M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
March 25, 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, Emergency Services Director Don Shinnamon, Development Administrator Tim Harbuck, Finance Director Brenda Gubernator, City Planner Bob Keeth, and City Clerk Jeaneen Clauss. Public Works Director Milt Hallman arrived at approximately 7:30 p.m.

B. Invocation

Mr. Wood delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Mr. Donald O'Lone, resident of Ormond Beach, began by complimenting the Commission on the major strides they have made in providing youth activities in the City. However the purpose of his visit was to present a gift of appreciation to Commissioner Via. Last month, Leonard Ash, a decorated marine war veteran died of a heart attach while attending an anti-war rally. Commissioner Via provided great comfort to Mr. Ash's elderly wife through his radio show. This brought about national attention to this tragedy and national legislators have expressed their sympathy. Ms. Ash requested that a marine flag be formally presented to Commissioner Via for this kindness. Mr. O'Lone presented this flag to Commissioner Via on behalf of the Ash family.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – March 11, 2003

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

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

4. COMMITTEE REPORTS

Members of the Commission are encouraged to give a brief report from the various committees on which they serve.

Commissioner Via stated the Volusia Water Alliance met on March 18th. They are going to ask the Mayor to put forward a proclamation to recognize April as Water Conservation Month. The VWA stated that if the Water Entity becomes to *out of bounds* they will push for a referendum to bring everything under them. The interconnect agreements are on the table and they are seeking a funding source. They discussed the process for how a City receives its consumptive use permit and that they would not be penalized for not joining the Water Entity. Water Usage was discussed and comparatively speaking Seminole County uses about 370 gallons per day per person and the average in Volusia County is 130. Holly Hill is 115 - we are doing a great job in our conservation program. Mayor Arthur asked that Commissioner Via find our how they measure the water table and reach the conclusions they do. He stated that ten years ago they predicted that in twenty years we would really be hurting; yet ten years have gone by and our wells are higher than when we started. Commissioner Schmitt stated that they are reporting that almost the entire east coast is above their water tables now. Commissioner Byrnes reiterated his position that we do not have a water problem, we have a development problem.

Commissioner Byrnes stated that the Volusia League of Cities had Volusia Day in Tallahassee, which was a shining view of inter-city cooperation with the cities predominately funding this, yet the County got the publicity for the fine job they did. Their next meeting will be on April 24th in Edgewater.

Commissioner Lockeby stated that the Volusia Council of Governments met Monday to discuss the results of the Fire / EMS Study, but they weren't prepared yet. Instead, they discussed the one-cent bed tax with County Councilman Frank Bruno and going ahead with the expansion of the Ocean Center. Commissioner Lockeby gave his views of wanting a mini-convention center and some of that bed tax.

Commissioner Schmitt read a letter from Chamber of Commerce Executive Director George Zoller, which stated that the Florida Retail Association is looking for nominations for the 2003 Retailer of the Year Award. The deadline for this is April 18th. Surf Pro will be coming to Holly Hill after leaving their location of fifteen years in Port Orange – they will be located on Carswell Avenue. During the month of February, the Chamber signed-up eleven new businesses.

Mayor Arthur stated that the Metropolitan Planning Organization had several meeting about US1 and one about Nova Road at which they discussed what they thought FDOT should do for improvements, medians, etc… They received FDOT's response that they don't really care for their input. Big John brought it to their attention today that FDOT plans to eliminate cut-throughs, in spite of the recommendations from the cities because they want everyone making u-turns at the stoplights.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Chief Shinnamon gave the Commission an overview of their Operational Contingency Plan which was developed to respond to two events – 1) the beginning of hostilities with Iraq and 2) national threat levels reaching RED. Our plan is simple but one of the more comprehensive plans in the County. This plan was put into effect last Wednesday at 11:00 p.m. It includes the following:

- all public buildings under surveillance
- hate crime response preparation
- FEC railway under surveillance
- increase police visibility – everyone is in uniform
- fire department ready for chemical response
- fire department prepared to back-up police

6. PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 03/04 AND FIVE YEAR PLAN

Mr. Forte explained that it is projected that we will receive $105,564 each year through the CDBG grant. The plan they are proposing directs all of the coming year's funds and some of those allotted in the following years toward improvements to Sica Hall community center. Remaining funds will be directed towards sidewalk improvements. The Commission expressed a potential desire to focus even more of additional years' funding towards Sica Hall in order to make a truly significant improvement. Staff will also be looking into the possible purchase of property lying behind it, which is currently for sale.

*Commissioner Byrnes moved to **APPROVE** the City's proposed FY 03/04 CDBG Plan and the proposed Five-Year CDBG Plan and to direct the City Manager to submit these to Volusia County CDBG, seconded by Commissioner Lockeby.*

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

7. RESOLUTION 2003-R-13, AGREEMENT FOR USE OF RIGHT-OF-WAY, KNOWN AS EARL STREET

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR USE OF EARL STREET RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-13, seconded by Commissioner Lockeby.*

Mr. Forte explained that the Witherite's built a boat shed on a City right-of-way. They were instructed to take it down and were very willing to do so, when they thought to ask if they could make an agreement with the City to remove it within ten days should the City make such request

for any reason at a later date. They are paying for all attorney fees associated with this agreement – both theirs and ours. Mr. Simpson clarified that a right-of-way is a right of use and that if the City is not using it, it is not inappropriate for them to enter into such an agreement which clarifies that the City is maintaining its ownership – no squatter's rights.

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

8. RESOLUTION 2003-R-14, ESTABLISHING A LICENSE FEE FOR DANGEROUS DOGS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ESTABLISHING A LICENSE FEE FOR DANGEROUS DOGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-14, seconded by Commissioner Via.*

The Commission must include a fee amount in the motion for approval of this resolution. Staff had recommended fifty dollars, which was the most common amount charged in this area. The City of Deltona charged the highest amount ($250) and required $50,000 liability insurance. The City of Ormond Beach charges the lowest amount ($25). Commissioner Schmitt stated that he would like to see them follow Deltona's lead and include the liability insurance requirement. Mayor Arthur agreed and added that they should make the fee high enough to discourage keeping the dogs. Commissioner Byrnes agreed and stated that he felt $500 would be even better and he that the ordinance should be adjusted to include the insurance requirement. Mr. Simpson stated that he would like to conduct some research on the insurance requirement to determine the City's liability if the policy lapses. Commissioner Via did not feel that a registration fee made much of a difference in this and favored the liability insurance but questioned whether renters could get that type of insurance. Commissioner Lockeby stated that he agreed that $500 would be appropriate. Commissioner Via stated that he could not support that, but would support $250.

Steve Smith, 1410 Riverside Drive, spoke in support of the Commission taking a strong stand on this matter, even stronger than Deltona.

*Commissioner Schmitt **MODIFIED** his motion to insert the fee of five hundred dollars ($500). Commissioner Via withdrew his second. Modified motion seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-1 on roll call: Schmitt - yes, Byrnes – yes, Lockeby – yes, Via – no, Arthur - yes.

9. REZONING REQUEST FROM BUD SEVERINO FOR 1364 NOVA ROAD (SOUTHEAST CORNER OF 8TH AND HOLLY) FROM COUNTY R-7 (MULTI-FAMILY) TO CITY I-1 (LIGHT INDUSTRIAL)

Mr. Keeth explained that the applicant has requested this 7 1/3 acres property be rezoned from R-7 to I-1. The properties are multi-use in that area and he feels this request is consistent with that area. He recommended approval of this request provided they strive to minimize the conflict between residential and industrial and we have some degree of control through our site plan review process. Mr. Forte stated that the dilapidated house on Holly Street is not owned by Mr. Severino and is not part of this proposal. Mr. Forte advised that an administrative decision was made when this property was annexed that the City and County would share the cost for paving Holly Street and Jersey Street, provided Mr. Severino develops the property.

Joseph Hopkins, Engineer with The Performance Group, spoke on behalf of the residents adjacent to the property under consideration. Mr. Hopkins requested that the Commission zone this as a planned commercial development to ensure that this property is developed property – he felt that I-1 gives the cart away because they are many uses in this category which would be very bad for this area.

The Commission did not want to tie the applicant's hands but felt that something more agreeable to the residents could be reached.

*Commissioner Byrnes moved to **APPROVE** the instructing Staff to prepare an ordinance for further consideration of this rezoning request (either CC-1 or I-1, emphasis on CC-1), seconded by Commissioner Schmitt.*

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

10. FIRST READING OF ORDINANCE 2657, AMENDING THE CITY'S SIGN REGULATIONS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE HOLLY HILL CODE OF ORDINANCES, SECTION 110-4 (B), "SIGNS WITHOUT PERMIT; NONCONFORMING SIGNS", TO REMOVE THE CURRENT LIMIT ON EXPENDITURES FOR CHANGING, REPAIRING, OR MAINTAINING A NON-CONFORMING SIGN; AMENDING SECTION 110-6, "PROHIBITED SIGNS", TO ALLOW CERTAIN SIGNS COMMONLY REFERRED TO AS WIND SIGNS; 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 2657, seconded by Commissioner Schmitt.*

Mr. Forte explained that the Community Redevelopment Advisory Board initiated this when a couple of situations arose in which businesses could not repair / enhance their signs because they were nonconforming. This change would make all nonconforming signs conforming and allow for pennants and wind signs.

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

11. AWARD OF STREET RESURFACING CONTRACT FOR FY 02/03

Mr. Forte explained that they have some additional funds and would like to amend this year's plan to include some of these streets. State Avenue and Third Street are two that need to get bumped-up on this list as well.

*Commissioner Via moved to **APPROVE** awarding the street resurfacing contract to Halifax Paving for balance of FY 02/03 street resurfacing, seconded by Commissioner Lockeby.*

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

12. REPAIR PARTS FOR BTU DRIVES AT WASTEWATER TREATMENT PLANT

Mr. Forte stated that this comes in at one thousand dollars under budget. Mr. Hallman explained the need for this repair. The specific cost for the freight is not listed but would fall within the confines of the budget.

*Commissioner Byrnes moved to **APPROVE** the purchase of parts for the 20 and 40 HP reducer and motor for BTU Drive at Wastewater Treatment Plant from Motion Industries for a total cost of $24,384.13 plus freight, seconded by Commissioner Lockeby.*

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

13. COMMUNICATIONS

A. City Manager

Mr. Forte advised that a joint meeting with the Volusia County School Board has been set for October 14th at 6:00 p.m.

B. City Attorney

Mr. Simpson indicated that he had nothing further to report.

C. Mayor and Commissioners

Commissioner Via thanked everyone for coming. He encouraged everyone to attend the Birthplace of Speed Centennial, which starts tomorrow - including the ribbon cutting of the new park at 4:00 p.m. The entire Commission is invited to the reception at the Casements at 5:30 p.m.

Commissioner Byrnes stated that when he was at LPGA lube he learned that they are about to lose the part of the property they had planned to landscape. FDOT's intersection improvements are going to take that corner.

Commissioner Lockeby thanked everyone for coming.

Commissioner Schmitt stated that the V.A. nursing home will be having a chili cook-off on March 29th. Also, there will be a Dog Talent show at the Humane Society the end of April – they are looking for judges (Commissioner Byrnes offered to do this).

Mayor Arthur referred to Deltona's flooding problem and stated that he would like to do something to give them support for State assistance. Mr. Forte will call Deltona's City Manager or Mayor and inquire as to what we could do for them (other than financial).

14. ADJOURNMENT

The meeting officially adjourned at approximately 8:45 p.m.

City of Holly Hill, Florida

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk