M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 10, 2004

1. CALL TO ORDER
A. Roll Call

Mayor Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, Community Redevelopment Area Coordinator Marsha Radulovich, Building Official Tim Harbuck, City Planner Bob Keeth, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Government Finance Officers Association Distinguished Budget Presentation Award

Mayor Arthur presented this award to the finance department, which is the sixteenth one they have received.

3. CONSENT AGENDA
Minutes Regular Commission Meeting – July 27, 2004

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

The motion **CARRIED** 5-0 on roll call: Via – yes Schmitt – Yes, Blais – Yes, Byrnes – yes, Arthur – yes.

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

Commissioner Schmitt reminded everyone of the Talent Show being sponsored by the Chamber of Commerce and the Community Redevelopment Advisory Board on September 18th at Hollyland Park.

Commissioner Via stated that the next meeting of the Water Authority of Volusia is August 18th and they will be discussing surface water plant funding for the west side of the County.

Commissioner Byrnes reminded everyone that the Florida League of Cities conference in August 19th-22nd and this will be his first convention as president of the Volusia League of Cities. He encouraged all of them to attend the League breakfast.

Commissioner Blais stated in his capacity as the City's representative on the Collegiate Events Task Force that the FDOT delays have caused traffic jams in Daytona Beach.

Mayor Arthur indicated that there had been some legislative issues that have upset the Metropolitan Planning Organization. He will bring this to them at an upcoming workshop.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Tom Davies, with the American Legion on Walker Street, stated that they would like to lease some of their parking lot to Metra for employee parking but we have some regulations that conflict with that. Mr. Forte indicated that this will be addressed in their workshop tonight.

6. RESOLUTION 2004-R-41, FIREFIGHTERS PENSION BOARD OF TRUSTEES APPOINTMENT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE FIREFIGHTERS PENSION BOARD OF TRUSTEES AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** placing the name Camille Hulsmann in the resolution, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt– yes, Blais – yes, Via – yes, Byrnes – yes, Arthur - yes.

*Commissioner Schmitt moved to **APPROVE** placing the name Sharon Mitterholzer in the resolution, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt– yes, Blais – yes, Byrnes – yes, Via – yes, Arthur - yes.

*Commissioner Byrnes moved to **APPROVE** Resolution 2004-R-34 appointing Camille Hulsmann and Sharon Mitterholzer, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Schmitt– yes, Blais – yes, Via – yes, Byrnes – yes, Arthur - yes.

7. RESOLUTION 2004-R-42, AUTHORIZING A JOINT PARTICIPATION AGREEMENT WITH FDOT FOR LANDSCAPE IMPROVEMENTS ON NOVA ROAD BETWEEN 8TH STREET AND FLOMICH STREET

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE IMPROVEMENTS TO THE MEDIANS ON NOVA ROAD BETWEEN 8TH STREET AND FLOMICH STREET; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved to ***APPROVE*** *Resolution 2004-R-42, seconded by Commissioner Blais.*

The Commission clarified that the two hundred thousand for which the budget was amended is coming from FDOT.

The motion **CARRIED** 5-0 on roll call: Via – yes, Blais – yes, Byrnes – yes, Schmitt – yes, Arthur – yes.

8. RESOLUTION 2004-R-43, AUTHORIZING A MEMORANDUM OF UNDERSTANDING IN REGARDS TO FINISHED WATER INTERCONNECTS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HOLLY HILL, THE CITY OF DAYTONA BEACH, THE CITY OF DELAND, THE CITY OF ORANGE CITY, THE CITY OF ORMOND BEACH, THE COUNTY OF VOLUSIA, AND THE WATER AUTHORITY OF VOLUSIA; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved to ***APPROVE*** *Resolution 2004-R-43, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Blais – yes, Byrnes – yes, Arthur – yes.

9. RESOLUTION 2004-R-44, REVISING THE CITY MANAGER'S EMPLOYMENT AGREEMENT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPROVING AN EMPLOYMENT AGREEMENT WITH JOSEPH A. FORTE AS CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2004-R-44, seconded by Commissioner Blais.*

Mr. Forte explained the three items which are different in this contract than in the current contract. The first is ten percent salary increase as previously approved in the budget workshops. The second is a fifty dollar per month in the automobile allowance. The third item is a three and three-quarter percent increase in the retirement contribution. The bulk of the rest of the agreement is the same, but the layout and format has been modified. The Commission indicated they were very pleased with Mr. Forte's performance in this position. He is now the second longest running City Manager for Holly Hill.

The motion **CARRIED** 5-0 on roll call: Via – yes, Blais – yes, Schmitt – yes, Byrnes – yes, Arthur – yes.

10. SECOND READING OF ORDINANCE 2699, ANNEXATION OF PROPERTY

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2699, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Byrnes – yes, Blais – yes, Arthur – yes.

11. SECOND READING OF ORDINANCE 2700, VACATING A STREET RIGHT-OF-WAY

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA VACATING PARK STREET RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2700, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Blais – yes, Byrnes – yes, Arthur – yes.

12. FIRST READING OF ORDINANCE 2701, TEMPORARY UTILITY TURN-ON PLAN

Mr. Simpson ready by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 70-124 (DEPOSITS) TO CREATE A NEW SUBSECTION TO ALLOW FOR THE TEMPORARY TURN ON OF WATER SERVICE BY PROPERTY OWNERS AND PROPERTY MAINTENANCE COMPANIES TO ALLOW FOR THE CLEANING AND INSPECTING OF RESIDENTIAL RENTAL PROPERTIES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** the Second Reading of Ordinance 2701, seconded by Commissioner Byrnes.*

The Commission indicated that they felt this was a great help to landlords but wanted to ensure that it is closely monitored.

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes, Arthur – yes.

13. FIRST READING / TRANSMITTAL HEARING OF ORDINANCE 2702, REVISING THE COMPREHENSIVE PLAN TO ESTABLISH A MIXED USE ZONING CLASSIFICATION

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; REVISING THE FUTURE LAND USE ELEMENT TO INCLUDE A NEW FUTURE LAND USE CATEGORY, MIXED USE; ADDING NEW POLICIES PRESCRIBING WHAT USES, DENSITY OF RESIDENTIAL USES AND INTENSITY OF NON-RESIDENTIAL USES MAY BE PERMITTED IN THE MIXED USE CATEGORY, AND PRESCRIBING WHERE AND UNDER

WHAT CIRCUMSTANCES THE MIXED USE CATEGORY MAY BE ASSIGNED; ADDING A NEW OBJECTIVE AND SUPPORTING POLICY PROMOTING URBAN INFILL AND REDEVELOPMENT, AND DISCOURAGING URBAN SPRAWL; PROVIDING FOR RESOLUTION OF CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *the First Reading of Ordinance 2702, seconded by Commissioner Via.*

Mayor Arthur opened this hearing to the public and Mr. Keeth advised that we have a sign-in sheet for any members of the public. Those who sign will be notified in the future of any action proposed by the Department of Community Affairs as they review this proposed amendment. There was no public participation. Mr. Forte explained that this gives our Comp Plan a mixed-use component; this is not assigned for any particular piece of property though its availability is sought by the Swerdlow Development. Mr. Keeth explained the timeframe for adoption – if initially approved tonight, this will be sent to DCA for review. Within sixty days, they will return it to the City either approved or denied by them. If approved by DCA, the City will then have sixty days to adopt. Upon final adoption, there is a twenty-one day appeal period. Mr. Keeth explained that the only significant change in this proposal since the Planning Board's review is they now propose twenty units per acre, instead of fifteen. Questions were raised regarding the PUD approval process to clarify that the Commission has the final say regarding site plans.

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Via – yes, Byrnes – yes, Blais – yes, Arthur – yes.

14. FIRST READING / TRANSMITTAL HEARING OF ORDINANCE 2703, AMENDING THE COMP PLAN TO ALLOW A ZONING CHANGE FROM "MEDIUM DENSITY RESIDENTIAL" AND "GENERAL RETAIL COMMERCIAL" TO "MIXED USE"

Mr. Simpson read by short title:

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 17 ACRES LOCATED ON THE EAST SIDE OF RIVERSIDE DRIVE BETWEEN 2ND STREET AND SILVER BEACH DRIVE FROM "GENERAL RETAIL COMMERCIAL" AND "MEDIUM DENSITY RESIDENTIAL" TO "MIXED USE"; 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** the First Reading of Ordinance 2703, seconded by Commissioner Byrnes.*

Mr. Keeth advised that he and the applicant were present to open any questions and that we have a sign-in sheet for any members of the public. Those who sign will be notified in the future of any action proposed by the Department of Community Affairs as they review this proposed amendment. Mayor Arthur opened this hearing to the public.

Public Participation as follows:

- Richard D. Mott, Sr., business Bubba John's Deli, residence 76 Wayne Drive, stated that he was initially concerned about this but now fully welcomes this project.
- Laurie Moran, 405 Burleigh Avenue, expressed many concerns about this project over the environment and quality of life. She is particularly concerned about the height.
- Charles Turner, 333 Riverside Drive, expressed concern about their water supply, stormwater handling, and the relocation of the residents in the Blue Tide apartments.
- Marc Alderette, 407 Riverside Drive, stated that he had many of the same concerns previously mentioned and he loved the shopping center that was there. He indicated that he supports redevelopment and would love to see a marina there. He is however concerned about the height and traffic congestion.
- Marc Regula, 129 3rd Street, expressed concern about the parking garage location because this will block his view of the river.

The Commission responded to these concerns individually.

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Byrnes – yes, Via – yes, Blais – yes, Arthur – yes.

15. FIRST READING OF ORDINANCE 2698, INCREASING THE COMMISSION EXPENSE ALLOWANCE / HONORARIUM

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 2(ADMINISTRATION), SECTION 2-30 (EXPENSE ALLOWANCE AND HONORARIUM) INCREASING THE EXPENSE ALLOWED AND HONORARIUM FOR THE MAYOR FROM $12,000 TO $15,000 AND FOR CITY COMMISSIONERS FROM $8,000 TO $10,000; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **DENY** the First Reading of Ordinance 2698, seconded by Commissioner Via.*

Commissioner Blais indicated that a lifetime of living and working in Holly Hill has shown him that they need to do more to attract highly qualified people to serve on the Commission and he felt this was one way to do that. Commissioner Byrnes stated that he could support a raise for the mayor's position because of the extra responsibilities but not for the Commission. Mayor Arthur stated that he felt they all deserved this but wouldn't have brought it forward if he'd realized they wouldn't support it.

The motion **CARRIED** 4-1 on roll call: Schmitt – yes, Via – yes, Byrnes – yes, Blais – no, Arthur – yes.

16. COMMUNICATIONS

A. City Manager

Mr. Forte indicated that he had nothing further to report.

B. City Attorney

Mayor Arthur welcomed Mr. Simpson back. Mr. Simpson thanked him and indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Schmitt expressed a desire to dissolve the Dog Park Board for lack of purpose, referring to conversations with their chairperson and the reduction to quarterly meetings. Now that the park is developed, it is simply a matter of on-going maintenance as any other park in the City. An ordinance proposing this will be prepared for their next meeting.

Commissioner Via stated that he felt the workshop with the Beautification Board was great and he appreciated the Swerdlow Group being present and working so well with the City. Commissioner Via mentioned the flooding situation on Eagle Drive and read a letter of thanks from one of their residents, who asked for special recognition for the company which helped them through their crisis. Mayor Arthur will send them a letter of appreciation.

Commissioner Byrnes stated that it was nice to see such a good audience turn-out. He also mentioned some flooding concerns and asked that preparations be made for the coming rains – catch basins be cleaned, etc…

Commissioner Blais referred to the history of flooding in Holly Hill and mentioned some measures residents should take to lower their risk.

Mayor Arthur thanked everyone for attending the meeting and invited them to the workshop to follow.

17. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 8:40 p.m.

Attest:	City of Holly Hill, Florida
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Jeaneen P. Clauss, CMC City Clerk	William D. Arthur Mayor