M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA

OCTOBER 25, 2005

1. CALL TO ORDER

A. Roll Call

Mayor Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:12 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Butch Simpson, newly elected City Commissioner for District 4 Traci Anderson, Public Works Director Milton Hallman, Public Safety Director Don Shinnamon, Building Official Tim Harbuck, Community Development Director Stuart Buchanan, Finance Director Brenda Gubernator, PAL Executive Director Chuck Beach, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning.

B. Invocation

Milt Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Certificate of Appreciation presented to Municipal Contracting Corp. and Volusia County Road and Bridge by Mr. Hallman and the Mayor.

3. CONSENT AGENDA

North East Corner of LPGA Blvd. and U.S. 1 – Notice to proceed with installation
Non-Union Pay Increases

*Commissioner Via moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Blais – Yes, Schmitt – Yes, Byrnes – Yes, Mayor Arthur – Yes.

4. COMMITTEE REPORTS
Members of the Commission are encouraged to give a brief report from the various committees on which they serve.

Commissioner Via stated at the last WAV meeting, the mid-term funding that they were talking about, which is the special assessment fee, there was a study that was done and they figured out that about 35% of the money they thought they could get, they can't. It's not economically feasible to do it. It was voted down and they are not going to be doing the special assessment. They are looking at other funding options for the mid-term funding. On November 18th there is going to be a pre-mitigation meeting at the Executive Board workshop.

Commissioner Byrnes stated they had their Florida League of Cities board meeting on October 20th and they presented the slate of officers for the next year and the next meeting is going to be in Edgewater on November 17th. He then mentioned that on December 17th there is going to be a seminar for newly elected officials and the Florida League of Cities is going to be hosting it and he encouraged all newly elected officials to see if they could attend.

Commissioner Blais gave a brief update on the meetings that he has been attending on behalf of the Mayor. He then stated that the Collegiate Task Force Event committee will be having a meeting on Friday in regards to the special events in Daytona Beach.

Mayor Arthur stated the MPO paid to do a study on ten (10) of the schools that needed improvements. Of all of the accidents and injuries in the County, Holly Hill was number one on having the most but it has an awful lot to do with Nova Road and the people crossing the street. He then stated that VCOG is also having a Robert's Rules of Order seminar for all newly elected officials and encouraged them to attend.

Commissioner Schmitt had no report.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Sandra Warley, 919 Royal Oak Court, stated she would like to know what is proposed for the Langsford/Conti Enterprise property which is between Flomich Avenue and Alabama Avenue up to the back of one street over to Aniston?

Mayor Arthur stated he doesn't know.

Mr. Forte stated that's the Viscomi property. That's owned now by Art Vascovi who is proposing to put in a subdivision, a development in there and that will come before the Commission.

Ms. Warley was wondering they were going to be putting up apartments like the Charleston Place on any portion of it because she understands there is 30 to 35 acres over there.

Mr. Forte stated this will not be an affordable housing or a Section-8 complex. This development will be very much similar to the cul-de-sac that's behind Winn-Dixie off of 10th Street. They are buildings of four town homes; upstairs and downstairs. Nothing has been submitted. There's been no submittal, other than staff has talked with Viscomi only.

Commissioner Byrnes asked when will it be going before the Board of Planning and Appeals?

Mr. Forte stated at least four or five months out. Viscomi is not ready at this time to do anything.

Jennifer Shaw, 1249 Charter Oaks Circle, stated she is getting concerned about the change in character of this town. When she moved here she felt it was very family-friendly. The pool fee went up to $250 to $375 per year. She heard that the parking spaces at Sunrise Park are going to be offered as overflow parking for Parks Seafood Restaurant and if that is true, she takes opposition to that because six months of the year they have light until 7:30 p.m. or 8:00 p.m. in the evening and families like to take their kids there. There may not be any parking for the families.

Mr. Forte stated what's true is that the property owner requested a parking variance which he was granted but he has additional parking for the residential side. There's no agreement. There's no promise but it's a public parking lot and it would not be a violation if patrons of the restaurant parked there and walked across the street to the restaurant.

Ms. Shaw stated she feels the City is moving away from the family-friendly atmosphere with these decisions.

Mayor Arthur and Commissioner Byrnes stated they totally disagree!

Mayor Arthur stated the pool has always been a financial burden to the City. It was done because staff thought that the residents would like to do it, as cheap as the City possibly could, and the City has held back on raising the fees. The chemicals, the maintenance, and everything that goes along with keeping the pool together have gone up incredibly. These are the choices that staff had and that was to either charge everybody in the City to up the price to pay for the pool or they had the other option of charging the people that *use* the pool. Those were the options staff had.

Ms. Shaw stated she understands also that the City is spending $20,000 on landscaping in front of the Recreation Center.

Mayor Arthur stated the City either charges everybody more money in taxes or they charge the user to do that.

Ms. Shaw stated the third item she has along the line of being family-friendly, it's in line with what Ms. Warley was talking about, swapping the property over near Alabama Avenue for Hollyland Park.

Mayor Arthur stated that is *totally* false! That is a bunch of lies! That is *totally not* true! The City has *not* swapped anything! No one has done anything! It has only been brought up for discussion! It is only a *possible phase* down the road!

Mr. Forte stated at the end of this meeting everyone will hear his report on the status of Hollyland Park and ask for direction from the City Commission and at that time Ms. Shaw may get a better understanding as to what has happened.

Ms. Shaw stated swapping it sometime down the road, in the future, is that sensible too? She just doesn't understand.

Mr. Forte stated the current improvements to Hollyland Park are being done through an ECHO grant. If the City Commission directs staff to do anything with the park, that grant would be reimbursed by the developer. So it's not taxpayer money that would be wasted. But *nothing* is in effect at this time.

Ms. Shaw was wondering if something like that with the park could go to a vote for the citizens to be a part of it.

Mr. Forte stated anything is possible. At the end of the meeting tonight when he gives his status update, and gets direction from the Commission, that will be his next move.

Maureen Monahan, 215-5th Street, stated there was a meeting several months ago regarding parking at Sunrise Park and the reason that they addressed parking in the park really didn't have anything to do with using the spaces there, it had to do with qualifying the restaurant to have the number of parking spaces they needed to have the number of seats for that particular restaurant.

Mr. Forte stated, that was prior to the two parcels being combined.

Ms. Monahan stated, correct.

Mr. Forte stated when the two parcels opened up it didn't have the setback issue so it opened up additional parking spaces.

Ms. Monahan stated correct but he is still short five spaces.

Mr. Forte stated yes, he is still short but the number is much different today than it was at that meeting.

Mayor Arthur stated and it still doesn't matter if they had zero parking.

Ms. Monahan stated regarding Hollyland Park and she just wants to discuss her concern. She went to the Florida Native Plants Society last week over at Sica Hall and they brought up a postponement of a landscape project that they had planned for the Holly Hill library. She asked them how long it had been postponed and they had said some time during the summer. When she asked why it was postponed the wording that she got from someone was, “It was postponed due to the possible sale of the library.” Her concern with that is that she lives in Holly Hill and that park is in Holly Hill, yet she is hearing from people outside of her City about something that she doesn’t know anything about. She is *just* expressing her concern about that. She knows it hasn’t come up yet, but somehow the whole County knows about it but her and it’s sort of embarrassing to her.

Mayor Arthur stated that is just not true! If the citizens want to know anything about Hollyland Park, Mr. Forte will be giving a status update at the end of the meeting tonight. He then stated in one more month he is not going to be the “mayor” he is going to be the “people”. He is going to be the “citizen”. He has as much right to come up here to the podium and tell the City Commission the same thing he will tell them tonight as he will then and then he wants to be heard because he will be the “people” at that time.

Jim Legary, 342 Burleigh Avenue, stated he has been here for nineteen years and he has heard several Commissioners inquire as to how long citizens have been here in the City. He thought what they were trying to do was to involve more people in the process. He doesn’t think that the Commissioners are encouraging that. The Commissioners and the Mayor say that the citizens are “out front” on everything. How does it come to pass that a great many items are in a “Lou Schmitt” campaign ad the day after we have addressed questions to this Commission, this out front Commission?

Commissioner Schmitt stated, yes it was because it was put in our boxes addressed to the Mayor and City Commissioners and it’s part of public record.

Mr. Legary stated well it wasn’t…the ad came out on a Wednesday, he believes, sir, and we the citizens just heard about it the night before at a Commission meeting. “Mayor Arthur, all I was addressing is that you said all you have to do is come up here and ask us questions and we are out front and I don’t believe that you are out front.”

Mayor Arthur stated they are always out front with anyone who has any questions! Ms. Shaw just brought something up that he has never heard before. The City tries to notify everybody. The City tries to do everything that the citizens ask and the citizens are still going to accuse the City of holding back information.

Mr. Legary stated he is not accusing anybody of anything!

Mayor Arthur stated when he ran for Mayor he never took any money from any developer. I never received anything….

Mr. Legary stated well, he can’t say that for the rest of them up there!

Mayor Arthur stated he is not saying anything about the rest of his Commissioners! He is telling him how *he* ran. He ran a policy that never would he ever do anything that he didn't think was better for the people! He didn't care if the staff recommended it or not. That was his whole platform. It wasn't for him. "I never received a dime from any Union, from anybody and if anybody ever gave me a dime, they wasted it if they wanted anything from me." He is sitting here telling the citizens that he *never* held back on *anything* that the citizens wanted to know purposely.

Mr. Legary stated the Mayor says that this Commission has been forthcoming and he says that every piece of information that the citizens have gotten from this Commission had to be extracted. He is saying that the Commission and the Mayor ran the Swerdlow project over the top of the heads of the citizens.

Mayor Arthur stated *that is not true!* They have *not* done that!

Mr. Forte stated a lot of times people will come to the staff and they have a piece of property or they're interested in a piece of property and they come up with an idea and they'll meet with the City Manager or now they'll meet with Mr. Buchanan, and they don't tell the Mayor or the Commissioners about it because a lot of times it changes. Somebody came in and talked about Food Lion one day and the rumor got out that Food Lion was being closed. Staff does not like spreading rumors. So once somebody comes in and they have a plan then they go to the public notification portion of it. He dealt probably no less than, and Mr. Hallman can confirm this, twelve times with Bob Bishop on the Bishop property. If he sat with the Mayor and the Commissioners and told them every project that Mr. Bishop wanted to do on that piece of property, they would drive the community crazy because it's not real *until* they come here after it's been advertised. That's when it is real! Commissioner Schmitt advertised something in his campaign ad which was a conversation that the City Manager and Mr. Buchanan had in a memo that Mr. Buchanan gave me and he said, "They are considering putting "x" number of units on the property." Staff had no plans, they had no documentation, they had no application, and they had no request. It was just, "this applicant is considering this." He doesn't like providing the Mayor or the City Commission with stuff that's *not* factual because it gets out of control.

Mr. Legary stated that's not what he is asking or saying. What he is saying is that if, he is pointing out Swerdlow, the same process, he feels, is being followed on Ridgewood Avenue and 3rd Street regarding the number of units over there.

*At this time they took the **ADDENDUM** items before the regular City Commission agenda items.*

1. FIRST READING OF ORDINANCE 2746, AMENDMENT TO THE FUTURE LAND USE MAP – VACANT LAND ON 10TH STREET

Mr. Simpson read by short title:

ORDINANCE NO. 2746

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING FIGURE II-6, THE FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 31,400 SQUARE FEET LOCATED ON 10th STREET WITH TAX PARCEL ID 4244-01-07-0031 FROM "LOW DENSITY SINGLE FAMILY RESIDENTIAL" TO "MEDIUM DENSITY RESIDENTIAL" PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Schmitt moved to **APPROVE** the First Reading of Ordinance 2746, seconded by Commissioner Via.*

Mr. Forte stated this applicant appeared before the Board of Planning and Appeals about two months ago. The Board took no action because the Chairman felt he had a conflict. The Board didn't take any action, they didn't support it, they didn't oppose it and they didn't table it. That gave the applicant the right to appear before the Commission.

Mr. Buchanan showed an aerial view of the property in question on the overhead projector. The property itself is located on 10th Street. What is before them tonight is a request for a change in the future land use and rezoning from single-family residential to medium density residential. The Tree Villa Apartments are the town homes that run along Catherine Avenue. The applicant is the original developer of the apartments located on Catherine Avenue. He came to the City and asked staff about the vacant property that he also owns which wasn't developed at the time. He originally talked to staff about building another group of apartments similar to the ones that are next to it. Staff told the applicant that they didn't really want to see an extension of that apartment complex or anymore apartments similar to that. The applicant went out and worked with staff and came back with a plan for this parcel which would be two buildings, two story in height, with eight units each. That would be a total of sixteen units that would be available for purchase. The request before them tonight will require changing the future land use map and it would also require rezoning.

Mayor Arthur asked if the Commission would like to table this for the newly elected officials to look at and hold off until Nov. 22nd to vote on this Ordinance.

Steve Unatin, the applicant, stated these units are for sale. It's not low-rent housing. It's not apartments. These are going to be nice condominiums; garden townhouse condominiums. The price range being $150,000 to $175,000. He further stated that he would like to see the Commission take action on this tonight and not hold off on their voting.

At this time the Mayor asked the candidates that were present if they minded holding off on voting this tonight and let the newly elected officials have the first say on this project. If any of the candidates would like to say something on this, they may.

There was discussion from some of the Commissioners to allow them to vote on first reading and then let the newly elected officials have their say on second reading if it's their desire to change anything.

Mark Reed, 140 - 15th Place, stated this gentleman has a right to develop his property and he doesn't think that the Commission should hold up Mr. Unatin's decision based on what their afraid of what somebody else might do later on. He thinks the Commission should vote on this as their conscience directs you because this gentleman has his rights too.

Micky Peterson, 801 Ridgewood Avenue, stated he did have one question, is there any proposed site plan or any kind of drawing of how this would look?

Mr. Forte stated what they are talking about right now is the land use change not the rezoning.

Mr. Buchanan stated this is not a PUD so there is not a site plan tied to it. This is a simple rezoning or straight rezoning.

John Penny, 119 – 7th Street, stated he would like to encourage the Commission to take action on this matter this evening. He believes Mr. Unatin has presented a project which deserves an answer tonight.

Commissioner Blais stressed his opposition to this project due to the fact that in the past there have been a lot of criminal activities going on over there at the Tree Villa Apartments. He then stated that is not a good area for any more apartments or condominiums. He believes it should be developed across the street on the North side of Nova Road in order to keep the integrity of the neighborhood. There should be some sort of upgrading housing in the area of the Tree Villa Apartments.

Sandra Warley, 919 Royal Oat Court, stated she would like to see houses in that area not only for this project but for any in the future, for whoever is interested in putting in apartments or condominiums. At this time she mentioned the Police Department report that had numerous calls out to the Charleston Place townhouses. The calls range from burglary, trespassing, Baker Act, child abuse, missing persons, domestic violence, and the list goes on and on. When they do plan something, it should be very well thought out. She agrees that nice homes would be very nice there.

The motion **CARRIED** 4-1 on roll call: Schmitt – Yes, Via – Yes, Blais – No, Byrnes – Yes, Mayor Arthur – Yes.

2. FIRST READING OF ORDINANCE 2747, AMENDMENT TO THE ZONING MAP – VACANT LAND ON 10TH STREET

Mr. Simpson read by short title:

ORDINANCE NO. 2747

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 31,400 SQUARE FEET LOCATED ON 10th STREET WITH TAX PARCEL ID 4244-01-07-0031 FROM R-2 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT TO MEDUIM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2747, seconded by Commissioner Byrnes.*

Maureen Monahan, 215 – 5th Place, stated she looked up the Ordinance on R-8 and the definition, unless it's been changed and it's not on Municode yet, says, "High density multi-family." Can they check on that?

Mr. Buchanan stated she is correct. The future land use title that they use is "medium density" and that covers from eight units an acre to twenty units an acre. The zoning which falls under that, is called "high density" residential. He can go back and check and make that correction in the ordinance.

The motion **CARRIED** 4-1 on roll call: Via – Yes, Byrnes – Yes, Schmitt – Yes, Blais – No, Mayor Arthur – Yes.

3. RESOLUTION 2005-R-51, HAZARD MITIGATION GRANT PROGRAM

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-51

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZXING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE HAZARD MITIGATION GRANT PROGRAM; EXECUTE THE GRANT AGREEMENT; AND EXECUTE THE MAINTENANCE AGREEMENT; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2005-R-51, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Schmitt – Yes, Byrnes – Yes, Blais – Yes, Mayor Arthur – Yes.

At this time the moved to the regular City Commission agenda items.

6. PUBLIC HEARING – SECOND READING OF ORDINANCE 2745, AMENDMENT OF THE CITY'S FALSE ALARM ORDINANCE

Mr. Simpson read by short title:

ORDINANCE NO. 2745

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 11 (EMERGENCY SERVICES), ARTICLE II (ALARM SYSTEMS); DIVISION 2 (SECURITY ALARMS) TO PROVIDE THAT A FEE FOR MULTIPLE FALSE FIRE OR POLICE ALARMS; DELETING ALL REFERENCES TO DIRECT CONNECTED ALARM SYSTEMS; AND AMENDING OTHER PROVISION TO REFLECT CURRENT PRACTICES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** the Second Reading of Ordinance 2745, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Byrnes – Yes, Schmitt – Yes, Via – Yes, Blais – Yes, Mayor Arthur – Yes.

7. RESOLUTION 2005-R-48, ADOPTION OF A FEE SCHEDULE FOR FALSE ALARMS

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-48

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING A FEE TO BE CHARGED FOR MULTIPLE FALSE FIRE OR POLICE ALARMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-48, seconded by Commissioner Blais.*

Dan Daugherty, 1682 Riverside Drive, stated that there were some concerns that on the weekends ADT does not come out to turn off any alarms that may go off and Chief Shinnamon noted that he would check into that.

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Via – Yes, Mayor Arthur – Yes.

8. RESOLUTION 2005-R-50, LPGA BOULEVARD WIDENING

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-50

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, EXPRESSING THE INTENT FOR THE LPGA BOULEVARD WIDENING PROJECT TO BE PLACED ON THE LOCAL ROAD PROJECTS LIST FOR THE 2025 LONG RANGE TRANSPORTATION PLAN AND TO RECOMMEND WIDENING THE ROADWAY TO NO GREATER THAN THREE LANES; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Resolution 2005-R-50, seconded by Commissioner Blais.*

Mayor Arthur stated the bottom line is this is one of the few projects with the MPO that's in the County and the City that they were going to ask for Federal money.

The motion **CARRIED** 5-0 on roll call: Byrnes – Yes, Blais – Yes, Schmitt – Yes, Via – Yes, Mayor Arthur – Yes.

9. CONTRACT FOR PORTABLE RADIO MAINTENANCE

Mr. Forte stated this is four (4) one year renewals for radios for the Police and Fire Departments. This gets done through the Communications International which is located in South Daytona. This is the ongoing maintenance for the radios in the City.

*Commissioner Via moved to **APPROVE** authorizing the City Manager to execute the contract with Communications International, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Blais – Yes, Schmitt – Yes, Byrnes – Yes, Mayor Arthur – Yes.

10. REPAIR OF WEST ENTRANCE STEPS TO CITY HALL

Mr. Forte stated this is for the repair of the front steps in front of City Hall. Staff solicited bids from about six people and staff received two bids back. Staff is recommending going with Municipal Contracting Corporation in the amount of $19,500.

*Commissioner Via moved to **APPROVE** the award to Municipal Contracting Corporation to remove existing concrete stairs, form and pour new concrete stairs and include 3" non-slip nosings on the new steps, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Schmitt – Yes, Byrnes – Yes, Blais – Yes, Mayor Arthur – Yes.

11. LAWN AND SHRUB SPRAYING BID

Mr. Forte stated this bid came back a little bit higher than staff anticipated. This is for Trugreen-Chemlawn Lawn Care for all of the City's properties.

*Commissioner Via moved to **APPROVE** the award for the Lawn and Shrub Spraying bid by deleting the fertilizing from the contract. Award the bid to Trugreen-Chemlawn Lawn Care in the amount of $18,621 by deleting the fertilizer portion of the bids, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Schmitt – Yes, Blais – Yes, Byrnes – Yes, Mayor Arthur – Yes.

12. COMMUNICATIONS
A. City Manager

Mr. Forte stated the first thing is the status of Hollyland Park. The City Attorney was able to determine that they have a clear title for the park. There's no clouds on the title which means that somebody didn't donate the land to the City with certain contingencies on it that if it was ever not used as a park it would revert back to the people that gave it to the City. Staff is also researching any grants that were given to the City like the ECHO grant that they are currently building the restrooms with, that would have to be repaid *if* they were to do anything with that park. A couple of weeks ago another developer approached staff and they had a meeting with them and he has been in contact with Bob Bishop and has some type of agreement with Mr. Bishop that he would secure a certain amount of acreage on the Bishop property to come in and negotiate a deal for Hollyland Park. The conceptual drawing that he showed was quite the metropolis. In the conversations that he had with staff, I raised the issue of, "Well, if he can have an agreement with the Bishop's, why can't the City have an agreement with the Bishop's?" One idea was to try and contact the Bishop's to see if they will sell or hold the ten (10) acres for the City and then go out and bid a town center across the street where they would get a dozen potential developers to come in there and build what the Commission would like to see over there. Right now the *only* thing they have on the table is a clear title and staff is researching grants. At this point he needs to see what kind of direction they want staff to go in. He thinks one thought, as they have talked about tonight, is just delaying any decision for the next couple of weeks and see what happens as they get through this next election.

Mr. Beach, Recreation/PAL Executive Director, stated he has been a resident of Holly Hill for eight years. He has worked for the City for seventeen years. Regarding the ball fields, in his opinion, is a win-win situation both for the City of Holly Hill, if everything would come into fruition and for the kids in this community. There is no doubt in his mind, that is his opinion. He has talked to people and he has heard people also, as a matter of fact this past Saturday he was out mowing his lawn and he happen to talk to his neighbor's son who said he heard Hollyland Park was going to turn into a condo complex similar to Mariana Grande. I told him I don't know where you heard that but that is not the idea at all. The kids in this community deserve the very best that this City can give them. That's one reason and he applauds everyone who had a decision on it, was investing the time and energy to build the recreation center that they have now. That was something that this community, the kids, the seniors, the adults, and everyone deserved that. The point that Commissioner Byrnes brought up about the great majority of the kids that participate are from Ormond Beach, is incorrect. His staff and himself track that. Sixty-five percent of the kids are from Holly Hill and thirty-five percent are from other cities which includes the County (Westside) because they are not really Holly Hill residents, and then strictly from Ormond Beach they probably have twenty percent. The reason for that is because they are more affordable for their kids to play here as non-residents than what they have to play in Ormond Beach as a resident.

Commissioner Byrnes stressed that his biggest complaint is that the ball fields are closed to most of our average citizens. He has brought this up before and they all know how he feels about that.

Mr. Beach stated there are fields there that have no gates on them for anyone to use at any given time of the year. There haven't been gates on some of those fields since they were built. They are not the competitive fields. There are two fields there that are open seven days a week.

Mayor Arthur stated even though some of those fields are not state of the art, the City spends a lot of money making them competitive where the people who play league games can play there. That is the purpose for keeping the people off of these particular fields.

Mr. Beach stated, certainly. Those three fields which are the biggest fields that the City has over there are the competitive fields.

Mayor Arthur stated and if they open them to everybody they would not serve the purpose of playing ball because it would be torn up all the time and the City wouldn't be able to get them back in shape fast enough to play a league game on them.

Mr. Beach stated that's correct.

Mr. Forte stated one of the options tonight is that he enters into a discussion with Mr. Bishop over contracting for a piece of his property. The original person who came to the City who approached Viscomi then approached Bob Bishop and then had a meeting with staff. If the Commission really wants a town center then staff can go out and bid it and then get all kinds of ideas and then they are not land swapping, you are actually getting money and a lot of money for it.

Traci Anderson, 916 New Castle Court, stated this is not a decision she would want to make up here. She would like to have the people make the decision so a referendum would be very good. The citizens around the City are very interested in this. They have a lot of sentimental value with this park. She really thinks the citizens need to make this decision.

Mayor Arthur stated, he agrees. He believes the emphasis is financially and what is best for the children number one, he feels that is extremely important because they are the future and he doesn't believe the kids are looking at it as historic.

Ms. Monahan asked if there is something wrong with fixing what they have now? Is that a third option?

Mayor Arthur stated it is a third option. It's an option they are willing to take but don't think it's going to be free. There is going to be an expense involved. They can do it free to the taxpayers or they can do it this way.

Ms. Monahan stated or they can ask the taxpayers by referendum.

*There was **CONSENSUS** from the City Commission for the City Manager to get further information from the Bishop's.*

Mr. Forte stated the next thing he wanted to update the Commission on was regarding Marina Grande. The park on 2nd Street is supposed to have about $1.3 million worth of improvements. The State has said that if for any reason the park is completed and they haven't spent that amount they may have met all of the City's requirements but not spent $1.3 million, that the State wants that balance of the money. After some discussion, he had contacted the State and asked if they would give the balance of the money to the City and they originally said "no". Their concern was access to the river. He told them if they give the money to the City, they will put that money into Sunrise Park and then they said okay they will do that. There is a possibility that if there is any left over money between what they spend and $1.3 million it will come to the City and the Commission will see this in writing when it's finalized after it goes through all the attorneys and the Cabinet's Aids and the Cabinet and so on. That is something that's in progress. The City's goal here is not to make money off of it; their goal here is to get the park completed. He then talked about impact fees briefly and had a question for the Commission. They did increase their building permit fees and the following day the developer for Marina Grande came in and asked if he is responsible for the new building permit costs. By the Resolution that passed they would be responsible for it. What that means to them is about $20,000 in additional fees for each one of the buildings. The developer said that was not figured into his numbers and as these hurricanes have gone by the cost of construction is gone up and it's cutting into them. He thought he would bring this to the Commission to decide what they want done because staff does not have the ability to waive or not waive or implement or not implement those fees.

Ms. Monahan asked how does the law read that the Commission passed?

Mr. Forte stated it took effect the next morning.

Ms. Monahan asked does it have any grandfather clause in it or in the ruling?

Mayor Arthur stated, no.

Ms. Monahan stated then that should say enough.

Mr. Buchanan stated the new building permit fees have been collected from various people since the Resolution took effect.

City Attorney Simpson stated if they haven't pulled the permit yet, they probably would be obligated to the new fee rates. He would have to look at the Resolution. He doesn't know if it reads, "permits issued shall be charged" or whether it says, "permits applied for after this date shall be charged". He doesn't know if these permits that were recently pulled were applied for before the date of the Resolution. This may be the way they want to address it is if they have applied for a permit prior to the date of this Resolution then they are going to grandfather them in and if they haven't applied for a permit prior to the date of this Resolution and they apply after the Resolution then they will be charged the new fee. That's the way staff would address the grandfathering issue. *If* they chose to but that's up to the Commission.

After brief discussion from the Commission there was direction to the City Manager to move forward and have the developer for Marina Grande pay the new impact building permit fees for the buildings. (Commissioner Schmitt was not in favor of it).

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Via stated that the next City Commission meeting is scheduled the same day the Run-off election is and that the polling places close at 7:00 p.m. Therefore, he asked the City Commission if they wouldn't mind starting the meeting for November 8, 2005 at 7:30 p.m.

*There was **CONSENSUS** from the City Commission to start the meeting at 7:30 p.m.*

Commissioner Byrnes apologized to Ms. Shaw for losing his temper and he is very sorry but did encourage her to get in touch with her City Commissioner and discuss and find out things from that Commissioner. That is the best way to be involved with government if they can't make the meetings they need to have a talking relationship with their Commissioner.

Commissioner Blais mentioned that having the sidewalks is a good thing and that Holly Hill is up to date. He thanked the Street Department for them. He is proud of the City that we are complying.

Commissioner Schmitt asked if there was any information about removing Big John from the Interlocal Canine Dog Park Board.

Mr. Forte stated at the last Commission meeting it was voted to remove Big John from the Board. Big John was appointed by this Commission on behalf of Volusia County; he was a Volusia County appointment but this Commission put him there. I checked the Ordinance and all the board members expire this month. His question to the County was if the City appointed a member on their behalf can they remove them on their behalf and then he asked if the County will be making appointments or turning that privilege back over to the City and they said yes. Therefore, the Commission can reappoint whoever they want effective November.

Commissioner Schmitt mentioned how disappointed he was about the voter turnout for the October 11th election. He then mentioned that Holly Forest is having another political forum on November 2, 2005 at 6:45 p.m. and he will be there but he won't be participating this time.

Mayor Arthur took the time to briefly discuss how he feels about various things. He then stated his last meeting will be November 22, 2005. He thanked everyone for coming out tonight.

13. ADJOURNMENT

The meeting officially adjourned at approximately 10:30 p.m.

Attest: City of Holly Hill, Florida

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Valerie Manning City Clerk	William D. Arthur Mayor