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

FEBRUARY 22, 2005

1. CALL TO ORDER

A. Roll Call

Mayor Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Butch Simpson, Public Works Director Milton Hallman, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, and City Clerk Valerie Manning.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur read a Certificate of Completion to Commissioner Blais from the Florida Institute of Government for Elected Municipal Officials. He then showed the Commissioners a plaque from the Historic Society for selected homes and historic buildings to be placed up at certain historic homes around the City.

3. CONSENT AGENDA

Minutes of Regular Commission Meeting – February 8, 2005

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, Byrnes – Yes, Blais – Yes, Mayor Arthur – Yes.

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

Commissioner Via stated the WAV met and Debra Green gave a presentation on conservation and some of the programs that they have going on. One of the desires of the people there is to come up with monies to be able to buy everything from low flow toilets to showerheads and all kinds of other things that will conserve water. One concern that they had is that they will be involved in an audit process where they have an independent auditor which will come here to examine all of their municipal and public irrigation facilities and once they identify what those problems are, the City is to correct those within a two year period. He placed an objection on that subject because it's no telling what city houses how many problems and how deep and by the time this is done, they are already into another budget cycle and it takes time sometimes to get these things correct. The next WAV meeting is March 16 at the Votran Building on Beville Road.

Commissioner Byrnes had no report.

Commissioner Blais stated in regards to special events in Daytona Beach, on February 15 the Mayor of Daytona Beach was at the Race Track and they had a kick-off for NASCAR's big project in order to get the Hall of Fame in this particular area. Commissioner Via talked to Bill France and he told Commissioner Via that they were looking into the possibility to have four Hall of Fame's around the Country. On February 16 he attended a City Commission meeting in Daytona Beach at City Hall regarding the special event calendar for 2005 in that particular city and anything that happens in Daytona regarding special events, this City has what's called the spin off to come to this City. On February 21, the Collegiate Task Force has a new program for bikers in the Daytona Beach area, "No Wake Zone", which hopefully will direct the bikers to stay away or off the residential areas and they have a slogan that says, "You're Back; We're Glad." He has two extra signs to see if they can put them out in front of City Hall. On March 1 he will be attending Daytona's seminar on how to be an ambassador to the Daytona Beach area in regards to handling rowdy people or people that forget them when they come to Daytona. Again, the theme is, "It's All About Respect."

Mayor Arthur stated they had a very interesting meeting at the MPO today. He asked once again for DOT, now that it's finished on Nova Road, to please slow it down into the Holly Hill area. It's fast all around that area and then they get near shopping centers and its five miles an hour faster. The Bee Line Expressway name has been changed to something like Beach Line Expressway. The other thing is that the Commission has to get together for a workshop on what they really want done with LPGA, from U.S. 1 to Nova Road. It's slated for four lanes; probably it won't happen and he personally doesn't want it to happen but they need to workshop that because it's time now to let DOT know what the City wants and they will be contacting the City.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Gena Plante stated Riverside National Bank does Hometown Hero's. At this time she called Penny Curry from the Holly Hill Police Explores up to present her with an award.

Charles Perdue, 716 Walker Street, stated she was here regarding the three houses that are being constructed on Unabelle Avenue behind her property. She stated that she came down to the City and talked to them about it. The City has raised that property up to where it is a foot in a half to two feet higher than her property. Her concern is that she doesn't want her house to flood out. She was told that there is nothing that she can do about it but she feels there is no consideration for the people who are already living in the area. She stated that she has a wall of dirt in her back yard and if it floods like it did from the hurricanes, she is going to lose everything she owns. The area that she is talking about was zoned for two houses and somehow or another there is going to be three houses there. There is no drainage there and the drainage area is going to be her backyard for the houses that are being built.

Mayor Arthur stated the will look further into that situation for Ms. Perdue. He then stated to go back for a minute, is the Commissioners in favor of sending a letter to DOT on Nova Road to put it at the same speed limit as the rest? Right now it's 50 mph and everywhere else it's 45 mph.

Commissioner Blais stated it should be uniformed at 45 mph.

Mayor Arthur asked if Joe could send DOT a letter regarding the reduced speed limit.

Maureen Monahan, 215-5th Street, stated she wanted to ask the Commission what the City's position is on rezoning property after the property has been purchased.

Mayor Arthur stated it goes to Planning and Zoning. Anybody can come and try and rezone anytime they want to.

Ms. Monahan stated she heard a rather disturbing rumor that there may be some several story rental apartments planning on being built in a historic home area near the river and she is concerned about that.

Mayor Arthur stated he hasn't heard a word about any of that.

Ms. Monahan stated it's a projected purchase of a property with the intention of trying to get a rezoning afterwards which is why she raised the question about what type of area is that zoned for.

Mayor Arthur stated what she has is an incredible rumor. They haven't heard anything like that happening.

Ms. Monahan stated it's been running around for a few months and she got this information from a rather reliable source.

Mr. Forte stated he tries not to operate under rumors. He doesn't know anything about this.

Ms. Monahan stated there's a lot of people very upset that people can just go and purchase property and then get it rezoned after it's purchased and it is a big concern of quite a few of the people that have been calling her.

Mr. Forte stated if she could tell him what it is, he can confirm or deny if such a thing is taken place.

Ms. Monahan stated he may not even know yet that this is going to happen.

Mr. Forte stated if he doesn't know then it is a rumor. Anyone can come in and rezone before or after property is bought or sold. They can make a *request* to have it rezoned.

6. RESOLUTION 2005-07, HEARTLAND PAYMENT SYSTEMS CREDIT CARD PROCESSING AGREEMENT

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-07

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH HEARTLAND PAYMENT SYSTEMS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-07, seconded by Commissioner Blais.*

Commissioner Byrnes stated he was looking but he couldn't quite determine what their actual bottom line percentage was.

Mr. Forte stated every time they use a credit card, it's going to cost the City money to participate in that credit card program. Debi Gutierrez is here representing Heartland Payment Systems and could possibly answer some questions.

Debi Gutierrez, Relationship Manager representing Heartland Payment Systems, stated the way they do pricing is called Cost Plus Pricing which is the best pricing for the City depending on the type of card that they are taking in, that's the rate that the City will get. Governments get a little bit better deal than other businesses with emerging market rates at least on the Visa side. With Mastercard they give them a break in a merging market on the check card rates but not the regular merit three which is swiped Mastercard. At this time she went over the spreadsheet for the Mayor and Commissioners.

Commissioner Byrnes asked if nobody next month pays with a credit card, how much does the City pay?

Ms. Gutierrez stated a ten dollar statement fee.

Commissioner Schmitt asked if her company was the only company that does this?

Ms. Gutierrez stated some of the other processors do it or are starting to do it but they are ahead of the game a little bit. All of her customers are on Cost Plus Pricing.

Mayor Arthur asked how long is the contract for?

Ms. Gutierrez stated it's for three years and there is no cancellation fee and that's part of the addendum.

Mayor Arthur stated he thinks they did a fine job and this will benefit everybody.

Commissioner Blais asked if there was any city within this area that has a similar contract.

Ms. Gutierrez stated not yet but now that she has some addendums in place for this City, she will use them to piggyback on some other cities.

Commissioner Via asked is this good for any type of City payment or is it going to be delegated to the Water Utility Department?

Ms. Gubernator stated it's good for any type of payment.

Commissioner Via asked including recreation fee payments?

Mr. Forte stated any payment to the City can be done through credit card. If they are going to the recreation department where there is not a machine, Judy Hutchinson would call the Utility Billing Department and she would phone the process in and it would be paid for that way.

Ms. Gubernator stated they do plan to install a machine in two to three months at the recreation department.

Commissioner Schmitt asked if staff was satisfied with what this company has presented to them?

Ms. Gubernator stated yes. Ms. Gutierrez has been very good with staff in explaining the whole process and they will be able to work with her directly as a representative of the processing company rather than going through the bank who does use another processing company.

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

7. RESOLUTION 2005-08, VOLUSIA COUNTY LOCAL MITIGATION STRATEGY

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-08

A RESOLUTION BY THE CITY OF HOLLY HILL, FLORIDA SUPPORTING THE UPDATED VOLUSIA COUNTY LOCAL MITIGATION STRATEGY (LMS); AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *Resolution 2005-R-08, seconded by Commissioner Blais.*

Commissioner Byrnes stated in something like this, when they are talking about FEMA and the money they owe the City, whenever he thinks about mitigation it's some way for somebody to pay less than what they think they owe us. Is that likely to happen here?

Mr. Forte stated he is not sure what he is asking.

Commissioner Byrnes stated it says the LMS update has been submitted to FDEM and FEMA. This is not for litigation for the hurricane payments?

Mr. Forte stated, no. About eight years ago or more, the City started this Local Mitigation Strategy and they went around and they surveyed the City for items that some day in the future should this pot of wish money become available, here are some mitigation items that they would take care of. For example lift stations, and protecting City Hall as an EOC. As time has gone on, money is starting to become available so now they have to have a Resolution formally announcing the City's activities in the LMS.

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

8. FIRST READING OF ORDINANCE 2718, ADMINISTRATIVE REVISIONS TO THE B-3 ZONING DISTRICT

Mr. Simpson read by short title:

ORDINANCE NO. 2718

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 114 (ZONING), OF THE CODE OF ORDINANCES, CITY OF HOLLY HILL, FLORIDA; REVISING ARTICLE II, DIVISION 6, B-3 NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Bob Keeth, City Planner, stated this is an administrative action which was presented by staff for their consideration. This amends the B-3 Neighborhood Commercial District. It was initiated by Doug Kneller who owns some B-3 property and he had asked the City to consider adding some additional uses and staff looked at those uses and thought that they were in line with what the purpose and intent of a B-3 zoning district is. When staff considered the classification further, they decided it was time to consider a comprehensive review and update. The first thing that has changed about the B-3 classification is the purpose and intent. The purpose and intent of a B-3 Neighborhood District is to provide for the needs of the residents of the immediate vicinity and to that staff has added *emphasizing the sale of convenience goods and services that are needed on a frequent basis.* In Section 114-413, permitted uses, they have added Items 7-14. In Item #14, this is something that they have in several other zoning classifications which would allow the City Manager, Development Regulations Administrator, and City Planner to jointly add a permitted use if it's clearly consistent with the purpose and intent of the district. They've specifically identified two more uses that should be prohibited and those are found in Section 114-414 and those include *automobile service stations and motor vehicle sales and rentals.* These were not permitted before but staff specifically identified them as prohibited uses so that there wouldn't be any confusion about that. In Section 114-415, staff added as an accessory use *one single-family residential dwelling unit over or to the rear of a first-story permitted principal use.* The idea behind this is that if there is a resident on a business premise the business owner is going to be held responsible for maintaining a business in a manner that is compatible with the residents on that property. The presence of a resident on the property would also provide for some security after hours. In Section 114-416, staff consolidated several of the special exceptions that were already permitted into one general classification which included *antique shops, arts and crafts shops, frame shops, bookstores, bait and tackle shops, low-intensity neighborhood-compatible specialty retail establishments, and banquet facilities.* These would be subject to review and approval by the City Commission and would be subject to the imposition of special terms and conditions which they would find appropriate to keep the use compatible with the neighborhood. In Sections 114-420 and 114-440, staff has added a maximum zoning district size and that would be *three (3) acres* and the purpose of this is to ensure that no neighborhood commercial district grows to the point that it becomes a real imposition in a residential area. Currently, the City has ten separate neighborhood commercial districts scattered throughout the City. He believes seven of them are located along Center Avenue and two of them are on Flomich Avenue and the final one is located on Riverside Drive just North of LPGA. These changes would potentially affect all of those districts. Anyone with B-3 zoned property would be entitled to apply for a use that's listed here as a special exception subject to approval by the City Commission or they would be able to establish one of the permitted uses without any further approval by the City other than site plan review. This proposal was submitted to the Planning Board with some minor revisions and they did recommend it and they're recommendation is present it to the City Commission.

Mayor Arthur stated as far as he is concerned the business that's been there a *long* time had no business being there, to him, didn't fit the neighborhood or what it should have been, was that screened business. In this rezoning is that kind of business being eliminated or will that still be permitted?

Mr. Keeth stated the screen business, as he understood the regulations prior to this change, would not have been permitted and it would not be permitted under the proposed change. It exists now as a nonconforming use meaning it was established before the regulations went into effect and if it was abandoned for a period of six months it could not then be reestablished.

Mayor Arthur stated this really did need some work. It looked like to him that whatever came in, came before the City Commission and they say, "Okay, that can go", and so that was added to the list and there's only three or four things that can go there and those are the ones that are there now.

Commissioner Byrnes stated he has a major problem with number fourteen in Section 114-413. *"Their decision may be appealed to the Board of Planning and Appeals whose decision shall be final."* He doesn't want to have to sit here as the elected official and tell a room full of people, "Well, I'm sorry but the Board of Planning and Appeals voted for that and I can't do anything for you." The City Commission should be the ones who get the final say of that decision. He doesn't like the whole idea of having that open ended, "Well, we'll add something if we want." He would like to eliminate number fourteen completely and let them go through the special exception route if they want to do something that's not in there or let them come in and ask for an Ordinance change if it's not in there.

Mr. Forte stated he doesn't know Commissioner if he wants to eliminate all of number fourteen. Number fourteen actually works administratively for staff and he knows Tim Harbuck likes having that language in there. They do have it in the CC-1 and a couple of the other ones. This allows staff the ability that if something is not going to be conducive to the area, they kind of push the envelope a little bit and they discourage those types of businesses from coming in to the area. If they want to remove the part where the Board of Planning and Appeals has the final decision, he is okay with that but he doesn't think they should eliminate that whole item.

Mr. Keeth stated the issue that Ms. Monahan raised was a legislative matter. The Ordinance now provides for the Building and Zoning Department, Tim Harbuck, to decide whether a proposed use fits within one of the existing categories. If someone doesn't like his decision under the current Code, they must appeal that decision to the Board of Planning and Appeals. That's their job spelled out in the Code. Where someone proposes a use that Mr. Harbuck determines clearly would not fit under any of the existing listed permitted uses but still might be consistent with the purpose and intent then this would allow him to take it to either the City Planner or the City Manager and they can jointly make that decision as to whether or not it is consistent with the purpose and intent.

Mayor Arthur stated he thinks this Commission and himself should be the ones to make that decision.

Commissioner Via stated he understands Mr. Forte's intent of this administratively; it's protection to do that but in the end, the buck stops here.

Mr. Keeth stated if they strike this provision, someone would still have the option of applying for a special exception for a low-intensity neighborhood-compatible specialty retail establishment and that takes in a lot and that would be the City Commission's decision.

Commissioner Byrnes stated that's the way he sees it. The final decision should stop here with the City Commission and the Mayor. In Section 114-416, numbers 5-9, Mr. Keeth is not saying that those are prohibited just that they would fall under one of those other categories?

Mr. Keeth stated it was his intent to have those grouped under that new heading, *low-intensity neighborhood-compatible specialty retail establishments* rather than naming very specific uses.

Mr. Forte stated one apartment above each permitted use, each business use, is the direction they should be going in. For each principal use they can have one apartment.

Mayor Arthur stated he knows of two businesses that actually have houses behind it that's part of the business, that are rental houses. He doesn't know how many people live in those houses but they are a rather good size.

Mr. Forte stated he doesn't believe they are in the B-3 district. Only the section that Doug Kneller owns and a small section of the other part in the front but the rear of that is not B-3 zoned. He believes it is R-3 zoned.

Commissioner Via stated in those B-3 locations, if they are allowing it above, they are saying that in a residential neighborhood, they are allowing a two-story building with apartments. His question is, is that what they foresee in these convenience business-type applications?

Commissioner Byrnes stated he and Commissioner Via have a different point of view. He sees this as exactly what they call it, "*a neighborhood business*." The kind of business that somebody would normally want to live over their business.

Commissioner Via stated they always have to consider if someone would come before the Commission to change a zoning to a B-3 and that part of their business perspective is income property from the apartments above it. That's the consideration.

Commissioner Byrnes stated "Mr. Forte, you were showing some pictures of an area down South where they had a walkable neighborhood, would you envision a B-3 zoning for that kind of neighborhood or would you see a different zoning?"

Mr. Forte stated that was a three-story building with retail on the bottom, a business office on the second floor and apartments on the third floor.

Commissioner Byrnes stated okay because that's what he is envisioning.

Mr. Keeth stated they do now have a mixed-use PUD which would accommodate that type of development.

Commissioner Via stated he has no problem on thoroughfares of encouraging businesses in the storefront and living above it. What he is talking about is B-3 is designed that they have certain enclaves within their current residential areas. They are doing this for the convenience of the business of the neighborhood but this could be used to put in four stores and four apartments. This is a way for them to get an apartment building into that particular area.

Mr. Forte stated that's okay because it's residential.

Commissioner Via stated yes, but *multi-family* residential and they are allowing the businesses there which already impacts the neighborhood but now they are going to allow multi-family residence on top of it. He is not saying that he is totally against that. He likes the idea of density but at the same time he doesn't know if that's what they envision and that's another reason for taking number fourteen out of Section 114-413 because this will give them good public input.

Mr. Keeth stated may he suggest that they allow one residential unit for the first business and one additional residential unit for each additional 10,000 square feet of lot area so that they maintain a density here that's comparable to the surrounding neighborhood.

Commissioner Via stated he agrees with that because of the density that's there.

Doug Kneller, 555 Ballough Road, stated the intent of this administrative rezoning is just not for one property. If they look at all the B-3 zones, they are all run down and they will always be that way unless they get the zoning comprehensive to neighborhood uses. At this time he showed the Mayor and the Commissioners a sketch of what his building will soon be looking like. In Section 114-416, wouldn't mind that saying *low-intensity neighborhood-compatible specialty retail sales and services.* That shouldn't be limited to retail. If it's compatible in a neighborhood use, if this Commission approves it, it should be allowed there. They shouldn't only be limited to come in with a compatible retail use as a special exception. He then stated that Holly Hill doesn't have one nice restaurant in the entire City. There is a very small restaurant, 75 seats, that's only 75 people. Restaurants are designed today with internal venting which means there is no smell that goes to the outside. With the 75 seat restaurant, with ten employees, they would only need thirty parking spaces. There is a way to get a high-end, nice restaurant in a neighborhood area. The intent of his building is to have a restaurant on the bottom and his office upstairs. That's his intent depending on what happens here tonight. He wants to see these B-3 zones look nice. He wants to see them attracting people walking somewhere.

Mr. Forte stated number fourteen in Section 114-413 gives the staff the ability to approve a business that would fit in that area. They do it all the time in all of the other zonings. It's going to become very business unfriendly if someone comes in that has a business that makes sense and staff says it doesn't specifically say they can put that business here so they would have to go to Planning and Zoning and pay money and then go to the City Commission to get approval for something that makes sense and should be there.

Mayor Arthur stated his thinking is that if it makes sense it should be there.

Mr. Forte stated but they can't list *everything* like Bob has said earlier. They can't list every business within the City.

Ms. Monahan stated they seem to be focusing on the Riverside Drive area. She said earlier that she heard rumors but now they are saying that it will eventually grow into something else. The question is whether or not is the final decision going to rest with the City Commission which is where it should be. If it goes to the Board of Planning and Appeals for final decision she feels that gives them too much authority. The City Commission ultimately makes the decisions for the City.

Mr. Forte stated he is just trying to make the process as smooth as possible. To have somebody come in and say they want to put a law office in this building, he would have to say no and send them to the Board of Planning and Appeals and the City Commission to get approval.

Ms. Monahan stated she understands they can't list every business.

Mayor Arthur stated the only thing that he is asking different, instead of them having staff, if they need a special meeting they can call one and it doesn't have to go through Planning and Zoning. If staff can make that decision, the Commission should be able to make that decision.

Mr. Forte stated they're talking about an appeal.

Mayor Arthur asked how can staff make a decision and the City Commission cannot? If the City Commission makes it, it has to go through Planning and Zoning and if staff makes it, it's fine?

Mr. Forte stated, no. What he is saying is, something that would generally be permitted, staff should have the ability to allow it but something that is going to be obscure that is not going to fit and this developer comes in and says he insists that it be here then he has the ability to say they can appeal through the Board of Planning and Appeals and/or the City Commission. He doesn't make that final decision.

Mayor Arthur asked why can't the Commission make that same decision?

Mr. Forte stated because that's what the Commission has tasked the Planning and Zoning Board to do. If they delete *whose decision should be final,* just delete that phrase, then when they go to Planning and Zoning then it would come to the City Commission for a final decision.

Commissioner Via stated if there's going to be any question about the compatibility with a neighborhood, they have to make it a public process and give them plenty of time for their input and they have to have total buy-in. It's the public that really makes the decision and this gives them public process to do that.

Mr. Forte stated this is not the direction they should be going in.

Commissioner Via stated not only do they get input from staff but when it affects the neighborhood they need input from the public too.

Mayor Arthur stated they *cannot* do that. Every time a store changes hands and then the Commission goes to the public and ask them if they like this person or not, they won't ever get anything done here in the City. Public input is great but the final decision does not rest with them. He doesn't want a public vote. They would never get anything done! He doesn't want anything to do with that. That is the Mayor and City Commission's job.

Mr. Simpson stated they are creating a *law* in this Ordinance. If they don't give the City Manager and staff authority as he is requesting in number fourteen, Section 114-413 then the only way they can change what's in this Ordinance is by another ordinance. They would amend the ordinance to do that. They would have to create whatever mechanism they want to use in the body of the ordinance itself. Joe had suggested and he guesses Bob agrees with him, this is one way to do it, the City Commission has the authority to *add* items to this list by Resolution and he has seen that done so they wouldn't have to amend the ordinance. Every two weeks here's a resolution that they want to add these items to the list of permitted uses. They would vote on it every two weeks; it would be a routine standard matter that would be on their Agenda. That is closer to what the Commission wants but they don't have to do an ordinance every time they get ready to add something to the list. He is not sure if this though will address what Joe wants because it may create some problems for him, administratively, but it's going to give the Commission and the public the opportunity to see what they are doing which is adding by resolution without the necessity of going through ordinance amendment process.

Mr. Keeth stated he thinks they need to look at that a little more carefully. He thinks there is some language in Chapter 166 regarding adopting of ordinances, it says *where you change the list of permitted uses or special exceptions it shall be by ordinance and it shall be adopted in accordance with these procedures.* As they propose to change the list by resolution that seems to be in conflict with that Statute.

Mr. Simpson stated unless it's authorized in the ordinance. That's the thing that may protect it but they can look at it and see. They probably can't do anything with this tonight.

Commissioner Byrnes stated they can vote on first reading and have staff come back to them with an amendment at second reading.

*Commissioner Byrnes moved to **APPROVE** First Reading of Ordinance 2718, seconded by Commissioner Schmitt.*

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

9. SECOND READING OF ORDINANCE 2717, PORTABLE STORAGE UNITS

Mr. Simpson read by short title:

ORDINANCE NO. 2717

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING SECTION 114-744 IF THE HOLLY HILL CODE OF ORDINANCES REGULATING PORTABLE STORAGE UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** the Second Reading of Ordinance 2717, seconded by Commissioner Schmitt.*

Commissioner Via stated Section 1 number three, time limitation. First of all, he had been on record saying that he doesn't think that they need this Ordinance. He doesn't think they have a POD problem. He understood that they were going to allow 30 days and that Tim Harbuck would be able to grant a 30 day extension and if it went beyond 60 days it would come back to this Commission.

Mr. Forte stated 30 days and then 30 days back to the Commission on a hardship.

Commissioner Via stated no because of mitigating circumstances, as he said at the last meeting.

Commissioner Byrnes stated he thinks somebody just missed the part about Mr. Harbuck being able to grant a 30 day extension.

Commissioner Via stated what he had intended, they have 30 days and Mr. Harbuck has the ability to grant the extra 30 days up to 60 and if it's going to be beyond 60 days that it would have to come back to the City Commission.

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

10. PEPSI CONTRACT – RENEWAL

Mayor Arthur stated he was asked to pull that item because they haven't gotten everything settled.

11. REHABILITATION OF EXTERIOR WALLS – SICA HALL

Mr. Forte stated they had come back some time ago because they didn't receive any bids for the rehab of the exterior of SICA Hall and Milt Hallman was directed to negotiate with some contractors and he is proposing an exterior renovation in the amount of $35,887 for siding on the exterior that will help cover up the cracks and the shifting that's in the building which would leave them with a balance of about $68,113 that they would use for the resurfacing and the landscaping which would probably come back to the Commission at sometime in the near future.

*Commissioner Schmitt moved to **APPROVE** awarding the contract with Janan Exteriors for vinyl siding for the exterior of SICA Hall in the amount of $35,887, seconded by Commissioner Via.*

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

12. DISCUSSION ITEM – HOLLY FOREST NEIGHBORHOOD PARK

Mr. Forte stated after the last Commission meeting he was directed to meet with Scott Provost, the Executive Vice President of Sun Communities that represents the ownership of Holly Forest Estates. Although Mr. Provost thinks that the idea of the park would be a nice asset to the community he does think that they should take into consideration the over 300 signatures to a petition of the residents who opposed it and he had asked him to offer a recommendation of withdrawing the footbridge from the project. Thereby, it would probably eliminate the City's qualification for the ECHO grant.

Commissioner Byrnes stated he would like to see if they could salvage some of that grant. He doesn't want to deny the grant just the bridge.

Arthur Dezatel, Lot 8 in Holly Forest, stated Commissioners, he believes you all are doing a good thing and because of a few people this isn't going to go through. They were going to have a nice footbridge leading to a beautiful park. He wishes the Commission would reconsider the footbridge.

Mayor Arthur stated with some kind of control, he doesn't believe that Arthur Dezatel is going to get the bridge. Whatever the other residents did, they got more people on their side. He personally is a little disgusted of it because it doesn't have to do with them. It has to do with everybody in their City and working as a partner. This was an idea for the City to get money to beautify a lot of things and there's not a single person that sits on this Commission that would do anything to purposely hurt anything or anyone. He thought the Commission and himself could have answered all of the residents' questions and concerns and done something about it and gotten the money and he feels the residents should have been a little more understanding of the rest of the community. He thinks the residents that didn't want this did their job well but he just doesn't think that it was fair for the rest of the community. There is not a single person who sat on this Commission that doesn't care about Holly Forest and this Commission has always done everything but the second the Commission asks for something, that they may be able to help other communities, Holly Forest wasn't there to help the Commission. The City would have taken care of any of the questions and/or concerns and he would have liked to try the bridge out and if it didn't work, take the bridge down and at the worst, pay for it but at the best, maybe not have to pay back the money they would have gotten. The residents of Holly Forest won this but he is not happy with this. He doesn't believe that they took the rest of the community in mind when they decided against this. He loves them all. He has met with them. He doesn't have any problems with any of them. It's just that he knows the Commission would have taken care of them.

Commissioner Byrnes stated he thinks these people did what is the ultimate in neighborhood democracy. They came and told the Commission what they wanted and what they didn't want and that's what the Commission is supposed to respond to.

Mayor Arthur stated they are responding. He believes they should have thought more of the rest of the community as well as the Commission.

Kitty Michael, Holly Forest resident, stated they voted the Commission in. They don't mind them putting in a pond and the nice little park, they just don't want the bridge. "We are all senior citizens and we want our protection."

Mayor Arthur stated and the City could have given that to them.

Gary Montie, 1000 Walker Street, #6, stated he got wind of this bridge a couple of months ago and he doesn't know a lot about it and so he went out to find out some things about it because he was hearing a lot of rumors. He hears tonight that the Commission is rather compassionate to the neighborhoods. This is not only a neighborhood this is a community of over 400 people. Over 300 people who signed against the bridge which would severely impact their community.

Ann Anderson, 1000 Walker Street, #31, stated she takes offence that the Mayor said the residents had let him down.

Mayor Arthur stated no, that they didn't have confidence in the Commission.

Ms. Anderson stated she heard that there was a town meeting in the Holly Forest community led by Commissioner Schmitt. She feels this is a conflict of interest for him being on the Commission and talking about the bridge. Maybe they were led astray that the community wanted this bridge.

Mayor Arthur stated he was never told that they didn't until they came out last week at the Commission meeting.

Commissioner Schmitt stated this was brought up to them at the Town Hall meeting when he introduced the Swerdlow Project for the Marina Grande to the people of Holly Forest and it was a packed club house and during his talk he also told the people of various things that were going to be going on in the City and one of which was the park and the bridge. The only objection then was the access to the park.

Mayor Arthur stated the residents did what they wanted to do. It doesn't go on their property so it really didn't have to be brought up whatsoever with the residents. He is not going to vote to have the bridge because they have so many people who don't want it.

Commissioner Via stated staff recommended that they not move forward with the bridge project. What motion do they need to withdraw that part?

Mr. Forte stated they need to understand that the *only* reason they were funded for ECHO on this is because they were able to show that the recreation park would be used by people living in Holly Forest and the bridge was inserted to show that's where the participation would be. Without the bridge, it eliminates the participation and if they notify ECHO that they are not going to put in the bridge, he believes that they will be denied the remainder of the grant.

Commissioner Byrnes stated if they go back to ECHO with an explanation that the residents of Holly Forest did not want that direct access but that they are still going to use the park then ECHO may decide "okay." He doesn't want the motion to say "throw out the grant." It should say they are not going to build the bridge and that's it.

Commissioner Via stated he has no problem with that. His motion will be to withdraw the bridge component from the project.

*Commissioner Via moved to make a **MOTION** to withdraw the bridge component from the project, seconded by Commissioner Byrnes.*

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

13. COMMUNICATIONS

A. City Manager

Mr. Forte stated he spoke to each of the Commissioners about the Armed Forces Day and that Barbara Sandberg was interested in doing another Armed Forces Day at the park that the Commission had dedicated to her mother at Wait Park and he wanted to find out from the Commission what position they want the City to take on that. Whether they want the City to participate at the same level as they did last year and let her put it on at her own expense and the Commission attends as invitees.

*There was a **CONSENSUS** from the Commission not to participate for various reasons and the City Manager will write a letter to Ms. Sandberg.*

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Blais stated on February 19 between the hours of 10:00 p.m. and 4:00 a.m. he was an observant in the shift commanders police vehicle by checking the traffic in their fair cities and it was very quite this year and it surprised him. There is a certain Hotel at the South end of Ridgewood Avenue that is not giving the City a good name. They are price gauging down there. He thinks they need to change their image in Holly Hill and he thinks they need somebody from the City or staff to go to these motel managers and say, "Hey, clean up your act!"

Commissioner Schmitt stated they just recently closed out on the Blue Tide Apartments and Swerdlow owns them now but all the residents have gotten a letter that they are on a month-to-month rental lease.

Commissioner Via stated baseball tryout for all age groups will be this Saturday in Holly Land Park starting at 10:00 a.m. Speaking of baseball, they have one of the top college baseball teams in America, Florida State University Seminoles who play this evening at 7:00 p.m. against Stetson University in DeLand. This Friday there is a Habitat for Humanity for the Lee Family on Marion Street off of U.S. 1 and Bellevue Road. He is very proud that the City of Holly Hill has *firsts* compared to other cities and of course the first Sonic Drive-In Restaurant on this side of the County and another first will be the Wal-Mart Grocery Store.

Commissioner Byrnes stated he was a little upset about the article that came out listing the tickets from the various organizations. The City of Holly Hill should be at the top of that list when they have people running red lights in this town and other people injured and almost killed. Until the red light running stops, the City needs to ticket *every* single person.

Chief Shinnamon stated he shared with Joe recently, since the City is now dispatched by the Sheriff's Office, they have a true CAD system that captures all our data. Traffic stops or traffic enforcement is the top activity every month usually about 175 or so for traffic stops but what they've also found is that what they thought was their call for service workload is under reported by about 65%. Last year they reported about 13,000 calls for service and this year he thinks they are going to find its up around 23,000. Frankly, our Officers, they have a minimum of staffing of two patrol officers and even at that their biggest call, the most frequently reported activity for a police officer is traffic stops.

Commissioner Blais stated at one time when he was Sergeant he decided to have a ticket blizzard in Holly Hill and he took all the calls and there was one patrolman who worked radar and worked traffic. That was 104 tickets in one month. Ten years later the same thing, 400 tickets. Let's face it, they have been stretching the Police Department for years!

Mayor Arthur mentioned the pot holes on Riverside Drive and wanted to know how things were coming along with patching them up. Mr. Hallman stated that the City is only responsible for two that are out there and the County has the rest of them.

14. ADJOURNMENT

The meeting officially adjourned at approximately 9:45 p.m.

Attest:	City of Holly Hill, Florida
______________________________	______________________________
Valerie Manning	William D. Arthur
City Clerk	Mayor