

MINUTES

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA**

OCTOBER 9, 2007

1. CALL TO ORDER

A. Roll Call

Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Via were Commissioners John Penny, Gilles Blais, Mark Reed and Traci A. Anderson.

Also attending were the following staff members: City Manager Joe Forte, Assistant City Attorney Scott Simpson, Information Technology Director Scott Gutauckis, Public Safety Director Don Shinnamon, Public Works Director/City Engineer Chris Hurst, Finance Director Kurt Swartzlander, Community Development Director/City Planner Doug Gutierrez, Public Works Director/City Engineer Chris Hurst, Community Redevelopment Area Coordinator Marsha Radulovich, and Recording Secretary Liz Nelson, Building and Zoning Department.

B. Invocation

Mayor Via delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PROCLAMATIONS AND PRESENTATIONS

None.

3. CONSENT AGENDA

1. Minutes from the Community Redevelopment Agency meeting – September 25, 2007
2. Minutes from the Regular City Commission meeting – September 25, 2007
3. Sale of Surplus Vehicles – Police Department
4. Fuel Leak Remediation Agreement – *(FOR INFORMATION ONLY)*
5. **Report of Purchases over \$5,000**
*Ringpower Systems – \$15,989.64 (for repairs to emergency standby generator for Public Works facilities)

*Commissioner Reed moved **APPROVAL** for the Consent Agenda, seconded by Commissioner Anderson.*

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The motion **CARRIED** 5-0 on roll call: Reed – Yes, Anderson – Yes, Penny – Yes, Blais – Yes, Mayor Via – Yes

4. **AUDIENCE PARTICIPATION** **Regarding items not on the agenda.**

Jim Schultz, 117 Harbor Drive, Ormond Beach, mentioned that an attorney is taking action against the National Kidney Foundation. They are getting ready to file law suits because they are claiming that there are 20 million adults that have chronic kidney disease at the Foundation and those people are put at risk by fluoride whether they get it through the city water or other methods.

Fellowship Church, 1342 Hurst Street, Daytona Beach, came before the Mayor and City Commission to ask if they could advertise on the digital sign for Saturday, October 20th for the Christian Books and Gifts store on Ridgewood Avenue in Holly Hill for a “Faith Fest”. It will be an outdoor event with food; nothing will be sold there.

*Commissioner Penny moved **APPROVAL** for Gifts of the Spirit Book Store to advertise on the digital sign a couple of days before the event and on Saturday, October 20th, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Penny – Yes, Blais – Yes, Reed – Yes, Anderson – Yes, Mayor Via – Yes

5. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2814, AMENDED **BUDGET FY 2006-2007**

Attorney Simpson read by short title:

ORDINANCE NO. 2814

AN ORDINANCE AMENDING ORDINANCE NO. 2782 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed made a motion to **APPROVE** the Second Reading of Ordinance 2814, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Blais – Yes, Penny – Yes, Anderson – Yes, Mayor Via – Yes

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6. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2815,
AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR) –
VACANT LOTS

Attorney Simpson read by short title:

ORDINANCE NO. 2815

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CHAPTER 90 – DEVELOPMENT STANDARDS, ARTICLE III – DESIGN AND CONSTRUCTION STANDARDS, DIVISION 3 – LOTS AND BLOCKS, ADDING SECTION 90-183 – VACANT LOTS, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** the Second Reading of Ordinance 2815, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Anderson – Yes, Penny – Yes, Reed – Yes, Mayor Via – Yes

7. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2816,
AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR) –
DUMPSTER PADS

Attorney Simpson read by short title:

ORDINANCE NO. 2816

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CHAPTER 90, DEVELOPMENT STANDARDS, ARTICLE III – DESIGN AND CONSTRUCTION STANDARDS, DIVISION 4 – UTILITIES, ADDING SECTION 90-206 DUMPSTER PAD DESIGN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** the Second Reading of Ordinance 2816, seconded by Commissioner Anderson.*

Mayor Via stated if there is someone who is working with staff and has trouble doing this for some specific reason, are they going to work with the people?

Mr. Forte stated its part of a site plan now. When they build a structure on vacant land, it's part of the site plan.

Mayor Via stated for instance, if there is an existing building and someone is going to come in and remodel or take over, is it a requirement then or is it only for vacant properties?

Mr. Forte stated it's only for vacant properties.

The motion **CARRIED** 4-1 on roll call: Blais – Yes, Anderson – Yes, Penny – No, Reed – Yes, Mayor Via – Yes

8. PUBLIC HEARING – SECOND READING OF ORDINANCE 2817, AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR) – SPECIAL EXCEPTIONS

Attorney Simpson read by short title:

ORDINANCE NO. 2817

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CITY OF HOLLY HILL CODE OF ORDINANCES AT SECTION 114.635 (PROHIBIT USES) DELETING CARWASH FACILITIES LOCATED ON PROPERTY ADJACENT TO RIDGEWOOD AVENUE OR LPGA BLVD. FROM THE LIST OF PROHIBITED USES IN THE REDEVELOPMENT OVERLAY DISTRICT; AMENDING SECTION 114-593 (PERMITTED PRINCIPAL USES AND STRUCTURES) TO PROVIDE THAT CARWASH FACILITIES LOCATED ADJACENT TO RIDGEWOOD AVENUE OR LPGA ARE ALLOWED BY SPECIAL EXCEPTION IN THE CC-1 ZONING DISTRICT; CREATING SECTION 114-702 (CAR WASH DESIGN AND PERFORMANCE CRITERIA) TO PROVIDE SPECIAL EXCEPTION CRITERIA FOR CARWASH FACILITIES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation.

Bill Arthur, 1140 Riverside Drive, stated the last time he was here, Commissioner Reed asked him a question and he didn't have a good answer for him; he couldn't remember. Mr. Arthur mentioned that he wanted to let them know how this all started. When he was the mayor he had dreams of a walkable community; that's what he promoted, he went and studied on how to do it. Those dreams, when you do a walkable community, it doesn't relate to automobiles because that's 100% against a walkable community so they find a nice neutral thing so he envisioned this to be a nice community-wide walkable community. In doing so, the cars are not something that they want in that type of living. Although that specific was never brought up, just car washes, they idea of automotive related, oil changes, grease shops, everything in automotive, was sort of put on the back burner. The whole idea that he envisioned was squashed when the Florida Department of Transportation (DOT) said they were going to do what they want with U.S. 1; they were going to make it a thoroughfare because all of a sudden it destroyed all the parking on the street and everything they had to make these businesses prosperous. That was the basis of the whole thing.

Commissioner Reed informed Mr. Arthur that he appreciates him coming forward and letting the Commission know about that.

Mayor Via closed public participation.

*Commissioner Reed made a motion to **APPROVE** the Second Reading of Ordinance 2817, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Blais – Yes, Penny – Yes, Anderson – Yes, Mayor Via – Yes

9. FIRST READING OF ORDINANCE 2818, RABIES ANIMAL CONTROL

Attorney Simpson read by short title:

ORDINANCE NO. 2818

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING CHAPTER 10 (ANIMALS), ARTICLE IV (IMPOUNDMENT AND DESTRUCTION) BY CREATING SECTION 10-127 (RABIES CONTROL) PROVIDING FOR SEIZURE OF ANIMAL SUSPECTED OF RABIES; PROVIDING FOR CONFINEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Mr. Forte mentioned that this was put together because they had a situation where a wild animal bit a domestic animal and the City didn't have the means to quarantine the domestic animal in case the wild animal had rabies. They do in a case where a wild animal bites a person; there is a ten day quarantine. When a wild animal bites a domestic animal, a raccoon biting a dog for example, the City needs to keep an eye on the domestic animal for six months; it takes that long for the gestation period for rabies to show up in the domestic animal. This ordinance will give authorization to Animal Control to either quarantine the pet in an animal hospital, the Humane Society or if the owners capable of quarantining it at the owners home.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** First Reading of Ordinance 2818 with the language change, seconded by Commissioner Anderson.*

Commissioner Reed mentioned that the Animal Control officer has an awful lot of responsibility here with this ordinance and when he sees words like, "*may capture such animal alive, if possible...*" Now, he has an Animal Control officer that may be out there and may think that they have to kill some dog to capture it. Is that necessary to be in the ordinance?

Mr. Forte stated they don't have the means to kill an animal, the best they have is the means to tranquilize an animal and only one, maybe two of their officers, has the license to use a tranquilizing dart and they would only use that on a "known" rabies animal that is loose, out of control, that they needed to capture.

Commissioner Reed stated the City's Animal Control officers are not Police Officers.

Mr. Forte stated that's correct.

Commissioner Reed stated some of these responsibilities in this ordinance for the Animal Control officer is going to have might...it just seems like a lot of responsibility for an Animal Control officer.

Mr. Forte stated often they would use the assistance of Law Enforcement when doing something like this. Whenever they have an animal-to-person bite, generally the Law Enforcement Department is involved with that for the report taking.

Mayor Via asked what type of licensing does the Animal Control officer have.

Mr. Forte stated they go through a certification process to become an Animal Control Officer and they go through additional training to be able to use the tranquilizer. Mr. Forte mentioned that he believes Mark Ballard has the ability to use the tranquilizer; it is not readily available; it's not something that is with him all the time; it's locked up in the vehicle and if it's needed it's called for.

Commissioner Anderson asked how many times has he had to do this.

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Mr. Forte stated they have never had to do it here. They were called to assist in Daytona Beach at one time and he isn't even sure if they used their weapon for that but they have never had to use it in Holly Hill.

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Anderson – Yes, Penny – Yes, Penny – Yes, Mayor Via – Yes

10. FIRST READING OF ORDINANCE 2819, SENIOR HOMESTEAD EXEMPTION

Attorney Simpson read by short title:

ORDINANCE NO. 2819

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 62-3 (ENTITLEMENTS TO ADDITIONAL HOMESTEAD EXEMPTION) INCREASING THE ADDITIONAL HOMESTEAD EXEMPTION PURSUANT TO FLORIDA STATUTE SECTION 196.075 FROM \$25,000.00 TO \$50,000.00; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated while providing the additional exemption to the seniors, there is roughly 260 seniors that would be eligible for this, barring any disqualifications, for example if they exceed the \$20,000 household income. Of the 260 eligible properties, a handful of them right now don't pay any taxes; about 200 of them wouldn't pay any taxes should this pass. The dollar amount that the Commission is looking at is just under \$12,000, in round numbers and that amount of money would then be distributed amongst the other tax payers in the City. All things being equal, \$12,000 to 6,000 tax paying properties, its \$2.00 a year. It wouldn't be distributed equally; it's based on property values and some would see very little increase and others would see \$2.00 at the most.

Mayor Via stated but they have the non-homesteaded properties pay 95% of that cost; only 5% would be passed on to homesteaded properties.

Mr. Forte stated, right.

Mayor Via stated that means that any non-homesteaded pieces of property, be it Holly Forest or a business or something like that, would pay a larger proportionate fair of that \$12,000.

Mr. Forte stated it has no impact on the City's budget at all.

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Mayor Via opened public participation.

Joan Richeson, Holly Forest Estates, informed the Mayor and City Commission that she is against this ordinance. As the Holly Forest residents will take the pass-on County tax bite and they certainly can't afford it.

Mayor Via closed public participation.

*Commissioner Reed made a motion to **APPROVE** the First Reading of Ordinance 2819, seconded by Commissioner Blais.*

Commissioner Reed stated, "Mr. Forte, you have a \$20,000 income for the household", and I was under the impression that the State...is it \$24,000?

Mr. Forte stated sorry, its \$24,414.

Attorney Simpson stated that is the old language. The only change made in this ordinance is to increase it from \$25,000 to \$50,000. The reference to the \$20,000 is what State Law says but it also says that it's adjusted annually when in place so that goes up to \$24,000.

Commissioner Reed stated because he thought a couple of people would not qualify because of that difference between the \$20,000 and \$24,000.

Mayor Via stated right now its \$24,200.

Commissioner Reed stated he knows that there are probably some people that are not going to be in favor of this and he apologizes to the people in Holly Forest, but he thinks it's a good thing for the lowest income seniors in our City and frankly, it should have been done last year and he apologizes to all those people for not having it on there last year.

Mayor Via stated there was no last year; they are still in the current year.

Commissioner Reed stated it won't be applied until next year.

Attorney Simpson stated, correct.

Commissioner Reed stated they missed an opportunity to have it last year.

Mr. Forte stated, correct.

Mayor Via asked how many non-homesteaded properties do they have.

Mr. Forte stated he doesn't have that answer.

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Commissioner Penny stated his concern is that they are shifting a cost from a small group of people to a large group of people. He knows that there are a lot of low income people at Holly Forest. When he attended the forum the other night, the one concern they had was the increase in their taxes that is passed on by the owner to each of them.

Commissioner Reed stated he is amazed that the Commission is going to be so concerned about the \$12,000 but they didn't have any concern last year when they raised it 23%.

Mayor Via stated of these particular properties, if they look at the last pages and they start calculating down, they start looking at the houses and anything in that last column that's under \$25,000 it means that they will be paying "zero" taxes which means that when this is done, about 200 out of the 260 properties will be paying "zero" taxes and the reason for that is because they have such low assessed values in the City. They are the least taxed people anywhere. There are a lot of people that will be coming off the tax rolls. For Bishop's Glen, the same thing there; that's a business and so their rates have to go up. That's the basis of the bulk of the City's seniors. These seniors here on this list have already received a huge break.

Bill Arthur, 1140 Riverside Drive, stated just for a point of order, the motion was made and seconded by Commissioner Blais and now Mr. Blais will benefit by this going through, is that correct?

Mr. Forte stated only if he doesn't make more than \$24,000 a year.

Mayor Via asked Commissioner Blais if he currently has the senior homestead exemption.

Commissioner Blais stated, no.

Mayor Via asked if he qualifies for the senior homestead exemption.

Commissioner Blais stated he will be for the following year; he has to have his tax papers in by March 1, 2008 for the following year.

Mayor Via mentioned then he is going to try to qualify for it.

Mr. Forte stated he thinks the issue is if Commissioner Blais benefits from it, don't the other Commissioners get penalized for it?

Mayor Via stated if Commissioner Blais benefits, the rest of them pay more.

Mr. Arthur stated in the past, anyone that benefits by such an ordinance, usually declines the vote.

Mayor Via stated but if they raise or lower taxes, it does the same thing. If they lower taxes they benefit from it.

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Attorney Simpson stated on Mr. Arthur's comment, it's a special pecuniary gain. It's something that's special to you other than to the general public. So, taxes affects everybody the same so that comes out.

Commissioner Blais stated he went to the tax office on this and it's like flipping a coin; it's his choice. But as a Commissioner he has to think of the Holly Hill constituents so his particular vote on this would be, he will sacrifice himself for the ones that really need the money; the ones that are 70 and 80 years old.

Mr. Arthur stated that's not what they are talking about. He thinks that somebody else should have seconded the motion.

Commissioner Blais stated he seconded it for discussion.

Mayor Via stated it was actually seconded for approval. Mayor Via mentioned that he thinks that Commissioner Blais can still vote on it though.

Commissioner Blais stated he will withdrawal his second. (*Commissioner Blais filed FORM 8A, Voting Conflict, with the City Clerk; see attached*)

Mayor Via asked for a second to replace Commissioner Blais' second.

Mr. Arthur stated he is a senior that will benefit by this; it would be wonderful but he doesn't believe that he deserves it. He believes the City has a reasonably low income City and he would hate to see people struggling in having to pay for people that are not necessarily deserving of it.

Mayor Via asked the Commission if there is a second to the motion for the senior homestead exemption ordinance.

Hearing no second, the motion FAILED.

11. RESOLUTION 2007-R-47, ESTABLISHING THE L. GALE LEMERAND SENIOR CENTER PROGRAM

Attorney Simpson read by short title:

RESOLUTION 2007-R-47

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING THE L. GALE LEMERAND SENIOR CENTER PROGRAM; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Blais made a motion to APPROVE Resolution 2007-R-47, seconded by Commissioner Anderson.

Mayor Via opened public participation. No one spoke.

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Anderson – Yes, Penny – Yes, Reed – Yes, Mayor Via – Yes

12. SPECIAL EXCEPTION – BED AND BREAKFAST – 1589 RIVERSIDE DRIVE – APPLICANT: THOMAS SORACI

Doug Gutierrez, Community Development Director/City Planner, gave a brief presentation for the Bed and Breakfast located at 1589 Riverside Drive. The property does qualify, it's zoned R-1 and it's in the correct land use. Mr. Gutierrez shared his concerns about this special exception as pointed out in his staff report and that is in regards to the parking. There are two phases of that parking. One is the parking that backs out onto Riverside Drive and then the other one is the tandem parking (one space behind another). Tandem parking is permitted specifically for this type of special exception and even though it is permitted, he still has great concerns about the safety and the traffic circulation because they will be blocking in two cars. Mr. Gutierrez mentioned the other issue he has with the parking is that three cars parked in front of the property and they essentially have to back out on to Riverside Drive and to add to that situation, the property to the south of it, has a wall with vegetation and a large tree that basically creates a blind spot when they are trying to get out of the parking space even going forward. They would not be able to see the on coming traffic until they are half way into the right-of-way. The solution to this would be to reduce the number of parking spaces and it would also reduce the number of rooms available for the bed and breakfast.

Commissioner Penny asked how will the parking be affected by a potential future sidewalk project that is possibly...

Mr. Gutierrez showed the Mayor and Commissioners the power-point and said that the side walk would be coming through here, on the right-of-way, and the City would require that this wall be moved. This is basically his concern.

Matthew Welch and Thomas Soraci, the applicant, spoke briefly about their request for the special exception for the Bed and Breakfast located on Riverside Drive. They recognize safety for both the residents and visitors but the parking there is not nearly as bad as the pictures on the power-point show. Mr. Soraci spoke about the parking issues for this special exception.

Commissioner Reed referred to the pictures that was handed out by Mr. Soraci and asked him if he is suggesting because the City has one problematic traffic area with Kenny's store on Riverside, that the City should go ahead and have another?

Mr. Soraci stated absolutely not. He doesn't think that 1589, which is his property, is a problem area.

Commissioner Reed stated, "we may disagree."

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Mr. Sorci stated he thinks this property is (referring to Kenny's store). The problem with this is...

Commissioner Reed stated he does not disagree that Kenny's store for the parking is a problem; this is definitely a problem and this is what the City is trying to avoid.

Mr. Sorci stated what he is trying to say is that when they back out Kenny's store, they have to back out onto Riverside Drive. He will be happy to answer any other questions the Commission may have.

Mr. Forte stated as far as the sidewalks go for Riverside Drive, that is going through. The City was given the final on that proposal. That is on the drawing board to actually happen in the next year or two.

Commissioner Anderson stated there are two rentals that are already there, how many guests will be in the main house at one time?

Mr. Sorci stated, three.

Commissioner Anderson asked a staff of how many.

Mr. Sorci stated, two. My wife and myself.

Commissioner Anderson stated that's going to be his home also.

Mr. Sorci stated, yes. He currently lives in Flagler Beach but will be moving this house.

Commissioner Penny asked if he has done the studies for the fire protection to actually operate this as a bed and breakfast.

Mr. Sorci stated he is prepared to do that.

Commissioner Anderson stated to be truthful, she feels it is going to be really changing the neighborhood. Her personal opinion in looking at this, she can understand why Mr. Sorci wants to do it but she really thinks it's going to change a lot in this neighborhood as far as having that there.

Mr. Sorci asked is that for the better.

Commissioner Anderson stated that depends. There are a lot of single-family homes around there and there are some rentals, which he has, but what she is saying is this is a little bit more than that, at this point, if he makes this into a bed and breakfast. There may be some neighbors that have some concerns as well.

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Commissioner Reed stated he is concerned with the impact that it will have on the neighboring homes; they are also for sale and how it affects the desirability of those homes. He might want a home on the river but does he want a home next to a bed and breakfast. He has a concern with the parking, big time. He actually looked at this home when it was for sale several years ago so he is rather familiar with it; he lives right down the street. It's a beautiful place but he doesn't think it's suited for a bed and breakfast with the parking situation the way it is. He doesn't think it would be the right thing to do.

Mayor Via opened public participation.

Ted Jackson mentioned that he lives directly across the street from this property and stated that there is no way that they are going to park that many cars there. Kenny's Market has a lot more property to negotiate; the road is wider there. Mr. Jackson informed the Mayor and City Commissioners that he is against this special exception request for a bed and breakfast located at 1589 Riverside Drive. It's going to change the whole neighborhood. Those rentals were put in, he believes, illegal in the beginning. It's residential, right? Residential single-family dwelling...

Mayor Via stated that Mr. Jackson mentioned that the rentals were put in illegally.

Mr. Jackson stated, way back; Mrs. Car put them in. He has lived across the street from this property for 54 years.

Mr. Forte stated he doesn't know what Mr. Jackson means by illegal.

Mr. Jackson stated no permits. He has live here his whole life.

Mr. Forte stated the house was permitted to be built or...

Mr. Jackson stated no, that upstairs garage apartment and that dock.

Mr. Forte stated, okay.

Mr. Jackson stated neither one of them had permits.

Mayor Via asked how long ago were they put there, Mr. Jackson, do you remember?

Mr. Jackson stated about 30 years ago.

Kent Bailey, 4 Lions Head Drive, Ormond Beach, informed the Mayor and City Commission that he owns the property that is immediately to the north of this property; its currently a vacant lot and for sale. He originally purchased it with the idea that he was going to build a house on it and he still may but he has it for sale now. For all the reasons that were stated tonight, this is not in the best interest for his property and not in the best interest in this residential area. Mr. Bailey mentioned that he is not in favor of the special exception for a bed and breakfast.

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Steve Smith, 1410 Riverside Drive, stated when he saw this he went to the Volusia County Property Appraisers Website and looked at the measurements and then he looked at the measurements of his front yard where his gazebo sits and his front yard where the gazebo sits is larger than this piece of property. Mr. Smith mentioned that his point is that it took him nine years to get a gazebo and this place is built out and they don't need a hotel on Riverside Drive.

Mayor Via closed public participation.

Mr. Welch stated they are not looking to build a hotel. It is zoned to allow a bed and breakfast; this is a parking issue. The neighboring owners are against bed and breakfast facilities; they said *nothing* about the parking with the exception of Mr. Jackson who lives across the street. Everybody that backs out onto Riverside Drive is in the same position as the people who back out at 1589 Riverside Drive. If people want to come up and talk about why cars can't park there then they can address that because that's what the issue is. It's already permitted to have a bed and breakfast; there is another bed and breakfast right down the road on Riverside Drive in Holly Hill; this is about parking. On behalf of Mr. Saroci, he would ask that the Commission approve this without limitation. If they need to address something else, to allow for better vision, if that's the concern then they can deal with that tonight or at some future hearing as well.

Mayor Via stated that Mr. Welch has mentioned that this is allowed under the Code but it is actually only allowed by special exception.

Attorney Simpson stated if it's the Commission's direction not to approve based on the testimony and the evidence presented, Items 3, 7, and 8 in the Code would be the applicable areas to look for as a basis for denial.

Commissioner Penny stated if the applicants were to purchase the vacant lot next to them, that would qualify them for additional density because the density is based on the square footage.

Mr. Gutierrez stated if they combined the lot with the current lot, no. They could not add another...

Mr. Forte stated it's not a density issue there; it's a single-family lot – one home per property.

Attorney Simpson stated density would only come in with multi-family.

Mr. Gutierrez stated if they purchase that property, they include it with this property, they wouldn't be able to build a house on it because now it would be one lot, single-family home and it would be grandfathered in accessory structures.

Commissioner Penny asked can they tear the home down and build a bigger home.

Mr. Gutierrez stated it would have to meet the Codes; yes.

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*Commissioner Reed made a motion to **DENY** the special exception request for a Bed and Breakfast located at 1589 Riverside Drive, seconded by Commissioner Anderson.*

Commissioner Reed stated one thing he would remind the property owner and his attorney is that when they have a bed and breakfast, they have guests that are coming from all over and they're not familiar with Riverside Drive and he knows the particular hazards that the people who live here go through every day, they are used to it and they exercise a lot of caution; guests don't do that. They come in and they're in a hurry to go and they zoom out and he thinks it would cause a problem with traffic and it would affect the property values, creates a parking problem whether they feel like it...he understands their position, he totally get where they are coming from. However, he still cannot support it.

Commissioner Anderson stated she can't support it because what she talked about before. She does think it's going to adversely affect the market value of the homes there and they just heard from two people that live there. If someone is looking for a home, they are looking at what they are surrounded with and she doesn't think that's going to be a selling point for that neighborhood at this point.

Mayor Via stated he likes the idea of a bed and breakfast. He thinks it gives the City the hometown charm that's there. They take an expensive piece of property and they have an idea on how to return income from it because he is sure that piece of property is rather expensive. Mayor Via mentioned that he is in favor of the idea. Parking is a concern because of the tree and the wall.

Commissioner Penny stated that his concern is like what Commissioner Reed had stated. Staff is not recommending approval for this based on the parking and the public safety. What he has heard from the citizens that live there is that they don't want it there.

The motion **FAILED** 4-1 on roll call: Reed – Yes, Anderson – Yes, Penny – Yes, Blais – Yes, Mayor Via – No

Mayor Via read off the unofficial Election results at this time:

District 2: Rick Glass : 437 votes
Gilles Blais: 307 votes

District 4: Liz Towsley: 415 votes
Roy Johnson: 357 votes

13. COMMITTEE REPORTS

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

Mayor Via gave a brief committee report about the Green Development Workshop and there will be some future things for discussion.

14. COMMUNICATIONS

A. City Manager

None.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Reed asked Mr. Hurst about the generator item that was on the Consent Agenda. The age and usage was his questions.

Mr. Hurst stated he believes that is the original generator; approximately 15 to 20 years old and he thinks around the '80's is when it went in. Generally, not heavily used, although it is exercised every month for about four hours. With that much age on them, sooner or later they can get condensation in the windings and that ruins it and that's basically what happened with it but it is very expensive generator. Even though it was expensive to fix, they believe that it would had been substantially more expensive to replace.

Commissioner Reed stated they have a trailer sitting by a retention pond on Nova Road; he questioned him a couple of months ago, and how long are they going to let this private company advertise on the City's property?

Mr. Hurst stated that's actually the company that's doing the work on Nova Road and U.S. 1. He questioned them about it after Commissioner Reed had asked him about it and they said they were still using it, they store in it and at that time they were still occupied on Nova Road and to tell Commissioner Reed the truth, they are still doing some work on Nova Road, although they are just about done.

Commissioner Reed asked when will they be finished.

Mr. Hurst stated he is not sure what the contract date is. He can find out and get back with him.

Commissioner Reed stated he personally, finds it a little unsightly.

MINUTES

15. ADJOURNMENT

The meeting officially adjourned at approximately 8:30 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor