

MINUTES

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

MARCH 14, 2006

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 7:13 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, Attorney Kit Corey (sitting in for City Attorney Butch Simpson), City Engineer Chris Hurst, Public Safety Director Don Shinnamon, Community Development Director/Planner Doug Gutierrez, Finance Director Brenda Gubernator, 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 City Commission Workshop – February 14, 2006
- Minutes from the Regular City Commission meeting – February 28, 2006
- Minutes from the City Commission Workshop – February 28, 2006
- **Report of Purchases over \$5,000**
 *Volusia County – \$8,958.65

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

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

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Gary Demianycz, 755 Parque Drive, gave the Mayor and Commissioners a handout regarding rental properties located on 767, 771, and 775 Parque Drive. Mr. Demianycz further stated that over two years ago he filed a written complaint with the City of Holly Hill concerning severely substandard rental property owned by a Harold Eberle. Mr. Eberle was operating his rental properties with no occupational licenses required by the City. Mr. Demianycz stated when he complained the City sent out their inspectors and as they can see from the inspection sheet this is what they found located at 775 Parque Drive. Mr. Demianycz said that the City did absolutely nothing with this inspection. This property was occupied by two individuals at the time. Three months later one of the occupants bought the property and continued to live in it under these conditions. Mr. Demianycz stated in July 2005 he filed a complaint with the City Manager outlining the severe harsh standards out there. Mr. Forte referred it to Mr. Buchanan and Mr. Harbuck and that's when he received a letter from both of them. The property at 775 Parque Drive was supposed to be demolished in November 2005 and currently this structure is occupied by two people. He wants to know why this structure was not condemned and why are two people allowed to continue living in this structure and when is the City going to take some action?

Mayor Via asked Mr. Forte if he was familiar with this.

Mr. Forte stated, yes. He knows that one of the structures came down and that was the house located at 774 Parque Drive. These are houses that the City annexed in. These are manufactured trailers that are on that property. The City was successful in getting one of them demolished. He doesn't know the status of 767 Parque Drive.

Mr. Demianycz stated that was the second part of his complaint. The house at 767 Parque Drive was owned by Harold Eberle and it was the same scenario. There were a lot of deficiencies and a lot of violations and the City never went back to check on it. Over the next two years the City never required Mr. Eberle to get an occupational license and never required him to bring it up to Code. In December 2005 Mr. Eberle sold this property to Mitchell Moore that lives at this property. Mr. Moore continues to operate it as a rental property. Mr. Mitchell has no occupational license for it and it has never been brought up to Code. Mr. Demianycz wants to know why the City is allowing this condition for 27 months?

Mayor Via stated he is going to refer this to staff. In Mr. Buchanan and Mr. Harbuck's letter to Mr. Demianycz it talks about some of the properties lie within the City limits and some are within the unincorporated Volusia County. Mayor Via asked if Mr. Forte was familiar with that.

Mr. Forte stated, yes. Mr. Demianycz's property is in the County. There is a lot of neighborly dispute going on between him and Mr. Moore.

Mr. Demianycz stated, no. Nothing other than this situation here. He hasn't seen Mr. Moore in a while.

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Mr. Forte stated there is this ongoing issue. At one point the City was trying to coordinate with the County Code Enforcement officers to come in there and do the entire block. Mr. Forte stated he will talk with Mr. Harbuck and Mark Ballard.

Mr. Demianycz stated they County Code Enforcement did come there.

Mr. Forte asked when was that.

Mr. Demianycz stated last year.

Mayor Via stated they will direct Mr. Forte to take care of these issues and this will be looked into. Anything on the City side we will correct. He appreciates Mr. Demianycz bringing it to their attention and now they will give it to Mr. Forte to handle.

Commissioner Reed asked Mr. Demianycz if he lived in the house that is on stilts.

Mr. Demianycz stated, yes.

Commissioner Reed stated most of those trailers out there are for sale right now, are they not?

Mr. Demianycz stated, yes.

Mr. Forte stated for his clarification, 767 and 775 Parque Drive are the ones in question.

Mr. Demianycz stated, yes. The house located at 771 Parque Drive has been demolished.

Alice Masterson, 828 Avondale Avenue, stated she is concerned about the left turn arrow on 8th Street and this was brought up at the Commission meeting approximately 1½ years ago and she was told that the Florida Department of Transportation (FDOT) was coming through and nothing would be done until after the work was complete. She doesn't know if they have completed their work or not in Holly Hill but on her way home coming South on U.S. 1 she noticed FDOT had a green arrow going left off of U.S. 1 into Calle Grande. She was concerned because LPGA Blvd. doesn't have a left turn arrow and 8th Street doesn't have one, how come Calle Grande has one and that's a dead end street? Will they ever get green arrows going left on LPGA Blvd. or 8th Street?

Mr. Forte stated he would have to check the FDOT plans for that and get back with her. From what he understands they are supposed to have left turn arrows because that's how all these South bound vehicles are supposed to make their U-turns.

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Joe Bourassa, 801 Lewis Drive, Daytona Beach, gave a handout to the Mayor and Commissioners of different graphs in reference to WAV. Mr. Bourassa went over the different graphs regarding fresh water usage, Volusia public utility pumpage, Holly Hill well pumpage, Daytona Beach pumpage, Deltona public supply, Ormond Beach public utility pumpage, Port Orange water usage, and WAV member government's costs for 2005-2006. Mr. Bourassa referred to the WAV member government cost for Holly Hill and stated in the year 2010, \$4.5 million input if the City uses the kind of pricing structures that have been used in the past. He doesn't think that based upon the City's experts that have come here and told them you don't have a water problem, you don't have a need problem, you have a lot wells, you have a lot of available water here, what they have told them is they don't need any WAV water! What he wants to say tonight is the whole WAV organization is floundering right now because it hasn't put up a basic reason to go the way of the Master Facilities Plan. He thinks Holly Hill is probably the epitome of an organization and a City that certainly has not needed any WAV and will not need any WAV. He thinks Holly Hill should bailout just like Daytona Beach did! The City needs to tell WAV the way they are going is of no benefit to Holly Hill!

Bud Baldwin, 150 LPGA Boulevard, stated he would like to find out if they could do something about the traffic on LPGA Blvd. It is extremely fast lately. He agrees with Ms. Masterson about the turning arrows. Mr. Baldwin mentioned the debris in the canal on 11th Street.

5. PUBLIC HEARING – SECOND READING OF ORDINANCE 2760, PUBLIC SAFETY 800 MHz RADIO AMPLIFICATION SYSTEMS

Mr. Corey read by short title:

ORDINANCE NO. 2760

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING CHAPTER 22 (EMERGENCY SERVICES) TO CREATE ARTICLE III (EMERGENCY COMMUNICATIONS) REQUIRING PUBLIC SAFETY 800 MHz RADIO AMPLIFICATION SYSTEMS IN ALL BUILDINGS THAT INTERFERE WITH EMERGENCY COMMUNICATIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated the question came up in regards to the dollar amount of what some of this equipment would cost should a property have to retrofit to do that and he checked with Chief Shinnamon and the problem with that is there is not a standard answer. There's not one cure to any one problem. It's a variable item depending upon the size of the building and the need to get the frequency in and out of the building is going to be what they need to fix the problem. There is no way of getting a definite answer to how much will it cost to fix it if needed.

Commissioner Reed asked if they have any idea of a low and high end on what it could cost.

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Mr. Forte stated, no. But Chief Shinnamon might.

Chief Shinnamon stated he has been told as little as \$1,000. Again, there is too many variables. The size of the building, type of construction, shape of the building but little as \$1,000.

Mayor Via open public participation. No one spoke.

*Commissioner Blais moved for **APPROVAL** the Second Reading of Ordinance 2760, seconded by Commissioner Penny.*

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

6. PUBLIC HEARING – SECOND READING OF ORDINANCE 2761, GAZEBOS

Mr. Corey read by short title:

ORDINANCE NO. 2761

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING SECTION 114-703 (GAZEBOS) AND AMENDING SECTION 114-114 (SPECIAL EXCEPTIONS) TO ALLOW GAZEBOS IN THE WATERFRONT YARD OF R-1 ZONED PROPERTY PURSUANT TO CERTAIN TERMS AND CONDITIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated this was put together at the Commissioners request to allow gazebos on the East side of Riverside Drive. As a special exception the applicant would bring to the Commission *exactly* what they will place on Riverside Drive and by doing that the Commission can place certain criteria in addition to their request.

Mayor Via opened public participation.

Steve Smith, 1410 Riverside Drive, stated he appreciates the 4-1 vote at the first reading. Commissioner Penny had some issues with the 16 ft. and at this time Mr. Smith stated a few facts that he had with him regarding size.

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Arthur Byrnes, 294 Jeffrey Avenue, stated he is a little bit concerned for two reasons. First, when he was part of the Commission they had made a vow to not allow any new construction on that side of Riverside Drive. This Ordinance will allow construction on virgin land. No matter what their feelings are on other projects that have gone on, those projects occurred on land that already had buildings on them. This will be the *first* new construction on that side of the river on virgin land since they built a couple of houses up the street. The concern that he has is that this is the camel's nose under the tent. Once they allow a gazebo which they all know what a gazebo is but he is betting that legally you could build just about any 16 x 16 structure and say that's my gazebo. What they will have over there are things looking like outhouses, small garages, and boat houses. Secondly, when he talks to folks they say well the Ordinance is tightly crafted so that they can't do that. Attorney Corey will tell them that if someone goes to a Judge and says this law was crafted just to allow a single person to do a single thing, that Judge is very likely to either overturn that ordinance or allow the other folks to do whatever they want on that property. Mr. Byrnes stated he is disappointed that it wasn't already a 3-2 vote referring to the Mayor and Commissioner Blais. There are other people who live on the river who have big pieces of land that may want to do this. There has already been cases where people have tried to sub-divide the land and sell those pieces to someone else and had the City not catch it, they would have had more houses in an area where they don't any. The people that he has spoken to said they do not want any more new construction on that side of the river. What this does is it dramatically opens a hole in our protection for that side of the river. As much as he would like to see Mr. Smith have his gazebo so he can do whatever he wants, we have to make sure that we are not opening the door because whether they think the ordinance is tightly crafted, whether they think that because of special exceptions they are going to keep them from happening, it's not...they cannot control it. Once it's allowed, they are going to have one here and one there and pretty soon that whole side of the river is going to have structures on it.

Herbert Aguiar, 1650 Riverside Drive, agreed with Mr. Byrnes.

Joe Bourassa, 801 Lewis Drive, Daytona Beach, stated he has a little bit of a problem with government where they think they can dictate all aspects of life to people. The gazebo is probably just a very small issue in terms of the basic approach of people like you that sit up there that decide you can't do this, you can't do that...it's got to fit some "norm" that they want to establish in the future. This country was based upon individualism. It's hard for him to understand why all of a sudden government has to control *every* aspect of life.

Jim Legary, 342 Burleigh Street, stated he listened to Mr. Byrnes describe a gazebo like it's an encroachment on something. He heard the same gentleman say that the project on the river, which is going to block several blocks, is a beautiful thing.

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Maureen Monahan, 215 – 5th Street, stated she thinks this gazebo that Mr. Smith wants to put up is going to be well done. She did attend the workshop and was privileged to listen to all the discussion and the definition of the gazebo, the structure and Mr. Harbuck weighing in on protecting the rest of Riverside Drive on the East side from any possible encroachment of storage sheds or the like. She thinks they are rather safe. There are some houses on that side already. They have the possibility of four (4) 28 story buildings on that side of the river already. Ms. Monahan stated she doesn't see anything wrong with the pictures that she has seen from Mr. Smith and she thinks the Commissioners and the Mayor spent a good amount of time going through every aspect that could possibly happen and they are already presented with the fact that if somebody else wants to do it they would have to apply for a special exception anyway and it comes before the Commission. She is in favor of the gazebo.

Dan Daugherty, 1682 Riverside Drive, stated he doesn't think they should dictate what Mr. Smith can do with his own property. The traffic runs 40 and 50 miles per hour; they're not viewing the river.

Bud Baldwin, 150 LPGA Boulevard, stated first Mr. Byrnes didn't like PODS. Mr. Baldwin stated he will donate his years of experience to help Mr. Smith build his gazebo. He thinks this is a *positive* thing for the City.

Mayor Via closed public participation.

*Commissioner Anderson moved for **APPROVAL** the Second Reading of Ordinance 2761, seconded by Commissioner Reed.*

Commissioner Penny stated he really wants the Commissioners to consider the size of this structure. Does anyone, besides Commissioner Anderson, know how tall the ceilings are in here because she already saw him measuring them before this meeting, its 14½ feet tall. Just imagine 16 feet tall? That's a big structure. Sixteen feet across; that's a very big structure. He has *no* problem with the concept of someone using their property and putting a gazebo there but he thinks it would be much more realistic to have it 12 feet tall, 12 feet wide and 50 feet from the road.

Mayor Via stated he too has a problem with the height. If they look at a standard size garage, it's as big as that.

Commissioner Reed asked where did they come up with the height.

Mr. Forte stated that came from the specks that they received from Steve Smith.

Mayor Via asked Mr. Smith what height could he live with.

Mr. Smith stated 12½ feet is what he is looking at.

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Mayor Via stated he would like to see the height limited to the 12 feet. As they spoke about it in the workshop, a gazebo would only be by special exception and it would only be by approval that they wanted to see the gazebos open air, no closure on the sides.

Commissioner Reed stated they also made it so that anyone who had the proper setbacks in any yard, no matter where that yard was in the City, could actually have a gazebo in their front yard as long as they meet the minimum setbacks.

Mayor Via stated, exactly.

Commissioner Reed stated this is *not* a Riverside Drive amendment.

Mayor Via stated that's right. Gazebos are allowed on the docks which would be the same thing and along the property that these people own they can grow trees, have shrubs and the City allows vehicles parked there. That is the reason why they are looking at this but it's by special exception, one-by-one.

Commissioner Penny stated his concern is that whatever limit they put in the Ordinance, someone will build it to that limit. He doesn't believe 16 feet is an appropriate height for a structure that is going to be 35 feet from the road. He thinks they need to push it back and bring it closer to the river. He believes it would be more esthetically pleasing to have it at least 50 feet from the road and have a smaller structure.

Mayor Via stated he will keep this to discussion instead of a motion to approve at this time so that they can discuss this further.

Mayor Via further stated a lot of front yards, the common front yards, it would cut out having a structure if they put it 50 feet back. That's the problem with that. He thinks they should look at the height on this issue. Is there anyone who would like to put forth an amendment to the current motion to approve to limit the height?

*Commissioner Penny made a motion to **AMEND** the original ordinance from 16 feet in height to 12 feet in height, seconded by Commissioner Blais.*

Commissioner Blais stated the person who would like to have it 12½ feet is reasonable for esthetic value.

Mayor Via stated even 12 feet high gazebos will be equal to the height of the house in many cases in front yards. He thinks that the maximum should be 12 feet.

Commissioner Penny stated the difficult thing here is not to personalize this. He has talked to Mr. Smith about this and he is not talking about "one" incident. He is talking about the way that they want the City to look as a whole. He trust Mr. Smith in whatever...whatever the Commission does here tonight Mr. Smith would construct a very attractive gazebo. Commissioner Penny stated he is just looking at the next one, and the next one, and the next one.

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Commissioner Anderson stated if they go with the 12½ feet, which Mr. Smith said that would entail the whole thing, she has no problem with that. That's probably what the going gazebo would look like.

Commissioner Reed asked Attorney Corey if he sees anything about this amendment that would suggest, as Mr. Byrnes has, that it would be legally challengeable in court or anything like that. Has he examined this or seen anything like it?

Attorney Corey stated he has not examined this one in great detail. He read the agenda and he discussed it with the Simpson's. You can challenge anything you want. You pay your money and you go to court. He would remind the Commission, however, that their special exceptions have provisions in them for them to *deny* that, and it's spelled out in their Code in Section 82-346 and there are six criteria's for the Commissions reason for denying. Once the Commission would deny it, it would be a finding of this City. They would have to have a Judge who would then suggests that they were unreasonable.

Commissioner Penny stated his two points go hand-in-hand. A 12 foot wide structure would not have to exceed 12 feet tall. The wider it is, the taller it's going to be. He thinks the two go hand-in-hand. The original amendment to the motion is to make it 12 feet tall but he would like to make a second amendment to the motion and make it 12 feet wide.

Commissioner Penny made a second amendment to the original motion to make it 12 feet wide. It dies for LACK OF A SECOND.

Mayor Via stated they are now back to the first amended motion which is 16 feet in height to 12 feet in height. If somebody came in and the weathervane makes it 12 feet 6 inches, the Commission has the ability to do something?

Mr. Forte stated they are not going to count a weathervane. They are going to go to the peak of the structure.

Mayor Via stated they will have to clarify that it's going to have to be from the ground to the peak of the roof. That's the only way to do this.

Mr. Forte stated the six criteria's give the Commissioners the option to deny more so than an option to approve.

Commissioner Reed stated he truly thinks this comes down to a persons individual property rights more so than what you or I might find esthetically pleasing. As the old saying goes, "Beauty is in the eye of the beholder". As long as the public safety and health and welfare is not affected...and he personally can't see how it would be then he doesn't see reason why Mr. Smith can't have it. Now he knows the past Commission has made vows and they have called it a tradition and they said that they would never allow it but maybe that's why they are not here.

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Mayor Via stated lets stick to the subject. They are talking about the amendment which has to do with the height. Mayor Via asked Commissioner Reed if he is wanting the 16 feet to remain.

Commissioner Reed stated he thinks without further information and further research about knowing how high most gazebos are, without looking at the City's own structures...Mr. Hurst, do you know how high the City's picnic pavilions are over at Sunrise Park?

Mr. Hurst stated, no.

Commissioner Reed stated they are probably 12 or 13 feet high.

Commissioner Penny stated but they are much more than 35 feet from the road. That's his point. He is opposed to a huge structure being 35 feet from the road. If it's closer to the river he really doesn't have a concern with the height so much but they are looking at the whole thing. It's 16 x 16 x 35.

Commissioner Anderson stated but they can build that on their dock right now.

Commissioner Reed stated his point is, if Commissioner Penny is so concerned about what it's going to look like...because a lot of those docks aren't more than 50 feet from the road. A lot of those docks could have buildings on them.

Mayor Via stated keep in mind they are not just talking about Riverside Drive. This is for the whole City. They have an amendment on the table talking about the 12 foot height limit and Commissioner Blais seconded it. Is Commissioner Penny's 12 foot height from the ground to the peak of the roof?

Commissioner Penny stated, yes.

Mayor Via stated he favors the lower height. He doesn't want more than a one-story structure that's there. Mr. Forte, is there any language that we can put...when it comes before us...we say 12 foot and a guy comes and it's 12½ foot or 13 foot and it's because he has an exotic pitch on his roof, do we have the ability of approving it through this special exception?

Mr. Forte stated if it exceeds more than 12 feet and their rule says 12 feet, no.

Mayor Via stated he is stuck on the shorter structure. Would there be a possibility that someone on this dais would make a motion to compromise between the two and make it 14 feet in height.

*Commissioner Reed made an **AMENDMENT** to Commissioner Penny's motion to amend it to 14 feet in height, seconded by Commissioner Anderson.*

Mayor Via stated they will vote on the 14 feet in height and if there's no other discussion they will go to the voting but when it gets to the 12 feet they still have to vote on it. So they will vote it down if they don't want it.

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

Mayor Via stated now they will go to the second amendment and it's on the 12 feet in height. If they are against the 12 feet, they will vote no.

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

Mayor Via stated now they are back to the main motion which is as written with 14 feet in height and 16 feet wide and 35 feet setback.

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

7. PUBLIC HEARING – SECOND READING OF ORDINANCE 2762, QUANTITY RESTRICTIONS OF DOMESTIC ANIMALS AND VIOLATIONS AND PENALTIES

Mr. Corey read by short title:

ORDINANCE NO. 2762

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 10-71 (QUANTITY RESTRICTIONS) TO ALLOW FOUR (4) DOGS, UNLESS THE OWNER VIOLATES A CITY'S ANIMAL CONTROL REGULATION, IN WHICH CASE THE NUMBER OF ALLOWED DOGS SHALL BE REDUCED TO TWO (2); AMENDING SECTION 10-47 (FILING A COMPLAINT) TO CLARIFY INVOLVEMENT OF ANIMAL CONTROL OFFICERS; AMENDING SECTION 10-7 (VIOLATIONS AND PENALTIES) TO PROVIDE THE VIOLATIONS OF THE ANIMAL CONTROL REGULATIONS WILL BE PROCESSED AS CODE VIOLATIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated no changes from the last meeting.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed moved for **APPROVAL** the Second Reading of Ordinance 2762, seconded by Commissioner Blais.*

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

8. PUBLIC HEARING – SECOND READING OF ORDINANCE 2740, AMENDMENT TO THE FUTURE LAND USE MAP – 1100 & 1112 RIVERSIDE DRIVE – APPLICANT: DOUG KNELLER

Mr. Corey read by short title:

ORDINANCE NO. 2740

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 29,000 SQUARE FEET LOCATED AT 1100 & 1112 RIVERSIDE DRIVE WITH TAX PARCEL ID 4242-50-01-0010 & 4242-50-01-0020 FROM “GENERAL RETAIL COMMERCIAL” AND “LOW DENSITY SINGLE FAMILY RESIDENTIAL” TO “MIXED USE II” PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mr. Forte stated this is strictly for the text change in the Comp Plan and the Future Land Use Map change. Their next item is the actual rezoning of this. Somebody had asked him why this is coming before the Commission if the work is already being done on the existing commercial property and that is being constructed under the current zoning and when it's rezoned it doesn't change any facts revolved around what's going on there today. This incorporates the residential property on the corner into one parcel so that both will have relief from setback issues, stormwater retention.

Mayor Via opened public participation.

Maureen Monahan, 215 – 5th Street, mentioned her concerns about the parking spaces and the liability that the City can end up having. She has no problem with the development there; its nice but she has a problem with the allowed parking spaces for the restaurant which involves their public parks.

Mr. Forte stated the parking was approved when the zoning for that, the B-3, and that was already approved before and neither one of these items tonight deal with parking limitations.

Ms. Monahan stated so they can't take up issue about the possible liability to the City for people drinking in their parking lots that they currently don't allow.

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Mr. Forte stated he doesn't know who said anything about allowing drinking in the parking lot.

Ms. Monahan stated they will allow alcohol in the restaurant. She thinks the City is putting themselves in danger of a liability allowing public parking for a private enterprise when there's a house next door that could be made into a parking lot or another \$45,000 lot somewhere up on U.S. 1 for valet parking.

Jennifer Shaw, 1249 Charter Oaks Circle, has the same concerns about the parking as Ms. Monahan had. They should consider some families who may not be able to afford to eat at Parks Restaurant who may want to go to the park for a picnic on a summer's night and they may not be able to find parking to do so because it's going to be full of people dining across the street.

Mayor Via closed public participation.

*Commissioner Penny moved for **APPROVAL** the Second Reading of Ordinance 2740, seconded by Commissioner Blais.*

Commissioner Reed stated Mr. Forte, this does not include any other property other than the ones listed?

Mr. Forte stated, correct.

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

9. PUBLIC HEARING – SECOND READING OF ORDINANCE 2744, AMENDMENT TO THE ZONING MAP – 1100 & 1112 RIVERSIDE DRIVE – APPLICANT: DOUG KNELLER

Mr. Corey read by short title:

ORDINANCE NO. 2744

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 29,000 SQUARE FEET LOCATED AT 1100 & 1112 RIVERSIDE DRIVE TAX PARCEL ID 4242-50-01-0010 & 4242-50-01-0020 FROM R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT AND B-3 NEIGHBORHOOD COMMERCIAL TO MIXED USE II; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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Mr. Forte stated this is changing the B-3 and R-1 to Mixed Use II classification. This was for the purpose of putting a parking garage that would have two stories of lofts above it; a total of six units.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais moved for **APPROVAL** the Second Reading of Ordinance 2744, seconded by Commissioner Penny.*

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

10. PUBLIC HEARING – SECOND READING OF ORDINANCE 2746, AMENDMENT TO THE FUTURE LAND USE MAP – VACANT LAND ON 10TH STREET – APPLICANT: STEVE UNATIN

Mr. Corey read by short title:

ORDINANCE NO. 2746

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 31,400 SQUARE FEET LOCATED ON 10th STREET WITH TAX PARCEL ID 4244-01-07-0031 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 stated this was brought to the Board of Planning and Appeals and the regular Chairman was not present that day. The acting Chairman felt he had a conflict with this and no action was taken by the Board so no recommendation is provided to the Commission on behalf of the Board of Planning and Appeals. This was sent up to the Department of Community Affairs (DCA) and came back with no additional objections or recommendations. The Land Use Change, the intent of the applicant, was to build what they original thought were going to be apartments but after checking the records, it's intending to be owner occupied condos.

Mayor Via opened public participation.

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Roy Phipps, 817 Flamingo Drive, Chairman of the Board of Planning and Appeals, is against the Future Land Use Map change for the vacant land located on 10th Street. Mr. Phipps mentioned some history regarding this area for consideration. He has been a neighbor of the Unatin's family's building for some twenty years now and they have not been a good neighbor. He has had several complaints with the City. The latest complaint was with the fence that was torn down. The apartments next door to him, that being Tree Villa Apartments, was built and owned by the Unatin family. He has had people drive across his property and throw trash on his property. The police have been out there several times, for what he does not know but he is assuming it's drug activity. At that time they were built as exclusive town homes and there was going to be middle and upper class residences in here. That never happened. It was turned into anybody who pays the rent. Mr. Phipps spoke with the department manager on several occasions who is now deceased or has moved on and he had told him that many times he had to take drug dealers out of there and evict them. Mr. Phipps stated in the meantime, he lives next door and he has to put up with it. Now Mr. Unatin is saying he wants to build a condo. As far as he is concerned, Mr. Unatin wasn't forthcoming when he built the exclusive town homes. Who is he going to sell those condos to and who are they going to rent them to and what are they going to have to put up with now? How much more trash is he going to have to pick up out of his yard? How many more times is he going to have to argue with Mr. Unatin and get the City involved to get Mr. Unatin to do what he is supposed to do? Mr. Phipps stated that he was not here for the first reading of this Ordinance. Had he been here, he would have been speaking just as adamantly then as he is now. Mr. Unatin has not been a good neighbor to him! When Tree Villas was built, they threatened to take half of his house because the survey was wrong. He had to stop a bulldozer. During the first hearing of this he was in New Orleans working. He does not...does not want a condominium, apartment building or anything else...if Mr. Unatin wants to build houses, that's fine. But if it's going to be apartments or condominiums where he has to put up with the same thing he has been putting up with all these years, he is *totally adamantly, vehemently against it!*

Commissioner Reed asked Mr. Phipps how long has he lived in his home.

Mr. Phipps stated since 1976.

Commissioner Reed asked when was Tree Villa Apartments built.

Mr. Phipps stated he can't remember the exact date but maybe 1979 or 1980.

Mr. Forte wanted to let the Commission know this is not a Planned Unit Development (PUD) Agreement, this is a rezoning. Mr. Forte stated what the Commission is doing is approving or not approving, but if they approve they would be approving anything and everything that's included in the R-8 zoning. There is *no* promise of what will be built there. Mr. Unatin may say apartments, condominiums or town homes but whatever is included in the R-8 zoning is eligible to be built there.

MINUTES

Nancy Adams, 814 Flamingo Drive, is not in favor of the Future Land Use Map amendment. Whatever Mr. Unatin builds will be right behind her house. She lives across the street from Mr. Phipps. She has lived there for ten years. Ms. Adams mentioned that her daughters were concerned about where the animals are going to go that live in the woods behind the house. She doesn't want sixteen people living behind her. It's a nice, quiet neighborhood except for the apartments on the other side which seemed to have calmed down because she thinks they have gone through some changes.

Tiffany Bailey, 816 Flamingo Drive, is not in favor of the Future Land Use Map amendment. Ms. Bailey stated she is trying to understand medium density. How do you build sixteen two bedroom, two bath, two parking spaces town homes on 100 x 300 foot lot?

Mayor Via stated that's what is allowed under the R-8 zoning. It's currently an R-2 zoning.

Mr. Forte stated he doesn't know how many units Mr. Unatin is proposing to put on that lot.

Ms. Bailey stated at times, things are fine but she walks from there to Center Street completely barefoot. She cannot walk in her back yard because of the things she finds in her back yard. (Showing the Mayor and Commissioners broken glass beer bottle, empty containers, etc.)

Commissioner Reed asked Ms. Bailey if that debris is coming from her neighbors from the Tree Villa Apartments.

Ms. Bailey stated, yes.

Jack Vanderwiere, Vice-Chairman of the Board of Planning and Appeals, is not in favor of the Future Land Use Map amendment. Mr. Vanderwiere stated this project is right behind his house. When it was presented at the Board of Planning and Appeals meeting, it was sixteen units. That's too many for that lot, 100 x 300, especially what they have to put up with now. How would they like to have that in their back yard? He is asking the Commission to vote no on this future land use amendment.

Steve Unatin, (applicant) 513 Oyster Bay Drive, Ormond Beach, stated he understands that there are neighbors here that don't want that vacant land developed but they have the right to develop it. He went, specifically, to their City Planner, Mr. Buchanan and asked him what he suggested for that land. Mr. Buchanan suggested that they build exactly what they are building, two story – two buildings, eight units on a building, screens the whole area (the neighbors). The comments about Tree Villas is a personal attack on the Unatin family and if there were problems they would have heard about it from the Police Department, Fire Department, and Code Enforcement. Mr. Unatin stated he has been here since 1990 and he has had maybe one or two incidences. There are fifty-four units at the Tree Villa Apartments. Commissioner Blais has mentioned it before that he felt there was drug activity over there but they have never been informed about that.

Commissioner Blais stated well maybe his management didn't pass it on to them.

MINUTES

Mr. Unatin stated that may be. Mr. Unatin stated he is not arguing the fact that Commissioner Blais may be right but he is just telling them that he has never been informed about that. If he would have known about it, he would have done something about it. But that's *exactly* why they want to build condos. They are selling these condos for \$175,000. These people are not renters. He doesn't know what happened with some of the renters that Commissioner Blais is talking about but they are condominiums. Would they rather him build more apartments there? He is sure the neighbors wouldn't and he has every right to do that but he doesn't want to do that! He wants to build nice condos with privacy patios, something that the City of Holly Hill could be proud of and that's specifically why Mr. Buchanan suggested he do this. When they came before the Commission for first reading they presented a plan. They appreciate the fact that it was voted on 4-1. He was around and could have taken questions if anyone had any objections. To be honest with them, he is surprised tonight that people are showing up...this is the second reading. These are apartments, they are not renters moving in and out. If somebody is going to buy a unit for \$175,000 I venture to guess that they are going to show pride of ownership and they are going to take care of the problems that may have existed in the past. He didn't build the Tree Villa Apartment units. Please don't hold everything against him! He is a little younger than the buildings so he can't be held responsible for all of it. He does believe that this is a good use of this property. It's a better use than apartments. It's a better use than putting up a couple of homes. They will be nice condos and they will submit the plan to the City and at the direction of the City.

Mayor Via stated he agrees with Mr. Unatin that he does have some rights as the property is owned. He has the rights under the R-2 zoning to do what he wants and he also has the right to request a zoning change. Mayor Via asked Mr. Unatin about "screening neighbors" and what he meant by that.

Mr. Unatin stated there will be landscape screening and wall if it's required by the City and that was a suggestion by Mr. Buchanan.

Mr. Forte reminded the Mayor and Commissioners that no plans have been submitted at this time. This is strictly a land use change and a rezoning on the next item. If this was to get approved, that's when they would get a first look of how it would fit on the property, what the stormwater retention would be, parking requirements, setbacks, landscape buffers, etc. None of that has been looked at. Mr. Unatin is right, when he met with Mr. Buchanan and they talked about coming in with apartments, that's when Mr. Buchanan said they don't need anymore apartments, if they are inclined to increase the density but the City would prefer them to be condos than apartments.

MINUTES

Mr. Unatin stated he can't do anything more than what Mr. Buchanan recommend he do and that's exactly what he is doing. On one hand they do have the right to develop it to some extent and he is sure there are people here that probably don't want to see it developed into anything but a vacant parking lot. When he went in front of the Planning Board...he has to correct the gentleman that said they didn't act on it. He came out against it and Mr. Unatin feels he should have reclused himself if he had a vested interest but he didn't. Basically, Mr. Unatin felt the Board was stonewalled based on the gentleman's strong recommendation against it.

Mayor Via stated there was no motion made and no second.

Mr. Unatin stated there was a motion made to either approve it or disapprove it.

Mayor Via stated their records show that there was no action taken on the subject. The only way that a Board member or members of this Commission can abstain from a vote is if they are *monetarily* going to gain from that particular issue. They can have opinions all day long. That's not a reason to abstain.

Commissioner Penny stated, Mr. Forte, as he understands it, if they change this, there is no guarantee that the promises that are made here tonight will be the end result? Procedurally, how difficult would it be to amend this to a PUD to guarantee the residents that they would get what they're being promised tonight?

Mr. Forte stated his first statement is correct. If it's rezoned to R-8 whatever is eligible to be built in the R-8 can be built without any additional approvals. To go through the PUD process Mr. Unatin would have to start over. He would have to go back to the Planning Board and come back to the Commission for first reading, up to the Department of Community Affairs (DCA) for approval and back for a second reading. There are additional costs involved for advertising and going back before the Boards. They are looking at a four or five month process.

Mr. Unatin asked wasn't there a discussion...he thought that issue was addressed when he was here before that there was going to be some language put in there that these units were going to be built for sale as condos.

Mayor Via stated he seems to remember that too but he doesn't have nothing in writing.

Mr. Unatin stated they sold Tree Villa's and they are not going to manage a sixteen unit apartment complex now, especially with the issues that have been presented here tonight and they never really intended to do that. The market is for condominiums.

Commissioner Reed asked what would prevent the owner of a condominium from renting it out.

Mayor Via stated, nothing.

Mr. Unatin stated they could probably have condo documents that would guarantee that.

Commissioner Reed stated perhaps a Homeowners/Condo Association.

MINUTES

Mr. Forte stated Mr. Gutierrez just correct him in that if they approve the land use change, which is what goes to DCA, it's the next item which is the rezoning, that if they wanted to change to a PUD that would go through the Planning Board and the Commission and not the DCA. Item #11 is dependent upon Item #10.

Mayor Via asked if they were still talking about the same timeframe of four to five months.

Mr. Forte stated probably not that long.

Mr. Gutierrez stated a month or month in a half; two months for the process.

Mayor Via stated Mr. Unatin, this was approved at first reading but if this Commission does not approve this on this reading then it fails.

Mr. Unatin stated he understands that. He guesses he is a little bit confused. When he was here three months ago they voted 4-1 in favor of the project. What's changed in the last three months?

Mayor Via stated they are going to find that out.

Mr. Forte stated three seats on the Commission.

Maureen Monahan, 215 – 5th Street, stated it's interesting to note that their Planning Board member is having a problem with sixteen units but didn't seem to have a problem with her problem which is 368 units in her back yard. Ms. Monahan stated it goes back to the same thing that they have been talking about, people buying properties or owning properties, they have every right in the world to ask for a rezoning request but they should not expect to get one every time. She thinks, perhaps, they could do the right thing finally by asking for a moratorium on rezonings. He has an R-2 now. There is no guarantee like Mr. Forte and Commissioner Penny has mentioned. There is no guarantee that this will be developed the way they are presented with the plans. Once the zoning gets changed Mr. Unatin can do anything he wants within that zoning. She understands how everyone feels in that neighborhood about increased density in a residential neighborhood. She thinks the Commission should consider moratoriums on rezonings. Mr. Gutierrez hasn't had the pleasure of all these rezonings yet and let's not get him into that right off the bat.

Twyla Millson, 718 N. Flamingo Drive, stated there are a lot of children that go down 10th Street to go to school and she was concerned about the increase of traffic that this could develop. She wasn't against the Tree Villa Apartments that were built but this puts more condos, more traffic and 10th Street has become a thoroughfare for people avoiding 11th Street because of school zones and stop lights.

MINUTES

Steve Smith, 1410 Riverside Drive, asked if anyone had the chance to look at the article he passed out at the last meeting and the Commissioners stated yes. Mr. Smith stated basically the bottom line was when these type of rezoning requests come up before them, they do have the opportunity to negotiate some concessions that might want to make our children and our grandchildren want to live here.

Arthur Millson, 718 N. Flamingo Drive, stated the Commissioners have a decision to make right now. What is best for the City? For the people? They have heard both sides. What is best for the community and then vote your conscience.

Mr. Unatin stated he thinks this is the best decision. They are not building apartments. The City can control how they build the condos. He is telling them that is what this project is for, condominiums.

Mayor Via closed public participation.

Commissioner Penny asked at what point do they negotiate with the applicant and tell him that they are more favorable towards a PUD because of the guarantee.

Mr. Forte stated it takes place right now and ask Mr. Unatin if he is willing to bring back a PUD agreement on this property.

Commissioner Penny asked do they then not vote on this.

Mr. Forte stated he would suggest that Item #10 gets tabled...because if they approve Item #10, they are almost entitled, and he uses that word loosely, they are almost entitled to approve Item #11 because their future land use map tells you, you could and you should. So if they want a PUD agreement then he would suggest that they ask Mr. Unatin if he wants to do that. If so, he would appear before the Planning Board in May, which he will be going before Mr. Phipps and Mr. Vanderwiere for the PUD agreement, and then he would come back to the Commission in June for his approvals. At that time, Mr. Forte would bring Item #10 back again so that the Commission could approve Item #10, which would then be contingent upon the approval of the PUD agreement which they will have for their second reading on that night.

Mayor Via stated if this is voted down tonight, this is a done issue. He needs to know whether the Commission doesn't want this at all or whether they want it with a condo caveat.

Commissioner Reed stated well then to give them an indication he will make a motion to deny.

*Commissioner Reed moved for **DENIAL** the Second Reading of Ordinance 2746, seconded by Commissioner Blais.*

MINUTES

Commissioner Reed stated it is unfortunate...and he is afraid, Mr. Unatin, what has happened to you, that you have gotten caught up with an over zealous former City Planner. You have also gotten caught up with an over zealous former Commission that had no concern of density and the impact of the surrounding neighborhoods.

Mayor Via stated he is going to stop him right there.

Commissioner Reed stated, no...

Mayor Via stated you're making...

Commissioner Reed stated this is not a political thing Mayor because they are talking about a vote that was not made by this Commission!

Mayor Via stated but you're making it personal on other...

Commissioner Reed stated it is not personal! It is not personal Mayor! This is not personal towards you or towards anyone else. This is a simple fact that this was *originally* voted on by a different Commission.

Mayor Via stated, right.

Commissioner Reed stated that's the only point.

Mayor Via stated, okay.

Commissioner Reed stated he is not saying those people were bad, he is saying that was a different Commission that voted on this the first time. He finds it unfortunate that Mr. Unatin could not get his issue completely resolved with one Commission so that this wouldn't happen to him. Unfortunately, he thinks this is the direction the City needs to go in right now and that's why he is saying this. Commissioner Reed stated if he has offended anybody by differentiating the difference between this Commission and another then he would apologize.

Mayor Via stated, no problem.

Commissioner Anderson stated her biggest problem is, she has to go...and it's been brought up...she ran on one thing only and that was that she would listen to the people of Holly Hill and that is what she is going to do this evening. She is going to listen with her conscience and going with what she thinks is the best thing to do and she is going to decide for the people of Holly Hill.

MINUTES

Commissioner Blais stated he wore a Holly Hill Police badge from 1968 to 1998 and he saw that area being developed. He has investigated homicides due to traffic, chased criminals in that area. By the grace of God, Holly Hill doesn't have much money, little houses, neat little families moved in the area. It was nice and it was going good. There used to be deers in that area. Right now it is beautiful on 10th Street except for one sore spot that's two stories high with a fence. He wants Holly Hill to be esthetically beautiful! The old days are gone! They are looking for the next generation that your kids would be proud to live in Holly Hill! He has had people to move out of that neighborhood to go live in Flagler because of the current conditions in that area.

Commissioner Penny stated he heard members of the audience have concerns when the apartments came they were promised that they were going to be luxurious town homes and they turned into things less than luxurious town homes. He then heard the applicant come and talk about \$175,000 condos with no guarantee that's what they are going to get because of what's before them now. He wants to know if the residents who are immediately affected by this area are opposed to the development or if they are opposed to a development that would possibly be a rental community.

Mr. Vanderwiere stated he doesn't know how it's going to benefit him; if anything it is going to devaluate his property by having that behind his house.

Mayor Via stated in other words, Mr. Vanderwiere is saying even if it was changed to a PUD, that would not influence his opinion; he would still oppose it.

Mr. Vanderwiere stated, yes.

Mr. Phipps stated he has nothing against Mr. Unatin whatsoever. He is against anything that is being built back there; PUD or otherwise. Mr. Phipps stated if they are going to insist on letting Mr. Unatin build something there then at least make it a PUD so that the City can control what Mr. Unatin does. Mr. Phipps stated what he has lived with in the past he is not going to live with again in the future. He agrees with Commissioner Blais and commends him for what he said earlier. Mr. Phipps mentioned that he has nothing personal against Mr. Unatin but what has been allowed to go on at Tree Villa Apartments is what he is against.

Mr. Unatin stated people say it's not personal but there has been a lot of personal remarks made about him and about his business. He has to tell them, it's very easy to sit up there and be very brave and say those things without substantiating them and it's very easy to sit out in the audience but he really does take offense to it. Mr. Unatin stated he thought he was here doing business. He thought that this was going to make it or die based on this project and he thought he had an understanding of what they were doing. He knows how everyone else feels but he thinks he has the right to let them know how he feels. He thinks this would have been a great project for this community. It would have raised property values. The City would have eliminated any issues that they may have had in the past with Tree Villa Apartments and they would have families coming in paying \$175,000 to \$180,000 for condos and it would have been an improvement to that neighborhood. The last time he was here Commissioner Reed stated that, "The man has the right to develop his property and shouldn't be influenced by what other people say."

MINUTES

Commissioner Reed stated, and he does have that right. Mr. Unatin does have a right to develop that property. He would like to let Mr. Unatin know that he has not said anything to him personally at all.

Mayor Via stated there's a motion to deny the future land use map. Is there any other discussion? No one spoke. This is a motion to deny this. By voting yes they will deny; by voting no they would be approving the project.

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

*This item **DID NOT PASS**.*

11. PUBLIC HEARING – SECOND READING OF ORDINANCE 2747, AMENDMENT TO THE ZONING MAP – VACANT LAND ON 10TH STREET – APPLICANT: STEVE UNATIN

*This item gets **PULLED** due to the fact that Item #10 did not pass.*

12. FIRST READING OF ORDINANCE 2763 – ELIMINATING THE INTERLOCAL CANINE RECREATION CLUB

Mr. Corey read by short title:

ORDINANCE NO. 2763

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMISSIONS, COMMITTEES), DIVISION 7 (INTERLOCAL CANINE RECREATIONAL CLUB) PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Maureen Monahan, 215 - 5th Street asked if dropping this Board was prompted by Salli Moore.

Mr. Forte stated it was prompted by the Friends of the Dog Park.

Ms. Monahan stated there are two different things here.

Mr. Forte stated, it's both. They are separate entities.

Mayor Via stated they are not talking about Friends of the Dog Park. It's the Interlocal Board...some of the cities involved weren't going to put the people back on again. The City has assumed the liability and maintenance of the Dog Park and it's up keep.

MINUTES

Mr. Forte stated all of the members of that Board had expired in November 2005 and when staff put out for new members to join they only received two applications, one was Sallie and the other one was Cliff Benjamin. For lack of participation staff is recommending that this Board be eliminated. In addition to that the Friends of the Dog Park are dissolving the Friends of the Dog Park and turning their funds over to the City because they, too, cannot get any participation.

*Commissioner Penny moved for **APPROVAL** the First Reading of Ordinance 2763, seconded by Commissioner Blais.*

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

13. SPECIAL EXCEPTION FOR A FLAG LOT – WEST SIDE OF RIVERSIDE DRIVE AND ELIZABETH STREET – APPLICANT: CHARLES A. FLUTIE

Mr. Forte stated this item has been pulled from the agenda per the applicant's request.

14. RESOLUTION 2006-R-10, BEAUTIFICATION ADVISORY BOARD RE-APPOINTMENT

Mr. Corey read by short title:

RESOLUTION NO. 2006-R-10

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

*Commissioner Blais moved for **APPROVAL** Resolution 2006-R-10, seconded by Commissioner Reed.*

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

15. RESOLUTION 2006-R-11, IMPACT FEES FOR WATER AND WASTEWATER

Mr. Corey read by short title:

RESOLUTION NO. 2006-R-11

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, PURSUANT TO SECTION 70-47 (IMPOSITION) ESTABLISHING A WATER AND WASTEWATER IMPACT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Penny moved for **APPROVAL** Resolution 2006-R-11, seconded by Commissioner Reed.*

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

16. RESOLUTION 2006-R-12, CONNECTION FEES FOR WATER AND WASTEWATER

Mr. Corey read by short title:

RESOLUTION NO. 2006-R-12

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, PURSUANT TO SECTION 70-135 (ACCOUNT ADMINISTRATION AND CONNECTION FEE) ESTABLISHING AN ADMINISTRATIVE AND CONNECTION FEE FOR WATER AND WASTEWATER SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Blais moved for **APPROVAL** Resolution 2006-R-12, seconded by Commissioner Anderson.*

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

**17. SUNRISE PARK SEAWALL AND DOCK RESTORATION –
CHANGE ORDER NO. 2**

Mr. Forte stated he met with Susan Rannie and Mr. Hurst about this. When he talked with Ms. Rannie they were getting FEMA reimbursement and submittal dollars confused with this Change Order No. 2. This Change Order is a necessary part of the seawall construction at Sunrise Park. It includes the North side and the additional Change Orders to the South side of the seawall that currently is being worked on. The only change to *this* is an additional \$7,000 for engineering which would make this amount \$113,853 instead of \$106,853. The Commission can act on that. What they have to remember is they always run the risk of FEMA not approving something but this has to get done. FEMA has approved what we have already started and when Ms. Rannie contacted them basically what FEMA said to her was if you are keeping in the scope of the work that you already sent and this is a Change Order due to material increases or unexpected costs that are involved, odds are you are going to get approved.

*Commissioner Blais moved for **APPROVAL** Change Order No. 2 in the amount of \$113,853 for the additional restoration. This brings the total contract amount after Change Order No. 2 to \$658,938, seconded by Commissioner Anderson.*

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

18. COMMITTEE REPORTS

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

Mayor Via reminded them about the WAV meeting and said that the Master Facilities Plan is back on the agenda.

19. COMMUNICATIONS

A. City Manager

Mr. Forte mentioned that the City lost a good man, Milton Hallman the City's Public Works Director, and that he will be missed as a friend and a co-worker.

B. City Attorney

Attorney Corey introduced himself to the Commissioners and Mayor. He sat in for City Attorney Butch Simpson and/or Asst. City Attorney Scott Simpson. Attorney Corey stated he doesn't get here often but it's always a pleasure to see them. He would like to echo what Mr. Forte said about Mr. Hallman. The dealings he had with Mr. Hallman, he was always a gentleman, and a gentle man and he will be missed. He was a fine man.

C. Mayor & Commissioners

Commissioner Reed mentioned CANDO (Citizens And Neighbors Devoted to Ormond, Political Action Committee). The issue is the CANDO movement in Ormond Beach and what they are trying to do and they have approached their City Commission and they have requested that they put a height limit in the Charter because they feel their Commissioners are not responding to requests from the citizens to have this chance to vote on it. Since the Commission has denied this request to put it on a ballot, they are now collecting signatures for a referendum. Judging by the vote in Flagler Beach and some other things that are coming, he would expect that we should start preparing ourselves of how we are going to deal with that when the citizens come forward here. He is afraid that it's a matter of time. And while he doesn't think that referendums are necessarily the best way to address every issue and he knows that Commissioners are reluctant to relinquish their control because they feel...and he does too, they feel like they have been voted in to set policy and now they are leaving it to a referendum and sometimes referendums can be misguided by political forces. He would like for the Commission to consider that a referendum may be necessary and he doesn't want the citizens to have to go out and collect signatures. The citizens in Ormond Beach have been quite successful in gathering their signatures so far.

Commissioner Blais mentioned Mr. Hallman and how they go back to the late '70s and how he will be missed. Commissioner Blais stated when he was the Police Explorer Advisor they had meetings and Mr. Hallman was in charge in organizing a medical explorer post. When he read Mr. Hallman's obituary, one thing they had in common is that they were both Scout Masters. Also they mentioned that Mr. Hallman belonged to the Order of the Arrow – The Brotherhood Sash to which he was a member too in 1960. Mr. Hallman was a gentleman and had values and characters and he wishes they could find more people like Mr. Hallman. He will miss him. Mr. Hallman was a high-class man and they were very fortunate to have him in Holly Hill. Let's keep those standards high.

Commissioner Anderson thanked the citizens for coming to the meetings.

Mayor Via mentioned the CANDO amendment in Flagler Beach and Ormond Beach. He mentioned that he too will miss Mr. Hallman and that at many times over the years it was very hard to disagree with him. Though Mr. Hallman is gone, he is here in just about every corner of this City. His fingerprints are on a lot of the work that has been completed or being worked on now due to the involvement of Mr. Hallman. Mr. Hallman's name will be remembered in the City and he has spoken to Mr. Forte about this. God bless Milton Hallman, he is a very special person.

MINUTES

20. ADJOURNMENT

The meeting officially adjourned at approximately 9:30 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor