

MINUTES

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA**

JANUARY 10, 2006

1. CALL TO ORDER

A. Roll Call

Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:05 p.m. Attending with Mayor Via were Commissioners Gilles Blais, Mark Reed and Traci A. Anderson.

Absent: Commissioner John Penny.

*Commissioner Reed moved to **EXCUSE** Commissioner Penny from the regular scheduled City Commission meeting, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Reed – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes.

Also attending were City Manager Joe Forte, City Attorney Butch Simpson, Public Works Director Milton Hallman, Public Safety Director Don Shinnamon, Building Official Tim Harbuck, Finance Director Brenda Gubernator, Information Technology Director Scott Gutauckis, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning.

B. Invocation

Milt Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Mayor Via mentioned the Beautification Residential/Commercial Award winners for the month of January and they are Mr. and Mrs. Neil Hayes who live at 638 Dahlia Avenue who received the Residential Award and the Commercial Award winner went to Fischer Automotive located at 1550 Nova Road.

MINUTES

3. **CONSENT AGENDA**

- Minutes of the City Commission Workshop – December 13, 2005
- Minutes of the Regular City Commission meeting – December 13, 2005
- Memorandum of Understanding (MOU) – Manatee Protection Plan
- Report of Purchase Orders over \$5,000
 - Florida Armature Works – \$7,586.60

*Commissioner Reed moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Reed – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes.

Mayor Via referred to Item #13, relating to the Florida League of Cities, Inc., - Support of Priority Issues. Mayor Via further stated that there are some key issues that were adopted by the League membership, yet the Commissioners do not have enough important background information on some of the items. He would like to pull this item from the agenda and move it to a workshop so they can talk about it.

*Commissioner Reed moved to **PULL** Agenda Item #13, FLORIDA LEAGUE OF CITIES, INC. – SUPPORT OF PRIORITY ISSUES for a workshop item, seconded by Commissioner Anderson.*

The motion **CARRIED** 4-0 on roll call: Reed – Yes, Anderson – Yes, Blais – Yes, Mayor Via – Yes.

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

Steve Smith, 1410 Riverside Drive, stated he recently got sited for his travel trailer/camper prohibited from being parked on waterfront property. His intent really wasn't to have a travel trailer with a gazebo license plate but for four years he has been driving it back and forth from his front yard. He would like to see if he would be allowed to place the gazebo in the front yard permanently.

Mr. Forte stated there is an Ordinance on the books relating to side yard/back yard accessories for waterfront properties. What the Commission might want to do, if they choose to revisit the Ordinance, motion to workshop this. If they don't then motion to not workshop it and nothing happens.

Commissioner Reed stated it seems funny to him that they can have one set of Ordinances for waterfront yards and another set of Ordinances for non-waterfront yards. Is that totally legal? It seems like that should be a Constitutional issue.

MINUTES

City Attorney Simpson stated he hasn't researched the Constitutionality of it but unless it's challenged, there's a presumption that what you do is legal. If he sees them doing something that he thinks is illegal then he would tell them that they ought not to do it.

Commissioner Reed stated if it's on the books than it's legal.

City Attorney Simpson stated, yes. He thinks they need to make a policy decision which is do they agree with what's contained in the body of the Ordinance and for that, he thinks what Mr. Forte suggested is good. If they want to workshop it and get input from the Board of Planning and Appeals and the City Planner and see if this has been done in other areas of the State or Volusia County and see what impact it has had so they can make an informed decision. That would be his suggestion.

Commissioner Reed moved to have a workshop on the Ordinance pertaining to structures on waterfront properties, seconded by Commissioner Blais.

The motion **CARRIED** 4-0 on roll call: Reed – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes.

5. PUBLIC HEARING – SECOND READING OF ORDINANCE 2751, ZONING CHANGE – ALABAMA AVENUE – APPLICANT: MIKE SALH

Mr. Forte stated this item was requested by the applicant to be tabled for two reasons. One, the applicant wanted to have a full Commission present but more importantly this is a second reading of a rezoning that's also part of a large scale comp plan amendment which has gone off to the State and probably won't hear back from them for a couple of months. Therefore, this will have to be rescheduled and re-advertised for mid-March probably. At that time they will hear the second reading of the rezoning request along with the second reading of the large scale comp plan amendment.

Mayor Via asked who will pay the cost of the advertising?

Mr. Forte stated he doesn't know. Whatever the City's rules say, that's what the applicant will comply with.

6. PUBLIC HEARING – SECOND READING OF ORDINANCE 2752, FUTURE LAND USE CHANGE – 1127 CAVE AVENUE – APPLICANT: ERIC KRALLINGER AND (Item #7): PUBLIC HEARING – SECOND READING OF ORDINANCE 2753, ZONING CHANGE – 1127 CAVE AVENUE – APPLICANT: ERIC KRALLINGER

Mr. Forte stated he wants to talk about these two items together, Item #6 and Item #7. The first item is a land use change and the second is the rezoning. If they remember at the last City Commission meeting the applicant withdrew his request for rezoning to CC-1 in exchange for coming up with a PUD Agreement. He met with the applicant and the engineer at the site on Friday and the site does have some issues. The engineer does feel that something maybe of

MINUTES

value to build a commercial structure on there. For example, a single building as a storage unit as opposed to two buildings which they had originally proposed but there is still a lot of issues with the stormwater that accumulates on that property. Mr. Forte stated what he is suggesting here is that they reschedule Item # 7, which would be the PUD Agreement for March 14, 2005 with the second reading of the land use change on April 11, 2006. If during that time period the applicants want to withdraw their applications and requests they certainly can do that. This won't require any additional advertising because this meeting is the advertised meeting and if they make it a timed certain it covers the City's advertising requirements. Therefore, he is suggesting that Item #6 be tabled until April 11, 2006 and Item #7 be tabled to March 14, 2006.

*Commissioner Anderson moved to **TABLE** the above agenda items to the dates certain, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Anderson – Yes, Blais – Yes, Reed – Yes, Mayor Via – Yes.

8. PUBLIC HEARING – SECOND READING OF ORDINANCE 2754, ZONING CHANGE – NOVA ROAD SOUTH OF 10TH STREET – APPLICANT: SH NOVA ROAD, LLC

Mr. Simpson read by short title:

ORDINANCE NO. 2754

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 2.2 ACRES LOCATED ON NOVA ROAD TAX PARCEL ID 4244-01-07-0053 FROM VOLUSIA COUNTY “INDUSTRIAL - 1” TO CC-1 (COMMERCIAL CORRIDOR DISTRICT); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mayor Via opened the audience participation. There was no speakers.

*Commissioner Blais moved for **APPROVAL** the Second Reading of Ordinance 2754, seconded by Commissioner Anderson.*

The motion **CARRIED** 4-0 on roll call: Blais – Yes, Anderson – Yes, Reed – Yes, Mayor Via – Yes.

MINUTES

9. PUBLIC HEARING – SECOND READING OF ORDINANCE 2755, FUTURE LAND USE CHANGE – 1104 SOUTH NOVA ROAD – APPLICANT: DR. JAMES BUCK

Mr. Simpson read by short title:

ORDINANCE NO. 2755

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 .78 ACRES LOCATED AT 1104 S. NOVA ROAD WITH TAX PARCEL ID 4242-04-21-0134 FROM VOLUSIA COUNTY 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.

Mayor Via closed the audience participation. There were no speakers.

*Commissioner Blais moved for **APPROVAL** the Second Reading of Ordinance 2755, seconded by Commissioner Anderson.*

The motion **CARRIED** 4-0 on roll call: Blais – Yes, Anderson – Yes, Reed – Yes, Mayor Via – Yes.

MINUTES

10. PUBLIC HEARING – SECOND READING OF ORDINANCE 2756, ZONING CHANGE – 1104 SOUTH NOVA ROAD – APPLICANT: DR. JAMES BUCK

Mr. Simpson read by short title:

ORDINANCE NO. 2756

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY .78 ACRES LOCATED AT 1104 S. NOVA ROAD TAX PARCEL ID 4242-04-21-0134 FROM VOLUSIA COUNTY “INDUSTRIAL - 1” TO CC-1 (COMMERCIAL CORRIDOR DISTRICT); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mayor Via closed the audience participation. There were no speakers.

*Commissioner Reed moved for **APPROVAL** the Second Reading of Ordinance 2756, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Reed – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes.

MINUTES

11. PUBLIC HEARING – SECOND READING OF ORDINANCE 2757, FUTURE LAND USE CHANGE – 1745 & 1747 MARYLAND AVENUE – APPLICANT: BLAKE BEASLEY

Mr. Simpson read by short title:

ORDINANCE NO. 2757

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 .66 ACRES LOCATED AT 1745 & 1747 MARYLAND AVENUE WITH TAX PARCEL ID 4242-04-21-0142 AND 4242-04-21-0143 FROM VOLUSIA COUNTY “URBAN MEDIUM INTENSITY” AND “INDUSTRIAL” 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.

Mayor Via closed the audience participation. There were no speakers.

*Commissioner Blais moved for **APPROVAL** the Second Reading of Ordinance 2757, seconded by Commissioner Anderson.*

The motion **CARRIED** 4-0 on roll call: Blais – Yes, Anderson – Yes, Reed – Yes, Mayor Via – Yes.

12. PUBLIC HEARING – SECOND READING OF ORDINANCE 2758, ZONING CHANGE – 1745 & 1747 MARYLAND AVENUE – APPLICANT: BLAKE BEASLEY

Mr. Simpson read by short title:

ORDINANCE NO. 2758

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY .66 ACRES LOCATED AT 1745 AND 1747 MARYLAND AVENUE TAX PARCEL ID 4242-04-21-0142 & 4242-04-21-0143 FROM VOLUSIA COUNTY “LOW DENSITY RESIDENTIAL” AND “INDUSTRIAL - 1” TO CC-1 (COMMERCIAL CORRIDOR DISTRICT); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mayor Via closed the audience participation. There were no speakers.

*Commissioner Blais moved for **APPROVAL** the Second Reading of Ordinance 2758, seconded by Commissioner Anderson.*

The motion **CARRIED** 4-0 on roll call: Blais – Yes, Anderson – Yes, Reed – Yes, Mayor Via – Yes.

14. RESOLUTION 2006-R-02, PAL/RECREATION BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-02

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

*Commissioner Reed moved for **APPROVAL** Resolution 2006-R-02, seconded by Commissioner Blais.*

MINUTES

The motion **CARRIED** 4-0 on roll call: Reed – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes.

15. RESOLUTION 2006-R-03, METROPOLITAN PLANNING ORGANIZATION (MPO) BICYCLE AND PEDESTRIAN TASK FORCE BOARD APPOINTMENT

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-03

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE METROPOLITAN PLANNING ORGANIZATION BICYCLE AND PEDESTRIAN TASK FORCE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Anderson moved for APPROVAL Resolution 2006-R-03, seconded by Commissioner Blais.

The motion **CARRIED** 4-0 on roll call: Anderson – Yes, Blais – Yes, Reed – Yes, Mayor Via – Yes.

16. TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

Mr. Forte stated this is the City's annual renewal of the Traffic Signal Maintenance and Compensation Agreement with FDOT. The FDOT pays the City \$9,320 and then the City contracts with Volusia County to actually do the maintenance on the City's traffic signals.

Commissioner Reed moved for APPROVAL authorizing the City Manager to sign the Agreement and forward the executed Agreement to FDOT offices in DeLand, FL., seconded by Commissioner Blais.

The motion **CARRIED** 4-0 on roll call: Reed – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes.

17. SUNRISE PARK SEAWALL AND MISCELLANEOUS REPAIRS

Mr. Forte stated staff is asking for approval to spend \$548,058.74 for improvements to the Seawall at Sunrise Park. The cost of these improvements is a result of the hurricanes that came and damaged the seawall over there. The actual cost for the total repairs is \$758,315 for the full contract. FEMA has offered to pay the City \$552,085 based on the estimates that were sent in at that time. Mr. Hallman has negotiated the workload down to the money that the City will be receiving from FEMA. In the meantime, Susan Rannie is sending the total cost from S.E. Cline Construction back off to FEMA in anticipation that the City will get some additional funds to pay the balance of that through the public assistance portion from the FEMA reimbursement. Staff is asking for approval of the \$552,085 for the repairs to Sunrise Park using the FEMA money.

Mr. Hallman stated they have to award the full contract in the amount of \$758,315 and this is Change Order No. 1 to that contract.

*Commissioner Blais moved for **APPROVAL** S.E. Cline Construction bid in the amount of \$758,315 for the seawall and miscellaneous repairs, and currently approve the Change Order No. 1 to reduce the contract to \$552,085. This is a reduction in the base bid contract amount by \$206,230, seconded by Commissioner Reed.*

The motion **CARRIED** 4-0 on roll call: Blais – Yes, Reed – Yes, Anderson – Yes, Mayor Via – Yes.

18. COMMITTEE REPORTS

Members of the Commission are encouraged to give a brief report from the various committees on which they serve.

Mayor Via stated there is a WAV meeting tomorrow afternoon at 3:00 p.m.

19. COMMUNICATIONS

A. City Manager

None.

B. City Attorney

None.

MINUTES

C. Mayor & Commissioners

Mayor Via mentioned Fire Station 96 and stated that they were considered the third busiest in the County. The City has the number one response time in the State of Florida and it's in the top four percentile of response times in the United States. He applauds them for that and that was for a number of years. At this time Mayor Via reminded everyone about the Business Expo at Sica Hall on January 13th from 10:00 a.m. to 5:00 p.m.

20. ADJOURNMENT

The meeting officially adjourned at approximately 7:40 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor