M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
January 28, 2003

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, Paul Lockeby, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Assistant to the City Manager Greg Wood, Public Works Director Milt Hallman, Emergency Services Director Don Shinnamon, Development Administrator Tim Harbuck, City Planner Bob Keeth, Finance Director Brenda Gubernator, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA
Minutes of Community Redevelopment Agency – January 14, 2003
Minutes of Regular Commission Meeting – January 14, 2003
Report of Purchase Orders between $5,000 and $10,000
- Fuel $5,335.07

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

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

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

5. VARIANCE REQUEST FROM DONALD AND JANELL MOORE FOR 225 DAYTONA AVENUE

Commissioner Via moved to ***APPROVE*** *the variance request to grant a two-foot relief from the maximum six-foot fence height requirement, seconded by Commissioner Byrnes.*

Mr. Forte explained that this is a request for approval of a fence that exceeds their six-foot height limit. Originally it had encompassed a deck, which had been installed without a permit. The Special Master had ordered that the deck be removed, which it was. The neighbors have been notified and do not have any problems with the additional two-foot height of the fence. The Planning and Appeals Board unanimously recommended approval. Ms. Moore was present to respond to any questions. Mayor Arthur expressed concern about how future neighbors might feel about this. Commissioner Byrnes stated that any future neighbors would see it there before they decided to make a purchase.

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

6. SECOND READING OF ORDINANCE 2651, AMENDING THE COMPREHENSIVE PLAN TO ALLOW FOR THE REZONING OF 1.375 ACRES AT 1184 SOUTH NOVA ROAD

Mr. Simpson read by short title:

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 1.375 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NOVA ROAD (S.R. 5A) AND ALABAMA AVENUE FROM MIXED USE (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.

Commissioner Schmitt moved to ***APPROVE*** *the Second Reading of Ordinance 2651, seconded by Commissioner Via.*

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

7. SECOND READING OF ORDINANCE 2652, AMENDING THE COMPREHENSIVE PLAN TO ALLOW FOR THE REZONING OF 2.17 ACRES 250 FEET NORTH OF GOLF AVENUE ON NOVA ROAD

Mr. Simpson read by short title:

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 2.17 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) APPROXIMATELY 250 FEET NORTH OF GOLF AVENUE FROM MIXED USE (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.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2652, seconded by Commissioner Schmitt.*

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

8. SECOND READING OF ORDINANCE 2655, ANNEXING PROPERTY LOCATED ON JERSEY AND IVEY STREETS, IN THE VICINITY OF HOLLY STREET

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 Schmitt moved to **APPROVE** the Second Reading of Ordinance 2655, seconded by Commissioner Lockeby.*

Mr. Forte advised that the agreement between the property owner, the County, and the City is included in this ordinance. The property owner has assured that he will follow through will the business development that he is planning in exchange for the road improvements, which the

County and the City will share the cost of. Thomas Harris, 1101 8th Street, stated that his property is surrounded on several sides by the property proposed for annexation and he thought that he should have been notified of this. There is no legal requirement for notifying neighbors of an annexation because that action alone does not impact anyone but the petitioner. If they decide to rezone the property, than the neighbors will be notified. Mr. Wood will be glad to talk with Mr. Harris anytime about the benefits of annexing into the City.

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

9. FIRST READING OF ORDINANCE 2656, REZONING APPROXIMATELY 5 ACRES LOCATED ON THE SOUTH SIDE OF GOLF AVENUE NEAR FIESTA CIRCLE FROM R-2 (VOLUSIA COUNTY) TO IPUD (CITY)

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 5 ACRES, LOCATED ON THE SOUTH SIDE OF GOLF AVENUE NEAR ITS INTERSECTION WITH FIESTA CIRCLE, FROM R-2 SINGLE FAMILY RESIDENTIAL CLASSIFICATION (VOLUSIA COUNTY), TO IPUD, INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT; APPROVING A 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 2656, seconded by Commissioner Schmitt.*

Commissioner Schmitt inquired as to why they plan to rezone this property at the present time, wondering if they are getting ready to sell it. Mr. Mellette stated that anything they own is for sale for the right price, but they have no plan for the sale of this property at this time. This rezoning is currently before the Commission because it was never addressed following the annexation back about five years ago.

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

10. RESOLUTION 2003-R-03, FLORIDA EAST COAST RAILROAD CONTRACT FOR THIRD STREET CROSSING

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE FEC RAILROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson requested that the Commission continue this for two more weeks and offered to provide them with an update on the research that has been done so far or they can just talk about the whole thing in two more weeks. He did not feel that waiting two more weeks would cause them any harm.

Commissioner Byrnes moved to ***TABLE*** *Resolution 2003-R-03, seconded by Commissioner Schmitt.*

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

11. RESOLUTION 2003-R-06, INTERLOCAL AGREEMENT WITH VOLUSIA COUNTY HEALTH DEPARTMENT TO REGULATE PUMP AND IRRIGATION CONTRACTORS AND SYSTEMS

Mr. Forte explained the normal process for an individual to comply with regulations. Many cities are adopting this agreement to take themselves out of the loop. Mr. Harbuck stated that he felt this was very good because this has become a highly specialized field. We are currently just another step in the process, not an alternative step.

Commissioner Schmitt moved to ***APPROVE*** *Resolution 2003-R-06, seconded by Commissioner Lockeby.*

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

12. PIGGYBACK VOLUSIA COUNTY BID FOR STREET RESURFACING AND IMPROVEMENTS

Mr. Forte stated that Volusia County went out for bids for street resurfacing and they would like to piggyback off their bid. The amount they are requesting has been budgeted for this year, in accordance with the five-year plan.

Commissioner Schmitt moved to ***APPROVE*** *awarding the contract for resurfacing and street improvements to Halifax Paving, Inc. for an amount not to exceed $114,315, seconded by Commissioner Byrnes.*

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

13. BIDS FOR LAW CENTER IMPROVEMENTS FOR HISTORIC BOARD FACILITY

Mr. Forte stated that one of the things they began as they prepared for their Centennial was the creation of the Historic Preservation Board. This Board found they really needed office space, so we have leased two rooms at the Law Center from the County. These rooms are in very bad shape and they need to do some work to make them usable. Mr. Forte reminded the Commission that when they received their final advolorum tax numbers for this year, they learned they would receive $14,000 more than anticipated. He suggested they earmark those funds for this project. With that, they would need an additional $17,000 from the reserve fund to get this work done. Commissioner Via stated that he was very proud that they had come in under budget on most every item for the last several meetings, indicating he did not foresee a problem with extending the budget for this project.

*Commissioner Schmitt moved to **APPROVE** awarding the contract for improvements to the Law Center to Village Builders, Inc. in the amount of $31,000, seconded by Commissioner Via.*

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

14. RIVERSIDE DRIVE SURVEYING, NORTH OF LPGA

As part of the continuous sidewalk / bicycle path project along the river, we need to have a survey done to show the easements and right-of-ways from LPGA to Ormond Beach city limits. This survey would be for both sides of the road. The survey was not budgeted but Staff recommends getting it done because we need it in order to apply for the grants to complete this.

*Commissioner Byrnes moved to **APPROVE** authorizing Myer Land Surveying to survey Riverside Drive north of LPGA Boulevard for an amount not to exceed $15,000, seconded by Commissioner Schmitt.*

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

15. LIFT STATION 18 AND 10A UPGRADES

Mr. Forte explained that both of these lift stations are in desperate need of repair. This cost will have to be taken out of the utility reserve. Mr. Hallman apologized for this not being budgeted and stated that he has taken corrective action within his department to ensure this doesn't happen again. There are nine or ten others that will need to be planned for in the coming years. Ms. Gubernator confirmed that we currently have about one million dollars in the utility reserve for emergency repairs. This expenditure is just for the engineers to tell them how they should proceed with the upgrade. The actual cost for the upgrades will be brought back to the Commission for approval later. The reason they need the expertise of the engineers is because neither are of the capacity that can be standardized. The others, which will be done later, are standardized. There was discussion as to the printing fee shown – this is actually a maximum allowance and the City will pay according to receipts submitted.

Off the subject a bit, Commissioner Lockeby referred to the work that Daytona Beach is doing replacing their water pipes in conjunction with FDOT's Ridgewood improvements. It is always the City's responsibility to maintain the lines and to repair any roadway damage they may cause in doing so, to FDOT specifications. Mr. Hallman will speak to Daytona Beach about their plan. *Commissioner Byrnes moved to* ***APPROVE*** *authorizing Quentin L. Hampton Associates, Inc. to proceed with the design, surveys, printing, and permitting for the rehabilitation of Lift Stations 18 and 10A for a total cost of $13,400, seconded by Commissioner Lockeby.*

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

16. PIGGYBACK VOLUSIA COUNTY BID FOR UNIFORMS

Mr. Forte asked that the Commission table this until the County secures this bid.

Commissioner Lockeby moved to ***TABLE*** *awarding the bid for uniforms to Uniform Rentals & Leases with Cintas Corporation, seconded by Commissioner Schmitt.*

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

17. COMMUNICATIONS & COMMITTEE REPORTS

A. City Manager

Mr. Forte advised that he would be in a Manager's Conference in Gainesville next Wednesday-Friday.

B. City Attorney

None.

C. Mayor and Commissioners

Commissioner Byrnes stated that it's hard to believe that 1/12 of the year is gone. He complimented Staff on the bulletin board display, which is used on Job Fairs. This may also be used for Volusia Day. Commissioner Byrnes thanked everyone for coming and stated that it is good to see JD and Mary Mellette.

Commissioner Lockeby referred to last night's VCOG meeting. They are still working on the Fire/EMS outline. Discussion shifted to concern over the soundness of the lines and the location of these lines. The City flows their hydrants once per year and plans for new developments are always reviewed for consideration of new hydrants. Mr. Hallman was asked about the age of our pipes – they are about forty years old. He stated that age is not the primary factor concerning rupture – material, placement, and compacting play large roles in this occurrence.

Commissioner Schmitt thanked the City Manager for his help regarding the Nova & Walker crossing for school children. Their efforts have led to Votran stepping in to provide a shuttle. Commissioner Schmitt asked Mr. Harbuck if we require a "no-tree" permit ($15) if there are no trees on the premises to be removed, like the City of Ormond Beach charges. Mr. Harbuck responded that we do not.

Commissioner Via thanked everyone for attending the meeting tonight. He referred to the Open House for Congressman Mica's new office and stated that we were the only city whose commission had one hundred percent attendance. Commissioner Via thanked Mr. Hallman for his patriotic invocation. He then referred to the Water Entity proposed interlocal agreement, indicating they still have a long way to go in addressing the input they are receiving. Mr. Forte attended the Volusian Water Alliance meeting in his stead – the focus of this meeting was desalination – a costly but possible alternative for the future. Commissioner Via spoke to Congressman Mica regarding the issue of eliminating parking on Ridgewood. He then referred to the FDOT study dated March 1997, and the presentation from FDOT in February 1999 – there was no discussion of parking elimination at that time or anytime henceforth. This is all new and the cities did not have a chance to make a unified stand – however, Ormond Beach would like to join our efforts to protest this (Daytona Beach is thought to have already agreed to FDOT's request).

Mayor Arthur stated that Commissioner Via has already given most of his report, which as Chairman of the Metropolitan Planning Organization he has been working on the Ridgewood parking issue. Mention was made of the upcoming FDOT Public Meeting and the Commission confirmed with Mr. Simpson that they could all attend this meeting. As long as it has been advertised as a public meeting (which FDOT should have done), they can attend and speak without concern over Sunshine Violations. There was some discussion as to what constitutes a sunshine violation. Mayor Arthur then referred to all of the problems that backflow preventers caused during the freeze. He reiterated his feelings that these are unnecessary and he felt that the purely commercial application of this requirement was unjust. Mayor Arthur thanked everyone for attending and added that it was nice to see Mr. Mellette.

18. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 8:15 p.m.

City of Holly Hill, Florida

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William D. Arthur, Mayor

Attest:

Jeaneen P. Clauss, City Clerk