

MINUTES

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 27, 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, City Planner Bob Keeth, Assistant to the City Manager Greg Wood, Development Coordinator Tim Harbuck, Public Works Director Milt Hallman, Human Resources Director Diane Cole, Public Safety Director Don Shinnamon, and City Clerk Jeaneen Clauss. Assistant City Attorney Scott Simpson arrived at approximately 8:00 p.m.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

Mayor Arthur introduced Elliot Gross, who is running for County Council District 4. (Mayor Arthur has withdrawn from that race and will complete his term on the City Commission.)

2. PRESENTATIONS & PROCLAMATIONS

Proclamation Honoring Tourism Week – May 8th-16th, 2004

Mayor Arthur asked Ms. Clauss to read the proclamation, which he presented to Janet Kersey, Deputy Director of the Daytona Beach Area Convention and Visitor's Bureau. Tangela Boyd, who had accepted this proclamation last year, was with Ms. Kersey to photograph her with the Mayor.

3. CONSENT AGENDA

Minutes of Regular Commission Meeting – April 13, 2004

Minutes of Commission Workshop – April 13, 2004

Report of Purchases between Five and Ten Thousand Dollars

- **Labor Attorney \$10,058.63**

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

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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 Chamber of Commerce After Hours at Allstate was a big success – perhaps the highest turnout of any. Their new web site is now on-line and the new directory will probably be ready next month. They will be reviewing their by-laws next month and plan to formalize two non-voting positions on the Board – one for the City Manager and one for a Commission Liaison.

Commissioner Via deferred his comments to the workshop, which Dr. Bruce Mowry will be attending for discussion of the Water Authority of Volusia funding options. He also mentioned that he had received a certificate of completion from the Leadership Florida class and thanked the Commission for sending him to this very informative two-part seminar.

Commissioner Byrnes stated the Volusia League of Cities is already preparing for next year's legislative session lobbying – feeling that the three day event went very well this year.

Commissioner Blais stated that the Collegiate Task Force will be having a meeting tomorrow.

Mayor Arthur stated that VCOG is being run very well even without a director, due to Mayor Costello and he encouraged those who are interested in governmental issues throughout the County to attend those meetings.

5. AUDIENCE PARTICIPATION

Regarding items not on the agenda.

None.

6. SPECIAL EXCEPTION REQUEST FOR A CAR RENTAL BUSINESS AT HOLLY HILL STATION, 1027 NOVA ROAD

This is a request from Mike Donzinger for a Special Exception to allow him to lease part of his office building to Hertz. Mr. Keeth advised the Commission that the applicant has demonstrated compliance with the requirements of this Special Exception, but he has concerns that the parking is not adequate. Kevin Lamburt, Hertz manager, was also present to respond to any questions. They have sixteen spaces in the rear, which the client does not feel they will put to much use. The hours of this business would be Mon-Sat 8am-6pm and Sun 8am-1pm. Jim and Pat Clem, 325 Scotland Drive, expressed concerns about the noise from this type of business and the additional parking in the back – they were under the impression that no parking existing in the back prior to this request, however that was not the case – more parking lines were simply drawn. The Commission inquired of Mr. Simpson about how specific they could direct the approval of this Special Exception – Hertz only, new car rentals only, certain hours, etc... Mr.

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Simpson responded that they could establish specific use and hours, but should not gear this towards a particular vendor. The Commission discussed the types of restrictions they might place on this and the following motion was made:

*Commissioner Schmitt moved to **APPROVE** a Special Exception for a car rental business at Holly Hill Station, 1027 Nova Road subject to the following three conditions: 1) maximum three year old vehicles, maximum 10 cars, maximum hours 7am-9pm, seconded by Commissioner Byrnes.*

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

7. **FIRST READING OF ORDINANCE 2685, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF NOVA ROAD APPROXIMATELY 700 FEET SOUTH OF LPGA BOULEVARD FROM “URBAN MIXED USE” (VOLUSIA COUNTY) TO “GENERAL RETAIL COMMERCIAL” (CITY)**

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING FIGURE II-6, THE FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 2.16 ACRES, LOCATED ON THE EAST SIDE OF NOVA ROAD (SR 5A) APPROXIMATELY 700 FEET SOUTH OF LPGA BOULEVARD, FROM “URBAN MIXED USE” (VOLUSIA COUNTY) TO “GENERAL RETAIL COMMERCIAL”; 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 2685, seconded by Commissioner Byrnes.*

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

8. **FIRST READING OF ORDINANCE 2686, REZONING PROPERTY LOCATED ON THE WEST SIDE OF NOVA ROAD APPROXIMATELY 700 FEET SOUTH OF LPGA BOULEVARD FROM I-1 AND R-7 (VOLUSIA COUNTY) TO BPUD (CITY)**

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY

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REZONING APPROXIMATELY 2.16 ACRES, LOCATED ON THE EAST SIDE OF NOVA ROAD (SR 5A) APPROXIMATELY 700 FEET SOUTH OF LPGA BOULEVARD, FROM I-1 (VOLUSIA COUNTY) AND R-7 (VOLUSIA COUNTY), TO BUSINESS PLANNED UNIT DEVELOPMENT (BPUD); APPROVING A MASTER DEVELOPMENT PLAN AND INCORPORATING IT INTO THIS ORDINANCE FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THE PROPERTY; 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 2686, seconded by Commissioner Schmitt.*

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

9. FIRST READING OF ORDINANCE 2687, ANNEXING PROPERTY LOCATED AT 1024 SOUTH NOVA ROAD

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 First Reading of Ordinance 2687, seconded by Commissioner Schmitt.*

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

10. OCCUPATIONAL LICENSE REVOCATION – PIT STOP TIRES – 567 3RD STREET

Mr. Forte explained that the property owner filled-in the retention area, which is a requirement for the site and was originally approved by St. John's Water River Management District. The City has repeatedly asked the owner to correct this by returning the retention area to at least its original stormwater retention capability because of neighbor complaints. James Sandfast, 251 A and B Center Avenue, was present to support his complaints of this issue. No one was present to

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represent Pit Stop Tires. The Commission discussed this issue fully and the following motion was made.

*Commissioner Byrnes moved to **APPROVE** granting Pit Stop Tires, 567 3rd Street, thirty days to demonstrate compliance with stormwater retention requirements by providing a certified survey of the property or their occupational license will be revoked, seconded by Commissioner Schmitt.*

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

11. RESOLUTION 2004-R-18, AMENDING THE PERSONNEL RULES AND REGULATIONS

Mr. Forte stated that the proposed changes have been reviewed by all three Unions and the Civil Service Board.

*Commissioner Via moved to **APPROVE** Resolution 2004-R-18, seconded by Commissioner Schmitt.*

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

12. BIDS FOR REPLACEMENT OF LIFT STATION NUMBER 18

Mr. Forte and Mr. Hallman explained that two bids were received for this project and they are recommending the low bidder, who came in at \$22,000 less than the engineers estimate and money is available in the Renewal and Replacement fund of the current year's budget.

*Commissioner Byrnes moved to **APPROVE** awarding the contract to Municipal Contracting to replace Lift Station Number 18 for \$138,000, seconded by Commissioner Via.*

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

13. FY 2003/2004 SIDEWALK CONSTRUCTION

Mr. Forte and Mr. Hallman explained that they have negotiated with the low bidder for Ormond Beach's sidewalk construction RFP. This cost is actually lower than last year's.

*Commissioner Via moved to **APPROVE** awarding the FY 03/04 Sidewalk Construction Contract to Municipal Contracting for an amount not to exceed \$60,000, through a piggy back of the Ormond Beach bid, seconded by Commissioner Schmitt.*

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

14. 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 Via stated that *Antiques on the Avenue* was a great event - it was not big but it was very effective. He thanked the Commission for sending him to the Leadership Florida training seminar – you always see that Holly Hill is ahead of the curve when you interact with various other cities at these conferences. Commissioner Via stated that it is good for the City that Mayor Arthur will complete his term, though its bad for the County that he won't run for that seat. Commissioner Via referred to the Florida Hometown Democracy referendum, which he strongly opposes. He stated that this is a really bad idea and taxes would have to be raised to make up the difference, if this passes.

Commissioner Byrnes stated that he views this differently than Commissioner Via and indicated that he supports the Florida Hometown Democracy referendum because it will favor the residents who own the properties they live in. He agreed that *Antiques on the Avenue* was great. Commissioner Byrnes inquired if there was any limit to the number of times each year they could apply for an FDOT permit to hang a banner across US1. There is no limit, so we can do this for as many events as we have to advertise.

Commissioner Blais stated that he had attended an opening for the Three Oak Nursery (formerly Wittbold's); there were many improvements to the site and more to come – including the part you can see from LPGA. He explained that he had sprained his ankle this past weekend while performing a military funeral. Commissioner Blais noted that his recent visits to other cities in the area have made him appreciate the layout that our forefathers chose for Holly Hill.

Commissioner Schmitt congratulated Commissioner Via on his career move and wished him the best of luck. He also shared his experience from the *Walk to Emmaus* that he did last weekend; this is a four day retreat and he encouraged anyone who is given the opportunity to attend.

Mayor Arthur thanked everyone for coming and closed the meeting for the Workshop.

15. ADJOURNMENT TO WORKSHOP

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

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Attest:

City of Holly Hill, Florida

Jeaneen P. Clauss, CMC
City Clerk

William D. Arthur
Mayor