

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
NOVEMBER 10, 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.

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

Also attending were City Manager, Donald Lusk, Assistant City Manager, Joe Forte, City Attorney Edward Simpson, Public Works Director, Milt Hallman, Building Official, Tim Harbuck, Economic Development Coordinator, Ira Corliss, Police Lt., Mark Barker, retiring City Clerk Sue W. Blackwell and Incoming City Clerk, Joyce Holmquist.

2. INVOCATION

Former Commissioner Jim Elliott delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

None

5. CONSENT AGENDA

- A. Minutes Regular Meeting – October 27, 1998
- B. Minutes of Workshop Meeting – October 27, 1998
- C. Report Purchases over \$5,000 (Barnes Industries)

*Commissioner Heyman moved **APPROVAL** of the consent agenda, seconded by Commissioner Mellette. The motion **CARRIED** 4-0 on roll call: Heyman, yes; Mellette, yes; Via, yes; Arthur, yes.*

6. AUDIENCE PARTICIPATION

Mr. Ed Soward, addressed the Commission concerning his property at **1632 Espanola, Holly Hill, Fl.** complaining about his wife having been served with city code enforcement papers while they were at the court house, and the fact that the Code Officer had informed the County that the Soward's were not homesteading at 1632 Espanola any longer. Mr. Soward also complained about the Code Violation "Public Notice" signage on his property.

City Manager Lusk indicated the City Code Officer was charged with the respective actions and had no choice but to serve the Soward's at the court house due to the

Soward's avoiding personal service. Mr. Soward desired that his wife speak. Mayor Arthur indicated Mrs. Soward could speak with the City Manager at a different time. Mayor Arthur indicated he had looked into the matter and it was possible for the signage to be moved to a different location.

7. REQUEST COMMISSION APPROVE FINAL INVOICES FOR THAD CONSTRUCTION CO., FINAL CONSTRUCTION INSPECTION BY QUENTIN HAMPTON & AUTHORIZE PAYMENT OF FINAL INVOICES AND AUTHORIZE MAYOR TO EXECUTE DEDUCTIVE CHANGE ORDER #1 – Riviera Estates Utility Improvements.

City Manager Lusk reported the city had heard a complaint from Marceda Zurawski of # 9, Timber Trail two weeks ago. The manager indicated the city had installed a road, placed water and sewer lines, and constructed swales on both sides of the road. The contractor had filmed the lay of the land prior to construction of the project and surveys had occurred before and after. Mr. Lusk indicated the subdivision had been built prior to tough drainage regulations and stated "If the lay of the land has changed, it hasn't changed by more than an inch." "Water stood there before; water will stand there now." Mr. Lusk reported an engineer had checked the job and recommended payment and that although the city wanted to help people with problems, the city could not install a major drainage system. However, May 2nd had been set as a date to resod if the sod was not correct by then. The City Manager recommended holding back \$5,000 for the estimated cost of the sod and recommended placing the "hold back" payment on a future Commission Agenda for approval

Commissioner Mellette moved APPROVAL of payment of the final invoices with a hold back payment for sod to be placed on a future agenda as recommended by the City Manager, seconded by Commissioner Via. The motion CARRIED 4-0 on the following roll call: Mellette, yes; Via, yes; Heyman, yes; Arthur, yes.

8. ORDINANCE NO. 2538 – ANNEXATION BY VOLUNTARY PETITION (Tew Hitch City) – (Second Reading, Public Hearing)

City Attorney Simpson read: **ORDINANCE NO. 2538** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTINGUOUS 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 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. There were no comments as a result of the Public Hearing.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2538 on second reading, seconded by Commissioner Heyman. The motion **CARRIED** 4-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.*

9. ORDINANCE NO. 2539 – ANNEXATION BY VOLUNTARY PETITION (U.S. Rental) – (Second Reading, Public Hearing)

City Attorney Simpson read **ORDINANCE NO. 2539** by short title.

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 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. There were no comments as a result of the Public Hearing.

*Commissioner Mellette moved **APPROVAL of** Ordinance No. 2539 on second reading, seconded by Commissioner Heyman. The motion **CARRIED** 4-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.*

10. ORDINANCE NO. 2540 – ANNEXATION BY VOLUNTARY PETITION (Rex A. Fox) – (Second Reading, Public Hearing)

Attorney Simpson read **ORDINANCE NO. 2540** by short title.

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 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. There were no comments as a result of the Public Hearing.

*Commissioner Mellette moved **APPROVAL of** Ordinance No. 2540 on second reading, seconded by Commissioner Heyman. The motion **CARRIED** 4-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.*

11. ORDINANCE NO. 2541 – AMENDING THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION. (Blair Property) – (Second Reading, Public Hearing)

City Attorney Simpson read **ORDINANCE NO. 2541** by short title.

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 0.49 ACRES LOCATED ON THE EAST SIDE OF STATE AVENUE APPROXIMATELY 300 FEET SOUTH OF FLOMICH STREET FROM HIGH DENSITY RESIDENTIAL TO GENERAL RETAIL COMMERCIAL; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT. There were no comments as a result of the Public Hearing.

*Commissioner Heyman moved **APPROVAL** of Ordinance No. 2541 on second reading, seconded by Commissioner Mellette. The motion **CARRIED** 4-0 on the following roll call: Heyman, yes; Mellette, yes; Via, yes; Arthur, yes.*

12. ORDINANCE NO. 2542 – AMENDING THE COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATION – (Tew Hitch City) – (Second Reading, Public Hearing.)

City Attorney Simpson read **ORDINANCE NO. 2542** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY OF APPROXIMATELY .39 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN 8TH AND 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATIONS THERETO; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. There were no comments as a result of the Public Hearing.

*Commissioner Mellette moved **APPROVAL** of Ordinance No. 2542 on second reading,*

seconded by Commissioner Heyman. The motion CARRIED 4-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.

13. ORDINANCE NO. 2543 – AMENDING LAND DEVELOPMENT REGULATIONS BY REZONING PROPERTY FROM COUNTY B-5 & MH-1 TO CITY ZONING I-1 (LIGHT INDUSTRIAL) (Tew Hitch City) – (Second Reading, Public Hearing.)

City Attorney Simpson read **ORDINANCE NO. 2543** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY .39 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN 8TH AND 10TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE CURRENT COUNTY ZONING OF B-5 AND MH-1 TO CITY ZONING I-1 (LIGHT INDUSTRIAL); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. There were no comments from the audience as a result of the Public Hearing.

Commissioner Mellette moved APPROVAL of Ordinance No. 2543 on second reading, seconded by Commissioner Heyman. The motion CARRIED 4-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.

14. ORDINANCE NO. 2544 – AMENDING THE COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP AND ASSIGNING THE “WHOLESALE COMMERCIAL & INDUSTRIAL” LAND USE DESIGNATION – U.S. Rentals – (Second Reading, Public Hearing.)

City Attorney Simpson read **ORDINANCE NO. 2544** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN EIGHTH STREET AND TENTH STREET, AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATIONS THERETO; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT. There were no comments as a result of the Public Hearing.

Commissioner Heyman moved APPROVAL of Ordinance No. 2544 on second reading, seconded by Commissioner Mellette. The motion CARRIED 4-0 on the following roll call: Heyman, yes; Mellette, yes; Via, yes; Arthur, yes.

15. ORDINANCE NO. 2545 – AMENDING THE LAND DEVELOPMENT REGULATIONS BY REZONING FROM COUNTY ZONING B-5 AND MH-1 TO CITY ZONING I-1 (LIGHT INDUSTRIAL) – U.S. Rentals – (Second Reading, Public Hearing.)

City Attorney Simpson read **ORDINANCE NO. 2545** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 4.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN EIGHT STREET AND TENTH STREET, FROM B-5 (COUNTY) AND MH-1 (COUNTY) TO I-1 (CITY); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT. There were no comments as a result of the Public Hearing.

*Commissioner Heyman moved **APPROVAL** of Ordinance No. 2545 on second reading, seconded by Commissioner Via. The motion **CARRIED** 4-0 on the following roll call: Heyman, yes; Via, yes; Mellette, yes; Arthur, yes.*

16. ORDINANCE NO. 2546 – AMENDING THE COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATION – (Fox Property) – (Second Reading, Public Hearing.)

City Attorney Simpson read **ORDINANCE NO. 2546** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY OF APPROXIMATELY 1.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN FLOMICH AVENUE AND ALABAMA AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATIONS THERETO; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. There were no comments as a result of the Public Hearing.

*Commissioner Heyman moved **APPROVAL** of Ordinance No. 2546 on second reading, seconded by Commissioner Via. The motion **CARRIED** 4-0 on the following roll call: Heyman, yes; Via, yes; Mellette, yes; Arthur, yes.*

17. ORDINANCE NO. 2547 – AMENDING LAND DEVELOPMENT REGULATIONS BY REZONING PROPERTY FROM COUNTY ZONING OF B-5 TO CITY ZONING I-1 (LIGHT INDUSTRIAL) – (Fox Property) – (Second Reading, Public Hearing.)

City Attorney Simpson read **ORDINANCE NO. 2547** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 1.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN FLOMICH AVENUE AND ALABAMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE CURRENT COUNTY ZONING OF B-5 TO CITY ZONING I-1 (LIGHT INDUSTRIAL); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. There were no comments from the audience as a result of the Public Hearing.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2547 on first reading being seconded by Commissioner Via. The motion **CARRIED** 4-0 on the following roll call: Mellette, yes; Via, yes; Heyman, yes; Arthur, yes.*

18. ORDINANCE NO. 2548 – AMENDING LAND DEVELOPMENT REGULATIONS BY REZONING PROPERTY FROM B-5 (GENERAL RETAIL COMMERCIAL) TO CC-1 (COMMERCIAL CORRIDOR) – (ALOHA MARINA) – (Second Reading, Public Hearing.)

City Attorney Simpson read **ORDINANCE NO. 2548** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 9.37 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN 13TH AND 15TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM B-5 (GENERAL RETAIL COMMERCIAL) TO CC-1 (COMMERCIAL CORRIDOR DISTRICT) PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. There were no comments from the audience as a result of the Public Hearing.

*Commissioner Via moved **APPROVAL** of Ordinance No. 2548 on second reading, seconded by Commissioner Mellette. The motion **CARRIED** 4-0 on the following roll call: Via, yes; Mellette, yes; Heyman, yes; Arthur, yes.*

19. ORDINANCE NO. 2549 – ADOPTING REGULATIONS FOR OUTSIDE SALES OF GOODS & MERCHANDISE WITHIN THE CITY - (Second Reading, Public Hearing.)

City Attorney Simpson read **ORDINANCE NO. 2549** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING SECTION 114-767 (OUTSIDE DISPLAY OF GOODS); ADOPTING REGULATIONS FOR ALL OUTSIDE SALES OF GOODS AND MERCHANDISE WITHIN THE CITY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. There were no comments as a result of the Public Hearing.

*Commissioner Mellette moved **APPROVAL** of Ordinance No. 2549 on second reading, seconded by Commissioner Heyman. The motion **CARRIED** 4-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.*

20. REQUEST COMMISSION APPROVE VARIANCE REQUEST – 1140 Riverside Drive. Concerning Variance 98-11-02, Mayor Arthur declared a conflict of interest, Memo of Voting Conflict hereby appended in accordance with law. Commissioner Mellette presided in place of Mayor Arthur concerning item 20.

The Building Official, Tim Harbuck, reported the request was to enclose an existing deck area resulting in relief of 15' in the rear yard setback in lieu of the required 30'. It was noted that the Planning and Appeals Board and the City Planner had recommended approval.

*Commissioner Via moved **APPROVAL** of the variance request for 1140 Riverside Drive as described by the Building Official, seconded by Commissioner Heyman. The motion **CARRIED** 3-0 on the following roll call: Via, yes; Heyman, yes; Mellette, yes; Arthur, abstained.*

21. REQUEST COMMISSION APPROVE VARIANCE REQUEST – SW Corner of Flomich and Decatur Avenue. The variance request by Jim Elliott was to divide three lots that faced Flomich Avenue into two lots facing Decatur Avenue for the purpose of building two homes.

*Commissioner Heyman moved **APPROVAL** of the variance request as described by the Building Official concerning three lots at the corner of Flomich and Decatur Avenue, seconded by Commissioner Via. The motion **CARRIED** 4-0 on the following roll call: Heyman, yes; Via, yes; Mellette, yes; Arthur, yes.*

22. REQUEST COMMISSION APPROVE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF VOCUSIA COUNTY.

It was noted that the agreement would foster coordination between the city and the school board (concerning site development and planning activities in conjunction with the Comprehensive Plan).

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*Commissioner Via moved **APPROVAL of the Interlocal Agreement with the Volusia County School Board**, seconded by Commissioner Mellette.. The motion **CARRIED 4-0** on the following roll call: Via, yes; Mellette, yes; Heyman, yes; Arthur, yes.*

23. COMMUNICATIONS FROM CITY MANAGER

Assistant City Manager, Joe Forte reminded the Commissioners of the workshop immediately following the meeting. Mr. Forte had taken Mr. Lusk's seat at approximately 8 p. m. due to the City Manager needing to briefly leave the meeting.

24. CITY ATTORNEY The City Attorney reported he had nothing further.

25. COMMUNICATIONS FROM MAYOR & COMMISSION

Shirley Heyman – indicated she had received calls from several parents requesting a curfew be established for teenagers under 18 years of age. Commissioner Heyman requested discussion at the workshop following the Commission Meeting under Miscellaneous Items.

Roland Via – noted he was proud of the recent voter turnout.

Mayor Arthur – read a complimentary letter he had received from a citizen who had received a beautification award.

The Mayor and Commissioners congratulated Commissioner Heyman on her birthday and Mrs. Blackwell on her retirement. Mayor Arthur noted the meeting of 11/10/98 would be Mrs. Blackwell's last Commission Meeting and that she would be missed.

26. ADJOURNMENT

The meeting officially adjourned at 8:20p.m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

CITY CLERK

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