M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
March 28, 2000

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:31 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby and Roland Via.

Also attending were Acting City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Code Development Administrator Tim Harbuck, City Planner Bob Keeth, Economic Development Coordinator Ira Corliss, Police Chief Larry Walker, Recreation Director Chuck Beach, and City Clerk Jeaneen Clauss.

2. INVOCATION

Public Works Director Milt Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur introduced the candidates who are running in the City's Run-Off Election on April 11th – Ron Fussell and Keith Tarrer.

Mayor Arthur read the Proclamation recognizing the Embry Riddle Aeronautical University Basketball Team for winning a National Championship. Coach Steve Ridder and the entire basketball team were present to receive this proclamation. They also autographed basketballs for the City. The Mayor took special pride in their achievement because the City's recreation program was part of the team's early formation and because he is an Embry Riddle Alumnus. Photos were taken of the Commission and the Team and Coach Riddle said a few words expressing the pride he feels for the individuals on the team as good citizens – beyond their basketball talents.

5. CONSENT AGENDA
Minutes of Regular Commission Meeting – March 14, 2000

*Commissioner Byrnes moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Lockeby.*

Motion **CARRIED** 4-0 on the following roll call: Byrnes – yes, Lockeby – yes, Via – yes, Arthur – yes.

6. AUDIENCE PARTICIPATION

None.

7. PUBLIC HEARING FINDING A PUBLIC NUISANCE AT 609 GLADIOLA AVENUE

Mayor Arthur opened the Public Hearing.

Development Code Administrator Tim Harbuck stated that 609 Gladiola is a single-family structure that has fallen into a state of disrepair, it is abandoned, below the minimum housing codes, it is open and an unsightly nuisance. He has been trying to get the owner to address this for more than two years. The City has had to cut the grass several times and clean up the outside, as well. Mr. Harbuck submitted photographs of the property as evidence. He asked that the Commission declare this property a public nuisance and recommended that they order the demolition and removal of the structure and clean the premises to a safe and sanitary condition. All appropriate parties have been notified of this hearing.

Bob Ruckert, 600 Gladiola Avenue, stated that he lives right across the street from the property and that they have seen vagrants in and out of the house at two and three o'clock in the morning with candles lit in the house. He expressed the concern from his neighbors and himself about the fire hazard and stated he felt that this property is detrimental to the neighborhood.

Fred Share, local Attorney for the Owner (who is out of state), stated that they had a buyer for this property and the deal has been frozen, pending the outcome of this hearing. If not for the hearing, he stated that they would have had a new owner already working on the property. He added that he was at the property today and, though not a construction expert, felt that much of the structure could be salvaged. He acknowledged that it was an eye sore on an otherwise very nice street. Mr. Share stated that what they would like to do is immediately board up/secure the building, finish the closing – probably within a week, and let the new owner work on the structure.

The Commission asked questions regarding the probability of the sale and the true salvage-ability of the structure and the advantages of doing so for the owner versus the cost. There was also discussion as to what type of new structure could be built on that property. It was clarified that the proposed selling price is higher than the lot value, indicating the structure played a role in that. City Attorney Edward Simpson advised them that these kind of questions went beyond the scope of what was before them tonight for their decision – which was a hearing to determine if this structure was a hazard to the community and whether it should be torn down or if they should grant a continuance based on certain conditions being met to make it safe in the meantime.

Mr. Harbuck mentioned that the neighbors have put together a petition in an effort to get the City to condemn this structure, to which he told them that he would do everything that he could by law to see that was done.

Acting City Manager Joe Forte indicated that his past experience with this type of situation had been that it takes several years for a new owner to get around to fixing the problems. Staff has been working on this for a long time and at the eleventh hour someone always comes to the "rescue".

Mr. Harbuck confirmed that this structure is a fire hazard to itself and the surrounding properties.

Mayor Arthur closed the Public Hearing.

Mayor Arthur and Commissioner Byrnes indicated that they felt that Staff had tried long enough to get the owner to correct the problems and the neighbors had put up with this long enough. Commissioner Lockeby indicated he would like to give the owner one last chance to resolve this issue before the City condemns it. Commissioner Via indicated that all things aside, if there is danger involved than the City needs to responsibly do something.

*Commissioner Byrnes moved **APPROVAL** of finding a public nuisance at 609 Gladiola Avenue because of the fire hazard and to condemn the property, seconded by Commissioner Via.*

The motion **CARRIED** 3-1 on roll call: Byrnes – yes, Via – yes, Lockeby – no, Arthur – yes.

8. PUBLIC HEARING
FINDING A PUBLIC NUISANCE AT 542 8TH STREET

Mayor Arthur opened the Public Hearing.

Development Code Administrator Tim Harbuck stated 542 8th Street is a single-family structure that has fallen into a state of disrepair, is below the minimum housing codes, and is an eyesore and a nuisance in the neighborhood. He stated that he has been working on this violation for five years. All appropriate parties have been notified of this hearing. He stated that this particular structure is gutted out, has a lot of water damage, floors and ceilings are rotten, roof joists and siding is rotten, the property is unkempt and it is a source of problems in the neighborhood. He asked the Commission to declare this structure a public nuisance and eliminate it. He stated that he has given the owner many chances to correct this situation and at one point wrote a permit, which sat in his window for one year without him doing anything.

David Forgas, owner of property, stated that he bought the property approximately two to three years ago and initially did some work removing everything that was bad out of it. He acknowledged that the work has been very slow but stated that he had put a new roof, new electrical, new plumbing, and new drywall in. He asked that the Commission have Code Enforcement check the property again because he felt that it is totally up to code.

Mr. Harbuck stated that he was there the day before yesterday and the house was not up to code. He stated that he did not believe that Mr. Forgas has the expertise to bring the structure up to code. Mr. Harbuck added that the bank has told him that they are foreclosing on this property.

Mr. Forgas stated that he has a buyer for this property who has a check ready to pay the bank off and Attorney Fred Share and Waterside Title Agency are doing the paperwork for this so that it can be sold tomorrow. He added that the buyer has the money to handle the repairs needed and is a contractor. Mr. Forgas stated that he doesn't want to live there. He stated that there has been a lot of work done on the property in the last day and a half that Mr. Harbuck hasn't seen. Commissioner Lockeby stated that he had been there yesterday and there was more work done, wiring etc... that the pictures do not reflect. Mr. Forgas then stated that there may be some more work that needs to be done in the area of siding and drywall and he would ask for about thirty days to do that.

The Public Hearing was closed and then re-opened and closed twice more to allow for response to Commission inquiries regarding the true salvage-ability of the structure and the likelihood of Mr. Forgas getting this done, if more time was allotted. There was also discussion as to the order of priority for payment of liens. City Attorney Edward Simpson explained that if the bank has a first mortgage than any lien imposed by the City would be subordinate/inferior to that. If a foreclosure sale is done, the bank would get paid first and anything left over would go to the City.

Larry Thighberg, May Avenue – behind Mr. Forgas, stated that he has lived at this location for approximately three years and stated that the only work that has occurred on that property is that within the last week Mr. Forgas has been working nights and weekends on the property at very late hours. Mr. Thighberg stated that he had to call the police to stop the work when it passed the midnight hour. He is all for fixing it up, but they have heard the same story for too long and seen no results. He stated that he has had to contend with rats and snakes because of this and he would just like it cleaned up so they can have a respectable neighborhood.

Commissioner Lockeby stated there is one difference between the two properties they have had hearings on tonight, because this one has an active party trying to bring it up to code – where the other is abandoned. He stated that he would like to give him one last opportunity before they condemn the property.

There was discussion as to the permits that Mr. Forgas could pull to do the work himself, but State criteria mandates that he must both own and live on the property to do so. The work he has done recently has been done without a permit.

Mr. Forgas stated that he wants to fix this house up for his ex-wife and their daughters, if he got the "OK" from code enforcement that it is livable. Otherwise he wants to sell it. If the house gets torn down, he wouldn't be able to sell the property for enough to pay off the bank loan.

Mayor Arthur indicated that he felt there was no likelihood that the work was going to get done and get done right and he wanted to give him a day to get his stuff out and move on with this for the sake of the neighborhood. Commissioner Byrnes referred to Commissioner Lockeby's point and stated that he too was more likely to give this man a break because of effort being made, but he wanted some form of solid action taken tonight to ensure this was moving toward correction. Discussion amongst the Commission led to a consensus opinion that the only chance there was for salvaging this structure was if there was a new owner. Mr. Simpson stated that if that was the option they wanted to pursue than they should continue the Public Hearing at their next Commission Meeting, scheduled for April 11th.

*Commissioner Lockeby moved to **CONTINUE** the Public Hearing on April 11th, 2000, seconded by Commissioner Via.*

The motion **CARRIED** 3-1 on roll call: Lockeby – yes, Via – yes, Byrnes – no, Arthur – yes.

The Commission asked Mr. Harbuck to look at this tomorrow and then to look at it again in two weeks. Mr. Harbuck will have a full report for them at their next meeting.

9. PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT 5-YEAR FUND DISTRIBUTION PLAN

Mayor Arthur opened the Public Hearing.

Acting City Manager Joe Forte explained that this is their proposed five-year plan for the CDBG grant allocation. Part of the process of adopting this is for staff to hold a public hearing first, which they did about two weeks ago – receiving no public participation. Tonight is the second public hearing, to be followed by Commission approval/disapproval. Commissioner Byrnes confirmed that this was more of a guide, not set in stone, as five years from now, their priorities could be different. Public Works Director Milt Hallman stated that each year they re-visit this and make any desired changes and submit those to the County and HUD.

There was no public participation / comments.

*Commissioner Lockeby moved **APPROVAL** of the Community Development Block Grant 5 Year Fund Distribution Plan, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Lockeby – yes, Via – yes, Byrnes – yes, Arthur – yes.

10. FIRST READING OF ORDINANCE 2577, ADMINISTRATIVE REZONING OF THE EAST SIDE OF RIVERSIDE DRIVE, BETWEEN 2ND AND 3RD STREETS, ABUTTING THE HALIFAX RIVER

City Attorney Edward Simpson read Ordinance 2577 by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REZONING A 13 ACRE +/- PARCEL COMMONLY KNOWN AS THE HALIFAX SHOPPING CENTER, LOCATED ON THE EAST SIDE OF RIVERSIDE DRIVE BETWEEN SECOND AND THIRD STREETS, FROM CC-1, COMMERCIAL CORRIDOR DISTRICT, TO B-2, SHOPPING CENTER DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Acting City Manager Joe Forte referred the Commission to the re-write of this ordinance, which was separate from the original agenda packet. This incorporates changes requested by the attorney for the proposed property buyer, which elaborate on the intent of the City to rezone this as a Planned Unit Development (PUD) once a mutual agreement for its use is reached. Mr. Forte gave the Commission some background on the City's efforts to assist in developing this property to its fullest potential, referring to a conceptual plan formulated in 1992 and grants that were applied for, though at that time nothing came of it. In August of last year, the Commission adopted the PUD ordinance with Staff using this property as the perfect example of this. Upon notification that Publix planned to relocate, Staff examined the current zoning criteria and became concerned about some of the types of businesses that were permitted. Rezoning this to B-2 allows for all of the businesses that the City would like to see there and eliminates those that would not fit the area as well.

Jim Morris, attorney for the Clarks – the proposed property buyers, confirmed that this re-write does meet their request from today's meeting. He added that basically they are in agreement on the types of businesses that they want to see there, though there may be some that they are in disagreement on. Mr. Morris informed the Commission that the due diligence period for the Clarks to investigate this property ends this week. A life insurance company, whose real estate agents are not in the office this week, currently own the property. This zoning change will necessitate reapplying for the purchase loan because this is one of the factors the bank considers when granting a loan. Mr. Morris inquired as to what type of "plan" was in place for this property and asked if he could get a copy of said plan. City Planner Bob Keeth stated that it is in the City's Redevelopment Plan, of which copies are available.

Mr. Forte stated that the Assistant City Attorney has advised him that the purchaser has no vested right to the zoning. He added that when a PUD is considered, it will require both parties to be in full agreement not only on the particular businesses but also on issues like buffers, setbacks, etc…

Commissioner Lockeby inquired as to the Clarks plans for the property. Mr. Morris stated that they want to revitalize the marina, replace the existing docks with bigger and better ones, destroy the existing dry storage building – which is in disrepair, visibly open the back of the shopping center, maybe with a corridor cutting through it. These and other specifics will be discussed during the PUD approval process.

Commissioner Byrnes referred to when they approved the CC-1 zoning for this property stating that he had never imagined anything there other than the present shopping center. He inquired as the language in one of the whereases, which states that the City will rezone this as a PUD. This is not binding, just an expression of intent – no change was made.

Commissioner Byrnes moved ***APPROVAL*** *of the First Reading of Ordinance 2577, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Lockeby – yes, Via – yes, Arthur – yes.

11. VARIANCE REQUEST FOR A SECOND STORY ADDITION TO CHRIS' LOUNGE, 1301 RIDGEWOOD AVENUE

Acting City Manager Joe Forte stated that this is a request from Chris' Lounge to put a second story game room on top of their existing building. His two areas of concern were the parking and the fact that they are currently a non-conforming structure (due to the setback regulations). The Assistant City Attorney advised him that the non-conforming status is not an issue here because the request does not make it anymore non-conforming than it already is.

John Robbins, contractor for Chris' Lounge, was present to answer any questions about the addition.

Commissioner Byrnes inquired as to the plans submitted and Code Development Administrator Tim Harbuck advised that they submitted very good plans, but they had run out of them at the Planning & Appeals Board Meeting. He presented a copy of said plans for Commission review. There was discussion as to whether there would be any restroom addition and there will not be. There was discussion as to the parking situation and Mr. Harbuck confirmed that the parking is more than what is required.

Review of ADA requirements will be done and any needed changes will be made to accommodate that, as they are approving the concept not the particular plans.

Commissioner Lockeby moved ***APPROVAL*** *of the Variance Request, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Lockeby – yes, Via – yes, Arthur – yes.

12. RESOLUTION 2000-R-15, DECLARING THE RESULTS OF THE SPECIAL ELECTION

City Attorney Edward Simpson read Resolution 2000-R-15 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD TUESDAY, MARCH 14, 2000; ANNOUNCING THE CANDIDATES FOR THE SPECIAL RUNOFF ELECTION; PROVIDING FOR SEVERABLITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE. Total Votes Cast was 972; Bob R. Brazell received 189 votes – 19.44%; Ron Fussell received 409 votes – 42.08%; Keith Tarrer received 374 votes – 39.48%. Ron Fussell and Keith Tarrer shall have their names placed on the ballot for the Special Run-Off Election, which will be held April 11, 2000.

Commissioner Via moved ***APPROVAL*** *of Resolution 2000-R-15, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Via – yes, Lockeby – yes, Arthur – yes.

13. RESOLUTION 2000-R-16, APPOINTING A CANVASSING BOARD FOR THE RUNOFF ELECTION

City Attorney Edward Simpson read Resolution 2000-R-16 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A CANVASSING BOARD FOR THE CITY'S SPECIAL RUNOFF ELECTION TO BE HELD ON APRIL 11, 2000; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE. Names listed in Section 1 are as follows: Tim Harbuck, John Wooten, George Davis, Susan Burcham, and "Snake" Andress.

Commissioner Byrnes inquired as to the Commission's usual role in this. Acting City Manager Joe Forte stated that the Commission has first option for serving on this Board but because they have a Commission Meeting that night he assumed they would prefer to decline and appoint others to it.

*Commissioner Byrnes moved **APPROVAL** of Resolution 2000-R-16, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby – yes, Byrnes – yes, Arthur – yes.

14. COMMUNICATIONS FROM CITY MANAGER

Acting City Manager Joe Forte referred to the flyer announcing April Pools Day at one o'clock this Saturday. He also referred to the small blue flyer, which will be included in the water bill announcing the Redevelopment Loans available through SunTrust – which that board is promoting. Redevelopment Board Member, Alan Riegner from Oakwood Furniture was present.

15. CITY ATTORNEY

City Attorney Edward Simpson indicated that he had nothing further to report.

16. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Via thanked everyone for their participation on opening day for baseball. He thanked the Commission for their commitment to the recreation program. He also thanked Recreation Director Chuck Beach for his organization of the dedication of Metra Field.

Commissioner Byrnes thanked everyone for their concern and prayers about his mother's recent heart surgery. He stated that she was up and walking around two days later. She's doing very well, recovering faster than expected.

Commissioner Lockeby wished Commissioner Byrnes mother continued success in her recovery.

Mayor Arthur stated that the Legislative Session went very well.

17. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:40 p. m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk