

HILLIARD TOWN COUNCIL MEETING

Hilliard Town Hall / Council Chambers
15859 West County Road 108
Post Office Box 249
Hilliard, FL 32046

TOWN COUNCIL MEMBERS

Floyd L. Vanzant, Mayor
John P. Beasley, Council President
Kenny Sims, Council Pro Tem
Lee Pickett, Councilman
Jared Wollitz, Councilman
Callie Kay Bishop, Councilwoman

STAFF

Lisa Purvis, Town Clerk
Richie Rowe, Public Works Director
Kyle Malucci, Parks & Rec Director

TOWN ATTORNEY

Christian Waugh

Minutes

Thursday, June 18, 2020 at 7:00 p.m.

Call to Order

Roll Call

Prayer and Pledge of Allegiance

PRESENT

Mayor Floyd Vanzant
Council President John Beasley
Council Pro Tem Kenny Sims
Councilman Jared Wollitz
Councilwoman Callie Kay Bishop
Councilman Lee Pickett

PUBLIC HEARING

ITEM-1

Open Public Hearing on:

Beer & Wine License Application – RHYSE Properties, LLC DBA

Steamboat Lilly's – Mr. Michael Shawn McClinton, Owner

THE HILLIARD TOWN COUNCIL WILL HOLD A PUBLIC HEARING ON JUNE 18, 2020, AT 7:00 P.M., IN THE COUNCIL CHAMBERS IN THE HILLIARD TOWN HALL, LOCATED AT 15859 WEST COUNTY ROAD 108, HILLIARD, FLORIDA, TO HEAR INPUT REGARDING AN APPLICATION SUBMITTED BY MR. MICHAEL SHAWN MCCLINTON, OWNER OF RHYSE PROPERTIES, LLC "STEAMBOAT LILLY'S RESTAURANT", LOCATED AT 551429 US HWY 1, HILLIARD, FLORIDA FOR A BEER AND WINE LICENSE. ACTION ON THE MATTER MAY BE TAKEN FOLLOWING THE CLOSING OF THIS PUBLIC HEARING AT THE HILLIARD TOWN COUNCIL'S REGULAR MEETING. A COPY OF THE APPLICATION WHICH IS POSTED AT TOWN HALL IS AVAILABLE FOR INSPECTION AND COPYING IN THE OFFICE OF THE TOWN CLERK DURING NORMAL BUSINESS HOURS 9:00 AM TO 5:00 PM, MONDAY THROUGH FRIDAY.

Call for Public Comment

Close Public Hearing

Town Attorney Waugh reads the Beer & Wine Application for Steamboat Lilly's Restaurant submitted by Mr. Michael Shawn McClinton, Owner of Rhyse Properties, LLC.

No public Comments.

Motion to close the public hearing.

Motion made by Councilman Wollitz, Seconded by Council Pro Tem Sims.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett,
Councilwoman Bishop, Council President Beasley.

ITEM-2

Open Public Hearing on:

Planning & Zoning Board Appeal – Mr. Brenton Franklin

SPECIAL EXCEPTION #20200204, SUBMITTED BY AND FOR BRENTON FRANKLIN WAS APPROVED WHICH WOULD ALLOW A DWELLING UNIT FOR A CARETAKER OR SECURITY GUARD ON THE PROPERTY, ON THE CONDITION THAT SUCH DWELLING UNIT BE PERMITTED AND CONSTRUCTED AS A SEPARATE STRUCTURE. THE PROPERTY IS LOCATED ON THE WEST SIDE OF US HWY 1, BETWEEN HENRY SMITH ROAD AND EASTWOOD ROAD, AT 37387 HENRY SMITH ROAD, PARCEL ID NO. 16-3N-24-0000-0023-0020. THE APPEAL FILED BY BRENTON FRANKLIN IS FOR THE TOWN COUNCIL TO OVERTURN THE CONDITION.

Call for Public Comment

Close Public Hearing

Town Attorney Waugh reads the Appeal of the Planning & Zoning Board condition for Axis Management, Inc., submitted by owner, Mr. Brenton Franklin and states that an Appeal Public Hearing is different than a regular Public Hearing. Whereas, the Town Council can speak & ask questions in addition to the public.

Mr. Brenton Franklin, 37387 Henry Smith Road Hilliard, FL speaks regarding the staff report issued by the Land Use Administrator, Janis Fleet and further states that error was made that was misleading in the staff report by taking the definition of the title dwelling, one family or single family and it was swapped with the title of dwelling unit in the staff report which made it incorrect in the staff report. This caused a different outcome on the decision that the Planning & Zoning Board made.

Mr. Franklin concludes by stating that the following errors were made on the part of the Land Use Administrator in her staff report:

First not permitted and Certificate of Occupancy not issued for industrial building, it was permitted as a commercial building.

Second the definition of dwelling unit provided by the Land Use Administrator defines a single-family residence, not a dwelling unit. The report does not match the Town's Code definition for a dwelling unit.

If I were to build a separate structure for a dwelling unit as stated in the staff report the only way it would meet the single-family dwelling definition with the provisions that were set forth by the Land Use Administrator. I would have to dig up my entire asphalt parking lot to place the building and to run water and sewer to the street and have difficulties meeting the building setbacks, it won't be possible. By doing this it would create an undue hardship for myself. Mr. Franklin reads from the Town Code under appeals and states that he will be adversely affected if he is unable to use his building as a dwelling unit at this time especially if the building meets the definition of a dwelling unit within the Code without having to do any modifications to the building.

Mr. Brenton Franklin calls witnesses Mr. Larry Hogan the Town's Building Inspector:

Mr. Larry Hogan, 54215 Jamie Drive Callahan, FL. Mr. Hogan is the Town of Hilliard's Building Official, he has inspected the building and has everything it needs to be converted to a dwelling unit.

Councilman Sims questions if the dwelling unit meets the fire codes. In discussion Mr. Larry Hogan states that the building could be converted to meet the building codes. Mr. Brenton Franklin states that he has added a second set of stairs. Councilman Wollitz questions if this was before or after the building was inspected. Mr. Franklin states that they were not inspected by Gary Larson the previous inspector but that the Fire Marshal advised that everything was fine but if he ever went to live upstairs that all he would have to do is add the stairs for a secondary egress but that he has not inspected building since added.

Council President Beasley asks Mr. Brenton Franklin about what his address is because he has given three different address for the record. Mr. Franklin states that he is currently living in the building until the Council yeas or nays, he will have to move out of the building. Mr. Franklin further states that he recently moved in the building.

Mr. Brenton Franklin calls witnesses Mr. Glenn Higginbotham the Town's former Land Use Administrator and Planning & Zoning Board Member:

Mr. Glenn Higginbotham, 3754 Wade Drive Hilliard, FL states the building permit was issued as a commercial building by him when he was the Land Use Administrator not an industrial building and that the Town Council should allow Mr. Brenton Franklin to occupy his building as a care taker, security guard.

Public Comment:

Mr. Greg Franklin, 27045 Country Lifer Hilliard, FL would like to see young people like Brenton and Bailey living inside the Town and allow him to live in the upstairs of his business.

Mr. Harold "Skip" Frey, 37132 W. Fourth Street Hilliard, FL states that he approach Mr. Franklin about rezoning to C-1 Commercial because he would have no problem approving because it states in the code that a dwelling unit is allowed inside commercial and why not end tonight .

Mr. Michael Franklin, 151012 CR 108 Hilliard, FL ask the Council to make their decision based off the evidence presented tonight. If the Town wants to rezone commercial, at no charge to Mr. Franklin then he would have no problem with. Mr. Franklin further states that he appreciates everything that the Council does and that it will take a 100% vote of the Council tonight and as Brenton's father he hopes that they approve.

Motion to close public hearing with regards to the Axis Management, Inc. owner Brenton Franklin's Appeal of the Planning & Zoning Board's Special Exception Condition.

Motion made by Council Pro Tem Sims, Seconded by Councilman Wollitz.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett,
Council President Beasley.
Abstain: Councilwoman Bishop.

REGULAR MEETING

ITEM-3 Additions/Deletions to Agenda

Motion to remove Item-11 Capital Purchase Approval – 20 Loads of Asphalt Millings from the agenda.

Motion made by Council Pro Tem Sims, Seconded by Councilman Wollitz.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett, Councilwoman Bishop, Council President Beasley.

PAYABLES

ITEM-4 June 2020 \$61,435.03

Council President Beasley questions the bill to Eagerton Plumbing Company for an estimate for repair at the Parks & Recreation Annex Building. Town Clerk Lisa Purvis explains that they were having plumbing issues and that Public Works was unable to repair so a plumber was called, and an estimate was obtained at a cost.

Motion made by Councilwoman Bishop, Seconded by Council President Beasley.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett, Councilwoman Bishop, Council President Beasley.

MINUTES

ITEM-5 06-04-2020 Regular Meeting

Councilman Pickett advises that there was an error under item-2 where it states he voted yes but was absent. Town Clerk Lisa Purvis advises that she will make the correction.

Motion made by Council Pro Tem Sims, Seconded by Councilman Pickett.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett, Councilwoman Bishop, Council President Beasley.

TOWN COUNCIL

ITEM-6 Beer & Wine License Application – RHYSE Properties, LLC DBA Steamboat Lilly's – Mr. Michael Shawn McClinton, Owner

Motion to approve the Beer & Wine License application for RHYSE Properties, LLC DBA Steamboat Lilly's Restaurant and issue upon completion of the patio addition to meet the 50-seat requirement.

Motion made by Council Pro Tem Sims, Seconded by Council President Beasley.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett, Councilwoman Bishop, Council President Beasley.

ITEM-7 Planning & Zoning Board Appeal – Brenton Franklin

Town Attorney Waugh reads section 62-96 Review of decisions by Town, from the Town Code and explains what the section means to the Town Council and their decision tonight. Number one, there were no due process errors in terms of being heard in his oral presentation, but he did in his appeal. Number two, did the Board depart from the essential requirements of law, he did present arguments both orally and written. Number three, when a Town body does not have essential evidence to base their decision.

The following errors were made:

The building was not permitted the way Mrs. Fleet, LUA said it was.

The first error was Mrs. Fleet definitions of dwelling and dwelling unit. Mr. Franklin is correct Mrs. Fleet did mess up the definitions in her staff report when she gave the definition of dwelling for dwelling unit. Attorney Waugh states that this should be considered a typo not a legal error that when Mr. Franklin indicated that he wanted to use the dwelling unit as his residence, that does normally qualify as a one family or single-family dwelling.

The second error was when Mrs. Fleet stated that the building was an industrial building, Attorney Waugh states that he agrees with Mr. Franklin that the building is a commercial building but again this is not a legal error that constitutes reversal of the decision. Attorney Waugh reviews all the items in Mr. Franklin's written appeal that were not brought up in his oral presentation.

Mr. Glenn Higginbotham speaks and advises that the Land Use Administrator misled the Planning & Zoning Board and provided incorrect information for them to base a decision upon. Further Mr. Higginbotham feels that the Planning & Zoning Board should be given the correct information and let them re-address and decide. Unless the Town Council are willing to overturn their condition and allow Mr. Franklin to move into the building.

Mr. Larry Hogan, Town Building Inspector, speaks and states that he would like to answer Councilman Sims and Councilman Wollitz questions. First, in order to convert the building over to a different type of use they would need to resubmit engineered plans. Increase the fire rated wall rating to separate the buildings before they can move forward and occupy the building with a change of occupancy certificate before the business can start modifying. Second possibly a conditional use approval and have him permit the stairwells and I can verify the kitchen stairs that are on the opposite end of the building. Councilman Wollitz states but they are still inside the same structure. Mr. Hogan states he can add a second door there is an exception for that. Councilman Wollitz stresses he just wants the building to be safe. Attorney Waugh states that Mr. Franklin can resubmit his special exception request. Attorney Waugh asks Mr. Hogan if he said that those changes would have to be made before he moved in. Mr. Hogan replies by giving several exemption examples.

Motion to send back to the Planning & Zoning Board with corrected information and for them to look at what it might take to make his building possibly livable, on the second floor, what he asked for, with fire & building inspections to determine what it will take to make that happen. Based on intentional or non-intentional errors to vacate the granting of the Special Exception and its conditions.

Motion made by Council Pro Tem Sims, Seconded by Councilman Pickett.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett,
Council President Beasley.
Abstain: Councilwoman Bishop.

ITEM-8 Agenda Item Request – Septic Tank Exception Request – Mrs. Chasidy Bulger

Motion to grant a septic tank exception for Jason & Chasidy Bulger, located off Old Pine Ridge Road on private drive Soli Deo Gloria Way which is in the Hilliard Town Limits and does not have water or sewer lines accessible to this property.

Councilman Pickett advises the Bulger's that if water and sewer is ever extended out to this property that this property would have to connect to the Town's water and sewer system. The Bulger's advise that they do understand that.

Motion made by Council Pro Tem Sims, Seconded by Councilman Pickett.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett,
Councilwoman Bishop, Council President Beasley.

ITEM-9 Resolution No. 2020-12 – Calling General Election
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA, A MUNICIPAL CORPORATION CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; THREE MEMBERS OF THE TOWN COUNCIL FOR FOUR YEAR TERMS EACH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Waugh reads Resolution No. 2020-12 – Calling General Election, by title.
Motion to approve Resolution No. 2020-12 – Calling General Election.
Motion made by Council President Beasley, Seconded by Councilman Wollitz.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett, Councilwoman Bishop, Council President Beasley.

ITEM-10 COVID-19 Water & Sewer Billing – Customer Update 06.29.2020

Motion to table this item to the July 16, 2020, regular meeting agenda.
Motion made by Council Pro Tem Sims, Seconded by Councilman Wollitz.
Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett, Councilwoman Bishop, Council President Beasley.

PUBLIC WORKS DIRECTOR

ITEM-11 Capital Purchase Approval – 20 Loads of Asphalt Millings

Councilman Sims advises Assistant Public Works Director Greg Grooms ask him to remove this item from the agenda.

PUBLIC COMMENTS:

No public comment.

MAYOR & COUNCIL CLOSING COMMENTS:

Mayor Vanzant
June Meetings:
Monday, 06-29-2020 @ 6PM Workshop (Joint P&Z Comp Plan Review)
Monday, 06-29-2020 @ 7PM Workshop (P&R Department)

July Meetings:
Thursday, 07-02-2020 @ 7PM Regular Meeting
Thursday, 07-16-2020 @ 7PM Regular Meeting

Council Pro Tem Kenny Sims
Glad to see people at the meeting.

Council President Beasley
Congratulates Town Attorney Christian Waugh on his recent wedding. Advises the 4th of July fireworks are on schedule at the Hilliard Airpark.

ADMINISTRATIVE STAFF COMMENTS:

Town Clerk Lisa Purvis
Congratulates Town Attorney Christian Waugh on his recent wedding.

Public Works Director Ritchie Rowe

Advises that he is working on the set up for the Fourth of July Fireworks and since Friday is the day before the fourth and an employee holiday. If Public Works will be able to set up on Thursday and take down on Monday to avoid overtime. Town Clerk Lisa Purvis advises that Public Works has always worked directly with the Hilliard Aviation, Inc. members so that a notum can be issued closing the runway for the event. She later advises that she will email the contact information with the members email address that he can plan with.

Parks & Recreation Director Malucci

Absent.

Motion to set a workshop regarding the Parks & Recreation Department on June 29, 2020 @ 7:00 p.m.

Motion made by Council Pro Tem Sims, Seconded by Council President Beasley. Voting Yea: Council Pro Tem Sims, Councilman Wollitz, Councilman Pickett, Councilwoman Bishop, Council President Beasley.

LEGAL COMMENTS:

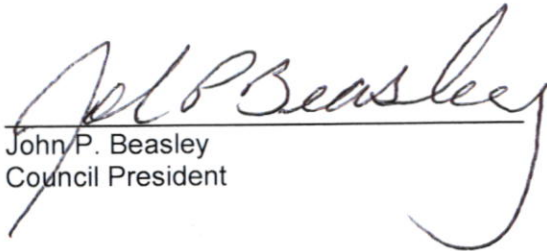
Town Attorney Christian Waugh

No comment.


ADJOURNMENT

There being no additional business, the meeting adjourns at 9:00 p.m.

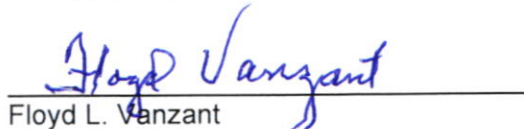
Approved this 2nd day of July, 2020 by the Hilliard Town Council, Hilliard, Florida.


John P. Beasley
Council President

ATTEST:


Lisa Purvis
Town Clerk

APPROVED:


Floyd L. Vanzant
Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BISHOP, CALLIE KAY	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE HILLIARD TOWN COUNCIL
MAILING ADDRESS 15977 COUNTY ROAD 108	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY HILLIARD	COUNTY NASSAU
DATE ON WHICH VOTE OCCURRED 6-19-2020	NAME OF POLITICAL SUBDIVISION: TOWN OF HILLIARD
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CALLIE KAY BISHOP, hereby disclose that on 6-18, 2020 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, Brenton Franklin appeal Item 7 & public hearing ;
- inured to the special gain or loss of _____ by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Brenton Franklin is my brother who is appealing p 2 Board's decision.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

6-19-2020
Date Filed

Callie K. Bishop
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.