M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
March 26, 2002

1. CALL TO ORDER

A. Roll Call

Mayor William 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, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Development Code Administrator Tim Harbuck, City Planner Bob Keeth, Assistant to the City Manager Greg Wood, Finance Director Brenda Gubernator, and City Clerk Jeaneen Clauss.

B. Invocation

Commissioner Byrnes delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Proclamation Calling for a Special Election to Fill the Vacancy in District Three

Mayor Arthur asked Ms. Clauss to read this proclamation. She did so and advised the Commission of the blanks they needed to fill-in, selecting the dates for the special election, qualifying, and runoff. The two options were cleared through the County Supervisor of Elections as follows:

1)	Special Election	June 18, 2002
	Qualifying	May 7-17, 2002
	Runoff	July 16, 2002
2)	Special Election	September 10, 2002
	Qualifying	July 16-26, 2002
	Runoff	November 5, 2002

The second date would allow the City to share the half of the cost of the election with the County.

*Commissioner Via moved **APPROVAL** of holding their election at the same time as the County (option 2), seconded by Commissioner Lockeby.*

The Commission discussed this at length and invited audience participation into this discussion. The members of the public who spoke in opposition of waiting until September were Buck Myer (Holly Forrest Estates), Beverly Krause (1354 Daytona Avenue), Jeff DeLanoy (211 15th Street), Ron Fussell (1229 Powers Avenue), Roger Healy (Charter Oaks), and Ed Perkins (920

Riverside Drive). Steve Correa (Carolina Avenue) spoke in favor of the September date. Mayor Arthur expressed a preference to move forward with the election as quickly as possible (option 1). The Commission posed a question to the Attorney regarding their obligatory timeframe. Mr. Simpson advised that the Charter could be interpreted to mean that the Commission must hold their election within thirty days (though that would impossibly conflict with advertising and other election guidelines). He felt the Commission would open themselves to the possibility of legal challenge if they did not proceed in a timely manner. Commissioner Byrnes indicated a preference to piggy-back with the County election for the cost saving, but after hearing Mr. Simpson's input, he had concerns over that purpose being defeated. When an opinion was solicited from the City Manager, Mr. Forte responded that it can be difficult on a day-to-day basis to operate with a four-person Commission because so often there is no majority. The impending vote on this item seemed sure to demonstrate that.

Commissioner Via WITHDREW his motion in the interest of unity.

*Commissioner Via moved **APPROVAL** of holding their election June 18, 2002 (option 1), seconded by Commissioner Byrnes.*

The motion **CARRIED** 3-1 on roll call: Via – yes, Byrnes – yes, Lockeby - no, Arthur - yes.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – March 12, 2002

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

Commissioner Via thanked Ms. Clauss for her detail of their verbal tribute to the late Commissioner Tarrer.

The motion **CARRIED** 4-0 on roll call: Lockeby - yes, Byrnes – yes, Via – yes, Arthur - yes.

4. Committee Reports

Volusia Water Alliance

Commissioner Via advised that their consultant, Jake Varns, has presented the implementation plan to the VWA members. One of the items he was asked to evaluate was who should be granted voting privileges. His recommendation is that all members (cupholders and non-cupholders) should be afforded a vote. The plan will be coming to the cities in late April for their input. Commissioner Via then read the Water Conservation Month proclamation, which Mayor Arthur presented to Deborah Green from the Volusia Water Alliance. Ms. Green spoke on water conservation and the incentives they are offering, including options the City of Holly Hill can do with their portion of the funding.

Volusia League of Cities

Commissioner Byrnes advised he had nothing to report.

Volusia Council of Governments

Commissioner Lockeby advised that the Fire-Rescue study was to be discussed further along with the topic of Special Events.

Metropolitan Planning Organization

Ed Perkins, Citizens Advisory Committee Member, gave the Commission an update on the transportation improvement plan. They have now divided the projects into two lists - those that are under $100,000 and those that are $100,000 and over. They are also looking forward to the completion of a bicycle committee to include bicycling enthusiasts in this planning committee. Median additions are also anticipated in Holly Hill along Nova Road.

Mayor Arthur added that DOT is studying the expressway / toll road alternative. 8 years is the soonest they anticipate completion of this.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Roger Heally, Charter Oaks, referred to some pending legislation on billboards and asked that the City remove a billboard across from Arthur's restaurant. Agreeing that this billboard is an eyesore, the Commission clarified the impact of that legislation. The reason this billboard is there is because it was on this property prior to it being annexed into the City.

6. RESOLUTION 2002-R-17, INTERLOCAL CANINE RECREATION CLUB APPOINTMENT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE INTERLOCAL CANINE RECREATION CLUB AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE. (Nikki Whitenton - November 2005)

*Commissioner Byrnes moved to **APPROVE** Resolution 2002-R-17, seconded by Commissioner Lockeby.*

Ms. Whitenton was present for this appointment.

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Lockeby - yes, Via – yes, Arthur - yes.

7. RESOLUTION 2002-R-19, SPECIAL MASTER APPOINTMENT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A SPECIAL MASTER TO ENFORCE THE VARIOUS CODES OF THE CITY; AND PROVIDING AN EFFECTIVE DATE. (Doug Kneller)

*Commissioner Via moved to **APPROVE** Resolution 2002-R-19, seconded by Commissioner Byrnes.*

Mr. Kneller had been present for this appointment but had to leave before they reached this item.

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur - yes.

8. SECOND READING OF ORDINANCE 2629, ANNEXING PROPERTY LOCATED ON PARQUE AVENUE

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 Via moved to **APPROVE** the Second Reading of Ordinance 2629, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur – yes.

9. FIRST READING OF ORDINANCE 2630, DELETING THE SUNSET PROVISION WITHIN THE PORTABLE SIGN ORDINANCE

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2609 TO DELETE THE SUNSET PROVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** First Reading of Ordinance 2630, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur – yes.

10. FIRST READING OF ORDINANCE 2631, ANNEXING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CALLE GRANDE AND RIVIERA ESTATES BOULEVARD

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 Lockeby moved to **APPROVE** the First Reading of Ordinance 2631, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Lockeby - yes, Byrnes – yes, Via – yes, Arthur – yes.

11. FIRST READING OF ORDINANCE 2632, AMENDING THE LAND DEVELOPMENT REGULATIONS TO PERMIT BLOOD BANKS AS A SPECIAL EXCEPTION IN INDUSTRIAL-1 ZONING DISTRICTS

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 114 (ZONING) OF THE CODE OF ORDINANCES, CITY OF HOLLY HILL, FLORIDA; REVISING ARTICLE II, DIVISION 10, SECTION 114-535, PERMITTED SPECIAL EXCEPTIONS, TO PERMIT "BLOOD BANKS" AS A PERMITTED SPECIAL EXCEPTION; REVISING ARTICLE III, DIVISION 2 (SPECIAL EXCEPTIONS), SECTION 114-695, CONDITIONS FOR APPROVAL OF BLOOD BANKS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

In consideration of this ordinance, the primary area of concern was focused around the definition of *Blood Bank* in the City's Land Development Regulations. Mr. Simpson recommended that they do an ordinance amending that definition to differentiate between *Blood Banks* and *Plasma Centers*. He suggested they hold-off on second reading of the ordinance proposed tonight until second reading of the definition ordinance. Another area of discussion was the level of residential area that should be separated from this type of business. After some discussion, the Commission opted in favor of all residential areas, whether R-1 to R-9 - County or City, being considered but they determined that the buffer criteria for them to waive this requirement should be eliminated in order to afford them flexibility in decision making.
*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2632 with the deletion of the reference to "single family" used twice in Sec. 114-695(1) and the deletion of "if physical barriers exist or are proposed that will buffer the nearby residential area(s)" in Sec.114-695(1), seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

12. VARIANCE REQUEST FOR 175 FLOMICH STREET TO GRANT FRONT YARD SETBACK RELIEF OF TEN FEET

Mr. Forte explained this item. Both Mr. Keeth and the Planning and Appeals Board recommended approval of this request.

*Commissioner Byrnes moved to **APPROVE** the variance request for 175 Flomich Street to grant a front yard setback relief of ten feet for the construction of a porch addition and the rebuilding of a burned out detached garage, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Via – yes, Lockeby - yes, Arthur – yes.

13. VARIANCE REQUEST FOR 1666 RIVERSIDE DRIVE TO GRANT FRONT YARD SETBACK RELIEF OF FIFTEEN FEET

The owner Lois Severns addressed the Commission about this request for a bedroom addition. Her neighbors have no problem with this. She also thanked the Commission for assisting her in the volunteer work placement of a group of young girls who donated their time during Spring Break.

*Commissioner Via moved to **APPROVE** the variance request for 1666 Riverside Drive to grant a front yard setback relief of fifteen feet for the construction of an addition on the Beach Drive front yard, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur – yes.

14. PLAYGROUND EQUIPMENT PURCHASE

Mr. Forte advised that this was budgeted for this year and they are pleased to state that it came in under budget.

*Commissioner Via moved to **APPROVE** the purchase of the playground structure from Contract Connection, Inc. for a total cost of $12,464.80, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

15. LAW ENFORCEMENT TRUST FUND EXPENDITURE

Mr. Forte explained this request, as further detailed in the memo they received from Commander Barker.

*Commissioner Via moved to **APPROVE** the expenditure of $2,866.20 in funds from the Law Enforcement Trust Fund for the purchase of mobile battery chargers, bicycle storage shed,*

shotgun refurbishment & replacement, and assistance to Volusia County Sheriff's Office in the purchase of a bomb disposal robot, seconded by Commissioner Lockeby.

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur – yes.

16. RESOLUTION 2002-R-18, REFUNDING REVENUE BONDS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY COMMISSION OF CITY OF HOLLY HILL, FLORIDA SUPPLEMENTING AND AMENDING RESOLUTION 92R-58, AS AMENDED, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $15,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE CITY'S WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 2002; AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE NET REVENUES TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; PROVIDING CERTAIN TERMS AND DETAILS OF SUCH BONDS, INCLUDING THE NEGOTIATED SALE OF SAID BONDS AND THE EXECUTION OF A BOND PURCHASE AGREEMENT WITH RESPECT THERETO; APPOINTING THE PAYING AGENT AND REGISTRAR WITH RESPECT TO SAID BONDS, AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT AND THE APPOINTMENT OF AN ESCROW AGENT, AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Lockeby moved to **APPROVE** Resolution 2002-R-18, seconded by Commissioner Byrnes.*

Mr. Forte explained that they locked-in the rate at their Special Meeting on March 21, 2002. This will authorize selling the bonds.

The motion **CARRIED** 4-0 on roll call: Lockeby - yes, Byrnes – yes, Via – yes, Arthur - yes.

17. COMMUNICATIONS

A. City Manager

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

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioner

Commissioner Lockeby suggested they look into expanding their bike path coverage to the entire City, instead of just along the river.

Commissioner Via referred to his change of mind on the Election Date, stating that it was based on the recommendation of the City Manager and for Commission unification. He invited everyone to listen to his radio show tomorrow morning when he will discuss the Million Dollar Study for the expressway / toll road alternative.

Commissioner Byrnes thanked Mr. DeLanoy for helping him to put the monetary cost of the Election into perspective.

Mayor Arthur advised that the Commission should replace the late Commissioner Tarrer for Personnel Officer. Both Commissioners Via and Lockeby offered to do it.

*Commissioner Byrnes moved to **APPOINT** Commissioner Lockeby as Personnel Officer, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Via – yes, Lockeby - yes, Arthur - yes.

18. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:03 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk