

County Council of Volusia County.

>> Welcome to the Volusia County council meeting. The meeting will begin in ten minutes.

>> All right, thank you for coming and we will call the July 23rd special workshop to order at 3:00 p.m. We're going to -- we will start off with a Pledge of Allegiance like we usually do. If you would like to participate in the pledge, please stand with me.

>> I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

>> Karissa, will you call the roll, please?

>> Mr. Johansson. Mr. Kent.

>> Mr. Kent. Here.

>> Mr. Dempsey.

>> DON DEMPSEY: Here.

>> We do have a quorum. I see we have two names up, three names. Did y'all want to -- okay. County manager was going to introduce the workshop, did you want to speak before he starts? I'm going to turn it over to George to talk about what is happening here and we'll go from there. County manager.

>> GEORGE RECKTENWALD: Thank you, Mr. Chair. Good afternoon. I've been putting this together for the workshop, but it goes back to the roots of the council's goal setting where you went over your goals and several of them pertain directly to this, creating a regulatory framework, increasing efficiency and effective operations and foster supports and solutions of oriented culture. We're going to work on how you that applies today in the permitting and zoning workshop. I want to remind everybody this was, we talked about this as a group, if you recall. This was advertised as a workshop, because the council doesn't get the chance to talk to each other. They have to do that in the sunshine and open, so this gives them the ability to talk about things, have a conversation that is what it is designed for. There will be no votes taken on anything. Then we as staff are taking notes and we will review the video and such and we'll bring back an action plan based on what we hear today that you guys can vote on for our implementation of what comes out of this. I appreciate that. I will turn it over to our fine and calm moderator for today.

>> Thank you. You see your goals up there and I was pleased to be part of that and assist that. We're going to start moving the goals to the implementation, so you can see you have achieved. As George said, it is a workshop and let me reiterate, there's no motion, no votes, no decisions. This is a chance for you to converse among yourself and staff to hear your thinking. What George will be doing is bringing you an action plan based on your discussion today at some point in the future and that will be a formal document. You will receive it in a public meeting, have a chance to discuss it, debate it and make a motion to approve it or not and have public comment on that.

All right, thank you. Depending on what you choose to move forward today, there will be a large number of public hearings in the future, because you anyway be modifying ordinances, so there will be enormous opportunity for public contribution. Here is our problem, we have 120

recommendations, I am supposed to have you out of here by 6:00. That is 84 answers, you have eight seconds to answer my question that is going to be challenging for us all. So, I will ask you to work with me on that. Here is a couple of ways I want to do it to move that and we will have to have somebody back there. I will ask a question of you and go down the row quickly rather than have the Chair call on you and I will alternate, so at some point you get to be first or last. It will be a straightforward question. What I want to hear is how do you think about this issue? And for you to hear the other colleagues think. We're not trying to convince each other of your position, it is to hear your position and your thinking about it. So, if you can take your 90 seconds to share that with me, I appreciate it.

What I will also do, you are a fun and challenging group to work with. There is no lack of ideas, so I will ask a couple of things, if you do have an idea that is not pertinent to this, write it on a piece of paper and give it to Claire or I. We will look at it at the end. If you have a question but you don't need the question answered, if you will write that down, we will note it. I don't mean to limit your discussion but on the other hand, if we can get through the 120-stuff, your goals will be moved forward a lot faster, so I hope I can do that with you. I had the honor of working with governing bodies. The response you have from your staff is the most comprehensive response. Under the leadership of George and Suzanne, they have taken your goals and I would like you to recognize the tremendous amount of work they have done today. If we can get through it, they can keep moving it. Any questions about process, Mr. Sanity ago.

>> DAVID SANTIAGO: You said you're going to go through the PowerPoints then we can ask questions.

>> I am going ask you questions. It depends on the question -- the question is different for different item. Asking your thoughts about that item, whether you want to move forward or not, grow or not, changes or whatever. I will be asking you questions. Clay will do the presentation.

>> DAVID SANTIAGO: I want to make sure we have the opportunity to share dialog amongst ourselves. I want efficiency, I want to make that clear, because we get long winded, including myself. I will use an example, if Jake says something that may have moved my position or I want to move Jake's position. Ultimately, we're giving direction, not voting, but the direction is going to be given by the majority, so it is almost like a vote but no vote for direction. You can keep it to a time eliminate Mr. Chair, but I think dialog is important.

>> I fully understand that. I do want to communicate the massive amount of material I'm trying to get through here and I appreciate any cooperation I can.

>> DAVID SANTIAGO: Well, Don is not here, so we should move through this fast.

>> The first is I 2 zoning then special exceptions then code and then infill. Clay is going give a presentation on that, and he will start with a slide that talks about how they took these goals and transformed them into operational questions.

>> CLAY ERVIN: Good afternoon. Clay Ervin, Director of resource management. These are the questions that your staff looked at as we were going through all of these items. These are higher level questions and what we're focusing in on was your goals, what you wanted us to do, reduce costs, be more efficient, make sure we're not doing redundant and overstepping our boundaries.

As we went through all of these different reviewers and discussions that is what we were focusing on. As we talked about, these are the four topics we were going to be handling today and I will jump into the I-2 zoning regulation. At the heart of it is something that carries through all of our zoning regulations. There are uses allowed by right, uses allowed by conditional use, and there are uses allowed by special exceptions. In I-2 zoning, any industrial use of site or building that is not otherwise required to have a special exception. That is a very broad, very open-ended list of uses that could potentially land on those properties. This has been reflected in some of the conversations we've had about a specific development of a site. So, what we are hearing through the discussions that took place there has to be some sort of modification, so we are coming to you today to see what the changes will look like. The first is do you make the change? Well, if you do make the change, we face other issues.

If the solution is to change the list of permitted uses and update that permitted by right, permitted by special exception, permitted by conditional use, how does that look and how does it impact those properties that have I-2 zoning. There was a question apologized of statute and we provided them to you, there are five parcels that had the I-2 zoning and they are north of hall road. If we come in and strike that language or otherwise modify it, we do face some issues from a property rights perspective, and that is why we say there may be solutions that may minimize our exposure from being sued or issues associated with equitable estoppel, in other words, someone has made a good faith effort to apply for and seek development based on the current rules, and if you change the rule, they cannot do so, that would be considered equitable estoppel.

What we have, first and foremost, exempt those properties with the current I-2 zoning this addresses the issue that we say, we're making this change, but it will only apply for properties that can otherwise be zoned I-2. Out of the acres that we have with industrial land use throughout Volusia County, those property owners could request a rezoning to I-2. If granted, that they would be subject to that new list of permitted and special exception uses.

The other option is dealing with more of the equitable estoppel issue, which could be to exempt those issues and properties with valid applications already in process. So, those are basically the options we want to throw to you as kind of starting the discussion of how you want staff to draft that initial attempt to correct that overly broad list of permitted uses. Herb will take you through his questions.

>> I would like to do these in three parts. The first part is future land uses, not existing properties that have the zoning. Do you want to amend the ordinance to give greater power and more control by county government back. I would like to hear from each of you with that. Again, we're going to talk about the existing properties later, but this first question, if you don't want to do it, questions two and three are moot. Do you want to amend the ordinance for any properties in the future that could apply for I-2 zoning. Councilman Johansson, can I start with, you please?

>> JAKE JOHANSSON: This is the 727 acres that we have out there. I asked our staff during the staff meeting, if we can coordinate with the landowners to work with them to amend I-2 and let them be aware of it. Right now, there is no amendment. They have hopefully done their due diligence and they know their land could be I-2, so there is an expectation there. Maybe they don't care and maybe it is not going to be an issue for us as far as equitable estoppel or anything like that in the future. I would like to communicate with them and move toward a more restrictive I-2 zoning that

will cover us from the unknowns in the future. There are things we have no idea coming about because scientifically they are not there yet. I don't want to get caught with an I-2 zoning conditional use or special exceptional or by right that we're not aware of from 20 years ago. So, let's update it. Be more restrictive on what needs to come to us and then also be very cognizant of what we build around this future, possible I-2 zoning, is we're not building residential around I-2 and putting us in the situation that we're in today.

>> Thank you.

>> DANNY ROBINS: Clay, you had said that these landowners can make a request to go from I-1 to I-2.

>> CLAY ERVIN: Or I-3 or I-4.

>> DANNY ROBINS: Right, what are the checks and balances that council can compare them to possibly adding more regulation to this regulation?

>> CLAY ERVIN: If you currently have property that has an industrial land use on our future land use map, you can request a rezoning to I-2. It would simply go through the standard rezoning process where it is staff review for comparison and more importantly, consistently with the comprehensive plan and irrelevant goes to the land and planning commission for their review and recommendation, and ultimately, you would prove it. It is a public hearing both at the planning and land development regulation commission and here at the county council. It is only one hearing.

>> DANNY ROBINS: Is there a -- I don't know if rebuttal is the right word, where the cub the challenge like the PLDRC recommendation challenge. Do you know in some places you can challenge the DRC.

>> CLAY ERVIN: I am going defer to the attorneys. An affected party can appeal the decision of the County Council in regards whether or not you're adhering to the criteria for the rezoning.

>> So, the person seek the rezoning would have to -- it would be quasi decision by you.

>> DANNY ROBINS: What would the difference be between what we have already and say a proposed special exception or adding another?

>> CLAY ERVIN: Right now, I think you heard from your staff that the concern is, it is a wide open. I have never seen language like that in a zoning regulation singles I started doing this in -- regulation since 1987. This is a wide open hole that as Mr. Johanson said, there's are things I'm not envisioning, so if you can go forward with language that clarifies what we feel is appropriate that staff can approve. That is the critical part. Permitted by right, you have to meet the wetland standards and all the other land development regulations, you but it is approval by staff and there is not a public hearing. If you clarify that, if you modify the special exception uses by adding to those, you have to go through the planning and land development plan commission and city council.

>> DANNY ROBINS: How many cases do we know of that has coming up in the last 20-some odd years? Has this come up before?

>> CLAY ERVIN: The last one was this property in 2006-2007. I am not aware of any special exceptions that have been approved in the eight years I've been here. We are trying to research how

far back some of the existing uses such as chips dozers or waste management when they got their site plans approved.

>> DANNY ROBINS: So, it is uncommon. That's all I go.

>> MATT REINHART: I'm going to make mine very brief. One of the things that was said with respect to residential potentially being around, the language does need to clarify. The zoning needs to -- the it is too broad, too vague. The I-2 needs to be cleaned up. This wasn't heard of back before when, what was it? I don't know when they changed the property up there to I-2. I don't want to find outstandings in a situation because we didn't think of a specific term. There is language that we can put in there, the language needs to be more clear. We need to be able to avoid this from happening again in the future.

>> CHAIR BROWER: I want to break this in two sections. You're talking about anyone with an industrial, not necessarily an I-2 but they can request an upgrade to I-2, if I'm understanding Clay that has to go to the county council for a special exception.

>> CLAY ERVIN: If you're changing the rezoning, you have to go through the rezoning process. Special exceptions are held to a different standard. Comp plan amendments where you have the greatest amount of latitude. You don't have to guarantee somebody an I-2 zoning if you feel it is not compatible.

>> CHAIR BROWER: I don't want to get put in that position again. It goes through PLDRC and the county council, I am good with that, as long as we have a say to support the citizens. I don't want anymore wide-open zoning, so that brings me to the second one, the existing I-2. Okay, so you're just talking about the change. I want -- no more wide open, this is what is allowed, it needs to come before two boards.

>> That gives you a few more seconds.

>> I'm going to give Mr. Dempsey extra questions. >> I have 90 seconds an answer, we will have more time for discussion, I'm talking as fast as I can be from the south. You're talking about future land use, not current properties, I-1, I-3, I-4, so you have this hole in it that allows any use if you want to modify it or not.

>> DON DEMPSEY: I-2 only or in general?

>> Just I-2.

>> DON DEMPSEY: Unfortunately, I was held up in court.

>> Let Clay explain the issue to you.

>> CLAY ERVIN: In the I-2 zoning, the first permitted use says any industrial use, not otherwise required by special exception in the I-2 zoning. As you have heard from your staff multiple times, that opens it up so any industrial use whatsoever can go in there on that property subject to meeting our land development regulations, so staff feels that wide open needs to be closed in and better defined set of uses being permitted by right and permitted by special exception needs to be developed.

>> I'm not asking you questions about land that has current I-2 zoning, I'm asking for the future. Would you want to modify this ordinance now, so future applicants need to meet a more defined set of criteria.

>> DON DEMPSEY: I would rather not to be honest with you.

>> That is the whole purpose to hear your thinking. Now, I would like to turn the second case, the first are four parcels that are currently I-2, not planning different uses that we know of right now. So, the question is, would you want to apply this ordinance to them or whether or not you want to exempt them from the grandfather them in. I am not talking about the property that has an application to process. We will talk about that last. We will talk about before now, they are currently zoned, so current uses, obviously, they could in the future apply for a different use. Currently, they are there. What I would like to hear is what is your philosophy about that? This is a philosophical issue in some ways and there is a chance of risk 37 Florida has a very strong protection program, private property, the government takes actions in some cases that could harm the property owners. They have a right to have mitigation for that. That is the issue. Chair, I will start with you.

>> CHAIR BROWER: We have a clarification.

>> DAVID SANTIAGO: This second bullet point does apply, because the first bullet point is for nonalready entitled properties. Are you asking us, do you want to exempt the properties from an amendment? We don't know if we're going to do any amendments?

>> We don't, but I did not hear a full rejection, so I'm going to assume we're valid at this point.

>> A huge part for me today is why we're here and the next question is the real meat and potatoes for me. Going along with what I said with the first question, do I want to exempt these properties, no, I don't want to exempt them. There is risk involved, but you there is risk involved in just about anything you do and our residents have spoken loudly and clearly and let us know they are okay with that risk. Not from this elected body but there is going to be fear among engineering taken sky is falling, but we have a very capable legal team and he is capable of hiring outside counsel to assist and help us to make sure the nonsense stops because of our wildly inappropriate crazy liberal I-2 zoning, that I heard Clay for the first time since his career, 1987, I don't know how you had an internship at 12 years old, but he has never seen anything like it.

>> Commissioner sanity ago.

>> DAVID SANTIAGO: What was Troy's answer to the question? >> He is choosing not to exempt the properties. Vice-Chair if I mistake.

>> DAVID SANTIAGO: --

>> TROY KENT: I don't want to exempt them. We're talking about one area in all of Volusia County with five properties, it is in my district. Am I read, that right, Clay, why I'm choosing what I'm choosing with the exempt?

>> CLAY ERVIN: Yes, we heard from you just now that overall the majority of us want to do some changes, so the list is not as wide open. If we make those changes, should those changes apply to the properties that have the I-2 zoning or should you exempt them? The reason why this question is

being asked, through case law, what we've seen is cities and counties who exempt help reduce the butter Harris challenge that may, again, I don't want to say it is going to happen, but may occur.

>> TROY KENT: I don't want to exempt them.

>> I'm asking only four Parcels, but councilman, his answer is no.

>> DAVID SANTIAGO: I think I've been clear on my position on this particular issue, so I'm talking to my colleagues and to the public. I'm not willing to accept the liability that may be coming before us. What I will acknowledge, is we have had the public speak to us and it has been your constituency, at the same time, representative form of government, may constituency is not asking me to take on this potential risk liability. I would exempt them. Thank you.

>> I misunderstood your answer.

>> DAVID SANTIAGO: I would exempt them.

>> Okay, Mr. Chair.

>> CHAIR BROWER: Thank you. We're talking about the four properties that have I-2, would I exempt them? I would not exempt them from changes, however there is a case in which I would agree to it, and that if we grandfathered the four in that are currently work, that aren't disturbing a residential neighborhood with a condition that they could not increase their production to a more intensive form of I-2, which I know opens up because we have to define what is intensive, so I believe that would have to come back to council for a special exception, maybe PLDRC also. But that is the only way I would exempt them, conditionally. >> Thank you. Councilman Rinehart.

>> MATT REINHART: I'm leaning to not allowing them to the nonexemption. I'm getting the verbiage messed up. the way the current language sits, I would not. >> Councilman Robins.

>> DANNY ROBINS: I feel like Mr. Santiago, I feel like we're punishing the current landowners, but I would grandfather them in. I would exempt them from any changes. I don't think it is fair.

>> Herb, can you pause one second. Vice-Chair Kent had a question.

>> TROY KENT: I can wait. >> Again, these people bought the property under the assumption they would we main I-2 and I go back and you're going to hear this all day long, it won't hurt to communicate with the landowners to see if they are willing to except or forgo the grandfather. They may say, no, we don't want to upset, we all live there. It might be that easy. I would hope that we would be reaching out to them in the short term right now to preclude something similar to what may be happening right now and give them a heads up, hey, if you're going to do something that isn't in this list of things, just give us a heads up, so we can get ahead of it and work a deal before it comes up and it is a miserable part of everybody's life.

>> But you prefer to grandfather them with the understanding there will be communication. >> Very much so and maybe an agreement that they will accept the new you ordinance if there is one. >> Councilman Dempsey, your thinking on this?

>> DON DEMPSEY: I agree with Jake, Danny and David. I'm a property rights guy, also. I would prefer to exempt them, grandfather them in.

>> thank you. Let me turn to the last question now. I'm sorry, you had a question.

>> TROY KENT: A quick comment because we're not voting but you're reading the tea leaves. It is 4-3, so I'm talking to the four, but I'm talking to David. You said this is up in my district and my constituents and you hadn't heard that from yours and I appreciate that. I know this is a pie in the sky, and you go, yeah, right because it is not zoned that way. But if the center center of Daytona that was going to happen next to you, I'm the guy you want next to you saying, heck no. It is so inappropriate, the location, and we know what we're getting to next.

>> DAVID SANTIAGO: If we rewinds the tape, when this first came before us, I think I was right there instantly with you, because I tried to always, with any of my colleagues to default to some level of saying, if it is something important to my colleagues, I'm going to go down that path. Do I finish in the same location, yeah, if it was in the center of Daytona, it would be a tougher decision for me. I respect your decision. >> Any other comments before I move to the last question? The last question is legally a different situation. This is I-2 land owner that has an application and process. The concept of equitable estoppel applies, I'm not an attorney, so I'm going to talk about it in sports language. The ball has been kicked off, the game is upway and one team says, we want to change the rules. You have to convince the other team and the ref or it is not going to happen. The actions this applicant has taken has put the game in play and it is a different situation. I would like to hear more about that, clearly, if you would like to hear about equatorial estop a.

>> DAVID SANTIAGO: Correct me if I'm wrong, Clay, if we said the majority lean to option two as exempt, doesn't that negate that we shouldn't talk about the next one, because they already have I-2?

>> CLAY ERVIN: Again, it is a legal issue, so my -- the fact is we've already talked about exempting those Parcels, so they could proceed with an application for any use allowed in I-2, because you exempted them from the changes in the language. We're drilling down to a more specific topic about a singular property that is in process, which has a separate claim for lack of a better term in regards to the equitable estoppel. This is, again, not a sound proof way of addressing it. It is something from a -- we have to, as a staff, advise you of all your options to address potential lawsuits. >> Yeah, I think Herb described it correctly. In February, we were here and I think it was February 6 and had the agenda item the discussion at the time, if you do the moratorium, it was an attempt to try to -- one of the defenses could be, well, has somebody applied for a con Shepual site plan and if the answer is no, our argument would be, the equatorial estoppel would not apply. It is a fancy way to say the court will prevent the rule of the game will not be change once the game has started.

>> DAVID SANTIAGO: Under I-2 zoning property, that will answer three. Why go through three if we say business as usual?

>> MICHAEL DYER: It is up to council.

>> The situation is somewhat different and we wanted to shake sure you were aware of that.

>> DAVID SANTIAGO: I thought three would not be relevant if we agreed on two.

>> MATT REINHART: The four properties, there is no application at this point, none has been submitted before, there is no cation anybody is submitting to one now. That is why I am OK that you changed that now, because I think there is less liability with that now. There is more liability for the one that filed with the one piece out prop. I understand what the attorney is saying and I understand what you who are saying, Dave. I look at this one the one issue and this one over here is a big daddy.

>> MICHAEL DYER: Between equatorial estoppel, I stole this mug from the kitchen, just borrowed it, it is not mine. It may be Paolo's. In this mug, we have pens and pencil, and every one is a use you're permitting in your zoning district. Equitable estoppel, if you say, I want to take two of these out. You say, no, you can't remove those two. You have to allow us to proceed in doing so, for example, we already submitted the application. If you didn't have an equatorial estoppel issue, Florida has some of the most protections in the country. I want to move, I have no application in, no plans in, the question would be, potentially, they could try to argue, I want to be compensated for the value of taking away these two pencils, that is the difference between the one site versus the four. Consistent with what you just said.

>> DAVID SANTIAGO: Yeah, that fits with what I'm saying.

>> Let me ask you to respond to it.

>> TROY KENT: Thank you, Chairman. I appreciate it. I was talking to the four that we disagreed with, but I was talking to Mr. Santiago and I don't want to leave Mr. Dempsey or Mr. Johansson or Mr. Robins out of this. My next question to Mr. Dyer, equatorial estoppel, because this council did it to not go there a moratorium, an application came in, so we have more of a problem, in my opinion. The \$10 million that is sitting out there, thank you, Tom Like, thank you Governor DeSantis and thank you government legislature and many others working behind the scenes. Could it be written in the deal to get this money there's no coming back against the county? I think that is important to talk about and we can address this third question.

>> MICHAEL DYER: I think the short answer is you could end up in that situation. The way the \$10 million was structured in the budget was flagged if Brevard or Volusia could into a contract with a property owner or company to site facilities to be eligible for the \$10 million. The uses were named on what you could use it for, restricted. In this case, I think what you're talking about is going a step further and say, fine, great, if you're going to take the \$10 million and move, we don't want this problem again on this property. Would you be willing for us to address this use?

>> TROY KENT: So, the answer is yes?

>> MICHAEL DYER: I don't think it would be permitted for the \$10 million, but it could be a conversation.

>> TROY KENT: I will end with this because I know we're going long on this. Council member Johansson, I love where he is going with talking to the property owners and see if we can get them onboard but Don, you live in the country and you and your neighbors would lose your mind if this would pop up next to you and you should. Danny, you would as well. I'm trying one last time, to get one of your four to switch your mind on number two.

>> Number three.

>> TROY KENT: No, number, two because then we can talk about number three. None of us would want this in our backyard, none of us would want hundreds of millions of gallons of fuel next to where our kids are playing, where our kids put their heads down, they weren't there first. So, it is incumbent upon us to fix this, by the way, I'm a huge properties rights guy. You got beat over the head years ago, but I got beat over the head over things I believed in. I'm a big property rights guy, but I'm a big safety guy. I'm a big, what about your current property rights and your quality of life of where you live? I just am hoping I can get one of the four to switch.

>> Councilman Dempsey, I would like you to answer question three and if you want to revisit question, two you can. With the respect to the existing applicant and whether you would exempt them or would not?

>> DON DEMPSEY: I think two took care of three.

>> So, you stay with you are at.

>> DON DEMPSEY: Yes.

>> DAVID SANTIAGO: I'm going to stay where I'm at.

>> Hopefully, it can be a negotiation. Mr. Chair.

>> CHAIR BROWER: I want to go back to Mr. Kent on two, to make sure mostly that staff understands what I said. I think we have four companies now that are good neighbors, and I don't want to hurt them from doing what they are doing. Would I exempt them from a change, only if they agreed to not move their business to a more intensive amount. Would I exempt properties, the one property with the valid I.D. application, no, I would not. I know that is problematic but it has been said clearly, it is in the wrong spot. The people of Volusia County did not have a say in the law. Nobody on this council had a say in the law. If that costs us money, they need protection. And that's our responsibility, so no, I would not exempt them, a company with a valid I.D. application.

>> Thank you.

>> MATT REINHART: I stay with the four, the comment I made about that. With this particular property, I know there is some stuff out there, lack of a better word of possibly hoping to move this and that's fine. I don't know any could exempt them. I don't think I could based on the situation because they have filed the conceptual site.

>> DANNY ROBINS: Can you restate that question?

>> Would you want to exempt the owner of the I-2 property that has an application in process from the modified ordinance or would you grandfather them in, so there is no possibility of a legal challenge that you are taking away some of their property rights?

>> DANNY ROBINS: I wouldn't want to go there and I would need to know certain things first. What is our spending threshold? How do we pay for it? What kind of tax increase are we willing to put on people to pay for it? We had a case like this, I think from Walmart some years ago. It went on for ten to 14 years going off of the top of my head, teams and teams and millions and millions of dollars and there have been several cases after that, then is a fact, combined with when I read of the litigation that we got ourselves in on, I'm a guy to challenge everything, right. I will make an

argument out of anything. For a very few times in life, I could say, it was undeniable. We got ourselves in a legal bind. I could not go back to that knowing what I know and what I read and believe. We need to be careful about staying in our boundaries but to get me to move from that, spending threshold, how are we going to pay for it if this council decides to do it and lay the cards on the table because that is huge. I have 120,000 people in my district, knowing what we know, the question is, how is that fair to them?

>> So, what financial risk is the county taking. Councilman Johansson.

>> JAKE JOHANSSON: The property right agenda, I think that changed the I-2 back in, I think Clay said 2006-2007, so they had that expectation since then. I believe our staff, the state, the Governor, and our representatives are, not only putting \$10 million to help us get there, but I believe they are doing a lot of communicating, a lot of coordinating in their committees, and when they are home to work on an equitable solution and I don't want to add all of this risk. Does that come at anxiety for folks over by the property? It does, but I think I asked for patience. I think everything is going to work out. One of the things that I think is also important is, if you take the passion out of it and look at where they want to put things and look at what is there taken public is aware of this, because they pointed out to us, what about the wetlands, what about the traffic, what about this, what about that, what about safety? When that plan comes in and the actors come in, and we start looking at them, it might be a bridge too far. We haven't heard from Belvedere or any other substance in month. Maybe they will never come back. Do they have an obligation that they done? It would be nice, but we may never know. I think we keep it as it is and work with our powers at be to make the best possible solution elsewhere.

>> CHAIR BROWER: I think I used only 30 seconds of my 90. Everybody knows the position we're in now. This zoning was created in 2006 on Hall Road. It might have made since then. I don't know what the neighborhood looked like then. Pretty much everybody agrees that it doesn't make sense now. I think what we're really talking about here is once a governing body, once a group of representatives hear something no longer works, no longer appropriate there is nothing we can do about it? I know, Mike, you're going to say, I think when you talked yesterday, yeah, you can do something, but there is risk in doing it. At some point, you have to eat the elephant in order to protected the people.

>> MICHAEL DYER: You have two silos of issues. You have a property that doesn't have a site plan, has no plans to do anything differently, and you're looking at changing the permitted uses. If you take some of those bundles of sticks out or pencils, theoretically, you could do it but you may have to compensate the property owner for that. Equitable estoppel is different, like we talked about in October. Once someone submits an application there is a body case law that says it is unfair, unjust for the government to stop you from doing so. You should you be able to continue, so I fee the four Parcells that we talked about different than the one because the game has started, arguably, is what we will be ill be faced with it is not an unusual argument and I would anticipate it.

>> CHAIR BROWER: Thank you, Don Dempsey.

>> DON DEMPSEY: I too am a property rights guy, and I wouldn't want something like this in my background yard, but do I not want it in my background yard for aesthetic reasons and it is an eyesore or it is about safety reasons? I was the first one to bring up about the airport overlay and

the traffic and the highest airport for training in Central Florida. We have more airport activity than most other areas, maybe in the country, and so, I'm not saying it is a great idea to be there, the existing permit request, site plan, but I want it to vet itself through the site plan process. Like Jake said, it might be dangerous. I don't want something in my backyard if it is dangerous. If I do want to look at it, that is balancing property rights opposed to danger. I'm not convinced it is ipso facto dangerous because there is big one in the middle of Tampa, and I've flown over it numerous times and I don't see it to be an issue necessarily, but this might be different. There might be a unique circumstance, that is why I want it to vet itself through the site process not just because I don't want it but that is why I'm against it. I am concerned about the safety and do hope the airport overlay, whoever is in charge for examining that for dangerous because of continuous traffic flying overhead because that does concern me. I don't know if it is worth this type of remedy.

>> CHAIR remedy --

>> TROY KENT: Don, I can help you. I think it is dangerous and I think you flying over one in Tampa, I think that is dangerous. I'm going to recommend you stop doing that.

>> CHAIR BROWER: Councilman Reinhart.

>> MATT REINHART: I agree. When we talk about equitable estoppel, there is no site plan on the four. There is a use right now. We don't want to stop what is come going on, but we need to define it better, so it doesn't gain ground to that. That being said, Jake or I'm sorry, councilman Johansson brought up the company that has the conceptual site plan has no idea if they are done and want to move on, if we pray that happens, there is no obligation. That goes to my question, if that does and we're able to determine that, is that something we can visit to change it then? >> Herb: Let me ask the attorney.

>> MATT REINHART: So, it would change.

>> MICHAEL DYER: And you're back to two.

>> MATT REINHART: Thank you, I wanted to clarify.

>> MICHAEL DYER: There could be negotiation that could affect that use, what is cost of it.

>> MATT REINHART: I like my chances better than something that has an application submitted. >> We heard you. Clearly, everyone would like to find a way around this, but with respected to not taking a violation of property rights, basically. We would like to move to the next item, you talked about another regulatory framework and we need to talk about special exceptions so, Clay, you're back up.

>> CLAY ERVIN: Stealing from the earlier slide, all of the zoning classifications are broken down into using by right. These are uses that as a property owner, if you have vacant land, you can come in and request a site plan subdivision and building permit for those uses by right, permit will be issued for that. Conditional uses is absolutely different that criteria has been set for size, building height, et cetera, operational limitations, those you have to come in and staff have to review to ensure you are in compliance with the criteria but no public hearing in front of the planning and land and development commission and no hearing in front of the County Council, it is a staff approval for the criteria. Lastly, there's are special exceptions and under the current rule, a special exceptions is

reviewed by staff in 293 for special exception criteria there. Then it is presented to your Planning and Land Development Regulation Commission at a public hearing where adjacent property owners are notified and posting of the property and a notice in the newspaper. They will make a recommendation, and it comes to you ultimately for a similar public hearing morning -- hearing for a final approval.

What you asked us to look at, whether or not some of the uses that have to go through the special exception process the overkill, for lack of a better term. Can some of these be changed so they are permitted by right? Can you make them more efficient? We provided to you a table, which lists out all of the 115 identified special exceptions we have in our zoning ordinance. Working from left to right and unfortunately, it is hard to see with what is on the screen, we identified what the use is, zoning classifications, where they are allowed by right, the zoning classifications where they are allowed by special exception and on the side is a recommendation by staff.

Seen, we basically break it down to four different options. The four different options are allowed by right, allowed by conditional use. We are introducing a new concept that some uses could go just to the planning and land development regulation commission for approval. You still have an added step of a public hearing but reduces the council from having to review those and allows for a quicker method, so some of the uses that feel needs to be vetted through the public, but does not need to go through two with public hearings with the understanding any appeal of the property owner seeking it or any affected property owner or affected property could appeal to the county council.

Lastly, is keeping things as special exceptions that would have to go through the Planning and Land Development Regulation Commission and the County Council. There was a question raised about on pages of 3 of 11 and.

11 and 9 of 11 that refers to Motocross. There is a personal Motocross and there is a commercial Motocross for lack of a better term.

If I'm owning of property where I would like to put my own personal track for my family and my friends to utilize, I'm not inviting the public, I'm not holding races, I'm not holding events out there that is allowed by right, as long as you're not impacting wetlands, as long as you're not taking out trees or impacting storm water or other as necessary, that is specifically if you owned property in our agriculture areas that you could coordinate with staff, make sure you didn't need those permits, god if and belled it -- build it, no other issues going forward.

The commercial, what we're talking about here, these are full-on, open to the public, available for racing events, available for training activity, available for testing, those types of things, something that you would expect as standard commercial motor cross track. Right now, the expectation from staff is to allow you those by right that allows a five acre parcel in the area. It is a bit confusing how the tables reflect that. This recommendation is coming from some of the comments we've heard from the council, wanted to make sure we were capturing what you were requesting us to do.

So, that is a summary of what is going on. I believe we're at the point where he is going to take you through your questions.

>> CHAIR BROWER: You had clarifying questions, Mr. Santiago. Doing correct me when I am wrong, when we go through special exceptions there is criteria that is spelled out in order for them to come before us, is that correct?

>> CLAY ERVIN: Yes, there is general criteria and there are uses such as air curtain insect raters, those types of things that do have specific criteria in regards to setbacks, hours of operations, etc.

>> DAVID SANTIAGO: I will reflect that, the special exception that we spent hours on a dog kennel in someone's agriculture -- that was a special exception and her presentation was, these are the criteria, check, check, check. They met them all and we, I think we did grant that. Reasonable I'm asking that line of questioning, couldn't we take, as an option, special exceptions and turn them into -- I forgot the other category.

>> CLAY ERVIN: Conditional uses?

>> DAVID SANTIAGO: Correct.

>> CLAY ERVIN: It is your zoning ordinance. If you don't want to have public hearings then you could put the criteria and sit and tell staff to monitor it.

>> DAVID SANTIAGO: Apply the code.

>> CLAY ERVIN: Abide the code.

>> DAVID SANTIAGO: On what is permissible or not, I like to use that word instead, we apply the code staff based on the criteria, so we could do that?

>> CLAY ERVIN: Yes, sir.

>> CHAIR BROWER: Clay, one more.

>> I noticed in the special exception uses, one example, agriculture products not raised on the premises. I didn't know the answer, but there are some zoning classifications there is, that going to be all zoning classifications by right? I don't see RR, I don't see RA. Are those transitional zonings covered under AR zoning?

>> CLAY ERVIN: That means, first of all, RR is not an A.G. property. In other words, you cannot have a commercial farm on there. All the A1 through 4 and MH-3 and others are areas that commercial farming basically true agriculture classification can occur. So, what you're seeing if you raise it on premise, you can do it by right. If you are bringing it on to the site, you would not be able to do so, so what we're saying is, make it so you can by right, so no longer needing to go through a special exception for agriculture areas for farms to go in and sell product not grown on site.

>> So, RA is not an agriculture classification?

>> CLAY ERVIN: It is for hobby farmers, they are the size and nature that they would not be able to get an A.G. classification. It is for folks who want to have a larger lot, one to two and a half acres.

>> So, you're saying, R.A., how do I explain this? R.A. is under one to two acres?

>> CLAY ERVIN: We have rural residential, we have rural areas and transitional agriculture, these are zoning categories that we acknowledge that are larger lots. They are rural in nature but not appropriate for agriculture commercial operations, and so, an agricultural operation is not identified as permitted use. What you see in the second column, principle A1, two, three, four, MH-3, those transitional, rural and community residential, those are ones that have been identified or bona fide farms can operate, no problem. Anything else would not be allowed to have agricultural products for commercial use or commercial sale.

>> So, getting ready to put up weaning pens for calves, I can do that under A.G., why wouldn't R.A. be on there? I got asked by that from Sam Sula drive and that whole Sam Sula area. Residential agriculture can be one acre, can be four acres, split zoned. I am trying to wrap my head around that.

>> CLAY ERVIN: Today, we're not addressing what uses should be allowed in the RA and I don't mean to put it off, but if you want that done, you would have to tell us to come back and look at the non-prime agriculture, the RR and RA if you want us to look at that to expand the victim of commercial agriculture in that. Right now, it's not -- you can -- you can have your own on-site, as long as it is not per takenning to stuff that is for sale and mass production. >> I just didn't understand it. That clarified it. Clay, can you talk about the ones and how far -- I don't know if I agree with the cluster and zero lot line. I had constituents reach out about that. Can you explain or clarify that?

>> CLAY ERVIN: Yes, sir. Currently, cluster and zero lot line are allowed by right in one through four and MH-6 and southwest residential. The one area that is required to be a special exception is the rural residential. We are recommending it will go to by right, so it would no longer require a special exception for a cluster subdivision in the RR zoning and that would be a permitted use by right.

>> So, it would conform with the other R's that are already allowed. What other protections do our folks have? I can see where that -- depending on how far that goes, I can see an issue partially, what kind of protections do our people have? I don't want them to get caught off guard, do you know what I mean?

>> CLAY ERVIN: If you feel cluster subdivisions are incompatible to anything that would be an RR zoning adjacent, it should not be permitted by right and you want that to remain a special exception, otherwise, it is staff approval. >> So, it is just the one category?

>> CLAY ERVIN: Yes, unless they are already there.

>> Okay, got it. Thanks.

>> I would like to do staff recommendations in four sections. The first group is they represented 60 uses to be permitted by right. I know you want to talk about every one of these in great detail, but I'm asking this. If there is anything in the list of 60 that you have concern about it, say it. Staff will revisit, talk it with you, so we're not having to get concurrence here, there is an identity that I am concerned, like councilman robinson just did and say, I have concern about these permitted by right. Councilman, Reinhart, can I start with you?

>> MATT REINHART: So, we just had a recent campground with voting and whatnot. This one on here it shows by right and I would like to discuss that further, that was one that jumped out at me. >> I will go around twice because there is a lot of items here.

>> MATT REINHART: Good. There is another one but I will wait.

>> Councilman Robins, any additional ones?

>> DANNY ROBINS: No, just those two and the opportunity to look at the AG or the Greenbelt language to RA or RR because you see that zoning in all of these areas then it would be consistent. Maybe two, educating us a little bit. I know how complex that 72-304 and that section is. Clay knows it. I don't. But other than that, that is where I will stay with for now.

>> Councilman Johansson.

>> JAKE JOHANSSON: Yeah, if we look at pulp and paper manufacturers, we want that by right, can we pull that out and have that discussion with the I-2 conversation that we talked about earlier? I'm not saying it would be as contentious as our current situation, but instead of planes crashing and killing people, we will be talking about smelly pulp, so I want to have that conversation.

>> Thank you. Councilman Dempsey, I know you have no trillion in Motocross, anything else in this list?

>> DON DEMPSEY: If you drive up towards Savannah, you can't help but get a whiff, so I agree by right, it might be worth discussing in the I-2 discussion. Journalist doesn't help that you have to drive through South Carolina first, so you're already upset.

>> DON DEMPSEY: Yes. That is all for this round.

>> Vice-Chair?

>> TROY KENT: The several I heard, I'm fine with that coming back and I appreciate the genesis where it came from to be more efficient and effective. I have not had a constituent ask for this. I have not had anybody say, we want you to streamline this process, so there is less eyes looking at this. In fact, I've had a few reach out to me and say that is sort of your job? That is why I voted for you to do that. I have had people in the past, what do you think about this or that and they told me, that is why I elected you to make that decision for me.

>> So, general comment, a whole approach. Councilman Santiago.

>> DAVID SANTIAGO: I'm okay with what has been said and move forward. Troy, we're on opposite sides today, brother. I want to put this on the table. I think this is a reevaluation of efficient good government, what is permitted, what is not, print it, and let everybody know these these are Tull rules of the game, you don't like it, change it. I think most of us are good, efficient thought processes and we have we have a lot since we've been together and advertising it, holding everybody to the same standard, that is all and then we have a good debate on what the uses are, that is what I like. I'm okay with it.

>> TROY KENT: There is a lot of things but one of the things I admire you, is you keep us on point, streamlined, I just haven't had anything ask me that is the big thing, I haven't had people say, hey,

you know, I want this stream lined for people with the right, so they don't have to have a public hearing about it.

>> DAVID SANTIAGO: I will add this. Do you know what convinced me is the dog kennel thing we did. That convinced me that we needed it because it was a mess and the applicant did everything they were supposed to do and us as a governing body, made that mess when that person checked all of those boxes and we would have sued and they would have won if they won.

>> TROY KENT: What is interesting about us being on the opposite of that, you were for it, I was against it.

>> Mr. Chairman.

>> CHAIR BROWER: I agree with the exceptions that have been voiced. Do have a question. One of these listed as circus headquarters. Do we have land where a circus -- are there any other lands that could be used a circus?

>> CLAY ERVIN: Immediately south of of public works compound there is a large area where they used to do the storage of the circus animal and circus equipment over there.

>> CHAIR BROWER: By the sun rail station? So, that is still zoned for circus, they are just not there.

>> CLAY ERVIN: It was used for industrial property.

>> CHAIR BROWER: I kind of miss the circus. One other I would like to add to the list that I think we should look more into and that is the farmer worker living facilities since I have been involved in that, and I know it was zoned for it and it is kind of like what we were talking about with I-2, the surrounding neighborhood that didn't know that was -- it really infringed on some of their property rights so, we need to be careful with that one. Jake Johansson, sorry, I don't see you.

>> JAKE JOHANSSON: I want to clarify as well and add to what Mr. Santiago said. We've been taking a measured approach with everything we did. We looked at a few ordinances, we updated our or at least talked about and planned a future for roads and bridges. We're talking about many things. This is just another review of something that hasn't been looked at for years and years and years, which we found outside reactive in one situation and we're like, let's take a look at the whole thing and see what we can do. I think that is important and the basically feel, for me, for this collective body is less regulation, more freedom. And even I'm running cross on that every once in a while, but less regulation, more freedom. We were all around for Reagan and that is where we put our heads 90% of the time, so that is what I'm sticking with. I think that is the way we're doing it.

>> DANNY ROBINS: Two seconds, keep the good, get rid of the bad. We're all discriminately trying to find ways in our budget to shrink it, and this would be a great opportunity to possibly do that, through relaxing some of these regulations if we identify any, lower the budget, and save some money wherever we can. That's it. >> Councilman Reinhart, any other?

>> MATT REINHART: One other. I agree, Mr. Johansson, less regulation, more freedom. We could say, this was never a problem until it is a problem and that is why we're looking at it and with respect to Mr. Kent's comment, I haven't had constituents reach out to me about any of these either, but I'm sure we did not have people reach out about other things that have been discussed

recently. it isn't a problem until it is a problem. Less regulation, more freedoms, unless it infringes on others that are property owners as well, putting something next door to something, it infringes on their rights. We brought up the poultry issue and circus grounds. One other was tanneries. Just out of curiosity and just for discussion, I'm not saying I'm objecting to it but it is something I would like to discuss further. Thank you.

>> Mr. Robins anything else? I'm going kind up with councilman Dempsey. Chair?

>> CHAIR BROWER: I'm good.

>> DAVID SANTIAGO: This is why the conversation is good, because we review them and say this is the rules of the game, that is what I like that we're doing. We review the rules of the game until we change the rules whenever that is.

>> Vice-Chair, anything else?

>> TROY KENT: I'm good.

>> DON DEMPSEY: I think we're all property right components and I will say from experience, I believe the county just rezoned everything from the corridor to B4 and what an impact it had on the values of the property. Not only is this respecting property rights of property owner, but it makes these properties more valuable, I can tell you if somebody is coming to town and looking to open a tennis club or theater, and they are looking at opening in Seminole County or Lake County or Volusia County, wait a minute. They are going to see they don't have any red tape or nearly as much red tape to go through in Volusia as they would in a surrounding counsel. This makes us more appealing, so hopefully it will draw more industry or business, any type of business to the area just by cutting the red tape, so to speak. That is all I have.

>> Clay drew your attention to issue, motor cross. Motocross is allowed by right and would like to have a discussion if you would like or not. If I have 20 acres, and I want to put one in, I can do that. This is commercial, I would like to hear your perspective on council whether you want to maintain commercial Motocross by right. A2 or B4 categories are the only ones we're talking about.

I'm sorry, I misunderstood, Clay.

>> CLAY ERVIN: Because we're planners and we have to get into the nitty gritty details. If you look on page three, it talks about zoning categories A2 and B4, which right now the commercial Motocross would be special exceptions. Staff has identified them as switching to being by right but the one for B4 is for bicycles only, not motorized, so what we're focusing on is the A2 property, which are agricultural properties, five acres minimum, do you want to allow those to be operated for commercial motor controls without a special exception and staff approval only? >> Keep it as it is, which come requires special exception? Do you want to keep it as it is or do you want to change it to by right? Councilman Santiago.

>> CHAIR BROWER: We have two with clarifying questions.

>> DON DEMPSEY: Everybody knows this is my baby because I have been in the sport for 50 years. I will be the first to say, I wouldn't want a commercial Motocross track in my backyard. It is noisy and we heard the people when we had the landfill issue. A2 really isn't practical because A2 is only five

acres, it is going to be more. If you're going to open up a track, it has to be a bigger piece of property. We're still looking for alternative sites for track and hopefully, we will find a place that is very secluded, no neighbors, we possibly may have found something, I don't know. If I was King for a day, I would like to see this more for the bigger tracks of land where it is practical. I would not want to see a commercial Motocross track initial five acre subdivision. You can't do that. It is not fair to the neighborhood. I would like to see if we can change it to A1, make it by right or the way it used to be special exception. You have to be cognizant of the neighbors. And I mean that is all for commercial. Everything as it exists now would stay as far as personal use, but you're talk about commercial, 40 bikes, weekends, stuff like that. It is only fair.

>> Someone else have a comment.

>> CHAIR BROWER: Jake Johansson.

>> JAKE JOHANSSON: It is a clarifying question. I have a loud hobby, does your commercial Motocross facility have noise level standards?

>> CLAY ERVIN: Standard noise level in chapter 50.

>> JAKE JOHANSSON: For everybody?

>> CLAY ERVIN: Yeah.

>> JAKE JOHANSSON: So, if they make too much noise, five acres, 20 acres, 100 acres, we can catch them for a code compliance issue?

>> CLAY ERVIN: Yes.

>> JAKE JOHANSSON: Got it. So, we have an existing regulation that would give the public a venue for taking care of it if it was too loud.

>> CLAY ERVIN: Yes sir.

>> JAKE JOHANSSON: By right, they put a 40-bike outfit initial five acre lot and traffic is affected, they have to meet all of the requirements for having that commercial property used for that event, right? We have things in our process for site plan approval that bring forth traffic, bring forth noise, bring forth other things, wetlands environmental standards so, by right doesn't mean they come and get their permit and build it, they still have all of the wickets they need to build it successfully.

>> CLAY ERVIN: Yes, sir. They have to go through the site plan and there would be an evaluation of traffic, wetlands, storm water, water, sewer.

>> JAKE JOHANSSON: Got it. Thank you. >> Councilman Dempsey is presenting something.

>> DON DEMPSEY: I was just saying if that is the case, I really am trying to cut down, because that has been my big thing is there is no place for people to ride in this county and that might be part of the problem is getting the zoning to open up a commercial if. We don't have any place commercially for children to ride their dirt bicycles. >> So, more appropriate zoning.

>> DON DEMPSEY: More expansive zoning by right that would be good because by having more zonings by right that makes our county more appealable and protects people's property rights but that is a small people of property for that.

>> DAVID SANTIAGO: I agree with Don.

>> TROY KENT: Keep the way it is and I would also say, you learn things all of the time. I'm shocked to learn that this could happen on someone's private property in Volusia County currently. You're right, Don and I'm pleased to hear you talk about the noise level. We had a situation where a gentleman came in and bought property and he built a track and he was out in the country. The people are like, I like my quiet place in the country and all of a sudden, it is not quiet because you and your friends are tearing it up. I think the lingo that cool kids use is brat. I'm just talking now. Special exception. >> Mr. chairman.

>> CHAIR BROWER: There has been so much input, I want to make sure I'm answering your question.

>> Would you want commercial motor controls by right in A 2. Counselorman Dempsey proposes maybe A1 to have larger tracks to do that. But the question specifically was by right, commercial Motocross in an A.

Zoning?

>> CHAIR BROWER: Not by right. I think it needs to be a special exception.

>> MATT REINHART: Special exception.

>> DANNY ROBINS: I just cautious us because there is a lot of five-acre tracks and that would cause a problem for district three. Clayton, what is the next size up next size up from A1?

>> CLAY ERVIN: I'm hearing, a commercial Motocross track is something you want done but done correctly, so that is coming up with specific conditions, minimum lot size, minimum areas those types of things that can be wrapped into if you want to make it easier to permit a commercial use. You have that option, as a conditional use, we can put together the criteria, so it is identifying the zoning this would be allowed in but you the conditions it would be acceptable and it would be a staff approval, not going through a public hearing process with a special exception. We can put that language together, again, please realize everything you're telling us, we have to go back and start the ordinance modification. We have to do outreach. We have to do public hearings at the PLDRC and to y'all. By this point in time, y'all would have had this vetted through a variety of different folks and you will see what recommendations are happening. We hear what you're saying and I think we can accommodate your intent, which is acknowledge the need for something like this and the availability of it but make sure you're doing it in the right location, on the right size parcel that will not have an impact on adjacent properties.

>> CHAIR BROWER: Quick question for Clay. If this went to a special exception, what kind of public notification the required?

>> CLAY ERVIN: Published in the newspaper, posted on the properties, so you have seen the signs and we mail notices to the adjacent property owners.

>> CHAIR BROWER: Within 500 feet?

>> CLAY ERVIN: No, just adjacent property owners that are immediately putting and across the street.

>> Councilman Johansson.

>> JAKE JOHANSSON: Will we be voting on this as it comes? And it sounds like we have a majority on it, so I can go either way.

>> I would like to turn to the next one, asking the same thing of those 12, I would like to pull it for further discussion at this point. If you're okay, say I'm okay with those 12. Vice-Chair.

>> TROY KENT: Before we start, councilman Johansson has a question.

>> JAKE JOHANSSON: I think I have a bunch of questions. I will start at the top. Backyard chickens. Why would there be a limitation of five chickens, no roosters?

>> CLAY ERVIN: We currently have a restriction of what is differentiating a commercial poultry operation and a farmer, and the magic number was four at one point in time. When this issue came up, it was raised to five and basically it is just --

>> JAKE JOHANSSON: I have ten or 12. >> I remember the chicken day. Therapy got most of it out but we had a long discussion about it.

>> JAKE JOHANSSON: Fair enough. Going down to fertilizer sales, retail and wholesale. Why conditional? Is that because of the danger?

>> CLAY ERVIN: Mainly because it is a commercial operation if you look at the zoning those are allowed in, those are agriculture.

>> JAKE JOHANSSON: So, it is because they are commercial and you're covering it. Got it. Mobile fuel dispensing vehicles. They get health certificates from the health department to operate?

>> CLAY ERVIN: This is the ordinance that you approved a year and a half ago in response to the state's mandate on how we handle mobile food vending vehicles. This is a recent one. They still have to go through the state to get properly licensed. What we did was we went through anticipate identified the criteria that we would apply to ensure the operation of the, basically, food trucks are not going to have a negative impact on commercial properties and adjacent residential areas and we also, this council and the -- excuse me, the prior council wanted to make sure this was included for agriculture lands.

>> JAKE JOHANSSON: So, okay. Okay, thank you very much.

>> CHAIR BROWER: One more question about the food trucks. It requires a health department license, do they have inspections like a strategy does?

>> CLAY ERVIN: Yes, sir.

>> CHAIR BROWER: I know we've had issues in the land and it has been difficult for your office to deal with, is that partly because it is tied to the health department?

>> CLAY ERVIN: No, sir. There are two separate issues, the health department is looking in and making sure the food truck is clean, meeting the minimum requirements for commercial kitchen. The issue is these things are mobile. They show up, park, they operate on the weekends, we get the complaints, we follow-up and there is not a -- they are typically not there Monday through Friday and we have to do a special assignment for catching them. Basically, the fine goes against the property owner who may or may not know the food truck was going there so, that is the issue with a lot of the food trucks. People willing to cooperate with us and go through the process, we find it straightforward. It is make sure you are parking, so you're not obstructing parking, fire lanes and if you're going to have tables, benches, they are not going to be in the landscape buffers or anything else. I would say, it's good for those who want to follow the rules on the weekends, it is a cat and mouse from a code enforcement.

>> CHAIR BROWER: They have to move at night, they can't stay overnight. I want the council to be aware of that, but that is a condition we made. Matt Reinhart.

>> MATT REINHART: One more question about the food truck. Currently, some of the cities when there is an event, they get an event, they apply for a special event or whatever and they had the food truck present. The fire department does an inspection of the vehicles prior to the fire starting, does the council do that?

>> CLAY ERVIN: When we have a special event.

>> MATT REINHART: Is, that is like an added inspection on top of what the health department conducts?

>> CLAY ERVIN: Correct. >> Vice-Chair, any commencement on the 12 items?

>> TROY KENT: No, thank you.

>> Council Dempsey?

>> DON DEMPSEY: No.

>> Mr. Chairman?

>> CHAIR BROWER: I'm good.

>> DANNY ROBINS: I would like to put an emphasis and just breezing over this, in my district is agriculture and all over. Florida Greenbelt law mandates only lands for classified AG and good faith agriculture land, I.E. land being used for agriculture with the intent to make a profit. I would just make sure to hit on what he said that we differentiate for-profit, Hobby, farm and the same thing with the zoning, if they meet the classifications, it says nothing in here about zoning. That's it.

>> Consman Johansson, anything?

>> JAKE JOHANSSON: No. >> Let's turn to the next item, major change the PLDRS will be the final, as always an appeal process, but it will go back through to them. I would like you to look at those 32 and see if there are any you would like to pull out for discussion. Mr. chair, can I begin with you?

>> CHAIR BROWER: Yeah, it is a long list.

>> We will go around a couple times if we need to.

>> CHAIR BROWER: Go ahead.

>> Councilman Johansson.

>> JAKE JOHANSSON: Yeah, let's look at the first full page there. Premises other than hotel, restaurant, congregate, living, lodging, blah, blah, several persons unrelated to the owner. Why did we come up with seven persons, people?

>> CLAY ERVIN: That is pertaining to boardinghouses where they are doing that and the definition of family in your zoning ordinance, six people not otherwise related by blood, marriage or adoption.

>> JAKE JOHANSSON: By blood, marriage or adoption.

>> CLAY ERVIN: It is tied to the definition of what is a family.

>> JAKE JOHANSSON: Can I have my family of 15 over?

>> CLAY ERVIN: Yes.

>> JAKE JOHANSSON: Even though they are not siblings or wives or anything like that?

>> CLAY ERVIN: Correct.

>> JAKE JOHANSSON: You never know, right? Let's go to nine of 11, mobile fuel dispensing vehicles again. Agriculture or construction sites for less than one hour. Is that exempt from going to PLDRC based on your state statute?

>> CLAY ERVIN: No, sir. That is tied into the ordinance that y'all adopted. Again, --

>> JAKE JOHANSSON: We said less than one hour?

>> CLAY ERVIN: Yes, sir.

>> JAKE JOHANSSON: Okay.

>> CLAY ERVIN: That was in the ordinance, if you want to make those changes, now is the time to identify it.

>> JAKE JOHANSSON: I'm identifying it, I guess.

>> CLAY ERVIN: These are the standard roach coaches we see at all construction sites, so the idea was for them to come in.

>> JAKE JOHANSSON: If I have half a crew that goes from 12:00 to 2:00, I need one crew that needs to go from 12:00 to 12:00 to 1:00 and then 1:00 to 2:00.

>> CLAY ERVIN: We can look at it.

>> JAKE JOHANSSON: And the Motocross a couple from there?

>> CLAY ERVIN: That is an error. That should not be there.

>> JAKE JOHANSSON: Other than, I support everything else.

>> Thank you very much. Mr. Chairman.

>> CHAIR BROWER: I would like to ask a question on what he said about the Motocross courses. The A2, this is just PLDRC, it does not come here?

>> CLAY ERVIN: This is a duplication. This is the same thing that you had seen earlier. What I'm hearing from y'all is the personal is okay, commercial, again, we're going to look at trying to make as a conditional use subject to size and performance standards.

>> CHAIR BROWER: Okay. Nightclubs. Pardon me? Yeah.

>> CLAY ERVIN: Yes, sir. What we're saying is right now, it is allowed by right in all of the commercial zoning, which is B3, 4, 5, 6,.

, and 8 and the commercial and the OCV, which is the Osteen commercial village and the Osteen multifamily village or mixed use family those are required to go through a special exception. We're saying they should go through the PLDRC for the approval for if special exception.

>> CHAIR BROWER: Is there any special regulations for adult entertainment nightclubs?

>> CLAY ERVIN: That is not handled by you're doing ordinance. that is an ordinance that has restrictions on the serving of alcohol on anyone who is engaged in sexually oriented businesses.

>> CHAIR BROWER: How many zoning categories can that be in?

>> CHAIR BROWER: If I --

>> CLAY ERVIN: Financial I remember ber correctly, two.

>> MATT REINHART: Airports? We just had the issue about the campground, boat docks and that could have gone either it way, so I want that included for discussion. Glue factories and the last the -- there is two, cement plants and rock crushers. The reason I bring that up, when I worked for a short time there is a rock crushing plant, more complaints received from the neighbors than anything else was the noise and the dust, the concrete dust and the requirements they had to spray down stuff and they were not adhering to it. I would like a further discussion on those two as well. Sorry to give you a long list, Clay.

>> CLAY ERVIN: No, I wanted to make sure I got it down.

>> MATT REINHART: It is just for discussion.

>> CLAY ERVIN: Let me make sure I have your comment correctly. Airport, you want us to see if we should perhaps coming it come to County Council?

>> MATT REINHART: Yes, sir. Boat docks and camp ground and that is in light of the recent approval we did and cement plants and rock crushing and glue factories as well. We had issues with fiberglass companies and the odor and whatnot that comes from that, the glue factory could be the same.

>> CLAY ERVIN: Got it. Thank you, sir.

>> CHAIR BROWER: Jake Johansson has a question. Okay, he didn't have a question.

>> Anything you would like to have further discussion on in the future?

>> DAVID SANTIAGO: The ones being pointed out, they are going to come before us, we're saying we want to talk about these later? That being the case, we will address these later, I'm okay with the list.

>> Vice-Chair.

>> TROY KENT: Thank you. Saw mills, slaughterhouses, glue factories, I said that after slaughterhouses, hog farms, nightclubs, he wily port -- heliports and helipads. There is my list.

>> Councilman Dempsey.

>> DON DEMPSEY: The rural event centers and the venues. We're talking about wedding venues in the rural areas or what exactly?

>> CLAY ERVIN: That was the driving force behind it because we did have properties zoned A1 but were not bona fide agriculture. So, if you do not have the classification from the property appraiser as a bona fide A.G., you cannot utilize the provisions to operate your wedding venue. We put this in place as a way for those who could not get or did not want to get that A.G. class to utilize their properties for a wedding venue but it ties to any kind of social, basically, I wouldn't say convention center, but an event center, where you can have weddings, quinceanera, those kinds of things.

>> DON DEMPSEY: Would horse arenas be a right or does it have to go through this classification?

>> CLAY ERVIN: I have to double check on that. Within the agriculture zoning, you can get -- you can have riding stables. When you start turning it into an event center like a rodeo or equestrian center, I have to see if we allow that by special exception or I have to say, I have to determine if it is protected by the right to farm act. I can tell you the recent changes over the last ten years to the right to farm act has opened up a considerable number of uses as "agri-tourism" so, we need to make sure we're not in violation of that.

>> DON DEMPSEY: There is another typo on one of ten, speedways, Motocross, I don't know if that needs to be stricken out.

>> CLAY ERVIN: That will be worked out.

>> DON DEMPSEY: That is all I have.

>> CHAIR BROWER: With everybody's list, I'm good with it.

>> Let's turn to the 11, is there any that you want to move out. Mr. Reinhart?

>> MATT REINHART: No, I'm good with this.

>> Councilman Robins? Councilman Johansson?

>> JAKE JOHANSSON: I had a question, but we might have resolved pit. Can we look at the last 11 of the 11, hazardous waste transporter facility, is that PLDRC as well? Christmas that will stay with council.

>> JAKE JOHANSSON: I thought I saw it up here earlier. Okay, I'm good.

>> Councilman Dempsey? Vice-Chair?

>> TROY KENT: Why is glue factory on this too? So, should it not be under PLDRC, is that right, Clay? I raise it either way, a couple of us brought it up.

>> CHAIR BROWER: Do we have one of these in every category or some not existence or we do not have a glue factory?

>> CLAY ERVIN: We had one at some point.

>> CHAIR BROWER: We will have one at some point you're saying? Some are pretty unusual. Rhyme good with the list, I was wondering if they are not already here because I'm not aware of them. I am good with the list.

>> Thank you very much for that. We would like to turn to the next item about permits. Clay, you are up again.

>> CLAY ERVIN: This is the question about what can we do to change our current regulations to reduce redundancy of federal and state aspects and do we have any latitude with some of these changes? I'm just referencing the community planning act that is where all cities and counties have to come up with a comprehensive comprehensive plan and there is some form of land development standards. County charter requires minimum environmental standards. They are identified in the charter and implemented through chapter 50. Those are the standards that apply both inside the cities, as well as the county, but let me make sure it is clear on how that is implemented. The cities are to either adopt by reference or adopt their own ordinance that incorporate those minimum standard. They can be more restrictive, but cannot be less restrictive than what the county establishes. That includes wetlands, tree preservation, storm water.

We look at the other regulatory framework, and the one that a lot of folks focus on, do I need a building permit? The Florida building code came in in 2002 for all cities for minimum building code requirements. As such, we have as a county have limited opportunities for changes. You can propose a local amendment, those are difficult to prove. You have to show there is something unique and completely different from a building code perspective for that particular jurisdiction, and it has to be approved by the Florida building commission. Similar with the Florida prevention code.

Monitoring within properties of the floodplain. After hurricanes, they have come and inspected a lot of areas. Our colleagues down in Lee counsel got shut out of the flood insurance program for a couple of weeks until they were able to work out the details with FEMA on how they are going to address their concerns. So, I just want to make sure you're aware when we come forward and we're talking about the fact we have to establish a floodplain permit, it is because we're getting heat from FEMA that we're following through with substantial damage and if buildings have to be brought up to code that they are brought up to code as quickly as possible. What we have identified and some is low-hanging fruit. Permits for fences, right now, we do require a permit for it. The Florida building code does not require a fence permit unless it is used as a barrier for a swimming pool. If you're fencing in your backyard, it is for verification of zoning requirements. If you want to do away with that, we can do away with that and it would be up to the individual property to check with the

county that the fence they are planning to put up is in compliance with the zoning and we would seek compliance with code enforcement.

We're working through some of the shed, depending on when you looked at our code, a permit wasn't required and some of these areas, the codes have changed, so we will be looking to see what we can do and allow placement of sheds to the maximum of sheds without permits or additional permitting process. The criteria for variances, you already told us, so the five criteria is no longer in place, but adherence to the majority of the criteria.

This was an item brought in regards to some of the responses for planned units and special exception -- excuse me, as it relates to vegetation and open space requirements, if so directed, we can meet with the Volusia council development and come up with alternatives that will be worthwhile. This is an issue that staff has identified to you. This council and previous councils acknowledge the importance of accessory dwelling units as a way to schist people with affordable housing and dealing with aging parents and kids that won't leave. What we discussed is the permitting of ADUs, we identified them in our impact fee is a stand alone. There is a fee charged for a dwelling unit when they get that bill, they have sticker shock, whereas if they did an expansion of their home, they may not be facing that same level of charge. So, we felt it was appropriate to eliminate that as a specific use and the impact fights and just treat it as an expansion of the principle structure.

Then other changes we're working on, the exception subdivision of five lot, we're working through it with your Planning and Land Development Regulation Commission that should come to fruition shortly. Shipping containers, again, it seems very straightforward. Unfortunately, it is converting a metal box to a habitable structure, and that should be coming to you shortly.

And then lastly, we have, basically, redone our restrictions on parking on trucks and trailers. We are aware of the size of the vehicles and we're still working through those issues as well. I also want to talk about procedural improves because I know y'all get on a daily base, oh, my God, it is taking forever to get my permit through Volusia County, what can you do to improve it?

We acknowledge we have had staffing problems and through your contracts for assistance through our planning consults, consult -- consultants, we have been able to do so, to the point that I found out our insecure manager was able too get a list of 400 applications that were queued up down to 50 over the last month. We're making a very strong committed effort to get the staffing or at least the sculpts there to -- consultants there to help us. George and Suzanne opened this to approve it. They were asking me, what can we do to make decisions quicker, this will be it. If you have are someone that is Internet savvy and able to utilize the software, it will answer a considerable number of the questions.

Support staff and our land development plan and zoning, I cannot speak more highly of Lou Paris over at economic development, they have been working with us to not just come up with an Ombudsman but also a concierge service and it is being applied to our code enforcement services as well. We updated Connect Live. Almost 95% of our applications in our building division are online. So, the application wizard that has been added to our connect live software is going to make things a lot better. We heard from some of the members about how it is helping out with them.

Y'all just approved an efficient city study with plant Moran. We have a call this week to connect off that project. By December they will identify how we can improve our process. You see this contract, many times you get caught in our own system and you can't jump above it to see where you're going and this is where we need that help. And lastly, ENRAC, a committee started with the previous cons and continues to operate today has made recommendations and they worked through their storm water discussion with Tad and Ben and they are nearly completed with their recommendations on tree preservation and wetland preservation, so those will be coming to you as well. Back to Herb.

>> There is a lot going on. Question here, do you want staff to move ahead with these actions. I will address any one of them if you would, if you are concerned about it say OK you are moving forward with all of them. Councilman Robins, are you okay to move them all?

>> DANNY ROBINS: I was trueing to pull up the master list. Do you mind circling back to me?

>> JAKE JOHANSSON: I have no problem with the four.

>> DON DEMPSEY: No problem with the four.

>> TROY KENT: As long as it is not for a pool, fence permit, which it isn't, accessory shed under 400 square foot is great because you have people screaming anticipate yelling about the permit process as well. I like that and the other two I am fine with.

>> DAVID SANTIAGO: Good job in capturing we've we've been saying. I like it.

>> CHAIR BROWER: One quick question for Clay. ADUs, how does this affect the impact fee?

>> CLAY ERVIN: You will probably see a reduction because the fee is a hefty one. We will still collect an impact fee but it will be treated as an expansion. Remember, we started breaking single family resident by size, under 1,500 square feet, 2,500 to 3,000, et cetera, it will treat it as an addition, and bring it up to the next category. It could be a difference of paying \$3,000 for a standalone ADU where the expansion will be \$500.

>> CHAIR BROWER: My issue with that, I think the ADUs was part of the intent was to help with workforce housing, affordable housing and they are working except for the impact fee, so I would like to find a way to get rid of the impact fee on ADUs all together, so it does help build more affordable housing. Fences and sheds, I'm happy to see that go, so I'm good with the rest of the list.

>> CLAY ERVIN: I want to make sure, part of the direction that y'all have given us as part of affordable housing, we are coming back with an eyedy Nance that will allow for the waiver of impact fees if they are committed for affordable housing for a minimum of time frame, right now, we're trying to work through what the state law allows us to do.

>> CHAIR BROWER: Good news.

>> DAVID SANTIAGO: I like where you went with the A DUs. I would like to eliminate it complete Le for ADUs.

>> CHAIR BROWER: Eliminate?

>> DAVID SANTIAGO: even those categories for affordable or not, maybe we can put other parameters around someone gaming it, like I build this one house and I apply for an extension,

maybe we should have parameters within so much time of the initial application, but what that is, I don't know, we can discuss it but I would like to eliminate it completely.

>> CHAIR BROWER: For the record, I would do. Danny Robins.

>> DANNY ROBINS: I agree 110%, anything we can do to keep whether it is our kids, elderly, I would be game for it. I'm in agreement with that and else everything else.

>> MATT REINHART: I had someone ask about if they put in a pool and pool is permitted. I'm fair with this.

>> MICHAEL DYER: I'm not sure if the state statute would allow that outside of the affordable housing designation because it is treating it as part of an expansion of a house. We'll see what we can do but it is that kind of, arbitrary removal of impact fees when something is creating an impact when you have the affordable housing designation, you have the legislature telling always you can waive impact fees what so for for these affordable housing units than treating it as an expansion of the existing dwelling. It is like adding a second story on your house. We will take a look at that but the state statute may not allow us to remove impact fees for ADUs and only ADUs employeeely.

>> CHAIR BROWER: We can make it a dollar but it would have less impact on or budget than some of the live local act would. Thank you for that update.

>> Thank you very much. Let's go to the fourth agenda item, which is infill.

>> CLAY ERVIN: Infill is to discourage urban sprawl. We have policies in our comprehensive plan that encourage us to do so. This is addressing nonconforming lot within provider areas. It has to be in urban zoning and unincorporated. The whole point is within these areas and this map, everybody needs to look and see, this is a map reflecting the current utility service areas for all the people who have water and sewer, going from the north to the south, you have Volusia County all the way down to the counsel line where you see that one area service by farms and utilities. On the west side, the large area is Deltona and land and the City of Pearson has a utility area. That was our first set of parameters as to where should we be encouraging infill? There are utilities, portable water, sewer and reasonable expectation of storm water infrastructure in place.

We then looked over on the west side of Volusia County. What you see there is we've taken that map of the you are San surface or the service providers and came up with vacant lots from the propertile appraisers information and identified clusters where we feel it would be appropriate as an incentive, so the nonconforming lots sitting vacant could be utilized for the what they are in our zoning map. It could be residential or commercial. It provides a map that they could put in relaxation of some of our standards or approval of variances to help facilitate the development of the areas where we have the infrastructure. The goal is to encourage development where you have the infrastructure instead of extending the infrastructure further and further out. That was the west side.

Here is the East Side, you can see these are areas in Orman beach anticipate Holly hill and Port Orange and down near edgewater and oak hill. So, now back to Herb.

>> I would like to get your feedback whether you are okay with these or any other criteria that you would like to have discussed today. Countiesman Santiago.

>> DAVID SANTIAGO: Before you start, Jake Johansson has a clarifying question.

>> JAKE JOHANSSON: Some of these enclaves, I'm not talking I guess about, and there may be others because of the water, but the unincorporated areas that are surrounded by a city, what can we do to motivate the property owner in the city to annex and to -- I don't want to call it a problem but no longer be an issue? Is there anything, any merit in doing that to motivate, not force them, obviously, we can't.

>> CLAY ERVIN: Well, actually there can be situations. They have to be true enclaves, which means an area of the county surrounded by a single city that the only access to the properties is through that city and there are natural barriers that prevent it. The city and the county can work together to have an annexation agreement that upwards 110 acres are forced to annex. We have done that once in the last eight years with the City of Orange City. Like this example on the screen right now, where you see hand avenue, and nova road, that is not an enclave even though it looks like. You have three cities surrounding it. So, unfortunately, that would not be a applicable but some of the other areas, we can look at it and identify those as well if that is something that the county wants -- council wants us to.

>> JAKE JOHANSSON: I would like to find am way to motivate people to do that, not because -- I mean they are out there all alone. The sheriff is not going to come running to them, it is going to be local law enforcement, local ambulance, local fire department, and I think it would just be advisable to try to motivate them to annex in and if the answer is no, the answer is no. We find a lot that these folks like to be out on that Island until they need help from the county and nobody comes anticipate they say, we don't get support from the county. That is my one thing on these items, other than that, the infill things, I think are working out as best as we can given the situation we have.

>> DAVID SANTIAGO: I like the criteria. I'm okay with it.

>> TROY KENT: I'm good to go.

>> MATT REINHART: I'm good.

>> Mr. chair?

>> CHAIR BROWER: I'm good with the criteria and I think it is important for our affordable housing program, so this is within way to help that move forward.

>> Thank you very much, we have gotten through the agenda. I did say we could take the time if you had questions or things you would like to generally discuss with your colleagues.

>> DAVID SANTIAGO: Don't open the door. We will be here until 10:00.

>> I will go around quickly. Your concluding comments for day.

>> JAKE JOHANSSON: I appreciate the work on this and I know this is jus beginning and there will be healthy debate in a couple -- probably the next meeting, maybe longer than that. I am looking forward to these coming back for debate. I encourage the public to come and speak, because this was a workshop. They didn't have the opportunity, but I know they have a lot to say. Feel free to reach out to us with your concerns. We all have email addresses and we reply as quick as we can. Keep something in mind with these changes that everybody says, talks about the developer and us

being in the developers' pockets, but a lot of these changes or discussions that we're about to have apply to citizens of Volusia County. It is not just the fence and the seven chickens or the five chickens. People want to open up small business. People want to do things on their A.G. property, people want to ride their minibikes and motorcycles on their own property. People who want more regulation, I live in a gated community with eight HOAs and so many restrictions that I have five colors that my front door can be. If you like that, I don't, but I live there, but if you like that, that is the place you want to live. If you want to live out in the country then just to get to know your neighbors, so you can communicate what your likes and dislikes are about what they are doing. Thank you.

>> DANNY ROBINS: To echo that, he hit that nail on the head. In an incorporated council and the public, this is a way of life for a lot of us and it goes to quality of life. I haven't heard one person in my district say they want more regulations and more red tape and they wanted an incorporated to be one big HOA and a lot of this applies to the city lifestyle. I appreciate everybody hearing us. This does not give carte blanche, but you the first thing we heard was we will hear bulldozers and schools going up the case that is not the case. Thank you for everything you're doing. Thank you, staff.

>> MATT REINHART: Thank you very much and thank you George and Suzanne for putting this together. You have the barrier of sunshine where you're not allowed to talk about things, where you can get more done. I had the luxury in 50-plus years to live incorporated and unincorporated areas. all of which is important and I love the fact we can work with our partners at other things that we can accomplish so much, so thank you for putting this together. >> Chairman, I will come back to you last if I may.

>> DAVID SANTIAGO: Good job, staff and I agree with everything that Jake said.

>> Vice-Chair.

>> TROY KENT: George and team, a lot of work, a lot of effort, thank you, Clay, especially you and you're team. You did the heavy lift on this, and great job farring.

>> DON DEMPSEY: I want to reiterate what everybody sells. The staff did an incredible job putting this together and getting as little regulations in this county as possible and promote property rights and like Jake said, if you want to live in a more restricted environment go to a place designed for that, otherwise, as Danny says, if you can live in the country, there's is more room to grow, I guess or play. Thank you for everything and your time.

>> I would like the mangles if you would like to make closing comments, if you would. >> Thank you. It was a team effort but Clay and his team did a lot of heavy lifting and a lot of work on this. It gives us what we need to put together a plan of action and we will be coming forth with you and if anyone has any concerns about being able to speak as been said many times, you will have many opportunities because these will involve ordinance changes, which will have quite a bit of speaking -- of public speaking at that time.

>> Thank you for the opportunity to work with you. you are fun group and challenging but no lack of ideas.

>> CHAIR BROWER: Clay, you gave me in a discussion a few days ago that your office clearing of a backlog that was troublesome. That was really good news. I'm pleased with the new software, the systems, and so, I would like to say this. I hope it doesn't wreck everything that we have just done. I think there was tremendous agreement, I view myself as much of a property rights person as anyone else on this council. I think it is foundational to a healthy republic. I want to keep mine for me and I think everybody else feels the same, property rights also affect your neighbor who has property rights, and that is why sometimes these are so difficult. My property rights stop at Don's door when I have a cannon competing with his Motocross track. Actually, I think your practice track at your house is quite beautiful and well done and well maintained. I hope your son continues to win.

I will just end with this. For me, I would like, as a matter of priorities to see the I-2 zoning issue come back first, as quickly as possible. I think it is one that we real need to deal with and what we all -- what the public and all of us were confronted with today. It's really difficult to change zoning once it is in place because it affects people who already live there. It doesn't help to put it off. We have to address the problem as it is and I know that is what brought this whole workshop up. So, I appreciate that. And I look forward to taking care of that, and with that, at 5:26, we can adjourn. Anybody opposed? I don't hear any opposition. Thank you.

[Adjourned at 5:26 Eastern Time]