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

SEPTEMBER 27, 2005

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 Butch Simpson, Public Works Director Milton Hallman, Commander Mark Barker, Building Official Tim Harbuck, Community Development Director Stuart Buchanan, Finance Director Brenda Gubernator, PAL Executive Director Chuck Beach, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning.

B. Invocation

Milt Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA

Minutes of the Budget meeting – September 12, 2005
Minutes of the City Commission Workshop – September 13, 2005
Minutes of the Regular City Commission meeting – September 13, 2005
Gamble Antique Mall Demolition Grant
Report of Expenditures – Redevelopment Agency Demolition Grants

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

The motion **CARRIED** 5-0 on roll call: Byrnes – Yes, Blais – Yes, Schmitt – Yes, Via – Yes, Mayor 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 Via stated the WAV had their meeting and narrowed down all the portfolios to one and now it's a balanced portfolio, number eight, and it has to do with the difference of getting water on the Eastside/Westside. They are also trying to work with Seminole County to find out if they are going to do a surface water plant whether we want to do a joint venture with them. He then mentioned that more information came forward about the special assessment. The next meeting will be October 19th at 8:30 a.m.

Commissioner Byrnes stated the Florida League of Cities dinner will be this Thursday in Deltona and one of the items they are going to discuss is what the League and/or the cities can do for the hurricane victims.

Mayor Arthur gave a quick update on his trip to the areas that were hit with the hurricane. He is not sure if him and the other mayor will be leaving Friday or the beginning of next week. There are a few small cities there that they don't hear very much about. The one in question that he is going down to see about is in total devastation and that is in Long Beach, Mississippi.

Commissioner Schmitt had no report.

Commissioner Blais stated the Special Event Task Force in Daytona has been canceled for this month and next month and possibly in November. He then mentioned all the meetings that he has been attending and finds them very interesting.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Maureen Monahan, 215 – 5th Street, stated she just wanted to let the Commission know that within the past two weeks in her neighborhood between 3rd Street and 5th Street, from Burleigh Avenue to Miriam Avenue there have been numerous drug trafficking going on. Also a person's car was stolen out of their driveway two weeks ago and they were at home while this happened. In her instance last Friday night she had to call 9-1-1 because there was a person loitering at the end of her driveway and she was afraid to get out of her car. She is just wondering if the City has any plans to do something. She has heard it numerous times over the past two weeks about the crime issue and it's just blatant. If there is anything we as neighborhoods can do, they would like to know about it because they all would like to get involved to do something to curb it.

Mr. Forte stated that Commander Barker wrote down some information while she was talking and he will check into it in the morning.

Mayor Arthur asked the Commission if it would be okay to move Item #20 to the beginning of the meeting and there was consensus from the City Commission to do so.

20. VARIANCE REQUEST – 834 – 8TH STREET – APPLICANT DENNIS J. VIAZANKO

Mr. Buchanan stated the applicant has applied to the City for relief of 3'6" so that he can build a handicapped access ramp in the required setback to allow for his mother, who is wheelchair bound that he cares for at his residence. The lot itself is on a corner lot and it is actually four lots that have been combined. It's oversized. The relief that is being asked for is on the side that is over 174 feet away from the neighbors but because he does have a corner lot and they do have front yard setbacks on two sides, he is asking for a variance of 3'6".

*Commissioner Via moved to **APPROVE** the variance request for 834 – 8th Street for applicant Dennis J. Viazanko, seconded by Commissioner Byrnes.*

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

6. RESOLUTION 2005-R-40, CANVASSING BOARD APPOINTMENT

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-40

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING TWO CANVASSING BOARD MEMBERS FOR THE CITY'S GENERAL AND RUN-OFF ELECTIONS SCHEDULED FOR OCTOBER 11, 2005 AND (IF NECESSARY) THE CITY'S RUN-OFF ELECTION SCHEDULED FOR NOVEMBER 8, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2005-R-40, seconded by Commissioner Blais.*

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

7. RESOLUTION 2005-R-41, PAL BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-41

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING TWO MEMBERS TO THE PAL/RECREATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Resolution 2005-R-41, seconded by Commissioner Via.*

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

8. RESOLUTION 2005-R-42, PROPERTY SEARCH FEES

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-42

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA IMPOSING A $20 PER PROPERTY FEE FOR RESEARCH FOR OUTSTANDING LIEN RECORDS, ASSESSMENTS AND OTHER FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Blais moved to **APPROVE** Resolution 2005-R-42, seconded by Commissioner Via.*

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

9. RESOLUTION 2005-R-43, BUILDING PERMIT FEE INCREASE

Mr. Simpson read by short title:

RESOLUTION NO. 05-R-43

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING A FEE SCHEDULE FOR BUILDING PERMITS, PLAN REVIEW, ELECTRICAL PERMITS, PLUMBING PERMITS, GAS PERMITS, MECHANICAL PERMITS, SIGN PERMITS; RADON AND CERTIFICATION SURCHARGE, GARAGE SALE; CERTIFICATE OF OCCUPANCY; MOBILE HOME SETUP, TREE REMOVAL PERMIT, DEMOLITION PERMIT, DEVELOPMENT FEES, MISCELLANEOUS FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-43, seconded by Commissioner Blais.*

Commissioner Via suggested that they keep the $4.00 per tree permit removal instead of the proposed amount which is $13.00 for 1-3 trees; $4.00 per tree for each tree over 3. There was consensus from the City Commission to keep it at $4.00 per tree.

At this time Commissioner Via made a motion to amend the proposed tree removal permit.

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

*At this time there was a vote on the **main motion** to approve Resolution 2005-R-43.*

The motion **CARRIED** 4-1 on roll call: Schmitt – Yes, Blais – Yes, Via – Yes, Byrnes – Yes, Mayor Arthur – No.

10. RESOLUTION 2005-R-44, FINAL MILLAGE RATE

Mr. Simpson read the full body of Resolution 2005-R-44:

RESOLUTION NO. 2005-R-44

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 2005; PROVIDING FOR CONFLICTING RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Florida is required by Florida Statute 200.011 to certify to the County Property Appraiser the general municipal millage rate established by said Commission for the tax year beginning October 1, 2005; and

WHEREAS, the City Commission of the City of Holly Hill, Florida, pursuant to Florida Statute 200.065, the TRIM BILL, is required to adopt a tentative budget and a proposed millage rate, said proposed millage rate is the current rate of 4.08002 ($4.08002 per $1,000); and

WHEREAS, the City Commission of the City of Holly Hill, Florida, is desirous of adopting a final millage rate, having given proper notice of both a proposed 14.12% tax increase and the public hearing held with respect to same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the final millage rate adopted by the City Commission of the City of Holly Hill, Florida, for the tax year beginning October 1, 2005 is 4.08002 ($4.08002 per $1,000.00); said millage rate is the current rate of 4.08002 ($4.08002 per $1,000), which shall be a 14.12% increase in property taxes.

SECTION 2. That all resolutions made in conflict with this Resolution are hereby repealed.

SECTION 3. That this Resolution shall become effective immediately upon its adoption.

The within and foregoing Resolution was read before the City Commission of the City of Holly Hill, Florida, at its Special Meeting held in Commission Chambers at City Hall, 1065 Ridgewood Avenue, Holly Hill, Florida, on the 27^{th} day of September, 2005.

It was moved by Commissioner Schmitt and seconded by Commissioner Byrnes that said Resolution be adopted. A roll call vote of the Commission on said motion resulted as follows:

Mayor William Arthur	Yes
Commissioner Arthur Byrnes	Yes
Commissioner Gilles Blais	Yes
Commissioner Lou Schmitt	Yes
Commissioner Roland Via	Yes

WHEREAS, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly authorized by the City Clerk, and has caused the official seal of said City to be affixed, all at the City Hall in the City of Holly Hill, this 27th day of September, 2005 for the purpose of authenticity as is required by law.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-44, seconded by Commissioner Byrnes.*

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

11. SECOND READING OF ORDINANCE 2739, ANNUAL BUDGET FOR FISCAL YEAR 2005-2006

Mr. Simpson read by short title:

ORDINANCE NO. 2739

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING THE APPROPRIATIONS BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2005, THROUGH SEPTEMBER 30, 2006, PROVIDING FOR CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2739, seconded by Commissioner Schmitt.*

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

12. SECOND READING OF ORDINANCE 2738, AMENDED BUDGET FOR FISCAL YEAR 2004-2005

Mr. Simpson read by short title:

ORDINANCE NO. 2738

AN ORDINANCE AMENDING ORDINANCE NO. 2708 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Byrnes moved to ***APPROVE*** *the Second Reading of Ordinance 2738, seconded by Commissioner Blais.*

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

13. RESOLUTION 2005-R-45, AMENDMENT TO THE POLICE BENEVOLENT ASSOCIATION (PBA) CONTRACT

Mr. Forte stated Item #13 is the PBA contract and Item #14 is the Ordinance that puts what they agreed to in the contract in motion. He spoke to Scott Simpson about the Mayor’s concern of which one comes first, if they approve the PBA contract first, they are then forced to approve the Ordinance. They really can’t approve one and not the other. If they want to do the Ordinance first, the technicality part of it, that would be okay and then do Item #13 which is the contract agreement. They can do Item #14 first. There was *consensus* from the City Commission to move Item #14 before Item #13.

14. FIRST READING OF ORDINANCE 2742, PENSIONS AND RETIREMENT FOR POLICE OFFICERS

Mr. Simpson read by short title:

ORDINANCE NO. 2742

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE II POLICE OFFICERS, OF THE CODE OF ORDINANCES FOR THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-31(d) PENSION BENEFITS TO DELETE REFERENCE TO SPECIFIC PERCENTAGE OF CITY CONTRIBUTION; AMENDING SECTION 42-31(e) TO PROVIDE AN EFFECTIVE DATE OF A REDUCTION IN EMPLOYEE CONTRIBUTUON RATE TO FIVE (5) PERCENT; AMENDING SECTION 42-31(h) TO PROVIDE CLARIFICATION OF EMPLOYEE ENTITLEMENT ONLY TO EMPLOYEE CONTRIBUTIONS; AMENDING SECTION 42-31 TO PROVIDE AN ANNUAL TWO PERCENT (2%) COST OF LIVING ADJUSTMENT FOR EMPLOYEES WHO RETIRE AFTER SEPTEMBER 30, 2006; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING OF POSTING OF THIS ORDINANCE.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2742, seconded by Commissioner Blais.*

Mayor Arthur had asked why the City Commission would approve this for discussion. It's important to him and it's important that everyone knows why they would do this. He, personally, has been against this forever and he was against the way it was done. They have a City Manager that goes and deals with the negotiations; it's his job and that's what the City Commission gets him to do and he was not able to negotiate it because at the table, the Union representatives told him they already had three votes from this Commission and that's *not* the way it should be done. He wants to know why they feel so strongly about this Ordinance. This cost the City a lot of money and a lot of money down the road. Why are they doing this? He has asked this many times. Does any one want to comment? He wants to know why? He thinks everybody should know why they want to do this.

Commissioner Byrnes stated they discussed this at one of the workshops and it was done because it's a give and take from the officers and the City. The City gives some and the officers give some. Their pension now, they are only going to be entitled to what they have put in when they leave. Whereas, now they are entitled to more than that. The City had a problem with people working right up to their vesting and then leaving with all of their money and so that hurt the City and it hurt the officers pension. This Ordinance corrects that. It allows the officers to have more take-home pay. The first thing in reducing crime is to have officers that are intelligent and are happy to be in the City that they are in.

Commissioner Via stated eight years ago they had a turnover rate in the Police Department and the City has corrected some of it but not all of it and the City knows that the new hires and the competitive rate, whenever the City is looking for a new recruit, that the first thing you tell them is, "Oh, by the way, every paycheck we are going to take out 11.2% for retirement that's twenty years down the road," and they are not even thinking retirement. They're thinking about how to pay their mortgage payment or rent or whatever it happens to be. The Union negotiated and came forward with a compromise in the rate. They dropped our employee part from 8% to zero. They went from 11.2% to 5% which is okay for officers. That's what their Union decided would be good. The cost of living that's put on to the end of the retirement part is a normal retirement package that they will find for service employees and many different things. What he is hoping to achieve from this is that it encourages people to come to work here and it also encourages them to stay here.

Mayor Arthur stated the City doesn't get anything for this and that's his problem. They don't have fitness programs. They don't have a lower crime rate. They have more officers. He believes it should be performance. He wants to see the lesser crime rate. He wants to see something! He doesn't want to keep them when it's not happening. That's his feeling about this. He didn't like the way it was negotiated. He didn't think it was fair. And he, too, has not changed his view in ten years on these things.

Commissioner Blais stated even before the Mayor came aboard, and I was instrumental for that 11%, so the police officers could stay in Holly Hill so we would not have a revolving door. The police officers of today are completely different from the police officers in 1980 and 1985. "We need to compete with the other Police Departments. If we don't, they are going to leave us." Now, he spent from 1973 to 1998 as a Patrol Sergeant, a training officer, an investigator, you name it. A jack of all trades! "I took overtime in order to survive!"

Mayor Arthur stated our officers are going to be here because they believe in our City and in what they do. He hasn't seen the bailout. He sees new, young recruits that leave that have no idea about this. He doesn't see a decrease in crime. He thinks they should be able to stop crime. He doesn't believe that the police officers are doing their job and he doesn't believe in giving people credit for not doing their job.

Commissioner Byrnes stated this City has one of the only accredited Police Departments in the area.

Mayor Arthur stated he knows all of that and he is real proud of the way when there were times when our Police Department was scattered and rambling and crazy and all of that and he saw that being brought together and he applauds the staff and the people that do it but we are still not doing anything about crime and they have extra officers and he has even asked to put on more. They have to have performance!

The motion **CARRIED** 4-1 on roll call: Via – Yes, Blais – Yes, Byrnes – Yes, Schmitt – Yes, Mayor Arthur – No.

13. RESOLUTION 2005-R-45, AMENDMENT TO THE POLICE BENEVOLENT ASSOCIATION (PBA) CONTRACT

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-45

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RATIFYING A THREE-YEAR CONTRACT WITH THE POLICE BENEVOLENT ASSOCIATION (PBA); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved to ***APPROVE*** *Resolution 2005-R-45, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-1 on roll call: Via – Yes, Byrnes – Yes, Schmitt – Yes, Blais – Yes, Mayor Arthur – No.

15. SECOND READING OF ORDINANCE 2719, CREATION OF MIXED USE 2, MIXED USE 3, AND HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATAGORIES. AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN

Mr. Simpson read by short title:

ORDINANCE NO. 2719

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 THREE NEW FUTURE LAND USE CATEGORY, MIXED USE 2; MIXED USE 3; AND RESIDENTIAL HIGH DENSITY; ADDING NEW POLICIES PRESCRIBING WHAT USES, DENSITY OF RESIDENTIAL USES AND INTENSITY OF NON-RESIDENTIAL USES MAY BE PERMITTED IN THE RESIDENTIAL-BASED MIXED USE CATEGORY, AND PRESCRIBING WHERE AND UNDER WHAT CIRCUMSTANCES THE RESIDENTIAL-BASED MIXED USE CATEGORY MAY BE ASSIGNED;; 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 Second Reading of Ordinance 2719, seconded by Commissioner Blais.*

Maureen Monahan, 215 – 5th Street, stated this involves the neighborhood that she lives in and most of the people in this room live near that neighborhood.

Mr. Forte stated this is adding two new Mixed Use categories to the City's Comprehensive Plan. It's not being applied to any properties. They have a Mixed Use I, currently on the books, and this is adding Mixed Use II and Mixed Use III. Mixed Use II, in essence says, that there will be a density of twenty units per acre with a density bonus going to 35 units per acre with a commercial element. The Mixed Use III is a ten unit per acre with a density bonus going to fifteen units per acre with a commercial element. These are just items that are being *added* to the Comprehensive Plan not applied to any properties at this time.

Mark Reed, 140 – 15th Place, asked about the high density residential future land use classification. What is the density on that?

Mr. Forte stated the same as he mentioned before to Ms. Monahan.

Jim Legary asked how do they earn these density bonuses?

Mr. Forte stated there are requirements. There are six elements to earn a portion or all of the density bonus.

Ms. Monahan asked if they change the future land use to the Comprehensive Plan, is there a possibility that there is another step beyond this that may involve PUDs?

Mr. Forte stated, yes. If somebody wants to apply this to their property then they would have to come back and rezone it.

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

16. SECOND READING OF ORDINANCE 2722, AMENDMENT TO THE FUTURE AND COASTAL MANAGEMENT/CONSERVATION ELEMENTS OF THE COMPREHENSIVE PLAN PROVIDING FOR THE REGULATION OF BOATING IMPACTS TO THE HALIFAX RIVER

Mr. Simpson read by short title:

ORDINANCE NO. 2722

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE FUTURE LAND USE AND COASTAL MANAGEMENT/CONSERVATION ELEMENTS OF THE COMPREHENSIVE PLAN REGULATING BOATING IMPACTS TO THE HALIFAX RIVER; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2722, seconded by Commissioner Schmitt.*

Mr. Buchanan stated this Ordinance is tied to the ongoing Volusia County/State of Florida Manatee Protection Plan.

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

17. SECOND READING OF ORDINANCE 2741, SEXUAL PREDATOR

Mr. Simpson read by short title:

ORDINANCE NO. 2741

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; RELATING TO THE RESIDENCES OF SEXUAL PREDATORS (THOSE CONVICTED OF A VIOLATION OF SECTION 794.011, SECTION 800.04, SECTION 827.071, OR SECTION 847.0145, FLORIDA STATUTES, REGARDLESS OF WHETHER ADJUDICATION HAS BEEN WITHHELD, WHEN THE VICTIM OF THE OFFENCE FOR WHICH THE CONVICTION RESULTED WAS LESS THAN SIXTEEN (16) YEARS OF AGE AT THE TIME THE OFFENSE WAS COMMITTED) WITHIN THE CITY LIMITS OF THE CITY OF HOLLY HILL; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR A PROHIBITION AGAINST CERTAIN SEXUAL PREDATORS FROM LIVING WITHIN THE CITY OF HOLLY HILL WHEN THEIR RESIDENCE LIES WITHIN 2,500 FEET OF SPECIFIED LOCATIONS (SCHOOLS, DAY CARE CENTERS, PUBLIC PARKS AND PLAYGROUNDS); PROVIDING FOR A MEANS OF MEASUREMENT; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** the Second Reading of Ordinance 2741, seconded by Commissioner Blais.*

(Assistant City Attorney Scott Simpson took over the meeting for City Attorney Butch Simpson at this time).

Mr. Forte stated he received a request for a survey that he will fill out tomorrow based on what the Commission does with this Ordinance. The Florida League of Cities is doing a survey and the Florida Legislature is doing a survey to see which cities have adopted the 2500 foot restriction on the sexual predator offender ordinance. He doesn’t know if they are planning to do something at that level or not but it seems to have gotten their attention lately.

At this time there was brief discussion from members of the audience in regards to this Ordinance. Some had concerns about the 2500 foot restriction and were interested in tabling this for a later time. The citizens that spoke were as follows: Matthew Hudson, Donnie Moore, Joann Vulpy, and Maureen Monahan.

Commander Mark Barker spoke briefly and answered questions of the City Commission regarding the sexual predator restrictions and the monitoring process of the offenders.

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

18. FIRST READING OF ORDINANCE 2743, AMENDMENT TO THE FUTURE LAND USE MAP – 327, 331, AND 403 RIDGEWOOD AVENUE; 326 DAYTONA AVENUE – 7.5 ACRES

Mr. Simpson read by short title:

ORDINANCE NO. 2743

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 7.5 ACRES LOCATED AT 327, 331, & 403 RIDGEWOOD AVENUE AND 326 DAYTONA AVENUE WITH TAX PARCEL ID 4244-01-23-0150; 4244-01-23-0170; 4244-01-23-0130; 4244-01-23-0220; 5337-33-02-0050 FROM "GENERAL RETAIL COMMERCIAL" AND "LOW DENSITY SINGLE FAMILY RESIDENTIAL" TO "RESIDENTIAL 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 2743, seconded by Commissioner Blais.*

Mr. Buchanan stated the application is for a change in future land use for 7.5 acres which is located on 3rd Street and Ridgewood Avenue. It includes 6.5 acres along Ridgewood Avenue which currently has a future land use of business general commercial. It also includes 1 acre which is located on Daytona Avenue from low density residential. The applicant is asking for a change in future land use to residential mixed use. (At this time Mr. Buchanan showed a map of the properties on the overhead projector for the City Commission and members of the audience).

Members of the audience had some concerns about the amendment to the future land use map regarding 327, 331, and 403 Ridgewood Avenue and 326 Daytona Avenue. They were not in opposition of the amendment but some were concerned about the access to Daytona Avenue, the height limits overlooking their neighborhood, notification requirements for the surrounding neighbors and protecting some of the Oak trees that are in that area. The citizens that spoke were as follows: Donnie Moore, Maureen Monahan, Jim Legary, Mary Gordon, and Annette Moore.

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

19. FIRST READING OF ORDINANCE 2744, AMENDMENT TO THE ZONING MAP – 1100 & 1112 RIVERSIDE DRIVE

Mr. Simpson read by short title:

ORDINANCE NO. 2744

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 29,000 SQUARE FEET LOCATED AT 1100 & 1112 RIVERSIDE DRIVE TAX PARCEL ID 4242-50-01-0010 & 4242-50-01-0020 FROM R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT AND B-3 NEIGHBORHOOD COMMERCIAL TO MIXED USE II; 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 2744, seconded by Commissioner Blais.*

Mr. Buchanan gave a brief staff report regarding the amendment to the zoning map for 1100 and 1112 Riverside Drive at this time. The requested future land use change is from B-3 Neighborhood Commercial and R-1 Single-Family Residential to Mixed Use II.

Members of the audience that spoke regarding the amendment to the zoning map of 1100 and 1112 Riverside Drive about the parking for the future homes and the restaurant, the height restrictions in the community and parking in Sunrise Park were as follows: Ann Marie Sikorski, Jennifer Shaw, and Ms. Hope.

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

21. POLICE, FIRE & EMS, PARKS & RECREATION IMPACT FEE STUDY

Mr. Forte stated Items 21, 22, and 23 are all relevant to impact fees. They have talked about this at the workshop a couple of months ago and they received proposals to do these impact fees. He is asking the Commission to approve these items *just* to get them started on the study. It will probably take anywhere from 30 to 60 days to do it and it will come back to the Commission in an ordinance form. At that time as they develop the ordinance and there will be workshops so they will be able to discuss some of this stuff at those workshops, is to decide at that point when they are going to implement the impact fees, how they are going to do it, whether they will do some creative financing with the CRA and whatnot. But that conversation should be reserved until that time because they will know what the impact fee is.

*Commissioner Schmitt moved to **APPROVE** the proposal from Government Services Group, Inc., (GSG) to conduct the impact fee study for Police, Fire & EMS, and Parks and Recreation in the amount of $56,500, seconded by Commissioner Via.*

The motion **CARRIED** 4-1 on roll call: Schmitt – Yes, Via – Yes, Blais – Yes, Byrnes – No, Mayor Arthur – Yes.

22. WATER AND WASTEWATER IMPACT FEE STUDY

Mr. Forte stated this is for water and wastewater impact fees. They already charge a water and wastewater impact fee but this is to reassess this and it's for a total of $8,750.

*Commissioner Schmitt moved to **APPROVE** the proposal from Quentin L. Hampton Associates, Inc., is to provide the engineering study for an update of the City's water and wastewater impact and connection fees in the amount of $8,750, seconded by Commissioner Blais.*

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

23. TRANSPORTATION IMPACT FEE STUDY

Mr. Forte stated this is for the transportation impact fee study in an amount of $16,000 and this would come out of the transportation budget.

*Commissioner Schmitt moved to **APPROVE** the Scope of Service provided by Ghyabi & Associates will be a "piggyback" from an identical service Ghyabi & Associates provided to South Daytona in 2004, seconded by Commissioner Blais.*

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

24. WATER AND SEWER BANK LOAN

Mr. Forte stated this is the water loan that they are going to do. This is $1.5 million for the Capital Improvement Projects over at the Water Department. In their packet they have a proposal from Bank of America. However, in front of them tonight, they should have a proposal from SunTrust Bank. There was an oversight when staff evaluated the proposals that was brought to their attention and actually, SunTrust had the better bid. Staff contacted Bank of America and SunTrust to explain to them that we will be recommending approving the SunTrust bid and that came in at .01 less on the rate. It came in at 3.82% and Bank of America was 3.83%. It equals out to about $15,000 over the life of the loan. This will be a twenty year loan; principal and interest. Originally staff talked to the Commission about doing an interest only but that was when they were talking if they were going to go into the $3.6 million loan but they are not now. They are only going to stay in the $1.5 million range.

*Commissioner Schmitt moved to **APPROVE** accepting the loan proposal from SunTrust Bank in the amount of $1.5 million for twenty years, seconded by Commissioner Blais.*

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

25. COMMUNICATIONS

A. City Manager

Mr. Forte stated the Historical Board requested a workshop and he will schedule that for October 25, 2005 at 6:00 p.m. He then mentioned Bike Week and the complaints about the number of vendors they had and doesn't know if the Commission wants to readdress that and put limitations on that or leave things the way they are. They have two declared special event periods which are Bike Week and Biketoberfest. They can workshop it next year because there is no time to workshop it now and create the change. This October they can evaluate it and then workshop it.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Blais stated he had a surprise on his street this week and that is a sidewalk between 6th and 8th Street. He only saw one kid with a skateboard using it and the rest of the people are walking on the street. He appreciates the hard work of the City employees and to come up with the sidewalks on some of these streets. He didn't mean to offend anyone with the law enforcement or any issues related to that. If he did offend anyone, he apologizes. He then stated if there is any Air Force Veterans in the audience, "Happy Birthday" because September is your birthday month.

Commissioner Schmitt suggested to the Commission about getting a flashing light for Walker Street due to the school there and that it could possibly help slow down the traffic during school crossing hours.

*Commissioner Schmitt mad a motion to **APPROVE** a flashing light on Walker Street during school crossing hours to help slow the traffic down, seconded by Commissioner Via.*

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

Commissioner Via briefly talked about the Union with the Police Department and the crime within the City. He then mentioned the sexual predator ordinance and why he felt he should vote for it. Commissioner Via stated that the next City Commission meeting is scheduled the same day the General election is and that the polling places close at 7:00 p.m. Therefore, he asked the City Commission if they wouldn't mind starting the meeting later that evening.

*Commissioner Via made a motion to **APPROVE** starting the October 11, 2005 City Commission meeting at 7:30 p.m., seconded by Commissioner Blais.*

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

Commissioner Via then asked about the status of FEMA and Mr. Forte briefly discussed the meeting that he attended today with Mr. Hallman, Mrs. Gubernator and Ms. Rannie and the FEMA representatives.

Commissioner Byrnes mentioned that he was bothered about the shots at the Police Department because he feels they are doing a good job. He thanked everybody for coming to the meeting tonight.

26. ADJOURNMENT

The meeting officially adjourned at approximately 10:15 p.m.

Attest:	City of Holly Hill, Florida
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Valerie Manning City Clerk	William D. Arthur Mayor