M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JANUARY 26, 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, Ed Simpson, Public Works Director, Milt Hallman, Economic Development Coordinator, Ira Corliss, Finance Director, Brenda Gubernator, Building Official, Tim Harbuck, Fire Chief, Joe Forte, Police Chief, Larry Walker, and City Clerk, Joyce Holmquist. Assistant City Attorney, Scott Simpson, arrived at approximately 8 p. m.

2. INVOCATION

Public Services Director, Milt Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Certificate of Achievement for Excellence in Financial Reporting for Comprehensive Annual Financial Report Fiscal Year Ending September 30, 1997.
Mayor Arthur presented Mrs. Brenda Gubernator, Finance Director, with an 8th consecutive award for her preparation of a CAFR which had been judged by the Gov. Finance Officer's Association to have provided full disclosure, clearly communicating the city's finances to the public.

5. CONSENT AGENDA

A. Minutes Regular Meeting – January 12, 1999

*Commissioner Via moved **APPROVAL of** the consent agenda, seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on roll call: Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

Mayor Arthur announced that the new VCOG Director was present in the audience.
Mr. Gregory Wood addressed the audience announcing he planned to try to attend one meeting each month, but that he would attend at least quarterly, in order to understand the respective issues each legislative body faced.

6. AUDIENCE PARTICIPATION

None

7. SECOND 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 suggested the Commission consider tabling the ordinance to a time and date certain in order to allow additional time for workshops and further review of the proposed ordinance. The City Manager reported an attorney had requested postponing the second reading in the event discussion indicated there would be changes to the proposed ordinance subsequent to the first reading and Public Hearing. Discussion by Commissioners Byrnes and Via indicated much time had been spent on the current proposal and the ordinance could always be further developed at a later date in the event it became necessary. *Commissioner Via moved to **APPROVE** Ordinance 2550 on second reading. Commissioner Heyman seconded.*

The Commissioners debated several amendments. *Commissioner Via moved to **AMEND** Ordinance No. 2550 on second reading by requiring that vehicles must be parked so as not to constitute a hazard, but eliminating the perpendicular parking requirement, seconded by Commissioner Heyman.* Commissioner Via indicated a belief that there were some affected areas where it would not be possible to park in a perpendicular manner so as not to obstruct the view of the river. The motion to amend Ordinance No. 2550 **FAILED** 2-2 on the following roll call: Via, yes; Heyman, yes; Byrnes, no; Arthur, no.

*Commissioner Byrnes moved to **AMEND** Ordinance No. 2550 on second reading by requiring that the two vehicles, allowed without a permit, be parked on the east side of Riverside Drive in a manner so as not to constitute a hazard, deleting language so as not to obstruct the view of passing motorists, and leaving in the perpendicular parking requirement, seconded by Commissioner Via.* The motion to **amend** Ordinance No. 2550 **CARRIED** 3-1 on the following roll call: Byrnes, yes; Via, yes; Heyman, yes; Mayor Arthur, no.

*Commissioner Via moved to **AMEND** Ordinance No. 2550 on second reading to further allow the use of green chain link fencing on the east side of Riverside Drive, i.e., perpendicular to the river and the road, other than only next to properties abutting city parks.* The motion to **amend** Ordinance No. 2550 regarding the additional use of green chain link fence **FAILED** 2-2 on the following roll call: Via, yes; Byrnes, yes; Heyman, no; Mayor Arthur, no.

Comments expressing concern, and in opposition to Ordinance 2550, as a result of the Public Hearing were taken from Deb Walker, 1314 Riverside Drive, Joseph Capers, 1512 Riverside Drive., John Capers, 1440 Riverside Dr., Sandra Warden, 1336 Riverside Drive, Dotty Warden, 1238 Riverside Drive, Steve Smith, 1410 Riverside, and Dr., John Bassford, 1500 Riverside Dr. Mrs. Virginia Wine, 104 15th Place spoke in support of the Ordinance. Mr. Mitch Wine, 104, 15th Place asked questions regarding the proposed Ordinance which were satisfactorily answered by the Commissioners

Commissioner Byrnes expressed hope that improvements would occur based upon adopted Ordinance 2550, and that subsequently no further government intervention would be necessary.

*The vote was called on the **main motion** to **APPROVE** Ordinance 2550.* The motion to **ADOPT** Ordinance 2550 on second reading, as amended, passed 3-1 on the following roll call: Via, yes; Heyman, yes; Byrnes, yes, Arthur, no. A break was called at 9 p. m. The meeting reconvened at 9:10 p. m.

There were no objections to Mayor Arthur moving Agenda Item Number 14 forward.
14. RESOLUTION 99-R-03 APPOINTING KIMBERLY CANUP TO THE CIVIL SERVICE BOARD (DISTRICT 2). Attorney Simpson read the Resolution by short title. Mrs. Canup was present in the audience.

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

*Commissioner Byrnes moved **APPROVAL** of Resolution 99-R-03, seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on the following roll call: Byrnes, yes; Heyman, yes; Via, yes; Arthur, yes.

8. SECOND READING, PUBLIC HEARING, ORDINANCE NO. 2551 – AMENDING DEPOSIT REQUIREMENTS FOR UTILITY SERVICES TO ALLOW FOR TRANSFERS OF CUSTOMER DEPOSITS UNDER CERTAIN CONDITIONS.

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.

*Commissioner Heyman moved **APPROVAL** of Ordinance No. 2551 on second reading, seconded by Commissioner Via.* There were no comments as a result of the Public Hearing.

Discussion on the motion indicated historically three or four complaints regarding the prohibition on transfers were received each month. The Commissioners indicated a desire to address the definition of a bad customer. Commissioner Byrnes expressed concern that the transfer issue was bundled with adjustments for commercial customers. The manager indicated Commissioner Byrnes' concern could be addressed at the workshop following the Commission Meeting.

Commissioner Byrnes moved to amend the proposed ordinance regarding customers requesting to transfer deposits to allow that a good customer would be defined by no more than two late payments in a previous twelve month period, i. e., the transfer would occur but the deposit would be increased in accordance with law. Attorney Simpson clarified that the amendment would read "Customers shall be allowed to transfer existing deposits without increasing the deposit to the current deposit requirement as long as the customer has not been charged a late penalty three times during the twelve previous months prior to the request. *Commissioner Via seconded.* The motion **CARRIED** 3-1 on the following roll call: Byrnes, yes; Via, yes; Heyman, no; Arthur, yes.

The question was called on the **main motion**; said motion to adopt Ordinance 2551 on second reading being APPROVED 3-1 on the following roll call: *Commissioner Via, yes; Heyman, no; Byrnes, yes; Arthur, yes.*

9. 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 second reading, seconded by Commissioner Heyman.* There were no comments as a result of the Public Hearing. The motion for approval of Ordinance 2552 on second reading **CARRIED** 4-0 on the following roll call: Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

10. FIRST READING, ORDINANCE 2553, PROHIBITING MINORS FROM ENTERING PUBLIC PARKS BETWEEN THE HOURS OF 12:01 A. M. AND 6:00 A. M. WITHOUT ADULT SUPERVISION; PROVIDING FOR PUNISHMENT.

Attorney Scott Simpson read Ordinance No. 2553 by short title on first reading. *Commissioner Heyman moved **APPROVAL of** Ordinance No. 2553 on first reading, seconded by Commissioner Via.* The City Manager reported the Ordinance had been work shopped and it was anticipated that enforcement of the ordinance would help reduce vandalism. It was noted that the 12:01 time was modeled after the City of Orlando. The motion **CARRIED** 4-0 on the following roll call: Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

11. FIRST READING, ORDINANCE NO. 2554, VOLUNTARY ANNEXATION OF CONTIGUOUS PROPERIES OWNED BY DOLORES AND CRAIG BUCKLES LOCATED AT 1410 N. NOVA ROAD, 1006 8TH STREET AND 1008 8TH STREET.

Attorney Scott Simpson read Ordinance No. 2554 by short title on first reading.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTIES LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL, OWNED BY DOLORES AND CRAIG BUCKLES; REDEFINING THE BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTIES; ESTABLISHING COMPLIANCE WITH FLORIDA STATUTES, 171.044; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT VOURT IN AND FOR VOLUSIA COUNTY, FLORIDA, THE DEPARTMENT OF STATE, STATE OF FLORIDA, AND WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY; PROVIDING FOR CONFLICTING ORDINANCES;

PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved **APPROVAL** of Ordinance No. 2554, seconded by Commissioner Via.* It was reported the properties consisted of a business and two residences. The motion **CARRIED** 4-0 on the following roll call: Byrnes, yes; Via, yes; Heyman, yes; Arthur, yes.

12. RESOLUTION NO. 99-R-01 AUTHORIZING THE CITY MANAGER AND STAFF TO APPLY FOR A HIGHWAY BEAUTIFICATION GRANT FROM THE FLORIDA DEPT. OF TRANSPORTATION.

Attorney Scott Simpson read Resolution 99-R-01 by short title.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE CITY MANAGER AND HIS STAFF TO APPLY FOR A HIGHWAY BEAUTIFICATION GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.

*Commissioner Via moved **APPROVAL** of 99-R-01; seconded by Commissioner Heyman.* The City Manager indicated the grant request was for work from LPGA Blvd. northerly for highway median improvements. Bids were scheduled to be opened February 18th. A bid award would be placed on the earliest possible Commission Agenda after the 18th.

The motion for approval of 99-R-01 **CARRIED** 4-0 on the following roll call: Via, yes; Heyman; yes; Byrnes, yes; Arthur, yes.

13. RESOLUTION NO. 99-R-02 AUTHORIZING THE CITY MANAGER AND STAFF TO ENTER INTO A HIGHWAY LANDSCAPPING MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FL. DEPARTMENT OF TRANSPORTATON.

Attorney Simpson read Resolution 99-R-02 by short title. The City Manager indicated that the Resolution was being requested in conjunction with 99-R-01.

*Commissioner Via moved **APPROVAL** 99-R-02, seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on the following roll call: Via, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

15. CONSIDERATION OF BID AWARD TO APEX SUPPORT SERVICES, INC. FOR CUSTODIAL SERVICES TO BE PERFORMED THROUGHOUT THE CITY FACILITIES.

The City Manager reported Apex had come in very low on the restrooms at Sunrise Park. Otherwise the bids had been fairly close. The Public Services Director had discussed the low bid with Apex and Apex had indicated they would provide a good level of service. The manager reported that a performance bond had been required and Apex had a good, local, reputation. The bid did not cover the new gymnasium. Negotiations could occur later in this regard, or a part-time person could be utilized due to it being desirable to have someone present at night after games, etc. The Commissioners debated whether the restrooms could be cleaned at the low bid quoted; the Mayor indicated the Commissioners should honor the manager's recommendation. The manager indicated he would correct a situation if and when one arose.

*Commissioner Via moved **APPROVAL** of the bid award to Apex Support Services, Inc. for custodial services throughout the city facility, seconded by Commissioner Heyman.* The motion to approve Apex Support Services **CARRIED** 4-0 on the following roll call: Via, yes, Heyman, yes; Byrnes, yes; Arthur, yes.

16. APPROVAL FOR QUENTIN HAMPTON ASSOCIATES, INC. TO PROCEED WITH A RISK MANAGEMENT STUDY NOT TO EXCEED $19,956.00.

The City Manager reported he had given the matter additional consideration since the agenda was published. Federal Law required the study; however, costs could be reduced if the required Public Hearings were conducted in-house. The engineering company could perform the hazard assessment at a cost of $4,000. Another area city had performed the study in a similar manner. Presently the City was on the same schedule as other area cities. The Manager reported that with Commission approval he would begin working toward the June 1st deadline; however, the deadline was not of great concern because the EPA was experiencing some difficulties providing necessary materials to the cities. The manager recommended approval of a round figure, i. e., $19,000.00. In this manner funds would be available if anything went wrong.

*Commissioner Byrnes moved **APPROVAL** for the City Manager not to exceed $19,000.00 for a risk management study, seconded by Commissioner Heyman.* The motion to approve the study **CARRIED** 4-0 on the following roll call: Byrnes, yes; Heyman, yes; Via, yes; Arthur, yes.

17. AUTHORIZATION TO PURCHASE ONE 1999 CROWN VICTORIA UNDER STATE CONTRACT AT $19,782.00 FROM DUVAL FORD, JACKSONVILLE, FL.

The City Manager reported the jeep fleet was being replaced with Crown Victoria vehicles. Two were planned for purchase this fiscal year and this vehicle was the first of the two purchases. Revenues from cigarette enforcement had become available earlier than anticipated and had enabled the purchase presently. The manager reported that the purchase was needed for rotation purposes in order that the current vehicles would not experience high mileage.

*Commissioner Heyman moved **APPROVAL** to purchase one 1999 Crown Victoria under State Contract, seconded by Commissioner Via.* The motion to approve the purchase

CARRIED 4-0 on the following roll call: Commissioner Heyman, yes; Via, yes; Byrnes, yes; Arthur.

18. COMMUNICATIONS FROM CITY MANAGER

The City Manager reported he would save his comments for the workshop.

19. CITY ATTORNEY

Attorney Scott Simpson indicated he had nothing further to report presently.

20. COMMUNICATIONS FROM MAYOR & COMMISSION

Via – applauded the Commissioners and citizens for all their input on the Riverside Drive Maintenance issue, noting that the ball was in the Riverside Drive residents' court.

Mayor Arthur – reported he had recently applied for monies for the city recreation program.

22. ADJOURNMENT

The meeting officially adjourned at 10:00 p. m. A workshop immediately followed in Conference Room #227.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

CITY CLERK