

MINUTES

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

June 27, 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 7:02 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, Public Works Director/City Engineer Christ Hurst, PAL/Executive Director Chuck Beach, Information Technology Director Scott Gutauckis, Finance Director Brenda Gubernator, Assistant Finance Director Susan Worde, and Human Resource Director Diane Cole – Recording Secretary.

B. Invocation

Mayor Via delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA

- Minutes from the Regular City Commission meeting –June 13, 2006
- Minutes from the City Commission workshop – June 13, 2006

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

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

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Roger Healy, 1211 Charter Oak Circle, thanked the Mayor for the gymnasium and the pool and the other things that the Mayor and Commissioners have done over the past years to help the children in the community. Mr. Healy discussed some neighborhood business with the Mayor and Commission regarding the condition of the sidewalks on Walker Street, next to the schools, there are sidewalks that are raised which is dangerous and are a danger to the senior citizens that walk up and down them. Is anything being done about that?

Commissioner Reed stated he has spoken with Mr. Forte about it at Mr. Healy's request. Does Mr. Forte have a report?

Mr. Forte stated he spoke to Mr. Healy on the phone and Mr. Hurst is working on that and this is the area of the sidewalk between Ridgewood Avenue and Center Street on Walker Avenue.

Mr. Healy stated up to Holly Forest as well.

Mr. Forte stated yes, staff is looking at it as part of their sidewalk improvement plan.

Mr. Hurst stated the City will do it. It's just a matter of finding time and budget and getting it together. He can take a look at it and bring Mr. Forte a schedule and bring it back to the Commission.

Mr. Healy discussed briefly the Holly Hill Elementary school in regards to the grading of that school. This school has gone from a grade "B" to a grade "C". Has anybody contacted the School Board to find out why that school has gone down?

Mayor Via stated each year the grading system, the way that it is set up, you can be a tenth of a point off, and your going to get the "C" grade instead of the "B" grade. What they try to get is the "A" grade because that has to do with extra monies that are given to the school that they can have. The grades that are done are not necessarily built on its academic ability. What that is saying is the school may have had more kids that were absent during the year, and may have had disciplinary measures where they suspended more kids and all those things cut into that grade.

Commissioner Penny mentioned the Plus One Program. He has been working on a campaign called, "Be There" and it will be announced to the public very shortly. It's to try to get parents involved with their children's education. It's going to be released Countywide. They are trying to get parent involvement.

Bud Holbein, half property owner of 1506 and 1508 Riverside Drive. Mr. Holbein introduced Stacey Johnson to represent him tonight. Ms. Johnson stated at the January 24, 2006 City Commission meeting untrue facts were presented pertaining to a flag lot with special exception. We formally are requesting a public rehearing to present the facts that pertain to the condition placed on the flag lot with the Commissions approval.

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Mayor Via stated so your requesting a rehearing of the special exception.

Ms. Johnson stated for the special exception. There was a condition placed with that on the flag lot, there were facts brought forward by some of the neighbor's that were untrue, and we are preparing all of our information to show that there are quite a few differences than what was presented.

Commissioner Penny stated Mr. Simpson, if we were to rehear this, how would this be affected by the ordinance that you are preparing for staff now to eliminate flag lots?

Attorney Simpson stated what he would suggest is, because a special exception is a quasi judicial hearing and it's not been noticed, they really shouldn't get into any details here. His suggestion is submit a written request and staff can affectively date it today since Ms. Johnson verbally requested it and then he can have a chance to look at it to see if the City has a procedure that would allow for a rehearing to go through.

Thomas Truscello, 141 – 12th Street, addressed the issue of parking at the parks (referring to the North and South side of Sunrise Park). It seems that it's not just an issue of parking at parks at night but I've also noticed that the parking during Saturday and Sunday mornings when they have meetings that take place in the parks and they don't really have sufficient parking for them. He thinks the City needs to look at additional parking for the parks without disturbing the parks. As far as the evening time goes, he thinks that they could probably work with Parks Seafood Restaurant to alleviate some of that by, of course, if they were to maybe do what they do in St. Augustine and get vans and pick up some of their customers instead of having them drive. They have approximately 15 to 20 employees and if they parked some place else rather than the park or at the restaurant, that would also open up a lot more parking spaces for everyone. In the long term, the City has a piece of property that sits on the corner of LPGA Blvd. and Riverside Drive that's right adjacent to Parks Seafood Restaurant, he hates the word eminent domain but when used for public use, he doesn't see why it couldn't be used at this particular time. The crosswalk is there for the people to be safe walking back and forth to the park. They could possibly get 35 to 40 parking spaces out of that lot.

Mayor Via stated that area is owned by Doug Kneller that owns Parks Seafood Restaurant and it's slated for redevelopment with additional parking there.

Commissioner Reed stated this is the problem, Doug Kneller already owns property there, he could do the City a huge favor and demolish the home that is there. He wants to redevelop it. He doesn't want to do the redevelopment now. Mr. Forte, have you contacted Mr. Kneller about this problem?

Mr. Forte stated not specifically about the house.

Commissioner Reed asked if they could get some consensus that maybe they need to direct Mr. Forte to do something about that to see what could be done.

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Mayor Via stated if it's the will of the Commission, first of all, he is glad to hear that the parks are being used so much and that's a good problem but they need to address the parking issue and they need to examine it more and the Parks Seafood Restaurant parking issue. If it's the will of the Commission, let's have Mr. Forte spend the next 30 days analyzing what's going on and come up with some solutions for fixing it and he can work with Mr. Kneller on that.

Commissioner Anderson stated Mr. Truscello called her the other night and she went down there and it is not a safe environment down there. They were parking on the boat ramp and parking all over the place. She thinks they were using Parks Seafood Restaurant as the overflow parking. Their employees would take up the restaurant's whole parking lot if they park over there. There are people who are parking on the side of the road and jumping the fences and this is at 8:45 p.m. and she hears its worse at 4:00 p.m. You can't even drive down that road anymore.

Mayor Via stated there is some immediacy that staff can look at for safety but they need to come up with a more solid plan whether it's expansion or signage or whatever it is.

Commissioner Anderson stated if Mr. Kneller can buy a lot some place off there and he has to valet park that would be something he would have to do. The other big thing she was thinking about, they have the 4th of July next Tuesday night. Where are the citizens going to park?

Commissioner Blais stated first come; first serve.

Commissioner Anderson stated, exactly. And you know who is going to get there first – the people who go to the restaurant.

Mr. Truscello stated he has been down there between 3:00 p.m. and 4:00 p.m. and all of their employees park in the park; every single one. They walk across the street with Parks Seafood shirts on so it's obvious who they are. He is just concerned for the parks. He lives at 141 – 12th Street, he is five houses off the park – he is not going to drive to the parks and wouldn't drive to Parks Seafood Restaurant, he can walk. The fact that he can't sit in his backyard on an east wind and smell the salt air anymore because now he smells fish, he is going to live with that because that's how it is, okay? They're stuck with that. I'll never smell the salt air in my backyard again! But this parking issue and the safety issues that are going on down there are definitely something that needs to be taken care of and if the owner of the property, that's causing the problem, owns the lot that he spoke of earlier, you would think Mr. Kneller would come forward and say, "Buy my land off of me and make a parking lot for 35 to 40 cars and let's get this thing over with."

Mayor Via stated again, Mr. Kneller has property rights and what he wants to do with it is a different story but staff will analyze the problems and try to come up with some solutions.

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Maureen Monahan, 215 – 5th Street, stated they discussed this about a year ago. There is a problem down there and she wants to verify some information that was in the newspaper. Her recollection, and she has been going through the minutes for the last year in a half to try to find where they were allocating parking for a 75 seat restaurant and the newspaper article said it has 170 seats, so she would like to verify how many seats it does have? If it does have 170 seats, when did it come before the Commission again for approval? The 75 seats were allocated 26 spots of which they had 21 spots and they were supposed to have 5 overflow spots not considering the 35 employees which were also in the newspaper which she doesn't have verification of. In this case, she would think that eminent domain might be a good idea for public use.

Jack Myers, 122 LPGA Blvd., and is representing his mother-in-law as well who lives at 120 LPGA Blvd., stated he is in kind of a unique situation with the situation at Parks Seafood Restaurant. As some of them may know, his mother-in-law sold the property to Doug Kneller. When that sale went through his mother-in-law filed a letter with the City expressing concern over the fact that Doug Kneller's crew came in and marked a number of trees on our property. Mr. Myers stated they filed a letter with the City expressing concern that Mr. Kneller was planning on cutting down those trees and bushes. About a month ago, Mr. Kneller's crew came in and cut the trees and bushes down, some as far as 8 feet onto our property. They now have a beautiful view of Parks Seafood and their parking lot and they also have no privacy and no security. To be fair, Mr. Kneller did put up a fence last weekend, a 6 foot chain link fence and then for some reason that I still haven't figured out, Mr. Kneller put a gate in it to give him free access to our property. They have been in contact with Mr. Kneller in trying to get him to repair the damage that he did there on our property. There were four trees that were there when he lived up above his parent's shop at 1112 Riverside Drive in 1970. Those trees are gone now. They are trying to avoid taking the matter to court but he hasn't heard anything from Mr. Kneller for about three weeks. In regards to the parking, he can stand right outside his back door and see everything that's going on over there. As far as the park goes, easy walking distance. It's not a real critical issue to him. Something definitely needs to be done about the parking situation. He was here before the Commission a year ago fighting this issue. He lives right next door to it and he knew he was going to have to deal with it but the way things are going right now, it almost looks like someone pulled the wool over somebody's eyes because that restaurant is doing a lot more business than they were talking about when they were here a year ago.

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5. **PUBLIC HEARING – SECOND READING OF ORDINANCE 2750, FUTURE LAND USE CHANGE – 990 ALABAMA AVENUE – APPLICANT: MALKIT SALH**

Mr. Simpson read by short title:

ORDINANCE NO. 2750

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 2.5 ACRES LOCATED ON ALABAMA AVENUE WITH TAX PARCEL ID 4242-04-21-02501 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.

ORDINANCE NO. 2751

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 2.5 ACRES FEET LOCATED ON ALABAMA AVENUE WITH TAX PARCEL ID 4242-04-21-0250 FROM VOLUSIA COUNTY ZONING DESIGNATION TO R-8 MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

(Attorney Simpson read both Ordinance titles together but will be voted on separately).

Mr. Forte stated this land use change and the rezoning change came before the Commission before Mr. Gutierrez started with the City. This item did not have a City land use or a zoning. Mike Salh is the property owner and the applicant. It had a County zoning of R-4 which basically meant 6 units per acre on a typical single-family lot and Mr. Salh requested a future land use map of multi-family rezoning it to an R-8 which would come out to 20 units per acre. This went to the City Commission and was approved and went to Volusia Growth Management and went to the State and received all the approvals at the State and now it's before the Commission tonight for what would be considered as the adoption hearing.

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James Rose, Attorney from Rice and Rose Law Firm, is here representing Mike Salh. He is here tonight to urge the Commission to pass the Ordinances on behalf of Mr. Salh. As the Commission is aware, Mr. Salh is a long time businessman here in the City and he has always done a good job over on Nova Road with his business. Mr. Salh is looking forward to building a very quality product. If there are any questions, he will entertain them.

Mayor Via opened public participation.

Fran Donnelly, 1628 Anniston Avenue, stated this is the first street off of Alabama. When they moved here 25 years ago it was a nice dirt road. No traffic on that street. They like quiet streets. Since then the road has been paved, a dog park, a Wal-Mart, and now this complex going up. Do they know what the traffic is going to be? Right now, they can hardly walk on Alabama Avenue! She has complained seriously about how much and how fast are the people going to go? Would they like this on their street? We are the first street off of Alabama. She is definitely against the whole project! Also, in order to discourage traffic on their street, they might consider soft bumps in the road whereby the traffic would have to go slower or put a stop sign up. This is very disappointing. How is she going to get out of her driveway? The traffic on Alabama, there is not sidewalks! The speed limit is 25 mph or 30 mph, people are driving about 60 mph in the middle of the night! This is very disappointing; the whole thing.

Phyllis Thomson, 119 Rio Way, Ormond Beach, stated she is here this evening to ask the Commission to not approve the zoning change from R-4 to R-8 and this is in regards to, she was not present at the meeting of December 5, 2005 when this original application was made but she has read the minutes and it was all about roadways and site elevation and 20 units per acre and how much it was going to sell for. There was no addressing the issue of stormwater runoff. Ms. Thomson stated she has a letter that was dated March 4th from the surrounding neighbor's regarding the flooding problem there and how that all originated 25 years ago and that there was not a site plan and due to that the area was to be left R-4. The Commission also saw pictures of what their street looks like after a rainfall not a hurricane; after a heavy rain when the ground is saturated, she doesn't want her street to look any worse than this (showing the Mayor and Commissioners a picture of the street at this time). As they can see, her car is an SUV and she could not leave the street. It was not high enough to go through the backwater caused by Rio Way being low, Riviera Estates Blvd. being low, part of Calle Grande being low and when they get a big rain, it all runs down into the ditch and into the retention lake by the dog park. That retention pond can only hold so much and then it backs up. This is what they get when they have R-4 zoning. So, they are very concerned if it goes to R-8. She is a citizen of Volusia County and for the remaining citizens of Volusia County on Rio Way, she is asking the Commission to consider not changing the zoning on Alabama Avenue.

Ron Bagwell, 1176 Alabama Avenue, stated he is against the project and is asking the Commission to vote against this. He is disappointed with the Commission. The last time they all met, they told the citizens, him specifically, that they would notify the citizens in writing for this meeting and no notification was received. Another request was sent to the City Manager and the Commission regarding a meeting with them and his wife and no response was received. Since the December 5, 2005 meeting, his house and his mother-in-law's house, they have been involved in three traffic accidents and four thefts. The top of Nova Road where it runs into

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Alabama Avenue has become trashy. The people from Charleston Place are keeping that complex trashy looking. He never sees a City of Holly Hill truck picking up any trash or any people over there picking up trash. All the City is doing now is bringing in another issue just like Charleston Place but with twice as many problems in a smaller area. He has been hit on his motorcycle in his driveway since December 5th and his mother-in-law's fence has been hit twice by cars. The house next to the bread store has been burglarized; all the man's tools were taken out of it. Mr. Bagwell said that his house has been burglarized and lost over \$1,500 worth of tools and power supplies and none of this is showing up on the City's blotter because we're that far into the County, therefore showing up on their blotter. This project doesn't benefit Holly Hill by any means!

Denise Bagwell, 1176 Alabama Avenue, agreed with her husband's comments. She also wanted to reiterate that they have gone through a lot of processes. They have gone around the neighborhood and supplied a petition where all the neighbors that back up to this property, every single neighbor signed against this. They have come to every meeting and tried to participate. They sent several packages out to the members of the Commission requesting a meeting. She was very disappointed that they did not get any response. She did speak to Commissioner Reed once.

Commissioner Reed asked if she received his phone call the other day notifying them about this meeting.

Mrs. Bagwell stated yes, she did. Thank you very much. She doesn't want to be standing here a year from now telling the Commission about the horror stories that they hear about Parks Seafood Restaurant and that's exactly what is going to happen. They are not against this property being developed but it needs to be developed in ratio with the neighborhood.

Sandra Warley, 919 Royal Oak Court, agreed with Mr. and Mrs. Bagwell's comments. There is a water problem over there both on the north and south side of Alabama Avenue. The traffic is terrible over there and it's going to be much worse if they put in this complex.

Mayor Via closed public participation.

Mayor Via stated some of the concerns that they are hearing is about the flooding issue in the County. When someone wants to come in, such as, Wal-Mart, all those retention areas that are out front and this particular project, there are requirements by the St. Johns River Water Management District (SJRWMD) for water retention that's created by that property, is that correct?

Mr. Harbuck stated, that's correct.

Mayor Via asked if he or Mr. Gutierrez has had a chance to look at the plans of both of those projects and see that they are conforming to the water retention issues.

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Mr. Gutierrez stated whatever plans were presented were conceptual *only*. They haven't gotten any detail site plans so they really haven't been able to review them in that great depth, obviously.

Mayor Via stated before anything can be built on the Alabama Avenue property, it would be necessary for them to conform to the SJRWMD stormwater standards?

Mr. Gutierrez stated, absolutely.

Attorney Rose stated this project is going to have to come back before the City and it's going to have to comply with the SJRWMD and other rules and regulations. He certainly understands the concerns here by the citizens but Mr. Salh in the past, is a businessman, and has been here a long time and he is not a fly-by-nighter type of guy, he is going to do a good project and he is going to do it in conjunction with the City. He will provide some moderate priced housing and he thinks it's a good project and they are asking the Commission to approve it.

Commissioner Anderson stated she did get a chance to speak to Mr. Salh over the holidays and met with him and they talked on the phone twice about this project. She just wants to get that out that they did talk.

Mr. Forte stated there is no discussion as to whether or not this is a rental property versus purchase property. In addition to the land coverage and what he means by that is the ratio to building to land is the same 30, compared to single-family home land coverage. The discussion about stormwater needs to go through SJRWMD and that has to be approved and from what he has heard and this will only come out if final plans are ever brought forward, that it will help alleviate some of the flooding issues in that neighborhood.

*Commissioner Reed moved for **DENIAL** the Second reading of Ordinance 2750, seconded by Commissioner Anderson.*

Commissioner Reed stated referring to the Ordinance from first reading, it says that it was moved by Commissioner Reed and seconded by Commissioner Penny to *approve* it and then it shows that he voted "No" for it. You know what that shows? An inexperience Commissioner who tried to make a motion and got it wrong. He apologizes for that to the community. Commissioner Reed stated the City has had enough people here that have come forward and he thinks if they look at this vote right here, that he would be talking to the Mayor, Commissioners Penny and Blais, who voted for this. The people have expressed their concerns about a density increase in their neighborhood and the direct question has been asked would you like to have that in your backyard? From 2½ acres from 15 units to 50 units; that's a rather substantial increase. The neighbor's have concerns over the traffic and the crime that goes along with increased numbers of people. He doesn't think any amount of additional revenue that this City would bring in from this density change would be worth it to the people that live there. They have expressed themselves quite clearly. Just because they are not Holly Hill citizens, doesn't mean that they are not Holly Hill's neighbors. Perhaps, if the City wants them to be Holly Hill citizens, perhaps they would be willing to annex in and increase the...

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Mayor Via stated they have been asked more than once to do that.

Commissioner Reed stated all he has to say is there is always a possibility that a voluntary annexation could occur if the City demonstrates to them that you are the type of City that wants people like them in their City.

Commissioner Penny asked if Commissioner Reed would agree that clean affordable housing is a problem in our City.

Commissioner Reed stated he would agree that clean affordable housing is desirable anywhere.

Commissioner Anderson stated, and how clean and affordable is it going to be when they have twice as many cars on the road coming down that street. If they've been down Alabama Avenue there is only one place to go. They can go across Anniston to get to the other road and that's what people are doing now. The traffic is out of control over there and that's a neighborhood. There are a lot of families and kids there and they can't walk the street. In that particular neighborhood there are a lot of people that do a lot of walking to the dog park and to the golf course. What the City is doing is setting it up for an absolute failure at this point and whether the City grows or not has nothing to do with it. It's a quality of life. These people will be living next to that project. The quality of life is very important. Who says that you have to expand or you have to build every place there is an area? You can build but single-family...that's just as well. They can build single-family and leave the neighborhood the way it is. These people have come and talked about what they want and it's time for this Commission to really listen with the heart.

Commissioner Reed stated the Commission has been directed not by our City Manager to not consider affordable housing. It's not the property value, it's not whether they are condominiums or rentals, it doesn't matter if they are \$5 million or \$50,000. Mr. Salh has some property rights but his property rights do not include a guaranteed rezoning and he thinks the Commission should consider that.

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

*Commissioner Penny moved for **APPROVAL** the Second reading of Ordinance 2750, seconded by Commissioner Blais.*

Mayor Via stated when discussing property owner rights and things like that, yes the City has approached people in the County on more than one occasion to annex in, and this isn't City against County or anything else. In reference to the traffic issue, he would agree with them that needs to be looked at. He thinks they need sidewalks there and he thinks they need marked roads if there's going to be anything else that's added to it. Mr. Salh originally came to this town and took a salvage yard and asked to have it annexed in. Later Mr. Salh came to the City with properties on the corner of Alabama Avenue and Nova Road and asked for those properties to be brought into the City. Mr. Salh has always expanded and done his businesses in the proper way. The salvage yard, as the Mayor understands, is under contract and could potentially become storage units over there and this is another piece of property bought that's adjoining to that

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particular piece of property for that. Mr. Salh has been a responsible City property owner and on the business side of things where they pay half the City's ad valorem taxes.

Commissioner Reed stated he doesn't think there's anymore need for discussion because he believes that the reasons that the Mayor is using to justify this are totally false.

Mayor Via stated just as Commissioner Reed's reasons were false as well.

Commissioner Reed stated, no! The Mayor is saying that Mr. Salh has done some nice development and he owns some land and he wants another zoning change or he wants to do some more development which is also going to increase traffic on that road.

Mayor Via stated it's not the only reason but it's a prevailing reason in my mind.

Commissioner Reed stated, and we also talk about...we've all met with Mr. Salh, so he thinks ex parte disclosures are due all the way around. Let's just remind everyone who got the campaign money from Mr. Salh's business.

Mayor Via stated that is of no consequence...

Commissioner Reed stated okay, well since they are not bringing up all the other stuff that's of any consequence...

Mayor Via stated that's really...you know something...

Commissioner Reed stated let's just bring that up.

Mayor Via stated you know what?

Commissioner Reed asked you don't like it?

Mayor Via stated you know what? "I'm surprised how low at times you will go Mark. It just totally, utterly surprises me as a public official."

Commissioner Blais stated they have a little gem on Alabama Avenue and it's the dog park. They have a potential in that area. With proper planning they can solve the problems that they have on that street. They need to put their heads together.

Commissioner Penny stated he doesn't believe he has ever had a conversation with Mr. Salh.

Commissioner Reed stated he has met with him as well as Commissioner Anderson has met with Mr. Salh.

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

Now the Commission voted on Ordinance 2751.

*Commissioner Penny moved for **APPROVAL** the Second reading of Ordinance 2751, seconded by Commissioner Blais.*

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

Mayor Via stated Commissioner Reed, I don't understand you making a statement that my vote could be bought...

Commissioner Reed stated he didn't say that.

Mayor Via stated oh, that's what you said, sir! It's on the record.

Commissioner Reed stated he disclosed the fact that the Mayor received a campaign contribution.

Mayor Via stated it's on the record and that's what your insinuating and that's low! He is telling him that now!

7. PUBLIC HEARING – SECOND 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 Blais moved for **APPROVAL** the Second reading of Ordinance 2767, seconded by Commissioner Penny.*

Mayor Via opened public participation. No one spoke.

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

8. PUBLIC HEARING – SECOND 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 Blais moved for **APPROVAL** the Second Reading of Ordinance 2768, seconded by Commissioner Anderson.*

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.

9. **PUBLIC HEARING** – SECOND 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 Second Reading of Ordinance 2769, seconded by Commissioner Penny.

Mayor Via opened public participation. No one spoke.

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

10. **PUBLIC HEARING** – SECOND 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

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

Mayor Via opened public participation. No one spoke.

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

**11. RESOLUTION 2006-R-17, DEPARTMENT OF TRANSPORTATION (DOT)
HIGHWAY – NOVA ROAD – MAINTENANCE AGREEMENT**

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-17

**A RESOLUTION OF THE CITY OF HOLLY HILL,
FLORIDA, AUTHORIZING THE MAYOR AND CITY
MANAGER TO EXECUTE A MEMORANDUM OF
AGREEMENT BETWEEN THE CITY OF HOLLY HILL
AND THE COUNTY OF VOLUSIA, AND THE FLORIDA
DEPARTMENT OF TRANSPORTATION FOR THE
MAINTENANCE OF STATE ROAD RIGHTS-OF-WAY BY
THE CITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Blais moved for **APPROVAL** Resolution 2006-R-17, seconded by Commissioner Anderson.*

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

12. SANITARY SEWER REHAB 2005 – CONSTRUCTION PHASE

Mr. Forte stated several months back they did an approval for the Sanitary Sewer Rehabilitation. Out of the State Revolving Fund Loan, and part of that, as a separate item, staff should have included the engineering services of Quentin L. Hampton in the amount of \$48,995.

*Commissioner Blais moved for **APPROVAL** Quentin L. Hampton Associates, Inc., to proceed with the construction phase of the Sanitary Rehab 2005 in the amount of \$48,995, seconded by Commissioner Penny.*

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

13. COMMITTEE REPORTS

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

Commissioner Blais gave a brief report regarding the MPO meeting and stated that there will be no meeting in July.

Mayor Via gave an update regarding VCOG and mentioned the School Board that was there at the meeting to talk about the school concurrency issue. Mayor Via briefly mention WAV and the Interlocal Agreement update and mentioned the beach patrol and the Sheriff's Department.

14. COMMUNICATIONS

A. City Manager

Mr. Forte stated the Parade Committee met today and they are recommending that the City run the parade from the north end of the City to Hollyland Park with the larger floats staging in the CVS parking lot and then the marchers and the smaller vehicles staging in the FL Health Care parking lot where they will enter the parade route at 14th Street. The parade will be from 14th Street to 10th Street. The reviewing stand will be in front of Hollyland Park and the parade would go down 10th Street and come into the back end of the park where they would retrieve their vehicles, take their kids and exit from that point.

Mayor Via asked how are they going to get the amount of people that normally come to these parades that are already eight and ten deep in some spots, how are they going to get them in a four block area when they can barely fit them into the multi-block area?

Mr. Forte stated it's more than a four block area and the difference between the two is only one block.

Mayor Via asked the distance?

Mr. Forte stated, yes. Staff clocked it and it's not that far. They normally go from 3rd Street to LPGA Blvd. So, they are looking at about seven blocks there. Some of the floats actually feed

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in somewhere around 5th Street but a majority of it comes up 3rd Street or they're going to go from 10th Street to the north end of 14th Street so that's five blocks. That's going to help with a couple of things. Number one, the staging areas down at the south end of the City are now limited because of Marina Grande. The City doesn't have that area and they have staged in the neighborhoods and that has become a problem. The other problem is the great distance that they have at the south end of the City, they get more complaints from the kids that can't walk that distance and some of the senior folks as well. The third issue is the separation that occurs throughout the parade because of its length, people tend to stop and want to perform for people in the street and it creates these huge gaps that at the reviewing stand we're sitting there watching nothing while the parade tries to catch up. Hopefully, going from this new direction will resolve some of those issues. It will condense the people into a little bit of a shorter distance but he doesn't think it's going to be that detrimental because a majority of the people hang around the reviewing stand anyway.

Mayor Via stated those gaps that happen and it's because some people stop to perform and the other people keep going, if they had the Police Explorers that follow these groups and help with crowd control, if each of them had a radio and went pretty much along with each performing group and when one group stops to perform the radio goes on and the other group can stop to perform and so on and they wouldn't have the gaps.

Mr. Forte stated we would never get out of there. It would take too long to do that. What they are going to do to keep the parade moving is actually assign Public Works people as parade Marshalls that will walk along certain points of the parade and keep them moving in that route.

Mayor Via stated, okay.

Mr. Forte stated they have to remember something, this is a "marching" parade, it's not a "performing" parade. The only thing they allow to perform are the four or five middle and high school bands.

Commissioner Reed asked if staff has considered how they are going to notify all the citizens because he would hate to see them sitting on the south end and wonder where the parade is at.

Mr. Forte stated well, he is asking the Commission for approval to run the parade in the new direction and if the Commission gives the go ahead, staff will begin in the next *Heartbeat* newsletter by informing people that the parade will be coming from that direction and staff will continue that in the newsletter and post it on the digital sign and may even put a blurb in the water bills.

Commissioner Penny asked if the City got permission to stage at CVS; liability reasons.

Mr. Forte stated this meeting happened today so Steve Aldrich is the one that's going to make those contacts to get the okay. FL Health Care had given the City the okay for the Veteran's Day Parade a couple of year's ago so he is hoping that's not going to be an issue. It's just a matter of contacting CVS for the larger floats.

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*There was **CONSENSUS** from the Commission to direct staff to move forward with the plans to have the annual Christmas parade start from 14th Street to 10th Street/Hollyland Park.*

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Blais stated he made the newspaper this past Sunday. He donated some time to beautify the river and the beautification went into Ormond Beach.

Mayor Via mentioned the fire on Hartford Avenue and stated that both trucks, Engines 11 and 96 responded to the fire and the Mayor thanked them for their efficiency in putting out the fire. The Mayor spoke about Coach Piggotte who was the mayor for a number of years in South Daytona and was a Coach at Mainland High School and on Tuesday, July 25th the City of South Daytona is having a plaque dedication ceremony honoring the Public Service of Coach Piggotte at 10:00 a.m. at the Piggotte Center on Big Tree Road. Mayor Via spoke about the fundraiser for Jordon Walker who is the young man who has leukemia and he is a Police Explorer and the Bikers for First Amendment Rights did a poker run for the family and it went to several businesses and they did a fundraiser and raised a little over \$7,000 for that young man. The family thanks the City for the support and participation.

15. ADJOURNMENT

The meeting officially adjourned at approximately 8:45 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor