

MINUTES

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

February 13, 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 7:03 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, Assistant City Attorney Scott Simpson, Public Safety Director Don Shinnamon, Finance Director Kurt Swartzlander, Financial Technical Advisor Brenda Gubernator, Public Works Director/City Engineer Chris Hurst, Community Development Director/City Planner Doug Gutierrez, Human Resource Director Diane Cole, Building Official Tim Harbuck, Community Redevelopment Coordinator Marsha Radulovich, and City Clerk Valerie Manning.

B. Invocation

Mayor Via delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA

- Minutes from the Regular City Commission meeting – January 23, 2007
- Minutes from the City Commission Workshop – January 23, 2007
- Minutes from the Community Redevelopment Agency meeting – January 30, 2007
- On-line Vacant Job position(s) advertising – News-Journal
- Dump Truck Purchase – Public Works Department / Drainage
- Environmental Consultant to assist with obtaining Consumptive Use Permit (CUP)

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

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

4. AUDIENCE PARTICIPATION Regarding items not on the agenda.

Jim Schultz, 117 Harvard Drive, Daytona Beach, spoke briefly about fluoride and handed out some information to the Mayor and Commissioners.

Eddie Colosimo, Bikers for First Amendment Rights (B.F.F.A.R.), came before the City Commission to ask if they would direct the City Manager to have an agenda item placed on the Community Redevelopment Advisory Board to ask for some funding for the 2007 Bike Week parade.

Bill Arthur, 1140 Riverside Drive, spoke briefly and asked if the City Commission would consider not supporting Mr. Colosimo's request for any funding for the bike parade and disapproves of any bike parade on Riverside Drive.

Mr. Forte read his letter to the City Commission he sent to Mr. Colosimo pertaining to his request about the Police Department's help stopping traffic at each intersection to allow the parade to run continuously to the end at B.F.F.A.R.'s parking lot. Mr. Forte further mentions in his letter to Mr. Colosimo that allow the City Commission has not chosen to participate in the event, I have asked Chief Shinnamon to write an estimate of what the cost would be for B.F.F.A.R. to hire officers for the special detail. Once Mr. Forte receives this estimate, he will speak with the City Commission for direction. He will, of course, forward the information to Mr. Colosimo as well. *"I never once promised that we would do it. I said I would get an estimate and speak with my Commission."*

*Commissioner Penny made a motion **NOT TO APPROVE** the request for funding to be placed on the CRA agenda, seconded by Commissioner Blais.*

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

*Commissioner Reed made a motion to **APPROVE** the renting of the Police Department's officers to help at the intersections of Ridgewood Avenue (U.S. 1), seconded by Blais.*

The motion **CARRIED** 3-2 on roll call: Reed – Yes, Blais – Yes, Anderson – No, Penny – No, Mayor Via – No.

Roger Kosky, 608 Center Lane, mentioned that Mayor Via said earlier that people have the right to assemble in the parks, if Mr. Colosimo has the parade without having the traffic lights stop and obeys the traffic rules, Mr. Colosimo could still have the parade, correct?

Mayor Via stated, absolutely.

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5. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2789, AMENDMENT TO THE EXISTING MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) – CONSTRUCTION OF A MARINA

Mr. Simpson read by short title:

ORDINANCE NO. 2789

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA FOR THE FOURTH AMENDMENT TO ORDINANCE 2714, THE MARINA GRANDE RESIDENTIAL BASED MPUD (MIXED USE PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT, AS PREVIOUSLY AMENDED, TO SPECIFICALLY PERMIT THE CONSTRUCTION OF BOAT DOCKAGE FACILITIES AS AN ACCESSORY USE TO THE PRINCIPAL RESIDENTIAL USE, LIMITED TO 86 SLIPS 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.

Mayor Via opened public participation.

James Robinson, II, 1332 Riverside Drive, spoke briefly about the boat slips and received clarification from the City Commission and City Attorney Scott Simpson.

Mayor Via closed public participation.

*Commissioner Penny made a motion to **APPROVE** the Second Reading of Ordinance 2789, seconded by Commissioner Blais.*

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

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6. FIRST READING OF ORDINANCE 2790, AMENDMENT TO THE LAND USE AND DEVELOPMENT REGULATIONS – CORNER STREET SIDE YARD SETBACKS

Mr. Simpson read by short title:

ORDINANCE NO. 2790

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CHAPTER 78 GENERAL PROVISIONS AND CHAPTER 114. ZONING REGULATIONS, ADDING CORNER SIDE YARD SETBACKS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Doug Gutierrez, Community Development Director/City Planner, gave a brief report regarding the amendment to the land use and development regulations for corner street side yard setbacks.

Mayor Via opened public participation.

The following citizens spoke in opposition of the request: Dan Daugherty, 1682 Riverside Drive; Bill Arthur, 1140 Riverside Drive; Steve Smith, 1410 Riverside Drive.

Mayor Via closed public participation.

*Commissioner Penny made a motion to **DENY** the First Reading of Ordinance 2790, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Penny – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes (*Commissioner Reed filed FORM 8A – Memorandum of Voting Conflict for State Officers and it has been filed with the City Clerk – see attached*)

7. FIRST READING OF ORDINANCE 2791, BOAT SLIP ALLOCATION

Mr. Simpson read by short title:

ORDINANCE NO. 2791

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA CREATING A MECHANISM TO ALLOCATE MOTORIZED BOAT SLIPS FOR RIVERFRONT PROPERTIES AND PUBLIC USE; ESTABLISHING THE CITY'S RIGHT TO DESIGNATE PUBLIC PROJECTS TO SATISFY THE STATE REQUIREMENT OF NET POSITIVE PUBLIC BENEFIT FOR INCREASED PREEMPTED SOVEREIGN SUBMERGED LANDS; PROVIDING FOR THE CITY TO ESTABLISH IN THE FUTURE A FUNDING MECHANISM FOR CERTAIN WATER RELATED PROJECTS BY CHARGING FEES ON A PROPORTIONATE FAIR-SHARE BASES AMONG THE WATERFRONT PROPERTY OWNERS AND/OR BOAT SLIP OWNERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation.

James Robinson, II, 1332 Riverside Drive, spoke briefly about the boat slips and received clarification from the City Commission and City Attorney Scott Simpson.

Jim Legary, 342 Burleigh Avenue, spoke briefly about the boat slips. Attorney Simpson assured Mr. Legary that this Ordinance is to allow the City to make sure that we are involved in the decision making process of what qualifies as the net positive public benefit for the State to go forward and grant additional submerged land; that's what this Ordinance does.

Mayor Via closed public participation.

*Commissioner Blais made a motion to **APPROVE** the First Reading of Ordinance 2791, seconded by Commissioner Anderson.*

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

**8. FIRST READING OF ORDINANCE 2792, REZONING – 536 CENTER AVENUE
– APPLICANT: BEN BABAZADEH**

Mr. Simpson read by short title:

ORDINANCE NO. 2792

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 2.06 ACRES LOCATED AT 536 CENTER STREET TAX PARCEL ID 4244-01-20-0016 FROM R-2 (LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL) TO R-4A (ZERO LOT LINE SINGLE-FAMILY RESIDENTIAL) FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THIS PROPERTY; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Doug Gutierrez, Community Development Director/City Planner, gave a brief report pertaining to the rezoning request for 536 Center Avenue and the applicant, Mr. Babazadeh is proposing eleven town homes at this location. This request is consistent with the character of the surrounding properties and the proposed zoning is compatible with the adjoining uses.

Attorney Michael Woods, Cobb & Cole, 150 Magnolia Avenue, Daytona Beach, was here tonight representing the applicant Ben Babazadeh. Attorney Woods spoke briefly about the request for rezoning – from R-2 Single-Family Residential to R-4A Townhouse District. The applicant is proposing eleven town homes at 536 Center Avenue.

Mayor Via opened public participation.

Roger Kosky, 608 Center Lane, mentioned that his property is directly located to the south of this request. Mr. Kosky mentioned he is opposed to the way the request is being proposed tonight. Mr. Kosky is more in favor of a Planned Unit Development (PUD). He doesn't want to see town homes. He would rather see individually single family homes.

Tim Mostert, 643 – 6th Street, discussed his issue with Ash Street and the request for this rezoning. He is not in favor of the town homes but doesn't mind the single-family homes there.

Cindy Justice, 606 Center Lane, is opposed to the rezoning request for 536 Center Avenue. Ms. Justice has enjoyed and loves the quietness in that area and would like to see it stay that way.

Steve Smith, 1410 Riverside Drive, asked Mr. Gutierrez a question. Under the R-2 zoning, with that frontage, how many units can they build there?

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Mr. Gutierrez stated, seven.

James Robinson, II, 1332 Riverside Drive, spoke briefly. Mr. Robinson mentioned that it's been his experience that if they have a residential area and then they build a condominium there, it normally devalues the properties around that area.

Attorney Woods spoke briefly and wanted to emphasize to the Mayor and Commissioners that switching from the existing zoning to the proposed zoning, their height limitation remains the same and switching from the existing zoning to the proposed zoning, their setbacks are going to be the same as they apply to their neighboring properties.

Ben Babazadeh, the applicant, spoke briefly about his request for the rezoning. He wants to create something that holds the value and that it will be something desirable to live in.

Mayor Via closed public participation.

There was some discussion amongst the Mayor and City Commissioners at this time.

*Commissioner Reed made a motion to **DENY** the First Reading of Ordinance 2792, seconded by Commissioner Anderson.*

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

9. RESOLUTION 2007-R-03, SUPPORT OF THE FLORIDA LEGISLATION 2007 SESSION

Mr. Simpson read by short title:

RESOLUTION 2007-R-03

A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT CERTAIN ISSUES DURING THE 2007 LEGISLATIVE SESSION; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Blais made a motion to **APPROVE** Resolution 2007-R-03, seconded by Commissioner Anderson.*

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

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10. RESOLUTION 2007-R-04, EASTERN VOLUSIA REGIONAL WATER AUTHORITY (EVRWA)

Mr. Simpson read by short title:

RESOLUTION 2007-R-04

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT CREATING THE EASTERN VOLUSIA REGIONAL WATER AUTHORITY AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE SAID INTERLOCAL AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Blais made a motion to **APPROVE** Resolution 2007-R-04, seconded by Commissioner Penny.*

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

11. RESOLUTION 2007-R-05, RANKING LIST OF CONSULTANTS TO DEVELOP A MASTER PLAN FOR THE COMMUNITY REDEVELOPMENT AREA (CRA)

Mr. Simpson read by short title:

RESOLUTION 2007-R-05

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ESTABLISHING A RANKING LIST OF CONSULTANTS TO DEVELOP A MASTER PLAN FOR THE COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Reed made a motion to **APPROVE** Resolution 2007-R-05, seconded by Commissioner Anderson.*

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

12. COMMITTEE REPORTS

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

Commissioner Blais mentioned that the Collegiate Task Force Event Committee met and there will be a meeting in a couple of weeks for Bike Week. Black College Reunion (BCR) will be March 30-31, 2007.

Mayor Via mentioned that VCOG is involved with the Smart Growth Committee and they have met twice. The VLC dinner went well and the School Concurrency meeting went well and WAV is meeting next week.

13. COMMUNICATIONS

A. City Manager

Mr. Forte informed the Mayor and Commissioners that Janice Rising, who works over at Public Works, is retiring after 30 years with the City. Mr. Forte wanted to let the Mayor and Commissioners know that he defends this Commission and that he is emotional about it, he follows the Commissioners direction and he put forth tonight the direction he was given at the workshop pertaining to the bike parade. Mr. Colosimo jeopardized my integrity and for the eight years that I've been in this position as City Manager, I don't think I have ever lied or misrepresented myself and I wanted to make sure that was clear.

Mayor Via mentioned that he has never questioned Mr. Forte's integrity and for Mr. Colosimo to do it...I didn't think twice about it but in public, Mr. Forte is correct in having the defense be requested. Mayor Via apologized to Mr. Forte if he was remiss in any defense of Mr. Forte.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Penny thanked the Chamber of Commerce for hosting the Health and Wellness Expo at Sica Hall today. The event was very well attended. Commissioner Penny mentioned that he is on the School Advisory Committee for Holly Hill Elementary and Holly Hill Middle School and spoke briefly about the mentoring program in Volusia County and they are trying to institute it here in Holly Hill Elementary School and if anyone wants to sign up to get in touch with him. Commissioner Penny will get some more information and get back with Mr. Forte.

Commissioner Blais mentioned on February 24th there is a Legislative issue at the Indigo Professional Center on Saturday which he will be attending.

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Mayor Via mentioned on Wednesday, February 28th there will be a property tax meeting at the Advance Technology Center on Williamson Boulevard in Daytona Beach with Senator Evelyn Lynn. Mayor Via asked for support from the Commission about getting a plaque made for the park over on 10th Street in memory of Milton Hallman.

*Commissioner Reed made a motion to **APPROVE** getting a plaque made in memory of Milton Hallman for the park on 10th Street, seconded by Commissioner Anderson.*

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

14. ADJOURNMENT

The meeting officially adjourned at approximately 10:20 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor