudage developer, to abandon a portion of Kindel Avenue between Benjamin and 17-92. He stated that this road will be rebuilt in the same manner as other roads in Ravaudage and with drainage and on-street parking. All utilities will be relocated or an easement will be granted for utilities not relocated. He responded to questions stating that the developer will bear the cost to maintain the abandoned portion and for relocation of utilities.

In response to questions by Commissioner Weaver, Director of Planning and Transportation confirmed that Mr. Bellows owns the property at 1231 Kindel Avenue.

Commissioner Cooper asked if the vacated portion will be available for parking and if it meets city code.

Mr. Bellows confirmed that he owns the property. He explained that other blocks of Kindel have already been vacated and this section is one of the of original sections without stormwater or sidewalks. His proposal is to develop the same as other streets in Ravaudage. He reviewed current parking and the parking plan of the area which will result in more parking than currently exists.

**Motion to sell the right-of-way to the developer at cost of \$1.9 million/acre or \$117,120 for the .06 acres made by Commissioner Sullivan. Motion failed for lack of second.**

Mr. Attaway stated that the city cannot sell right-of-way but can only vacate or abandon.

Mr. Ardaman stated there are some criteria for vacation and abandonment and suggested that if there is support to sell the right-of-way, no action be taken to allow for discussion with the developer.

**Motion made by Commissioner Weaver to table to allow staff to review Commissioner Sullivan's request; seconded by Commissioner Cooper.**

Mr. Bellows thanked the city for considering this request and stated that he has been allowing the city use three acres as laydown yard for the Fairbanks construction project at no cost when he charges other contractor \$4,000 per acre for laydown yard. He pointed out that he will be paying taxes on the abandoned portion and spending money to improve a city road. He responded to questions stating that the current building is occupied by his contractor developing the Marriott Hotel but will be demolishing the building after completion of that project.

Discussion followed on the city's ability to sell right-of-way. Mr. Ardaman suggested he meet with Commissioner Sullivan to discuss the criteria for vacating and abandoning right-of-way.

**Upon a roll call vote on the motion to table, Commissioners Sullivan and Weaver voted yes and Mayor Leary and Commissioners DeCiccio and Cooper voted no. Motion failed with a 2-3 vote.**

**Motion made by Mayor Leary to approve the ordinance on first reading; seconded by Commissioner DeCiccio.**

There were no public comments.

**Upon a roll call vote on the motion to approve the ordinance on first reading, Mayor Leary and Commissioners DeCiccio and Cooper voted yes and Commissioner Sullivan and Weaver voted no. Motion carried with a 3-2 vote.**

## **12. City Commission Reports:**

### Commissioner Sullivan

- Stated on a recent boating trip on the St. John's River he found many violations of social distancing and stated what he saw confirms that the city made the correct decision to close public boat ramps in the city.

### Commissioner DeCiccio

- Stated that with the repeal of the OAO, she would like to move forward on Progress Point plans and begin work on Overlay.

Consensus was to schedule a work session next week to discuss the OAO and Progress Point.

Mr. Ardaman asked for direction on the administrative petition. He stated that abatement would not compromise the city's position. Approved by consensus to authorization moving forward with request abatement with the petitioners.

### Commissioner Cooper

- Suggested revising virtual meetings to provide a way for the public to make their comments in their own voice. Mr. Knight said staff will have to look at options.
- Questioned the advantages of removing Progress Point from the OAO and asked Commissioner DeCiccio to provide the benefits of removing Progress Point from the OAO for discussion in the work session.
- Asked staff to advertise for board applications and start forwarding to Commissioners and advising current board members that they must re-apply. Mr. Knight stated the applications can be forwarded; however, there are several policy decisions to be made regarding the new process.
- Offered to participate in the weekly Florida League of Cities dial-in meetings. Mayor Leary stated is in contact with local Mayors.
- Asked for a summary of support to small businesses that are not members of the Chamber of Commerce.
- Asked for consideration of appointments to the tree preservation board. Mr. Knight stated matters that were handled by tree preservation board are being handled by Code Compliance Board.

### Commissioner Weaver

- Stated he has received inquiries regarding assistance for non-profits due to COVID-19.

Mr. Knight stated that the city could expand its utility assistance program to include non-profits that would not normally qualify as a small business and support from other programs. Consensus was to offer non-profit organizations the same assistance as small businesses for utility payment assistance.

- Asked the city to consider possibility of expanding its community gardens to other locations for residents who are experiencing financial difficulty during the health crisis. He suggested individual plots and city property along the railroad tracks at Progress or at the former Swoope Avenue water plant. Discussion followed on current and potential locations. Consensus was to bring up at a future commission meeting.
- Expressed his concern for small businesses unable to pay their rent and said he feels the microloan or a grant program will not significantly help businesses who are not generating income. He said he would like to review the program again and how it would be administered. Mr. Knight said he will send an e-mail to respond to Commissioner Weaver's comments.

Mayor Leary

- Stated he continues to be in contact with fellow city leaders and receiving and sharing information on the CoVID-19 pandemic and other matters.

The meeting adjourned at 7:43 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis, CMC