M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JANUARY 13, 2004

1. CALL TO ORDER
A. Roll Call

Mayor 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, Lou Schmitt, Gilles Blais, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Assistant to the City Manager Greg Wood, City Planner Bob Keeth, Building Official Tim Harbuck, Public Works Director Milt Hallman, Public Safety Director Don Shinnamon, Community Redevelopment Coordinator Marsha Radulovich, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Proclamation Honoring the Mainland Senior High School Buccaneers

Mayor Arthur asked Ms. Clauss to read this proclamation honoring the Bucs for their State Football Championship. He then presented it to the School Principal and Team Coach.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – December 9, 2003
Minutes of Commission Workshop – December 9, 2003
Report of Purchases between Five and Ten Thousand Dollars

- **Volusia County (Fuel) - $5,850.93**
- **Layne-Atlantic - $9,069**
- **Guardian Equipment - $8,412**
- **Rocha Controls - $9,480**
- **Environmental Solutions International - $8,230.25**

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

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

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

Commissioner Schmitt reminded everyone that the Holly Hill Chamber of Commerce will have their monthly board meeting tomorrow. He also stated that three businesses currently located in the County will be moving to the new complex at 3rd and Nova. They are welcome additions (The Coffee Cup, the Beauty Supply, and one other).

Commissioner Via advised that the new Executive Director for WAV, Dr. Bruce Mowry, has arrived ten days early to get oriented. The next meeting is set-up for January 21st at 8:30 a.m. at VCOG. He passed along to all of them a copy of the funding proposal, so they could become acquainted with it.

Commissioner Byrnes advised that the next Volusia League of Cities Executive meeting will be this Thursday.

Mayor Arthur advised that New Smyrna Beach Mayor Vandergrift and County Council Chairman Dwight Lewis have requested a resolution showing the consent of cities regarding cars on the beach because Tom Feeney forwarded a letter requesting cars be removed from the beach to the State.

*Commissioner Via moved to **APPROVE** having Staff prepare a resolution supporting beach driving, seconded by Commissioner Blais.*

Commissioner Blais indicated that beach driving was something that as a police officer, he really appreciated for therapeutic reasons.

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

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Richard G. Mont, 76 Y Drive, Ormond Beach, stated that he owns a sandwich shop at 4th and Center and would like to host a birthday party for his dog, Bubba John, at this location. He is not doing large scale advertising but there will be sufficient attractions which could draw a small crowd. Arnie will be there for pet adoptions and all proceeds will go to them from the sale of kids hot dogs. The Commission indicated they did not see this as a problem except that parking could be an issue. It's for a short time span, though.

*Commissioner Via moved to **APPROVE** the hosting of Bubba John's birthday party as presented, seconded by Commissioner Byrnes.*

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

6. VARIANCE REQUEST FROM JEREMY SANDERS FRO RELIEF FROM SETBACK REQUIREMENTS AT 1594 MORAVIA AVENUE

*Commissioner Via moved to **APPROVE** authorizing a north side setback relief of five feet (to construct an addition) and a south side setback relief of eight feet (to construct a carport) at 1594 Moravia Avenue, seconded by Commissioner Schmitt.*

There was not opposition from the public.

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

7. VARIANCE REQUEST FROM EVELYN KOSER FOR RELIEF FROM SETBACK REQUIREMENTS AT 244 14TH STREET

*Commissioner Schmitt moved to **APPROVE** authorizing a front yard setback relief of nine feet (to construct a carport) at 244 14thStreet, seconded by Commissioner Byrnes.*

The Commission inquired as to why a variance was needed because it seemed like it would be eligible without one. The grandfathering for this previously present structure expired when it was removed so special approval was needed to replace it.

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

8. SPECIAL EXCEPTION REQUEST FROM THE NEWS JOURNAL FOR PARKING LOTS IN R-2 ZONING

Commissioner Byrnes expressed concern about further impact on the Fourth Street canal, which is already at its capacity. Residents already experience flooding in that area. Mr. Hallman explained that he met with the News Journal engineers after the drawings the Commission has were sent to them. They have revised this plan, and it is now expected to assist in the drainage of that entire area. Area resident Jim Clem advised that he initially had concerns but now feels satisfied with the improved plan.

*Commissioner Schmitt moved to **APPROVE** authorizing a Special Exception Request for two parking lots in R-2 Zoning at 901 6th Street, seconded by Commissioner Blais.*

Commissioner Byrnes indicated that he was not convinced by the engineer claims.

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

9. FIRST READING OF ORDINANCE 2679, AMENDING THE DEVELOPMENT AGREEMENT AUTHORIZED BY ORDINANCE 2653 FOR MIKE SAHL, 1178 NOVA ROAD

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE WRITTEN DEVELOPMENT AGREEMENT FOR THE MALKIT SALH BUSINESS PLANNED UNIT DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NOVA ROAD (SR 5A) AND ALABAMA; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

*Commissioner Schmitt moved to **APPROVE** the First Reading of Ordinance 2679, seconded by Commissioner Via.*

Commissioner Via mentioned the discussion at the Planning Board meeting regarding a wall or fence. Mr. Sahl advised that a fence has already been put up and the lady requesting it is satisfied. Commissioner Byrnes asked for clarification of exactly what is being changed in this agreement. Mr. Forte and Mr. Keeth explained that the list of permitted uses was expanded to include any use permitted in the B-5 General Commercial Districts (instead of just automotive sales, repair, and service).

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

10. FIRST READING OF ORDINANCE 2680, ESTABLISHING AMUSEMENT CENTERS AS SPECIAL EXCEPTIONS IN CERTAIN ZONING CATEGORIES

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 78-14 OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR AMUSEMENT CENTERS; AMENDING THE CODE OF ORDINANCES TO PROVIDE THAT AN AMUSEMENT CENTER IS A SPECIAL EXCEPTION IN THE B-2, B-4, B-5, B-6 AND CC-1 ZONING CLASSIFICATIONS; CREATING SECTION 114-701 OF THE CODE OF ORDINANCES TO ESTABLISH CRITERIA FOR AMUSEMENT CENTERS AS SPECIAL EXCEPTIONS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** the First Reading of Ordinance 2680, seconded by Commissioner Blais.*

Commissioner Via asked for the reasoning behind the restriction on the proximity that these businesses are expected to maintain from each other. Other than the fact that it is a common criteria to prevent a cluster of these businesses in one area, there is no special reasoning. With the exception of Commissioner Blais who felt this was important for public safety response, the Commission indicated that they would rather see these types of businesses clustered.

*Commissioner Via moved to **DELETE** 15c from this ordinance, seconded by Commissioner Schmitt.*

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

Commissioner Via asked for the reasoning behind the restriction on the proximity that these businesses are expected to maintain from a school. The Commission indicated that they would delete this for now and inquire of the School Board if they felt this was a necessary provision.

*Commissioner Via moved to **DELETE** 15b from this ordinance, seconded by Commissioner Schmitt.*

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

The MAIN motion **CARRIED** 4-1 on roll call: Schmitt – yes, Blais - yes, Via – yes, Byrnes – no, Arthur - yes.

11. RESOLUTION 2004-R-01, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT CERTAIN MUNICIPAL ISSUES DURING THE 2004 LEGISLATIVE SESSION

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING MUNICIPAL ISSUES DURING THE 2004 LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-01, seconded by Commissioner Byrnes.*

There was mention that one or more of the Commission members may decide to attend this in order to lobby for the League, even though the City does not specifically have anything to lobby for.

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

12. RESOLUTION 2004-R-02, ADOPTING AN AMENDED DEFERRED COMPENSATION PLAN IN ACCORDANCE WITH THE CHANGES OF THE INTERNAL REVENUE CODE

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING AN AMENDED DEFERRED COMPENSATION PLAN; PROVIDING FOR CONFLICTING RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2004-R-02, seconded by Commissioner Schmitt.*

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

13. JOINT PROJECT AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPING ON NOVA ROAD, FROM FLOMICH STREET NORTH TO ARROYO PARKWAY

*Commissioner Schmitt moved to **APPROVE** authorizing a $100,000 Joint Project Agreement with FDOT for the landscape materials and installation on Nova Road, from Flomich Street North to Arroyo Parkway, seconded by Commissioner Via.*

This is basically a refurb of the existing area, to include same lighting and new irrigation.

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

14. ENVIRONMENTAL CLEAN-UP OF PUBLIC WORKS COMPLEX

*Commissioner Byrnes moved to **APPROVE** authorizing Staff to notify the Regulatory Agencies of the decision of the City Commission to proceed with the environmental clean-up of the fuel contamination plume on the City's Public Works Complex and to authorize Remtec, Inc. to proceed immediately, seconded by Commissioner Via.*

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

15. WATER AND WASTEWATER FACILITIES RISK AND VULNERABILITY ASSESSMENT STUDY

*Commissioner Schmitt moved to **APPROVE** authorizing Quentin L. Hampton Associates, Inc. to proceed with the Risk & Vulnerability Assessment Study using their sub consultant, PMA Consultants of Orlando; study is to be completed b June 2004 for a total sum not to exceed $27,816, seconded by Commissioner Via.*

This is part of the Terrorism Response Act of 2002. Mayor Arthur expressed his displeasure over this unfunded mandate. He asked that this brought to the attention of State Legislators at their session and he will bring it up at the US Conference of Mayors.

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

16. WATER METER INSTALLATIONS – CHANGE IN COMPANIES

Mr. Forte advised that the original company will no longer be doing work in this area but another company has stepped forward to assume the contract and bring this project to completion.

*Commissioner Via moved to **APPROVE** authorizing U.S. Water Services Corporation to take over the existing contract for installing the meters at the same unit price as Azurix North America, seconded by Commissioner Schmitt.*
The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Blais - yes, Byrnes – yes, Arthur - yes.

17. COMMUNICATIONS

A. City Manager

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

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Via wished everyone a Happy New Year. Referring to the beach driving issue that Mayor Arthur brought-up, Commissioner Via stated that he would like to direct Staff to send an e-mail to the County Council members and the County Manager stating that we oppose raising the non-resident beach tolls and off-beach parking fees. He then put this in the form of a motion.

Commissioner Via moved to DIRECT Staff to send an e-mail to the County Council members and the County Manager stating that we oppose raising the non-resident beach tolls and off-beach parking fees, seconded by Commissioner Byrnes.

Mayor Arthur adamantly opposed this because it doesn't affect local residents and he didn't feel that we should tell the County how to run their budget. Commissioner Byrnes stated that he was on the Beach Trust Commission for ten years and he does not believe the County is running the beach efficiently.

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

Commissioner Byrnes wished everyone a Happy New Year and stated that he is looking forward to 2004. He also expressed appreciation to the police department for the professional service they provide; he rode with them for one full shift over the holidays.

Commissioner Blais stated that he has seen several former co-workers and friends pass-on this past year. He then referred to the burial of former Commissioner Keith Tarrer's ashes at Heyman Park and suggested a flag pole be placed there because he was a veteran.

Commissioner Schmitt wished everyone a Happy New Year and thanked everyone who attended the memorial service for former Commissioner Keith Tarrer.

Mayor Arthur stated that he will be attending the US Conference of Mayors this month and will bring up the uncooperative DOT issue. He then referred to the list of names submitted for the Holly Hill gnomes.

*Commissioner Schmitt moved to **APPROVE** the names of Howl, Lee, & Hill, seconded by Commissioner Byrnes.*

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

Mr. Forte suggested they turn the gnome maintenance over to the resident who suggested it. The Commission asked him to speak with her about that.

18. ADJOURNMENT

The meeting officially adjourned at approximately 9:00 p.m.

Attest:	City of Holly Hill, Florida
__________________________	__________________________
Jeaneen P. Clauss, CMC City Clerk	William D. Arthur Mayor