

MINUTES

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 13, 2004**

**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, Gilles Blais, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Assistant to the City Manager Greg Wood, Development Coordinator Tim Harbuck, Public Works Director Milt Hallman, Public Safety Director Don Shinnamon, Utility Customer Service Supervisor John Manual, Fire Division Chief Randy Ast and City Clerk Jeanene Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur introduced Elliot Gross, who is running against him for County Council District 4.

A. Recognition of local students for Water Authority of Volusia Poster and Writing Contest

**Poster Contest Winner
Erica Braswell – Holly Hill Elementary**

**Writing Contest Winners
Nicole Wales and Steven Signh – Walter A. Hurst Elementary**

Mr. Wilson presented an award certificate to Nicole Wales. The other two children were not present to receive theirs but they will be sent to them at school.

B. Proclamation Celebrating the 40 Year Anniversary of the Kiwanis Club of Holly Hill

Mayor Arthur asked Ms. Clauss to read the proclamation.

C. Proclamation Celebrating Community Development Week

Mayor Arthur asked Ms. Clauss to read the proclamation.

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3. **CONSENT AGENDA**

Minutes of Workshop with Board of Planning & Appeals – March 9, 2004

Minutes of Regular Commission Meeting – March 9, 2004

Minutes of Commission Workshop – March 9, 2004

Minutes of Commission Goals Workshop – March 16, 2004

Minutes of Special Commission Meeting – March 16, 2004

Report of Purchases between Five and Ten Thousand Dollars

- **Volusia County (Fuel) \$5,717.77**

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

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – Yes, Blais – Yes, Byrnes – 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 Schmitt stated that the unveiling of the new Chamber of Commerce web site will be tomorrow. The new directory is in progress and they are having a membership drive. Their Board meeting is tomorrow.

Commissioner Via stated that he had Steve Tyler, vice-president of the Chamber, on his radio show. The Water Authority of Volusia is holding goals sessions to develop a ten year plan (both short and long term goals).

Commissioner Byrnes stated the Volusia Days worked out well in Tallahassee. He and Commissioner Via attended and met with several senators and representatives. The next Volusia League of Cities meeting will be held in Pierson the end of May.

Commissioner Blais stated that the Collegiate Task Force is well organized and prepared for this difficult weekend coming up. “It’s all about respect” is aimed at controlling behavior.

Mayor Arthur stated that the MPO had a great seminar on walkable communities, which lasted all day last Wednesday. Better notification of it would have been appreciated though because the turn-out of elected officials was rather low.

5. **AUDIENCE PARTICIPATION**

Regarding items not on the agenda.

Ruthie Sager thanked the Commission and City Manager for the new benches at the tennis courts. She also asked what the Daytona Beach Mayor is doing to control BCR? The response is that Mayor Scarlett-Golden is doing a fine job, protective of her City like the principal of a school.

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Tom Chillings, 1410 State Avenue, thanked the Commission for paving his street after fourteen years.

Jim Brianas, 2727 North Atlantic Avenue, Daytona Beach, thanked the Commissioners and City Staff for their help in transitioning Whiskey Pete's back to the family run business that it was years ago. They had some problems with the former tenants and the Police Department was instrumental in resolving those. They will now be called The Admiral's Table and Buccaneer Bar and have a Grand Opening on April 30th and May 1st.

6. RESOLUTION 2004-R-14, FIREFIGHTERS PENSION FUND BOARD OF TRUSTEES APPOINTMENT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE FIREFIGHTERS PENSION BOARD OF TRUSTEES AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-14 appointing George Davis, seconded by Commissioner Blais.*

One vacancy remains for a Commission appointed member.

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

7. RESOLUTION 2004-R-15, HISTORIC PRESERVATION BOARD APPOINTMENTS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE HISTORIC PRESERVATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2004-R-15 appointing Bud Call, Albert Edwards, Alice Masterson, and Jim Brianas, seconded by Commissioner Blais.*

One vacancy for alternate now exists.

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

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8. RESOLUTION 2004-R-16, BOARD OF PLANNING AND APPEALS APPOINTMENTS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-16 appointing Robert Gerald as a Regular Member (District 2) and Edward Perkins as an Alternate, seconded by Commissioner Via.*

One vacancy for alternate now exists.

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

9. SPECIAL EXCEPTION REQUEST FOR A FLAG LOT ON THE WEST SIDE OF RIVERSIDE DRIVE, 100 FEET SOUTH OF ELIZABETH STREET

Mr. Harbuck explained Charles Flutie's request for a special exception for a flag lot on the west side of Riverside Drive, 100 feet south of Elizabeth Street. The surrounding neighbors were present to oppose this as follows: Dale and Debbie Reiman, 1634 Riverside Drive; Dan Derogisis, 1637 Moravia Avenue; Dan Daugherty, 1682 Riverside Drive; Greg McMillian, 121 Elizabeth Street. Mr. Flutie attempted to respond to each of their concerns and stated that this was approved originally in 1990 but that rescinded after one-year when no action was taken by the owner. The Commission indicated that the trend for this has changed and it is now more common to buy two smaller lots and knock down the existing houses to build one large house. Mr. Flutie has plans prepared which provide for two medium-plus sized homes, each having an average sized yard. After much discussion, the Commission indicated they felt this was not in the best interest of the neighborhood.

*Commissioner Byrnes moved to **DENY** the Special Exception request for a flag lot on the west side of Riverside Drive, 100 feet south of Elizabeth Street based on Sec. 82-346(1),(3),(8), or (9) of the City of Holly Hill Code of Ordinances, seconded by Commissioner Schmitt.*

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

**10. PUBLIC HEARING
DETERMINATION OF NUISANCE AT 713 10TH STREET**

Mayor Arthur opened the public hearing. Mr. Harbuck presented the case for determination of a public nuisance at 713 10th Street. He stated that this structure and property has fallen into a

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hazardous state since the death of its owner one year ago. Carolyn Britt, 148 Confer Lane, Ormond Beach, daughter of the deceased was present to ask for leniency. Bill Goff, 711 10th Street, was present to support this condemnation. After much discussion, Mayor Arthur closed the public hearing. The Commission indicated that prompt attention was necessary for this and that the City will act appropriately and lien the property for any costs incurred, if the property owner does not take corrective action.

*Commissioner Schmitt moved to **APPROVE** the finding of a public nuisance at 713 10th Street, seconded by Commissioner Blais.*

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

*Commissioner Via moved to **ORDER REMEDY** of the public nuisance at 713 10th Street as herein described – 15 days to clean-up the property (mow, pick-up trash & debris), 30 days to secure / remove the out-buildings and to secure the house (not board). The power must remain off until the house is brought up to Code and the Certificate of Occupancy is revoked, seconded by Commissioner Byrnes.*

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

11. PUBLIC HEARING DETERMINATION OF NUISANCE AT 220 3rd STREET

Mayor Arthur opened the public hearing. Mr. Harbuck presented the case for determination of a public nuisance at 220 3rd Street. This structure was badly damaged in a fire which killed its owner and now both it and the property have fallen into a hazardous state. The owner did not have a will and the property has been held up in probate for a couple years. The owner's three children have attempted to get all of this resolved but do not live locally. Two of them were present to confirm that this property has been sold to Alan Cerelli. His brother-in-law Mike Pate was present to explain their plans for immediate action to remedy this problem, though the closing is still about two months off. Mayor Arthur closed the public hearing. The Commission indicated that the same motion as the preceding item was in order.

*Commissioner Via moved to **APPROVE** the finding of a public nuisance at 220 3rd Street, seconded by Commissioner Schmitt.*

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

*Commissioner Via moved to **ORDER REMEDY** of the public nuisance at 220 3rd Street as herein described – 15 days to clean-up the property (mow, pick-up trash & debris), 30 days to secure / remove the out-buildings and to secure the house (not board). The power must remain off until the house is brought up to Code and the Certificate of Occupancy is revoked, seconded by Commissioner Byrnes.*

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

12. PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 04/05 AND FIVE YEAR PLAN

Mr. Forte explained that this is the second public hearing for this. The first of which had no participation. Mayor Arthur opened this hearing for public comment. There was none. Mayor Arthur closed the hearing.

*Commissioner Schmitt moved to **APPROVE** the City's proposed FY 04/05 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 Blais.*

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

13. PUBLIC HEARING / SECOND READING OF ORDINANCE 2684, AMENDING THE FIREFIGHTERS PENSION PLAN

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE III (FIREFIGHTERS' PENSION), DIVISION 2 (PENSION PLAN), OF THE CODE OF ORDINANCES FOR THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-83, BENEFIT AMOUNTS AND ELIGIBILITY TO ADD SUBSECTION (h) TO PROVIDE A DEFERRED RETIREMENT OPTION PROGRAM TO BE DEVELOPED AND ADMINISTERED BY THE BOARD OF TRUSTEES WITHIN SPECIFIC LIMITATIONS; AMENDING SECTION 42-83, BENEFIT AMOUNTS AND ELIGIBILITY, SUBSECTION (g) SUPPLEMENTAL RETIREMENT BENEFIT, PROVIDING FOR AN INCREASE IN THE AMOUNT OF SAID BENEFIT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2684, seconded by Commissioner Byrnes.*

Mayor Arthur opened this hearing for public comment. There was none. Mayor Arthur closed the hearing.

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

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Division Chief Randy Ast and his shift personally thanked each of the Commissioners for this.

14. RESOLUTION 2004-R-17, AUTHORIZING A UTILITY AGREEMENT WITH FDOT

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-17, seconded by Commissioner Blais.*

Mr. Hallman explained that FDOT is requesting this resolution for the utility work agreement and schedule for the milling and resurfacing of Mason Avenue from Clyde Morris Boulevard to Mulberry Street.

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

15. ROOF REPLACEMENTS FOR WASTEWATER AND WATER TREATMENT PLANTS

Mr. Hallman explained that the City received a bid on the re-roofing of these buildings last year and it was over-budget. The Commission authorized Staff to negotiate with a local roofing contractor for a piggyback off their bid with the City of Ormond Beach. Staff has negotiated a bid at a savings of \$8,693 from last year's proposal.

*Commissioner Via moved to **APPROVE** awarding the contract to PKC Roofing Inc. dba Wayne's Roofing & Sheet Metal for roof replacement on Water Treatment Plant and Wastewater Treatment Plant Solids Handling Building for \$44,707, as negotiated by Staff through a piggyback off a bid done by the City of Ormond Beach, seconded by Commissioner Schmitt.*

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

16. DESIGN AND BUILDING PHASE FOR GARAGE MAINTENANCE BUILDING IMPROVEMENTS

Mr. Hallman explained that this is for engineering plans to lower the roof of this building.

*Commissioner Schmitt moved to **APPROVE** authorizing Quentin L. Hampton Associates, Inc. to proceed with the Design and Bidding phase as submitted for an estimated cost of \$4,460, seconded by Commissioner Byrnes.*

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

17. RIDGEWOOD AVENUE LANDSCAPING PROJECT ENGINEERING DESIGN PREPARATION

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Mr. Hallman explained that this is merely for the engineering phase of the median landscape project. They anticipate the project cost being approximately two hundred thousand dollars. FDOT is giving the City one hundred thousand dollars towards this and we have a request in for more but in the event we do not receive it, Staff proposes they seek the remainder from the CRA fund.

*Commissioner Schmitt moved to **APPROVE** authorizing Quentin L. Hampton Associates, Inc. to proceed with the engineering and landscaping design services for the Ridgewood Avenue Landscaping Project for an estimated cost of \$49,085, seconded by Commissioner Blais.*

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

18. GYM AIR CONDITIONING BID RESULTS

Mr. Forte and Mr. Hallman explained that they have received five bids for this and one of them came in within reason of their budget, but upon closer inspection of the specifications that were prepared – they are much more elaborate than needed. Staff believes they can get the job done for significantly less by greatly modifying the specs and beginning this process again.

*Commissioner Byrnes moved to **REJECT** all bids and begin again with new specifications, seconded by Commissioner Schmitt.*

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

19. 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 Commissioners

Commissioner Schmitt thanked everyone for coming. He mentioned that the Dog Park will be hosting a Seeing Eye Dog Show this coming Saturday. He then referred to the concert series in Hollyland Park and he's very disappointed in the low turn-out. This is not a City event, even though the Redevelopment Board is a contributor. This is all up to the promoter.

Commissioner Via stated that he enjoyed seeing the new bus out front and the community service vehicle. He will be going to Orlando for a local government class this weekend.

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20. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:50 p.m.

Attest: City of Holly Hill, Florida

Jeaneen P. Clauss, CMC
City Clerk

William D. Arthur
Mayor