

MINUTES

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

DECEMBER 13, 2005

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 City Manager Joe Forte, City Attorney Butch Simpson, Public Works Director Milton Hallman, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, Building Official Tim Harbuck, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning.

B. Invocation

Pastor Larry T. Edwards, St. John Missionary Baptist Church, delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA

Minutes of the Regular City Commission / Organizational meeting – November 22, 2005
Authorizing Service Agreement with Halifax Humane Society, Inc.

Police Mutual Aid Agreement

Emergency Repair of Water Main – 10th Street – West of the railroad – \$12,204.50

*Commissioner Reed moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Anderson.*

Commissioner Anderson asked to have the emergency repair of the water main item pulled for discussion. She then asked if this was the repair item they saw earlier in the month?

Mr. Forte stated, no. This is a water line break that occurred on 10th Street; slightly West of the rear of the Public Works complex that broke on the night of the last City Commission meeting.

Commissioner Anderson asked if everything has been fixed?

Mr. Forte stated, yes.

MINUTES

PASSED by unanimous vote, 5-0.

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

Beth Legary, 342 Burleigh Avenue, asked about the minutes being posted on the Internet.

Mr. Forte stated Scott has stated that it would be inappropriate to put City Commission draft minutes on the Web until they are approved by the Commission but because of the distance of meetings for the Planning and Appeals meetings, draft minutes are placed on the Web for that board only.

Mrs. Legary asked the City Clerk about verbatim minutes. She felt that there was inconsistency in the minutes. Some parts were verbatim and other parts of the minutes were not.

The City Clerk discussed *Robert's Rules of Order* to Mrs. Legary regarding how clerks are required to type up minutes and then mentioned that anyone from the public is welcome to come in the next day and request a copy of the tape for \$2.00.

Mrs. Legary mentioned the minutes from the November 8, 2005 City Commission meeting and she felt that former Commissioner Arthur Byrnes' comments about the group of concerned citizens, otherwise known to some people as the yellow shirts, that he was disrespectful to Ms. Monahan. She stated they came together as a group to be a part of Holly Hill not to be against Holly Hill but to get some questions answered.

Maureen Monahan, 215 – 5th Street, presented the Mayor and Commissioners a DVD of “*The Tale of Two Counties*” on behalf of Gordon Williamson and asked if each of the Commissioners and the Mayor could watch it and at the next Commission meeting she would like to have an opinion from them on how they feel about it. She then stated she would like to hear the voting be done on an individual basis. She was wondering if someone could possibly make a motion to change it back to the way it was done before so the citizens can hear how each vote is counted as a yes or no vote. For the record, personally she would like to hear how each Commissioner voted and not to have to listen to the tape to hear that. She asked about having the agenda with the backup material on the Internet.

City Clerk mentioned that anyone who wishes to receive a copy of the agenda can now find it on the Internet with all the backup material attached. The website is www.hollyhillfl.org. Click on the *Forums* link on the home page then under City Clerk department, click on the *Agendas* link. Once that has opened, you can find a list of all the agendas. They will be titled FULL Agenda – Exhibits.

MINUTES

5. RESOLUTION 2005-R-54, BEAUTIFICATION ADVISORY BOARD APPOINTMENT

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-54

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BEAUTIFICATION ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Anderson moved to APPROVE Resolution 2005-R-54, seconded by Commissioner Blais.

PASSED by unanimous vote, 5-0.

6. RESOLUTION 2005-R-55, HISTORIC PRESERVATION BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-55

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE HISTORIC PRESERVATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Penny moved to APPROVE Resolution 2005-R-55, seconded by Commissioner Blais.

PASSED by unanimous vote, 5-0.

MINUTES

7. FIRST READING OF ORDINANCE 2750, FUTURE LAND USE CHANGE – ALABAMA AVENUE – APPLICANT: MIKE SALH

Mr. Simpson read by short title:

ORDINANCE NO. 2750

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 2.5 ACRES LOCATED ON ALABAMA AVENUE WITH TAX PARCEL ID 4242-04-21-02501 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.

Mr. Forte gave a brief presentation on the future land use change for Alabama Avenue and showed a partial view of the parcel of land on the overhead projector. This is land use change and it's the legislative action and the next item on the agenda is a rezoning. Mr. Forte did the presentation on both the land use change and the zoning change. The applicant is requesting to change the existing zoning from an R-3 zoning to an R-8 zoning which is a vacant parcel on Alabama Avenue. This is not a Planned Unit Development (PUD). What the Commission is approving tonight is a land use change and the rezoning to R-8 *not* the site plan or the elevation.

Keith Broll, Attorney with Rice and Rose, 222 Seabreeze Boulevard, Daytona Beach, stated he is here tonight on behalf of the applicant, Mike Salh for a change in the future land use change and the zoning change on Alabama Avenue.

Jon Feit, 1155 Alabama Avenue, is against the zoning change and future land use change of Alabama Avenue. He further stated that is a single-family residential neighborhood and that's what it needs to remain. Rezoning this vacant parcel and developing on it will increase the traffic flow there. There is too much traffic there already due to the dog park that is there.

Ron Bagwell, 1176 Alabama Avenue, is against the zoning change and future land use change of Alabama Avenue. He agrees that it should remain a single-family residential neighborhood. At this time he turned in a petition with nineteen signatures on it who are against the rezoning of Alabama Avenue.

Maureen Monahan, 215 – 5th Street, asked if this was currently County property?

Mr. Forte stated he will address all the questions at the end.

MINUTES

Ms. Monahan stated if it's currently in the County, they are changing the classification. Is the applicant asking for annexation from County into the City?

Mayor Via stated it's been previously annexed. This is the City's property.

Ms. Monahan mentioned about notifying the citizens outside of legal boundaries and asked if the City could possibly extend the notification in the future. When an area is going to be impacted by whatever it happens to be, the surrounding residents need to know and be able to make a choice because they are taxpayers in the City.

Jim Bivens, 1717 Evergreen Street, is against the zoning change and future land use change of Alabama Avenue. He does not want an apartment complex in the back of his house because of the noise and the crime. He thinks this is a bad idea to change the zoning.

Attorney Broll mentioned that there was notification sent out to the surrounding property owners about the zoning change and the future land use change.

Mr. Feit mentioned that he was not notified about the project and he lives directly across the street from it. He has lived there for the past thirteen years. When the next door neighbors came and asked if he was coming to the Commission meeting, that was the first he heard about it.

Mayor Via closed the audience participation.

*Commissioner Reed moved for **DISCUSSION** the First Reading of Ordinance 2750, seconded by Commissioner Penny.*

Mayor Via wanted City Attorney Butch Simpson to explain ex parte communication.

Mr. Simpson stated when they are sitting in what's called a quasi judicial capacity, if any of the Commissioners or the Mayor had any communications with the applicant(s) or property owner(s) pertaining to matters which would affect their decision (voting) on these zoning issues tonight, then they should disclose them to the public and to the rest of the Commission because they want everybody to know what's influencing their decision so that they don't vote someway and nobody else knows why you voted that way so they would need to say for example, "Here's what I hear from the applicant and people who were in opposition to it..."

Commissioner Reed noticed the stack of returned certified mailings from the Post Office that the City Manager had and asked if the City made an attempt to contact the people on Evergreen Street?

MINUTES

Mr. Forte stated there are so many of them and he is going through them now to see if Mr. Feit's is in there but between the applicant and Mr. Buchanan, they sent out the notices, but he hasn't found Mr. Feit's yet. He is not sure if he was or was not sent one. He has not identified his in this stack yet but that doesn't mean I haven't received it back yet. Mr. Forte stated in terms of notification, in fact, on these particular items for rezoning, he believes he was even taken to task for the size of the ad that was put in the news-paper which was far above and beyond what the requirement was. The City is trying to do more than what's required. The abutting properties is what's legally required for notification.

Commissioner Blais asked if there was a traffic count on Alabama Avenue?

Mr. Forte stated, no.

Mayor Via asked Mr. Harbuck what type of buffer would be required along side that property?

Mr. Harbuck stated being it's residential against residential the only thing that would be required is a type C, vegetative buffer, which is nothing more than a row of hedges.

Mayor Via asked what space setback is required?

Mr. Harbuck stated either a 25 foot or 35 foot perimeter setback but he would have to check for sure and that would be from the property line.

Commissioner Penny stated the parcel to the North, Industrial Planned Development, is that the junk yard?

Mr. Forte stated, correct.

Commissioner Anderson briefly discussed why the traffic would be a problem on Alabama Avenue.

PASSED by a vote, 3-2 with Commissioners Reed and Anderson opposing.

8. FIRST READING OF ORDINANCE 2751, ZONING CHANGE – ALABAMA AVENUE – APPLICANT: MIKE SALH

Mr. Simpson read by short title:

ORDINANCE NO. 2751

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 2.5 ACRES FEET LOCATED ON ALABAMA AVENUE WITH TAX PARCEL ID 4242-04-21-0250 FROM VOLUSIA COUNTY ZONING DESIGNATION TO R-8 MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mayor Via mentioned that he had known Mr. Salh for a number of years. It was months ago that Mr. Salh discussed this particular item with him. (No other Commissioners had any communications with Mr. Salh).

Maureen Monahan, 215 – 5th Street, thanked staff for the ads that were in the paper. She wanted to let staff know that the notice combined the Planning and Appeals meeting for December 5th and a public hearing on January 10th for the City Commission so there maybe some people that come back on January 10th for the first time not understanding that they could have come tonight.

Ron Bagwell, 1176 Alabama Avenue, mentioned that he would like to see it kept as a residential single-family neighborhood.

Jim Legary, 342 Burleigh Avenue, asked what will the rent be?

Mr. Forte stated he would like to address all his questions at the end.

Mr. Legary asked why can't anybody do what the property is zoned for? And when this zoning change is made, how much is the property going to be worth as opposed to what it's worth now?

Attorney Broll stated this is going to be market priced housing.

Mayor Via closed the audience participation.

*Commissioner Reed moved for **DISCUSSION** the First Reading of Ordinance 2751, seconded by Commissioner Blais.*

Commissioner Reed asked what is the County zoning on this property now?

MINUTES

Mr. Forte stated low-density residential.

Commissioner Reed asked would that be compatible to the City's low-density residential?

Mr. Forte stated he doesn't know what the side-by-side comparisons are. Unfortunately, that's one of the issues that are amongst building officials throughout this County and that is that we don't have a standardize zoning classification so our B-4, for example, maybe different from the County's B-4.

Commissioner Reed stated if they are going to take a City zoning for a piece of property that it should be closely related to the original zoning from the County. For example, if the City annexes a piece of property and it's commercial then it should be zoned commercial according to Holly Hill standards not just whatever the applicant wants it to be.

Mayor Via stated anything that's annexed in to the City, if it's a former County designation, when they annex in, they can ask for a different designation or the City can change that designation.

PASSED by a vote, 3-2 with Commissioners Reed and Anderson opposing.

At this time Mayor Via called up John Townsend to speak. He arrived late for the audience participation portion of the meeting.

John and Carol Townsend, 1598 Riverside Drive, briefly discussed Flomich Park with the Mayor and Commissioners in regards to purchasing the property and expanding the park. (He attended the November 8, 2005 City Commission meeting with the same item). There was *consensus* from the Mayor and Commissioners that piece of property was too expensive and there was no money in the budget for that at this time.

9. FIRST READING OF ORDINANCE 2752, FUTURE LAND USE CHANGE – 1127 CAVE AVENUE – APPLICANT: ERIC KRALLINGER

Mr. Simpson read by short title:

ORDINANCE NO. 2752

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 .69 ACRES LOCATED AT 1127 CAVE AVENUE AND ADJECENT VACANT PARCELS WITH TAX PARCEL ID 4242-26-00-0230, 4242-26-00-0240, AND 4242-26-00-0260 FROM “LOW DENSITY RESIDENTIAL” TO “GENERAL RETAIL COMMERCIAL”; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mr. Forte gave a brief presentation regarding the future land use change and zoning change for 1127 Cave Avenue. He showed a partial view of the parcels to the Mayor and Commissioners on the overhead projector. On Cave Avenue there are a few homes and a church. The applicant is requesting that this be rezoned to a commercial zoning and for the future land use, the applicant is asking for a CC-1 zoning. The applicant is anticipating putting storage units on that vacant parcel of land. Mr. Forte stated going to CC-1 zoning opens the door up for a lot of different development. He talked to the applicant about possibly going to a PUD for that property so that staff could actually see, vote on, and discuss specifically what he wants to do with that property.

Jarrold and Eric Krallinger, the applicants for 1127 Cave Avenue spoke briefly and gave a description of what they wanted to build on the property. They are looking to build possibly 1000 square foot unit, ten (10) of them, two buildings on the property. The buildings would be facing each other and enter through Cave Avenue. They haven't really decided exactly what they want to do yet but a lot of that depends on tonight. They heard about some of the drainage problems that they may have to work on and work with the engineer and decide better what will fit on that piece of property. They feel it's a better usage of the property because it's surrounded by industrial and commercial buildings. The church is on the other side and there are three houses that face Cave Avenue and one of them is on the opposite side of the road where they are wanting to build. The other properties are on Graham Avenue and those houses are more towards the front of Graham Avenue. They are planning on having it fenced in and a gate in the center.

MINUTES

Robert McPhee, 1128 Cave Avenue, is against the future land use change and the zoning change on 1127 Cave Avenue. He then stated that he lives across the street from this project. He mentioned that it is a dead-end street and that the street is too narrow and one car can barely make it down the road passing another car at the same time. Another reason he is opposing the changes is because it's a flood zone area. This project can't be done on Cave Avenue. There is no room for it especially when the traffic starts coming down the street. He then stated before they start doing anything on Cave Avenue, do something about the flooding!

Theologust Hodges, 1209 Jarecki Avenue, is against the future land use change and the zoning change on 1127 Cave Avenue. He owns property on Cave Avenue and has no intention of selling his property there. He has intentions to build a home on that piece of property. He mentioned that the road is too narrow and the flooding needs to be addressed. This is a family-oriented street and it needs to stay that and it's a dead-end street. It's a very bad street for traffic. That area is not designed for what the applicant is requesting.

Willie Johnson, 1133 Cave Avenue, is against the future land use change and the zoning change on 1127 Cave Avenue. He stated that they don't need a storage facility on that street. He agrees with Mr. Hodges and Mr. McPhee that Cave Avenue is not designed for what the applicant is requesting.

Reverend Michael E. Mitchell, 1125 Graham Avenue, St. Paul's Missionary Baptist Church, is against the future land use change and the zoning change on 1127 Cave Avenue and is upset that the applicant wants to put a commercial building in a residential neighborhood. He mentioned his concerns about the crime and drugs that he knows happens around those types of storage facilities because they are not checked that often and the applicant said that's not going to happen because they are going to be there all the time. "You and I know, that's not going to happen." If staff says this can be changed to a CC-1, that applicant can change their minds and put whatever they want there and he has a problem with that. Mr. Mitchell mentioned that Cave Avenue is too narrow for any trucks or extra traffic to be on that road.

Kevin Rainey, 710 N. Oleander Avenue, Daytona Beach, stated he finds himself in an awkward position. The owners of this property came to him after the Planning and Appeals meeting the other night and told him about the discussion and the 2-2 vote. He mentioned that he is concerned because this property was sold to the Krallinger's and the sellers knew what their plans were for the property. Mr. Rainey stated Mr. Hodges who came up here and said he is going to build a house on that site, actually had an agreement with him to purchase Mr. Hodge's property to build a warehouse on it. At this time Mr. Rainey discussed what was in the agreement and what the contingency was. He finds it disturbing that these folks are coming up here and acting as though they didn't understand that this is what was going to be proposed for this street. They never should have sold this property to the Krallinger's or entered into a contract with Mr. Rainey prior to them knowing that's what the plan was if they didn't want that to happen. Mr. Rainey stated that he was under a written, bilateral contract with Mr. Hodges and Mr. Mitchell for the purchase of two of the parcels of land and they both were involved with that transaction.

Mayor Via asked Mr. Rainey when did that transaction take place?

MINUTES

Mr. Krallinger stated four or five months ago.

Mr. Rainey was referring to the aerial map at this time. (“This property belongs to Mr. Hodges. I had an agreement to purchase that from him contingent upon being able to buy this piece of property. This man lives in Flagler Beach and refused to sell the property to me so it didn’t make the whole project work for me and that’s when I put it on the market and sold what I did have to the Krallinger’s”).

Commissioner Reed asked Mr. Rainey if he bought his property with a contingency that he would buy it only if the zoning was changed?

Mr. Rainey stated, no.

Commissioner Reed asked if the Krallinger’s bought this property with a contingency contract that if they would make a purchase of the property if the zoning was changed?

Mr. Rainey stated the property they bought from *him*, they did not. He doesn’t know about the other parcels of property.

Commissioner Reed stated he thinks that’s where the mistake was made.

Mr. Rainey asked which mistake was that?

Commissioner Reed stated the mistake is, when you buy a piece of property it is zoned one way, you are buying that zoning. If you want to buy it with a different zoning then you should put it under a contingency contract.

Mr. Rainey stated that’s not his point. His point is, these gentlemen who claim they don’t want their street being turned into a commercial zoning area, knew full and well that was the plan of the Krallinger’s and they sold it to them knowing that was the plan to change it.

Commissioner Reed stated if you are the seller, you don’t have anything to lose but if you’re the buyer, you have to beware. He then stated he went down Cave Avenue last week and he spoke with a gentleman who owns that commercial property (shown on the map), spoke with the applicant, spoke with most of the families that live on that street, and staff has informed him that piece of property for sale is a residential lot.

Maureen Monahan, 215 – 5th Street, stated that area has been neglected for a long time. She mentioned her concerns about the flooding. She stated that she spoke to the neighbors on Cave Avenue and Graham Avenue and there are people who are living on Graham Avenue that actually back up to Cave Avenue that were not notified. She then stated that everyone that comes in and asks for a PUD shouldn’t expect that they are going to get it.

Jim Legary, 342 Burleigh Avenue, asked what is the property valued at now and what will it be worth?

MINUTES

Mr. Hodges mentioned that he is the trustee of St. Paul Baptist Church and briefly discussed his business relationship with Mr. Rainey and the church. Mr. Hodges was referring to the aerial map at this time. He cannot make the decisions regarding the purchasing of the property because he is only the trustee of the church. He has to do what the church members say. He said that Mr. Rainey did approach him about the property but he doesn't want it rezoned commercial. He would rather take less money for his property and build his home for his family than to have it rezoned for commercial for more money. It's not always about the money!

Haley Hodges, 1209 Jarecki Avenue, stated with that warehouse there, the residents there would need a sidewalk, the road widened, water retention pond, and a fence, are the applicants going to do all that to the road?

Mayor Via mentioned that those questions will be addressed at the end.

Jennifer Shaw, 1249 Charter Oaks Circle, stated she thinks of Holly Hill as a community of small neighborhoods and this is a small neighborhood that's going to be deteriorating if they allow this to happen. She would urge the Commission to deny the request.

Beth Legary, 342 Burleigh Avenue, mentioned she wanted to clarify what Mr. Buchanan told the applicants or Mr. Hodges. She doesn't understand how that property could be grandfathered in and maybe Mr. Simpson could answer that question.

Mr. Simpson stated he didn't hear Mr. Buchanan's comments so he is not sure what he was referencing.

Mrs. Legary stated that if someone bought the next parcel it would be grandfathered in.

Mr. Simpson stated grandfathering has *no* application in anything he has heard tonight.

Mrs. Legary asked if they had to widen the street, would that include buying property or eminent domain any property?

Mr. Forte stated they will take care of the street light issue that was mentioned earlier. The road itself, he believes, is a 30 foot easement. He is not an appraiser so he doesn't know the difference between residential and commercial properties so he couldn't tell them what the property is worth. For the retention question, there is an enormous flooding problem in that whole area. In fact, there was an issue with the church because they had put fill on the property across the street because they park there and that became a big issue that the City had to resolve. As it stands right now, the flooding will never be addressed unless that property is developed to something. The Public Works Department has done some things to try to help the flooding issues by putting a catch basin in there at some point on one of the properties. All of the flooding concerns, regardless of what happens when that property is developed has to be addressed. If this property is developed the flooding will be addressed; if this property is not developed the flooding *will not* be addressed.

MINUTES

Mr. Hallman gave a brief description of what the problems have been with the flooding and what has been attempted to help the situation. All of Enterprise up there is impervious area. When they go to the end of Cave Avenue that's where the Volusia County Public Works yard is and that's about 2½ or 3 feet higher than Cave Avenue is. This area is so bad that if you get water in there, even if they built a retention pond on that site, he doesn't know where they would pop it off to unless they put a pump in there to pump the water out. That's the only way to get the water out of there. If Mr. Hodges wants to build a house down where he is talking about, he is going to have to build it up to elevation 7. The street is probably around elevation 2 or 2½. That whole area is in a flood zone. That is a real difficult situation to solve. It's not one of those simple things to solve. The problem is not going to be solved by putting a storage facility there. The problem wasn't solved when the church was put there. This is a very serious area. If they try to do anything to Cave Avenue, the City will have to put storm drainage in it and if your not, they will have to raise the elevation of Cave Avenue.

Mayor Via asked the Krallinger's if they are aware that they would have to take care of this flooding issue from their property?

Mr. Krallinger stated they will have to look into seeing what the cost would be. It sounds like a lot of money will be needed and they aren't prepared to take a hit like that right now. They would have to find out exactly what it would cost.

Mr. Forte stated because the zoning change has been advertised for January 10th as a public hearing, if the Krallinger's are going to make a decision on it, he would suggests that the City Commissioners make the decision tonight if they are going to approve. This way, the Krallinger's can come back on January 10th and at that point, after them doing some research, they can then say, "Look, we are in over our heads knowing this, we're going to back out," but at least it's advertised as a public hearing. Now on the other hand, if the Commissioners decide *not* to support this project and it's voted down then it becomes a dead issue and the Krallinger's won't and don't have to do any research but because January 10th is advertised as the public hearing, if the Commission is going to support it, he would suggest supporting it because they could always take it away at that time. The Krallinger's have a lot of homework to do over the next 25 to 30 days.

Mayor Via closed the audience participation.

*Commissioner Anderson moved for **DISCUSSION** the First Reading of Ordinance 2752, seconded by Commissioner Penny.*

Commissioner Penny stated he has a real hard time supporting this based on the report he has received from Mr. Hallman regarding the flooding issues on Cave Avenue especially if it's going to negatively impact that community. He likes the idea of a PUD so he can see what he's voting on but he has a hard time changing the zoning. There is also the concern about the increase traffic on that narrow road. Everything that the citizens have brought forth tonight makes sense.

MINUTES

Commissioner Anderson mentioned the narrow road and the difficulty that is there to turn your vehicles around. She then stated she took the time to speak to the surrounding neighbors and they were opposed to the zoning change and future land use change. They all stated that they like the neighborhood the way it is. As far as notification, very few were notified about this. She wants to go with what the citizens want here and they do not want this.

Commissioner Reed stated he believes this whole thing has happened because the City had an over zealous Planning Director. He feels bad for the applicant's because he thinks they have ambitions and desires but unfortunately he doesn't see this as working in the way that they want it to work.

Commissioner Blais stated he believes that their forefathers made a mistake when they developed that Holly Hill Business Park, he can remember when Cave Avenue was not paved, and there was flooding then. While they were developing the Business Park someone forgot about the drainage for that area. The City owes the residents on Cave Avenue improvements one way or the other!

Mayor Via stated there is more commercial property there than there is residential property. He is stuck on the flooding issue as well.

PASSED by a vote, 3-2 with Commissioners Reed and Anderson opposing.

10. FIRST READING OF ORDINANCE 2753, ZONING CHANGE – 1127 CAVE AVENUE – APPLICANT: ERIC KRALLINGER

This item has been withdrawn per the Krallinger's as a CC-1 zoning and they will be bringing back a PUD zoning instead at the next City Commission meeting on January 10, 2006 for the public hearing.

Assistant City Attorney Scott Simpson took over the meeting at approximately 9:45 p.m.

MINUTES

11. FIRST READING OF ORDINANCE 2754, ZONING CHANGE – NOVA ROAD SOUTH OF 10TH STREET – APPLICANT: SH NOVA ROAD, LLC

Mr. Simpson read by short title:

ORDINANCE NO. 2754

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 2.2 ACRES LOCATED ON NOVA ROAD TAX PARCEL ID 4244-01-07-0053 FROM VOLUSIA COUNTY “INDUSTRIAL - 1” TO CC-1 (COMMERCIAL CORRIDOR DISTRICT); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Reed moved for APPROVAL the First Reading of Ordinance 2754, seconded by Commissioner Penny.

PASSED by unanimous vote, 5-0.

12. FIRST READING OF ORDINANCE 2755, FUTURE LAND USE CHANGE – 1104 SOUTH NOVA ROAD – APPLICANT: DR. JAMES BUCK

Mr. Simpson read by short title:

ORDINANCE NO. 2755

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 .78 ACRES LOCATED AT 1104 S. NOVA ROAD WITH TAX PARCEL ID 4242-04-21-0134 FROM VOLUSIA COUNTY TO “GENERAL RETAIL COMMERCIAL”; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Blais moved for APPROVAL the First Reading of Ordinance 2755, seconded by Commissioner Penny.

MINUTES

PASSED by unanimous vote, 5-0.

13. FIRST READING OF ORDINANCE 2756, ZONING CHANGE – 1104 SOUTH NOVA ROAD – APPLICANT: DR. JAMES BUCK

Mr. Simpson read by short title:

ORDINANCE NO. 2756

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY .78 ACRES LOCATED AT 1104 S. NOVA ROAD TAX PARCEL ID 4242-04-21-0134 FROM VOLUSIA COUNTY “INDUSTRIAL - 1” TO CC-1 (COMMERCIAL CORRIDOR DISTRICT); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Penny moved for **APPROVAL** the First Reading of Ordinance 2756, seconded by Commissioner Blais.*

PASSED by unanimous vote, 5-0.

14. FIRST READING OF ORDINANCE 2757, FUTURE LAND USE CHANGE – 1745 & 1747 MARYLAND AVENUE – APPLICANT: BLAKE BEASLEY

Mr. Simpson read by short title:

ORDINANCE NO. 2757

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 .66 ACRES LOCATED AT 1745 & 1747 MARYLAND AVENUE WITH TAX PARCEL ID 4242-04-21-0142 AND 4242-04-21-0143 FROM VOLUSIA COUNTY “URBAN MEDIUM INTENSITY” AND “INDUSTRIAL” TO “GENERAL RETAIL COMMERCIAL”; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Blais moved for **APPROVAL** the First Reading of Ordinance 2757, seconded by Commissioner Reed.*

PASSED by unanimous vote, 5-0.

16. SANITARY SEWER REHABILITATION PROGRAM 2005 – SRF NO. WW 709075

Mr. Forte stated this is part of the State Revolving Fund loan in which they are doing inflow and infiltration. Staff is recommending Miller Pipeline Corporation in the amount of \$474,200.

*Commissioner Reed moved for **APPROVAL** authorizing the work as outlined in our plans and specification for the City’s 2005 Sanitary Sewer Rehabilitation. This award is to Miller Pipeline Corporation of Mt. Dora, FL in the amount of \$474,200. This project is in our 2005/2006 budget and is funded through the State Revolving Funding, seconded by Commissioner Blais.*

PASSED by unanimous vote, 5-0.

17. GIS DATA CONVERSION

Mr. Hallman gave a brief description of the GIS Data Conversion and what is needed and required to update the City's mapping system. At this time he handed out a printout of an aerial map of the water distribution system.

*Commissioner Reed moved for **APPROVAL** the contract with Jones Edmunds and Associates in the amount of \$6,480 for modifying and adding parcel and utilities data from Autocad to GIS system, seconded by Commissioner Blais.*

PASSED by unanimous vote, 5-0.

18. COMMITTEE REPORTS

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

Mayor Via stated the next WAV meeting will be Wednesday at 8:30 a.m. in the Votran Building. There is no MPO or VCOG meetings until the new year.

19. COMMUNICATIONS

A. City Manager

- **2nd Street Property status**
- **Surplus land for sale**

Mr. Forte discussed the 2nd Street property and gave an updated status. He stated he sent the Commissioners and the Mayor a memo that he withdrew that contract because the property is not going to meet the City's stormwater needs. The other item for discussion is the surplus land that's for sale. This is another stormwater project that the City did a couple of years ago, \$6.5 million worth of stormwater, when the City purchased those properties there was left over property. The previous City Commission asked him to surplus that property which staff did and then make a decision to sell the property. Staff sent it out to an appraiser and he has received two appraisals back and they are coming back at \$52,000 and \$58,000. He still is waiting for the other appraisals for the other properties. He asked the Commissioners and the Mayor how they would like to go about the selling of these properties. He mentioned how they normally would put them out for sealed bids but mentioned that they could have an auction on the front steps of City Hall in the spring and possibly get more money for them that way.

*There was **CONSENSUS** from the City Commission to auction off the sale of the properties in the spring out in the front of City Hall.*

MINUTES

Mr. Forte asked if the Commission would entertain a special meeting for Mr. Rainey's project on January 3, 2006 at 7:00 p.m. The next regular City Commission meeting on January 10th, Commissioner Penny will be out of town and Mr. Forte would prefer for a full Commission present for Mr. Rainey's project. The reason he is asking for the special meeting is because Mr. Rainey is dealing with lenders and the value of the loan dollars are going up; the percentage of the interest rate is going up and that in connection with the bank is losing faith in Mr. Rainey because the project is being delayed. So in a good faith effort to Mr. Rainey and because they have canceled the December 27th City Commission meeting, he would like to know if the Commission would entertain having a meeting on January 3rd.

*Commissioner Blais moved for **APPROVAL** for a special meeting to be held on January 3, 2006, seconded by Commissioner Penny.*

PASSED by unanimous vote, 5-0.

B. City Attorney

Merry Christmas and Happy New Year.

C. Mayor & Commissioners

Commissioners Blais and Reed wished everyone a Merry Christmas and Happy New Year.

Mayor Via asked about the voice vote and asked if the Commission would like to go back to the role call voting.

*There was **CONSENSUS** from the City Commission to go back to role call voting.*

Commissioner Penny mentioned about broadcasting the City Commission meetings on the Internet. He asked if they decided when they would workshop that?

Mr. Forte stated he did some research on the broadcasting.

*There was **CONSENSUS** to have a workshop on the broadcasting in February.*

Mayor Via stated he wants to workshop notifications as well in the future.

MINUTES

20. ADJOURNMENT

The meeting officially adjourned at approximately 10:55 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor