M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
October 26, 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, Code Development Administrator Tim Harbuck, Economic Development Administrator Ira Corliss, Personnel Director Diane England, and City Clerk Jeaneen Clauss.

2. INVOCATION

Commissioner Roland Via delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Employee Service Awards for:

Connie Baker	**Customer Service Supervisor**	**10 years**
Forrest Currie	**Police Corporal**	**10 years**

Mayor Arthur presented an Employee Service Award to Connie Baker for 10 years of service to the City. Corporal Currie was unable to attend the meeting to receive his because he was working with the Police Explorers on a parking detail at the County Fair.

5. CONSENT AGENDA

A. Minutes of Regular Commission Meeting – Oct. 12, 1999

*Commissioner Mellette moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Heyman.*

Motion **CARRIED** 5-0 on the following roll call: Mellette – yes, Heyman – yes, Byrnes – yes, Via – yes, Arthur – yes.

6. AUDIENCE PARTICIPATION

None.

7. SECOND READING OF ORDINANCE 2567, REZONING PROPERTY LOCATED ON THE EAST SIDE OF ESPANOLA AVENUE, SOUTH OF FLOMICH

City Attorney Edward Simpson read Ordinance 2567 by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.66 ACRE LOCATED ON THE EAST SIDE OF ESPANOLA AVENUE APPROXIMATELY 100 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.

Commissioner Mellette moved ***APPROVAL*** *of the Second Reading of Ordinance 2567, seconded by Commissioner Byrnes.*

Commissioner Via stated that he can't wait for Eckerds!

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

8. FIRST READING OF ORDINANCE 2571, AMENDING LAND DEVELOPMENT REGULATIONS SPECIAL EXCEPTION CRITERIA FOR RESTAURANTS ABUTTING RESIDENTIAL DISTRICTS

City Attorney Edward Simpson read Ordinance 2571 by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, SECTION 5.6.1, PARAGRAPH AC; MODIFYING BUILDING SETBACK, PARKING, SCREENING AND OTHER REQUIREMENTS PERTAINING TO CERTAIN RESTAURANTS LOCATED ON PROPERTIES ABUTTING ANY R-1 THROUGH R-9 ZONED PROPERTY; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Heyman moved ***APPROVAL*** *of the First Reading of Ordinance 2571, seconded by Commissioner Via.*

Commissioner Via asked City Planner Bob Keeth if this proposed amendment to their current regulations would stipulate that only the type of light duty restaurant being discussed would be permitted? Commissioner Via expressed concern about odors being offensive to residences, though he did not feel that this particular restaurant (sandwich shop) in this location would present a problem. Mr. Keeth responded that this ordinance did not specify the type of cooking method, nor did it address odors because those things are hard to enforce and/or subjective. Acting City Manager Joe Forte and Mr. Keeth clarified that this ordinance would be to allow restaurants that are only open at certain times in areas that they wouldn't currently be allowed without meeting additional parking, set-back, and barrier requirements. Commissioner Byrnes expressed concern about residential-one zoning because those are single-family, lower density residences that expect a little more peace and quiet. Both Commissioner Via and Commissioner Byrnes expressed concern over the opening of doors to other types of restaurants who might be more objectionable to a neighborhood. Mayor Arthur stated he couldn't foresee that a restaurant in a neighborhood would be objectionable to anyone. There was some discussion as to the businesses that could currently go in at this location with parking in the back and there is no hour restriction or additional setback requirements for these other businesses, so odorous garbage and likelihood of longer hours seemed to be the primary difference. Arthur Kowitz, petitioner, advised that he thought the County Health Department standards on odorous conditions would solve that problem. Mr. Kowitz also suggested that instead of using hours to try to regulate the type of restaurant, define it by its specific type. There was mention that the Knights of Columbus is right next door to this particular location. Commissioner Byrnes referred to a previous Commission meeting when the neighbors around the proposed site for Heavenly Cheesecake filled the room to object to it, and the same thing happens every time Sorrentos tries to expand. There was discussion as to when the Commission could refuse to grant this Special Exception. City Attorney Edward Simpson stated that Special Exceptions are generally granted when one meets the specified conditions; not meeting those conditions would be the only way they could justifiably turn them down. Commissioner Byrnes stated that if they changed the R-1 to R-2, than he would vote for it. This would require some redrafting.

The motion **CARRIED** 3-1 on roll call: Via – yes, Mellette – yes, Byrnes – no, Arthur – yes. Commissioner Heyman wasn't feeling well and had to leave prior to roll call on this motion.

9. RESOLUTION 99-R-43, AUTHORIZING THE AWARD OF THE WRECKER SERVICE CONTRACT

City Attorney Edward Simpson read Resolution 99-R-43 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE AWARD OF THE WRECKER CONTRACT TO DAYTONA WRECKER SERVICE; AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO EXECUTE THE WRECKER AGREEMENT WITH SAID COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Acting City Manager Joe Forte stated that this is an agreement with the same company that the City has had a good relationship with for the last four years. The only change in the contract is that the company will be paying the City $600 per month instead of $1,000 per month because the City does not have the volume of tows that he had anticipated, due to some misinformation. Also, this contract sets forth a flat-rate schedule instead of itemizing each service. There were some typos on the contract durations, which will be corrected prior to signing – but the contract is for two years, with two one year renewal options. Commissioner Byrnes and Mayor Arthur expressed surprise that they had only received one bid.

Commissioner Mellette moved ***APPROVAL*** *of Resolution 99-R-43, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Mellette – yes, Via – yes, Byrnes – yes, Arthur – yes.

10. PURCHASE NEW CATERPILLAR 416C BACKHOE LOADER

Acting City Manager Joe Forte advised that this backhoe was being purchased to replace the one that is in the shop right now that is in pretty bad shape. Funds for this were designated in the budget and Public Works Director Milt Hallman has found one for about forty-six thousand dollars, which is worth about sixty-five thousand dollars. The one that is presently in the shop will be used as a backup.

Commissioner Via moved ***APPROVAL*** *of the purchase of a Caterpillar 416C Backhoe Loader under the State of Florida Contract from Ringhaver for $46,336.20, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Mellette – yes, Arthur – yes.

11. REPAIRS TO FORCE MAIN FOR LIFT STATION #16 AT 8TH STREET AND NARCISSUS AVENUE

Acting City Manager Joe Forte stated that this was coming before them because it is a twelve thousand dollar expenditure. The force main is bubbling up and in need of immediate repair. Public Works Director Milt Hallman confirmed that what is bubbling up is ground water (not sewage).

Commissioner Via moved ***APPROVAL*** *of R.C. Johnston and Son to proceed with the necessary repairs for a total cost of $12,000.00, seconded by Commissioner Mellette.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Mellette – yes, Byrnes – yes, Arthur – yes.

12. COMMUNICATIONS FROM CITY MANAGER

Acting City Manager Joe Forte advised that we have some board vacancies for them to think about. On the Redevelopment Board, we need one alternate (Sandra Browning resigned). On the Civil Service Board, we need two members – districts 3 and 4 (Pearl

Ward's term is expiring and she does not desire reappointment; Pat Farmer has never attended a meeting). Also, next month the second meeting is two days before the holiday weekend and in the past five years, they have cancelled that meeting all but once. Mayor Arthur asked that they try to get everything done at the first meeting because some people like to go away.

13. CITY ATTORNEY

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

14. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Mellette indicated he had nothing further to report.

Commissioner Via stated that there is a Census 2000 meeting on November 2nd and he has some information for them that he will pass out at the workshop. Commissioner Via stated that the Volusia Water Alliance is discussing a regional surface water plant, costing about six hundred million dollars. A two year, ten million dollar, feasibility study would also be done. There is discussion on how this is going to be paid for (advalorum, utility taxes, etc…). Commissioner Via gave his opinion that impact fees should be considered because this would be for new people, as there is already enough for the ones that are here. Commissioner Via thanked the City for the timeliness of the flowers his wife received after her back operation. Commissioner Via stated that he has had the privilege of coming before, and working with Commissioner JD Mellette and that he really respected and appreciated him, adding that he respected him as a man of few words but when he speaks he's dead on.

Commissioner Byrnes stated that for ten years Commissioner Mellette has sat next to him, that he too has great respect for him. They didn't always agree, but that was kept separate. He added that Commissioner Mellette is a man of deep feelings, and he knows that he cares a lot for this City – it's tuff to see him leave. Commissioner Byrnes stated that some cities are encouraging the kids to tick-or-treat on Saturday and he wanted to know what this City was doing. Acting City Manager Joe Forte and Police Chief Larry Walker stated that the City had never changed the date of Halloween and they had been telling people it was still on Sunday, as scheduled.

Mayor Arthur advised that VCOG is sponsoring a workshop for newly elected officials to acquaint them with the Sunshine Law and Parliamentary Procedure. He recommended that Commissioner-Elect Paul Lockeby attend and anyone else who wanted a refresher. Mayor Arthur stated that he had known Commissioner Mellette since he was a young man and that he had always admired him as a fair man. He referred to knowing him through work and then was surprised to see him here as a Commissioner. That motivated him as he saw Commissioner Mellette as a good average man doing a good job, and felt he could too. He then added that he would miss him and wished him well.

15. ADJOURNMENT TO WORKSHOP.

The meeting officially adjourned at approximately 8:45 p. m.

CITY OF HOLLY HILL

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WILLIAM D. ARTHUR, MAYOR

ATTEST:

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JEANEEN P. CLAUSS, CITY CLERK