M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
NOVEMBER 11, 2003

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 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Lou Schmitt, Paul Lockeby, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Assistant to the City Manager Greg Wood, City Planner Bob Keeth, Building Official Tim Harbuck, Public Safety Director Don Shinnamon, Human Resource Director Diane Cole, Community Redevelopment Coordinator Marsha Radulovich, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Wood delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur welcomed Joyce High, retiring Ormond Beach City Commissioner.

Mayor Arthur presented a plaque to out-going Commissioner Paul Lockeby, in appreciation of his service to the City.

Commissioner Via read "I am not a Veteran" as a tribute to those who have served in the military and in honor of Veteran's Day.

3. REORGANIZATION OF CITY COMMISSION

A. Swearing-In of District Two Commissioner-Elect Gilles Blais and District Four Commissioner / Commissioner-Elect Roland Via

Mr. Simpson swore-in Gilles Blais and Roland Via as Commissioners for Districts Two and Four, respectively. Ms. Clauss presented them with their Certificates of Election.

B. Appointment of Vice-Mayor

Mayor Arthur recommended Commissioner Via for the vice-mayor appointment.

*Commissioner Byrnes moved to **APPOINT** Commissioner Roland Via as the vice-mayor for the remainder of the Mayor's term, seconded by Commissioner Schmitt.*

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

INAUGURAL RECEPTION
Everyone is invited for cake and coffee in the City Conference Room

Mayor Arthur called a recess for this reception at approximately 7:15 p.m. The meeting re-convened at approximately 7:35 p.m.

4. CONSENT AGENDA
Minutes of Regular Commission Meeting – October 28, 2003

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

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

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

Commissioner Schmitt reminded everyone of the Chamber Breakfast this coming Thursday at Bishop's Glenn. They will have their officer installation ceremony. Tomorrow's Chamber meeting is canceled, due to this event. Mayor Arthur asked Commissioner Schmitt to relay their thanks to the Chamber for the Trunk-or-Treat event. It was a huge success.

Commissioner Via advised that the next Water Authority of Volusia meeting is scheduled for November 19th. He is on the Executive Committee, as well. The Shortlist Committee, which Mr. Forte is serving on, is reviewing all the executive director applications. Commissioner Via stated that we are still *miles apart* on the Waterwise ordinance because they are not incorporating the input of the majority of the cities. Mayor Arthur expressed his appreciation of WAV's TV presentation which was very informative about the water issue.

Commissioner Byrnes thanked everyone for their thoughts and prayers during his recent back surgery and on-going recovery. He wanted everyone to know that in spite of popular opinion of politicians he has x-rays that prove that he does have a spine. The next Volusia League of Cities meeting will be next month in Oak Hill.

Mayor Arthur stated that the Celebrity Waiters Event, which raises money for the blind, went very well. He had a lot of fun and raised what he could. Fred Costello got a huge tip from his family, which went to the contributions and Joie Alexander worked real hard and raised a lot for them. Mayor Arthur advised that the Metropolitan Planning Organization will meet next

Tuesday and at that time he will again raise the issue of the speed limit on Nova Road, which FDOT has once again declined to reduce from fifty to forty-five.

6. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Joyce High, retiring Ormond Beach City Commissioner, stated that she had come tonight on her own behalf to express the high esteem for which she held Holly Hill and its officials and how much she had enjoyed working with them as a neighboring city. She added that Holly Hill's friendliness and charm is evident from the moment you come into City Hall; it's a collection of neighborhoods just like Ormond used to be.

7. RESOLUTION 2003-R-67, ACCEPTING THE RESULTS OF THE RUN-OFF ELECTION HELD NOVEMBER 4, 2003

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ACCEPTING THE RESULTS OF THE RUNOFF ELECTION HELD TUESDAY, NOVEMBER 4TH, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Blais moved to ***APPROVE*** *Resolution 2003-R-67, seconded by Commissioner Byrnes.*

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

8. RESOLUTION 2003-R-68, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Blais moved to ***APPROVE*** *Resolution 2003-R-68 appointing Robert Gerald, seconded by Commissioner Byrnes.*

Mention was made that Tom Davies had also applied for a position on this Board. His application will be considered for the alternate appointment.

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

9. RESOLUTION 2003-R-69, CHANGING THE NAME OF BIG TREE PARK TO WAITE PARK

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, CHANGING THE NAME OF A PARK IN THE CITY OF HOLLY HILL FROM BIG TREE PARK TO WAITE PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Byrnes moved to ***APPROVE*** *Resolution 2003-R-69, seconded by Commissioner Via.*

James Porter, 1404 Riverside Drive, stated that he would like to attain this property, which was once under single ownership with the parcel he currently owns. Mr. Forte advised that their deed research has shown that this property is deeded to the City for as long as the City will maintain it as a park and then it would revert back to the heirs of the previous owners, not the current owner of the parcel.

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

10. PUBLIC HEARING / SECOND READING OF ORDINANCE 2658, AMENDING THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 7.35 ACRES LOCATED ON THE SOUTHWEST CORNER OF EIGHTH STREET AND HOLLY AVENUE FROM "URBAN MEDIUM DENSITY" (COUNTY) TO "WHOLESALE COMMERCIAL AND INDUSTRIAL" (CITY)

Mr. Simpson read by short title:

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 7.35 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF EIGHTH STREET AND HOLLY STREET FROM URBAN MEDIUM DENSITY (VOLUSIA COUNTY) TO "WHOLESALE COMMERCIAL AND INDUSTRIAL"; 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 Second Reading of Ordinance 2658, seconded by Commissioner Via.*

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

11. PUBLIC HEARING / SECOND READING OF ORDINANCE 2659, REZONING APPROXIMATELY 7.35 ACRES LOCATED ON THE SOUTHWEST CORNER OF EIGHTH STREET AND HOLLY AVENUE FROM R-7 (COUNTY) TO INDUSTRIAL PLANNED UNIT DEVELOPMENT (CITY)

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 7.35 ACRES, LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF EIGHTH STREET AND HOLLY STREET, FROM R-7, MULTI-FAMILY RESIDENTIAL CLASSIFICATION (VOLUSIA COUNTY), TO IPUD, INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT; APPROVING A MASTER DEVELOPMENT PLAN AND INCORPORATING IT INTO THIS ORDINANCE FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THE PROPERTY; 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 Second Reading of Ordinance 2659, seconded by Commissioner Via.*

Mr. Keeth explained the latest amendment, which Mr. Severino requested be incorporated into this ordinance. It allows for placement of doors on three sides of the building. Bud Severino, 1364 North Nova Road, advised the Commission that he had spoken to Attorney Jim Morris and he did not feel this was a problem.

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

12. PUBLIC HEARING / SECOND READING OF ORDINANCE 2678, INCORPORATING CHARTER AMENDMENTS APPROVED BY THE VOTERS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA INCORPORATING INTO THE CHARTER AMENDMENTS APPROVED BY THE ELECTORS AT THE OCTOBER 7, 2003 GENERAL ELECTION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2678, seconded by Commissioner Schmitt.*

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

13. RESOLUTION 2003-R-70, AUTHORIZING A CHAMBER OF COMMERCE LEASE

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE HOLLY HILL CHAMBER OF COMMERCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2003-R-66, seconded by Commissioner Schmitt.*

Commissioner Byrnes would like to see the Chamber of Commerce host a candidates' forum for every City election – like they have in years past.

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

14. RESOLUTION 2003-R-71, ADOPTING A NEW OFFICIAL ZONING MAP FOR THE CITY

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING A NEW OFFICIAL ZONING MAP FOR THE CITY TO REPLACE THE FORMER OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2003-R-71, seconded by Commissioner Schmitt.*

Mr. Keeth explained that this new official zoning map will be more technologically up-to-date and allow for easier and more accurate amendments, as authorized. He stated that the old zoning map will be maintained as a reference, in the event there is any dispute over the zoning of a piece of property prior to adoption of this new map. The new map is not meant to supercede the old map, just change the format in which it is prepared and stored, so the old map would be the final authority for any questions regarding the zoning of any piece of property prior to this date. The concept of this new map not superceding the old map brought about questions that could not be answered right away. Mr. Simpson and Mr. Keeth excused themselves from the meeting to discuss this and determine if they could come to a resolution tonight.

Motion **WITHDRAWN**.

When Mr. Simpson returned, he advised that this resolution should be tabled for this evening.

*Commissioner Schmitt moved to **TABLE** Resolution 2003-R-71, seconded by Commissioner Byrnes.*

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

15. RESOLUTION 2003-R-72, AUTHORIZING MATCHING FUNDS FOR ECHO GRANTS

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING CASH MATCH FUNDING FOR ECHO GRANTS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2003-R-72, seconded by Commissioner Schmitt.*

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

16. AGREEMENT REGARDING THE ESTABLISHMENT OF AN ARCADE / AMUSEMENT CENTER

Mr. Simpson advised that there is a state statute that prohibits cities from entering into agreements with businesses dealing with any gambling machines, as defined within the statutes. The City cannot make the determination as to whether the machines Rosemary Hall intends to have fall into that category, so she will need to get some formal documentation from an authoritative / regulative source stating that her machines are not considered gambling machines. Ms. Hall assured the Commission that her machines are family game types, just like what is currently at the Boardwalk; not like the ones seized by the State's Attorney's Office last Friday in New Smyrna Beach. Gary Keel, Commissioner Blais' brother-in-law, suggested that the City Attorney meet with the State Attorney on this.

*Commissioner Schmitt moved to **TABLE** this agreement until the next Commission Meeting, seconded by Commissioner Via.*

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

17. LOCAL LAW ENFORCEMENT BLOCK GRANT EXPENDITURE REQUEST FOR A NEW VEHICLE

*Commissioner Via moved to **APPROVE** the expenditure of <u>$18,919</u> for a Crown Victoria, seconded by Commissioner Schmitt.*

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

18. LOCAL LAW ENFORCEMENT BLOCK GRANT EXPENDITURE REQUEST FOR A VEHICLE LEASE AGREEMENT

*Commissioner Schmitt moved to **APPROVE** the expenditure of <u>$560 per month</u> to lease a vehicle for use on the narcotics task force, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Via – yes, Byrnes – yes, Lockeby - yes, Arthur - yes.

19. COMMUNICATIONS

A. City Manager

Mr. Forte stated that at their last Commission meeting, the Commission had indicated that they would cancel their second meeting this month if they didn't have any business that needed to be heard then. The Mayor can wait until the Wednesday before the meeting to make that final determination.

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Schmitt complimented the success of the Halloween Trunk or Treat. He also expressed his appreciation of the veteran's on this day of remembrance. Commissioner Schmitt then welcomed newly elected Commissioner Blais.

Commissioner Via welcomed Commissioner Blais on-board. He referred to FDOT declining our request to lower the speed limit on Nova Road and stated that they will have to push to have this re-addressed. With the proximity of the traffic lights, this area is becoming a drag strip. He doesn't like the *elbow and wink* they have given us on this when they want us to work with them on the US1 changes. FDOT said they would assist with creating public parking lots, since they are taking away all the parking on US1 and we haven't been pressuring them about that because we were more focused on the speed limit issue. Commissioner Via thanked everyone for coming tonight. He is looking forward to his third term and to serving with Commissioner Blais. He complimented the organization of the Halloween Event and hopes that will become an annual event. On a final note, Commissioner Via asked that they take a hard look at the Charter residency issue and get some better clarification of expectation on that.

Commissioner Byrnes congratulated Commissioner Blais on his successful election campaign. He agreed with Commissioner Via that they need to review the Charter residency requirement and establish what they want the City Clerk to be shown as proof of residency. He also felt that they should ask the voters to establish a residency requirement with a time period of a few months before qualifying begins. Commissioner Byrnes stated that FDOT is a constant disappointment because they have tunnel vision. They say they build according to the *best engineering practices* but those should change to fit the needs of people. Commissioner Byrnes thanked everyone for coming.

Mayor Arthur stated that FDOT has a mind set for moving traffic, when they should focus on moving people. Mayor Arthur welcomed Commissioner Blais. He remembered the excitement of winning his first election which could only be topped by the privilege of being re-elected.

Commissioner Blais introduced himself as being born in Canada and displayed a badge he had received from the Sons of the American Revolution, as well as a Holly Hill police pin that he just received from Chief Shinnamon. Commissioner Blais noted that today is Armistice Day and he doesn't see enough poppies. Commissioner Blais is a member of the Canadian legion and served in the US military. He stated with great sincerity that America is his country.

20. ADJOURNMENT

The meeting officially adjourned at approximately 9:10 p.m.

Attest:	City of Holly Hill, Florida
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Jeaneen P. Clauss, CMC City Clerk	William D. Arthur Mayor