# M I N U T E S
# REGULAR COMMISSION MEETING
# CITY OF HOLLY HILL, FLORIDA
# NOVEMBER 27, 2001

## 1. CALL TO ORDER

### A. Roll Call

Mayor William Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Keith Tarrer and Roland Via.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson, Development Code Administrator Tim Harbuck, Emergency Services Director Don Shinnamon, Assistant to the City Manager Greg Wood, Finance Director Brenda Gubernator, City Planner Bob Keeth, and City Clerk Jeaneen Clauss.

### B. Invocation

Commissioner Tarrer delivered the invocation.

### C. Pledge of Allegiance to the Flag

## 2. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur welcomed the Mainland Government Class.

## 4. Committee Reports

### Volusia Water Alliance

Commissioner Via referred this report to the Manager's Advisory Committee to the Volusia Water Alliance member, Mr. Forte. Mr. Forte advised that the main thing the Commission should be aware of is the status of the draft water supply plan, which went before public workshops last month. This plan has been accepted by the Volusia Water Alliance and they have put together a selection committee to find a consultant to work on the implementation and feasibility portion of the plan. He is serving on that selection committee as well. His greatest concern is that the VWA has the ability to make final decisions, without the input of the municipal governing bodies. He and Mr. Hallman have not been happy with this plan since its inception yet it has continued to progress as-is. There was discussion amongst the Commission that the VWA was never meant to have the authority to make decisions. It is now acting as more of a water authority than a water alliance. Mr. Forte stated that he believes the VWA members are being left out of a communications loop because they repeatedly vote to support things that MAC and the Citizens Advisory Committee disagree with.

### Volusia League of Cities

Commissioner Byrnes is on the Executive Committee to this and he gave an update on the plans for Volusia Day. The new restrictions and security measures are limiting this event to an inside-only production. They will have a reception in the building. The date is yet to be determined.

**Volusia Council of Governments**

Mayor Arthur stated that VCOG has the same concerns that Mr. Forte spoke of about the Volusia Water Alliance. Also, Mayor Arthur advised that they are looking into a Countywide spay and neuter program - more information to come. Tri-Data, who is working on the Fire-EMS situation, is coming around to meet with the different cities – we will be one of the first.

**Metropolitan Planning Organization**

Mayor Arthur advised that he has been appointed vice-chair for this board.

**3. CONSENT AGENDA**
**Minutes of Regular Commission Meeting – November 13, 2001**

*Commissioner Tarrer moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on the following roll call: Via – yes, Tarrer – yes, Lockeby – yes, Byrnes – yes, Arthur – yes.

**5. AUDIENCE PARTICIPATION**
**Regarding items not on the agenda.**

Eric Myers, 2 Timber Trail – owner of Riviera County Club, commended the police department for catching the offenders who vandalized some of their golf carts. He went on to express great displeasure at the treatment he received from Daytona Wrecker towing company, which the City has a contract with. He felt the charges were too high and they were very rude. The Commission was sympathetic to his plight and, though the prices did not exceed with the maximum allowable by our contract, a golf cart is much smaller than a car and they would have liked for that to have been taken into account. It was noted that the cities of Holly Hill, Daytona Beach, and Ormond Beach have been trying to find a solution to several on-going problems with wrecker companies. This actually is one of the better companies. Thorough legislation is really needed on this topic to resolve a multitude of complex issues.

Bill Hancock, 1539 Daytona Avenue, added that he too had dealt with Daytona Wrecker and they were rude. He suggested the Commission institute shorter contracts (three months) in an effort to retain better service.

Julia Haynes, 1018 Hartford Avenue, complained that the water pressure on her street is so low that when one home is doing laundry the people in the other homes cannot get a shower. Public Works will look into this problem.

**6. RESOLUTION 2001-R-75, APPOINTING / RE-APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RE-APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD; SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Arthur recommended that Phil Sommerlad be re-appointed to this board.

*Commissioner Tarrer moved to* ***APPROVE*** *Resolution 2001-R-75 appointing Phil Sommerlad, seconded by Commissioner Via.*

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

**7. RESOLUTION 2001-R-76, APPOINTING / RE-APPOINTING MEMBERS TO THE BEAUTIFICATION ADVISORY BOARD**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RE-APPOINTING THREE MEMBERS TO THE BEAUTIFICATION ADVISORY BOARD; SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

There was discussion about an oversight that was made about six months ago. Barbara Drake was appointed to the District 1 slot to fulfill an un-expired term when Jack Driscoll, who was serving as an alternate, should have been given first opportunity. The other two positions long-term members, Madeline Daly (District 3) and Rosetta Gadson (Mayor) would like to be re-appointed. The Commission discussed tabling this item so that someone could speak to Ms. Drake about this first and find-out if she would like to serve as an alternate.

*Commissioner Via moved to* ***TABLE*** *Resolution 2001-R-76, seconded by Commissioner Tarrer.*

The motion **CARRIED** 4-1 on roll call: Via – yes, Tarrer – yes, Lockeby – yes, Byrnes – yes, Arthur - no.

**8. RESOLUTION 2001-R-77, APPOINTING / RE-APPOINTING MEMBERS TO THE PAL/RECREATION BOARD**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING AND RE-APPOINTING MEMBERS TO THE PAL/RECREATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte advised that the following members would like to be re-appointed to the board as regular members: Sarah Rone, Nikki Whitenton, and George Fries. Ray Thomann would like be appointed to the vacant position created by Dr. Whitenton (who is now serving on the Interlocal Canine Recreation Club). Mark Barker would like to be re-appointed as an alternate.

*Commissioner Via moved to **APPROVE** Resolution 2001-R-77 appointing Sarah Rone, Nikki Whitenton, George Fries, and Ray Thoman as regular members and Mark Barker as an alternate, seconded by Commissioner Lockeby.*

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

**9. RESOLUTION 2001-R-78, EXTENDING THE WRECKER SERVICE AGREEMENT**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A ONE-YEAR EXTENSION TO THE WRECKER SERVICE AGREEMENT WITH DAYTONA WRECKER COMPANY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-78, seconded by Commissioner Via.*

The Commission discussed this item at length because of the complaint they had received earlier in the meeting from Eric Myers. Mr. Forte expressed concern that the rates would be higher and the service worse if they were to go out for bid now. They have a decent contract and there is no legislation in place that could require companies to offer anything better.

The motion **CARRIED** 3-2 on roll call: Tarrer – yes, Via – yes, Byrnes – no, Lockeby – no, Arthur - yes.

**10. RESOLUTION 2001-R-79, EXTENDING THE NUISANCE ABATEMENT AGREEMENT**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A ONE-YEAR EXTENSION TO THE NUISANCE ABATEMENT AGREEMENT WITH THE BURKE COMPANY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** Resolution 2001-R-79, seconded by Commissioner Lockeby.*

Mr. Forte advised that this is the company that mows and cleans-up the properties that they find in violation of the City Code. They have had a good response from them.

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

**11. A. RESOLUTION 2001-R-80, INTERLOCAL AGREEMENT TO PROVIDE JOINT CONTROL OF POLLUTANTS BETWEEN VOLUSIA COUNTY AND MUNICIPALITIES WITHIN VOLUSIA COUNTY**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT TO PROVIDE JOINT CONTROL OF POLLUTANTS BETWEEN VOLUSIA COUNTY AND MUNICIPALITIES WITHIN VOLUSIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-80, seconded by Commissioner Lockeby.*

Comment was made that this is another unfounded mandate.

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

**12. VARIANCE REQUEST FOR 827 AVONDALE AVENUE SUBMITTED BY WAYNE A. REED**

Mr. Keeth a brief description of the structure built and why it is in violation of our Land Development Regulations. Mr. Forte advised that this structure was built almost two years ago without a permit. Mr. Harbuck advised that it could not be seen from the road but was reported by neighbors who are very unhappy about it. Staff recommends denial of this variance request because they do not feel it meets the requirements to approve a variance. Those requirements were outlined for the Commission. The Board of Planning and Appeals also recommends denial of this request.

Jim Morris, attorney for the applicant, advised that this property presents very unusual circumstances inherent to properties built upon prior to land development regulations. He stated his reasons why he felt this request did meet the requirements to approve a variance and asked that the Commission do so.

Charles Morris, 826 Daytona Avenue, lives directly behind the property under consideration and stated his concerns about this un-permitted addition. When asked what he felt would alleviate the main problems, he responded that he felt a joint maintenance easement between the properties, modest drainage improvements, and removal of the stockade fence would help the situation. Jim Morris advised that this would be acceptable to his client and he could prepare an agreement outlining these provisions for both parties to sign. The Commission discussed this at length.

*Commissioner Byrnes moved to* ***APPROVE*** *giving the applicant and complainant a chance to work this out and bring a plan back to Staff to review; if the plan is acceptable, Staff would bring it to the Commission for approval, no second was made. Motion* **DIED**.

*Commissioner Tarrer moved to* ***DENY*** *the variance request from 827 Avondale Avenue to allow a non-permitted addition to remain with a 4'6" rear yard set-back in lieu of the required 20', seconded by Commissioner Byrnes.*

The motion **CARRIED** 3-2 on roll call: Tarrer – yes, Byrnes – yes, Via – no, Lockeby – no, Arthur - yes.

## 13. REQUEST TO RE-ESTABLISH A NON-CONFORMING USE AT 1530 MORAVIA AVENUE FROM BETTE COSTELLO

Mr. Keeth and Mr. Harbuck advised the Commission that this item is before them because it has an apparent, but not proven, history of being a duplex. The property is zoned R-1 though, so this would be considered a non-conforming use. The need for re-establishment comes from the second unit being vacant for more than six months. The owner had lived in one unit and her mother had lived in the other, until she passed away some time back. It had remained un-occupied since that time. Now the owner has been moved to an assisted living facility and her daughter, Cheri Martinez, would like to rent the two units separately. Staff and the Board of Planning and Appeals recommend approval of this request.

Clint Fuss, 1524 Moravia, spoke on behalf of the owners of all the single-family homes surrounding this property under consideration and they are unanimous opposed to it being utilized as a duplex.

The Commission agreed that this building has a structure comparable with that of a duplex but some members felt it appeared to have more likely been a house in which the garage was converted to something like a mother-in-law suite. No proof was supplied of any history of rental exchange, though the post office and the closing statement both refer to two separate addresses.

*Commissioner Lockeby moved to* ***APPROVE*** *the request to re-establish a discontinued non-conforming use of a two-unit structure in a single-family zone, seconded by Commissioner Tarrer.*

The motion **FAILED** 2-3 on roll call: Lockeby – yes, Tarrer – yes, Byrnes – no, Via – no, Arthur - no.

## 14. COMMUNITY DEVELOPMENT BLOCK GRANT SUB-RECIPIENT AGREEMENT FOR FY 2001/2001 WITH REVISION OF BUDGET GRANT

Mr. Forte advised that this is part of our CDBG Grant Five-Year Plan; they had budgeted $93,716 for acquisition of a stormwater retention pond in the area of Elsie and Dorothy. As part of their state revolving fund loan, they have a plan for that same improvement so they would like to utilize the CDBG funds for a retention pond somewhere else within the CDBG area.

*Commissioner Lockeby moved to* ***APPROVE the revised budget for assistance in construction of the Dorothy & Elsie Avenues area – CDBG grant will be $105,716 for FY 2001/2002****, seconded by Commissioner Tarrer.*

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

## 15. COMMUNICATIONS

### A. City Manager

Mr. Forte indicated that he had nothing further to report.

### B. City Attorney

Mr. Simpson indicated that he had nothing further to report.

### C. Mayor and Commissioners

Commissioner Byrnes asked that the minutes of the Board of Planning and Appeals meetings be attached to their respective items. This happens due to the City's effort to expedite requests but we can slow things down in order to allow for the minutes to be completed.

Commissioner Lockeby indicated that he had nothing further to report.

Commissioner Tarrer indicated that he had nothing further to report.

Commissioner Via advised that the Holly Hill should be proud of their explorers for being a part of the Halifax Area Speed Association event last weekend. Miss. Florida will be on his radio show at 9:30 a.m. on Thursday. He asked if they needed to discuss the cancellation of the second meeting in December. The Mayor is permitted to cancel one meeting per month and this one is on Christmas Day.

In reference to Commissioner Byrnes desire for the minutes of the Board of Planning and Appeals meetings with their respective agenda items, Mayor Arthur indicated agreement and stated that he used to attend the meetings but he discovered that his presence was both distracting and intimidating so he stopped going. Commissioner Byrnes added that he felt if you go than you are interfering with the process, which is why he doesn't go.

## 16. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 10:45 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk