M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 13, 1993

1. CALL TO ORDER

Mayor Thomas C. Ryan called the meeting to order.

Answering roll call were Mayor Ryan, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Robert Chesnowitz and Councilman Jim Gaither.

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 Gaither.

4. MAYOR'S REPORT/COMMENTS

Mayor Ryan announced there would be an additional Agenda item.
He stated it would be item 17A (Resolution 93-R-24). He also reported there would be several Board expirations on the Board of Planning and
Appeals in May. (Two (2) Regular and two (2) Alternate positions)

Mayor Ryan expressed concern over 11TH Street which the county has repaved causing a hole in the road.

5. COUNCIL'S REPORT/COMMENTS

None.

6.ADVISORY COMMITTEE REPORTS

None.

7. AUDIENCE PARTICIPATION

Tony LaSorsa, 722 Center Avenue, stated he purchased a chipper vac for home use and placed the box beside his "black" garbage can to be picked up with his weekly garbage pickup. He complained that his garbage was picked up but the box was not. Mr. Chattin stated he needed to break the box up and place it in his can and it would be picked up otherwise he would be charged for an extra trash pickup.

8. CONSENT AGENDA

A. Approval of Minutes - Regular Meetings - March 9 1993 and March 23, 1993.
B. Bills and Accounts

Councilman Mellette moved to APPROVE the consent agenda being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.

9. RESOLUTION NO. 18 - AUTHORIZING THE FINALIZATION OF LOAN DOCUMENTS FOR THE FIRES STATION/CITY HALL IMPROVEMENTS

Kenneth Artin of Cobb, Cole, & Bell gave brief review stating this note was for $808,000 at a fixed rate of 4.19%, which will be used to complete the Fire Station/City Hall improvements.

City Attorney Simpson read:

RESOLUTION 93-R-18
A RESOLUTION SUPPLEMENTING AND AMENDING A RESOLUTION ENTITLED " A RESOLUTION AUTHORIZING THE ISSUANCE OF $359,392 UTILITY SERVICE TAX REVENUE NOTES, SERIES 1993A OF THE CITY OF HOLLY HILL, FLORIDA TO FINANCE THE COST OF ACQUISITION, CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS AND EQUIPMENT; PLEDGING THE UTILITY SERVICE TAX REVENUES OF THE CITY TO SECURE PAYMENT OF THE NOTES; PROVIDING FOR THE ISSUANCE OF ADDITIONAL NOTES; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE HOLDERS THEREOF; AUTHORIZING A NEGOTIATED SALE OF SAID NOTES; AND PROVIDING FOR AN EFFECTIVE DATE;"AUTHORIZING THE ISSUANCE OF $808,000 UTILITY SERVICE TAX REVENUES NOTES, SERIES 1993B OF THE CITY OF HOLLY HILL, FLORIDA TO FINANCE THE COST OF ACQUISITION, CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS AND EQUIPMENT; PLEDGING THE UTILITY SERVICE TAX REVENUES OF THE CITY TO SECURE PAYMENT OF THE NOTES; AUTHORIZING A NEGOTIATED SALE OF SAID NOTES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Byrnes, yes; Mellette, yes; Gaither, yes; Chesnowitz, yes; Ryan, yes.

10. REQUEST FOR VOLUNTARY ANNEXATION - ERIC MEYERS

Mr. Hester gave brief explanation of annexation for the Country Club section of Rio Vista and asked for instruction to begin this process.
He also mentioned that agreements were being worked on for easements for utilities across the golf course and sewer service for the Country Club. A water reuse agreement is also being worked on with Mr. Meyers and the engineers. These agreements will be signed at the time of final reading on the annexation ordinance.

Councilman Mellette moved to have staff begin annexation process being
seconded by Councilman Gaither. The motion CARRIED 5-0 on roll call.

11. REQUEST FOR A SIGN VARIANCE BY BONO'S PIT BAR-B-Q

Mr. Robert Merrell, 311 North Clyde Morris Blvd., Daytona Beach, Fl.,
stated that in trying to get his business (Bono's Bar-B-Que) going the staff had been very helpful and his problem was with visibility of his business from 11th Street. He went in front of the Board of Planning and Appeals with a request for a small sign and was given a favorable decision from both the Board and the City Planner.

Councilman Chesnowitz voiced concerns with other stores in the shopping center being able to share the sign.

Bob Keeth, City Planner, stated the sign would be permitted under the proposed Land and Use Development Regulations and that is why the Board of Planning and Appeals gave a favorable opinion. He stated he gave a favorable response with the hopes that the plan would be accepted.

Mr. Keeth stated Mr. Merrell's claim that he had a hardship which was visibility. He said this was a justified claim but everyone in the shopping center could use the same claim.

Councilman Gaither said he would want a stacked sign if any sign was allowed. He feels the stores in the shopping center should share the sign. Councilman Gaither did have concerns about how many signs would be allowed and was told by Mr. Keeth there could be only one sign for the whole shopping center with a maximum sign area of sixty four (64) square feet under the proposed plan.

Mayor Ryan said he had several concerns and he did not have enough information. He stated he did not have any information about a hardship and he did not feel comfortable basing an approval on an as yet to be passed ordinance regarding our Land Development Regulations.
Councilman Byrnes said he could not see any reason for holding this up and asked Mr. Merrell if the sign in the Agenda packet was still the sign that he wanted. Mr. Merrell said yes but he would be willing to have a sign which advertised anyone who wanted to be on the sign. Mr. Merrell stated he could not locate in the shopping center on 11th Street and Nova Road if he could not have signage.

Councilman Gaither stated that he agreed he should have a sign but he wanted all the tenants to be able to be on the sign. Mr. Merrell said he understood and had no problem with that.

Mrs. Cornelius, 142 Flomich St., a member of the Board of Planning and Appeals said if the upcoming changes in the Land Use and Development Regulations came through that Mr. Merrell wouldn't need a variance that his sign would be legal without one. She also said the hardship was visibility and that he originally wanted his own sign but was asked to change his request to comply with the proposed Land Use and Development Regulations.

Councilman Chesnowitz stated that Mrs. Hayman would like to be part of that sign.

Mrs. Hayman stated that there might be three (3) people who would want to be part of the sign.

Councilman Gaither moved to APPROVE the sign variance and was seconded by Councilman Mellette. Mayor Ryan made a comment to reiterate that he was very uncomfortable with the information and felt he could not make an informed decision.

Councilman Byrnes asked to have minutes from other Boards to be included in the Agenda when a decision is to be made.

After discussion the motion CARRIED 4-1 on roll call. Mayor Ryan voted No.

12. CONSIDERATION OF PROPOSED LAND DEVELOPMENT REGULATIONS

Councilman Gaither remarked he once asked to have this item tabled for lack of time to go over and he still feels there is not enough time and would like to request a workshop.

Mayor Ryan said he also has gone through the regulations and he also has some questions he would like answered. He stated he would have no objection to a workshop but would like to hear from the rest of the Council.

Councilman Mellette said he has read it over and feels that it will change with each persons opinion and has no problem with a workshop.

Councilman Chesnowitz stated it was not cast in stone and would also like a workshop.

Councilman Byrnes said he read through it and had some problems with parts of it he did not feel comfortable with. He stated he thought a workshop would help.

Mayor Ryan asked for the Workshop to be Tuesday, April 20, 1993, then changed his mind to make it a Special Call Meeting for the Land Use and Development Regulations and Mr. Hester's Evaluation.
The time will be 7:30p.m.

Councilman Mellette moved to postpone the Land Use and Development Regulations and have a Special Call Meeting Tuesday, April 20, 1993 at 7:30 p.m. being seconded by Councilman Gaither.

The motion CARRIED 5-0 on roll call.

Bob Keeth asked to raise a brief issue which was directly related to the proposed regulations. Ms. Eileen Band of Destination Daytona, requested that the sign regulation be amended to include 18 inch by 24 inch sign to be permitted in addition to any signage that is already permitted. This is so that participants in a superior small lodging association be allowed to post an affiliation sign. Mr. Keeth suggested to amend regulations to allow any professional affiliation of business certification to post this type of sign. He asked that he be allowed to submit a proposed amendment to the existing sign regulation for the meeting on April 20, 1993.

Councilman Gaither asked if the sign was like the AAA sign. Ms. Eileen Band showed an example of the sign and stated there were two small lodges that could use them now and they expected five next year.

Councilman Mellette moved the current Sign Ordinance be amended to allow 18 by 24 inch signs be added to the Special Meeting April 20, 1993 being seconded by Councilman Gaither.

The motion was CARRIED 5-0 on roll call.

Councilman Byrnes asked for a copy of the Land Use and Development Regulations on Disk for the Council from Bob Keeth.

13. RESOLUTION NO. 21 - EXPRESSING SUPPORT OF THE HALIFAX/INDIAN RIVER TASK FORCE'S RIVER SPRING CLEANING DAY MAY 1, 1993.

City Attorney Simpson read:

A RESOLUTION EXPRESSING THE SUPPORT OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, FOR THE HALIFAX/INDIAN RIVER TASK FORCE'S RIVER SPRING CLEANING DAY SET FOR MAY 1, 1993; SETTING FORTH AND EFFECTIVE DATE.

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

Mellette, yes; Chesnowitz, yes; Byrnes, yes; Gaither, yes; Ryan, yes.

Councilman Gaither announced that Mrs. Jerry Robinson would be at Sunrise Park at 8:00 a.m. on May 1, 1993, with all information for anyone who would like to volunteer with Spring Cleaning.

14. RESOLUTION NO. 22 - AUTHORIZING THE MARINA PARK GRANT APPLICATION WITH THE FLORIDA INLAND NAVIGATION DISTRICT (FIND)

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY OF HOLLY HILL, TO APPLY FOR A GRANT TO THE FLORIDA INLAND NAVIGATION DISTRICT (F.I.N.D.) THE FUNDS FROM WHICH SHALL BE USED FOR THE MARINA PARK PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Ryan commented that this was just to get us started since we are under a time table.

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

Gaither, yes; Byrnes, yes; Chesnowitz, yes; Mellette, yes; Ryan, yes.

Councilman Chesnowitz asked if this falls apart if the Grant money could be used for anything else. Mr. Hester stated if it falls apart we would have to apply for something different.

Councilman Byrnes stated a good job was done filling out the Grant application.

Mayor Ryan pointed out an error on page two of the application and Mr. Hester said it would be corrected before it is sent out.

15. RESOLUTION NO. 23 - AUTHORIZING THE CITY TO APPLY FOR A D.A.R.E. MATCHING FUNDS GRANT

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY OF HOLLY HILL, TO APPLY FOR A GRANT FROM DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Byrnes, yes; Mellette, yes; Chesnowitz, yes; Gaither, yes; Ryan, yes.

16. CONSIDERATION OF REQUEST FOR SEWER METERS

Mr. Hester introduced Mr. Ross, General Manager of Angelica, and stated Mr. Chattin recommended we go forward with the sewer meters. He also stated our staff review did not find any one in the area that do this. It has however, been a past practice of this City to do this.

Councilman Gaither expressed concern about singling out one individual and asked if we could put the sewer on a sliding scale.

Councilman Byrnes stated he felt if a person wanted to burden themselves with the cost of the sewer meter then they should be able to do that.

Councilman Gaither stated people he has talked with who own restaurants, have stated that they do not return all their water to the sewer but the cost of putting in a sewer meter is not fair.

Councilman Chesnowitz brought up the fact that a sewer meter would not be cost effective for a small business.

Councilman Gaither said our City is made up of "mom and pop" business and we need to come up with something that is fair to everyone. Again, he mentioned maybe we should look a sliding scale for businesses.

Mrs. Shirley Hayman, 1000 Walker Street stated she could prove that all the water she uses does not go back into the sewer but small business could not afford $10,000 for a sewer meter. She said she would like a sewer reduction but without having to buy a meter.

Mr. Chattin stated in this particular case a sewer meter be allowed. He stated it would cost the City about $37,000 a year out of a estimated $233,000 income by Angelica.

Mr. Ross stated they use over 600,000 gallons of water per week. He also said they would like to build a new facility, however to consider this they need a sewer meter.

Councilman Byrnes stated he thought there should be a base figure in the Ordinance if they do change it to allow sewer meters. He explained that with a base it would get rid of any incentive for someone to get rid of water other than through the sewer.

Councilman Byrnes moved that staff look at an Ordinance revolving around a 60% and or actual usage whichever is higher with a minimum water usage of 100,000 gallon of water for the installation of a Sewer meter being seconded by Councilman Gaither.

The motion CARRIED 5-0 on roll call.

17. URBAN AND COMMUNITY FORESTRY PROGRAM

Mr. Chattin presented the Council with a publication entitled Establishing Urban and Community Forestry. He stated this publication is being used in different areas as a guide. He would like to use this publication as a guide for the City to use to establish a Forestry program. The cost of implementation is approximately $10,000 for the tree survey and another $10,000 for the development of a master plan. He stated that the Department of Agriculture sometimes has matching grants.

Councilman Mellette questioned the price.

Mr. Chattin answered we would concentrate on building a foundation for this program until next fiscal year. The next phase which would be the survey and the master plan would start next fiscal year and would be a budgeted item.

There was a discussion between Council and Mr. Chattin about getting trees out of the right of way.

Mayor Ryan restated his concern about manpower and said he was all for the City becoming proactive instead of reactive.

Councilman Gaither moved to implement the Urban and Community Forestry Program being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

Mr. Myers of 1 Stuart Drive, stated there was a tree in the City right-of-way and over the past several years has caused several thousand dollars worth of damage to his property and he wanted something done about the tree.

Mr. Hester replied there was a tree evaluation done and the tree would be taken care of within the next week if Council gave their approval to go ahead with the tree cutting and trimming.

Mayor Ryan stated he would like to address the issue under City Manager Reports/Comments on the Agenda.

Carol Losse, 216 Daytona Avenue, commented that she was in favor of the Forestry Program because she felt trees were being taken down for no reason and the City needs to have a professional look at trees before they are cut down.

Councilman Gaither questioned the cost of a new program.

Mayor Ryan said he thought they could easily find the funds to do this program but his concern is personnel and if we would need to add more employees to do this program.

Mr. Chattin answered by stating we would organize our program becoming proactive instead of reactive. We are reactive now but we need an inventory and a plan.

17 A. RESOLUTION 93-R-24

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 30 (ZONING), ARTICLE I (IN GENERAL), SECTION 30-4 (INTERPRETATION OF CERTAIN TERMS AND WORDS),ADDING THE TERM BLOOD BANK; ARTICLE VI (DISTRICT REGULATIONS; USE OF LAND AND BUILDINGS), SECTION 30-163 (I-1, WHOLESALE-LIGHT INDUSTRIAL DISTRICT), ADDING BLOOD BANK AS A PERMITTED USE IN THAT ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson gave a brief explanation stating that there is a provision that allows the Council, by resolution, to add a use that is not specifically permitted and is similar in character and clearly in the legislative intent with the I-1 Wholesale, Light Industrial District.
He said there may be a matter coming before the Council involving a plasma center but he could not give any evidence since they may have to sit in a qusi-judicial compacity.

Mr. Simpson brought out the fact that the City does not have a catagory which allowed a Blood Bank/Plasma Center, as permitted use anywhere in the City of Holly Hill. It is proposed, by this resolution, there would be a permitted use in I-1 zoning districts. Mr. Simpson read the definition of a blood bank/plasma center.

After some discussion the Council directed Mr. Simpson to look into this a little further and bring it back on April 20, 1993.

18. PERFORMANCE EVALUATION SYSTEM

Mr. Hester commented the new evaluation seems to be working well and would like the council to give him a point on the evaluation where they would like money to be given out for merit raises.

After some discussion it was suggested the system be accepted as submitted.

Councilman Mellette moved to approve the Evaluation System as submitted being seconded by Councilman Gaither. The motion CARRIED 5-0 on roll call.(Copy Attached)

19. CITY MANAGER REPORT/COMMENTS

Mr. Hester said he needed direction from Council as to how to proceed with the Tree Evaluation Form and the trimming and cutting down of trees. He also stated a forester will look at all trees before they are cut down.

Mayor Ryan said he would like to see the residents given a 48 hour notice before a tree is cut down or removed from the right-a-way in front of their property.

Mr. Hester replied that a door hanger could be placed on the door giving them notice of tree removal.

Mr. Chattin commented that they really haven't had a problem with the residents getting upset about removing the trees from the right-of-way.

Mr. Hester said they were prepared to take care of Mr. Myers problem as soon as council gives go ahead to continue to trim and cut the trees.

Council directed Mr. Hester to go forward with the tree trimming and removal.

20. CITY ATTORNEY REPORTS/COMMENTS

None.

21. MISCELLANEOUS COUNCIL COMMUNICATIONS

None.

22. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at 9:40 p.m.

Mayor

ATTEST:

City Clerk/Manager