

CHARTER REVIEW COMMISSION
MINUTES OF THE LISTENING SESSION
ORMOND BEACH REGIONAL LIBRARY
30 S. BEACH STREET, ORMOND BEACH
SEPTEMBER 21, 2015

CALL TO ORDER

Commission Chair Hyatt Brown convened the third listening session of the Volusia County Charter Review Commission at 5:33 p.m. The meeting was held at the Ormond Beach Regional Library, Ormond Beach, Florida.

Members of the Commission in attendance were Hyatt Brown, Frank Darden, Patricia Drago, Ambassador Stanley Escudero, Dr. P.T. Fleuchaus, David Haas, Peter Heebner, Pat Northey, Glenn Ritchey, and Mark Watts. Also present were County Manager Jim Dinneen, County Attorney Dan Eckert, Dona DeMarsh Butler, Tammy Bong, county support staff, and members of the public.

Chair Brown commented that future commissions may want to consider later starting times for the listening sessions as public attendance has been low.

PUBLIC PARTICIPATION

Chair Brown opened the floor to public participation. Each member of the public had been asked to complete a public participation form which included their name, address, and brief description of the topic they wished to address. Each speaker was allotted three minutes.

Richard Lohmann, Ormond by the Sea, spoke about being in favor of the Charter, although he felt that there may be portions of the county, such as the unincorporated areas, adversely affected by it. He would like a forum held in his area, attended by the representing councilman, to hear concerns and issues brought by the public. He gave an example of an emergency traffic signal being present in the incorporated area, but not in the unincorporated area of Ormond by the Sea. He voiced safety concerns of people crossing A1A when leaving the beach. He spoke against the county purchasing property and suggested council members should be penalized when it occurs.

Greg Gimbert, Daytona Beach, quoted Dr. Bailey regarding the charter review process, as it being the opportunity to get the Charter back in sync with the needs and wants of the community. He felt that it is the Commission's obligation to do the things that the County Council may not have the political will to do. He spoke in favor of the Let Volusia Vote movement, and allowing the issue of beach driving to be placed on the ballot. He suggested that the Commission members have not received a "pass" regarding the

issue in light of Judge Upchurch's ruling. He spoke about voting requirements regarding the issuing of bonds and compared it to the prohibition by the Legislature of voting regarding the setting of millage rates. He felt that there was nothing illegal about asking for a ratifying vote regarding the removal of beach driving.

Chair Brown asked County Attorney Dan Eckert to address the issues currently before the judge regarding beach driving. Mr. Eckert stated that a motion to dismiss in the case regarding the Sons of the Beach v. the County of Volusia is set for hearing on Thursday, October 1, 2015. He further stated that the plaintiffs argue the prohibition by the County Council regarding vehicles on the beach cannot be combined with an economic incentive, that the ordinances violate provisions of the Charter and that it violates the public trust doctrine. Mr. Eckert asserted the County moves to dismiss the complaint.

Mr. Brown asked if a summary judgement had been rendered relative to the previous issue.

Mr. Eckert stated that a final summary judgement had been rendered, ruling the amendment was considered unconstitutional and should not be placed on the ballot, but the decision could be appealed.

Mr. Haas asked if there had been a question regarding the process, notice, or advertising of the three ordinances.

Mr. Eckert replied that there was not, but that the issues were whether the Charter petition was consistent with the statute and whether the Charter amendment would have only perspective affect if it were approved by the voters. The court did not reach the second issue of having perspective affect.

Chair Brown adjourned the meeting at 5:45 p.m.