



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • AUGUST 8, 2017

City Commission Chamber

Regular City Commission Meeting

7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

a. Roll Call

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John C. Danio	District 3 - Commissioner	Present	
Chris Via	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

b. Invocation

Commissioner Currie led the invocation.

c. Pledge of Allegiance

Commissioner Currie led the Pledge of Allegiance to the Flag.

2. PRESENTATION

1.

Proclamation - 75Th Anniversary of Holly Hill City Hall Building

(Requested by Valerie Manning, City Clerk)

Mayor Penny read the following proclamation into the record:

**PROCLAMATION
BY THE MAYOR OF THE CITY OF HOLLY HILL, FLORIDA
RECOGNIZING THE 75TH ANNIVERSARY
OF THE CITY HALL BUILDING**

WHEREAS, this Holly Hill Municipal Building was dedicated on September 7, 1942 after being "Erected to the Future of Holly Hill"; and

WHEREAS, it was designed, engineered and constructed by local talent of local coquina stone from a quarry north of Ormond Beach, FL, assisted by additional workers from the national Works Progress Administration; and

WHEREAS, those officials for the construction project were: Alan J. MacDonough, architect, Planning Committee composed of Charles T. Henderson, Chairman, Milton B. Punnett and John Schmahl, George Somers, Superintendent, Mayor Alex Littlefield, City Council members B. M. Beach, A.L. Bean, E. E. Cole and H. R. Smith and Louis Ossinsky, City Attorney; and

WHEREAS, in its earliest configuration, the upper level was dominated by a beautiful gymnasium and stage

which local youths were encouraged to use for games, dances and events in a safe environment while the lower level housed the Police Department and jail, the Fire Department as well as two classrooms to accommodate overflow from the adjacent school after WWII; and

WHEREAS, it was added to the National Register of Historic Places on April 8, 1993 as an example of engineering and architecture; and

WHEREAS, now it is transformed into City offices and called "Holly Hill City Hall."

NOW, THEREFORE, I, John Penny, Mayor of the City of Holly Hill, Florida and on behalf of the City Commission, do hereby proclaim September 7, 2017 as the:

"75th ANNIVERSARY OF THE HOLLY HILL MUNICIPAL BUILDING"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 7th day of August, 2017.



3. PUBLIC COMMENTS

No one spoke.

4. APPROVAL OF MINUTES

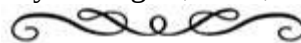
1.

Minutes - July 25, 2017 - Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 8th day of August, 2017, in Holly Hill



5. CONSENT AGENDA - NONE

6. REGULAR AGENDA

1.

Fountainhead Final Plat Consider Approval of the Replat of the 25 Acre Parcel Located at 1200 Center Avenue

(Requested by Thomas Harowski, Board of Planning and Appeals)

Tom Harowski, City Planner, stated this is as simple as a plat can get. It's creating five parcels on the middle school property. There are no requirements for public improvements on those five parcels because each of the parcels are served by public right-of-way with water and sewer. Mr. Harowski stated he does recall from the Development Agreement each parcel will handle its own stormwater retention. At this

point the plat is consistent with what the Commission approved as the lot layout in the Development Agreement, the planning questions have been resolved, the City's surveyor has reviewed the plat for technical compliance with the State's requirements and recommends approval.

Mayor Penny opened public participation. No one spoke.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 8th day of August, 2017, in Holly Hill



7. PUBLIC HEARINGS

1.

Variance Request - 536 Center Avenue A Variance of 29 Feet from the Maximum Length of 16 Feet for a Temporary Storage Unit on Residential Property to Allow Placement of Two 45 Foot Long Storage Units, and a Variance from the Maximum Time of 30 Days When the Unit May be Placed on the Property. No Maximum Time Limit is Requested.

(Requested by Thomas Harowski, Board of Planning and Appeals)

Mr. Harowski mentioned that this is a repeat variance request from the applicant. In 2011 the applicant sought a similar variance request for the two storage units and during the BOPA meeting, the agreed to allow the units to be there for up to one year. The City Commission granted a two-year variance. That variance expired in 2014 but no Code Enforcement action was taken for the removal until this year. At the June 5, 2017 the BOPA reviewed the application and the discussion centered on whether or not they thought the units were accessory structures. In the staff report submitted with the application, his opinion is they are storage units and not accessory structures. He included in the staff report a breakdown of development on the property. Mr. Harowski described the property to the Mayor and Commissioners pertaining to the development. The three accessory structures that are on the site, the detached garage and the two storage buildings constitutes about 112% of the area of the residence and the two storage containers are about 76% of the principal area of the residence. He mentions that because accessory structures are supposed to be incidental to the principal use. While this is a large lot for the city, he thinks the parcel runs in the neighborhood of 2.5 acres and it does have a number of structures on it that are accessory. The city, not in its Code, limit the number of accessory structures on the lots so it's not a violation to have them, it's just that the city starts to get into the arena of what's accessory versus the principal uses on the site. Mr. Harowski stated he does want to mention that subsequent to the original variance request, the applicant did take a couple of actions that were requested at that time. The applicant put up a screened fence between the containers and Center Avenue and added some landscaping to it. The containers are painted a dark color so they don't really stand out significantly when you look at the property from the street. Mr. Harowski

stated he wanted to discuss the criteria for a moment for a variance.

Commissioner Currie stated the fence and the things Mr. Harowski was just speaking about, that was the 2011 request?

Mr. Harowski stated, yes. They have been there since then. Also, at the time, for safety, the city asked that they be anchored, which the applicant complied with.

Commissioner Currie stated, okay.

Mr. Harowski stated that's what led to some of the discussion at the BOPA meeting as to whether or not they were permanent structures. Mr. Harowski stated in the city's Code, there are a set of criteria that the city is supposed to identify as a variance meeting these criteria's and he wants to run down those quickly for the Mayor and Commissioners.

Sec. 82-317. - Criteria for authorization.

In authorizing any variance, the commission shall make the following written findings:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved, as distinguished from the applicant himself, and which are not applicable to other lands, structures or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from the applicant's own actions;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this subpart to other lands, buildings or structures in the same zoning district;
- (4) That a literal interpretation of the provisions of this subpart would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this subpart, and would work an unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance necessary to make possible the reasonable use of the land, building or structure; and
- (6) That the grant of the variance will be in harmony with the general intent and purpose of this subpart and the city's comprehensive plan, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Mr. Harowski stated the original variance was based on the applicant's desire to store materials and equipment that he used in his contracting business on site. Mr. Harowski stated he doesn't see that, that doesn't necessarily meets the conditions that relates particularly to the land or structure. ***(Referring to criteria #1)***

Mr. Harowski stated the reason they are here tonight is the applicant is wishing to extend a time limit for temporary storage units and that's really at his action. There are other options that he can store this material off-site in another storage area that's properly designated for it or construct an additional accessory structure on the property. ***(Referring to criteria #2)***

Commissioner Byrnes asked if this property is zoned residential?

Mr. Harowski stated, yes.

Commissioner Byrnes asked is there any zoning that allows those containers that would not need a variance or an ordinance change?

Mr. Harowski stated the city has allowed....they will find some of those containers on some industrial properties where they are used for storage. Generally, in association with a business not as a business itself.

Commissioner Byrnes stated it's not something that is common.

Mr. Harowski stated the **third criteria**, *"granting the variance requested will not confer on the applicant any special privilege that is denied by this subpart to other lands, buildings or structures in the same zoning district."* Mr. Harowski stated if the city allows the containers to remain there on a permanent or temporary basis, it does create a circumstance where they do have a special privilege that would be denied to other R2 properties. The **fourth criteria** is that *"a literal interpretation of the provisions of the Code would deprive the applicant's of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code and would work an unnecessary and undue hardship on the applicant."* Mr. Harowski stated the applicant will not be denied any rights, in his opinion, commonly enjoyed by other properties. The applicant would retain the right to keep temporary storage units in compliance with the Code as to size and duration of use but beyond that, that would create a privilege that's not available to other property owners. **Criteria #5**, *the variance granted is the minimum variance necessary to make possible the reasonable use of the land, building or structure."* Mr. Harowski stated he is not sure how exactly to assess that. They don't have a specific request in terms of time frame that the applicant would like the units to remain. It is clear in terms of the size of the units that the exceed, the city knows what that is. They are 45 feet and 16 long is the maximum. He will point out that when the variance was originally granted there was no maximum length for storage units. That was a condition that was added by the Commission after the original variance was granted.

Mayor Penny stated the original variance was only for 24 months.

Mr. Harowski stated that's correct. **Criteria #5**, *"is that the grant of the variance will be in harmony with the general intent and purpose of this subpart and the city's comprehensive plan, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare."* Mr. Harowski stated placement of industrial style storage containers on residential property, not really common use as a semi permanent structure and he thinks the city can raise some questions about whether that's appropriate as a structure in a residential area. As noted earlier, the subject property is large. The applicant has screened the storage units from public view so the visual impact of the storage units is somewhat mitigated by that, he thinks. In staffs opinion, he thinks the application fails to meet the first five criterias and **criteria #6**, in terms of impact to the neighborhood is somewhat, he thinks, is debatable. If they don't meet the criteria, he is in the position to not recommend the variance as far as staff is concerned. That was staff's

opinion in 2011 and it was staff's opinion at the June 5th BOPA meeting. At the BOPA meeting, their action was simply to say that the units should be continued until determination was made as to whether they were permanent structures or temporary structures. As he indicated earlier in his presentation, the analysis that staff has done is that these are temporary structures and they meet that definition.

Commissioner Byrnes asked if the applicant had decided to put a shed properly permitted, how many containers are there?

Mr. Harowski stated, two.

Commissioner Byrnes asked would it be permitted that the applicant can put two sheds on the property? Because Mr. Harowski was talking about the coverage as compared to the home.

Mr. Harowski stated it's something of a debatable issue to be honest. The city doesn't limit the number of accessory structures that a person can have on their residential property. There's a general provision that says a structure should be clearly incidental to the principal use on the property. Here they have an older house that is relatively small, under 1,000 square feet. The property already has more square footage than that in terms of total area but it's a large property. It's certainly capable of accommodating a significant area in structures.

Commissioner Byrnes stated he is trying to figure out how many sheds can a person put in their yard?

Mr. Harowski stated the city doesn't have a limit on it. At some point the city makes a determination that...

Commissioner Byrnes stated they still have to meet setbacks...

Mr. Harowski stated, yes and lot coverage requirements and that type of thing.

Commissioner Byrnes asked don't they have to meet certain construction codes?

Mr. Harowski stated they'll have to meet the building code for sure.

Commissioner Byrnes stated and so, these containers were not built to be buildings. So what would you say?

Mr. Harowski stated maybe he doesn't understand the question he is asking. Can they put an accessory structure in place of these containers and the answer to that, he thinks, is there's a way to do that.

Commissioner Byrnes stated he's trying to relate how these containers would relate to a shed? Somebody wanting to put a shed in their yard. These containers were built to go on trucks or on ships. They weren't designed to be used as sheds and those kinds of things.

Mr. Harowski stated back in 2011, the city went through a long process of dealing with a number of these. The city probably had ten different sites throughout the city, where people bought these and dropped them in their yards with the intent of using them as sheds and Code Enforcement ultimately worked on those issues and they removed all of those except for these two.

Commissioner Byrnes asked if Mr. Harowski was at the proceedings.

Mr. Harowski stated he was at the variance hearing, the first one, yes.

Commissioner Byrnes asked was it clear that this was a two-year extension?

Mr. Harowski stated, yes.

Commissioner Byrnes stated because he wasn't in office in 2013 but whatever Code Enforcement...whatever happened, should have happened then and it's been four years and if the intent was to allow them two years so that the applicant could move the stuff somewhere else, they had six years.

Mr. Harowski stated the applicant has benefited from additional time with those on the property for sure. Mr. Harowski stated he recalls the discussion at the time and the applicant will correct him if he's wrong on this but his recollection of the discussion was that at the time they were in the midst of the recession and the applicant's construction business was not as active as he would have liked to have had it and he needed a place to store tools and equipment that he used in that business and he thinks at the time, the applicant felt that a two year window would give him sufficient time to recover and the opportunity then to move that equipment and materials to a qualified location.

Mayor Penny stated Commissioner Byrnes, I was at that meeting and the BOPA recommended one year and the City Commission was generous in granting a two-year extension. It was exactly how Mr. Harowski had explained. Mayor Penny stated as he understands it, the applicant is a contractor, the recession had hit and it didn't make any sense for the applicant to spend \$300 or \$400 a month on a storage unit when he could just keep them there on a temporary basis.

Richard Nation, the applicant, 536 Center Avenue, Holly Hill, stated he sent the mail outs and he got fourteen people that signed letters that say they have no objection for the containers being there. All the surrounding properties and those that touch the property were noticed and he has letters saying they have no objection for them being there. Beyond that, as far as the structure integrity of them, as a shed, they are pretty much stronger than anything you would ever build or purchase from Lowe's or Home Depot or whatever the case may be. They were engineered tie down, there was a permit pulled, the city sent a third-party engineer out there to check the tie downs and they passed immediately. Honestly, not a lot has changed during the past administration. He has kept them up. He tries to minimize the view from the street, and that's deliberate because he's not exactly all jazzy through there either but he just doesn't have much opportunity. As far as taking on the additional financial burden of renting a warehouse doesn't make any sense.

Mayor Penny asked Mr. Nation if he was still in the construction business?

Mr. Nation stated he is a CEI, Construction Engineering Instructor, so he's not contracted. The CEI is a salary position. *(not audible)*

Commissioner Danio stated all the sheds and all the other areas, it's all construction equipment?

Mr. Nation stated well, no, he has trackers and mowers and stuff in there. What he did, he bought the property to the north of his property, which was originally 580 and that was a very bad situation. He bulldozed those buildings with permits and then just combined the properties. That's how he picked up a couple of the buildings. He combined them; all those properties together.

Commissioner Currie stated Attorney Simpson, is it not true, that if we grant this variance, that would open us up to the entire city in residential areas to do the same?

Attorney Simpson stated he has said it before, every variance that comes before the Commission stands on its own. In terms of setting a "binding" president, the Commission has to look at each applicant on its own. When you start granting variances...well, yes, if another applicant came and said, "well, the Commission allowed them and not us," the Commission will have to defend it. Attorney Simpson stated the purpose of a variance should never be to not enforce the law. The city has a law and it's not to say, well, it's just not working out for this particular person or whatever the case may be, a variance is...you have a unique situation because of the property. It wasn't created by the property owner. There's a unique situation there and because of that unique situation, the property owner can't fully utilize their property to their extent as other property owners can based on the city's regulations and the city has to grant them some relief. The best example of that is when eminent domain occurs, somebody has a piece of property and all of a sudden the government entity takes more of that property and all of a sudden they don't have as much as all of their neighbors have so it creates...their house is closer now to the road than it was before. It was legal first but when eminent domain comes in, it's not legal and everybody else has a screened in porch and they want a screened in porch but it's considered an expansion of a nonconformity so that's probably the ideal situation for a variance. When the Commission looks at this application, what he has said to staff is, the better approach here, when they grant a variance for a request like this, the Commission is really changing the law and he would rather change the law than change the law by variance. If they want to have a situation where this is okay or something close to this is okay, give staff direction to come back with an Ordinance. But granting an variance in a situation like this, is bad president.

Commissioner Currie stated she guesses the reason she asked the question because she appreciates the fact that Mr. Nation brought fourteen signatures with him saying it was okay from the neighbors, however, she has somewhere else in the city that wants to do the same thing in a residential area, she's going to be open to having to approve that request as well and that's what she is talking about. Now she opens herself up, if she doesn't have a good, legitimate reason to deny it, she's opening herself up to have to say

“yes” to whatever request comes forward for this type of variance.

Mr. Forte stated the Commission has that situation right now. They don’t have a good enough, legitimate reason to approve this variance because it doesn’t meet five of the six variance criteria’s.

Commissioner Currie stated, okay.

Attorney Simpson stated first of all, criteria for variance is never based on what the neighbors think. Neighbors change. These people may be okay with it but in two years you have a new neighbor and they’re not happy. That’s not really the review criteria. Attorney Simpson stated he has a view of variances and it may be stricter than most peoples’ views but they don’t want the “exception” to become the rule and that’s what a variance is. It’s an exception; there’s a unique situation. When you start granting too many variances and all of a sudden an exception becomes the rule then the city really should look at changing the rule.

Commissioner Currie stated, thank you.

Commissioner Byrnes stated and that’s why he asked the question about what zoning area is this type of accessory allowed because the property fronts onto Center Avenue, which is commercial in some places and so it’s possible that it could be legal through that method but he’s been told no.

Mayor Penny stated it’s too big. It’s 45 feet long.

Commissioner Byrnes stated, right.

Mr. Forte stated that’s a residential zoned neighborhood.

Commissioner Byrnes stated, okay. There’s no commercial until they get to the corner. He’s just trying to see how the Commission can help but there’s just several different items. They are just too big and it’s not allowed.

Attorney Simpson stated he would say the uniqueness, which doesn’t qualify, in his opinion, for a variance, but if the Commissioner were to say, “can you craft a regulation that protects the city but could accommodate something that came to this,” it’s a big piece of property. There’s not a lot of big pieces of property like this in the city. As Mr. Harowski pointed out, the city says that accessory structures have to be incidental to, subordinate to the principal structure. Now does that mean it has to be less square footage? That’s where Mr. Harowski says is that what incidental means? Can you have an accessory structure that’s actually bigger than the principal structure? It depends on your interpretation of incidental. There are other interpretations of incidentals and subordinates. Attorney Simpson stated in his opinion, it’s a bad president to address this issue to a variance.

Commissioner Byrnes stated if this isn’t approved tonight, what happens?

Mr. Forte stated if the variance isn't approved tonight, the Commission should give Mr. Nation a certain number of days to remove the structures and if they're not removed in that time period, it will be turned over to Code Enforcement and move forward as a code violation and if not removed within that time period, Mr. Nation will have to appear before the Special Master.

Commissioner Byrnes stated, thank you.

Mayor Penny opened public participation. No one spoke.

Mayor Penny stated Mr. Nation wanted to respond to something, he believes.

Mr. Nation stated at the BOPA meeting, there is a little vocabulary problem here. The city, when he went through the first permitting process, it was permitted and tied down as permitted structures. That might be some of the confusion here. Additionally, he doesn't remember what the exact numbers were but based on an average lot of 75 by 100 feet of whatever the normal size is, accessory structure of 3% and the size of his property, with everything, he's under 1%. The house is small. It's 900 square feet. It's a small two bedroom house. As far as not thinking that these fourteen signatures mean anything, why then did the city put him through noticing these fourteen people and putting them on notice that this was going on if these fourteen signatures mean nothing?

Commissioner Currie stated it's not that the signatures don't mean anything, that's why she asked the question that she did.

Mayor Penny stated as he sees it and correct him if he's wrong Attorney Simpson, the matter before the Commission tonight is a variance request and the applicant does not meet five of the six requirements for the variance. After that question is answered then the question that the BOPA asked the Commission to address would be is there any interest to make these temporary structures permanent structures in a residential area. Although that's not on the agenda tonight, that would be the direction if this Commission wanted to make these temporary structures permanent in a residential area, the Commission could then direct staff to that this evening and bring it back at a later date for the Commission's consideration. Is that correct Attorney Simpson?

Attorney Simpson stated, correct. Staff's recommendation is that five of the six criteria for a variance are not there but ultimately, that's the Commission's decision. If the Commission decides that way then the option is either they need to go or direct staff to come back with a regulation that would allow these types of structures or some variation of them. Currently, the city's code requires them to have the same or similar exterior material as the house. All accessory structures.

Mr. Forte stated the Commission has to be careful not to confuse permanent structures with the fact that it meets a wind load. He understands that they are tied down and it's probably not going to budge in the worst of hurricanes but that's not what the intent of a permanent structure is. It's supposed to be something that fits into the neighborhood and it's the style of the community. Simply because it's tied down and it's not going to budge in a hurricane, does not mean it's a permanent structure.

Mayor Penny stated he will ask the first question before he accepts a motion concerning the variance. Is there anyone interested in creating these temporary structures to permanent structures in a residential area? **THERE WAS NO COMMISSIONER WANTING TO DO THAT.** Mayor Penny stated he sees none. Now it's time to address the question before the Commission and entertain a motion to approve or to deny this variance?

*Commissioner Via made a motion to **DENY the VARIANCE REQUEST AT 536 CENTER AVENUE**, seconded by Commissioner Currie.*

PASSED, 5-0.

Mayor Penny stated now they have to approve of the number of days to give Mr. Nation to remove the temporary structures. Is 60-days good? Mr. Nation, do you have any time frame?

Mr. Nation stated *(not audible)*.

Mr. Forte stated 30 days notice then they will give it to the Special Master.

Commissioner Currie stated she would like to give Mr. Nation at least 60 days to have the opportunity to try and figure something out; not just 30 days. She understands Mr. Nation is saying he can't do anything but maybe after tonight he can figure something out.

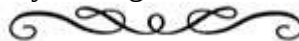
*Commissioner Currie made a motion to **GIVE 60 DAYS FOR MR. NATION AT 536 CENTER AVENUE TO REMOVE TWO CONTAINERS FROM THE PROPERTY**, seconded by Commissioner Byrnes.*

Mayor Penny opened public participation. No one spoke.

PASSED, 5-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 8th day of August, 2017, in Holly Hill



2.

Condemnation of the Property Located at 1571 Daytona Avenue

(Requested by Joseph Forte, City Manager)

Mr. Forte stated the property located at 1571 Daytona Avenue has been through several

Code Enforcement violation complaints and this has been going on for several years. More recently, the Police Chief, myself, the Building Official and the Code Official went out to this property. Tonight, the Building Official and Code Official are here and can provide testimony that the building is dilapidated and it's in the state of disrepair to the point where it is dangerous for falling down. If the Commission would look at some of the pictures that are on the screen, they can see that the front porch has already fallen down and if they look at the left side of the picture they can see that there is a severe crack in the left side of that building, on the north side wall, that extends from the foundation up to the window. The crack is rather significant. He has additional pictures to show them but that has that wall leaning to the point where it is now broken windows. There are three large holes in the roof. There are contents in the building. In that particular picture (showing to the Mayor and Commissioners) in the front of that slab to the right side of the bottom of the picture, there's a void under the slab that they were able to insert an eight foot pole under there.

Commissioner Byrnes asked if it stopped at eight feet?

Mr. Forte stated yes, it stopped at about that point. On the southwest corner they also inserted a pole. Mr. Forte was showing pictures of the back yard at this time. Off the southwest corner is another void under the foundation. When they spoke with Ms. Davis and staff has been speaking with her for a number of months to try and get something done about it, she related to him that she believes that when US1 was developed that, that property was actually used as an area for storing vegetation and was compacted and at some point the buildings were constructed. Ms. Davis believes that, that vegetation is now decaying under the property, which is causing the voids and the building to collapse. Mr. Forte stated he doesn't have anything to do with that. That's a DOT issue. Ms. Davis has been to the Special Master several times then the Special Master has instructed her to hire an engineer to verify that the building is not in danger of collapsing, which Ms. Davis has refused to do or unable to do. At this point, staff is concerned that the structure is a hazard to the neighborhood and danger to anyone that may approach it. As he said before, Ms. Davis does have some contents that are in there. He doesn't know the value of the contents other than the roof is exposed to the elements and whatever is in there has been significantly water damaged. He wouldn't even recommend that anyone go in there to try and remove the contents because of the condition of the building. Mr. Forte stated he would like to call the Building Official and the Code Official up to provide their testimony as far as what they have witnessed of the building.

Mayor Penny stated for the record, he hasn't has any ex parte communication with Ms. Davis or anyone about this but he did go and tour the property with Mr. Forte.

Commissioners Byrnes, Currie and Via mentioned that they drove by the property but didn't speak with anyone about it.

Larry Hites, Building Official stated as they heard from Mr. Forte, it is in severe state of disrepair. He did write a letter to FPL asking them to pull the power from the house because it did still have power. With the eminent collapse that is going to happen, he wanted the power off and away from there so they didn't have obviously exposed FPL wires laying on the ground. The void in that crack that Mr. Forte was talking about on the

north side of the structure is approximately a half inch thick and it's bad enough now that as the foundation is going, it's breaking the window. It's actually pressing the window where it's breaking and shattering. It's falling in on itself, basically is what's happening. Almost like a sinkhole.

Commissioner Byrnes asked does he feel that property is so dangerous that people should not enter it?

Mr. Hites stated if it were his, he would not enter the building. As Mr. Forte stated, there's a very large void underneath it, the foundation is cracking and falling in. He would not put himself in that kind of jeopardy. To be inside the building and then something go bad.

Commissioner Byrnes stated because the property is fairly open where kids or whatever can get in there and play and that's the kind of thing that concerns him.

Mr. Hites stated, exactly. That's why he is after the demolition and getting it done and see what the city has to do as far as filling it and stabilizing the lot itself.

Mark Ballard, Code Enforcement Official stated he really doesn't have any else to add other than ditto what Mr. Hites said. He can tell the Mayor and Commissioners that by driving by the last year in a half, it looks like it has progressed along. He's not sure that he would want to be on the machines when they go in there.

Commissioner Byrnes asked are the holes in the roof fairly recent? Are they, because it's collapsing at a quicker rate?

Mr. Ballard stated it's probably a combination of the collapse and then once you get a leak you get a good rot and then it just continues to go.

Mayor Penny asked if Ms. Davis here or her agent representing her? **(No one was present)**

Mayor Penny opened public participation. No one spoke.

Mr. Forte stated he wanted to let the Mayor and Commissioners know that Ms. Davis was provided a hand delivered letter notifying her of this public hearing this evening.

*Commissioner Via made a motion to **CONDEMN THE PROPERTY AT 1571 DAYTONA AVENUE**, seconded by Commissioner Danio.*

Commissioner Byrnes stated he just wants to say that condemning someone's property is one of the toughest jobs of this Commission but when you look at the condition of that property, the health and safety of the neighbors is paramount. They see all the sinkholes making the news, he would hate to see a child get lost in that area, which is why he is going to vote in favor of this motion.

Mayor Penny stated he agrees with Commissioner Byrnes. Mayor Penny stated he thinks

what is very sad is a group of about 20 volunteers, including employees and himself, went out to this property about seven years ago and it isn't as quite as bad as it is now. They were able to get it back into full compliance. It's just sad to see it get back into this condition. He is really concerned more about Ms. Davis' safety when you look at the house she's living in, which is right next to it, it's falling. He doesn't know what the city can do...Attorney Simpson to protect her. There's basically nothing the city can do, is there?

Attorney Simpson stated it's tougher because it's homestead. What they sometimes try to do in situations like that is to get Council on Aging (COA) or churches or some charitable organizations to try to go in and help her.

Mr. Forte stated they have made attempts to do that. She's not...she has her faculties, she's not...

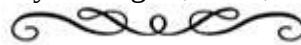
Mayor Penny stated she just doesn't want to accept the help or assistance.

Mr. Forte stated, right. Ms. Davis has a condition of hoarding so she doesn't want to get rid of things. He has not personally talk to her but the Police Department has spoken to her on several occasions but she does not want any assistance and it's hard to impose that on somebody.

PASSED, 5-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 8th day of August, 2017, in Holly Hill



3.

Condemnation of Property Located at 430 Burleigh Avenue

(Requested by Joseph Forte, City Manager)

Mr. Forte stated 430 Burleigh Avenue is another property for consideration for condemnation and demolition. This is a property that has also been going through the Code Enforcement process for several years. Different from the previous property, this property was inspected by an engineer and a contractor back in 2014 and it was determined not to be in eminent danger of collapsing but has significant structural deficiencies that presents a hazard to the community and the neighborhood involving this building. It has not had any attention to it since those inspection reports were done back in 2014. What he can tell the Mayor and Commissioners, is that staff has made several attempts to try and contact the owner which is a daughter who inherited the property and she's in California. Recently he was contacted by Anthony Damiano who has a contract on the property that is being assigned to Carlos Lira who is the owner of ACL Realty,

who is supposed to close on the property, actually, yesterday or today, and they have interest in purchasing the property and that presents a little bit of a different situation for the city. First of all, if the property has been purchased or being purchased, he doesn't know how the liens have been addressed. Secondly, is what does the Commission want to do if there is a contractor that wants to purchase this property? *Mr. Forte was showing pictures of the house at this time.* These pictures have come off the internet from ZILLOW and they can see that there is significant mold throughout the building, there is structural damage throughout the building, there's holes in ceilings and floors and he is going to have to assume that the buyer is in the audience and it will be up to the Commission as to what decision they want to make in moving forward but if the Commission doesn't want to condemn this building this evening, to tear it down, to give the contractor an opportunity, he would recommend that the conditions upon that opportunity would be to get a mold mediation plan by a licensed mold mediation company and an engineer to come in and determine how to repair the structural damage that's in there because in some of these photos they can see there's already sheetrock stacked in the hallway and the last thing he wants to see is that somebody cover up structural damage using sheetrock and the next buyer is duped into purchasing something that's not aware of what's behind it. The entire inside would need to be exposed, an engineer needs to come in and determine how to make those repairs and a plan put forward and submit it to the building department for approval and then at that point he would recommend that this Commission bring this hearing back on a regular basis, whether it's at every meeting or at least once a month to get updates to be sure that it's being repaired properly.

Mayor Penny stated he shares Mr. Forte's concerns. Mayor Penny stated his wife is a HGTV addict and the last thing he wants to see is someone cover up some mold and mildew in structural damage with some spackle and drywall and sell it to an unsuspecting new homeowner in our city and the problems are still there and they come to the city and say, "how can you let this happen to me?" That's his concern.

Commissioner Byrnes stated he would like to ask some question of the Mr. Hites. Have you visited this property?

Mr. Hites stated he has not been inside of it but he has been to the property.

Commissioner Byrnes stated because from the pictures from the inside, he is not an expert but that looks like several, tens of thousands of dollars of repair work.

Mr. Hites stated it could be. Not being in the trade as far as estimating, cost or value, he can't put a number on it. His main request is, as Mr. Forte said, there's obvious mold in there and he would request that a mold abatement statement be turned in to him proving that they killed all the mold and everything else. As well as having an engineer walk-through, in which he would go with the engineer or their representative to the home to see what they were going to do so that he would know that they wholeheartedly went through that building and he signed off on it and it's going to be fixed properly.

Mayor Penny stated Attorney Simpson, the things that we are concerned with, the things that we are sharing is the potential "next" buyer. Can we put these restrictions in place?

Can we put these restrictions on anyone that was building a house in our city?

Attorney Simpson stated they have to comply with the Florida Building Code. That's the only thing the city can enforce.

Mayor Penny stated but there's no mold inspection when you buy a new house is there? If someone built a house halfway and let it sit there for three years and then they finished it, you would suspect there would be mold in there but we wouldn't require a mold remediation, would we?

Mr. Hites stated, yes. Building Code, Mechanical Code and kids in there; any kind of damage or mold spores or growth.

Mayor Penny stated, okay. So if they see it then they can require them...

Mr. Hites stated they can request it, yes. To have it identified as to whether it's hazardous mold or not.

Mayor Penny stated, okay.

Commissioner Currie asked can we also make the request of the engineering that you're talking about to make sure that this isn't just covered up by some sheetrock?

Mr. Hites stated, absolutely. If the contractor or whoever buys it or they get a contractor and they get the engineer, we're making the request that we have to see an engineer's report, then once I get in contact with that engineer, I can go out with him.

Commissioner Currie stated because that would be her concern.

Attorney Simpson stated we just need to be cautious in that all any property owner has to do is comply with the Florida Building Code. As a city, we can't make any demands greater than that, we can't amend the Florida Building Code. Attorney Simpson stated he believes, what Mr. Hites is saying, that's what's required of the Florida Building Code.

Mr. Hites stated with the structural damage that is obviously present, yes, it would be required to show him how they are going to fix it and show the tie downs and everything that's required of the Florida Building Code.

Commissioner Currie stated that it's structurally sound.

Mr. Hites stated that it's structurally sound, correct.

Mayor Penny asked doesn't the city have a report that says there is structural damage?

Mr. Forte stated, yes. There's an engineering report and a contractor's report that says there is structural damage.

Mayor Penny stated so now it's not just your opinion, it's stamped by a certified

engineer.

Mr. Hites stated, correct. From a couple of years ago, they had both a contractor and an engineer go in, in 2014 and state that yes, there is structural damage.

Commissioner Danio stated it didn't get any better.

Mr. Hites stated, no.

Attorney Simpson stated his other point is, he wouldn't put any conditions on what they have to do. They have to comply with the Florida Building Code. He thinks everything you condition, you put on there and everything they've discussed is required by the Florida Building Code but what the city can't do is put a condition on there that's not required by the Florida Building Code.

Mayor Penny stated, correct. That's his concern.

Attorney Simpson stated if the city wants to continue this to a later date that's an option.

Commissioner Currie stated however, she doesn't want this building to sit here like this.

Attorney Simpson stated that's why it's going to be brought back to the Commission every month.

Commissioner Currie stated okay, because what she was gathering from Attorney Simpson is that he didn't want the city to put any requirements on it or any stipulations.

Attorney Simpson stated no, what he was saying is, he meant "no requirements about the type of work or type of tests or how it should be built."

Commissioner Currie stated, okay.

Attorney Simpson stated all that's in the Florida Building Code.

Commissioner Currie stated but it's okay to have it brought back?

Attorney Simpson stated, yes. They can say they have to do those things within a certain period of time. The city will get monthly updates and if not then the city will proceed with a notice.

Commissioner Currie stated, okay.

Commissioner Byrnes stated but historically, the city hasn't been very good at following up. This guy had to sit here and be told his containers were going to be going out, which should have been done in 2013 and this Commission had to hear it and be the bad guys and tell Mr. Nation, "look, this has to go." Commissioner Byrnes stated his concern is this property will drag on for two years. As he remembers doing condemnations in the past, the city would say the property is condemned, they have 30 or 60 days to bring it up

to code and that assures that person buying it has the money to do that because if they say, "I don't have the money. It's going to take me six months", then we're sorry because it's been sitting there all the time, it's a health and safety danger.

Commissioner Danio asked can't we do that?

Mayor Penny stated the Commission might get a lot of these questions answered if they bring up the potential new owner and see what his intentions are then hear from the audience then the Commission can make their decision. This is a quasi-judicial hearing and they have to talk about this property and this property alone.

Carlos Lira, owner of ACL Realty, stated they do first class renovations. It just so happens that the house that is besides this house at 430 Burleigh is the twin house, probably the City Manager knows that. This house needs some repairs. The only reason he is here is because he needs to see what it takes...he renovates homes. That's what he does.

Mayor Penny asked if he owns this house?

Mr. Lira stated not yet.

Mayor Penny asked do you have a contract on this house?

Mr. Lira stated he has a contract on this house and it's on hold because he was waiting for this meeting to see what all the codes and things and regulations that the city is going to put because if it doesn't make any sense, it doesn't make any sense, if they know what he is saying. All that he can tell the Commissioners is that he was trying to call on the gentleman tonight to come up because he knows the properties that I renovate and I do a first-class job on every one of them.

Mayor Penny asked what is the estimated timeframe and dollar amount for this job?

Mr. Lira stated well, this is an approximate, three month to four month job and approximately \$50,000 expense.

Mr. Forte stated excuse me, \$50,000 to repair that house?

Mr. Lira stated yes, sir.

Mr. Forte asked how much are you going to pay for just repairing the kitchen? A kitchen is going to cost you \$25,000. There's no way....and I just want to go on record because the Commission had mentioned it. I have two reports here. One at 1616 Anniston, which is an ACL Realty property and the other is 638 Dahlia, which is an ACL Realty property. Both of them were cited for work without a permit.

Mr. Lira stated they did pull a permit.

Mr. Forte stated, excuse me.

Mr. Lira stated there wasn't a permit for the deck that was already done. *(can't understand what Mr. Lira says right here)*. Mr. Lira stated he prefers not to buy the property and the city can have the property for three years abandoned like the gentleman here said, Commissioner Byrnes.

Mayor Penny stated no, the city will tear it down. If the decision is tonight, they will tear it down.

Mr. Lira stated that's fine if that's the approach that Mr. Forte has. What happened at 638 Dahlia is the deck was there on the house so they replaced the deck and they didn't know that they...

Mayor Penny stated they are not really here to discuss other properties.

Mr. Lira stated well, Mr. Forte has the documents there because he wants the property sitting there for two or three years or being demolished. Mr. Lira stated he was just trying to buy...

Attorney Simpson stated let's bring this to a closure. How long before you close on the property? If the city were to give you time, when can you close on the property?

Mr. Lira stated he can close on the property in 20-30 days.

Attorney Simpson stated okay, 30 days. After you close on the property, how long would you need to pull permits to start the repair work?

Mr. Lira stated it's going to take him four months to finish the job.

Attorney Simpson stated this is just to pull a permit, not to do the work, just to pull the permit?

Mr. Lira stated the city is pretty fast so less than a week.

Commissioner Danio stated, 45 days.

Attorney Simpson stated so, you have 30 days to buy, if the city gives you an additional 20 days after you close on the property to pull the permits and then to complete the repairs in four months after tonight, would that be a reasonable timeframe for you?

Mr. Lira stated well, if you are saying 45 days for pulling permits, I don't know why it would be 45 days to pull permits.

Attorney Simpson stated, no. It's how much time the city is giving you.

Commissioner Danio stated 30 days to buy it, 15 days to get permits.

Mr. Lira stated you are saying I have 30 days to buy the property...

Commissioner Danio stated and 15 days to get the permits.

Mr. Lira stated they have to pull permits for...

Attorney Simpson stated what I am trying to do is outline a timeframe that you are comfortable with, that you think you can do, to see whether this Commission would accept it in allowing you to go forward in trying to renovate this property.

Commissioner Danio stated, six months.

Attorney Simpson asked, what kind of time...then Mr. Lira has milestones along the way that can be said that "Mr. Lira is reaching these milestones", and if he is not reaching those milestones then it will be brought back before this body and the Commission can talk to Mr. Lira about it.

Mr. Lira stated, right.

Attorney Simpson stated Mr. Lira needs to understand that the risk is, if Mr. Lira does not go through and at least substantially renovate this property to take away the public nuisance aspect of it, Mr. Lira may buy something that the city ultimately tears down. So, that's the risk that he is assuming if he doesn't meet his timeframe.

Mr. Lira stated, right.

Attorney Simpson stated so he doesn't want to put him under time constraints that he can't reasonable obtain.

Mr. Lira stated right but bringing Mr. Forte on...

Attorney Simpson stated he's the City Manager.

Mayor Penny stated he's the City Manager and the Commission relies on his professional opinion.

Mr. Lira stated, correct but Mr. Forte is saying I don't pull a permit here on this property and...

Attorney Simpson stated don't worry about that, that's not relevant...

Mr. Lira stated it's going to be...if he buys the property, they have to be in his shoes and Mr. Forte is going to be on him with, "hey, you didn't do this, you didn't do that."

Attorney Simpson stated, no.

Mayor Penny stated the only reason Mr. Forte...

Mr. Forte stated he's not going to say Mr. Lira is wrong. What he is going to say is...

Mr. Lira stated, right. So he would prefer...

Mr. Forte stated the Building Official is going to go down and inspect the property and make sure that it's done right because...

Mr. Lira stated, correct.

Mr. Forte stated because the city doesn't want it like the Commission said before they don't want it sitting here for another year or two and not being done. So it's got to be put on a timeframe, it has to be done right, there has to be permits pulled, it has to resolve the structural deficiencies. Mr. Forte stated he is not a contractor, Mr. Lira is.

Mr. Lira stated, right.

Mr. Forte stated you have to fix those deficiencies "not" to my approval but to the Building Official's approval.

Mr. Lira stated, right.

Mr. Forte stated he is going to make sure that the Building Official does "his" job.

Mr. Lira stated, correct.

Mr. Forte stated that's what he is going to do.

Commissioner Currie stated and Mr. Lira may be saying that the City Manager is on him, understand, the City Manager has five people on "him" because she's going to be on him as a City Commissioner because she doesn't want that property being deficient after Mr. Lira said he fixed it because she has no idea if Mr. Lira fixed it. That's not her forte.

Mr. Lira stated, correct.

Commissioner Currie stated she wants to make sure it's done correctly because she doesn't want somebody buying that property and then coming back later in a few years saying, "Why did you let me buy a property in your city that was not properly fixed? You knew what the problems were and you allowed this to happen." She doesn't want that.

Mr. Lira stated, correct.

Commissioner Currie stated so the city has a Building Official over there that is going to make sure that everything is done correctly in the way that the Commission say they want it done and the Building Official is going to make sure that he does his job because the Commission says they want it done a certain way and the Commission are his bosses.

Mr. Lira stated, right.

Commissioner Currie stated it's not that the city doesn't want Mr. Lira here rehabbing that house, the city wants him here rehabbing the house correctly.

Mr. Lira stated, alright.

Commissioner Danio stated just to elaborate, putting people to work, having a house there, it's all to the city's interest. The best interest. The city doesn't want an empty property and a torn down house.

Mr. Lira stated, exactly. He gets it.

Commissioner Danio stated so they are working on the same team. The city just wants to make sure that at the end of the day they are all on the same page.

Mr. Lira stated, exactly.

Commissioner Danio stated from beginning to end. He thinks that's where they are trying to say.

Mr. Lira stated, exactly. It's making the city better. When he said to the gentleman to stand up here with him, it's because he sees his properties and what kind of level they do to renovate their properties.

Commissioner Danio stated they just want to set some guidelines, that's all.

Mr. Lira stated, right.

Attorney Simpson stated but the reason, he thinks, Mr. Forte mentioned what he did is that how Mr. Lira renovated other properties is not relevant tonight. Even somebody who is...

Mr. Lira stated well, he's talking about the city not other...

Attorney Simpson stated it's not relevant tonight before this body. There's two issues relevant here tonight. One is, the condition of the structure, and whether or not the Commission thinks it's a public nuisance to the point that it needs to be demolished. Option two is, the other decision is, does the Commission want to give Mr. Lira the opportunity to buy and renovate it.

Mr. Lira stated, right.

Attorney Simpson stated Mr. Lira has done renovations before and he thinks the only...and Mr. Lira will just have to build it to Florida Building Code. That's all he has to comply with is Florida Building Code.

Mr. Lira stated, alright.

Attorney Simpson stated he thinks the relevant question is and that's what he was trying to get out of Mr. Lira is, how long is it going to take him to get from where they are today to where the city has a completed project? And, whether or not this Commission is

willing to give him that length of time to do that. They just need to have milestones along the way so that they know you are progressing because if they get 60 or 70 days out and Mr. Lira hasn't bought it yet, the odds of him completing by that deadline, get much smaller.

Mr. Lira stated, right.

Attorney Simpson stated so that's what he is trying to outline for the Commission.

Mayor Penny stated what I would like to ask Mr. Lira is when...how much time do you need to get the CO (Certificate of Occupancy) on this property? Because if I lived next door to this property, I wouldn't want to live next to it one day longer than necessary. We're talking about giving you deadlines to make things happen but I would also impose penalties if it doesn't happen. So, when can we expect a CO on this property?

Mr. Lira stated before he answers that question, with all due respect, he thinks he won't buy it. The reason is because, like Attorney Simpson said, his timeframe is six months but he does a proper job but Mr. Forte, you know, he...

Mr. Forte stated he's not going to give Mr. Lira a hard time.

Mr. Lira stated he absolutely will. You know what I'm saying? He absolutely will. Sorry. That's what...he's giving people work, he's renovating homes, he doesn't call the gentleman up to...

Commissioner Currie stated can I ask you a question?

Mayor Penny stated Commissioner Via has been patiently waiting to speak.

Commissioner Via stated he was just going to say, the bottom line is, if Mr. Lira wants to go ahead with this, Mr. Lira needs to let the Commission know how much time he thinks it's going to take. It's going to be by a first priority for him, Commissioner Via thinks that all of the Commissioners are behind him refinishing a historic house but the Commission has its concerns and the Commission wants to make sure that it's safe for the public if kids were to break in. As Mr. Lira was starting to say is he might not want to purchase this property and if that's...

Mr. Lira stated if he's going to have a hard time from the city, yes, he doesn't think...

Commissioner Via stated he doesn't think Mr. Lira is going to have a hard time as long as the Commission sets criteria here tonight and say Mr. Lira said it's going to take him six months and the Commission decides to allow him that, they're going to allow him that. If it goes beyond that then there might be a hard time.

Mr. Lira stated, absolutely.

Commissioner Via stated what the Commission is trying to say is let's set the guidelines.

Mr. Lira stated, sure. He thinks six months, like Attorney Simpson said, between closing and...

Attorney Simpson stated and that's...that was Mr. Lira's timeframe. Mr. Lira came back and said let's make it eight months.

Mr. Lira stated as an example of time to buy, get the permits. He's just asking for them not to give him a hard time, please because he does a very good renovation and...

Mayor Penny stated he would hope that they give Mr. Lira a hard time if he doesn't pull permits. Like he did on the other two properties he did.

Mr. Lira stated he pulled permits but he didn't pull one on replacing the deck.

Mayor Penny stated after the fact.

Attorney Simpson stated let's stay on tract.

Commissioner Currie stated she just wants Mr. Lira to understand that the city is going to require him to pull permits for what he does.

Mr. Lira stated, absolutely.

Commissioner Currie stated so she doesn't want Mr. Lira to take giving a hard time in pulling permits.

Mr. Lira stated, absolutely. That's not...

Commissioner Currie stated she wants to make sure that's not where they're at.

Mr. Lira stated that's not a question.

Commissioner Currie stated Mr. Forte is not going to be riding Mr. Lira every day. That's not what it's going to be. She can assure him of that.

Mr. Lira stated he had the pleasure of meeting Commissioner Currie's husband, Sheriff Currie.

Commissioner Currie stated oh, you did?

Mr. Lira stated and he knows too, I'm a respectful person.

Commissioner Currie stated, okay but that's not relevant here either. The city expects Mr. Lira to get the permits...

Mr. Lira stated, absolutely.

Commissioner Currie stated and timeframe and then he will be good as gold.

Mr. Lira stated he wants the City of Holly Hill, Mayor, he renovates homes and wants to do a lot of homes and do the right thing. He's sorry that he misread about the deck, when it was an existing deck. He guesses because it was different dimension he had to pull a permit but he wants to do the right job. The only thing he doesn't want is, this is ACL Realty, because Mr. Forte mentioned if I do something wrong he is going to report them...

Mr. Forte stated he's not going to report anybody.

Mr. Lira stated that's what his assistant told him.

Mr. Forte stated no, no. The Code Officer has this. Here's my concern.

Mr. Lira stated yes, sir.

Mr. Forte stated I will tell you my concern. I'm going to read the paragraph from the engineer's...have you seen the engineer's report?

Mr. Lira stated no, sir.

Mr. Forte stated, okay. The engineer's report says, *"In order for this home to be considered safe for occupancy, the entire interior of the home will require repair. If it is desired to keep the exterior of the home as is during repair, the specialized labor required will be costly. It is likely that the costs of bringing the existing home to a state where it would be considered safe would exceed the costs of building an entirely new home."* Mr. Forte stated so when you said \$50,000, I got concerned because in my non-professional opinion it's going to take more than \$50,000 to stabilize that home. That's all I'm saying. I don't know the level of work you do. I hope you do a good job. I'd like to see you buy the building and I would like to see you fix it up according to Code and I would help you any way that I possibly can. But, I can tell you, I think my Building Official is going to say, "open all the walls up so that he can inspect the structural components to make sure there is nothing failing behind it before you put any sheetrock on it. That's what I'm saying.

Mr. Lira stated, absolutely.

Mr. Forte stated as long as you know that and he knows that and I know that, I'm not...you'll never see me on the property. I don't go on the properties but based on the engineer's report it seems like it needs a lot more work. That's what I'm saying.

Mr. Lira stated, okay.

Mayor Penny asked how old is that report?

Mr. Forte stated, 2014.

Mayor Penny stated so it's been sitting with holes in the roof and dilapidating over the last three years even worse than what was reported three years ago. One would assume.

Mr. Lira stated there's no holes in the roof. There's holes in the ceilings, the walls. It looks like somebody tried to renovate it that's why they see drywall inside and all those things. Tile and stuff like that. Maybe somebody abandoned the job. That's what it looks like.

Mayor Penny stated, okay. **At this time, the Mayor opened it up for public participation.**

Steve Smith, 1410 Riverside Drive, Holly Hill, stated he read the engineering report that Mr. Forte read from and he is concerned for the prospective buyer but as far as the perspective of the house, being from the Historical Preservation Society, they are all for fixing the house but from the engineer's report the internal damage to the support of the second floor and the ongoing leak from the roof for the past three years that addresses the water damage, tells him, like the report suggested, it's going to be more expensive because they said it three years ago, the roof needs to be fixed immediately, the second floor support needs a major beam that supports the second floor has to be addressed. Like Mr. Forte mentioned, it cost money to do a kitchen and there's bathrooms involved, there's windows, and doors. The Historical Preservation Society would like to see it fixed but that amount of money is scary. Look around the neighborhood and look at prices and stuff. Mr. Lira is going to want to put a lot of money into this house to fix it and considerably more than \$50,000 is his guess but he would like to applaud anybody that wants to take that challenge to fix that home. It would be nice to see it cleaned up. He is like the Mayor Penny, he doesn't like walking by a stinking mess that's been there for the last three years. Something needs to be done. Like they said three years ago, the roof immediately, clean up the property immediately and start working on some of the serious structures like the windows and doors, kitchens and bathrooms but it's going to be expensive. He is surprised that the prospective buyer didn't have access to the report and didn't see it. As a buyer, I would want to see all of that stuff but I commend Mr. Lira for even dreaming about it. We, from the Preservation Society, would like to see somebody save the house. We don't like the mess that it is.

Mayor Penny closed public participation.

Mayor Penny stated it seems to him and he shares Mr. Smith's sentiments. He believes that if they could go back in time fifty years out this would be a beautiful, beautiful structure and it's a shame that it's gotten to the state that it is but he truly believes they are at a point of diminishing returns and the worst thing that he wants to do is get in the way of free enterprise. If they have someone here who wants to purchase this thing and feels that they can take it on, that would be fantastic. Keep it on the tax rolls, Historic Society is great and everything but he is not convinced, with all due respect Mr. Lira, that he has a full understanding of the condition of that property and he would hate for this Commission to not approve the condemnation and allow him to purchase it, only to find out that Mr. Lira is upside down on and it's more than he can handle. Mayor Penny stated he thinks it might be appropriate if the Commission were to allow Mr. Lira two weeks to

consult with city staff, and get full reports because he may want to walk away from this thing. Mayor Penny stated he doesn't want to approve it. He doesn't want it to sit there any longer than it does but he doesn't think delaying this thing for two weeks would actually harm anybody. Mr. Lira can do some homework. Mayor Penny stated his opinion is if Mr. Lira can save it, save it but he doesn't want it saved and put lipstick on a pig and someone getting something that they didn't know what was there. He knows the city can't put anything more in place than the Florida Statutes require but he actually believes, based, if Mr. Lira reads that engineering report, he thinks Mr. Lira will say there's a lot easier places to make a dollar because once Mr. Lira gets into it...it's only 36 months worse than what it was. He doesn't know if that's appropriate Mr. Forte, Commission? He doesn't want to see the city make a mistake. Mr. Lira is so close to buying it, he would hate to see him throw money away. He hates to be the bad guy to ruin Mr. Lira's dream if he can save it but he doesn't want the Commission to make a bad decision.

Commissioner Danio stated, he agrees. Obviously, if Mr. Lira is in the construction business, he is going to be able to save costs above somebody else buying it and contracting it out but like the Mayor said, it's kind of like buyer beware but the Commission doesn't want to see anybody fail. He thinks that's a prudent approach.

Commissioner Currie stated also, again, she would love to see Mr. Lira buy it and fix it up and the Preservation Society has it but she thinks in all fairness, Mr. Lira needs to be able to read everything there is on it and if he didn't get to read that report, he needs to have that opportunity.

Mr. Forte stated he thinks that's an excellent suggestion. He thinks if they reschedule this to a date certain until August 22nd and it will give him an opportunity to meet with Mr. Lira and the Building Official.

Mayor Penny stated they can give Mr. Lira some of the background information and let him review it.

Mr. Forte stated he thinks there will be enough information there that by the 22nd Mr. Lira can make a decision of yes, he can do this and they're all on the same page and this is what they are going to do moving forward and have a good amicable relationship to get it done or Mr. Lira looks at him and says, "you know what, it's more than I thought", and back off.

Commissioner Danio stated and a timeframe as well.

Mr. Forte stated he thinks a delay would be fair.

*Commissioner Via made a motion to **TABLE 430 BURLEIGH AVENUE UNTIL A DATE CERTAIN OF AUGUST 22, 2017 AT 7:00 PM**, seconded by Commissioner Danio.*

Mayor Penny opened public participation. No one spoke.

Commissioner Via stated the one thing I want to say to Mr. Lira is don't feel like the city is against you. I don't think that's what we're doing here tonight. If you feel that you can

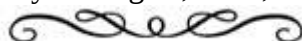
make money on this property or if you want to move into it, whatever your dreams are, if you believe that you can make that work, we're going to be able to work with you as long as we know this is going to get fixed in the right way, there's not going to be any harm to it. I just wanted to say that for the record.

PASSED, 5-0.

RESULT: TABLED

Next: 8/22/2017 7:00 PM

Enacted and approved this 8th day of August, 2017, in Holly Hill



8. COMMUNICATIONS

A. City Manager & Staff Comments

None.

B. City Attorney Comments

None.

C. Mayor's Comments

Mayor Penny agrees with the Commissioners in that they had some tough decisions before them tonight. They have to take it serious when they start talking about condemning somebody's property. He's reminded of a saying that former Bill Arthur used to use when speaking about the definition of "blight" and he believes that 1571 Daytona Avenue definitely meets the definition of blight and he is sure 430 Burleigh does also. Mayor Penny brought up an idea of the "Positivity Award" where each Commissioner would select three properties in their district and he will decide who wins and they will receive a proclamation, plant and a sign in their front lawn for the community to see. Perhaps do it once a month but it can be tweaked. He is looking for **consensus** from the Commission to give to Mr. Forte. There was **CONSENSUS** from the Commission to move forward with the "Positivity Award" and allocate in next year's budget \$1,000 for it and Attorney Simpson stated he will contribute \$250.00.

D. City Commission Comments

Commissioner Via mentioned it was a tough meeting tonight but he believes they acted in the best interest of the city tonight. Sometimes tough decisions have to be made and the best for all the citizens not just by one and giving special privilege to certain people. It may make them look like bad guys in some peoples' eyes but the Commission is here to do a job and he thinks they're doing it. Commissioner Via wanted to bring up, he wasn't sure if any of the other Commissioners received a file from a gentleman, Mr. Strom. He received it at his house on Sunday.

Mayor Penny gave his to Mr. Forte yesterday and Code Enforcement has been notified.

Commissioner Danio stated Code Enforcement has already been there. Commissioner Danio commented on last week's National Night Out; good event, best one yet and he thinks it's going to get better. Looking forward to the Florida League of Cities annual

conference next week.

Commissioner Byrnes hoping to have a workshop next month, Sept. 11th at 6:00 PM about US 1 Overlay and the Code Enforcement changes taking place; he learned a few things from the packet that was delivered that the law has changed and some things are allowed and some things are not.

Commissioner Currie mentioned that she attended another City Commission meeting in another State when she was on vacation; they are run very differently. Tonight's meeting was very difficult but this City Commission functions well together; National Night Out event was awesome, probably the best in Volusia County; thanked staff for being there, they did a fabulous job.

9. ADJOURNMENT

The meeting adjourned at approximately 9:00 PM.


Valerie Manning, City Clerk CMC 8/8/2017


John Penny, Mayor 8/8/2017