M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
DECEMBER 12, 2000

1. CALL TO ORDER

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 Paul Lockeby, Keith Tarrer and Roland Via. Commissioner Byrnes arrived at approximately 7:40 p.m. A special family occasion delayed him.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Finance Director Brenda Gubernator, Economic Development Coordinator Ira Corliss, Code Development Administrator Tim Harbuck, City Planner Bob Keeth, Acting Police Chief Mark Barker, Recreation Director Chuck Beach, Acting Fire Chief Randy Ast, Public Works Director Milt Hallman, and City Clerk Jeaneen Clauss.

2. INVOCATION

Mr. Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur welcomed former Ormond Beach City Commissioner Frank Gillooly, who was in attendance at tonight's meeting.

Mayor Arthur welcomed Tracy Bryan, who is studying Government at Calvary Christian Academy.

A. Service Awards

Henry "J.R." King — Solid Waste Coordinator — 10 Years

Mayor Arthur announced the service award for Mr. King, who was unable to attend tonight's meeting.

B. Certificate of Appreciation to Patricia "Pat" Workman

Mayor Arthur presented a Certificate of Appreciation to Ms. Workman for donating five pieces of her original artwork to the City for placement in the gymnasium / activity center.

5. CONSENT AGENDA

Minutes of Regular Commission Meeting – November 28, 2000
Minutes of Commission Workshop – November 28, 2000

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

The motion **CARRIED** 4-0 on the following roll call: Via – yes, Tarrer – yes, Lockeby – yes, Arthur – yes.

6. AUDIENCE PARTICIPATION

Ruthie Sager, LPGA Boulevard, thanked the Commission for the Senior Homestead Tax Exemption.

7. PUBLIC NOTICE – WATER AND SEWER RATE INCREASE

Mr. Forte removed this item from the agenda, stating that it needed to be done by resolution. It will be placed on the agenda for January's meeting.

8. VARIANCE REQUEST FOR 1641 STATE AVENUE, SUBMITTED BY THOMAS WILHELM

*Commissioner Tarrer moved **APPROVAL** of the variance request for relief of setback requirements allowing a side setback of 4'8" instead of 10 feet and a rear setback of 5' instead of 15', seconded by Commissioner Via.*

Commissioner Tarrer expressed dissatisfaction with the failure of certain Planning and Appeals Board members to prepare themselves for making a determination of this request by going out and looking at the property prior to their meeting. He stated that if this continued, he would not vote in support of their re-appointment next time. Other Commissioners agreed and asked that a label be placed on the outside of the Board's packet reminding them to go see the property on the agenda. Mr. Harbuck will ensure this is done.

Mr. Keeth gave the Planning Board's recommendation on this, which was to recommend approval of the side setback as requested but as for the rear setback request they recommended approval of 10 feet, instead of the five feet requested and that no openings be allowed in the rear of the building and a six foot wall (which would be required anyway). The motion on the floor was not changed to reflect the Board's recommendation.

The motion **CARRIED** 4-0 on the following roll call: Tarrer – yes, Via – yes, Lockeby – yes, Arthur – yes.

9. FIRST READING OF ORDINANCE 2603, ANNEXING THE KIFER PROPERTY LOCATED AT 1702 PALM ROAD

Mr. Simpson read 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 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 Tarrer moved to **APPROVE** the first reading of Ordinance 2603, seconded by Commissioner Lockeby.*

Mr. Corliss utilized the overhead projector to show the proposed property annexation. He stated that they are working to bring the rest of the properties on this road into the City.

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

10. RESOLUTION 2000-R-69, RENEWING THE SICA HALL LEASE AGREEMENT WITH THE COUNCIL ON AGING OF VOLUSIA COUNTY, INC.

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT BETWEEN THE CITY AND THE COUNCIL ON AGING OF VOLUSIA COUNTY, INC. TO PERMIT THE USE OF THE SICA HALL COMMUNITY CENTER FOR THE COUNCIL ON AGING'S NUTRITION PROGRAM FOR THE CALENDAR YEAR 2001; ESTABLISHING THE TERM OF THIS AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-69, seconded by Commissioner Lockeby.*

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

11. RESOLUTION 2000-R-70, REGARDING AN APPLICATION FOR AN SRF LOAN FOR STORMWATER SYSTEM IMPROVEMENTS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FINANCIAL ASSISTANCE UNDER THE STATE REVOLVING FUND LOAN PROGRAM FOR STORMWATER SYSTEM IMPROVEMENTS; IDENTIFYING REVENUES PLEDGED FOR REPAYMENT OF LOAN; AUTHORIZING THE CITY

MANAGER TO REPRESENT THE CITY IN THE EXECUTION OF A LOAN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Tarrer moved to ***APPROVE*** *Resolution 2000-R-70, seconded by Commissioner Lockeby.*

Mr. Forte explained that this is similar to the SRF loan that they currently have for wastewater improvements. This one is for stormwater improvements and is being considered at the State level. This resolution would allow us to get our application submitted in advance, so that we can be at the top of the list for approval.

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

12. SURPLUS OF FIRE APPARATUS

Commissioner Tarrer moved to ***APPROVE*** *the Surplus of a 1978 JACO Fire Engine, a 1985 Emergency One Fire Engine, and a 1994 Ford/Emergency One Mini-Pumper, seconded by Commissioner Via.*

Mr. Forte confirmed with Ms. Gubernator that they could still use a vehicle after it has been surplused, because they will need to use the '94 Pumper for several months until they get the new truck in service. She stated she thought that was fine. The other two vehicles will be sold off quickly and the money received for them will be used to reduce the loan amount for the new one. He asked that the Commission establish a surplus account for whenever they sell vehicles.

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

Commissioner Tarrer moved to ***APPROVE*** *allowing the City Manager to establish a surplus account for the purchase of new vehicles with the funds received from vehicles that have been sold, seconded by Commissioner Via.*

Commissioner Lockeby asked that they start a depreciation account as well, for replacement of vehicles when needed.

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

13. FIRST READING OF ORDINANCE 2604, REZONING CHARLESTON PLACE, 1971 NOVA ROAD

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 15 ACRES LOCATED ON THE EAST SIDE OF NOVA ROAD (S.R. 5A) BETWEEN ALABAMA AVENUE AND FLOMICH STREET FROM R-7, MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL

DEVELOPMENT DISTRICT, TO RPUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT; APPROVING THE CHARLESTON PLACE MASTER DEVELOPMENT PLAN AND INCORPORATING IT INTO THIS ORDINANCE FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THE PROPERTY; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Via moved to ***APPROVE*** *the first reading of Ordinance 2604, seconded by Commissioner Tarrer.*

Mr. Keeth referred to the memorandum that he had provided the Commission with tonight, which outlines the changes that were agreed to by the applicant, he, and the Board of Planning and Appeals and their meeting last night. These are summarized as follows:

1) project shall be developed as a single-phase,
2) project perimeter setback a minimum of 35 feet from residentially abutting property and a minimum of 15 feet from non-residentially abutting property,
3) maximum building height – three stories and 45 feet,
4) signage changed to allow two 72 square foot signs at a 45 degree angle on Nova Road and a single directional sign reading "residents only" on Flomich Street,
5) a sidewalk shall be installed by the developer in the right-of-way of Flomich Street extending westward to Nova Road and as needed for safe and convenient pedestrian circulation within the project area,
6) the Traffic Impact Analysis is waived.

David Canepari, Gatehouse Representative, attended the meeting to respond to any questions.

The motion **CARRIED** 4-0 on roll call: Via – yes, Tarrer – yes, Lockeby – yes, Byrnes – abstained (due to arriving after discussion), Arthur – yes.

14. FIRST AND ONLY READING OF EMERGENCY ORDINANCE 2602, REGARDING TELECOMMUNICATIONS

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA PROVIDING FOR THE CONSTRUCTION, PLACEMENT AND MAINTENANCE OF A TELECOMMUNICATIONS FACILITY IN THE CITY'S PUBLIC RIGHTS OF WAY FOR THE PROVISION OF TELECOMMUNICATIONS SERVICE; PROVIDING ASSURANCES THAT THE CITY'S PUBLIC RIGHTS OF WAY ARE USED IN THE PUBLIC INTEREST; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson explained that the Florida Legislature has determined that cities could no longer regulate use of right-of-way by telecommunication system companies with franchise agreements, as we have in the past. We have obtained this model ordinance from the Florida League of Cities and proposed it as an emergency ordinance because the law becomes effective January 1, 2001 and we have only one meeting this month. Otherwise, people could seek to develop within our right-of-way without regulation.

*Commissioner Tarrer moved to **APPROVE** the first reading and only reading of Emergency Ordinance 2602, seconded by Commissioner Via.*

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

15. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte requested authorization to enter into negotiations for the fireworks display for the City's 100th anniversary. Due to the fact that there are very few fireworks companies and there are varying specifics regarding the display, the bid process would be difficult – the assistant city attorney has recommended he seek authorization to negotiate instead.

*Commissioner Tarrer moved to **APPROVE** authorizing the City Manager to negotiate for a fireworks display, seconded by Commissioner Byrnes.*

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

Mr. Forte advised the Commission that this was the first year that the City had provided an angel tree at City Hall and it has been extremely successful. Staff worked hard on this. The last remaining angels were taken care of by a car club out of Flagler.

16. CITY ATTORNEY

Mr. Simpson wished everyone Happy Holidays.

17. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Tarrer wished everyone Happy Holidays and thanked the members of the audience for attending tonight.

Commissioner Via wished everyone Happy Holidays. He mentioned the plan to cancel the second meeting for this month and indicated that should be done in the form of a motion.

*Commissioner Via moved to **APPROVE** canceling the second meeting for December, seconded by Commissioner Tarrer.*

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

Commissioner Via reiterated his concern about the members of the Planning and Appeals Board not being prepared for their meetings and asked if a letter should be sent to them to remind them to visit the properties that are under consideration. Staff stated that reminders have been made. Commissioner Via would like to know in the future who does and who does not do this so that he can keep a record.

Commissioner Via referred to a letter regarding the beach tolls that had been sent to Mr. Arrington and signed by the Mayor. With the recent decision of the County Council not to reduce beach tolls, he felt that a second letter further stating their opinion should be sent. This will be discussed in the workshop to follow.

Commissioner Byrnes stated how proud he was of the success of this year's Christmas Events. Holly Hill knows how to celebrate Christmas!

Commissioner Lockeby wished everyone Happy Holidays.

Mayor Arthur wished everyone Happy Holidays.

18. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 8:05 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk