M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
March 23, 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 with Mayor Arthur, were Commissioners Arthur Byrnes, J. D. Mellette, Shirley Heyman and Roland Via.

Also attending were City Manager, Don Lusk, City Attorney, Ed Simpson, Finance Director, Brenda Gubernator, Personnel Director, Diane England, Public Works Director, Milt Hallman, Police Chief, Larry Walker, Building Official, Tim Harbuck, Economic Development Director, Ira Corliss, City Planner, Bob Keeth, and City Clerk, Joyce Holmquist.

2. INVOCATION

The Public Works Director, Milt Hallman, delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Mayor Arthur announced there was an "add-on" to the agenda. Attorney Simpson read Resolution 99-R-09 by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, NAMING METRA CORPORATION IN A CITY/CORPORATE PARTNERSHIP IN THE CONSTRUCTION IN TWO PHASES OF A NEW "T-BALL" BASEBALL DIAMOND PROJECT AT HOLLYLAND PARK; NAMING THE NEW FIELD, METRA FIELD, AND DEDICATING SAID FIELD IN THE MEMORY OF WILLIAM H. JONES, SR.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved ***APPROVAL of*** *Resolution 99-R-09, seconded by Commissioner Byrnes.* The motion **CARRIED** 5-0 on roll call: Via, yes; Byrnes, yes; Mellette, yes; Heyman, yes; Arthur, yes.

Mr. Rick Beltrami, of Metra Corporation, presented the Commission with a check for the first phase of the project in the amount of $2,920.00.

5. CONSENT AGENDA

A. Minutes of Regular Meeting – March 09, 1999
B. Minutes of Special Commission Meeting – March 12, 1999
C. Budget Transfers '97-'98

Commissioner Via moved ***APPROVAL of*** *the consent agenda, stipulating the name "Miller"on page 6 of the Minutes of 3/9/99 be corrected to "Kneller", seconded by Commissioner Mellette.* The motion **CARRIED** 5-0 on roll call: Via, yes; Mellette, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

6. AUDIENCE PARTICIPATION

Ms. Nancy Davis, 313 Elsie Ave., expressed concern about a neighbor who had multiple commercial vehicles parked in her neighborhood and vehicles parked with out of date license plates. The City Manager indicated the problem would be addressed.

7. SECOND READING, ORDINANCE NUMBER 2557, PROVIDING FOR THE REGULATION OF EXCAVATIONS WITHIN THE CITY OF HOLLY HILL RIGHTS-OF-WAY AND PROPERTIES; PROVIDING FOR PERMITS, APPLICATION, FEES, DEFINITIONS, URGENT WORK, ETC.

City Attorney Edward Simpson read **ORDINANCE NUMBER 2557,** by short title.

A ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR THE REGULATION OF EXCAVATIONS WITHIN THE CITY RIGHTS-OF-WAY AND PROPERTIES; PROVIDING FOR PERMITS, A PERMIT APPLICATION, FEES, DEFINITIONS, LIGHTING AND BARRICADES, THE METHODS OF EXCAVATIONS, MAINTENANCE OF THE RESTORATON AND REPAIR, LIABILITY FOR FAILURE TO RESTORE AND REPAIR THE STREET SURFACE AND RIGHTS-OF-WAY, URGENT WORK,CLEAN-UP, INSPECTION, STOP WORK AND WITHHELD PERMITS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATON; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**.**

Commissioner Heyman moved ***APPROVAL*** *of Ordinance Number 2557, seconded by Commissioner Mellette.*

The City Manager noted the Ordinance set forth a $100.00 permit fee and area contractors would be notified of the new law.

The motion to **APPROVE** Ordinance Number 2557, **CARRIED** 5-0 on the following roll call: Heyman, yes; Mellette, yes; Via, yes; Byrnes, yes; Arthur, yes.

8. FIRST READING, ORDINANCE NUMBER 2558, AMENDING ORDINANCE NUMBER 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.87 ACRE LOCATED ON THE WEST SIDE OF GARDEN AVENUE APPROXIMATELY 75 FEET SOUTH OF ELEANOR STREET FROM R-3 TO CC-1.

City Attorney Edward Simpson read **ORDINANCE NUMBER 2558** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.87 ACRE LOCATED ON THE WEST SIDE OF GARDEN AVENUE APPROXIMATELY 75 FEET SOUTH OF ELEANOR STREET FROM R-3 TO CC-1; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Mellette moved ***APPROVAL*** *of Ordinance Number 2558, seconded by Commissioner Heyman.*

Mr. Bob Keeth, City Planner, reported the request was similar to several in the past in that the area around Garden and Pine Avenues had been designated as a Wholesale/Commercial/Industrial Area within the Comprehensive Plan and it had been the Commission's position to consider requests on an individual basis. Properties on the north and south of the property under consideration were already zoned CC-1. Mr. Keeth's recommendation and the recommendation of the Planning and Appeals Board was to approve the change to CC-1. Mr. Keeth advised that issues of parking densities should be addressed at site plan review in that plans for expansion for Kenco Signs might necessitate the required parking for the entire operation to be considered and it might be that the entire parcel under present consideration would have to be utilized for parking to satisfy the needs of the rest of the business operation. However, currently the rezone was all that could be considered.

The Mayor requested audience comments. Mr. John Kuhn, 1510 Pine Ave., and an owner of 1511 Garden, indicated he did not oppose the rezone, but he opposed improperly developed commercial property that caused parking problems and congestion. Mr. Kuhn indicated Kenco Signs' parking problems had worsened with each phase of its development and questioned what control the city had once the property was rezoned, that the parking proposed on Kenco's blueprints would be adequate for the business needs? Mr. Kuhn indicated the process for the previous two phases had not worked because parking occurred on rights-of-way. The City Planner indicated it was his belief the city could consider any future expansion by Kenco as an expansion of an existing business and the entire business could be reviewed as a single entity to determine if the parking requirements had been met for the entire entity. The City Manager noted that there was nothing illegal about parking on a right-of-way. People did this all over the city; however, the parking issue should be reviewed at site plan approval time. Mr. Keeth noted the Police Chief had the ability to prohibit parking on the right-of-way where it was a hazard. The City Manager indicated the site plan could be brought before the City Commission in a workshop prior to its approval. The Manager also indicated the Commission could look at the city's overall criteria for parking requirements in a workshop.

Mr. Raymond K. Webb addressed the Commission indicating there was no parking problem at his facility. Mr. Webb indicated he allowed two semi-retired employees to park on the right-of-way near his business so they would not have to walk any distance and he had received permission to park on the right-of-way from the adjacent property owner. Mr. Webb reported he had purchased a piece of property on Eleanor Avenue on which to park his truck and tractor. His required parking spots were not filled to capacity.

The motion to **APPROVE** Ordinance Number 2558 **CARRIED** 5-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

9. FIRST READING, ORDINANCE NUMBER 2559, ANNEXING BY VOLUNTARY PETITION VACANT PROPERTY LOCATED ON HICKORY STREET CONTIGUOUS TO THE CITY OF HOLLY HILL OWNED BY WILLIAM AND BETTY QUINLAN.

City Attorney Edward Simpson read **ORDINANCE NUMBER 2559** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPETIES LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL, OWNED BY WILLIAM AND BETTY QUINLAN; REDEFINING THE BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; ESTABLISHING COMPLIANCE WITH FLORIDA STATUTES, 171.044; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF CIRCUIT COURT 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 Via moved **APPROVAL** of Ordinance Number 2550, seconded by Commissioner Mellette.*

The Economic Development Coordinator, Ira Corlis, reported to the Commission concerning the location of the property.

The motion to **APPROVE** Ordinance 2559 **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

10. VARIANCE REQUEST BY WALTER E. FOSTER, ATTORNEY FOR ANTHONY TETA (OWNER) TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON A FIFTY FOOT LOT IN LIEU OF THE REQUIRED SIXTY FEET.

City Attorney Edward Simpson reviewed the requirements for the granting of a variance within Section 82-315 and 317 of the Municipal Code. Attorney Foster addressed the Commission indicating that the request was a new request although the request was for the same property as had been before the Commission in August of 1996. In 1994 Mr. Teta had proposed to move an old frame house onto the lot. In 1996, Mr. Teta had requested to construct a duplex, a mirror image, of the existing home he owns on Lot 88 immediately north of the vacant lot under consideration. Presently, the request was for a variance to build a brand new, free standing, apprx. 1,300 sq. ft. home on Lot 87. The variance was necessary due to the minimum lot width and area in the R-3 District being 60 feet and 6,000 sq. ft. respectively and the referenced lot being only 50 feet wide and 5,800 sq. feet in area. Attorney Foster reported the subdivision was non-conforming due to the lots having been platted 50 feet wide. Commissioners Byrnes and Mellette expressed concern for overcrowding in the neighborhood and whether a brand new home would actually be constructed, indicating that presently a single home existed on a single lot which was 100 feet wide and that constructing another home would cause two non-conformances.

Mayor Author requested audience comments. There were none.

The Building Official explained that if the two lots had two separate owners, the request would not be before the Commission; however, Mr. Teta owned two 50 foot lots and in the eyes of the Ordinance this constituted an undivided parcel. One of the lots, Lot 88, had a house on it. Attorney Foster emphasized the request did not represent a substantial deviation from the neighborhood. Discussion noted that Mr. Teta could not sell Lot 87 and therefore, the lots were considered to be one lot. Therefore the lot was conforming as a 100' lot with one house on it. Attorney Simpson read Section 114.34 of the Municipal Code which dealt with non-conformity. Attorney Foster advised the properties had been acquired by the owner in December 1981 from one previous owner. Attorney Simpson advised the lot was therefore, a single lot and the only way Mr. Teta could construct another home on the lot was if a variance was granted. Mayor Arthur noted he had spoken to residents on the impacted street and had received no complaints regarding the construction of such a house.

Commissioner Heyman moved APPROVAL of the variance request to construct a single family residence on a 50 foot lot, stipulating a condition of the variance was that a new home be constructed. Commissioner Via requested a recess in order that he might obtain and review the minutes of the Planning and Appeals Board. The Planning and Appeals Board had recommended approval. A recess was called at 8:45 p. m. The City Attorney advised the Commissioners not to discuss the variance with one another during the break.

The meeting reconvened at approx. 8:55 p. m. *Commissioner Via seconded Commissioner Heyman's motion.* On the advice of the City Attorney, *Commissioner Heyman amended her motion to include the conditions set forth within Section 82-317, of the Municipal Code, Sub-sections 1 through 6 indicating that the applicant had met the conditions. Commissioner Via accepted the amended motion.*

The motion, as amended, to **APPROVE** the variance request as conditioned by Commissioner Heyman's motion **CARRIED** 3-2 on the following roll call: Heyman, yes; Via, yes; Byrnes, no; Mellette, no; Arthur, yes.

11. CONSIDERATION OF BID AWARD TO SHAMROCK BUILDING SERVICES FOR CUSTODIAL SERVICES TO BE PERFORMED THROUGHOUT THE CITY FACILITIES.

The City Manager reported if the City had not made the initial award to the low bidder, the City would have been criticized. The Manager reported that it had been determined the initial low bidder was not performing and after some additional time had been granted, the low bidder, Apex Support Services, Inc., had submitted a letter requesting to terminate the contract. It was noted the city would still save $55,000 above what it had been spending in the past.

*Commissioner Via moved to **APPROVE** the bid award to Shamrock Building Services for custodial services, seconded by Commissioner Mellette.*

The motion to **APPROVE** the bid award to Shamrock **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

13. COMMUNICATIONS FROM CITY MANAGER:

The City Manager indicated he had an "Add-On" to the agenda. The Manager requested to purchase a new, 1999 S-10, white, automatic, pick up truck from the low bidder, Jon Hall Chevrolet, Inc. for $11,869.50. The city had been unable to purchase through State Contract and the purchase had been proposed in the FY 1998/99 Budget at $12,000. This vehicle would replace the solid waste vehicle.

***Commissioner Mellette moved to APPROVE** the bid award to Jon Hall Chevrolet in the amount of $11,869.50 for the purchase of a new pick-up truck, seconded by Commissioner Heyman.*

The motion to **APPROVE** the bid award to Jon Hall for the new pick up truck **CARRIED** 5-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

The City Manager presented another "Add-On". The Manager requested waiving the performance bond for the Tiff Jen, Incorporated Maintenance Contract for the landscaped medians. Tiff Jen had indicated that no other local job had required this and that the performance bond had not been part of the bid. The City Manager recommended waiving the bond because the next bidder was $20,000 higher and Tiff Jen had a good reputation in maintaining the medians for South Daytona and Port Orange. If the company did not perform, they could be terminated. The annual maintenance contract was approximately $29,000. Other bidders had not submitted a performance bond, even though it had been required in the specs. Tiff Jen would be paid as the work occurred.

Commissioner Heyman moved to waive the performance bond for Tiff Jen, Inc. Commissioner Via seconded.

The motion to **APPROVE** waiving the performance bond for Tiff Jen, Inc. **CARRIED** 5-0 on the following roll call: Heyman, yes; Via, yes; Mellette, yes; Byrnes, yes; Arthur, yes.

The City Manager requested consideraton of another "Add-On" asking to expend money from the Police Trust Fund in an amount not to exceed $1,500 to purchase some video equipment for the interview room.

Commissioner Mellette moved to expend funds from the Police Trust Fund not to exceed $1,500 to purchase video equipment, seconded by Commissioner Via.

The motion to **APPROVE** expending funds from the Police Trust Fund. **CARRIED** 5-0 on the following roll call: Mellette, yes; Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

14. CITY ATTORNEY

Attorney Ed Simpson indicated he had nothing further to report.

15. COMMUNICATIONS FROM MAYOR & COMMISSION

Via - reported briefly concerning the trip he and Commissioner Byrnes had taken to Tallahassee for the opening of the Legislative Session noting they had represented the City and the County in this regard. Commissioner Via thanked Roy Schleicher of the Volusia League of Cities for assistance with the trip.

Byrnes – reported briefly on the trip to Tallahassee for the Legislative Session indicating how much he had enjoyed meeting the legislators and state officials and representing the city.

Mayor Arthur – reported he had expressed his concern at the MPO Meeting regarding funding for a pedestrian overpass at I-92 by the Speedway in that no studies had occurred.

16. ADJOURNMENT

The meeting officially adjourned at approximately 9:10 p. m.

A workshop immediately followed.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

CITY CLERK