M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
MARCH 22, 1994

1. CALL TO ORDER

Mayor Virginia Wine called the meeting to order in Council Chambers 1065 Daytona Avenue, Holly Hill, Fl. at 7:30 p.m..

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

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

The Invocation was given by Councilman Elliott.

Mayor Wine welcomed the Student Council from the Holly Hill Elementary School and read a Proclamation proclaiming March 22 - 29, 1994, Holly Hill Elementary School Appreciation Week. Mayor Wine also presented each student with a certificate from the City.

4. AUDIENCE PARTICIPATION

None.

5. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting, March 8, 1994; Goal Setting Session, March 15, 1994.
B. Bills and Accounts.

Councilman Mellette moved to APPROVE the Consent Agenda being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

6. AWARD OF BID FOR CENTER STREET WATER LINE

Mr. Chattin presented Council with the bids on the Center Street Water Line. (see attached) Mr. Chattin said staff recommends the low bidder, East Coast Underground, in the amount of $19,093.
Councilman Mellette moved to ACCEPT staffs recommendation to award the bid to East Coast Underground, for the 6" system, in the amount of $19,093 being seconded by Councilman Heyman.

The motion CARRIED 5-0 on roll call.

7. ORDINANCE NO. 2375 - PERFORMANCE AND PAYMENT BONDS

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 2-313 (WAIVER OF IRREGULARITIES) AND SECTION 2-320 (PERFORMANCE AND PAYMENT BONDS) OF THE CITY OF HOLLY HILL'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Simpson pointed out the amendments which were made to this Ordinance. (see attached)

Councilman Mellette moved to ADOPT Ordinance 2375 as read being seconded by Councilman Elliott.

The motion CARRIED 5-0 on the following roll call:

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

8. ORDINANCE NO. 2376 - ANNEXING 1177 FIFTEENTH STREET INTO THE CITY OF HOLLY HILL (GALIETTA)

City Attorney Simpson read:

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE Ordinance No. 2376 as read being seconded by Councilman Byrnes.

The motion CARRIED 5-0 on the following roll call:

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

9. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 93/94 PROGRAM ALLOCATION AMENDMENT

Councilman Mellette said on the advice from the City Attorney he must abstain from voting.

Mayor Wine said she also must leave the room and abstain from voting.

Councilman Heyman will act as Mayor Pro Tem in Mayor Wine's absence.

City Attorney Simpson said approximately four years ago Councilman Mellette and Mayor Wine acquired property which is on the corner of Tenth Street and the railroad. Over a period of time the City has been arguing with the Department of Transportation and the railroad about putting a crossing in at that location. The City received approval to put a crossing in that intersection after the City went to court and the court ruled in the City's favor. Because of the potential special private gain they might have by virtue of voting to spend funds to install the railroad crossing which may improve the value of their property, it is the City Attorney's recommendation to both Councilman Mellette and Mayor Wine that they should abstain from voting, not participate in any discussion and leave the room. He said that is the reason they both left the room.

Mr. Chattin went over the memorandum given to Council in the Agenda packet (see attached). He said he suggests the City leave 1992-93 expenditures alone and amend the current year program to allocate $62,000 to the railroad crossing. Mr. Chattin said this would allow the City to proceed with the railroad crossing as rapidly as it can. He also discussed street resurfacing.

Councilman Byrnes asked Mr. Chattin if it would be possible to coincide the resurfacing of Center Street with the Water Line Project.

Mr. Chattin said the resurfacing of Center Street is "way South" of the water line.

Mr. Chattin presented Council with a schedule of resurfacing. (see attached)

Councilman Byrnes moved to APPROVE staff's recommendation for the spending of the CDBG Grant being seconded by Councilman Elliott.

The motion CARRIED 3-0 on roll call.

Councilman Mellette and Mayor Wine returned to the room.

10. REQUEST FOR A VARIANCE - BROWN - 1656 BEACH STREET

The applicants are requesting a variance to construct a room addition in the rear yard, with a side yard setback of 4'1" in lieu of the required 8'. They are also requesting to enlarge an existing single car garage in the front yard, with a side yard setback of 4'1" in lieu of the required 8'. Both variance requests would be a relief of 3'9". The Board of Planning and Appeals recommended approval 5-0.

Mrs. Brown, 1656 Beach Drive, said the family is outgrowing the house and they need to make these additions.

Councilman Heyman said if the Planning Board approved it she would make a motion to approve.

Councilman Heyman moved to GRANT the variance at 1656 Beach Drive being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

11. REQUEST A VARIANCE - KNELLER - 946 RIVERSIDE DRIVE

The applicant requests a variance to construct an addition with a side yard setback of 6'3" in lieu of the required 35'. This would be a relief of 28'9". The Board of Planning and Appeals recommended approval 5-0.

Councilman Byrnes said unlike the previous request for variance, the City Planner did not recommend approval. Councilman Byrnes said Mr. Kneller runs a business out of his house and he wants to make sure this is not being done to facilitate his business but is being done strictly for residential purposes to expand his living space, other than that, he has no problem with it.

Mr. Kneller, 946 Riverside Drive, said in regard to his home occupational license, he only practices law part time. He said he has family ventures in the north where he spends the majority of his time. He said the room is being added on for a dining room for his family.

Councilman Mellette asked Mr. Keeth how he determined this to be a front yard set back, to him it looked like a side yard set back.

Mr. Keeth said under the old regulations it was a side yard set back but under the new regulations a yard that faces a street is a front yard.

Mr. Kneller said what he is trying to do is take a house that was built in 1917 and turn it into something that would look nice for the City. He said this is the fourth out of seven phases the house will go through before completion and this is the only phase that will require a variance.

Councilman Heyman moved to GRANT the variance being seconded by Councilman Mellette.

Mayor Wine asked Mr. Keeth if there was anything that would have to be done in regards to the Comprehensive Land Use Plan.

Mr. Keeth said no, it was simply a matter of approving it. He said there are six conditions in the Ordinance and a determination should be made that all those conditions have been met and on that basis the variance is justified.

Councilman Heyman amended the motion to say the variance must meet the conditions set forth in the Ordinance being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

12. CONSIDERATION OF ISSUANCE OF FINAL DEVELOPMENT ORDER - RALLY'S RESTAURANT - NOVA & 11TH ST.

Mr. Keeth said the Board of Planning and Appeals recommended approval of the Site Plan with the following three conditions:

1. Nova Road exit be approved by D.O.T. and the City
2. Enhancement of Dumpster area, by landscaping, even if the gates are left open

3. Southeast driveway to be agreed to by John Hancock Company and if that does not happen, the side plan has to be returned to the Board.

Councilman Byrnes asked why they are having thier own exit to Nova Road. He said it looks like they could exit with the rest of the shopping center property.

Mr. Finley, project engineer, said with regard to the driveway to Nova Road, they felt it would be better for the shopping center as a whole not to take traffic from Rally's drive-thru lane and force them to go back into the shopping center to exit the shopping center property. He said they feel it is an enhancement to the shopping center to have the additional exit.

Mr. Finley showed Council circulation patterns that were anticipated.

Mr. Finley said they have revised the site plans to enhance the landscape around the dumpster and a verbal agreement has been reached with Mr. Morris, John Hancock representative, for the shopping center amendment.

Mayor Wine said with the widening of Nova Road and Eleventh Street she was concerned with having enough parking.

Councilman Heyman said most of Rally's business is "pickup and go" anyway.

Attorney Jim Morris, John Hancock & Company Representative, said John Hancock and Rally's have worked together and conditionally have worked out an agreement.

Councilman Mellette moved to APPROVE the Rally's Site Plan with the three conditions set forth by the Board of Planning and Appeals being seconded by Councilman Heyman.

The motion CARRIED 5-0 on roll call.

13. CONSIDERATION OF ISSUANCE OF FINAL DEVELOPMENT ORDER - FAMILY RENEW

This is a final development plan review to build additions to the existing buildings at 810 Ridgewood Avenue. The Board of Planning and

Appeals recommended approval 5-0 and to interpret as multi-family (requiring type "B" visual screen).

Mayor Wine said she was concerned with the parking area.

Mr. Keeth said this is an addition to the existing Family Renew Community Center. It involves four additional residential units. It appears to meet all the conditions in the Ordinance except there was a question as to how the required parking area was derived. Mr. Keeth said he calculated there was sufficient parking for all the units plus eighteen employees. There will probably not be that many employees. Mr. Keeth said the City might want to get a written statement from Family Renew telling how the parking area was calculated.

Mr. Keeth said there was also questions about the "buffer" requirement. The Ordinance provides different buffer requirement between multi-family and residential. In this case the Board of Planning and Appeals interpreted this use as a type "B" use, requiring a buffer which requires a dense hedge at least six foot high and placement of trees at fifty foot intervals. It was further determined that would apply to the adjacent single family development which extends along a portion of the back property line.

Mr. Keeth said the approval should be conditioned on the applicant providing the required "buffer".

Mayor Wine said in the Board of Planning and Appeals Minutes, the City Attorney further interprets: The property is zoned for commercial use but if the use is really multi-family then the property should be rezoned.

Mr. Keeth said that was raised as a question not an opinion. He said it is not clear how it was arrived that this use be permitted in the B-4 zoning district. He said B-4 does not specifically provide for multi-family, however, in the past a City Council did make the determination the Family Renew type transitional housing would be a permitted use in that zoning district.

Mayor Wine said in adding this addition, before the certificate of occupancy is issued, the "buffer" should be properly established. She instructed Mr. Harbuck to monitor this as it goes along.

Councilman Byrnes asked what the rear set back was.

Mr. Keeth said the set back is 14 1/2'.

Councilman Mellette moved to APPROVE the final development order with the stipulation of the appropriate type "B" buffer being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

14. REQUEST TO PURCHASE PRE-FABRICATED JAIL CELL FRONTS

Mr. Chattin said proposals were received from three firms to furnish fabricated jail cell fronts for the new holding area in the Police Station. The prices ranges from $4,480 for a system that is inadequate to $13,990 for the system that is desired. (see attached)

Mr. Chattin said staff recommends the purchase of the doors from U.S. Security Systems, Inc. for $13,990.

Mayor Wine asked if it was part of the $1.2 million for renovation.

Mr. Chattin said yes it was included in the $1.2 million. He also told Council they might want to ask Mr. Simpson if staff can go ahead and purchase these under the new ordinance without the company having to furnish a bond.
Mr. Simpson said Council could give pre-approval tonight to purchase the doors without the company having a bond.

Councilman Mellette moved to APPROVE staff's recommendation to award the bid to U.S. Security Systems, Inc. for $13,990 being seconded by Councilman Heyman.

The motion CARRIED 5-0 on roll call.

15. CONSIDERATION OF PURCHASE OF COMBS PROPERTY LOCATED ADJACENT TO THE PUBLIC SERVICES COMPLEX

Mayor Wine said this property consists of 2 1/2 lots on Alta Drive. Mayor Wine said since Eleventh Street is going to be widened, it is very possible the City is going to need the lots to move the fence and gates over going into the Public Works Complex. Mr. Combs has offered the property to the City for $18,000. This price is under the assessed valuation on the land.

Councilman Heyman moved to PURCHASE the property on Alta Drive being seconded by Councilman Elliott.

Councilman Mellette asked Mr. Hester if he could negotiate the price down.

Mr. Hester said he has been working with Mr. Combs on that issue and he rejected a lower offer. He said he did not believe Mr. Combs would come down on the price. He said he believes this is a good investment for the City.

Councilman Byrnes said he recommended against this before and he does not think the property is worth as much as Mr. Combs is asking for it, especially backed up to Public Services.

Councilman Elliott said it may not be worth it until the City gets pushed to move the gates and fence at Public Works and then it might be worth a lot more.

Mayor Wine said she thought it was a wise investment for the City.

The motion CARRIED 4-1 with Councilman Byrnes voting No.

16. CONSIDERATION OF CITY HALL SITE PLAN

The conceptual site plan was prepared by Mr. Howard Davis, the project architect. Prior to proceeding with the grading and necessary stormwater managements permits, the City Council needs to approve the layout (see attached)
Mr. Chattin said the point the project is at now is to make some final adjustments to the site plan so the grading can proceed. The adjustments are centered in the back of City Hall on the south side.

Mr. Chattin went over the memorandum in the Agenda Packet. (see attached) The items listed in the memorandum explain the site plan.

Mayor Wine said Mr. Chattin showed her what the entrance would look like coming in from Daytona Avenue and it is going to be very pretty.

Councilman Elliott brought up the shuffleboard courts and the fact that Hollyland Park has a majority of children and could be a danger to the senior citizens who primarily use the shuffleboard courts.

Mayor Wine said she thought Sunrise Park would be a better location for the shuffleboard courts.

Councilman Byrnes said the shuffleboard courts were incompatible with Hollyland Park.

Mayor Wine asked if Council would like to take another look at the site and table the issue until then.

Councilman Byrnes said he would really like to find a good place to relocate the shuffleboard courts since he did not think Sunrise was an ideal place for them either.

Mayor Wine questioned turning the shuffleboard courts in the opposite direction but leave them where they are.

There was a lengthy discussion on where to locate the shuffleboard courts, where to put them and how many.

There was also a lengthy discussion on putting a new entrance off Daytona Avenue and changing the current driveways.

Councilman Byrnes moved to have staff submit other alternatives for a City Hall Site Plan being seconded by Councilman Elliott.

Mr. Martin said there is some urgency to get the site plan in place so the electric contractors will know where to place the transformers.

There was a lengthy discussion on what could be done so the transformer could be put in and cause no delays.

The motion CARRIED 3-2 with Councilman Byrnes, Councilman Elliott and Mayor Wine voting No.

17. VOLUSIA COUNTY MANDATORY RECYCLING FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE

Mr. Chattin said Volusia County has adopted an ordinance requiring all commercial and multi-family properties in the County to develop source separated recycling programs by October 1, 1994. Staff requests Council's direction as to their desires for implementation.

Mayor Wine asked the Council if they had read the ordinance in detail. They all said they had.

Mayor Wine said she thinks there should be a workshop advertised to give the business people in the community a chance to voice their opinions and hear why this has to be done.

Councilman Heyman moved to have a workshop on the Mandatory Recycling for commercial and multi-family residential solid waste.

It was Council consensus to have the meeting April 5, 1994 at 6:30.

Councilman Heyman amended the motion to have the Workshop on Mandatory Recycling April 5, 1994 being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

18. ADDENDUM TO CITY MANAGER'S CONTRACT

Mayor Wine said at the last meeting the City Manager's contract was discussed and the City Attorney has drafted an addendum to the contract.

City Attorney Simpson read:

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

City Attorney Simpson said there are some blanks in the body of the addendum that need to be filled out concerning the City Manager's notice of his resignation to the City if and when he might do that.

Councilman Heyman suggested sixty days, being agreed upon by the rest of the Council.

Councilman Byrnes moved to APPROVE Resolution 94-R-18, the addendum to the City Manager's contract, with sixty days inserted into the blanks where appropriate being seconded by Councilman Mellette.

The motion CARRIED 5-0 on the following roll call.

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

19. COMMUNICATIONS FORM THE CITY MANAGER

None.

20. COMMUNICATIONS FROM THE CITY ATTORNEY

None.

21. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Byrnes said they are still working on the Youth Center and they are in need of some carpentry skills. He asked anyone who would like to volunteer to come by the Youth Center on Saturday.

Councilman Heyman thanked Mr. Bethea for the grants he has gotten for the City. She asked for a time to be set up when the Council could go through Public Services. Councilman Heyman asked if something could be drawn up regarding changes in the specifications when an item has gone out for bids.

Mr. Simpson said if it was Council consensus he could draft an Ordinance.

Councilman Byrnes said he did not feel an Ordinance was needed. He said staff would come to Council without an Ordinance.

There was some debate on whether an Ordinance was needed or not.

Mr. Simpson said he could draft something saying all specifications should be brought to Council before they go out for bid.

Councilman Elliott said that would eliminate a lot of questions.

Councilman Mellette said he did not feel Council should get involved with picking and choosing the materials to go into buildings. He said staff was able to do that themselves and as well as being very capable.

Councilman Byrnes said if it was written as a policy and not an ordinance then he would go along with the idea.
Council consensus was to have a policy drafted regarding specifications when going out for bids.

Mayor Wine instructed Councilman Heyman to contact Mr. Chattin for an appointment to be shown Public Services.

Councilman Elliott said he attended the Library Board Meeting. The Board toured the "old red brick building" and discussed the possibilities of moving the Library over there. After the tour, Councilman Elliott said he found out the present Library is bigger than the old school building. He said there would be another Library Board meeting next month and they would discuss if they want to move or not.

Councilman Elliott said he toured Public Services and met about sixty people and he feels there is a very good work force there. He said he went through all phases of Public Services and he thought it was very interesting. He encouraged Councilman Heyman to take the tour. Councilman Elliott said he knew there was some morale problems but he thinks they are improving and he wanted to tell the people working for the City that he appreciates what they do.

22. ADJOURNMENT

With nothing further to come before the Council the meeting was adjourned at 9:29 p.m.

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Mayor

ATTEST:

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City Clerk/Manager