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

August 8, 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, Public Works Director/City Engineer Christ Hurst, Building Official Tim Harbuck, Finance Director Brenda Gubernator, Information Technology Director Scott Gutauckis, Community Redevelopment 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

- **City Auditors, Brent Millikan and Company present the Comprehensive Annual Report for Fiscal Year ending September 30, 2005**

Alex Kish, City Auditor from Brent Millikan and Company presented the Comprehensive Annual Report for Fiscal Year ending September 30, 2005 to the Mayor and Commissioners.

3. CONSENT AGENDA

- **Minutes from the Regular City Commission Meeting – July 25, 2006**
- **Minutes from the City Commission Workshop – July 25, 2006**

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

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

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Tim Rush, 1205 Olen Drive, Daytona Beach, came forward and asked if the Mayor and Commissioners could hold a workshop to possibly discuss the noise ordinance that's on the books now to raise the decibel levels for outside venues within the City and a workshop for special events.

Eddie Colosimo, 144 Ridgewood Avenue, came forward and suggested the same workshops as mentioned by Mr. Rush. Mr. Colosimo thanked the Mayor and Commissioners for agreeing to hold a workshop on August 22nd.

Steve Smith, 1410 Riverside Drive, stressed his concerns regarding Doug Kneller being the Special Master for the City due to conflicting interests Mr. Kneller has with the City and requested to the Mayor and Commissioners that Mr. Kneller be removed and appoint somebody else to that position. Mr. Smith handed out *Section 2-118, Special Masters*, from the Code of Ordinances to the Mayor and Commissioners for their review. Mr. Smith further discussed the 25% of registered voters needed to have a referendum placed on the ballot but is aware of the State Law which requires 10%.

Attorney Simpson read a section of *Florida Statue 166.031(1)(3), Charter Amendments,* to the Mayor and Commissioners and briefly explained to them what that means in reference to the 25% and 10% registered voters, the law and the City's Charter and Home Rule Power. Attorney Simpson stated that he will contact the Attorney General and see what his opinion is regarding the 25% and 10% registered voters and then Attorney Simpson will get back to the Mayor and Commissioners.

Jim Schultz, 117 Harvard Drive, came forward and discussed water fluoride in the City and handed out a pamphlet for the Mayor and Commissioners. There will be a workshop held on this August 22nd.

Jim Legary, 342 Burleigh Avenue, asked if the City has come to any ideas on what they are going to do about the additional parking over at Sunrise Park for Parks Seafood Restaurant and was wondering if there is a limit to the obligation that the City has as a result of issuing the variance for the parking.

Mr. Forte mentioned that staff is in the process of gathering up costs of what it would be as one of the alternatives to add about 20 parking spaces between Riverside Drive and the existing parking lot on the North side of Sunrise Park.

5. FIRST READING OF ORDINANCE 2780, RESIDENCY REQUIREMENTS FOR THE BOARD OF PLANNING AND APPEALS

Mr. Simpson read by short title:

ORDINANCE NO. 2780

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 82-76 (MEMBERSHIP) OF THE CITY CODE OF ORDINANCE TO PROVIDE THAT ONLY REAL PROPERTY OWNERS AND OWNERS OF BUSINESSES LOCATED IN THE CITY CAN QUALIFY TO SERVE AS A MEMBER OR ALTERNATE MEMBER TO THE BOARD OF PLANNING AND APPEALS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Blais moved ***APPROVAL*** *of First Reading for Ordinance 2780, seconded by Commissioner Penny.*

Commissioner Anderson mentioned that she did not like the wording of the board member or alternate board member language under Section 1. She would like for the language to be changed so that the individual is a resident in Holly Hill. Commissioner Blais withdrew his motion to approve the Ordinance and then it was tabled so that the City Attorney could bring back the Ordinance with the language being changed to read any resident whether permanent or seasonal or any business owner with a business located within the City limits qualifies to be on the Board and what will be excluded in the Ordinance is a property owner who doesn't live in the City. The Ordinance will be brought back before the Commission on August 22nd for first reading.

There was consensus from the City Commission to table Ordinance 2780 until August 22nd.

6. REVIEW OF SPECIAL EXCEPTION FOR 1105 RIDGEWOOD AVENUE – APPLICANT: HAMID ZOMORODIAN

Mr. Forte informed the Mayor and Commissioners that this was a special exception that was approved about four years ago with one-year limits where the applicant would have to come before the Commission in August to have the special exception reinstated. Mr. Zomorodian is here tonight to request that reinstatement.

Hamid Zomorodian, 1105 Ridgewood Avenue, spoke briefly about his business at that location and his desire to continue selling cars, if possible.

Commissioner Penny stressed his concerns about the property located at 1105 Ridgewood Avenue and the future of the CRA corridor. Commissioner Penny mentioned that he did have the opportunity to speak with Mr. Zomorodian about his property and his concerns as well.

There was brief discussion amongst the Mayor, Commissioners, Mr. Forte and Attorney Simpson regarding the special exception annual request located at 1105 Ridgewood Avenue.

Mr. Forte let the Mayor and Commissioners know that their two options are to either deny Mr. Zomorodian's special exception and give him a date to sunset it or to allow him the special exception under the same terms and conditions that the Commission would allow anybody else a special exception based on the Code.

Commissioner Reed made a motion to confirm Mr. Zomorodian has a special exception located at 1105 Ridgewood Avenue and it's not a one-year special exception and it doesn't need to come back for review annual, seconded by Commissioner Anderson.

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

7. RESOLUTION 2006-R-22, BOARD OF PLANNING AND APPEALS APPOINTMENT

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-22

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Reed made a motion to appoint Jim Legary to the Board of Planning and Appeals, **DIED FOR LACK OF A SECOND**.*

*Commissioner Penny made a motion to move Phillip Wiggins to a regular Board member and appoint Gena Plante as an alternate Board member and **APPROVE** Resolution 2006-R-22, seconded by Commissioner Blais.*

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

8. RESOLUTION 2006-R-23, BEAUTIFICATION ADVISORY BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-23

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE BEAUTIFICATION ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Penny asked if Mr. Forte could read the purpose, powers and duties of the Beautification Board.

Mr. Forte read *Section 2-147, Purpose and Section 2-148, Powers and Duties* from the Code of Ordinance book.

Commissioner Penny stressed his concerns about the Board and their lack of attendance and mentioned that the City has staff that is very qualified who work in the Public Works Department who beautify the City 40 hours a week under the supervision of Susan Rannie who is also very qualified. Commissioner Penny doesn't think this Board is able to fulfill its duties and therefore should be dissolved.

There was discussion amongst the Mayor, Commissioners, and Mr. Forte regarding the Board and how they would keep the Beautification awards for the businesses and residential.

Susan Rannie, Public Works Supervisor for the Parks and Grounds Department, spoke briefly. Currently, they have one regular Board member and one alternate Board member. In regards to the Board, it really makes a difference with the people who are a part of the Board. The turnover rate for this Board is extremely high. There are a few who are on the Board now who are very dedicated to the Board.

There was discussion amongst the Mayor, Commissioners, and Attorney Simpson. Commissioner Anderson suggested to the Mayor and Commissioners to appoint the two applicants that they have tonight and give the Board so much time to do their job and if nothing changes within a certain period of time then the Commission will dissolve the Board with an Ordinance from the City Attorney.

*Commissioner Penny made a motion not to approve either applicant tonight, **DIED FOR A LACK OF A SECOND**.*

*Commissioner Reed made a motion to **APPROVE** Mrs. Legary to the Beautification Advisory Board, seconded by Commissioner Anderson.*

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

*Commissioner Reed made a motion to **APPROVE** Ms. Mitterholzer to the Beautification Advisory Board, seconded by Commissioner Blais.*

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

*There was **CONSENSUS** from the City Commission requiring the Beautification Advisory Board to maintain a quorum for the next six (6) months and if they don't maintain a quorum for the next six (6) months, that means they don't have interest and then the Board should be dissolved and the City Attorney will bring forth an Ordinance to that effect.*

9. RESOLUTION 2006-R-24, AMENDMENTS TO THE VOLUSIA COUNTY CHARTER – PROPOSED BY THE CHARTER REVIEW COMMISSION

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-24

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA OBJECTING TO CERTAIN AMENDMENTS TO THE VOLUSIA COUNTY CHARTER PROPOSED BY THE CHARTER REVIEW COMMISSION; AUTHORIZING THE CITY TO EXPEND MONEY IN OPPOSITION TO CERTAIN PROPOSED AMENDMENTS TO THE VOLUSIA COUNTY CHARTER TO INFORM THE CITIZENS OF HOLLY HILL OF THE POTENTIAL IMPACT OF THESE CHARTER AMENDMENTS; FINDING THAT THE EXPENDITURE OF PUBLIC FUNDS TO INFORM THE CITIZENS OF HOLLY HILL OF THE POTENTIAL IMPACT OF CERTAIN PROPOSED CHARTER AMENDMENTS SERVES A PUBLIC PURPOSE AND IS REASONABLY NECESSARY TO PROTECT THE HEALTH, WELFARE AND SAFETY OF THE CITIZENS OF HOLLY HILL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Blais moved **APPROVAL** of Resolution 2006-R-24, seconded by Commissioner Reed.*

There was brief discussion amongst the Mayor, Commissioners and Attorney Simpson about the upcoming amendments to the Volusia County Charter which is being proposed by the Charter Review Commission and brief discussion about Home Rule. The Amendments included: Amendment No. 1: School Planning; Amendment No. 2: Water Plan; Amendment No. 3: Comprehensive Planning Districts; Amendment No. 4: Dispute Resolution Commission; Amendment No. 5: County Council Vice-Chair; and Amendment No. 6: County Council Compensation.

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

10. REDEVELOPMENT DISTRICT UTILITY IMPROVEMENTS

Mr. Forte mentioned that this is for the expansion of the system of Lift Stations 1, 2 and 4.

*Commissioner Reed moved to **APPROVE** the bid award to McMahan Construction Company in the amount of $974,525, seconded by Commissioner Blais.*

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

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

None.

12. COMMUNICATIONS
A. City Manager

Mr. Forte briefly mentioned the MAC meeting that he attended to the Mayor and Commissioners. Mayor Via mentioned WAV briefly. Mr. Forte mentioned the letter he handed out to the Mayor and Commissioners regarding Parks Seafood Restaurant and the parking issues. If they have any questions they can contact him.

B. City Attorney

None.

C. Mayor & Commissioners

13. ADJOURNMENT

The meeting officially adjourned at approximately 9:35 p.m.

Attest: City of Holly Hill, Florida

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Valerie Manning	Roland D. Via
City Clerk	Mayor