

MINUTES

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

JUNE 13, 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 7:00 p.m. Attending with Mayor Via were Commissioners John Penny, Gilles Blais, Mark Reed and Traci A. Anderson.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson, Public Safety Director Don Shinnamon, Community Development Director/City Planner Doug Gutierrez, Building Official Tim Harbuck, Finance Director Brenda Gubernator, Community Development Coordinator Marsha Radulovich, and City Clerk Valerie Manning.

B. Invocation

Mayor Via delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Mayor Via mentioned Hugh Cash passed away recently and he was involved in their baseball program for over 25 years and he was a big sponsor of their youth programs.

3. CONSENT AGENDA

- Minutes from the Community Redevelopment Agency meeting – May 23, 2006
- Minutes from the Regular City Commission meeting – May 23, 2006
- Minutes from the City Commission workshop – May 23, 2006
- Event Specific Operational Assistance – Mutual Aid Agreement

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

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

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Jim Legary, 342 Burleigh Avenue, stated he read the minutes from the Community Redevelopment Agency meeting held on May 23, 2006, and he read with interest that the City is, once again, in a hurry so that they can do something with Hollyland Park. He is upset with the lack of attention that they seem to be devoting to the people who have been here for any length of time. Mr. Legary stated he thinks he would be way distressed if every time they get an inch or inch in a half rain, he has a swamp in his front yard. Somehow, he feels that they ought to devote the kind of attention to folks that have been here, as to the folks that they are trying to attract. It seems to him that the function of government is not to further endow those people. When they have these discussions about visions, they want the wealthy folks to come here, like it's going to trickle down to us. Somehow he doesn't think that's happening.

Steve Smith, 1410 Riverside Drive, stated he was embarrassed when former mayor Bill Arthur answered his cell phone at the podium and started talking to the individual, during the last City Commission meeting held on May 23, 2006. Mayor Via mentions hats to be taken off during the meetings, cell phones should be addressed as well. Mr. Smith stated three or four days ago he was awoken to a disturbance on the street, 1424 and 1432 Riverside Drive, the emergency squad, Police and Fire Departments came and the south bound lane was blocked because they could not go down the driveway of the flag lots that are at 1424 and 1432 Riverside Drive. They have made the mistake of trying this before. They know that they can't turn around when they get back there. Mr. Smith discussed flag lots and the amount of water those lots hold because there are no storm sewers or roads going through the flag lots. Having these flag lots are not the right thing to do.

Kim Klang, 1110 Daytona Avenue, wanted to see if the City could get a quiet zone established for the train that goes through in the early hours of the morning blowing the whistle more than one time.

Mr. Forte stated that he will send a letter to Florida East Coast Railroad (FEC).

Ms. Klang stated since the hurricanes, the City lost a lot of big trees and she was wondering if they were doing anything to replace them?

Mayor Via stated they are looking at some programs to plant some more trees. Part of the City's redevelopment is surrounded by landscaping and what the City is going to do with it but along Daytona Avenue they aren't going to plant any new trees.

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Larry Chancery, 1373 Powers Avenue, wanted to make the Commission aware of what's going on, on his street. He stated that Officer Steve Aldrich is aware of the complaints. Mr. Chancery read a letter to the Commission in regards to what's been happening in the neighborhood in regards to 1317 Powers Avenue and the tenants that live at that address, Brian Christopher Donnelly and his girlfriend, Jessica Freeman. Mr. Chancery stated that Mr. Donnelly engaged in a personal vendetta against me because I agreed to testify against him for Wayne's Roofing and DBPR. Mr. Donnelly began his assault by calling police and filing several false reports accusing me of many things I did not do. This kind of harassment went on for at least a month and finally Mr. Donnelly was forced to leave by the owners of the home and was gone for about a month or two. The community went back to normal; no problems at all. On May 12, 2006 Mr. Donnelly and his girlfriend, Ms. Freeman, moved back in with Mr. and Mrs. Miller. From the moment that Mr. Donnelly arrived there's been nothing but problems. He has their entire neighborhood in turmoil. Not just harassing me, Mr. Donnelly has started in with several other neighbor's. The entire neighborhood has had it and wants him out! Mr. Chancery mentioned that he has a petition signed by 15 households, 26 members of their community just on Powers Avenue alone, and they want them out of there. They have tried everything possible to compromise with Mr. Donnelly and he is holding their neighborhood hostage! The neighbors are scared to come out at night.

Mayor Via mentioned that Mr. Chancery needs to contact Mr. Forte and Chief Shinnamon and they will look into it.

5. RESOLUTION 2006-R-16, ATTENDANCE POLICY FOR ALL BOARD MEMBERS

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-16

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA REPEALING RESOLUTION NO. 2000-R-43 AND ADOPTING A NEW ATTENDANCE POLICY FOR ALL BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated this is an item that was discussed in a workshop held on February 28, 2006. After great length of discussion with the City Attorney, they came to the conclusion that maybe their recommendation would be to make it three consecutive absences as well as four absences during a twelve month period. The Commission will have to decide tonight what direction they want to go in, whether they want to stick with the current rules, which is two consecutive absences as well as four absences for a twelve month period. If they miss two consecutive meetings they will receive a letter from the City Clerk stating that they have been removed but they have the opportunity to come before the Commission to be reinstated on the board.

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Attorney Simpson stated one of his discussions with Mr. Forte was the purpose of the person being appointed to the board and serving on the board is to serve a role to assist the Commission in making recommendations and making decisions. In his opinion, does it really matter why they are not there at the meeting? It could be a very valid reason that they are not there but whatever the reason is, they need to be at the meeting. The City needs for them to be in that role. The City needs a full board to fully advise the Commission. So, is it that important why somebody is absent or not? If they're missing three meetings in a row, they're not performing their role that the City needs them to do to provide service. Maybe it's not that important whether they have a good or bad or valid excuse or invalid excuse, a doctor's note, whatever the case may be, they are not there and the City needs them there.

*Commissioner Blais moved for **APPROVAL** Resolution 2006-R-16, but it **FAILED FOR A LACK OF SECOND**.*

Commissioner Reed stated if they miss two meetings and they get a letter and they are serious about serving on the board and they come before the Commission and then allow the Commission to decide whether or not it's a real good excuse or if they just want to play around and not be there then the Commission can let them go. He thinks the way the Resolution is right now...he is almost sorry that it's gotten to this point that they have this Resolution in front of them tonight. He thinks the way it is right now is fine.

*There was **CONSENSUS** from the Commission to leave the attendance policy for all board members the way it is in Resolution 2000-R-43.*

6. FIRST READING OF ORDINANCE 2767, AMENDING THE FUTURE LAND USE MAP – 1085 and 1091 NOVA ROAD – APPLICANT: HARRY LEAHEY

Mr. Simpson read by short title:

ORDINANCE NO. 2767

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 0.77 ACRES LOCATED AT 1085 N. NOVA ROAD WITH TAX PARCEL ID 4242-04-20-0224 AND 1091 N. NOVA ROAD WITH TAX PARCEL ID 4242-04-20-0228 FROM VOLUSIA COUNTY "MIXED USE" TO "GENERAL RETAIL COMMERCIAL"; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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*Commissioner Reed moved for **APPROVAL** the First reading of Ordinance 2767, seconded by Commissioner Anderson.*

Mayor Via opened public participation. No one spoke.

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

7. FIRST READING OF ORDINANCE 2768, AMENDING THE FUTURE LAND USE MAP – 1071 NOVA ROAD – APPLICANT: MARY WEEDO

Mr. Simpson read by short title:

ORDINANCE NO. 2768

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 0.91 ACRES LOCATED AT 1071 N. NOVA ROAD WITH TAX PARCEL ID 4242-04-20-0223 FROM VOLUSIA COUNTY “MIXED USE” TO “GENERAL RETAIL COMMERCIAL”; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Reed moved for **APPROVAL** the First Reading of Ordinance 2768, seconded by Commissioner Penny.*

Mayor Via opened public participation. No one spoke.

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

8. FIRST READING OF ORDINANCE 2769, AMENDING THE FUTURE LAND USE MAP – 1698 NOVA ROAD – APPLICANT: ADMINISTRATIVE – PROPERTY OWNER: DAVID KUREK

Mr. Simpson read by short title:

ORDINANCE NO. 2769

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 1.32 ACRES LOCATED AT 1698 N. NOVA ROAD WITH TAX PARCEL ID 4242-40-40-0200 FROM VOLUSIA COUNTY “MIXED USE” TO “GENERAL RETAIL COMMERCIAL”; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Blais moved for **APPROVAL** the First Reading of Ordinance 2769, seconded by Commissioner Penny.*

Mr. Gutierrez gave a brief presentation regarding the future land use map at 1698 Nova Road. This came before the Commission a couple of months ago, the proposed land use for Industrial and rezoning to an Industrial PUD. Essentially, that wasn't carried forward so it died. It still does not have a land use or zoning. They are administratively applying a land use amendment and a subsequent rezoning that the Commission will be hearing next month. The land use is General Retail Commercial. Currently, it is Volusia County Mixed Use (M) and staff is requesting that it change to General Retail Commercial (GRC).

Mayor Via opened public participation.

David Kurek, 1129 Woodside Drive, stated as far as the type of use, they have two gas stations across the street in Holly Hill. If he conforms to the neighborhood or to the types of businesses, there are car lots, boat yards, gas stations, that's an I-1 zone which he is in the County. The biggest argument that he is having with the City of Holly Hill is that his father was told that if he comes to the City of Holly Hill from the County, they will give sewage and water, keep your zoning and that's all in the contract. The zoning in the County is Industrial for the next five years and that's what the City has to go by now because he wasn't assigned a zone change. In reality, the contract that he has with Holly Hill states, "if we don't give you what we told you we would, you're going back to the County." Mr. Kurek stated his attorney will be here at the next meeting to appeal this. It's not proper for the Commission to vote on something that really isn't the City's by law.

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Mayor Via stated Mr. Kurek is talking about his possible de-annexation and the contract. It is not what they are talking about here. The City has a piece of property within the City limits and staff must provide a land use designation and give that to the State. Should Mr. Kurek decide, through legal means, to de-annex from the City for whatever legal means he may have, then it would trump what the Commission and staff is doing now.

Mr. Kurek stated they do not want the land use changed because it does interfere with what it is now and it is County land use now. They are still zoned under I-1(3) in the County.

Attorney Simpson stated he doesn't know what it is but whatever the County designation is, is what it is. Now, what that designation is, he doesn't know.

Mr. Kurek stated he wants to leave it like it is.

Mayor Via closed public participation.

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

9. FIRST READING OF ORDINANCE 2770, AMENDING THE FUTURE LAND USE MAP – 1670 and 1656 NOVA ROAD – APPLICANT: RICHARD BEAZLEY

Mr. Simpson read by short title:

ORDINANCE NO. 2770

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING FIGURE II-6, THE FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 2.18 ACRES LOCATED AT 1670 N. NOVA ROAD WITH TAX PARCEL ID 4242-40-40-0190 AND 1656 N. NOVA ROAD WITH TAX PARCEL ID 4242-40-40-0150 FROM VOLUSIA COUNTY “MIXED USE” TO “GENERAL RETAIL COMMERCIAL”; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Blais moved for **APPROVAL** the First Reading of Ordinance 2770, seconded by Commissioner Anderson.*

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Mayor Via opened public participation. No one spoke.

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

10. FIRST READING OF ORDINANCE 2771, POLICE AND FIRE IMPACT FEES

Mr. Simpson read by short title:

ORDINANCE NO. 2771

AN ORDINANCE TO BE KNOWN AS THE CITY OF HOLLY HILL PUBLIC SAFETY IMPACT FEE ORDINANCE; PROVIDING DEFINITIONS, RULES OF CONSTRUCTION AND FINDINGS; ADOPTING IMPACT FEE RATE STUDIES; PROVIDING FOR THE IMPOSITION OF FIRE IMPACT FEES ON ALL FIRE IMPACT CONSTRUCTION WITHIN THE CITY OF HOLLY HILL; ADOPTING A SCHEDULE OF FIRE IMPACT FEES AND CLASSIFYING USES OF PROPERTY SUBJECT TO SUCH IMPACT FEES; PROVIDING FOR THE CALCULATION OF ALTERNATIVE FIRE IMPACT FEES; PROVIDING FOR THE USE OF FIRE IMPACT FEE MONIES COLLECTED; PROVIDING FOR THE IMPOSITION OF LAW ENFORCEMENT IMPACT FEES ON ALL LAW ENFORCEMENT IMPACT CONSTRUCTION WITHIN THE CITY OF HOLLY HILL; ADOPTING A SCHEDULE OF LAW ENFORCEMENT IMPACT FEES AND CLASSIFYING USES OF PROPERTY SUBJECT TO SUCH IMPACT FEES; PROVIDING FOR THE CALCULATION OF ALTERNATIVE LAW ENFORCEMENT IMPACT FEES; PROVIDING FOR THE USE OF LAW ENFORCEMENT IMPACT FEE MONIES COLLECTED; PROVIDING FOR EXEMPTIONS IN CONNECTION WITH PUBLIC SAFETY IMPACT FEES; PROVIDING FOR CHANGES OF SIZE AND USE; PROVIDING FOR PAYMENT AND COLLECTION OF PUBLIC SAFETY IMPACT FEES; PROVIDING FOR APPLICABILITY; PROVIDING AN ALTERNATIVE COLLECTION METHOD FOR PUBLIC SAFETY IMPACT FEES; PROVIDING FOR CREDITS FOR DEVELOPER CONTRIBUTIONS; PROVIDING FOR REVIEW HEARINGS; REQUIRING REVIEW OF THE IMPACT FEE STUDIES AND THE PUBLIC SAFETY IMPACT FEE ORDINANCE; DECLARATION OF EXCLUSION FROM THE ADMINISTRATIVE PROCEDURE ACT; PROVIDING

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FOR SEVERABILITY; PROVIDING FOR NOTICE OF PUBLIC SAFETY IMPACT FEE RATES AND PROVIDING AN EFFECTIVE DATE.

Commissioner Blais moved for **APPROVAL** the First Reading of Ordinance 2771, seconded by Commissioner Penny.

Mr. Forte stated he has the comparisons from the other cities to the best of his ability up to late this afternoon. Greg Blosè wants to speak on behalf of the Volusia Home Builders Association. Mr. Forte stated what the Commission is going to be looking at are all the numbers for the impact fees. Below is the chart that Mr. Forte briefly discussed with the Commission.

IMPACT FEE SCHEDULE								
	Police	Fire/Rescue	Parks/Rec	Sewer Tap	Sewer	Water	Transportation	General Govt.
Volusia County		\$267.82	\$225.92 local		\$1,008	\$1,247		
			\$319.27 dist.				\$2,043.67	
Daytona Beach	\$296	\$174	\$1,262		\$773	\$585		
DB (Inside City)								
Zone 1								
Zone 2								
Daytona Beach Shores	(still being investigated)				\$536 collection fee			
					\$812 treatment fee			
DeBary	Fees collected by Volusia County: City impact fee \$325.57							
DeLand	\$112	\$82	\$1,057.32		\$1,199.85	\$698.25	\$0	\$185.41
					(\$63.15) per unit	(\$36.75) per unit		\$8,118.50
Deltona		\$143.69	\$433.18		\$1,780	\$1,146	\$502.33	\$11,127.76
Edgewater	\$141	\$314	\$575		\$1,790	\$1,790		\$11,798.13
Holly Hill	\$221.69	\$254.98	\$949.04		\$1,908	\$1,422		
Lake Helen	\$200		\$200	\$480		\$1,000	\$550	\$200
NSB								
Oak Hill								
Orange City	\$60.85	\$158.54	\$195.26			\$900	\$397.08	\$9,619.98
Ormond Beach (General)			\$1,022		\$1,595	\$1,359		
Ormond Beach (West)					\$1,923	\$1,688		
Ormond Beach (North)					\$1,923	\$1,688		
Pierson	Fees collected by Volusia County: City impact fee \$325.57							
Ponce Inlet	\$0	\$0	\$0	\$0	\$0	\$1,018		\$8,118.50
Port Orange	\$0	\$270	\$792		\$1,247 inside city	\$1,249 inside city		
					\$1,580 outside city	\$1,528 outside city		
South Daytona	\$164.69	\$301.97	\$315		\$625		\$436.46	

Mr. Forte stated a couple of weeks back, Mr. Blosè had a matrix of the different impact fees that he had collected from throughout the County; they were not up to date and they still are not up to date primarily because there are a lot of cities that are going through impact fee implementation at this time. Mr. Forte let the Commission know that staff has been through this comparison with three different people; Mrs. Nelson from Building and Zoning, the City Clerk, and himself, and these are about the most accurate numbers that he can give the Commission from the cities that responded to phone calls, e-mails, and any other method we could get information from. As they get into the Transportation Impact Fee, Shawn Collins from Ghyabi and Associates, Inc., is here to answer any questions they may have. What's important to understand is that these numbers are established through a study that the consultant performs and they justify what these numbers are. Some of them are fairly close; within a reasonable range of other or similar cities. The biggest number that they may see is the City's Parks and Recreation Impact Fees in the amount of \$949.04 and partly for it being so high is because they have a lot of parks within the City.

Commissioner Reed asked Mr. Forte if he believes the numbers to be correct.

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Mr. Forte stated he does believe what's on the chart is correct. There are still quite a few cities still going through this. Mr. Forte asked that the Commission don't look totally at the "TOTAL" column because what's not up there...and it was tough to decide for some of these fees and that is some of the cities had combined fees. For example, sewer taps were included. Some cities are listing a General Government Impact Fee but Holly Hill doesn't. It's not a *total* "apples-to-apples" comparison. Although the "TOTAL" column is a close reference, they might just want to look at the individual impact fee as a comparison that way.

Commissioner Reed stated his first question is, on page 14 of the Ordinance, under Alternative Fire Impact Fee, there is provision for an alternative impact fee. Is that a requirement from the State?

Attorney Simpson stated he asked their consultant attorney if that could be deleted and they said no. He asked them if the City could delete that language from the Ordinance and *not* provide the option for an alternative and they said no, the City *had* to provide it. He doesn't know if it's State Law or a court case.

Commissioner Reed stated his second question is on page 29 of the Ordinance, under Payment, they are talking about the payment of these impact fees. The first two or three of these impact fees for the Police, Fire, Rescue, Parks and Recreation, they all have established that they make the payment when they issue a building permit. But then the Transportation Impact Fee, on page 8 of that Ordinance, it says that the "*payment of fee required prior to issuance of certificate of occupancy, occupational license or use permit.*" He believes that is the correct way to implement all the fees. He also believes that these fees are a little bit too high and since they knew from the workshops, they don't have to accept just this fee; they can go less and they don't have to impose this \$1,000 fee for a park, etc. He would like to suggest an amendment to the main motion where they make all these impact fees payable on certificate of occupancy and he would also like to suggest an amendment that they cut all these fees exactly in half.

Attorney Simpson stated the consulting attorney's did Ordinances 2771 and 2772 and the Transportation Impact Fee Ordinance 2773, Ghyabi and Associates, Inc., provided him with a form and he tweaked it. If they look at Ordinance 2773, on page 16, under Time of Payment, it says, "*The person applying for the issuance of a building permit shall pay the thoroughfare road impact fee prior to the issuance of a building permit or a certificate of occupancy if no building permit is issued, or the occupancy of the building*". That's language that he inserted. They can switch it. The reason that language is written that way is they can change the use, not have to change the structure, not get a building permit, but they change the use and that will trigger an impact fee.

Commissioner Reed stated except for the accident at Marina Grande where the man died there, the City hasn't had its first police or fire impact down there, no people have impacted the City's parks, yet they would be paying a fee if they had done it in a timely fashion. But when the people come, that's when the impact comes. That's why it should be done by certificate of occupancy.

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Commissioner Penny stated if the whole goal of an impact fee is to help pay for growth then why would they want to cut it in half?

Commissioner Reed stated because he thinks the park fee...he can go along with the police and fire and rescue but he thinks the park fee is...if they look at the comparisons, its rather high. He would like to make an amendment to the original motion.

*Commissioner Reed made an amendment to the original motion that the impact fees should be done by certificate of occupancy, but it **FAILED FOR A LACK OF SECOND.***

Mayor Via stated that they will now vote on the main motion.

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

11. FIRST READING OF ORDINANCE 2772, PARKS AND RECREATION IMPACT FEES

Mr. Simpson read by short title:

ORDINANCE NO. 2772

AN ORDINANCE OF THE CITY COMMISSION OF HOLLY HILL, FLORIDA, TO BE KNOWN AS THE HOLLY HILL PARKS AND RECREATIONAL FACILITIES IMPACT FEE ORDINANCE; PROVIDING DEFINITIONS, RULES OF CONSTRUCTION AND FINDINGS; ADOPTING A CERTAIN IMPACT FEE STUDY; PROVIDING FOR THE IMPOSITION OF PARKS AND RECREATIONAL FACILITIES IMPACT FEES ON ALL RESIDENTIAL CONSTRUCTION OCCURRING WITHIN THE CITY; DEFINING RESIDENTIAL CONSTRUCTION; PROVIDING FOR THE CALCULATION AND USE OF PARKS AND RECREATIONAL FACILITIES IMPACT FEES COLLECTED; PROVIDING FOR THE CALCULATION OF ALTERNATIVE PARK AND RECREATIONAL FACILITIES IMPACT FEES; PROVIDING FOR EXEMPTIONS IN CONNECTION WITH PARKS AND RECREATIONAL FACILITIES IMPACT FEES; PROVIDING FOR CREDITS FOR DEVELOPER CONTRIBUTIONS; PROVIDING FOR THE PAYMENT AND COLLECTION OF THE PARKS AND RECREATIONAL FACILITIES IMPACT FEES; PROVIDING FOR APPLICABILITY; PROVIDING AN ALTERNATIVE COLLECTION METHOD FOR PARKS AND RECREATIONAL FACILITIES IMPACT FEES;

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PROVIDING FOR REVIEW HEARINGS; REQUIRING REVIEW OF THE IMPACT FEE STUDY AND THE PARKS AND RECREATIONAL FACILITIES IMPACT FEE ORDINANCE; DECLARATION OF EXCLUSION FROM ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR NOTICE OF PARK IMPACT FEE RATES AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Penny moved for **APPROVAL** the First Reading of Ordinance 2772, seconded by Commissioner Blais.*

Commissioner Anderson stated she feels that fee is very high.

Commissioner Penny stated his concern is that the City has paid consultant fees to determine these fees. They didn't just make these numbers up. He agrees that the number for the parks and recreation is high but if these are the fees that are...these are actual costs, these are user fees, if these are actual costs that are determined by these consultants, who are we to question the fee? The City is \$300 less than Daytona Beach; the City is comparable to DeLand; the City is less than Ormond Beach. That's what it's costing the City. If the City doesn't charge these people the impact fees then all the other residents are going to pay for it. That's the purpose of the impact fees and that's why they pay the consultants.

Greg Blosè, Director of Government Affairs for the Volusia Home Builders Association, 3520 W. International Speedway Boulevard, Daytona Beach, stated the Volusia Home Builders Association is respectfully requesting that the Commission not approve the proposed impact fees regarding parks and recreation and transportation this evening. The VHBA did not receive this study until late May and has had roughly 2½ weeks to review for impact fee studies. Furthermore, the VHBA did not initially hear about the City studying impact fees until the consultant, himself, called the VHBA roughly three weeks ago to obtain figures from the VHBA regarding other impact fee information from various municipalities throughout the area. The VHBA is here this evening to simply request more time for their association to review and potentially provide feedback and/or questions to the City on their parks and recreation and transportation impact fees. The VHBA has a proven track record of working with cities that are studying and considering the implementation of impact fees. They've worked with the City of Daytona Beach, New Smyrna Beach, Port Orange, Deltona, and DeLand; all of them within the last eighteen months on this very issue. In all these cases the VHBA was brought to the table early on in the process in order to resolve any potential conflicts and to gain the feedback and potential buy-in of a major community stakeholder. Unfortunately, this wasn't the case in Holly Hill, therefore they urge the Commission to consider allowing the VHBA more time to review and comment on the parks and recreation and transportation impact fees. He is asking for a temporary delay. They were able to review the Police and Fire Impact Fee which is why they didn't speak to those two and felt that the numbers were fair and the facts all checked out on their end.

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Mayor Via stated this is a first reading and it will be two weeks before they hear this again. The reason why the first reading is important to the Commission tonight is because of the October 15th deadline for implementation and the 90-days. Would Mr. Blosè be able to review it within that amount of time and come back with any specific recommendations?

Mr. Blosè stated he thinks so. The only concern he has about that is, and he is not saying that it's going to happen but more often than not, they have some concerns and questions for staff and it's, how quickly can the consultants get back to the City in reference to their concerns?

Mr. Forte stated he can get back quickly. GSG on the other hand, he can't answer to but Shawn Collins from Ghyabi and Associates, Inc., has been very responsive to any questions. He doesn't want to make them a promise that on the parks and recreation impact fees, if Mr. Blosè has a question that I can't answer, that has to go to GSG. Generally, an e-mail can resolve it but if it's going to be something more extensive to that...and actually, the parks and recreation impact fees were the easiest of all of them. He doesn't suspect that if Mr. Blosè has questions, by the end of this week, beginning of next week that they can't resolve them.

Mr. Blosè stated he thinks they can accept that.

Mayor Via stated he appreciates Mr. Blosè input from VHBA. This is something that the City does want to have.

Commissioner Anderson stated as she said before, her biggest concern is the fee is too high on this. She knows that they did a study but that doesn't mean that it's written in stone that they have to follow this. They can't really compare it to Daytona Beach because that's a larger city by far and it's the same thing with Ormond Beach. She thinks it's a little high.

Mr. Forte stated the figures on the chart that he handed out are accurate as of this afternoon. Daytona Beach is completed, New Smyrna Beach is completed, and DeLand is completed. Everything on that chart is current.

Mayor Via stated the motion is for the Ordinance as written. Is there an amendment to that? Is the consensus that the fee is okay? What is the pleasure of the Commission?

Commissioner Penny stated this is only first reading. They are going to be getting feedback from VHBA so his motion stands as is.

Commissioner Anderson stated she would like to see it down about 40% which includes multi-family, manufactured/mobile home dwellings. When she looks at the numbers they are way too high. She would like to make the amendment to be 40% lower for each one.

Commissioner Anderson made an amendment to the original motion that the impact fees for the Parks and Recreation be lowered by 40%, seconded by Commissioner Reed.

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Mr. Forte asked if he could make a recommendation. Being this is first reading and they are going to hear from the VHBA and at that meeting the consultant will be here, he is afraid that if the Commission lowers it for this reading and then the consultant comes in and tells the Commission something that convinces you that it should be higher, you may have difficulty raising it back up. At that meeting the Commission can reduce it by a figure or percentage.

Mayor Via stated based on that recommendation, does Commissioner Anderson want her amendment to stand?

Commissioner Anderson stated yes because she feels they can bring it up if they want to.

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

Mayor Via stated he is anxious to hear what the feedback will be from VHBA. Now they will vote on the main motion as written.

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

12. FIRST READING OF ORDINANCE 2773, TRANSPORTATION IMPACT FEE

Mr. Simpson read by short title:

ORDINANCE NO. 2773

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING A TRANSPORTATION IMPACT FEE; PROVIDING FOR DEFINITIONS; PROVIDING FOR HOW THE FEE WILL BE CALCULATED; PROVIDING FOR WHEN THE FEE SHALL BE PAID TO THE CITY; PROVIDING FOR EXEMPTIONS TO THE IMPOSITION OF THE FEE; PROVIDING FOR FEE CREDITS; PROVIDING AN IMPACT FEE SCHEDULE; PROVIDING FOR APPEAL AND ADMINISTRATIVE REVIEW OF DETERMINATIONS REGARDING THE FEE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Blais moved for **APPROVAL** the First Reading of Ordinance 2773, seconded by Commissioner Penny.*

MINUTES

Commissioner Reed stated Shawn Collins from Ghyabi and Associates, Inc., did a great presentation at the workshop. It was very thoroughly understandable, almost even the math formula but they are talking about when they payment of the fee should be collected. The difference between this impact fee and the others have been when they pay it. Why did Mr. Collins decide to have them pay it prior to issuance of certificate of occupancy? How did he come upon that trigger as opposed to a building permit trigger?

Shawn Collins, Ghyabi and Associates, Inc., Ormond Beach, stated it's purely from a professional point of view as far as transportation is concerned. Ghyabi and Associates, Inc., are only looking at impacts from a transportation perspective when the impact occurs and that's when someone physically moves into a structure or is about to move into a structure. He thinks what the Commission is deciding is based on political means but from a professional stand point, they are always looking at when the impact is going to occur.

Commissioner Reed stated that makes a huge amount of sense to him. He appreciates Mr. Collins answering that for him.

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

13. SPECIAL EXCEPTION – FLAG LOT – 1630 RIVERSIDE DRIVE – APPLICANT: DARLENE HAKOJARVI

Mr. Forte stated staff has an ordinance pending before the Board of Planning and Appeals on July 3, 2006 and that ordinance is to repeal the special exception for flag lots in the R-1. He has already spoken to Ms. Hakojarvi to let her know that his recommendation to the Commission tonight would be to delay this until a date certain, until the Commission has a chance to hear the repealing of the ordinance for the special exception. If the Commission during that hearing decides they want to support the repeal this item becomes a non-issue. If they decide to turn that repeal down then this would be heard on a case-by-case basis individually at that time. Ms. Hakojarvi was aware that there is an ordinance pending and he did make her aware that he would be bringing this recommendation to the Commission tonight.

*Commissioner Reed made a motion to **DELAY** this special exception for a flag lot to a date certain on July 25, 2006, seconded by Commissioner Anderson.*

Commissioner Penny stated he would like to workshop flag lots before that time. There was consensus from the Commission to workshop it at tonight's workshop.

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

MINUTES

Darlene Hakojarvi, 1630 Riverside Drive, stated if they're going to...she doesn't want to waste their time. She did not realize until very recently the timely matter of this issue. Mr. Flutie was granted this exception. Had she known then what she knows now, she would have gone with Mr. Flutie and she would have gotten her exception. But if she has to go after the fact, she doesn't want to waste staff's time or the Commission's time so they can just scratch it.

Mayor Via stated it's not wasting staff's time or the Commission's time, and they certainly don't want to waste her time but it will be up to what the future action of the Commission is in reference to that whether they repeal that or not.

Ms. Hakojarvi stated she put a lot of time and effort in it and she thinks she is fighting a losing battle so they can just deal with more important things.

Mayor Via stated this is just as important as anything else.

14. SPECIAL EXCEPTION – CHILD DAY CARE – 817 CENTER STREET – APPLICANT: MARILYN WILLIAMS

Mr. Gutierrez gave a brief report about the special exception for the Child Day Care. The initial application implied that the entire site was going to be used as a Day Care Center. Therefore, it would be considered a corner lot. Subsequent to that their research showed only half the building is going to be used for the Day Care and is not essentially a corner lot. With that being said, it doesn't entirely meet the first criteria for a special exception allowing the playground equipment on the side. But this lot is constrained. The building is built on the property line so they don't have a backyard. They do have a side yard that extends beyond the rear of the building as well and between the church and the Day Care Center. Staff recognizes the constraints of this site and would endorse the Commission approving the playground equipment to be placed on the side. It has an existing 8 ft. fence which could also be expanded in length. Staff's recommendation still remains to approve the request for the Child Day Care Center.

Martha Wenner, 251 Sanchez Avenue, Ormond Beach, stated she is the realtor with Adams Cameron and she represents the owner who is out of State and they should have a notarized letter that he is letting her facilitate any additional paperwork necessary in regards to the application for the Day Care Center. Ms. Wenner addressed the survey that she handed out to the Commission. The fence can be moved back and she believes its 1,000 square foot which they can expand it.

MINUTES

Marilyn Williams, 921 Hartford Avenue, stated she has been with the Volusia County School Board for 14½ years. Her heart and her desire is for children and she is doing this for the parents. She ran an after school program as well as a summer camp for a number of years and she transferred to Ormond Beach Elementary. However, the parents have followed her and requested that she try and do something for their kids because the parents aren't happy and the kids aren't happy. If she can just make a kid smile, that's her motto and hopefully this can be approved. She has already received something from the Health Department and they have inspected it and everything is in the making for that as well as the Fire Department. She has also received several character letters of reference from Volusia County Schools.

Cecil S. Williams, 921 Hartford Avenue, thanked the Commission for having them here tonight and listening to them. This has been vision of my wife's for a long time and he would like to see it come to pass and really see it happen because she is a great lady and so many kids...she just affects so many kids lives. Her heart is for the kids and they are doing this to be able to be a help to the community and to the parents who need help from time-to-time. She is a great educator. She works well with kids. His daughter is a straight "A" student and it's due to her mom and a teacher like his wife. They need more teachers like herself and moms like her. He has seen her take kids that had behavior problems and turn them around. This program would definitely benefit their community. There is an apartment complex right across from them and they have a couple of schools in the area so all of the kids would benefit from this not just in the summer time but after school too.

*Commissioner Reed made a motion to **APPROVE** the request for the proposed Child Day Care Center, located at 817 Center Street, with the provision that the applicant obtain the necessary documents listed in Section 114-667(5), specifically a health permit from the County Health Department and a Child Care Facility license from the State Department of Health, pursuant to Florida Statutes, Section 402.305, Licensing standards; child care facilities, seconded by Commissioner Blais.*

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

17. COMMITTEE REPORTS

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

None.

16. COMMUNICATIONS

A. City Manager

Mr. Forte stated there is a lunch meeting held by the Chambers Legislative Action Committee where Senator Jim King will be speaking on Thursday, June 22nd at Noon at Indigo. The Chamber breakfast is Thursday at 7:30 a.m. at Bishop's Glen and their guest speaker will be House Representative Joyce Cusack. Mr. Forte discussed his meeting with the Council on Aging and that they want to come back to Sica Hall with their Meals on Wheels in-house dining program. They are looking to start as soon as July 1, 2006. They do provide a senior service type operation in some of their other facilities. He asked them what it would take to provide services like that here in Holly Hill and they said they could do it but it would take them a year to evaluate it and then find some funding. He asked them how much funding it would take and they said probably around \$20,000 or \$25,000. The City is in the middle of its budget time and if it's the direction of the Commission to go forward with a Senior Center type service for \$25,000. If they budget it in October, it doesn't mean that they will get started in October but it may be somewhere in the next fiscal year to bring in the senior program that he thinks everyone was interested in.

*There was **CONSENSUS** from the Commission to move forward.*

Mr. Forte mentioned that the Commission needed to vote on a delegate for the Florida League of Cities Conference in August and there was consensus to have Commissioner Penny be the delegate.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Blais reminded everyone that tomorrow is Flag Day and it's the Army's Birthday.

Commissioner Penny mentioned that the Memorial Day service that was out in the front of City Hall turned out nice.

Mayor Via talked about Open Bible Church and the school and mentioned that the City received a plaque of appreciation.

MINUTES

17. ADJOURNMENT

The meeting officially adjourned at approximately 9:05 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor