M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
OCTOBER 13, 1998

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at 7:30 p.m.

Mayor Arthur said, "Before starting on our regular meeting we are going to have a Community Redevelopment Board Agency meeting consisting of the Commission. Mayor Arthur asked City Clerk Sue Blackwell to call the roll:

Answering roll call were Mayor Arthur, Commissioners Arthur Byrnes, Shirley Heyman and Roland Via. Commissioner Mellette was excused.

Also attending were City Manager Donald Lusk, City Attorney Edward Simpson, and City Clerk Sue W. Blackwell.

Mayor Arthur addressed Item #10 on the agenda by opening the Community Redevelopment Agency meeting at 7:30 p.m.

10. CITY COMMISSION TO SIT AS THE COMMUNITY REDEVELOPMENT AGENCY AND CONSIDER A PROPOSAL TO DECLARE CERTAIN AREAS AS BLIGHT AND ADD TO THE REDEVELOPMENT AREA

City Manager Lusk explained, "We are dealing with two parcels here. Parcel #1 commonly referred to as the Walgreen's Property located on the NW corner of the intersection of Nova Road (State Road 5A) and LPGA Blvd. Parcel #2 commonly referred to as the Riviera Hotel located on the East side of Ridgewood Avenue (State Road 5 U.S. #1) at its intersection with Calle Grande. Our proposal is to declare this area as blighted.

*Commissioner Via moved that the Commission, acting as the Community Redevelopment Agency, recommends to the City Commission that both of the described properties in the notice be determined as blighted areas and included in the Redevelopment Area for purposes of the Redevelopment Plan being seconded by Commissioner Byrnes***.** The motion **CARRIED** 4-0 on the following roll call:

Via, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

Mayor Arthur adjourned the Community Redevelopment Agency meeting at 7:35 p.m.

1. CALL TO ORDER

Mayor Arthur called the Regular Commission Meeting of October 13, 1998 to order at 7:35 p.m.

Answering roll call were Mayor Arthur, Commissioners Arthur Byrnes, Shirley Heyman and Roland Via. Commissioner J. D. Mellette was excused.

2. INVOCATION

Commissioner Byrnes gave the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS

Mayor Arthur introduced Joyce Holmquist who will be replacing City Clerk Sue Blackwell as Mrs. Blackwell retires on December 3rd.

5. AUDIENCE PARTICIPATION

None

6. CONSENT AGENDA

A. Minutes Regular Meeting – September 22, 1998
B. Minutes Workshop Meeting – September 22, 1998
C. Minutes Special Meeting – October 6, 1998

Commissioner Via moved to ***APPROVE*** *the consent agenda being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on roll call.

7. ORDINANCE NO. 2524B – GRANTING TO KENCO SIGNS AWNING DIVISION, INC., AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PURSUANT TO FLORIDA STATUTE SECTION 196.1995 (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2524-B

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA GRANTING TO KENCO SIGNS AWNING DIVISION, INC., AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PURSUANT TO FLORIDA STATUTE

SECTION 196.1995; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Heyman moved to **ADOPT** Ordinance 2524-B on second reading being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on the following roll call:
Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

8. ORDINANCE NO. 2530 – ANNEXING BY VOLUNTARY PETITION PROPERTY CONTIGUOUS TO THE CITY – Martin (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2530

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 Heyman moved to **ADOPT** Ordinance No. 2530 on second and final reading being seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on the following roll call:

Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

9. RESOLUTION 98-R-39 – RECOGNIZING CITY GOVERNMENT WEEK, OCTOBER 18-24, 1998

City Attorney Simpson read:

RESOLUTION 98-R-39

A RESOLUTION OF THE CITY OF HOLLY HILL RECOGNIZING CITY GOVERNMENT WEEK, OCTOBER 18-24, 1998, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

*Commissioner Byrnes moved to **ADOPT** Resolution 98-R-39 being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on the following roll call:

Byrnes, yes; Heyman, yes; Via, yes; Arthur, yes.

11. PUBLIC HEARING TO RECEIVE AND CONSIDER COMMENTS FROM THE PUBLIC ON THE RECOMMENDATION OF THE REDEVELOPMENT AGENCY

City Attorney Simpson said, "For the record the recommendation of the Community Redevelopment Agency to the City Commission is that the two properties included in the notice be designated as blighted areas and be included in the City's Redevelopment Plan. The two properties in the notice are the Walgreen's Property on the NW corner of Nova and LPGA Blvd. and the Riviera Hotel Property which is on North U.S. #1. At this time the public is entitled to make comment with respect to the recommendation that is being presented to the Commission."

Commissioner Byrnes moved to ***CLOSE*** *the Public Hearing being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on the following roll call:

Byrnes, yes; Via, yes; Heyman, yes; Arthur, yes.

12. RESOLUTION 98-R-40 AMENDS COMMUNITY REDEVELOPMENT PLAN – FINDING THE NORTHWEST CORNER OF SR 5A (NOVA ROAD) AND LPGA BLVD. TO BE A BLIGHTED AREA (Walgreen's)

City Attorney Simpson read:

RESOLUTION 98-R-40

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, FINDING THE EXISTENCE OF BLIGHT IN A CERTAIN AREA OF THE CITY AND AMENDING THE CITY OF HOLLY HILL COMMUNITY REDEVELOPMENT PLAN BY ADDING SAID AREA TO THE REDEVELOPMENT AREA

City Attorney Simpson said, "There is a legal description contained in the body of the Resolution. The property described in the Walgreen's Property which is on the NW corner of LPGA Blvd. and Nova Road."

Commissioner Via moved to ***ADOPT*** *Resolution 98-R-40 being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on the following roll call:

Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

13. RESOLUTION 98-R-41 – AMENDS COMMUNITY REDEVELOPMENT PLAN – FINDING THE EAST SIDE OF SR 5 (RIDGEWOOD AVENUE)

BETWEEN ARRAGON & CASTILLA STREET TO BE A BLIGHTED AREA (Riviera)

City Attorney Simpson read:
RESOLUTION 98-R-41

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, FINDING THE EXISTENCE OF BLIGHT IN A CERTAIN AREA OF THE CITY AND AMENDING THE CITY OF HOLLY HILL COMMUNITY REDEVELOPMENT PLAN BY ADDING SAID AREA TO THE REDEVELOPMENT AREA

City Attorney Simpson said, "The property described in the body of the resolution is that area commonly referred to as the Riviera Hotel."

*Commissioner Via moved to **ADOPT** Resolution 98-R-41 being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on the following roll call:

Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

14. REQUEST COMMISSION APPROVE VOLUNTARY ANNEXATION AGREEMENT WITH U.S. RENTALS

*Commissioner Via moved to **APPROVE** the request for a voluntary annexation agreement with U. S. Rentals being seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on roll call.

15. REQUEST COMMISSION APPROVE VOLUNTARY ANNEXATION AGREEMENT WITH FOX MATTRESS CO.

*Commissioner Via moved to **APPROVE** the request for a voluntary annexation agreement with Fox Mattress Co. being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on roll call.

16. REQUEST COMMISSION APPROVE VOLUNTARY ANNEXATION AGREEMENT WITH TEW HITCH CITY

*Commissioner Via moved to **APPROVE** the request for a voluntary annexation agreement with Tew Hitch City being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on roll call.

17. ORDINANCE NO. 2536 – REQUEST COMMISSION APPROVE PENSION BENEFIT FOR NON-UNION MEMBERS OF THE POLICE DEPARTMENT (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2536

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE II (POLICE OFFICERS), SECTION 42-31(g)(PENSION BENEFITS) TO PROVIDE AN ADDITIONAL $100 PER MONTH BENEFIT UP TO AGE SIXTY FIVE (65) FOR POLICE OFFICERS RETIRING WITH AT LEAST TWENTY (20) YEARS OF SERVICE.

City Manager Lusk said, "This is not money the City will be directly paying, this comes out of the pension itself. We negotiated a contract that gave the police union this benefit. The Police Chief and two Lieutenants are not a part of the bargaining unit in the Police Department. We are adding these three people so that they will be receiving the same benefit as the other police officers. The Fire Department and General Employees already have this benefit in different amounts through the State Pension and the Fire Pension.

*Commissioner Heyman moved to **APPROVE** Ordinance No. 2536 being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on the following roll call:

Heyman, yes; Via, yes; Byrnes, yes; Arthur.

18. RESOLUTION 98-R-42 – APPOINTING AN ALTERNATE MEMBER TO SERVE ON THE BOARD OF PLANNING AND APPEALS (Doyle "Snake" Andress)

City Attorney Simpson read:

RESOLUTION NO. 98-R-42

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING ONE (1) ALTERNATE MEMBER TO SERVE ON THE BOARD OF PLANNING AND APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **ADOPT** Resolution 98-R-42 being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on the following roll call:

Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes

19. REZONING REQUEST – EAST SIDE OF STATE AVENUE FROM R-7 MULTI-FAMILY RESIDENTIAL TO CC-1 COMMERCIAL CORRIDOR (Blair)

City Attorney Simpson read:

ORDINANCE NO. 2537

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.49 ACRE LOCATED ON THE EAST SIDE OF STATE AVENUE APPROXIMATELY 300 FEET SOUTH OF FLOMICH STREET FROM R-7 TO CC-1; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

City Manager Lusk said, “This was put in the agenda as a regular rezoning request without an Ordinance and the Ordinance has been added on. The Board of Planning and Zoning approved this rezoning.

*Commissioner Heyman moved to **APPROVE** Ordinance No. 2537 on first reading being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on the following roll call:

Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

20. REQUEST TO CONSIDER AMENDING ORDINANCE TO ALLOW A MAXIMUM OF 10 RESIDENTS FOR ASSISTED LIVING FACILITIES (1230 Powers Avenue)

City Manager Lusk said, “There is not an Ordinance written on this because the Board of Planning and Appeals recommended denial and staff recommends denial. We feel it tends to be too large a number and recommend to Council to keep the number of residents at 7.

*Commissioner Heyman moved to **DENY** the request to allow a maximum of 10 residents for Assisted Living Facilities being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on the following roll call:

Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

21. REQUEST COMMISSION REQUEST VARIANCE – 1000 RIVERSIDE DRIVE (Fries)

City Manager Lusk said, “The Board of Planning and Appeals recommends approval of this request, Staff recommends it and I understand the neighbors have recommend this. With that I would recommend Council approve the request.

*Commissioner Via moved to **APPROVE** the request for variance at 1000 Riverside Drive being seconded by Commissioner Byrnes.* The motion was **CARRIED** 4-0 on the following roll call:

Via, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

22. COMMUNICATIONS FROM CITY MANAGER

A. City Manager Lusk said, "Historically this City has cancelled the meeting of Thanksgiving week. The reason I'm asking tonight for you to take action, is that we do advertising and we need to know a little in advance. Our recommendation is that you cancel the second meeting in November and move the workshop that we always have at the end of the month to the first meeting in December. We also tend to cancel the second meeting in December because of Christmas so we will hold our workshop at the first meeting in December."

*Commissioner Via moved to **CANCEL** the second meeting in November and the second meeting in December being seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on roll call.

B. There have been discussions, through the Volusia League, about having a part-time lobbyist and sending Council people to Tallahassee when the legislature is in progress. I attended a meeting at the airport about a week ago and kept pushing to find out how much this is going to cost us. I got a letter today from Ken Parker, City Manager of Port Orange and our bill would be $250. My recommendation is that we go along with the other cities and hire a part time person who will coordinate local bills and work with those people going to Tallahassee. We will be obligated to make two trips to Tallahassee during the legislative session with one of our Council persons going each time. The City of Port Orange will provide office space for the part-time lobbyist and are talking about hiring a former City Manager who understands the legislative process. His job would be before the two elected officials went to Tallahassee he would brief them on the bills that they needed to go and talk to the legislators about. Then he would debrief them so he could keep up with what is going on. The City would provide travel expenses for our Council members to go to Tallahassee.

*Commissioner Byrnes moved to **APPROVE** the program being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on roll call.

C. The next workshop will not be a typical Workshop. It will be a joint meeting between the Board of Planning and Appeals, the Redevelopment Board and the City Commission. This will be the only thing on the Workshop Agenda.

City Manager Lusk said, "I'm working with Volusia County right now on an agreement where they will start paying us to do maintenance on County roads inside the City limits. We're already doing this maintenance. The County has a level of service of about four times a year. We do service about 20-22 times a year. We're asking the County to pay us for the four times a year that we do the maintenance and they should have been doing it. We're looking at about $5,000.

23. COMMUNICATIONS FROM CITY ATTORNEY

None

24. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Via – Welcome to Joyce Holmquist. Congratulations to Ira on the annexations and commending his good work.

Commissioner Byrnes – Ditto Mr. Corliss; it was very good to see that area become part of the City.

Commissioner Heyman – Congratulations to Ira and Welcome to Joyce Holmquist. Commissioner Heyman reminded everyone this is "Fighting Breast Cancer Month".

Mayor Arthur – None

25. ADJOURNMENT

With no further business to come before the Commission the meeting was adjourned at 8:08 p.m.

WILLIAM ARTHUR, MAYOR

ATTEST:

SUE BLACKWELL, CITY CLERK