M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JANUARY 12, 1999

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 Arthur Byrnes, Shirley Heyman, and Roland Via. Commissioner J. D. Mellette was absent due to a death in the family.

Also attending were City Manager, Donald Lusk, City Attorney, Scott Simpson, Public Works Director, Milt Hallman, Economic Development Coordinator, Ira Corliss, Finance Director, Brenda Gubernator, Police Chief, Larry Walker, and City Clerk, Joyce Holmquist.

2. INVOCATION

Public Services Director, Milt Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur read a Proclamation declaring 1/17/ through 1/23/99 as Ben Franklin Week and presented a Certificate of Honor to the United Brethern Church in recognition and appreciation of meritorious service to the community in feeding fifty-eight families during the holidays. Commissioner Shirley Heyman was presented with a five year service award. Mayor Arthur recommended the City consider developing a yearly citizenship award. The City Manager indicated this could be accomplished through a yearly Mayor's award.

Representatives of TEI Engineers and Planners engaged in conducting a study for the Volusia County MPO and the Fl. DOT provided a slide presentation on the U. S. 1 Transportation Study. The study looked at the mobility of U. S. 1 from Edgewater through I-95 in Ormond Beach and methods for improvement over the next 25 years. Alternatives addressed high and low emphasis on improved bus service, sidewalks, bike paths, crossing treatments, intersection improvements, road widening, safety, etc. Several members of the audience asked questions and responses were provided by the TEI staff. It was reported by TEI that intersection improvements were projected for Mason Ave. and U. S. 1, i. e. additional lanes and north bound left turn lanes, (left turn lanes at the intersection and basically left turn lanes all the way around.)

5. CONSENT AGENDA

A. Minutes Regular Meeting – December 8, 1998
B. Minutes of Workshop Meeting – December 8, 1998

C. **Minutes of Workshop Meeting – December 19, 1998**
D. **Minutes of Workshop Meeting – December 22, 1998**
E. **Report of Testing and Elimination of Contaminated Soil – Waste Oil Tank Removal - $9,035.00**

Commissioner Mellette moved ***APPROVAL of*** *the consent agenda, seconded by Commissioner Heyman.* The motion **CARRIED** 5-0 on roll call: Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

6. AUDIENCE PARTICIPATION

Mr. Harrison Frazier, 196 Daymora Parkway, addressed the Commission concerning property at **1050 Daytona Ave, Holly Hill, Fl.** complaining that the Union Congregational Church at 1050 Daytona Ave. experienced drainage problems in front of the church. Mr. Frazier distributed photographs and a typewritten complaint to the Commissioners. Discussion by the Commission resulted in the Mayor indicating to Mr. Frazier that Public Works Staff would look into the problem.

7. PUBLIC HEARING – CONSIDERATION OF LAW ENFORCEMENT BLOCK GRANT FUND ADVISORY COMMITTEE'S RECOMMENDATION TO PURCHASE LAP TOP COMPUTERS WITH LLEBG FUNDS TOTALING $16,168.00.

City Manager Lusk reported that the law enforcement block grant advisory committee met on 12/17/98 and developed a recommendation for the purchase of laptop computers with LLEBG funds totaling $16,168. The City would sponsor a poster contest with savings bond awards totaling $900.00 as part of the $16,168.00 funding. Chief Larry Walker advised that the laptop computers would enhance police coverage on the streets. The officers could prepare reports from their vehicles rather than in the station. Report writing time would be reduced.

Commissioner Via moved ***APPROVAL*** *of the LLEBG Advisory Board recommendation for the purchase of laptop computers and a poster contest, seconded by Commissioner Mellette.* The motion **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

8. FIRST READING, PUBLIC HEARING, ORDINANCE NO. 2550 (RIVERSIDE DRIVE MAINTENANCE ORDINANCE).

City Attorney Edward Simpson read: **ORDINANCE NO. 2550** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 114 (ZONING), ARTICLE III. (SUPPLEMENTARY DISTRICT REGULATIONS), DIVISION 5 (YARD AND LOT REQUIREMENTS) CREATING SECTION 114-769 (WATERFRONT YARD RESTRICTIONS)

ADOPTING REGULATIONS AS TO THE PARKING OF VEHICLES AND THE CONSTRUCTION OF FENCES IN THE WATER FRONT YARD; ADOPTING FRONT YARD REGULATIONS FOR THE WATERFRONT YARD, EXCEPT AS AMENDED HEREIN; PROVIDING FOR EXCEPTIONS; AND PROVIDING FOR COMPENSATION TO PROPERTY OWNERS WHOSE PERMITTED FENCES ARE REMOVED; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Arthur called a five minute break in order for the TEI Engineers and Planners to clear the room.

Commissioner Mellette moved to ***APPROVE*** *Ordinance No. 2550 on first reading, seconded by Commissioner Heyman.*

Comments as a result of the Public Hearing were taken from Attorney Jim Morris on behalf of Deb and Greg Walker, 1314 Riverside Dr., John Capers, 1440 Riverside Dr., Joseph Capers, 1512 Riverside Dr., Sandra Warden, 1336 Riverside Drive, Steve Smith, 1410 Riverside Dr., John Bassford, 1500 Riverside Dr., Ron Taylor, 528 Riverside Drive, Christine Capers, 1440 Riverside Drive, Anna Seay, 1324 Riverside Drive, Elsie Epson, 1589 Riverside Drive, Jim LaGary, 342 Burleigh Ave., and George Fries, 1000 Riverside Drive. Mrs. Seay requested a copy of the frontyard zoning regulations. The City Manager indicated the regulations were available in the Zoning Dept. Mrs. Epson indicated a belief that all land owners should be enabled to delineate their land ownership, but should do so with beautiful, see through, fences.

Attorney Morris distributed a survey to the Commissioners and indicated his clients would be agreeable to Ord. 2550 with specific changes, i. e., the removal of the stipulation that uniform fencing must be limited to fencing parallel to the roadway, and the removal of the stipulation that no vehicles may be parked on the east side. Attorney Morris indicated that the Walkers desired to be enabled to delineate their property with perpendicular fencing from the road to the river and they had a need to park vehicles on the east side of their property. The Walkers had no objections to the prohibition of “for sale” signs on vehicles, and no objections to a parking requirement allowing only two vehicles to be parked perpendicular to the river and road at one time on the east side of Riverside Drive.

Those speaking at the Public Hearing indicated a need by property owners for parking space on the east side of Riverside Drive due to families owning numerous vehicles, safety hazards when backing out onto Riverside Drive, a need for parking for recreational purposes/parties, objections to disruption of parking plans in place since the respective homes were constructed, and objections to only four overnight parking permits per year.. Those speaking in favor of the ordinance, opposed car lots on the east side of Riverside Drive, stressed that property owners shouldn’t spoil the scenic river view, vegetation and brush should be cleared to the river, and that only invisible fences should be placed perpendicular from the river to the road. One speaker requested a survey so respective

property owners could list their areas of concern. The Commissioners noted the present meeting was the fourth meeting on the topic and a second Public Hearing was scheduled for Jan. 26, 1999. It was noted that the erection of privacy fences, as an example, would destroy the scenic route. A five minute recess was called. The Mayor reopened the Public Hearing requesting that individuals with new information come forward.
A citizen comment indicated that good taste and good manners could not be legislated.

Commissioner Heyman moved an amendment to Ordinance 2550 that no "for sale" signs be permitted, there be no limit on the number of cars which may be parked, and that uniform fences installed perpendicular from the river to the road be permitted. Commissioner Via seconded the motion for discussion. Discussion on the motion by Commissioner Heyman indicated a belief that another workshop was required prior to second reading. As the Mayor closed the Public Hearing, one additional citizen requested to speak indicating that Riverside Drive was in decline and that a Committee of Riverside Drive Residents needed to be formed to address clean-up and maintenance. Discussion followed regarding overnight parking and related issues. It was suggested that the motion and second be withdrawn if a workshop was going to be held. Discussion addressed the possibility of a survey and/or a committee.

Commissioner Heyman amended the amended motion to address only fences, motioning to allow uniform, split rail type fences parallel to the road and also perpendicular to the river and the road with a 3' height limitation on the east side of Riverside Drive, and no fencing to be permitted parallel to the river, and green chain link fencing required when abutting public parks. Commissioner Via accepted the amendment to the amended motion and seconded. The motion on the amended motion CARRIED 4-1 on the following roll call: Heyman, yes; Via, yes; Byrnes, no; Mellette, yes, Arthur, yes. Commissioner Byrnes indicated he had voted " no" because he desired to see more than just the split rail type fences permitted.

Commissioner Via called for the question on the previous amendment to the main motion which was for any number of cars to be allowed to be parked on the east side of Riverside Drive and no "for sale" signs. Discussion followed and related to allowing families with numerous vehicles to park their family owned vehicles on the east side; further discussion addressed the fact that the four permits per year stipulation had been placed in the proposed ordinance because it was not possible to determine whether numerous vehicles parked on the east side of Riverside belonged to families or not. Additional discussion indicated a desire for only two, perpendicularly, parked cars to be allowed on the East Side of Riverside Drive. The City Manager recommended eliminating the permitting process and stipulating "no over-night parking" for more than two cars. This would enable people holding parties to have numerous cars on the east side because people attending parties would not stay overnight. If problems occurred, then the permitting process could be established. The City Manager indicated that if six vehicles parked on the east side during the day, they could be monitored, to see if they remained over-night. Discussion indicated that the parking wasn't a problem at night as it was during the day that people wanted to see the river. The City Manager indicated that the cars that remained overnight were the cars that remained day after day and it would be easier for staff to address just two vehicles allowed for overnight parking.

Commissioner Byrnes moved to amend the original amendment to allow no more than two vehicles, any time, 24 hours a day, to be parked on the east side of Riverside Drive; no "for sale" signs, and the permitting process to remain, concerning the parking of more than two vehicles. Commissioner Mellette seconded. The amendment to the original amendment **CARRIED** 5-0 on the following roll call: Byrnes, yes; Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.

The vote on the main motion to adopt Ordinance No. 2550 on first reading, along with the amendments, was called, said motion **CARRIED** 5-0 on the following roll call: Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

Discussion concerning a survey and an additional workshop ensued. Discussion concluded that neither were necessary presently. Future problems could be addressed at a later date. Second reading remained scheduled for January 26, 1999. (Attorney Edward Simpson departed the meeting.)

9. FIRST READING, ORDINANCE NO. 2551 –AMENDING DEPOSIT REQUIREMENTS FOR UTILITY SERVICES TO ALLOW FOR TRANSFERS OF CUSTOMER DEPOSITS UNDER CERTAIN CONDITIONS. (First Reading)

City Attorney Scott Simpson read **ORDINANCE NO. 2551** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 70-124 (DEPOSITS.) OF THE HOLLY HILL CODE OF ORDINANCES TO ALLOW FOR TRANSFER OF DEPOSITS WHEN UTILITY CUSTOMERS RELOCATE WITHIN THE CITY AND DELETING THE REQUIREMENT THAT THE SECURITY DEPOSIT FOR COMMERCIAL CUSTOMERS BE ADJUSTED BASED ON ACTUAL USE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City Manager briefly explained the Ordinance and its benefits to the residents. The Commissioners indicated a desire to address commercial accounts and problem accounts at the workshop scheduled after the Commission Meeting of 1/26/99. *Commissioner Mellette moved **APPROVAL** of Ordinance No. 2551 on first reading, seconded by Commissioner Heyman.* The motion **CARRIED** 5-0 on the following roll call: Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

10. ORDINANCE NO. 2552 – REZONING 7.68 ACRES AT THE SOUTHEAST CORNER OF NOVA ROAD AND 15TH STREET, VACATING PLATTED

SUBDIVISION AND REZONING PROPERTY FROM B-5 (GENERAL COMMERCIAL) TO CC-1 (COMMERCIAL CORRIDOR DISTRICT).

Attorney Scott Simpson read **ORDINANCE NO. 2552** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 7.68 ACRES LOCATED ON THE SOUTHEAST CORNER OF NOVA ROAD AND FIFTEENTH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE CURRENT CITY ZONING OF B-5 (GENERAL COMMERCIAL) TO CITY ZONING CC-1 (COMMERCIAL CORRIDOR DISTRICT); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Ordinance No. 2552 on first reading, seconded by Commissioner Mellette.*

The property owner, Mr. Mike Donziger and Mr. Bill Fritze, of Zev Cohen & Associates, Inc. addressed the Commission indicating the property was currently vacant and heavily wooded, with the exception of a city potable well. The proposed zoning would be appropriate in the Nova Road Corridor. Office/warehouse facilities were proposed. The Commissioners discussed utilities. The developer/owner would provide his own (distribution and collection system) to tie into the city's existing system. Pipes would not cross under the road. The City Attorney indicated he would report at the next meeting concerning whether streets which were in the platted record needed to be vacated.

The motion for approval of Ordinance 2552 on first reading **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

<u>11. REQUEST COMMISSION APPROVAL OF VARIANCE REQUEST – SIDNEY AND DORIS BLAIR – EAST SIDE OF 1500 BLOCK OF STATE AVE. BETWEEN FLOMICH AVENUE AND 15TH STREET.</u>

Mr. Bob Keeth, City Planner reported and recommended approval with stipulations that there be no rear door, no storing, no parking and building height not to exceed 25 feet or two stories.

*Commissioner Heyman moved **APPROVAL of** the Variance Request from the minimum landscape buffer and building setback requirements, seconded by Commissioner*

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

12. RESOLUTION NO. 99-R-47, APPOINTING PAT FARMER TO AN UNEXPIRED TERM ON THE CIVIL SERVICE BOARD.

Attorney Scott Simpson read Resolution 99-R-47 by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING PAT FARMER TO THE CIVIL SERVICE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL of** Resolution 99-R-47, seconded by Commissioner Mellette.* The motion **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

13. RESOLUTION 99-R-45, APPOINTING TWO MEMBERS TO SERVE ON THE CITY PENSION BOARD.

Attorney Scott Simpson read Resolution 99-R-45 by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING TWO MEMBERS TO SERVE ON THE MUNICIPAL POLICE OFFICERS' RETIREMENT TRUST FUND BOARD FOR THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The City Manager provided a brief report concerning the history of the board and the Fl. Statute. Mayor Arthur recommended Commissioner Mellette and City Manager Lusk fill the vacancies. The Commission was in receipt of a legal opinion from City Attorney Scott Simpson indicating the Manager and a Commissioner could serve on the board so long as they were both legal residents of the City. Case Law indicated the appointments would not violate dual office holding. The Sunshine Law was addressed and the City Attorney and City Manager indicated there were limited issues that the Commissioner and Manager would not be able to discuss except at a public meeting of the Pension Board. It was also noted that Pension Board Meetings occurred prior to Commission Meetings. The City Manager stressed the importance of the Commission having a voice on the Pension Board.

Mr. Michael Johnson, a previous Pension Board Member, addressed the Commission in support of reappointing the two citizens who had been serving on the board and objecting to the appointment of the City Manager and a Commissioner. The City Manager reported that the present pension was over funded and employee and city contributions needed to be reduced. It was noted that a fifth neutral party would be selected by the board membership. Commissioner Via expressed concern for the City Manager being on the pension board and also negotiating the union contract.

*Commissioner Heyman moved **APPROVAL** of Resolution 99-R-45, seconded by Commissioner Mellette.* The motion **CARRIED** 4-1 on the following roll call: Heyman, yes; Mellette, yes; Byrnes, yes; Via, no; Arthur, yes.

14. RESOLUTION 99-R-46 AND CONTRACT ADDENDUM, ASSOCIATED MARKETING, STIPULATING THAT BUS BENCH REVENUES BE PAID DIRECTLY TO THE CITY.

City Attorney Simpson read **RESOLUTION 99-R-46** by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE AGREEMENT WITH ASSOCIATD MARKETING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Simpson indicated the Resolution had been prepared stipulating that revenues would be paid to the City and then to the Chamber of Commerce as discussed at the recent Commission Workshop. The Addendum to the agreement stipulated that the revenues paid to the City would be 15%; payable every six months.

*Commissioner Mellette moved **APPROVAL** of Resolution 99-R-46, seconded by Commissioner Heyman.* The motion **CARRIED** 5-0 on the following roll call: Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

There were no objections from the Commissioners to moving item 17 forward on the agenda.

17. APPROVAL OF PETITION FOR ANNEXATION OF THREE PARCELS OF LAND OWNED BY CRAIG AND DOLORES BUCKLES LOCATED AT 1410 N. NOVA ROAD, 1006 8TH STREET, AND 1008 8TH STREET.

*Commissioner Via moved **APPROVAL** of the petition for annexation of three parcels of land owned by Craig and Dolores Buckles; seconded by Commissioner Mellette.*

It was noted that a residence and a business were located on the property. Mr. Buckles was present in the audience.

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

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15. REQUEST TO ACCEPT QUOTATION FROM FLORIDA MINING AND MATERIALS AT ESTIMATED 1,100 CUBIC YARDS FOR $64,900.00 REGARDING CONSTRUCTION OF SIDEWALKS IN COMMUNITY DEVELOPMENT BLOCK GRANT AREAS AS OUTLINED IN THE CITY'S FIVE YEAR PLAN.

Commissioner Mellette moved APPROVAL to accept the quotation from Fl. Mining and materials at an estimated 1,100 cubic yards for $64,900.00 regarding construction of sidewalks in Community Development Block Grant Areas as outlined within the City's five year plan; seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call: Mellette, yes; Via; yes; Byrnes, yes; Heyman, yes; Arthur, yes.

16. REQUEST AUTHORIZATION FOR QUENTIN L. HAMPTON ASSOCIATES, INC. TO PROCEED WITH SURVEYS, DESIGN, PERMITTING AND CONSTRUCTION SERVICES NOT TO EXCEED $32,856.00 IN ESTIMATED COSTS FOR BOX CULVERTS ON THE N. W. DRAINAGE CANAL AT WALKER STREET AND 15TH STREET AS PART OF CDBG FUNDING.

Commissioner Byrnes moved ***APPROVAL*** *of the request for Quentin Hampton to proceed with services not to exceed $32,856.00 for box culverts on the N. W. Drainage Canal at Walker Street and 15th Street as part of the CDBG Funding, seconded by Commissioner Mellette.* The motion **CARRIED** 5-0 on the following roll call: Byrnes, yes; Mellette, yes; Via yes; Heyman, yes; Arthur, yes.

18. APPROVAL OF CHANGE ORDER NUMBER ONE FOR ADDITIONAL SERVICES FOR YOUTH BUILDING AS PROPOSED BY HAWKINS & HALL ARCHITECTS, INC.

The City Manager reported the same Architects could be utilized for the youth building as had been utilized for the gymnasium upon approval of the change order. If Hall Construction provided a good price, their contract could be change ordered for the construction. Commissioner Via indicated he would vote approval concerning the architectural engineering fees for $5,800.00; however, he considered the estimated costs to be too high, especially the air conditioning estimated cost.

Commissioner Heyman moved ***APPROVAL*** *of Change Order Number One for additional services for the youth building as proposed by Hawkins & Hall Architects, Inc., seconded by Commissioner Mellette.* The motion **CARRIED** 5-0 on the following roll call: Heyman, yes; Mellette, yes; Byrnes, yes; Via, yes; Arthur, yes.

19. COMMUNICATIONS FROM CITY MANAGER

The City Manager reported the old office building in the park would be torn down in the next few weeks. Jennings Environmental had agreed to haul the debris away at no cost to the City. Jennings would be provided with signage at the ball field for two years in exchange.

The City Manager further reported that DOT had approved allowing use of the parking lanes concerning the highway beautification project; therefore, the City could proceed with work on the medians. The streetscape/maintenance bid opening would occur in mid February.

20. CITY ATTORNEY

Attorney Scott Simpson indicated he had nothing further to report.

21. COMMUNICATIONS FROM MAYOR & COMMISSION

Shirley Heyman – indicated she desired a Commission motion to approve sending a letter to the County regarding removing the beach toll. *Commissioner Heyman moved APPROVAL to send correspondence from the Holly Hill City Commission to the Volusia County Council Members requesting the beach toll be removed because it was bad for business; seconded by Commissioner Byrnes.* Discussion on the motion indicated a preference for the letter to be delivered to the County Council by the City's Economic Development Director. The motion **CARRIED** 5-0 on the following roll call: Heyman, yes; Byrnes, yes; Mellete, yes; Via, yes; Arthur, yes.

Roland Via – noted that regarding the beach toll, not much was returned for the monies expended.

Arthur Byrnes – indicated the City was working wholeheartedly on U. S. 1 and it was discouraging to hear people complain that the City wasn't doing anything in this regard.

22. ADJOURNMENT

The meeting officially adjourned at 11:35 p. m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

CITY CLERK