

**MINUTES  
ORMOND BEACH CITY COMMISSION  
HELD AT CITY HALL COMMISSION CHAMBERS**

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**April 5, 2017**

**7:00 p.m.**

**Commission Chambers**

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Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Rick Boehm, and Rob Littleton, City Manager Joyce Shanahan, Assistant City Manager and Public Works Director Ted MacLeod, City Attorney Randy Hayes, and City Clerk Scott McKee.

**A G E N D A**

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 5. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – March 20, 2017

**6. CONSENT AGENDA**

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

- A. **RESOLUTION NO. 2017-71** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND JOSE A. LOPEZ AND CARMEN HUICI LOPEZ FOR PROPERTY LOCATED AT 32 SAND DOLLAR DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Ric Goss, Planning Director (386-676-3238)

- B. **RESOLUTION NO. 2017-72** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND ALBERT LAMAR QUIROS AND BETTY GALE SPIRES FOR PROPERTY LOCATED AT 111 CAPRI DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Ric Goss, Planning Director (386-676-3238)

- C. **RESOLUTION NO. 2017-73** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND STEPHEN J. SICILIANO AND DEBORAH A. SICILIANO FOR PROPERTY LOCATED AT 134 CAPRI DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Ric Goss, Planning Director (386-676-3238)

- D. **RESOLUTION NO. 2017-74** : A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER, SEWER AND ANNEXATION AGREEMENT BETWEEN THE CITY OF ORMOND BEACH AND DARYL HARRIS FOR PROPERTY LOCATED AT 2903 JOHN ANDERSON DRIVE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Ric Goss, Planning Director (386-676-3238)

- E. **RESOLUTION NO. 2017-75** : A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN NON-EXCLUSIVE EMERGENCY ACCESS EASEMENT DEED FROM CP AND SP RESIDENTIAL LAND, LLC, REGARDING THE "CHELSEA PLACE, PHASE III" PLAT; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Ric Goss, Planning Director (386-676-3238)

- F. **Lift Stations 10M and 12M Improvements - Bid Number 2017-20**

*Staff Contact:* Dave Ponitz, Utilities Manager (386-676-3305)

*Disposition:* Approve as recommended in the City Manager memorandum dated April 5, 2017.

- G. **100% Submittal MacDonald House Historic Structures Report**

*Staff Contact:* Ric Goss, Planning Director (386-676-3238)

*Disposition:* Approve as recommended in the City Manager memorandum dated April 5, 2017.

- H. **Volusia League of Cities 2017 Distinguished Service Awards**

*Staff Contact:* Loretta Moisiso, Grants Coordinator/PIO (386-676-3315)

*Disposition:* Approve as recommended in the City Manager memorandum dated April 5, 2017.

## 7. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2017-10** : AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.75± ACRES LOCATED AT 1268 WEST GRANADA BOULEVARD FROM VOLUSIA COUNTY URBAN SINGLE-FAMILY RESIDENTIAL (R-4) TO ORMOND BEACH SUBURBAN BOULEVARD (B-10), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Ric Goss, Planning Director (386-676-3238)

## 8. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2017-09** : AN ORDINANCE AMENDING CHAPTER 12, BUSINESS REGULATIONS, ARTICLE 9, SOLICITORS, SECTION 12-255, UNLAWFUL SOLICITATION AND PANHANDLING, OF THE CITY'S CODE OF ORDINANCES, BY DELETING REFERENCES TO AGGRESSIVE PANHANDLING AND REMOVING CERTAIN TIME FRAMES AND LOCATIONS WHICH PROHIBIT PANHANDLING; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

*Staff Contact:* Ann-Margret Emery, Deputy City Attorney (386-676-3218)

## 9. DISCUSSION ITEMS

- A. **Request for Rescission or Reduction of a Special Magistrate Lien - 144 S. Ridgewood Ave.**

*Staff Contact:* Chris Mason, Neighborhood Improvement Manager (386-676-3352)

## 10. REPORTS, SUGGESTIONS, REQUESTS

## 11. ADJOURNMENT

### Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:00 p.m.

### Item #2 – Invocation

Gary Giovanni, Riverbend Community Church, gave the invocation.

### Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance

### Introduction of new police officers

Mayor Partington asked Police Chief Jesse Godfrey to introduce two new police officers; whereby, Police Chief Jesse Godfrey asked Officer Carlos Ortiz and Officer Kimberly Peluso to approach the podium and then introduced them.

Chief Godfrey stated that Officer Ortiz was originally from Puerto Rico, that he had moved to Port Orange in 1992, and that he was now an Ormond Beach resident. He stated that Officer Ortiz graduated from Spruce Creek High School and served in the United States Army's 82<sup>nd</sup> Airborne Division as an infantry mortar man. He noted that Officer Ortiz was married with two children, aged 18 years and 13 years old. He stated that Officer Ortiz graduated from Daytona State College's School of Emergency Services. He noted that Officer Ortiz enjoyed sports with his children, coaching football and softball, and fishing in his off time.

Chief Godfrey stated that Officer Peluso was born in Jacksonville, Florida, but grew up in Maine, where her father was in the United States Navy. He stated that she moved back to Florida in 2009 and graduated from Bartram Trail High School before attending St. John's River State College, where she earned an associates' degree in criminal justice and a certificate in homeland security. He explained that, while working full-time, Officer Peluso attended the University of Florida and earned her bachelors' degree in criminology in 2015. He noted that Officer Peluso began the police academy in January 2016, which she subsequently graduated. He stated that when Officer Peluso was not at work she was usually with her friends or family, especially with her one-month old nephew. He noted that Officer Peluso's all-time favorite hobby was fishing.

Mayor Partington thanked Chief Godfrey for introducing the officers. He welcomed them both and congratulated them on choosing such a noble and dignified career. He stated that he was proud to welcome them into the city. He noted that he thought that they would love working for a great department and a great chief.

### Item #4 – Audience Remarks

Mayor Partington noted that there were no members of the public that had requested to speak on items that were not on the printed agenda.

### Item #5A – Approval of Minutes

Mayor Partington advised that the minutes of the March 20, 2017, regular meeting had been sent to the Commission for review and were posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

### Item #6 – Consent Agenda

Mayor Partington advised that the actions proposed for the items on the Consent Agenda were so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any items separately.

**Commissioner Boehm requested that item 6G be pulled from the Consent Agenda.**

**Commissioner Kent moved, seconded by Commissioner Littleton, for approval of the Consent Agenda, absent items 6G.**

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
Carried.	Mayor Partington	Yes

Item #6G – 100% Submittal MacDonald House Historic Structures Report

Mayor Partington noted that he had a few requests to speak from audience members.

Mr. Jerry Valcik, 236 Ormwood Drive, noted that this was the first time that those in the community had the opportunity to speak directly on any aspect of the MacDonald House to the City Commission. He stated that he supported the Bender and Associates' report, and its recommendations, for the MacDonald House, which he described as a treasure. He stated that he supported keeping the house in place, rehabilitating it at the very least, and exploring very significant potential grant funding to minimize the local cost, if the house remained in place. He stated that, in response to Commissioner Kent's question, he provided an explanation of the importance of the house in his article entitled, "*A Perspective on the MacDonald House*," which he sent to each member of the Commission several days prior. He stated that the MacDonald House served as the Ormond Beach Welcome Center. He explained that one of the Ormond Beach Historical Society's ("OBHS") board members said "*we not only explain history to visitors, but also direct them to local restaurants and businesses to keep their out-of-town dollars in Ormond Beach.*" He noted that this had a positive economic impact.

Mr. Valcik stated that the MacDonald House was the nerve center for the OBHS, whose purpose was to preserve and share the history of the Ormond Beach community, including the Birthplace of Speed. He noted that over 3,500 people yearly took advantage of the OBHS' programs, activities, and events, and explored its mini-museum, which the OBHS wished to expand. He stated that the OBHS also oversaw the use of the 100-year old Anderson Price Building, which was used by many for many various reasons, including weddings. He noted that space was also provided for the city's tennis center, which was visited by more than 100 to 125 players each day. He stated that the resulting economic benefits trickled down from the 75 percent of visitors to the state who participated in historic and cultural activities. He noted that he expected the Commission to know that an article he wrote was published in an abbreviated form the prior Saturday in the Community Voices section of the Daytona Beach News-Journal, under the title, "*Save Ormond's Historic Treasure.*"

Mr. Valcik stated that, in those articles, he also complemented the city's engagement of the very impressive Bender and Associates, and the team that they assembled to address the MacDonald House issue. He noted that he also pointed to the National Historic Preservation Act, which was a great driver for the success of Bender and Associates and similar consultants throughout the country. He stated that it was gratifying to see that the city had a Quality of Life Advisory Board. He noted that he also complimented Mr. Bill Jones and the Lohman Family for kicking off the OBHS's \$100,000 fundraising effort, of which \$70,000 had been raised so far.

Mr. Jeff Bass, 5 Leisure Wood Way, stated that most people knew about the MacDonald House because Mr. Billy MacDonald, the owner of Billy's Tap Room, purchased the home in the late 1930s and lived there in the 1940s. He noted that it was actually the Stout House before it was the MacDonald House, as Ms. Stout built that home in 1903. He explained that he mentioned that because of the additional history represented, but also because the home served as a boarding house for many of the workers and staff that supported and worked on the Ormond Hotel. He noted that while the Ormond Hotel was gone, they could still remember it through the boarding home that was located across the street. He urged the Commission to leave the building in place. He explained that it would maximize and optimize the opportunity for grant funding, as well as donations. He noted that donations were already being received. He explained that leaving it in place would be the most cost effective long-term option.

Mr. Bass stated that he served as the current President of the Ormond Beach Historical Society. He explained that the OBHS believed that relocating the building would be like relocating the problem down the street. He noted that there would still be renovation or restoration costs, if the building was relocated, but also additional relocation costs. He

stated that the OBHS was eager and ready to partner with the city. He stated that they wanted to continue their efforts to raise funds for the preservation of the building, and to work with the city to come up with a mutually beneficial arrangement that would allow the OBHS to continue their current relationship of operating the welcome center, and to create a new permanent museum for Ormond Beach. He noted that they wanted to do all of that in the most cost effective way.

Ms. Elysha Petschauer, Executive Director of the Ormond Beach Historical Society, noted that she would not repeat what had already been mentioned. She asked that the Commission accept the Bender and Associates proposal. She stated that it was a wonderful document whereby Bender and Associates spent a lot of time researching the property, and she commended them on doing so. She stated that the OBHS wanted to work in partnership with the City Commission to create an amazing jewel to be a part of the cultural corridor of Ormond Beach. She noted that she looked forward to continuing that relationship.

Mr. James Geis, 1 John Anderson Drive, stated that he lived in the Heritage Condominiums. He explained that 60 years prior he chased his girlfriend to Florida when her father retired and the family moved to Fort Lauderdale. He noted that he attended the University of Miami and had since spent many years in Florida with his wife, whom he married in Fort Lauderdale. He stated that they lived in Fort Lauderdale, Miami, Boca Raton, and Vero Beach. He noted that he had only lived in Ormond Beach for a little over three months. He opined that there were very few charming towns in Florida. He explained that he was speaking of the kind of town where one would want to go to and have a meal at an outdoor café, and the kind of town that was well preserved, quaint, and special.

Mr. Geis stated that the Commission had the opportunity to move Ormond Beach a step in that direction. He noted that he thought that the MacDonald House was a gem. He stated that he and his wife had a unique perspective as newcomers. He explained that they were delighted to find the MacDonald House across the street from them and could visit and learn from it. He noted that they come home with all kinds of pamphlets. He strongly encouraged the Commission to preserve the house in its current location and move Ormond Beach one more step towards being a special town.

Mayor Partington welcomed Mr. Geis and his wife to Ormond Beach. He noted that he was glad that they were settled in.

Ms. Dorian Burt, 203 Pine Cone Trail, stated that she was there on behalf of Mr. Bill Jones, who could not attend that evening. She noted that Mr. Jones wanted her to share his strong sentiments with the Commission. She explained that Mr. Jones had stated that the future was rooted in the past and requested that they restore and save the MacDonald House.

Mr. Douglas Rand, 2208 Oak Hill Drive, stated that he and his wife owned Billy's Taproom and Grill. He noted that they were very concerned about the MacDonald House's future. He stated that they would like it maintained as it was and improved with the help of the city and grant funds. He noted that he believed it should remain on its same foundation. He stated that they wanted to see the historic value of the entire neighborhood held in place. He noted that they were determined to do all they could to help in any way needed. He thanked Bender and Associates, stating that the report was one of the best studies he had ever seen performed on a historical building. He noted that it really outlined how it should be handled and what the highest and best use for the building was. He stated he felt that keeping it as is was the best use and would help the Ormond Beach area. He noted that the MacDonald House helped bring business to the area. He thanked the previous speakers for all of their comments.

Mayor Partington thanked Mr. Rand and his wife for what they had done for Billy's Taproom and Grill.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Consent Agenda item 6G, disposition item to accept the 100% submittal of the MacDonald House Historic Structures Report.**

Commissioner Boehm noted that throughout Mr. Bender's report, as well as the city's agenda packet memorandum, the building was referred to as the Stout-MacDonald House. He stated that he did not know whether there needed to be a separate motion or discussion in order to officially change the name.

Ms. Joyce Shanahan, City Manager, stated that this would need to be done through a separate item.

Commissioner Boehm noted that he believed that there was a consensus from the OBHS that the name change was acceptable. He stated that Mr. Bender did an admirable job with his report. He explained that what the Commission was being asked to do tonight was to accept the report. He noted that he fully supported the idea.

Commissioner Selby stated that he would like the name of the house changed in the report. He explained that in 20 years, when people looked back on this event in the historical record, they would see that the name of the house was currently the MacDonald House. He noted that they may choose to change the name at a future time, but he would like that minor editing to be done.

Ms. Shanahan explained that staff had already instructed Mr. Bender to make that correction. She noted that in the final collated copy it would read "MacDonald House."

Commissioner Selby noted that he had another comment, which he had discussed with Ms. Shanahan. He stated that the Commission was previously presented with a 90% submittal and now received the 100% submittal. He noted that there were some changes between the two but explained that the report was over 500 pages and; thus, it was difficult to determine what changes occurred between the two copies absent a struck-through, or highlighted, version being presented to them. He requested that in the future the Commission receive a version with the changes made indicated, so that they could quickly scan the differences.

Commissioner Kent apologized for his voice, noting that he was a little under the weather. He noted that he and Mayor Partington had a neat perspective on the issue as the MacDonald House had been there their whole lives and they had grown up seeing it. He stated that it was interesting that it was also all that his son knew. He explained that he looked forward to his son's son one day knowing about the MacDonald House as well. He noted that he was in agreement with accepting the report.

Mayor Partington thanked Mr. Bender for his detailed report. He noted that it was very impressive. He stated that he and Commissioner Kent did grow up with the MacDonald House and that it was a part of their history and heritage. He stated that they were lucky to have it. He noted that some things that were around when they were growing up were no longer there, including the Ormond Hotel, which had been too big to save as the cost would have been astronomical to bring it up to code. He noted that the MacDonald House was not too big to save and was a project that was doable. He stated that he looked forward to the city working with the OBHS. He noted that the most likely way to adequately address what would happen there was through the budget process, which was coming up in the next couple of months. He stated that he believed they could begin the process of working together to look at what the most appropriate thing to do and use the report as a guide.

Mayor Partington stated that he believed that changing the name to Stout-MacDonald probably needed to be done officially. He noted that he did not know whether that decision needed to go before any of the city's advisory boards. He stated that he would be happy to see that happen if it did. He explained that he took the titling of the home as such in the report as a very strong recommendation. He stated that he was in favor of accepting the report and moving forward from there.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	Yes
	Commissioner Kent	Yes
Carried.	Mayor Partington	Yes

#### Item #7 – Public Hearings

Mayor Partington opened the public hearings.

#### Item #7A – 1268 W Granada Blvd Rezoning

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-10

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY TOTALING 1.75± ACRES LOCATED AT 1268 WEST GRANADA BOULEVARD FROM VOLUSIA COUNTY URBAN SINGLE-FAMILY RESIDENTIAL (R-4) TO ORMOND BEACH SUBURBAN BOULEVARD (B-10), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ric Goss, Planning Director, stated that this property, which was an enclave in unincorporated Volusia County, was annexed in January. He noted that it was then provided with a Residential, Office, Retail (ROR) land use in late February or early March. He explained that they did that to keep the intensity of the use the same as it was in the county. He stated that before them was a recommendation for rezoning the property from Volusia County Urban Single Family Residential (R-4) to Ormond Beach Suburban Boulevard (B-10). He noted that this was consistent with ROR, carried the same intensity standards, and permitted the uses that the developer was looking for. He stated that staff recommended approval.

**Commissioner Boehm moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2017-10, on first reading, as read by title only.**

Call Vote:	Commissioner Boehm	Yes
	Commissioner Littleton	Yes
	Commissioner Selby	Yes
	Commissioner Kent	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the public hearings without objection.

Item #8A – Amendments to Section 12-255, Unlawful Solicitation and Panhandling

City Clerk Scott McKee read by title only:

ORDINANCE NO. 2017-09

AN ORDINANCE AMENDING CHAPTER 12, BUSINESS REGULATIONS, ARTICLE 9, SOLICITORS, SECTION 12-255, UNLAWFUL SOLICITATION AND PANHANDLING, OF THE CITY'S CODE OF ORDINANCES, BY DELETING REFERENCES TO AGGRESSIVE PANHANDLING AND REMOVING CERTAIN TIME FRAMES AND LOCATIONS WHICH PROHIBIT PANHANDLING; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Littleton moved, seconded by Commissioner Selby, for approval of Ordinance No. 2017-09, on second reading, as read by title only.**

Commissioner Selby noted that Commissioner Boehm expressed his discontent with having to approve this at the previous meeting. He stated that he felt the same way. He noted that he thought it was a shame that the city did not have the ability to regulate activity that was unbecoming of the community. He explained that this was the situation they were in with the Supreme Court's ruling. He noted that the city's hands were tied.

Commissioner Kent agreed with Commissioner Selby's remarks, and expressed his displeasure with the ordinance amendment.

Mayor Partington noted his frustration. He explained that he spoke to Deputy City Attorney Ann-Margret Emery, who had indicated that there had been no prosecutions since the ordinance had been in effect.

Mr. Randy Hayes, City Attorney, stated that he believed that having the ordinance on the books was a pretty good deterrent. He stated that it was unfortunate that the Reed v. Town of Gilbert decision ("Reed") had been extended far beyond signs into panhandling

and even into some homeless issues. He noted that they were not sure where the reach of Reed would end up. He explained that this ordinance was sort of a housekeeping item on the city's end. He noted that he believed that there were enough ordinances and statutes to address other types of violations, should the need arise.

Mayor Partington noted that he shared Commissioner Selby, Commissioner Kent, and Commissioner Boehm's concerns. He explained that it was odd that a Supreme Court case that dealt with a church in Arizona's signage somehow affected nationwide panhandling ordinances. He noted that it did because of the complexity of the First Amendment. He stated that he appreciated the city's Legal Department being proactive and making sure that the city kept what they could as protection in the statute, and deleted the sections that were found objectionable by the Supreme Court. He noted that the city was still in compliance with the law. He stated that the city still had the complete ability to protect its citizenry. He noted that the city would not tolerate aggressive panhandling. He encouraged any citizen who felt like they had experienced that to report it to the owner of the establishment they were at, or contact the police department, so that it could be appropriately dealt with after a proper investigation. He stated that the city would not tolerate any conduct that violated its codes or ordinances or even state statutes.

Call Vote:	Commissioner Littleton	Yes
	Commissioner Selby	Yes
	Commissioner Kent	No
	Commissioner Boehm	Yes
Carried.	Mayor Partington	Yes

Item #9A – Request for Rescission or Reduction of a Special Magistrate Lien – 144 S. Ridgewood Avenue

Mr. Chris Mason, Neighborhood Improvement Division Manager, stated that this item involved property located at 144 South Ridgewood Avenue and the property owners' request for a rescission or reduction of a Special Magistrate lien. He noted that Mr. Diego Handel was present and explained that he was the attorney representing the property owners, the Charbonneau family. He explained that he would provide a brief summation. He stated that case number 12-103653 was initiated on April 13, 2012, due to the lack of site maintenance, specifically Code of Ordinances, Chapter 14, Article VIII, Section 14-95, subsections (1), (2), and (5), premises not maintained free of insect and rodent harborage; premises not maintained free of the accumulation of trash, junk, debris, litter, and non-living plant material; and outdoor storage of personal property existing upon the open lot and front porch. He stated that from September 24, 2012, through March 23, 2015, there were a total of six hearings before the Special Magistrate regarding the lack of compliance as it related to Code of Ordinances, Chapter 14, Article VIII, Section 14-95, subsections (1), (2), and (5).

Mr. Mason explained that during this timeframe, Mr. Michael Charbonneau, the owner of the property, sadly passed away. He noted that he died on June 10, 2014. He stated that Ms. Nicole Charbonneau, his daughter, occupied the property. He explained that there was lack of compliance, and thus a new case was initiated so that the city could abate the violation, should the respondent not do so. He stated that on May 16, 2016, case number 16-107127 was initiated for a violation of Code of Ordinances, Chapter 14, Article VIII, Section 14-95, subsections (1), (2), (3), and (5), premises not maintained free of insect and rodent harborage; premises not maintained free of the accumulation of trash, junk, debris, litter, and non-living plant material; the growth of weeds, brush, and grass not maintained at a height below 12 inches; and outdoor storage of personal property existing upon the open lot and front porch. He stated that the property was not brought into compliance by the respondents.

Mr. Mason stated that on June 16, 2016, the city sent two contractors into the property to abate the violation. He named those contractors as Halifax Wrecking Services ("Halifax Wrecking") and Yellowstone Landscape Professionals ("Yellowstone"). He stated that the total cost of the services came to \$1,691.14. He explained that on the date the property was brought into compliance, the daily accruing fine on the previous case stopped. He noted that the accruing fine ran from May 16, 2013, through June 16, 2016. He stated that the daily accruing fine totaled \$11,280. He noted that on July 19, 2016, the city received payment for their contractors' abatement of the violation. He explained that on July 17, 2016, there was a substantial house fire. He stated that the structure was determined to be unsafe after that event. He noted that the structure was demolished on July 19, 2016. He stated that through communication with Mr. Handel

and family members, the problem was resolved and the contractor was paid by the family.

Mr. Mason stated that Mr. Handel was provided with all of the information related to the outstanding liens and case costs associated with the subject case, case number 12-103653. He noted that Mr. Handel and his client had paid the hard costs associated with that case. He explained that those costs included the original citation, all costs associated with certified mail, regular mail, color photographs, and all recording costs. He noted that the property was currently being maintained and was in compliance. He explained that it was presently a vacant lot and that the weeds and grass were being maintained below 12 inches. He stated that Mr. Handel was requesting a rescission of the outstanding lien amount of \$11,280.00.

Commissioner Kent asked about the total amount that was paid; whereby, Mr. Mason responded that for case number 12-103653 the hard costs were \$271.85. Commissioner Kent asked if that was the total that was paid; whereby, Mr. Mason replied that it was the total paid related to the case. Mr. Mason noted the outstanding balance of the daily accruing fine, which was \$11,280.00. Commissioner Kent thanked Mr. Mason, noting that he wanted that total read aloud for the record.

Mr. Diego Handel, Attorney for petitioner, stated that he was speaking on behalf of the Charbonneau family. He explained that he had been involved in the case since July 2016. He noted that since his involvement, and the involvement of Ms. Monique Charbonneau, one of the daughters and the only family member present, everything that the city required was taken care of. He noted that Ms. Monique Charbonneau did not have any involvement with the property prior to that time period. He explained that there was an issue that came up rather quickly due to the fire at the property, wherein the property was rendered unsafe. He stated that he had discussions with Mr. Mason and the Deputy City Attorney, Ms. Ann-Margret Emery, and very quickly agreed that the property had to be demolished. He noted that Ms. Monique Charbonneau paid all the costs in connection with the demolition. He explained that those included the costs for Halifax Wrecking and Yellowstone, which added up to \$1,691.14.

Mr. Handel stated that the family, essentially Ms. Monique Charbonneau, had maintained the property subsequent to the demolition. He noted that any issue that arose since then had been swiftly dealt with. He stated that the city staff recommended that the hard costs associated with the case be paid, and he recommended to the Charbonneau family that should be done, and done quickly. He noted that those costs had been paid. He stated that Mr. Michael Charbonneau, who had owned the property, passed away in June 2014. He explained that Mr. Charbonneau was ill for about two years prior, both physically and emotionally. He noted the irony of Mr. Charbonneau being a handyman by trade, but explained that Mr. Charbonneau was in a condition where he was unable to care for the property, and thus it fell into disrepair.

Mr. Handel stated that Ms. Monique Charbonneau did not become involved in the property until shortly before she contacted his office, after discovering that all of this was going on with the property. He noted that another sister, Ms. Nicole Charbonneau, was residing at the property at that time. He stated that the property was now a vacant lot. He explained that the intent of the Charbonneau daughters that he represented, Ms. Monique Charbonneau, Valerie Charbonneau, Jose Charbonneau, and Nicole Charbonneau, was to sell the property. He stated that waiving the lien would encourage a quick sale, which would help eliminate a vacant lot in that area. He noted that this would be of benefit to the city. He explained that it took some time for things to be dealt with previously, noting that it appeared that Mr. Charbonneau was unable to take care of his property.

Mr. Handel stated that once a responsible family member, Ms. Monique Charbonneau, became involved, she took it upon herself, despite limited financial resources, to address the issues on behalf of herself and her sisters. He stated that this was the only property that Mr. Charbonneau owned and thus was the only thing that he had left for his four daughters. He noted that it was a property that meant a lot to the family, and that its sale would certainly be very significant to them. He stated that the sale would be beneficial to the family members and to the city. He noted that he believed that the sale would also encourage others to quickly cooperate in cleaning and remedying compliance issues. He stated that he understood that city staff did not object to their presentation. He requested that the Commission acting in an equitable basis rescind the lien on behalf of the four daughters, and particularly Ms. Monique Charbonneau, who had done everything within her power and pocketbook to make sure that the site was fully in compliance.

Mr. Handel noted that it had been his pleasure to work with Mr. Mason and Ms. Emery throughout the process. He reiterated the daughters' intent to sell the property and have it become a productive part of the city's real estate. He respectfully requested that the City Commission exercise its authority in this manner and waive the lien and fines in the case in order to allow a quick summary administration to go through, and then a sale of the property.

Commissioner Selby confirmed with Mr. Handel the date of his involvement in the case. He asked Mr. Handel if any daily fines were incurred since his involvement or whether they were all incurred prior; whereby, Mr. Handel replied that the daily fines were all accrued prior to his involvement.

Commissioner Selby asked when the clean-up happened; whereby, Mr. Handel stated that shortly after the demolition following the fire, the property was completely cleaned and all issues were addressed.

Commissioner Selby asked Mr. Handel what the approximate market value of the lot was; whereby, Mr. Handel noted that he believed that it was significantly less than \$100,000. Mr. Handel conferred with his client and stated that he believed it to be approximately \$40,000.

Commissioner Littleton asked if the property was still owned by the estate of Mr. Charbonneau, or if a single person owned it; whereby, Mr. Handel explained that they were awaiting the resolution of this matter to move the property through summary administration. Mr. Handel stated that the property would be sold after that was completed.

Commissioner Littleton asked if Ms. Monique Charbonneau was living at the property when the fire occurred; whereby, Mr. Handel replied that she was not. Mr. Handel noted that Ms. Monique Charbonneau had no knowledge of these issues. He further explained that Ms. Monique Charbonneau took charge once she was made aware of the problems. He noted that she paid for several issues to be resolved.

Mayor Partington stated that he was looking for documentation of physical or financial hardship and how that hardship impacted Mr. Charbonneau's ability to bring the property into compliance or pay the assessed fines. He noted that he did not see any such information. He asked Mr. Handel whether he had anything to provide to the Commission regarding that.

Mr. Handel explained that because of Mr. Charbonneau's situation, the only information he could get from a responsible family member was from Ms. Monique Charbonneau. He noted that Ms. Monique Charbonneau was unable to obtain any such documents. He reiterated that Mr. Charbonneau had been physically and emotionally ill for quite some time, and stated that he was basically an invalid. He noted that the property fell into disrepair due to Mr. Charbonneau's condition.

Mayor Partington asked Mr. Handel whether his client wished to testify; whereby, Mr. Handel stated that he believed that Ms. Monique Charbonneau would support his testimony and that he did not believe there to be any need for her to speak.

Ms. Monique Charbonneau began to interject from the audience; whereby, Mayor Partington informed her that she would have to approach the Commission and speak into the microphone at the podium if she wished to address them. He noted that it was between Ms. Monique Charbonneau and her attorney whether she wished to speak. Mr. Handel conferred with his client and confirmed that she preferred for him to speak on her behalf.

Mr. Handel stated that Mr. Charbonneau was basically indigent at the time of his passing due to his condition. He explained that he had no money and was unemployed. He stated that Mr. Charbonneau was unable to do much economically, physically, or emotionally. He noted that it was a sad state of affairs.

Commissioner Kent addressed Ms. Monique Charbonneau and offered his sincere condolences for her father's passing. He noted that this was a sad story. He explained that he had been eagerly anticipating this item coming before the Commission this evening, as this was the first such request that the newly comprised Commission would consider. He noted that he was anxious to see how the new Commission would react. He stated that prior Commissions had considered requests with fines accrued higher

than these for not being good neighbors and making their neighbors live near, or next to, unsightly situations for long periods of time. He noted that in this case, the neighbors had to live next to the uncompliant property for at least three years, and maybe even four and a half years. He stated that former Commissions, if his memory served him, had waived the whole amount, without his support, or had reduced the amount by half, without his support.

Commissioner Kent reiterated that he was eager to see what this Commission would do on behalf of the Charbonneau family. He stated that he was sincerely saddened by the situation on many fronts, but noted that it was also sad that the neighbors had to deal with the property for a long time and that staff had to spend a lot of time and effort attempting to address these issues and on Special Magistrate hearings. He noted that there was definitely a cost associated with that.

Commissioner Littleton stated that he felt for Ms. Monique Charbonneau being the only responsible family member, and thus the one left to clean up the mess. He stated that after reading the fire department's report on the structure fire, he was in favor of the property being sold to new property owners. He noted that anything which could expedite that would be best.

Commissioner Boehm stated that if Mr. Charbonneau was present, not ill, and had his full mental facilities, he would be opposed to the idea of a rescission or reduction. He stated that Ms. Monique Charbonneau had shown herself to be a responsible citizen, not just once, but on an ongoing basis, noting that she was continuing to maintain the lot. He explained that he did not think that they should visit upon her what happened in her father's dying days. He stated that because of her, and because of what Mr. Handel had to say, he would be in favor of rescission.

Commissioner Selby expressed his sympathies to Ms. Monique Charbonneau for the loss of her father. He noted that he read the provided materials. He explained that the injured parties were now the heirs of Mr. Charbonneau, and not Mr. Charbonneau himself, who caused the problem, and the one sister who resided at the property and, reading between the lines, seems to possibly have also been part of the issue. He noted that they had to decide what the right thing to do was. He addressed Mr. Handel, and noted that he may have misheard him, but stated that he believed that Mr. Handel said something along the lines of the City Commission agreeing to the rescission would encourage others to do the right thing.

Mr. Handel explained that he believed that would send the right signal. He noted that there was clearly very good cooperation between the city and the responsible family member. He stated that the city encouraged that the hard costs be paid and they were been. He explained that he recommended to the family that they do whatever the city asked of them and stated that they had done so. He noted that Ms. Monique Charbonneau had a letter from Mr. James Martin of Jim's Quality Lawn Care, who was hired to care for the property twice a month and make sure that it was being maintained. He stated that Ms. Monique Charbonneau was paying for that.

Commissioner Selby stated that was good and noted that it was a reflection of Mr. Handel and Ms. Monique Charbonneau's involvement since about a year ago. He noted that there had also not been any fines incurred since then. He stated that what they were discussing rescinding were the fines that accrued while Mr. Charbonneau was alive, and then sometime after that, until the city actually corrected the problem. He noted that the city's abatement of the problem was what stopped the daily fines. He stated that he believed the daily fines to be fairly modest in the early stages. He noted that the fines only were raised after they continued to accrue after multiple hearings. He explained that he did not really want to reward the heirs that did not behave well by granting a rescission. He asked how the proceeds of the sale of the property would be split. He noted that he assumed it would be an even split.

Mr. Handel stated that he believed that it would be an equitable distribution, except that whatever money Ms. Monique Charbonneau spent would be reimbursed to her.

Commissioner Selby stated that he would vote against the rescission.

Mr. Handel addressed the timeframe. He noted that when the issues really started, in 2012, was when Mr. Charbonneau started having problems.

Mayor Partington expressed his condolences to Ms. Monique Charbonneau. He lamented the situation towards the end of his life. He stated that he could not support a complete rescission. He referenced the cases that Commissioner Kent mentioned the Commission considering before. He noted that he believed one had a huge question as to whether proper notice was effectuated, and it had been a completely different factual situation than what was presently before them. He stated that there had been plenty of notice in this case, and noted that the respondent had actually attended several of the Special Magistrate hearings. He noted that he believed Mr. Charbonneau attended all but one hearing that occurred while he was alive. He stated that in looking through the statutory requirements, *Florida Statutes* 162.09, paragraph 3, and the city's *Code of Ordinances*, Section 2-258 (D), regarding administrative fines and liens, he felt like he took an oath to uphold those laws on behalf of the residents of the City of Ormond Beach.

Mayor Partington explained that if the information and documentation that was presented justified the request, he could vote for it, but having reviewed everything in this case, he could not in good faith justify a vote to rescind the fines. He noted that he would be amenable to considering whether some reduction was appropriate. He suggested something perhaps in the \$2,000 to \$3,000 range, just as a nod to the one responsible daughter who was trying to do the right thing. He stated that he would be willing to consider something along those lines, but was otherwise just as comfortable leaving the full amount of the lien intact. He noted that the decision had no bearing on Mr. Handel's work, noting that he thought that Mr. Handel did a great job advocating for his client and was trying to do the best he could with a difficult factual situation. He stated that this was one of the toughest lien reduction cases that the Commission had considered since he had served.

Mr. Hayes stated that staff was looking for some direction. He explained that if the Commission was inclined to grant a reduction, as opposed to a complete rescission, the Commission could provide staff with an exact dollar amount that they would be willing to accept. He explained that would allow staff to prepare a release and satisfaction of lien once the payment was received, which would be brought back to the Commission as an agenda item for formal approval. He noted that if the Commission was inclined to reduce the lien, they should discuss the amount they wished to reduce it by. He stated that the Commission could either take a formal vote or get general consensus on that amount, and then staff would work with Mr. Handel and his client to effectuate the payment and formulate the release.

Commissioner Boehm stated that, as part of the demolition, Halifax Wrecking and Yellowstone professionals abated the violations and the cost for cleaning the property was \$1,500 for Halifax Wrecking, \$117 for Yellowstone, and case costs of \$74.14, for a total of \$1,691.14. He asked if that was something the city paid or if Ms. Charbonneau paid; whereby, Mr. Handel stated that Ms. Monique Charbonneau paid that directly.

Commissioner Boehm noted that Ms. Monique Charbonneau also paid the \$287.00 in hard costs.

Mr. Mason stated that the city abated the violation one month and one day prior to the fire. He noted that there were two separate and independent costs associated. He explained that the property was not brought into compliance when the new case, case number 16-107127, was initiated. He noted that there was no compliance on that new case after all respondents, including the daughters and heirs, were served with the notice. He stated that on June 16, 2016, the city sent two contractors in to abate the violation. He noted that a handful of men, a Bobcat, and two and a half roll-off containers, had to be sent in. He stated that when all of the hard debris was removed from the property, the landscapers were then sent in to address the property. He noted that the city had those issues abated. He stated that one month and one day later, the fire occurred.

Commissioner Boehm asked how much the city paid; whereby, Mr. Mason replied that the city paid \$1,500 for Halifax Wrecking and \$117 for Yellowstone. Mr. Mason noted that the associated case costs, such as certified mail, were \$74.14, for a total cost of \$1,691.14. He stated that the city has been paid for that. He noted that all costs associated with the demolition after the fire occurred were paid by the Charbonneau family. He stated that the city was not involved with the demolition.

Commissioner Boehm asked if the Charbonneau family paid the \$1,691.14; whereby, Mr. Mason replied that they paid the city for that. He explained that the city had recouped their costs for that from the Charbonneau family.

Commissioner Selby stated that they reimbursed the city for the costs that incurred; whereby, Commissioner Boehm noted that the Charbonneau family had then put about \$2,000 into this. Commissioner Boehm explained that if the Commission was considering a reduction, he would want the city to be reimbursed for the costs it had expended.

Mr. Handel noted that Mr. Mason was correct. He stated that Ms. Monique Charbonneau paid \$4,500 for the demolition, which was paid out of her pocket as well as the back real estate taxes. He stated that the \$4,500 plus the \$1,600 was about \$6,000 paid, plus the hard costs involved. Ms. Monique Charbonneau attempted to interject figures from the audience. Mr. Handel asked if a reduction could be entertained based upon those costs. He reiterated that Ms. Monique Charbonneau was not aware of these issues before the time she became involved.

Commissioner Boehm stated that taking an amount similar to those costs that Mr. Handel mentioned off of the total would reduce it to around \$5,000.

Mayor Partington stated that Ms. Monique Charbonneau should recover what she had already put forward out of the equitable distribution of the sale between the four sisters. He noted that therefore he did not know whether adding those figures in was an appropriate cost methodology.

Commissioner Boehm stated that Ms. Monique Charbonneau had stated that she had \$14,000 in the property now, citing a figure that Ms. Monique Charbonneau had interjected from the audience. He noted that her recouping those costs would perhaps drop the amount realized from the sale of the property to perhaps \$20,000, plus realtor fees. He stated that in the end, the sisters would realize very little profit out of the entire process. He noted that Ms. Monique Charbonneau would basically just be repaid for the money she had put in for the last several years.

Mayor Partington stated that the Commission's job was to protect Ormond Beach residents and not worry about what the sisters would receive. He noted that he was unsure whether any of the sisters lived in Ormond Beach. He stated that he appreciated Commissioner Boehm's consideration for the family, but explained that the city's staff had put a lot of time into the case. He noted that if that was the will of the Commission, they could consider such a reduction.

Commissioner Littleton noted that he did not want to seem offensive in his remarks, but explained that he thought that the neighbors would be best protected by having the sale of the property expedited. He stated that he did not want anything to occur which would prevent the sale of this property. He noted that they could not force them to sell the property, if they did not reduce the lien adequately.

Mayor Partington asked why they would not sell the property; whereby, Commissioner Kent noted that would be his question also. Commissioner Kent asked if the lien would cause them to not sell the property; whereby, Commissioner Littleton explained that if they were unable to make much profit, they may not sell it.

Commissioner Kent expressed skepticism that they would not sell the property because they may make less profit on the sale; whereby, Commissioner Littleton noted that the property was only worth about \$40,000. Commissioner Kent noted that was just what they had heard.

Commissioner Selby explained that this consideration had not entered into his analysis of the situation. He stated that the city would be paid, whatever they decided, as there was a lien on the property. He noted that whenever there would be a closing, the city would be paid. He stated that he was not concerned about that and explained that he was trying to arrive at an equitable reduction amount. He stated that he did not want to reward the sister, or sisters, who had been irresponsible. He noted that only one of Mr. Charbonneau's daughters appeared to be responsible and he applauded her for it. He asked Mr. Handel if Ms. Monique Charbonneau had lived in the area during the last several years.

Mr. Handel stated that Ms. Monique Charbonneau had been travelling for work and had only been in the area on a more permanent basis for the past year.

Commissioner Selby noted that he wondered about that because he was assuming that, as the responsible daughter, that Ms. Monique Charbonneau might have become more involved and aware of the situation earlier, had she been around. He stated that there were four daughters and he assumed the profits of the sale would be split up so that each received 25 percent. He stated that he could support a 25 percent reduction in the fines and hoped that the benefit of such a reduction would go to Ms. Monique Charbonneau. He noted that he hoped that she would be made whole regarding her previous investments on the sale of the property and would receive the benefit of that reduction in the fines. He explained that whether that occurred was actually between the sisters, but further stated that was his rationale for supporting a reduction of that amount.

Commissioner Kent noted that he felt terrible for Ms. Monique Charbonneau and her family. He stated that he was refreshed to hear the Commission supporting staff in the arduous task of neighborhood improvement. He noted that there had been a lot of effort expended on Mr. Mason's part and the part of his employees. He stated that he also did not forget about the neighbors who had to deal with the eyesore that the property represented for years. He noted that he was comfortable with no rescission or a reduction, but he could support a 25 percent reduction.

**Commissioner Selby moved, seconded by Commissioner Kent, to reduce the total amount of the special magistrate lien by twenty-five (25) percent.**

Call Vote:	Commissioner Selby	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	No
	Commissioner Littleton	No
Carried.	Mayor Partington	Yes

#### Item #10 – Reports, Suggestions, Requests

##### Upcoming Meetings and Workshops

Ms. Shanahan stated that the next City Commission meeting would be on April 18, 2017, and would be preceded by a Downtown Murals Workshop with Ormond Beach MainStreet. She noted that the regular meetings in May would be held on the first and third Tuesdays of the month. She stated that on June 6, 2017, there would be a Capital Improvement Program (CIP) Workshop preceding the City Commission meeting. She noted that the next meeting would be on July 25, 2017, and would be preceded by the Operating Budget Workshop.

##### West Ormond Recreation Center

Ms. Shanahan stated that the next evening, Thursday, April 6, 2017, there would be a community meeting for input for the feasibility study for a west Ormond Beach recreation center. She noted that the meeting would be held at Pathways Elementary School at 6:00 p.m.

##### Movies on the Halifax

Ms. Shanahan stated that Movies on the Halifax would be held on Friday, April 7, 2017, and the movie shown would be *Nine Lives*.

##### Good Friday

Ms. Shanahan stated that City Hall would be closed on Friday, April 14, 2017, for the Good Friday holiday.

##### Appreciation

Mr. Hayes thanked everyone for their support with regards to his mother's recent passing. He noted that he was playing catch-up that week but stated that he had a great staff, which were able to keep things rolling along.

##### Dog Park Update

Mr. Hayes stated that they were currently waiting on appraisals. He explained that once the appraisals came in, it was assumed that they would provide a supportive basis for the purchase. He noted that the value of the easement was actually in the park as constructed by the YMCA with their funds. He stated that the YMCA needed to begin construction and pull a permit to do that, in order to keep the project moving along. He

noted that the appraisals were a key part moving forward. He reiterated that the YMCA would need to construct the park before the conveyance.

#### State Legislature

Commissioner Selby stated that he was in Tallahassee on March 21- 22, 2017, for Florida League of Cities (FLOC) Days and Volusia Days. He noted that he had the opportunity to meet with Representative Tom Leek, Senator Travis Hutson, and Senator David Simmons. He stated that there was a lot going on in The Capitol, and noted that cities' home rule was under siege. He explained that the state legislature was attacking cities' ability to control their communities in several different areas, which he noted was kind of discouraging. He explained that they were fighting the good fight, and he was pretty confident that a lot of the proposals would not pass. He stated that combating it was very time consuming.

Commissioner Selby stated that there was even talk that the budget might not even be passed, noting that was probably the single most important thing that the legislators did. He noted that there was a Republican Governor, a Republican Senate, and a Republican House, and they still could not come to agreement. He stated that he enjoyed being up there and had some great meetings. He noted that the community was well represented and that there were good people who represented them. He stated that there were good meetings with the Florida Department of Transportation and various department heads and spokespeople. He noted that it was very informative. He stated that clearly the heavy lifting happened long before the session began, and then chaos set in once the session started. He stated that it was a pleasure to be there and represent the city's interests.

#### Mr. Ike Leary

Commissioner Kent stated that Mr. Ike Leary's family had asked for the Commission's thoughts and prayers. He explained that the city's newest Goodwill Ambassador, Mr. Leary, underwent double bypass heart surgery. He noted that Mr. Leary was doing well. He wished Mr. Leary a speedy recovery.

#### Police Office Introductions

Commissioner Kent thanked Chief Godfrey for introducing his new hires. He noted that it was always positive to meet new staff.

#### Home Rule

Commissioner Boehm echoed Commissioner Selby's comments about the legislature and their attack on home rule. He noted that the legislature apparently believed that those in Tallahassee ruled better than those who were on the ground in their communities. He stated that he certainly hoped that much of what was proposed did not pass.

#### Latitude Margaritaville

Commissioner Boehm stated that he and Mayor Partington attended the groundbreaking for the Latitude Margaritaville adult community on March 28, 2017. He noted that the most striking thing he learned was that there were over 40,000 people who had signed up on their website as interested in that project. He stated that the project would impact Ormond Beach and Granada Boulevard. He noted that he hoped that the city would be able to deal with it. He explained that since it was located in Daytona Beach, the city did not have much control over what happened with it. He noted that he really believed that those homes would sell as fast as they could be built, and that it would have an immediate impact on the area. He stated that he hoped that the city could work with Daytona Beach and get some cooperation so that it did not become overwhelming. He noted that it would take them quite a while to build out 6,900 homes. He stated that with the degree of interest presently there, he fully expected that to continue through the building. He noted that it was a major development in the county and would be for the foreseeable future.

#### The Micaplex

Commissioner Littleton stated that he and Commissioner Selby attended the Grand Opening of The Micaplex, a research building at Embry Riddle Aeronautical University. He noted that the facility could play a pivotal role in Volusia County becoming the research and innovation arm of the aerospace industry, and the emerging space tourism industry. He stated that it could also help keep some of the young people from leaving the county, which was important.

Relay for Life

Commissioner Littleton stated that on Friday, April 7, 2017, at 6:00 p.m., Relay for Life would be held at Prince of Peace Church. He explained that the event benefitted the American Cancer Society. He noted that he planned to attend and hoped others did as well.

Mayor Partington stated that he would be in attendance as well and noted that he was looking forward to the event.

Home Rule

Mayor Partington stated that he also went to Tallahassee. He noted that home rule was under attack, as Commissioner Selby mentioned. He explained that home rule was voted into Florida's Constitution by the voters years prior. He further explained that home rule stood for the principle that the government closest to your home is best. He noted that you could reach a City Commissioner in person, by phone, or by email, and that the City Commission was open for business 12 months out of the year, whereas a state legislator represented tens of thousands, if not hundreds of thousands of people, could be difficult to contact, and were only in session 60 days out of the entire year.

Mayor Partington stated that for the legislators to think that they could provide better government than local government was a misnomer. He noted that they tried to do their best to politely remind them of that, and to encourage them to allow the city to make the rules for their citizens. He explained that this meant that the citizens essentially got to make the rules that they wanted to live by, and help craft the way they wanted their cities to look. He stated that this form of government allowed them the freedom to do that. He asked the legislature not to take that freedom away and move it to Tallahassee where the citizenry did not have a say. He stated that this was what home rule was all about and what they were fighting to protect.

Friday Activities

Mayor Partington stated that he hoped to see everyone at Movies on the Halifax after they wore themselves out at Relay for Life.

Item #11 – Adjournment

The meeting was adjourned at 8:17 p.m.

APPROVED: April 18, 2017

BY:

\_\_\_\_\_  
Bill Partington, Mayor

ATTEST:

\_\_\_\_\_  
J. Scott McKee, City Clerk