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

JULY 12, 2005

1. CALL TO ORDER

A. Roll Call

Vice-Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:05 p.m. Attending with Vice-Mayor Via were Commissioners Arthur Byrnes, Gilles Blais, and Lou Schmitt.

Absent: Mayor William D. Arthur

Also attending were City Manager Joe Forte, City Attorney Butch Simpson, Public Works Director Milton Hallman, Community Development Director Stuart Buchanan, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, PAL Executive Director Chuck Beach, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning. Assistant City Attorney Scott Simpson arrived approximately at 7:35 p.m. and sat in for City Attorney Butch Simpson at approximately 7:45 p.m.

B. Invocation

Milt Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

- Landmark Properties – Presentation by Dr. I.S. "Bud" Call from the Historic Preservation Board

Dr. I.S. "Bud" Call introduced the Historic Preservation Board members at this time. He then presented plaques to the following Landmark Property Owners:

Call, Bud & Darlene	558 Riverside Drive	1918
Gordon, Mary	323 Daytona Avenue	1948
Havlin, William R.	312 Burleigh Ave.	1923
Hogan, Julian	1530 Riverside Drive	1899
Paulson, John & Parsons, Alan	1321 Daytona Avenue	1923
Speers, Patricia & William	428 Daytona Ave	1924
Spence, William & Joy	167 LPGA Blvd.	1925
Stapf, Daniel & Dianne	428 Burleigh Avenue	1925
Thomas, Tracie & M. Paulie	348 Burleigh Avenue	1944
Union Congregational Church (Pastor Don Steedly)	1050 Daytona Avenue	1914

3. CONSENT AGENDA

Minutes of the City Commission Workshop – June 14, 2005
Minutes of the Regular City Commission meeting – June 28, 2005
Minutes of the City Commission Budget Workshop – June 28, 2005

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

The motion **CARRIED** 4-0 on roll call: Byrnes – Yes, Schmitt – Yes, Blais – Yes, Vice-Mayor Via – Yes.

4. COMMITTEE REPORTS

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

Vice-Mayor Via stated there hasn't been very much going on with WAV lately other than the meeting coming up a week from tomorrow. Some recommendations in terms of mid-term funding will be coming forward at that meeting.

Commissioner Byrnes stated the next Volusia League of Cities dinner will be July 28, 2005 in DeLand.

Commissioner Blais stated for the Special Event Task Force, they do not meet for the summer months.

Commissioner Schmitt had no report.

5. AUDIENCE PARTICIPATION

Regarding items not on the agenda.

Hugo Tischler, Port Orange, President of the Hungarian-American Social Club, stated he is here to get permission from the City Commission to have their annual Hungarian Folk Festival on Sunday, November 6, 2005 over at Sica Hall from 12:00 p.m. to 6:00 p.m.

Commissioner Schmitt moved ***APPROVAL*** *for the annual Hungarian Folk Festival on Sunday, November 6, 2005, seconded by Commissioner Blais.*

The motion **CARRIED** 3-1 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – No, Vice-Mayor Via – Yes.

6. RESOLUTION 2005-R-27, UPDATED GUIDELINES FOR AD VALOREM TAX ABATEMENT FOR NEW OR EXPANDING BUSINESSES

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-27

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING RESOLUTION NO. 97-R-06, ADOPTED FEBRUARY 25, 1997, REGARDING GUIDELINES FOR AD VALOREM TAX ABATEMENT FOR QUALIFIED NEW OR EXPANDING BUSINESSES; ADOPTING NEW GUIDELINES FOR AD VALOREM TAX ABATEMENT FOR QUALIFIED NEW OR EXPANDING BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-27, seconded by Commissioner Blais.*

Commissioner Schmitt asked is there a certain amount of employees that they have to have to qualify for this?

Mr. Forte stated there's a certain amount, a percentage of the median income that they have to make.

Commissioner Schmitt stated he isn't talking about "earning", he means number of employees.

Mr. Forte stated there is a minimum number of employees and he doesn't have that number at this time.

Commissioner Schmitt asked does everybody qualify for this?

Mr. Forte stated no, not everybody qualifies.

Mr. Buchanan stated the manufacturing is ten employees, corporate offices are fifty employees, and all other businesses are twenty-five employees. The only reason staff brought this to the Commission tonight is that it still is operating under the old wage scale which is now ten years old and so staff wants to update it so it's consistent with the State as to what the median income is supposed to be. This will come back to them again at the July 26, 2005 City Commission meeting to request for it to be placed on the 2005 Municipal Election ballot as a referendum item.

Commissioner Schmitt asked if there is a State agency that comes out and verifies what they are paying the people?

Mr. Buchanan stated, yes. There are forms that are standardized and the City is responsible for submitting the information.

Mr. Forte stated the Finance Department, periodically, will check to make sure that they are staying in compliance with the criteria to meet this. Just to make it clear, this has to go on this year's election ballot in October because it expires in 2006 and he doesn't want to have a special election just for this item. The referendum will be on the July 26, 2005 City Commission agenda.

The motion **CARRIED** 4-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Vice-Mayor Via – Yes.

7. FIRST READING OF ORDINANCE 2732, AMENDMENT TO THE ZONING MAP – RIVIERA ESTATES

Mr. Simpson read by short title:

ORDINANCE NO. 2732

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY APPLYING ZONING TO APPROXIMATELY 19.3 ACRES LOCATED IN RIVIERA ESTATES TO R-4A (LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Schmitt moved to **APPROVE** First Reading of Ordinance 2732, seconded by Commissioner Byrnes.*

Mr. Buchanan stated this property was originally annexed into the City in 1996. The property in question lies upon the edge of the Riviera Golf Course and it goes along Alabama Avenue and Golf Avenue. It's approximately 19.3 acres in total. At the time the City annexed it in, they gave it a City Future Land Use and they did not give it a City zoning designation. The only action needed tonight is to administratively correct that oversight. The property currently has a low-density residential future land use and staff would be giving it a single-family residential R-4A zoning designation. Most of those lots are already built out. There are already existing single-family houses along the golf course. (At this time Mr. Buchanan was showing a map of Riviera Estates on the overhead project).

The motion **CARRIED** 4-0 on roll call: Schmitt – Yes, Byrnes – Yes, Blais – Yes, Vice-Mayor Via – Yes.

8. FINAL SITE PLAN – MARINA GRANDE (*Discussion item only*)

Mr. Forte stated the Commissioners received a large packet of the final site plan of the Marina Grande project. (At this time Mr. Forte put a site plan of Marina Grande on the overhead projector for the staff and citizens to view). Staff does have some comments that they sent off to the architect. One of the changes is to the park area on 2nd Street. Before, the Commissioners saw a lot of parking spaces here and very little park and it sort of defeated the purpose of what they were trying to accomplish at the end of this roadway. This parking will take care of part of the retail space that's over here. One of the comments that staff had for the plans is that there needs to be a call out indicating what the initial parking requirements were versus what the present parking requirements are. If the Commission recalls, their conversation in the past, as long as the parking that they are indicating is enough to handle the retail space then you were okay with it. A couple of other small modifications is that this area here that used to be two retention ponds on both sides of the entrance drive, this is now one large retention area and this is a bridge that goes across the water feature. The parking garage enters and exits here to the East where they have a drop off point at this part of the circle where visitors would be dropped off here and then enter the two buildings at this point. Randy Foltz from Boca Developers/Swerdlow Group is here tonight if they have any questions or concerns that they may have.

Vice-Mayor Via asked if there were elevators in the garages?

Randy Foltz, Boca Developers/Swerdlow Group, stated there are elevators on both ends of the garages.

Mr. Forte stated the purpose of the site plan tonight is, in the PUD it was agreed that the final site plan would be shown to the Commission for review and some comments but actually, no vote needs to be taken. Staff still has a half dozen or so comments to send back to the architects onto the engineers regarding this site plan that will be followed up before the permits are issued.

Mr. Buchanan mentioned a few of the comments that were going back to the architects and then to the engineers and they were as follows: callout for the parking; a couple of the trees that were called out were Pine species and staff requested that they don't use pines; clarify a couple of the setbacks; dedication of the property for the lift station to be called out (dedicated to the City); one of the fire hydrants be relocated slightly and that they show the Fire Department connections for the retail shops. None of the major components of the developer's agreement are missing from the site plans. These are simple things that staff went to them and said they would rather have the fire hydrant here, get rid of pine trees and put something else in, those sorts of comments. These comments have already been related to the engineer, Mark Dowst and Associates, Inc., and none of them were items that the City felt would cause any problems for the project to move forward. Mr. Dowst has responded to staff and will be resubmitting the plans showing the items that staff has requested.

Vice-Mayor Via stated the retail space that is presently showing, how many thousand square feet is that?

Mr. Buchanan stated, 16,000.

Mr. Forte stated one other thing he would like to make note of, on the front page of the plans that are in front of the Commissioners, it says 26 stories. It is 25 stories. There is *no* 13th floor. He wanted to make sure that it's very clear that it's *only* 25 stories. This is going to be a 25 story building as the PUD suggests not 26 stories. He then stated what they have in front of them tonight is the developers final site plan, staff has some comments as mentioned before, any major changes that the Commission sees to that, again, they go back to the PUD agreement that says if it's a minor change, it will be changed at the staff level and if it's a major change then it will be brought back to the Commission. At this point of the project, they are in the demolition phase. They have pulled no permits yet with the exception of the footers that go below ground.

Vice-Mayor Via asked will both Towers 1 and 2 be started at the same time or will they be starting at separate times?

Mr. Foltz stated their current agreement is they come up off the ground basically at the same time for economics and sales support.

Vice-Mayor Via asked what date do they have anticipated for build out for Phase I?

Mr. Foltz stated they hope to pull foundation permits and start foundations within the next two weeks. The first two towers should be completed around 24 months.

Vice-Mayor Via asked would Phase II commence shortly thereafter?

Mr. Foltz stated they hope so but that's sales driven. They have sold what they believe to be enough to open Tower 2. They started sales in Tower 2 and they are doing well and hopefully they will go to Towers 3 and 4 but he can't tell them that they are going to do that. They hope to do that but it's sales driven. Right now, they would say yes.

Commissioner Byrnes asked if Tower 1 is sold out?

Mr. Foltz stated he wouldn't say sold out but significantly, yes. Approximately, 75% to 80%. Then they open up Tower 2 and then they go from there.

Vice-Mayor Via asked if the clubhouse will be built in Phase 2?

Mr. Foltz stated, yes.

Commissioner Schmitt asked Mr. Foltz that when they hire the contractors do they try to hire locally.

Mr. Foltz stated they try to take bids from qualified locals. For example, for the demolition, he took a bid from what he thought was the qualified bidder. He then stated we took this demolition, as the owner, we did it ourselves. We subcontracted out ourselves. Of course, we promote local vendors, contractors. He did take a bid from a local contractor in set materials. That applicant was not low. He then negotiated with three contractors.

Commissioner Schmitt asked this is for the demolition?

Mr. Foltz stated, yes.

Commissioner Schmitt asked what was the reason that the gentleman from Orlando got it?

Mr. Foltz stated he was a low-bidder and qualified.

Maureen Monahan, 215 – 5th Street, stated she has a concerns regarding the public park and the public parking. If she was a perspective business owner going into a retail plaza when there is only 1.4 allocated spots for her business, people who want to use the public park will have to either hoof it from a local neighborhood or if they want to go down there with their children and go fishing on the dock, they won't have access to a parking space because of the retail spots.

Mr. Forte stated the intent is that the parking to the far East is their park parking and the parking further West is the parking for the commercial. In many of the City's parks she will see that, and if the Mayor were here he would probably jump on this conversation, they want people to "*walk*" to the park. This is a local community park and they want them to walk there. There is plenty of paved parking spaces available at the East end and in the West end to accommodate more parking than they really need. They have to keep in mind this is *not* an *enormous* park but it's a park. This side of it is stormwater retention and then they have some open space here and some here and access to the pier. (Mr. Forte is showing Ms. Monahan the site plan on the overhead projector at this time for clarity).

Mr. Buchanan stated to give them an example, Sunrise Park has about 30 parking spaces and is about 9 acres. This park here that she is looking at is just under three acres and has 34 parking spaces.

Ms. Monahan asked will there be permits required to be pulled for the building of the condominiums themselves in addition to the foundation?

Mr. Forte stated they pulled permits to go below ground which is at the developers risk because if this is not approved then they wasted that money. Everything that is going to be permitted *above* ground will be after this evening. So they will come in and they will in essence permit Phase I. Now they may do that building one, building two and garage all separate, maybe within a 30-day period but they will have to pull complete permits, pay their impact fees, and at a certain point they will have to pay the surcharge which is the cost for running that water and sewer line and the lift station improvement to the site. That's at no cost to the taxpayer.

Ms. Monahan asked how about the increase in the impact fees and when will the new proposed impact fees, if it does get approved, go into effect? How long is the process?

Mr. Forte stated those impact fees will be *paid* when they pull the permits for those buildings.

Commissioner Schmitt stated the new impact fees. The increases.

Vice-Mayor Via stated staff is in discussion now and bringing forth the figures of the impact fees.

Mr. Forte stated they have submitted their plans. They are locked in at today's rates for impact fees. Their impact fees will not increase for Phase I and II. They are also locked into the Volusia County Transportation Impact fees and the school boards impact fees. That's the advantage of submitting your application in a timely fashion. They did everything proper and appropriate and their impact fees are secure at this point.

Ms. Monahan stated for any future development going in, how long is this approval process for the new impact fees? She is not talking about the Marina Grande project. Does it take six months to get that approval?

Mr. Forte stated he has to hire a consultant to do that work. It won't be prior to October. He won't be coming back to the Commission with increased impact fee numbers for water and sewer or any of the other fees he is planning on recommending for at least another three months or so.

Mark Reed, 140 – 15th Place, stated the park in the Mariana Grande project, it's three acres, 34 parking spaces, why would they want a retention pond in the park?

Vice-Mayor Via stated it's required by the St. Johns River Water Management District (SJRWMD).

Mr. Forte stated the easy answer is that the City has created impervious surface with the parking that's to the West so the City has to take care of that water. That retention pond *only* serves the park. Any retention, as a result of the condo development, is on their site.

Mr. Reed stated so that retention pond is resulting from the parking spaces there?

Mr. Forte stated from all of the impervious surface of the parking and the restroom in the back, that's a requirement to have *onsite* stormwater retention.

Mr. Reed asked how big is the pond?

Mr. Forte stated it's probably 25% of the green space area.

Commissioner Byrnes asked is the retention pond designed to be a full-time pond?

Mr. Forte asked is it a wet pond or a dry pond?

Mr. Hallman stated it's a dry pond.

Commissioner Byrnes stated so it's going to be a play area type of park.

Mr. Reed stated his concern is that the park is not that large and they haven't received that much for everything and he was just curious that they are going to have a retention pond there next to the river. He really didn't see the need for it. He certainly didn't want it to be part of the condominium projects retention pond requirement over in what is going to be the City's park.

Mr. Forte stated it's not part of their stormwater retention. It is a small park but they can go back to the original site plan and see where 7/8 of that park was parking.

Vice-Mayor Via asked what will be the next step as far as plans or anything that they see on the dais? What is the next piece of criteria?

Mr. Simpson stated the final site plan for Phase II.

9. INTERLOCAL AGREEMENT FOR CONSTRUCTION OF FINISHED WATER INTERCONNECT AGREEMENT BETWEEN CITY OF HOLLY HILL AND VOLUSIA WATER AUTHORITY

Mr. Forte stated this has been reviewed by the City Attorney and by the WAV Attorney and this is the agreement where Holly Hill, in part, will join with Ormond Beach and Daytona Beach on some potable water interconnects. This is the money that is going to be given to the WAV through the SJRWMD then WAV will administer the disbursement of those funds. The City of Holly Hill is a participant in that at least we have two interconnects and this is the agreement that the City has to participate in, in order to get their share of the funding for that.

Mr. Hallman stated the only reason they are going into this is if one of the cities should experience a failure in their system or something like that, that's the reason for these larger interconnects that the City is putting in. But they are all using the same method of treatment and just like right now, they might have experienced seeing more chlorine in their water for the last 30 days and that's because Ormond Beach, Daytona Beach and Holly Hill did it at the same time. So if they had any problems in interconnects, they wouldn't have any difficulty in using each others water or transferring it back and forth. They have to do that to satisfy the Department of Environmental regulations for maintaining the chlorine residual in the lines. It is for finished water and it would probably only be used in case of a real emergency one way or the other. The City of Holly Hill will control the valve on our side.

*Commissioner Schmitt moved for **APPROVAL** for the Interlocal Agreement for the construction of finished water interconnects between the WAV Board and the City of Holly Hill, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Vice-Mayor Via – Yes.

10. SURPLUS OF PROPERTY – REQUEST FOR BIDS

Mr. Forte stated these are the properties that they discussed in a workshop that were part of the stormwater retention program that they just completed this past year. They talked about surplusing all the extra land with the exception of the 700 block of Center Street because that's a very park-like area. Staff is going to surplus this property then go out and get market value for it. Their first responsibility once those properties are sold is to pay back the State Revolving Fund loan. The equivalent amount that they purchased the property for. Any monies that are remaining after they pay that portion of the loan back will go into the General Fund. There are a total of eleven parcels that have been combined; five of those parcels would be sold as single-family parcels; six of them will be grouped together as a subdivision. That's the one that cuts off of 10th Street (Magnolia Avenue) and it will be sold as a subdivision because there is no infrastructure there so whoever buys those will be responsible for putting in the road, water and sewer.

Mr. Buchanan stated they put a minimum bid which is at market value based on the appraisal of the property, they do a request for public bids, goes through the competitive bidding process and they advertise for 30 days and they are actually only required to advertise for 21 days and then sealed bids are submitted and opened and then the property is sold to the highest bidder.

Mr. Forte stated it will come back to the Commission for approval once that's done.

*Commissioner Schmitt moved to **APPROVE** the surplus of property for sale to the general public through the competitive bidding process and the sale of a piece of land to the adjacent property owner, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Vice-Mayor Via – Yes.

11. COMMUNICATIONS

A. City Manager

None.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Schmitt mentioned the sexual offenders ordinance that was being adopted in other cities and stressed his concerns and interests to the Commissioners. He suggested a workshop to further discuss this matter and there was consensus amongst them to hold a workshop on this after their next City Commission meeting which will be on July 26, 2005.

Commissioner Byrnes had asked the City Attorney to see if it was possible to have a Charter referendum that limits future City Commissioners eminent domain powers such as, for example, having a super majority vote for any eminent domain proceedings rather than just a majority.

Mr. Simpson stated there is a possibility. In theory they can restrict anything in the Charter. He just doesn't know if there have been any court cases in saying that there are *certain* powers that they can't restrict. He would have to check into it and get with the City Clerk to check the deadline dates for this year's 2005 Municipal Election for referendums to be placed on the ballot.

Commissioner Blais stated on July 2nd he road on the third shift the night of the Pepsi 400 in Daytona Beach. There weren't any problems with the people who came into town for the races. He then stated he enjoyed the fireworks that he had a chance to see along Riverside Drive.

Vice-Mayor Via stated he too is anti-eminent domain. If they could do away with it altogether, that would be fine with him. He then mentioned his concerns about the radio media and the things that he has been hearing on the radio about the CRA and the TIF monies that are established by the Florida Statutes. There have been words being used towards the City like steal, stolen, stealing, and corrupt. The radio media makes it sound like the City and the CRA are an illegal operation. He asked the City Attorney if there was anything that could be done about that.

Mr. Simpson stated probably not. He is trying to think if a "*city*" can be slandered and that's what Vice-Mayor Via is really saying. He doesn't know if a "*city*" can be slandered for damages.

Vice-Mayor Via stated his major concern is, to him it's an *insulting* comment when the radio media says things like that because it commentates that something illegal is done wrong. It reflects on each member of this Commission, Mayor, Mr. Forte's staff and administration, the City's legal group, and the very redevelopment atmosphere. As long as they have that type of information that's being delivered, he doesn't mind personal opinion, no problem, but when it's *specified* that it is *the* Holly Hill's CRA and the TIF funds and that it is stealing, that is a *direct* comment of an action that they are making that is false! "*We are not stealing*!" They can have a personal opinion but he was just asking for the legal opinion from the City Attorney. He was just wondering what process does the City have in alleviating something like this. He then stated that the All-Star Holly Hill Heat baseball team will be leaving tomorrow afternoon at 3:00 p.m. for their State tournament. The team has had some T-shirts made and they are selling them but he will be by City Hall tomorrow to drop off some shirts so staff can wear them on Friday in support of the team.

12. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:10 p.m.

Attest:	City of Holly Hill, Florida
______________________________	______________________________
Valerie Manning City Clerk	Roland Via Vice-Mayor