M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
September 28, 1999

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:30 p.m. Attending with Mayor Arthur were Commissioners J.D. Mellette, Arthur Byrnes, Shirley Heyman, and Roland Via.

Also attending were Acting City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Public Works Manager Tim Miller; Police Chief Larry Walker, Finance Director Brenda Gubernator, Code Development Administrator Tim Harbuck, and City Clerk Jeaneen Clauss.

2. INVOCATION

Public Works Director Milt Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Police Officer Jeff Miller gave a brief background on the Law Enforcement Trading Card Contest. A young resident by the name of David Orluf was eager to complete his collection and he came to Officer Miller and asked how he could earn the last couple of cards. Officer Miller told him to memorize the names of all of the United States presidents and David Orluf did just that. Mayor Arthur presented an award certificate to young Mr. Orluf and Officer Miller announced that Southtrust Bank is giving him a $100 savings bond.

5. CONSENT AGENDA

None.

6. AUDIENCE PARTICIPATION

7. RESOLUTION 99-R-33, APPOINTING A CANVASSING BOARD FOR THE GENERAL ELECTION TO BE HELD OCTOBER 5TH, 1999

City Attorney Edward Simpson read Resolution 99-R-33 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A CANVASSING BOARD FOR THE CITY'S GENERAL ELECTION TO BE HELD ON OCTOBER 5, 1999; PROVIDING FOR SEVERABILITY; PROVIDING FOR

CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE; APPOINTING WILLIAM ARTHUR, ARTHUR BYRNES, TIM HARBUCK, "SNAKE" ANDRESS, AND JOHN WOOTEN.

*Commissioner Mellette moved **APPROVAL** of Resolution 99-R-33, seconded by Commissioner Via.*

Acting City Manager Joe Forte stated that this board would be convening at 5:30 p.m. Mayor Arthur asked if they had alternates, if needed and City Clerk Jeaneen Clauss responded that as long as they have three present they would have a quorum.

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

8. SPECIAL EXCEPTION – BED & BREAKFAST AT 558 RIVERSIDE DRIVE.

Development Code Administrator Tim Harbuck advised that they have determined that this meets all the conditions for a Special Exception. Staff does not have a problem with it, they feel it would be an asset to Holly Hill, and they recommend that the Commission approve this.

*Commissioner Mellette moved **APPROVAL** of the Special Exception for a Bed & Breakfast at 558 Riverside Drive, seconded by Commissioner Byrnes.*

Commissioner Byrnes stated that this is certainly better for those properties on Riverside than chopping them up in flag lots, etc... The other Commissioners agreed. Commissioner Via stated that he had seen the home before (concerning it's a/c) and it is perfectly set up for this. He also confirmed that all the proper notices had been given and procedures followed. Mr. Harbuck advised that they had. Bud and Darlene Call, the applicants, introduced themselves and thanked the Commission for their comments.

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

9. FINAL DRAFT OF IMPACT FEE CREDIT AGREEMENT

Acting City Manager Joe Forte stated that this is the final draft and he believes that it contains everything that was discussed at the meeting. He and Public Works Director Milt Hallman have reviewed it and Assistant City Attorney Scott Simpson wrote it based on his notes from the last meeting. Mayor Arthur asked about the annexation portion and that is in a separate annexation agreement, because they are two separate issues. Commissioner Via asked about any additional units beyond the specified twenty-eight and Mr. Holub would have to pay impact fees on those at the normal rate. The item is included which specifies that Mr. Holub will pay the deposit for present and future tenants. A question arose on what would happen if Mr. Holub sold the property and Mr.

Forte responded that the agreement is with Mr. Holub, not the property. Commissioner Via asked if Mr. Holub sold the property, would he have the ability to take his deposits back and Mr. Forte stated that the deposits are there in the name of the tenants, though if they leave, the deposit would go to Mr. Holub for re-application for the next tenant. Therefore, Mr. Forte did not believe that he would get the deposit back, if he sold the property. Commissioner Via asked what they would do if the amount due exceeds the deposit and Mr. Forte stated that it was just like any other account and the City would have to write off any amount unpaid, after the deposit is exhausted.

Commissioner Heyman moved ***APPROVAL*** *of the final draft of the impact fee credit agreement, seconded by Commissioner Mellette.*

City Attorney Edward Simpson asked the Commission a question with regard to impact fees, as this agreement states that if the subject properties are ever redeveloped in the future by Holub that he will be credited with twenty-eight equivalent living units for sewer impact fees. He asked if this was only Holub or if this was for anyone in the future who buys the property. Commissioner Byrnes asked if this was the norm for them to credit a business with the same ELU's that they had on the property when it was used for residential. Mr. Hallman stated that the impact fee goes with the property and once it has been paid on a piece of property it does not need to be repaid for the same ELU's, only additional ELU's need to be paid for. Mr. Simpson clarified this according to the Code and stated that Mr. Hallman was right and the same would apply for any future owners of the property. He also clarified that no refund would be given if the ELU's are reduced, as the Code does not call for that – all agreed. Commissioner Via clarified the termination procedure in paragraph number six. Commissioner Byrnes clarified the fifteen thousand dollar payment requirement prior to installing individual meters in paragraph four-b. Commissioner Via stated that he felt this was a good deal for the residents there, a good deal for the citizens, and a good sound business decision.

The motion **CARRIED** 5-0 on roll call: Heyman – yes, Mellette – yes, Byrnes – yes (only because he is paying the deposits), Via – yes, Arthur – yes.

14. COMMUNICATIONS FROM CITY MANAGER

A. Acting City Manager Joe Forte advised the Commission that the Wrecker Service Contract was due to expire in November and he would like their approval to go out for bid with the same specifications as last time. Commissioner Byrnes stated that he thought there was a third year extension, but they have already used the two extensions permitted. All agreed to go forward with the request for proposals.

B. Mr. Forte advised the Commission that the Police Chief has sent two volunteers to parking school and they will evaluate the handicap parking within the City and then they will do some parking enforcement. Mayor Arthur asked if the parking situation at Rosie's had been resolved and Mr. Forte stated that it has.

15. CITY ATTORNEY

City Attorney Edward Simpson indicated he had nothing further to report.

16. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Mellette indicated he had nothing further to report.

Commissioner Heyman indicated she had nothing further to report.

Commissioner Via stated that he hoped that the residents of Riviera Mobile Home Park are successful in this venture and that Mr. Holub follows through with what he has said; he added that this Commission is doing all they can for them.

Commissioner Byrnes concurred with Commissioner Via's remarks. Commissioner Byrnes asked on behalf of the residents in his neighborhood that they work the street sweepers overtime. Public Works Director Milt Hallman advised that the sweepers were going to start Monday morning.

Mayor Arthur acknowledged the challenging candidates, Jim Gaither and Paul Lockeby, and welcomed them to the Commission meeting. Mayor Arthur also concurred with Commissioner Via's and Commissioner Byrnes sentiments concerning the trailer park. He then advised that he had a great trip to Dallas, which was a very clean city. He learned a lot of transit ideas.

17. ADJOURNMENT TO WORKSHOP.

The meeting officially adjourned at approximately 8:08 p. m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

JEANEEN P. CLAUSS, CITY CLERK