



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • AUGUST 9, 2016

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 F. Capers	District 3 - Commissioner	Present	
Elizabeth Albert	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

B. Invocation

Commissioner Currie led the invocation.

C. Pledge of Allegiance to the Flag

Commissioner Currie led the Pledge of Allegiance to the Flag.

2. PRESENTATION - NONE

3. PUBLIC COMMENTS

The following individual spoke to the Mayor and City Commissioners:

Ray Plate, 1580 Riverside Drive, Holly Hill, stated one of the homes south of him definitely needs some Code Enforcement. If somebody could come by there and make sure it's safe not just for the people that live there but for the people that drive down that road when people are backing out into Riverside Drive.

Mayor Penny and Mr. Forte stated that Mr. Plate could get Code Enforcement's phone number and they will take care of it.

4. APPROVAL OF MINUTES - NONE

None

5. CONSENT AGENDA - NONE

None

6. REGULAR AGENDA

Mayor Penny stated for the Commission, he's been running these meetings the way he's been mirroring meetings for the last ten years, watching meetings get run here and they are supposed to be following Roberts Rules of Order. At the last Commission meeting they ended up talking over each other and it's very difficult for the City Clerk to record the minutes. He went to Roberts Rules of Order and he saw how they are supposed to really handle the meetings so he is asking that they be patient with him. The way that they are going to do it is that the Mayor is going to announce the agenda item then the agenda item will either be read by the City Attorney or the City Clerk then the Mayor will invite staff, probably Mr. Forte or someone on the staff that is going to give the Commission information on the agenda item. Then he will ask the Commission if there is any clarification or technical questions that are in need of a staff member or of the City Manager or any clarification from the City Attorney. Then the Mayor will call up audience participation. They will hear from the public first before someone makes a motion. At the time of public comments, it is not time for debate. That's five minutes for the audience to address the Commission in either favor or against the agenda item. Then after they close audience participation the Mayor will ask for a motion from the Commission and a second from the Commission. Once he receives a motion and a second he will repeat the maker of the motion and the person that made the second so the City Clerk will be clear of it and ask that the motion be repeated and they will clarify the motion, if needed. Then the Commission will debate it amongst themselves. The Mayor will moderate the discussion until they call for final vote. It's a little bit different. Pretty much the same except instead of the Commission making a motion and a second and then hearing the public, they're going to hear the public first. There may be information that the public has to share with the Commission before they make a motion either for or against a regular agenda item.

Commissioner Byrnes stated in almost every civic meeting that he goes to, a motion and a second is required before any discussion on the item because if there's no motion or second then they can tell the public it's an item that's...

Mayor Penny stated well it may not be important to us, the motion and the second indicates it's important to this Commission. The audience is here because it's important to them. So they will hear from the public first and then if there is no motion and second, it will die for a lack of motion and second. But a lot of these people come here because there might be one thing on the agenda that's important to them. They will try it for a while. It will keep it a little more orderly and more civil, a little more professional and a lot easier the City Clerk.

1. Ordinance

Ordinance 2978 An Ordinance of the City of Holly Hill, Florida, Amending the Comprehensive Plan, by Amending the Future Land Use Map to Change the Parcels Identified as 7Th Street Neighborhood Park from Medium Density Residential to Parks and Open Space; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

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

Tom Harowski, City Planner gave a brief staff report to the Mayor and Commissioners pertaining to the 7th Street Park Future Land Use map amendment. Mr. Harowski stated the application before them is an amendment to the Future Land Use map. What they are proposing to do is to take the area at 7th Street and Center Avenue, that the City is in the

process of developing as a park and designating it as a park on the Future Land Use map. Right now it's designated as medium density residential which is consistent with the condominium project that had been proposed there a number of years ago. The designation will identify the current and long-term use of that facility as a neighborhood park. It will also help the city with administration on any issues that relate to, for example, distance from parks for any code where that spacing is a requirement. It's really in the nature of an administrative change right now and recognizing what they've done and they will have to submit the application to the VGMC for their review and staff will send it to the State after second reading but as a small-scale amendment they will not review it.

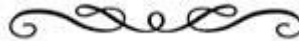
Mayor Penny opened public participation. No one spoke.

Commissioner Byrnes stated he was thinking about what Commissioner Capers had said on a previous note about how some of the city's parks need names and he believes that this park should be named after a former mayor who helped define this city and that's Don Wiggins who passed away last year or the year before. It's only a couple of blocks from his house so it's in his neighborhood where he was at. Commissioner Byrnes stated he knows this vote is not the time for it but he wanted to bring that up and see if the Commission can get that on a future agenda.

RESULT:	APPROVED AT 1ST READING [UNANIMOUS]	Next: 8/23/2016 7:00 PM
MOVER:	Arthur J. Byrnes, District 1 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Byrnes, Currie, Capers, Albert, Penny	

ORDINANCE

Enacted and approved this 9th day of August, 2016, in Holly Hill



2.

Request for Lien Reduction 1310 Woodward Ave

(Requested by Joseph Forte, City Manager)

Mr. Forte stated this is a request for a lien reduction at 1310 Woodward Avenue. This property is vacant right now. It had been out of compliance at some point but has been brought into compliance and that documentation is in their packets, but it had racked up \$23,793.43 in fines and fees. The property does have a contract on it for purchase and sale from *Chris' Lounge* and the owner of the property has gone through the paperwork to request the appropriate lien reduction. In the Commissioners agenda packet it has the brake down of the administrative costs that are associated with this property that the City should recoup if it chooses to reduce the lien. It does include, Mayor, you had asked if it had included the cost for the Special Master, and that is incorporated into the total. What the applicant is asking for is to reduce the lien down to \$1,167.73 which represents all of the administrative costs and the actual fines associated with the property. If the

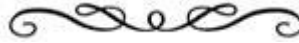
Commission were to make a motion, he would suggest that the motion would be to reduce the lien to the administrative fee in the amount of \$1,167.73 payable no later than October 7, 2016 with failure to pay lien by October 7, 2016 it will cause the entire lien to fall back on the property.

Mayor Penny opened public participation. No one spoke.

Commissioner Albert made the motion but mentioned payable no later than **August 31, 2016**.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Albert, District 4 - Commissioner
SECONDER:	John F. Capers, District 3 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny

Enacted and approved this 9th day of August, 2016, in Holly Hill



3. Resolution

Holly Ridge Plat Vacation - Resolution 2016-R-32

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

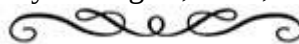
Mr. Harowski stated this is connected to the park designation area that they just discussed. The City owns everything that is covered with this plat. At one time there was 66 condominiums that were proposed there with 66 individual lots. There's common area designated on the plat and there's access easements. Since the City controls 100% of the property, it seemed reasonable to get rid of all that underline static and go back to a single parcel. The Planning and Appeals Board heard this along with the Comprehensive Plan Amendment and they recommended in favor of it. This is essentially an administrative action to clean up the underlining property.

Mayor Penny opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny

RESOLUTION

Enacted and approved this 9th day of August, 2016, in Holly Hill



4. Resolution

I.A.F.F. Bargaining Unit Agreement - Resolution 2016-R-33

(Requested by Joseph Forte, City Manager)

Mr. Forte stated this is the Firefighter's contract. Staff has been in negotiations with them and there was an interpretation of paramedic pay that took quite some time to resolve. They actually went through the Special Master process and the Special Master recommendation was to not make any changes to that section of the contract and management agreed with that recommendation and now it's being presented to the Commission for ratification with all terms and conditions going retroactive back to October 1, 2015.

Commissioner Byrnes stated the retroactively was discussed before all this went through so this is not a...

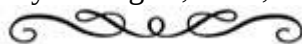
Mr. Forte stated the wage was never an issue. It was only the paramedic pay and the city never put retroactivity on the table and was not taking place. The contract had the pay starting on October 1, 2015 while they resolved the paramedic issue.

Mayor Penny opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John F. Capers, District 3 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny

RESOLUTION

Enacted and approved this 9th day of August, 2016, in Holly Hill



5. Resolution

Lease of City Owned Land on Riverside Drive for the Purpose of Building a Private Dock and Boat Lift - Resolution 2016-R-28

(Requested by Joseph Forte, City Manager)

(THIS AGENDA ITEM PASSED BY 5-0 TO "DENY". MOTION WAS MADE BY COMMISSIONER CURRIE TO "DENY" THE LEASE FOR THE LAND AS REQUESTED BY THE APPLICANT, MARCI ALBRIGHT, SECONDED BY COMMISSIONER BYRNES).

Mr. Forte stated this is the same item that the Commission discussed at its last meeting and requested that it be brought forward at this meeting for any additional questions that he couldn't answer in the absence of the City Attorney. This is where the City has the upland property owners requesting to lease a portion of the property on riverside in order to build a dock and boat lift.

Mayor Penny asked if the Commissioners got their questions answered in private with Mr. Forte or with the City Attorney? Do they have any questions now?

Commissioner Byrnes stated one of the concerns he had was he thought this was a template for many of the other people that had the same problem where they had been paying taxes or had documents that said riparian rights. He saw this as a template to help all of those folks that may have been disaffected and he's not sure what the interpretation on that is.

City Attorney Simpson stated there are not too many people who are in this situation. He doesn't know how many people thought they had riparian rights and didn't and then paid on taxes on it. There's only one piece of property that the City has ownership interest in along Riverside Drive where the City can do something like this and it's that property across from 1570 Riverside Drive. That's the only one the City has fee simple title ownership to. Every other piece of property the City has an ownership interest in, up and down the river, is restricted by some way gave the City the property and it's either for park purposes or road purposes and the City could not consider this anywhere else other than for that piece of property they are talking about. He hasn't heard that there are other people who have this issue. Understand that when they, years ago, when the City did that deal with the County to get them to vacate a portion of the right-of-way, the intent of that was to hopefully give people south of 14th Street riparian rights because from that point all the way south the property owners never abutted the water and the County right-of-way went all the way to the water's line. The County has always owned the land up to water's edge and has always owned the riparian rights. So the City did that deal with the County they adopted a Resolution approving it with hopefully the intent that it would give the upland property owners on the west side of Riverside Drive riparian rights. He doesn't know how that changed in terms of their taxes or anything but this particular agreement, other than other properties that are across from this particular parcel of property, would not be a model to be used anywhere else.

Commissioner Byrnes stated and that's what he's learned through this discussion because all of this other stuff happened when he was not on the Commission and so it's...he surely thought that the City was going to be helping several people, at least, along Riverside Drive.

Commissioner Capers stated on the same note, on the exact same question Commissioner Byrnes asked, there were roughly three homes across from the park they are talking about. Besides Ms. Albright that the City is dealing with now, the other house right next door would now have the option to come back and try to get the same bargain for \$350 and put in their dock. Is that not correct?

Attorney Simpson stated they can make the request.

Mr. Forte stated the circumstances are not the same.

Commissioner Capers stated again, the only reason that he understands that Ms. Albright is even being considered here is because she has upland property.

Mr. Forte stated he believes, Commissioner Capers, the circumstance is, is Ms. Albright had been paying taxes as though she had riparian rights with the property to the north of her, to his knowledge, never had paid taxes on what were riparian rights.

Commissioner Capers stated he understands that.

Mr. Forte stated that's the only difference in the two. Now, can anybody ask for that consideration? Sure. But he thinks the only reason this Commission is considering this

property is because the property owner had been paying taxes thinking they had riparian rights.

Commissioner Capers stated he's just concerned about two docks being out there. If one goes, he thinks they will have two.

Mr. Forte stated they run the risk of another request, yes.

Attorney Simpson stated or three.

Commissioner Currie stated Attorney Simpson, you were speaking of years ago how the City did work out an agreement with the County on this on the southern portion of Riverside Drive for the right-of-way. Were any of those properties the same as this property where there were parks involved in any particular piece of property where a dock would have been placed?

Attorney Simpson asked a park land where a private dock was placed?

Commissioner Currie stated such as what is going to happen with this piece of property.

Attorney Simpson stated he doesn't think so.

Mr. Forte stated there is no property that the City has that's considered a park where there's a private dock.

Commissioner Currie stated, okay.

Mr. Forte stated there is, however, property that the City owns where somebody has placed a private dock off of what should had been a piece of property that they own. If she can envision the upland property across from the Riverside Drive property, the property owner...the property upland owns a strip of land, the northern portion of the parcel, they built the dock in the center of it which is on the City's property.

Commissioner Currie stated, okay. Instead of where it should had been placed...

Mr. Forte stated they put it in the center of the property which is what the Code says but it was misinterpreted that it should had been placed on their property. There's a piece of their property that's on the City's.

Commissioner Currie stated, okay because of this interpretation of the Code.

Mr. Forte stated and that can be clarified by doing a land swap between the parcel that's adjacent to the dock, swapping it with the parcel that they own.

Commissioner Currie stated but when the agreement was worked out with the County for the right-of-way so that the City could get the citizens riparian rights, there were no parks that were involved in that to where riparian rights were given.

Attorney Simpson stated not that he's aware of. The only place where the City has park land would be where the City actually had ownership interest of that land.

Commissioner Currie stated, okay.

Attorney Simpson stated but the right-of-way would not had been applicable.

Commissioner Currie stated, okay.

Commissioner Byrnes stated he has to ask again because this has been a long process. He thinks of properties like Mr. Steve Smith's where he has a structure on land that's on the other side of Riverside Drive. How many property owners south of that have those same rights?

Mr. Forte asked, south of 14th Street? He doesn't remember Mr. Smith's address.

Commissioner Byrnes stated no, he's not saying his. He was just using that as an example of...

Mr. Forte stated Mr. Smith owns the property across the street.

Commissioner Byrnes stated, right. So how many people south of 14th Street own the property across the street?

Attorney Simpson stated the County vacated the right-of-way and they retained fifty feet east of their center line because that was a standard width right-of-way for that designation of a road. Everything east of that right-of-way they vacated with the restrictions that no structures can be built. They put restrictions on what could be done on that land. In some areas there wasn't fifty feet. The water and the road were rather close so they vacated one foot above the main high water mark. Hopefully to give property owners just that one foot that would hopefully, give them riparian rights. Now it wasn't a guarantee that they got the riparian rights. It was the only way they could come up with hopefully, trying to get them riparian rights.

Mr. Forte stated it's also fair to say that if there was eighty feet from the center line and the County maintained fifty feet, the upland property owner owned the thirty feet.

Attorney Simpson stated subject to restrictions. He can't remember all of them but he doesn't think they can subdivide, he doesn't think they can put structures over there. There are some restrictions. North of 14th Street...the reason 14th Street is different, the original plat of Holly Hill, that appears to be where they differed in how they plated the property. North of 14th Street, these long properties went all the way down to the water's edge. Maybe from US1, originally, all the way down to the water's edge, 14th Street went all the way down to the water's edge and that was originally plated to go right along the water heading south. So that's why the properties are treated differently at that point.

Mayor Penny asked if the applicant would like to come forward?

Bill Arthur, 1570 Riverside, Holly Hill, stated he was caught off guard last week and whatever it was that interrupted the meeting and he apologized for it but it's not very often when someone comes up and criticizes someone they don't know, meaning Marci Albright, and calls them what they did and says things that are truly not true. They can't prove to do it and so because Marci Albright is a friend, he fights for his friends, he fights for Marci who he stays with and he fights for his country and don't ask him not to do that. He's done it his whole life and he will always do it. So that is the reason and he apologizes and he apologizes for Mr. Plate, slightly. Mr. Arthur stated he would like to bring up that this has been going on for three years or over two years it's been going on. Marci never brought it up. It was never her idea. The City came to her. The Commission and the City came to her and offered to sell the property to her. It was many years after she bought it that she realized that she didn't own the property. She had been paying high taxes on it forever and never been able to use it. During that period, people went across the street...the City has ordinances where people can't park across the street and he could go or Marci could go or anybody who owns the property could go over there and ask them to please not come on their property and it worked. When it stopped, when Marci and himself realized they didn't have it, they stopped doing it and people started parking all over the place but it was still never a real big problem and that's how that all got started. He doesn't want to get on to that very much. He wants to tell them about Marci. It's just absolutely incorrect. For two years the City called him back and said buy it. He gave the City money once and the City opposed it. Then the City went back and figured out another thing and the City gave it to him and this is what was done. Commissioner Albert called him to her house and said, "What will it take for you to accept it?", and Marci and himself went there and they discussed it and then the City came out with a

final resolution. The City came to him each time. He never came to the City for it. He has always said what was good for us was good for anybody else. He said it at every meeting he has ever been to, including Mr. Plate. That's how the whole thing...and everybody knows all the problems in it. The history of Marci is she left home early, came back here and put her way through school. She worked for UPS for many years and retired from UPS and at the same time she worked for the School Board. She was the hardest working girl you ever saw. They did have rentals and at night she would go and work on the rentals. She did everything in her life to get her kids through school, through everything she could and she should be honored for it and then a person who never seen her in his (referring to Mr. Plate) life, knows nothing about her, comes up here and destroys her and Commissioner Albert asks Marci is, "is that true, is that true", and it's just a horrible thing. He's sorry for that. There's a thing called a Harvard debate. He doesn't know if any of the Commissioners has heard about it. A Harvard debate, we do it all the time. We don't realize we do it. Everyone kind of does a similar thing but a Harvard debate is actually how you should run a Presidential debate. Right now everybody speaks. They love to hear that and they go and vote and they really don't know what they're voting for but Harvard came up with the way to debate where it made sense. What Harvard did is they had issues, the immigrants, whatever the issues might be, what party would get up and speak and they would have to do it strictly by the facts of the subject and what would happen is they would speak about how to correct that situation. The other party would then get up and people would choose from it. That's the way you do it every day you go shopping. It's cheaper at Wards, it's cheaper here. You figure out whether or not what's the best way to do it. Everybody does it that way and that's the way the Presidential debate should be run, in his opinion, instead of just listening to speeches. Mr. Arthur stated he will be happen to end it and save everybody a whole lot of time.

Commissioner Currie made a motion to allow Mr. Arthur a couple of more minutes if he needs it since he is the applicant, seconded by Commissioner Albert.

Mr. Arthur stated he will make it real fast. The Harvard debate, and this is the way this should be done. He's heard the City doesn't want molesters in the park. Its 2500 feet that people cannot go to the park, they're not allowed to do it but they are on different circumstances. They make leniencies for them to do it with schools, parks, churches so in fact, in certain situations it actually works in reverse of what the City is doing. It actually gives them an excuse that they can do that (referring to molesters). He looked for 2500 feet and he went from park to park and there's very few places in this City where molesters can be. The only place molesters can be is at parks, schools, shopping centers. There's exceptions for them. Private property they can't do it. He thinks it would have been better to do exactly what Commissioner Capers wanted and do it in a means...2500 feet is 4.7 miles. He's less than 3 miles from another park and only about a half a block from the Flomich park and then that park is only about a half a block from Ormond's park. No one can come...they have churches, cities, schools all over so they can't come into the city unless it's a special means. He thinks what the City is trying to do actually hurts it but that's beside the point and this is where he is going to end it. He wants to end it right now. As far as fishing goes, Commissioner Capers didn't like that. There's no fish there so people don't fish there and docks, and reefs and put in the ocean draw fish there so he would like to argue that point too at a different time. Marci has requested him to

please pull it off the agenda. Marci doesn't want it. She doesn't want a thing to do with it. He thinks it's a benefit to the City. The City will get tax money where they didn't. His dropped \$2,000 and they're happy. No big deal. He thinks the Commission needs to pull it off the agenda. Marci wishes to pull it off and she wishes because she told him when he got home everybody is going to hate her. It doesn't matter if they get it or they don't and she doesn't want that to happen and he said okay. He said that he would request that the Commission pull it off if it didn't require other people to be a part of it. If it wasn't good for everybody, it's not good for him and he never asked for anything just for him. He never asked for this in the first place. Mr. Plate is very limited where his house is. Mr. Plate has it pointed so that it is in the park and I thought that a solution to that would be let him have it. Let him have it. Let him have permission to use the dock. There's three people there. If the City put one dock there, all three of them could do the same thing and it would increase the property value of his by about \$50,000, it would give Marci the value that she paid for and the other fellow. He doesn't see how it could affect hurting the City in any way to have additional tax revenue but right now, they just assume to have it pulled off the agenda.

Mayor Penny opened public participation. Is there anyone that would like to speak in FAVOR of this? The applicant has asked the Commission NOT to grant this lease. Is there anyone that would like to speak in FAVOR of the Commission granting the lease? Is there anyone that feels it's necessary to come up AGAINST the Commission granting this lease?

The following individuals spoke to the Mayor and City Commissioners:

Steve Smith, 1410 Riverside Drive, Holly Hill, stated for the last two years they've had numerous presentations from the applicant on numerous occasions from Mayor Penny as well as from the former Mayor that went way beyond five minutes. None of us that have been trying to talk to the Commission about this have all been gaveled out after five minutes. Every time. They don't really feel that the Commission is listening to the public, they figure it's a done deal. He's upset that the public dock that they did get down at Marina Grande, even though there is consensus between all five of the Commission, that the citizens deserve a seat there...

Mayor Penny stated you need to stay on topic, sir, about this lease, particularly.

Mr. Smith stated that now the Commission is talking about allowing a private dock in a public park where the public can't even use the dock. They are getting ready to spend a lot of money. The City has spent a lot of money on a feasibility study to widen the sidewalk, the City is spending a lot of money on the south park at Sunrise Park to access the river with smaller craft. That park there at 15th Street is a half a mile away. Anybody who has actually been in the river paddling or surfing or swimming or whatever they do in the river knows they need a place to get out. A place to rest. If the City is going to develop that river as part of the Pat Northy Trail, these places that they can have to stop along the way there, that are public access, are important. Those of us that go by there many times during the day realize the value of the unobstructed view. The house that he lives in where he has 100 x 110 lot across the street from him had a 300 foot pier with a fishing shack on the end of it but he didn't like looking at it. It's not there. He has a panoramic view of the boats going by. You, as the City's Mayor, have said that you like

any dock. You don't care if it's tattered, worn down, broke down or what, all docks are cool is what you've said from that seat right there. So what the citizens are looking at is they can have a crummy, beat up dock that the City has had for the last 30 years, like at Walker Street, still in that same condition that has been dilapidated and run down, the City does nothing about it. Yet some of us in town, if our fence is leaning we get a ten day notice to correct a leaning fence. Docks are accessory structures. Holly Hill is full of dilapidated, run down docks. Not a lot of them but there's plenty because someone thinks it's cool they don't have to enforce the rules on them and to enforce something like this that the City isn't going to enforce the rules on docks. The City doesn't do it. To have this in a public park would be a disservice to the public. The public, looking forward, they need the access to the river. It's nice to be able to use that river when you need to come in and out of the water and sit at a picnic table on public property.

Karen Van Dusen, 1201 Daytona Avenue, Holly Hill, stated owner...she will stick to the conversation as well as the first speaker did. She is a retired, registered nurse of 47 years. She put herself through school, she worked as a nurse's aide, not an easy job, pulled shifts and supported her daughter. When she bought her property, she had a survey done of the land so that way she would know where her property was and what it was. She is very disappointed in all of the Commission. That they would accept a petition, encourage someone who does not any longer live in Holly Hill. This should be for people who live in Holly Hill, neither of those people do. She walks by that house every morning at 6:00 AM or 5:40 in the morning, she's not there (referring to Marci Albright) and multiple people live in various parts of that house and the City knows that. This is a travesty...

Mayor Penny stated he just wants to clarify, are you in favor of the Commission granting this lease?

Ms. Van Dusen stated, no. She is totally against it. It's a public park. The City shouldn't be giving it away to a private citizen or any part of it to a private citizen and the City shouldn't claim it for increases taxes. If Ms. Albright didn't check her taxes and who knows for sure if she was paying those taxes. Ms. Van Dusen stated she didn't see a piece of paper going around showing Ms. Albright paid for riparian rights that she didn't have. So how is she to believe? The City won't talk about the man who placed money here on the table on time, will they? This is about the real citizens of Holly Hill not people who live in Ormond Beach and our kind City Manager who doesn't even live in Volusia County.

Mr. Forte stated Mayor, point of order, this is totally inappropriate.

Ms. Van Dusen stated anyway, this is a park. It should be a park for the people. The City shouldn't be giving away things that should be for the people. You're all officials. You're supposed to serve us, not one person or two people but the whole city.

Mayor Penny stated he will welcome anyone else up but he wants to remind them that the applicant has just told them, about six minutes ago, that they do not want to accept this lease.

Ray Plate, 1580 Riverside Drive, Holly Hill, stated he doesn't believe he said any wrongful things last week but maybe he did and he was in a trance but long story short, if this gets pulled can it come back around?

Mayor Penny stated the Commission will take action on this matter tonight. They will take action affirmative or negative on this tonight. The Commission will either approve it

or deny it tonight. It can always come back in a year. The way the process works, if it's denied it could come back in a year.

Mike Gleason, 820 Riverside Drive, Holly Hill, stated it's been pulled so I assume it's not going to happen. He wants to address the generic issue not the individuals or...

Mayor Penny stated they just want to talk about this one issue.

Mr. Gleason stated, exactly and he does too but not just because it's already been said there may or may not be other people who may or may not wish to have some kind of consideration. He means, that's been brought up here with the Commission. First of all, he has super concerns about the lease versus maybe, land transfer or sale. This kind of a lease for anybody not just for this particular applicant or any future applicants. They would have to give them a long lease if they're going to do it. If somebody is going to build a dock. Some of the concerns he has is future erosion. How does that impact the City? Does the City have responsibilities or would that be on the person they are leasing it to? If their dock would suddenly not reach the land? This is going through a park if he understands this correctly and if any applicant has to go through the park, there are rules about alcohol in the parks but if he wants to go out on his dock, he wants to make sure he has cooler full of cold ones to go with him. Maybe they wink at that, he doesn't know. One thing, he definitely thinks, and he would like to get an answer and not as a debate and he'll give up his time or if it's even something that the Commission could look into for the future, what is the City's recourse if somebody builds a dock out there with a lease and they decide not to pay the City? He doesn't know that they can go out and board up their dock or take it down or fine them but again,...

Mayor Penny stated the lease states if the applicant is in violation of the lease, ownership would revert back to the City.

Mr. Gleason stated and then the City would...

Mayor Penny stated, own it.

Mr. Gleason stated own the dock. Very good.

Erick Krallinger, 630 S. Beach Street, Holly Hill, stated his parents own the house next door to 1570 Riverside Drive and they've owned it since 1998 and at that time there was no fence. Is this a park? One that the City owns? Is it designated a park? Everybody keeps saying it's a park.

Mayor Penny stated it is a park and he believes through Commissioner Capers' guidance the City is going to bring it back at a future date and officially designate this area as a park, correct Mr. Forte? The use is a park but it doesn't carry that designation presently.

Mr. Krallinger stated all the other parks has names.

Mayor Penny stated that's probably going to come back next month. It will earn its official park designation at that time.

Mr. Krallinger stated because these homes are riverfront property and with riverfront properties it would be nice to have a dock and be able to use it and have a boat. Commissioner Capers has a dock and he wouldn't be happy if he didn't have a dock. It's whatever the Commission votes on now. He doesn't really see a problem with docks there.

Arthur Morris, 397 Silver Beach Drive, Holly Hill, stated the fact that the applicant has withdrawn their application really negates the necessity for him to come up here and speak. But he wanted to answer some of the questions in people's minds and state that he takes a tremendous respect for the offices that everybody holds, the Mayor's office, the

Commission's office. It takes a tremendous amount of time and a tremendous amount of effort and if they wanted to reduce it to dollars and cents, probably the most underpaid position they could possibly get themselves involved with. He gives Commissioner Byrnes kudos for that but there are certain things that he doesn't give him kudos for and some of those he's going to bring out in this letter. Mr. Morris stated he put together a letter and everybody has a copy of it and he's going to read through most of it very quickly so he can address some items that have been brought up here. The letter reads as follows: "I wish to address the Resolution 2016-R-28. To start, there appears to be sympathetic feelings amongst the Commission to help former Mayor Arthur's girlfriend Marci Albright to get what was promised in the past. She states that she thought she was buying a property with riparian rights when she first acquired it in the year 2000. In real estate there is a Latin term "Caveat Emptor" which means "let the buyer beware." When buying real estate, the buyer is expected to be proactive in order to make sure there are no defects hidden or otherwise in the real estate and the buyer is not subject to any kind of fraud or scam. The average person does not have sufficient in depth knowledge of real estate and will generally hire a lawyer or title company for representation in the transaction to advise accordingly. If there are problems that develop, the purchaser's recourse is to the broker, the attorney, or the title company; not the City. Next, Ms. Albright states she paid taxes on riparian rights. Her survey would have depicted those rights at the time of purchase if they existed. She added a 330 sq. ft. carport in 2003. The survey submitted for the permit would also have included those rights if they existed. She should have disputed the taxes with the County long ago at either of those times, not claim it is the City of Holly Hill's fault and try to transfer the burden now. The house is on the tax rolls as a Single Family Residence. A permit to build an apartment on the second floor was applied for in 1986. The City of Holly Hill allows only owner related family as tenants. Was that ordinance adopted before 1986? Further, I am the owner of the house two doors away and have personally witnessed multiple tenants at one time occupying Ms. Albright's house. Generally, the activity there classified the place as the "Animal House" among the neighbors. The police were summoned on multiple occasions. The fact that she was not living there and claiming a homestead exemption on the tax rolls at the same time amounts to tax fraud and should be investigated by the proper authorities. The house looked like a dump and poorly maintained. Only recently, during the past two years, it was painted and cleaned up. That was most probably because it was put up For Sale during that time. The current application appears to be a ploy to get a higher sale price rather than anything else. One reason I had in buying my property there was the proximity to the park and the benefits it offered. The view is beautiful, the atmosphere peaceful, and the opportunity for family gatherings and fishing is rewarding. A private dock in the middle of all that would be a tragedy. The cover sheet announcing the 8-9-2016 Commission meeting discussion for Resolution 2016-28, ID# 1383 to lease part of the park for the benefit of one individual, horribly flies in the face of the stated "Commission Goal: Promote a small town city "branding" that focuses on the city's accessible staff and - - - the city's available open space, parks, and waterfront amenities that enhance the quality of life for citizens." That spirit is stomped on and kicked in the teeth by this resolution to lease a portion of our park for the benefit of one individual at the expense of the rest of the citizens of Holly Hill."

Carol Beall, 1598 Riverside Drive, Holly Hill, stated she lives right across the street from Flomich Park. She came to express her concern that the City keeps the parks public parks, that they don't add any private access items to those parks. They value their little peek-a-boo view in Flomich Park and treasure that and she is sure that everyone else values the parks that are so beautiful.

Mayor Penny closed public participation.

Mayor Penny asked for a motion to **DENY** this lease.

Commissioner Currie made a motion **to DENY as brought forward to the Commission by the applicant**, seconded by Commissioner Byrnes.

Commissioner Capers stated he would still like to talk about this.

Mayor Penny stated they are going to talk about it. The applicant has requested that the City not grant them this lease agreement. He doesn't really see the need for conversation amongst the Commission unless they want to dogpile. He doesn't want to dogpile the situation. If they need to try and convince someone to vote in favor of denying this lease, he will open it up to the maker and the second of the motion.

Commissioner Currie stated she has a couple of comments that she would like to make. First, she would like to state that the owner of the proposed lease was up here speaking and needed a little more time apparently for their presentation so she asked and made a motion to grant them more time and it was kindly seconded by Commissioner Albert. That was not a doing of the Mayor so she doesn't want him to take blame for that, she will take blame for that because he gets enough blame for everything else. The letter proposing that these properties be sold was sent out by Mr. McCroskey and that was a time she would prefer not to go back to so that's all she'll say about that. That was a bad time and the Commission is in a positivity time so all the negative vibes here just distresses her because the Commission here are positivity people. She doesn't like all the negativity. The assumption that the Commission has an item on the agenda and the public wants to attack the Commission because they have an item brought before them that they have to vote on and the public thinks the Commission is going to vote one way and the public wants to attack the Commission because they assume...assume is not good because we all know what that does. This item was on the Commission agenda two weeks ago so if the public would have taken the time to listen to that meeting, it's on the Internet, she listened to it today, they would have seen that this particular Commissioner had a lot of questions about this lease and had a lot of concerns and she knows that the other Commissioners did as well. The public might have been able to tone down a little bit when they were trying to attack the Commission with their comments.

Commissioner Byrnes thanked Commissioner Currie for making that statement because there were some people that were very rude and they know who they are. It's the Mayor's job to control the meeting and he thought that was very rude of them. He also thinks that it was sad to think that this was a done deal because if the public had followed his career, he stood up here and talked from there when he was not a Commissioner and spoke against the gazebo that Mr. Smith wanted to put up because he saw that as the same kind of thing, blocking people's views of the river. This has become a political thing because there are people who are out there who have been told that he is in Bill Arthur's pocket or some junk like that and Bill Arthur was going to be very disappointed tonight because I

was going to vote against this even if it stayed on because he has always, always been against anything being built east of Riverside Drive where there is nothing there now. That has always been what he has supported and that is why he has fought against it in the past, Mr. Smith and himself disagreed on that but he fought that. Commissioner Byrnes stated he doesn't want to see the view blocked and his vote is for what he thinks is best not for the person. He thinks this whole character assassination that came out had nothing to do with the lease itself. I think, excuse me Mr. Mayor but I think you should have controlled the discussion a little bit more because we talked a whole lot about the people involved and not the property. Commissioner Byrnes stated that is why, before all this started he asked Attorney Simpson...because if this was a special right he would certainly had been against it. He wanted to see if the City was going to be fixing things for several people that thought they bought property that had rights to build a dock. Anybody who thought this was a done deal, if you had been told this was a done deal, you've been lied to because what he saw, if they watched the Commission at the last meeting, they saw, it wasn't going very well for the applicant. He applauds the applicant for withdrawing it and now, it will be a done deal once the Commission gets to vote.

Commissioner Albert stated she thinks it's a rather poor outcome when adults cannot collaborate and have conversations so that this could work out where everyone could win in some way. She thinks there was a solution. They just didn't have a chance to get to it. She is sorry that this has come to the end that it has come to but perhaps, for this time, is the best resolution. She will point out that there are several minors in the audience who are behaving better than a few of the adults.

Commissioner Capers stated he has a compromise at the end so don't let him forget it. Just remind him. If they don't hear the compromise, remind him. Commissioner Capers asked the City Clerk to bring up the pictures that he had put together rather late. They are not in order. This is some of the properties of the homes...

City Clerk Manning stated it's the Mayor's call to show the pictures.

Mayor Penny stated this is to communicate yes or no...

Commissioner Capers stated, no. Here's the deal. Remember when your parents told you something and you said why and they said because I told you so. He doesn't want this to end up that way. He wants people to know why, he wants them to see, he wants them to hear and he wants them to understand.

Mayor Penny stated typically, the Commission is giving that (referring to the pictures) in their agenda packet. To bring stuff forward from the dais, he doesn't think it's fair to everyone. He doesn't know what Commissioner Capers is presenting to the Commission. That's his concern.

Commissioner Capers stated just photographs of the homes and the property, that's it. It's a view, it's what it looks like now.

Mayor Penny stated but his question is, is this going to be a personal attack?

Commissioner Capers stated no. This isn't an attack at all.

Mayor Penny stated or is it going to be trying to convince the Commission...because he doesn't think it's going to take much convincing for this Commission to vote unanimously yes to deny this.

Commissioner Capers stated he knows that. He just wants to clear himself. That's what he wants to do. He thinks he has the right to...give him about ten or fifteen minutes and he'll be done.

Mayor Penny stated here's his compromise for Commissioner Capers. If this has no effect on the vote, he can address the Commission in his closing comments and all these people can go home.

Commissioner Capers stated, no. He thinks all these people need to see this and he thinks all these people need to hear what he has to say because he doesn't like the fact that the word behind his mouth is that "he has no empathy, no compassion and why on earth would this guy do this to these poor people..."

Mayor Penny stated he hasn't heard that said one time at this meeting or the last meeting.

Commissioner Capers asked may he speak, please?

Mayor Penny stated he may speak but he doesn't know what his presentation is. It's highly unusual...

Commissioner Capers stated it's going to be right here.

Mayor Penny stated he doesn't know what it is.

Commissioner Capers stated it's a photograph of Mr. Plate's house, it's a photograph of the river from looking off his balcony at what is currently and what his view is and why he just spent \$35,000 to add a second floor balcony so that him and his wife, who are both cancer survivors by the way, can enjoy their dream and their life, and sit on their balcony and look at the river.

Mayor Penny stated but his question is, is it the best use of time to give Commissioner Capers a fifteen minute presentation...

Commissioner Capers stated if the Mayor keeps talking they'll be there all night.

Commissioner Capers stated let him do this and they'll be done.

Mayor Penny stated it's not going to change the vote Commissioner Capers. If he heard everyone here...

Commissioner Capers stated it will change the way people look at him and he's concerned with that. He's concerned with his reputation. So he would like to clear his reputation. If they don't want the pictures, he won't show the pictures.

Mayor Penny stated he just doesn't think it's fair to do a presentation...

Commissioner Capers stated he just spent a couple of hours doing that for nothing so it's alright. He doesn't need it. It's not important. May he speak?

Mayor Penny stated I'll give you the floor.

Commissioner Capers stated when you buy a piece of property, when Bill Arthur made the point, they're supposed to do the due diligence, they also have the realtor, they also pay for title insurance. If they got this done and the realtor was involved, they should sue the realtor. If the title insurance didn't do what they were supposed to do, go after the insurance title people. If they find out that they paid taxes that they shouldn't have paid then that money should...if the City of Holly Hill got a portion of that then he would vote 100% to give the money back to them. He doesn't know if they can or if they could but these are the things that he would like to do if they could. There are a couple of other reasons to be really cautious about this whole thing. One, is that he personally knows Bill Arthur. He met Marci and they both seem like very nice people. He has no vendetta against them. He's not mad at them, he's not upset about them, he doesn't want anything bad to happen or anything else but because he knows Bill Arthur, because he's a neighbor, because he's a friend and an ex-city official, he has to put a lot of caution to this. Also, the paper bag of cash that showed up out here which was in the newspaper, people are going to talk. This is how it looks. It looks like the only reason that the City is

even considering this is because he used to be the mayor and he has respect for Bill Arthur used to being the mayor, he was a good mayor. He has no problem with any of that but these are his cautions. Also, when you look at, I'll give you an example of the fire department. The Fire Department has several people in the department that are trained, they have a Hazmat team, they have a dive team, they have a high angle rescue team, they have a rope and knot team. One person cannot do everything that needs to be done. Right here with our City, we have the City Manager, and Mr. Forte, your job as a City Manager, is to manage the city. You have said several times that the governments make terrible landlords. We've also talked, in the office and several times about "let's not do this again, it makes no sense." You're our attorney so I'm going to use your advice. What about liability? The risk? The city is getting \$350 a year for 99 years with no percentage, no increase, no nothing. In 99 years a loaf of bread is probably \$350. As an attorney for the city, citizens getting \$350 a year with the liability, as an attorney, does that make sense to you? Is that a good deal for the citizens and all of the city?

Mayor Penny and City Attorney Simpson stated there is an increase in the lease. Not a lot but there is an increase and they are also required to provide liability insurance.

Commissioner Currie stated, Mr. Mayor, point of order. She believes the motion on the floor is to not grant the lease so why are they discussing that? She doesn't understand.

Commissioner Capers stated which he supports so if he can finish, they'll be out of here. If the Commission wants to keep doing this...

Commissioner Currie stated she called for a point of order because they're going over something that doesn't even have anything to do with the motion on the floor right now.

Mayor Penny stated well he gave leeway to the other Commissioners and they talked about other people's property and they talked about this and that so he gave Commissioner Capers leeway.

Commissioner Currie stated, okay.

Commissioner Capers stated Mr. Plate, for example, owns the house across the street and like he explained earlier, Mr. Plate bought that house, he was told there wasn't a dock there, like former Commissioner Moore, they're would never be a dock there that it was a city park and that it will always be a city park. Now, was that true or not, he doesn't know. Was former Commissioner Moore able to say that, he doesn't know. Mr. Plate went and spent approximately \$40,000 for this renovation which he went through all the process to go through to having a variance, spent all this money and take six months to do all this stuff and so why should the city allow the applicant to increase their property value by \$50,000, which he spoke to many realtors and that's about the basic. It's going to go up about \$50,000, why should the city allow them to increase their property value by \$50,000 and then take away Mr. Plate's view? Why should Mr. Plate have to suffer for that?

Mayor Penny stated he doesn't think there is any Commission in favor of granting the lease.

Commissioner Capers stated let him go right to the compromise. Here's what he thinks. This may work, this may not work and this has to go according to the citizens. To him, it would be nice if the city could put up, on that property, that's why he wanted to show them the picture, the property that comes across, he thinks it would be nice, maybe if they can get the city to put not a dock out there but a walk out all the way in the front of it so that anyone can walk out on that. It's just across the front. They can fish, they can do

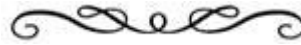
whatever. The Albrights could use it, Mr. Plate could use it, the citizens could use it. They can go fishing. If it's short and it's up against the shoreline like this it's not going to discredit the view so that's his compromise. Maybe the city could work on something and still put something up in there that will help increase the property values, could be used for the citizens, would benefit the citizens and wouldn't be an eyesore.

Mayor Penny stated Commissioner Capers could bring that up during the final budget.

Commissioner Capers stated, okay.

Mayor Penny stated ALL IN FAVOR TO DENY THIS LEASE, WILL AFFIRM BY SAYING "I". ANY OPPOSED? THE MOTION CARRIED UNANIMOUSLY, 5 - 0.

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



7. PUBLIC HEARINGS

1. Ordinance

Ordinance No. 2976 An Ordinance of the City of Holly Hill, Florida Amending, the Land Development Regulations, by Amending Section 114-765 Schedule of Dimensional Requirements to Amend the Front Yard Setback of the R-1 Single-Family Zoning District ; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

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

Mr. Harowski stated they've discussed this over a series of meetings. This is the second reading and final action on a small adjustment in required a front yard setback in the R1 zoning classification. The Commission heard at a workshop meeting a recommendation from the Planning and Appeals Board. The Commission gave a direction to staff and the Planning and Appeals Board under the dealings and the issue and those, they believe, have been accurately reflected in the ordinance before the Commission.

Mayor Penny opened public participation.

The following individual spoke to the Mayor and City Commissioners:

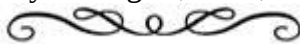
Ronald Strange, 24 Catrice (?), Ormond Beach, stated they are in favor of the ordinance because they own vacant land next to 1650 Riverside Drive and they are ready to build a house there and then the neighbor received a variance to extend his garage eight feet towards the river and Mr. Strange stated his only view of the river is across his neighbor's front yard. This additional five feet would allow Mr. Strange to continue them to construct their house.

Mayor Penny closed public participation.

RESULT:	ADOPTED AT 2ND READING [UNANIMOUS]
MOVER:	Elizabeth Albert, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny

ORDINANCE

Enacted and approved this 9th day of August, 2016, in Holly Hill



2. Ordinance

Ordinance No. 2977 An Ordinance of the City of Holly Hill, Florida, Amending Chapter 62 (Taxation), Article Ii (Local Business Tax Receipt), Section 42 (Schedule of Tax Rates) to Increase the Tax Rate; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Kurt Swartzlander, Finance)

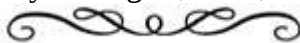
Mr. Forte stated this is a re-read of the ordinance because the first time the Commission approved and adopted the change there were a couple of businesses that were omitted on the list and this list is updated that includes all of the businesses in the city to the best of their ability.

Mayor Penny opened public participation. No one spoke.

RESULT:	ADOPTED AT 2ND READING [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John F. Capers, District 3 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny

ORDINANCE

Enacted and approved this 9th day of August, 2016, in Holly Hill



8. COMMUNICATIONS

a. City Manager & Staff Comments

1. -DOC-2016-14

Budget Amendments - Staff Report Only City Manager Level Amendments

(Requested by Kurt Swartzlander, Finance)

Mr. Forte stated there are a couple of budget amendments in their packets. If there are any questions, he is prepared to answer them. (No questions were asked).

Mr. Forte stated he wants to make the Commission aware that staff issued an emergency purchase order today for \$4,900 to *Worsham Underground* and that was to complete a tap to the force main at the Lift Station #3 down by 5th Street by Riverside Drive. There was a malfunction there that caused an emergency repair. That is one of the Lift Stations that are on the city's repair and replacement program over the next year or two but this will at least get them up and running and the city staff was onsite today working on it and he believes this workaround will get them up and running. The city received no property damage.

Mark Juliano, Public Works Director, stated there was no backup sewage or anything. Mr. Forte stated it was a very quick response by the staff to get out there and take care of that. The last thing he just wants to comment on with all the discussion on Riverside Drive by the comments and the complaints that he is hearing, and he is not going to knee-jerk react to some of the things that the Commission heard but he is going to meet with Code Enforcement Officers tomorrow and they're going to start at one end of Riverside Drive to the other end of Riverside Drive and they are going to look at all the properties and see what's in violation and see what's not.

RESULT:	PRESENTATION
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Enacted and approved this 9th day of August, 2016, in Holly Hill



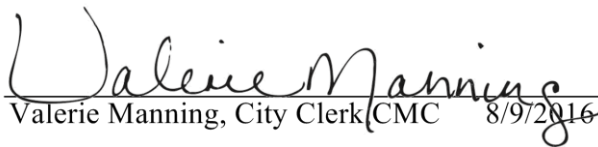
b. City Attorney Comments
None.

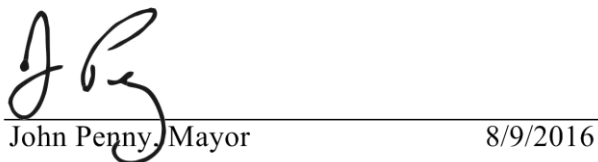
c. Mayor's Comments
None.

d. District Commissioners Comments

9. ADJOURNMENT

The meeting adjourned at approximately 8:20 pm.


Valerie Manning, City Clerk CMC 8/9/2016


John Penny, Mayor 8/9/2016