

**MINUTES
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
MARCH 14, 1995**

1. CALL TO ORDER

Mayor Virginia Wine called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue.

Answering roll call were Mayor Wine, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Shirley Heyman and Councilman Jim Elliott.

Also attending were Acting City Manager Tim Harbuck, City Attorney Edward Simpson, Chief of Police Pat Finn and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Rev. James T. Duncan, Church of God, 825 Center Avenue.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

None.

5. CONSENT AGENDA

Approval of Minutes - Regular Meeting February 28, 1995
Bills and Accounts

*Councilman Heyman moved to APPROVE the Consent Agenda being seconded by Councilman Mellette.
The motion CARRIED 5-0 on roll call.*

**6. REVOCATION OF OCCUPATIONAL LICENSE #9306220 - HOLLY HILL
JUNK AND SALVAGE - 408 LPGA BLVD.**

Acting City Manager Harbuck said he and Chief Finn met with the Attorney Daniel Webster and the owner of the property John G. Kastner at 3:00 p.m. March 14, 1995 and after investigating the condition of the junk yard, they found it to be 80% in compliance.

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Mr. Harbuck recommended continuing the Public Hearing for one week until 7:30 p.m. on March 21, 1995 in Council Chambers at 1065 Ridgewood Avenue. This will give the owner a chance to bring the yard into total compliance. Attorney Daniel Webster said his client had made further improvements since the afternoon inspection. At the time of the inspection, Mr. Kastner agreed to clear the yard back to a specific location (power pole) and this will be done before the 21st of March. One opening in the fence will be used for an entrance to the yard and the other will be used as an exit.

After more discussion, Councilman Mellette moved to continue this hearing for one week to allow time for the completion of the work as stipulated with the understanding that the written notice provisions be waived and that Mr. Kastner be present at the Continued Hearing. Councilman Heyman seconded the motion which CARRIED 5-0 on roll call. It was noted there would not be a hearing if the yard is brought into compliance before the time stated for the continued hearing.

**7. ORDINANCE NO. 2395 LAND USE AND DEVELOPMENT REGULATIONS
AMENDING CONVENIENCE STORE TO ALLOW FOR THE SALE OF PREPARED FOODS
FOR CONSUMPTION OFF PREMISES ONLY AS AN INCIDENTAL USE**

City Attorney Simpson read:

ORDINANCE NO. 2395

AN ORDINANCE OF THE CITY OF HOLLY HILL FLORIDA AMENDING SECTION 2.2 (DEFINITIONS) OF THE HOLLY HILL LAND USE AND DEVELOPMENT REGULATIONS AMENDING THE DEFINITION OF CONVENIENCE STORE TO ALLOW FOR THE SALE OF PREPARED FOODS FOR CONSUMPTION OFF THE PREMISES ONLY AS AN INCIDENTAL USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT the ordinance on final reading, being seconded by Councilman Elliott.

Attorney John Ferguson told Council he would answer any questions they might have regarding this matter. There were no questions.

The motion CARRIED 4-1 on the following roll call:

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Mellette, yes; Elliott, yes; Byrnes, yes; Heyman, yes; Wine, no.

8. ADDENDUM TO QUENTIN L. HAMPTON ASSOCIATES, INC. CONTRACT

City Attorney Simpson read:

RESOLUTION NO. 95-R-12

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE CONTRACT WITH QUENTIN L. HAMPTON ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The addendum will cover engineering services on:

- A. Water and Wastewater Facilities Evaluation
- B. Effluent Reuse System
- C. Holly Hill City Parking Lot Paving and Drainage
- D. Continuing Site Plan, Subdivision and Other Development related engineering review
- E. Eleventh Street/LPGA Blvd. four-laning, I-95 area to Jimmy Ann Drive
(City of Holly Hill Raw Water Main Relocation)

The project and scope of this work is attached.

Councilman Byrnes moved to ADOPT the resolution being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:

Byrnes, yes; Heyman, yes; Elliott, yes; Mellette, yes; Wine, yes.

9. VOLUSIA COUNTY AND CITY OF HOLLY HILL JOINT PROJECT AGREEMENT - LPGA BLVD. RAW WATER MAIN CONFLICTS

Mayor Wine said this is a contract to move the raw water line and that the County is handling the project as part of the widening of LPGA Blvd. She noted our engineers have reviewed the contract and they are recommending a change in Paragraph 4.

Councilman Mellette moved to APPROVE the contract with the noted change subject to approval from the City Attorney being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

10. COMMERCIAL SOLID WASTE COLLECTION/FEEES

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Public Services Manager Milton Hallman explained there is a problem with the collection fees being charged for solid waste. He said the City is hauling more to the landfill than before the recycling started. He went into detail about the recycle carriers not dumping their containers and that is what is causing the businesses to use City cans and overflow them.

Mr. Hallman said he has talked to the County about this but they do not have a way of enforcing the ordinance requiring businesses to recycle like they should nor do they have a way to force the haulers to empty their containers in a timely manner. More discussion ensued and Mr. Hallman told Council he would have a plan for their consideration at the next meeting.

11. SUNRISE PARK IMPROVEMENTS - PIER, WALKWAY, BICYCLE PATH BRIDGE

Bill Bethea, Administrative Assistant to the City Manager, said he wanted to make Council aware there may be a problem with the right-of-way for the bike path bridge at the South Sunrise Park site. He said he has asked Kim Buck (Alann Engineering) to ask the following questions of the permitting agencies:

1. Can the bridge be permitted at a lower height? *Yes, .4 of a foot lower.*
2. Will they permit the shoreline being built up through fill and the bike path be built on top of the fill? *The chances of being permitted to do this are remote because of environmental reasons.*
3. Can the bridge element of our application be separated and delayed as part of the same application? *No, it cannot.*

Mr. Harold Lucas, Jr. addressed Council regarding how the proposed bridge would affect his view from his property as well as cutting him off from his riparian rights. He asked Council to TABLE this matter.

Mr. Bethea said there are four property owners in that area questioning the City's use of the property in question.

Mr. Simpson said he would look at Mr. Lucas' papers and see if he could determine anything about the property this evening. Mr. Bethea said it is staff's opinion the City should proceed with the permit process while the riparian rights questions are investigated.

Council went on with the remainder of the agenda and then Mr. Simpson said he could not make a determination from the papers (a limited abstract) Mr. Lucas had in his possession. He said it would require an in-depth search of the records back when the property was originally subdivided and platted. Mr. Lucas said he would bring what information he has to Mr. Simpson.

It was the consensus of Council to proceed with the permitting process because if the City is to go forward on the project, they will need the permits.

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12. YOUTH CENTER - PLANNED PROGRAMMING THROUGH RECREATION DEPARTMENT

Bill Bethea, Administrative Assistant to the City Manager, outlined programs he thought would be appropriate for the new facility. He recommended the facility be turned over to the Recreation Department. He also noted a telephone was needed at the facility. Other suggested improvements were for stabilizing the sand around the building so citizens would not get stuck when they park off the pavement, curb stops, and marking parking for handicapped access.

After a brief discussion, Mayor Wine told Mr. Bethea he was the Recreation Director and should handle this matter through the City Manager. Mr. Bethea agreed to work this out with Mr. Harbuck.

13. BINGO AT SICA HALL

Mr. Bethea said it was brought to his attention by Ron Berrian that the people in the SUN program were playing bingo at Sica Hall. He explained the former Council's stand on money changing hands in Sica Hall and asked Council for their opinion on allowing bingo. He recommended allowing this to continue as long as they follow state law governing bingo. Mr. Bethea said he would give them a copy of the law.

Council also agreed to let the stamp club and others trade/sell their goods among club members. Mayor Wine told Mr. Bethea and Mr. Harbuck to handle this item.

14. COMMUNICATIONS FROM ACTING CITY MANAGER

A. Paul Schulz request for administrative leave

Mr. Harbuck told Council he had a letter from Paul Schulz, Public asking if Council would agree to give him administrative leave from April 13 through June 14, 1995 at which time he would start his vacation and continue with his plan to retire August 31, 1995.

Councilman Mellette moved to approve the request being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

B. April as Clean-up month

Mr. Harbuck told Council they had declared April as clean up month in the past and asked if they wanted to continue the tradition. By consensus, Council agreed to continue the program for free pick up in April.

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C. Special Activity Permits

Mr. Harbuck reported he issued eight permits at \$200 each for a total of \$1,600 in revenue for the City. He said everyone seemed happy at being able to get the permits.

15. COMMUNICATIONS FROM CITY ATTORNEY

City Attorney Simpson said he wanted to give Council a status report on the FEC/Tenth Street Crossing. He said he talked with Bill Stokley who indicated the FDOT failed to execute a stipulation of parties which is normally done after the DOT issues a permit to open a crossing. He further said the FEC has decided to present their own agreement as opposed to challenging the opening and the City would have an agreement within two weeks.

16. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Byrnes said Council should change Mr. Hallman's title from Public Works Manager to Public Works Director because that is the title in all the ordinances. Other members of Council agreed. *Councilman Byrnes moved to APPROVE the change of title being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.*

Mr. Byrnes said it was good to hear the report on Bike Week special permits.

Councilman Heyman said she would be glad to get the Youth Center going.

Mayor Wine asked Mr. Simpson if he had any information about the DOT pond on Nova Road. She asked him if he met with Mr. Hallman and what is going to be done with the dirt? Mr. Simpson said he recalled the incident but did not know anymore about it.

Mr. Hallman said he probably has the latest information. He said he has been chasing the design engineers, construction engineers, and the project engineers. Mr. Hallman said they finally wrote and said they would set up a meeting and the St. Johns River Water Mgmt. District called and they want to set up a meeting with all the cities. That meeting will be on the 24th of this month. Mr. Hallman said he hopes to have a meeting with the DOT prior to that. The Agent said they spent two days pushing the 25 foot pile of dirt down to 15 feet but it is still taller than the adjacent homes' roofs. Mr. Hallman said he and the Code Enforcement Officer have told them that is not acceptable and he cannot leave it like that. Mr. Hallman said he recommended they hire an engineer and see if they can spread the dirt out over the property to a one foot level.

Mayor Wine said she wants something done about this problem because she doesn't want the citizens to think their problems have been forgotten. She suggested having the City Attorney sit in on the meeting and maybe he can be firm with them. Mr. Hallman said you can always use an attorney.

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Mayor Wine asked about a copy of the report on the Goals and Objectives meetings. She said she would like everyone to be thinking about what they want to do.

Councilman Byrnes said since those meetings, he has had contact with the Florida State Film Commission and they will advertise the old school in all the trade papers telling them it is available for destruction.

17. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 8:48 p.m.

Mayor

ATTEST:

Acting City Manager