M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
May 11, 1999

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at 7:30 p.m. Present were Mayor Arthur, Commissioners Arthur Byrnes, J. D. Mellette, Shirley Heyman, and Roland Via.

Also attending were City Manager, Don Lusk; City Attorney, Ed Simpson; Public Works Director, Milt Hallman; Police Chief, Larry Walker; Economic Development Director, Ira Corliss; Chief Building Official, Tim Harbuck; Personnel Director, Diane England; and City Planner, Bob Keeth.

2. INVOCATION

The Economic Development Director, Ira Corliss, delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. The Mayor read a Proclamation naming May 16-22, 1999 as Emergency Medical Services Week.

B. Mayor Arthur read a Proclamation naming May 22-28, 1999 as Safe Boating Week.

5. CONSENT AGENDA

A. Purchase by Police Dept. – Expenditure of Law Enforcement Trust Fund Money in the purchase of two tactical vests at a cost of $1,732.00

*Commissioner Mellette moved **APPROVAL** of the consent agenda, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Mellette, yes, Via, yes, Heyman, yes, Byrnes, yes, Arthur, yes.

6. AUDIENCE PARTICIPATION

Mr. Bill Wathen, 1000 Walker Street, Holly Forest Estates, addressed the Commission indicating he understood Commissioner Heyman wanted to open a business in his neighborhood. Commissioner Heyman indicated she had withdrawn her request because she did not want to offend anyone. Mr. Wathen indicated that was all he and his neighbors needed to know. Mr. Keith Tarrer, President of the Home Owners' Association for Holly Forest Estates, thanked Commissioner Heyman for withdrawing her request. Ms. Marion Williams addressed Commissioner Heyman concerning correspondence she had received from Commissioner Heyman. A satisfactory discussion to both parties occurred.

7. SECOND READING, PUBLIC HEARING, ORDINANCE NO. 2561, AMENDING THE LAND DEVELOPMENT REGULATIONS TO PERMIT SCHOOLS AS A SPECIAL EXCEPTION IN THE B-4 ZONING DISTRICT SUBJECT TO CERTAIN CONDITIONS.

City Attorney Edward Simpson read **ORDINANCE NUMBER 2561** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, TO PERMIT SCHOOLS AS A SPECIAL EXCEPTION IN THE B-4 ZONING DISTRICT SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; REPLACING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Via moved ***APPROVAL*** *of Ordinance Number 2561 on second reading, seconded by Commissioner Mellette.*

Commissioner Byrnes questioned whether the parking requirements had been changed upon first reading? Mr. Keeth, City Planner, reported discussion had occurred; however, the ordinance had passed as presented. Such an amendment could occur on second reading. Mr. Keeth called the Commissioner's attention to an alternative listed under paragraph number two on page two of the ordinance also noting that the ordinance provided that the Commission had the option of varying from any requirements when a different approach would accomplish the intended purpose of the ordinance. The planner recommended striking Alternative Two, which addressed setbacks and buffers, the requirements of Section 8.2, and schools as a commercial use. Discussion turned to the issue of the number of required parking spaces for an elementary school. Commissioner Byrnes objected to the requirement for elementary schools to have five parking spaces for each student classroom, plus one parking space for each employee. The Commissioners and staff engaged in detailed discussion in this regard.

Commissioner Via moved to amend his original motion thereby requiring under Section Two, Item Number Three "A", Sub-Paragraph Number 1) be amended to read three parking spaces rather than five parking spaces for each elementary school student classroom and to delete "Alternate 2" within Item Number Two of Section Three. Commissioner Mellette accepted and seconded the amendment.

As a result of the Public Hearing, Attorney Walter Foster, 315 S. Palmetto Ave., addressed the Commission. Attorney Foster expressed concern regarding the traffic impact relative to U.S. 1 because the B-4 Zoning District impacted U.S. 1. Attorney Foster questioned if traffic studies had been conducted regarding the possibility of allowing special exceptions for schools in the B-4 District on U.S. 1? The City Manager indicated the Commission would always have the ability under special exceptions to require schools to address such traffic concerns and to pay for flashing lights, etc. it was noted that the FDOT would become involved and the school would pay such costs, not the city. The City Attorney indicated that State Law would govern traffic control devices on any public right of way. The Ordinance before the Commission was a zoning issue, which addressed a matter of use.

The motion to **APPROVE** Ordinance Number 2561, as amended **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

8. SPECIAL EXCEPTION REQUEST – TRINITY LUTHERAN CHURCH TO OPERATE A SCHOOL AT 1205 RIDGEWOOD AVE.

Attorney Walter Foster addressed the Commission requesting the City Clerk provide proof of property notice. Mr. Harbuck, Chief Bldg. Official, provided notice of a prior notification; however, Attorney Foster insisted that he and his client were unaware of any notice concerning the present evening's meeting having been given. The City Attorney and the Chief Bldg. Official left the room to discuss the issue. The City Manager recommended the remaining agenda items be addressed in the interim. (This item was completed after agenda item number thirteen.)

9. FIRST READING, ORDINANCE NUMBER 2563, ANNEXING BY VOLUNTARY PETITION, PROPERTIES LOCATED CONTIGIOUS TO THE CITY OF HOLLY HILL, OWNED BY DONALD L. CARTER, LOCATED AT 1480 NORTH NOVA ROAD.

The City Manager read **ORDINANCE NUMBER 2563** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, ANNEXING BY VOLUNTARY PETITION PROPERTIES LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL, OWNED BY DONALD L. CARTER; REDEFINING THE BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; ESTABLISHING COMPLIANCE WITH FLORIDA STATUTES, 171.044; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF CIRCUIT COURT IN AND FOR VOLUSIA COUNTY, FLORIDA, THE DEPARTMENT OF STATE, STATE OF FLORIDA, AND WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ira Corliss, Economic Development Director, addressed the Commission reporting concerning the location of the property and indicating the property was located at 1480 N. Nova Road, just north of U.S. Rentals. A business, K & L Mulch, presently held a lease at the location.
*Commissioner Mellette moved **APPOVAL** of Ordinance Number 2563, seconded by Commissioner Via.*

The motion to **APPROVE** Ordinance Number 2563 on first reading, **CARRIED** 5-0 on the following roll call: Mellette, yes; Via, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

10. ORDINANCE NO. 2564, AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, REDUCING THE MINIMUM LOT FRONTAGE AND AREA REQUIREMENTS FOR NES AND USED CAR SALES LOTS.

The City Manager recommended awaiting the return of the City Attorney and Building Official for consideration of this agenda item.

11. RESOLUTION NUMBER 99-R-15, A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA SUPPORTING ONE TELEPHONE AREA CODE FOR VOLUSIA COUNTY.

The City Manager read 99-R-15 by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, SUPPORTING ONE TELEPHONE AREA CODE FOR VOLUSIA COUNTY; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved **APPROVAL** of 99-R-15, seconded by Commissioner Mellette.*

Commissioner Byrnes reported the need for so many different area codes was technically unnecessary; however, cellular phone companies had not wanted separate area codes for cellular phones and faxes, etc. Commissioner Byrnes believed it would not be very long before ten digit dialing would be required to telephone your next door neighbor. The City Manager reported the phone company had informed him that one area code could handle eight million telephone numbers. Mayor Arthur reported that with enough support requesting one new area code designated for and assigned to Volusia County, perhaps Volusia Count could avoid ten digits.

The motion to **APPROVE** 99-R-15, **CARRIED** 5-0 on the following roll call: Byrnes, yes; Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.

12. SPECIAL EXCEPTION REQUEST – EASY DOES IT CLUB, NON-

PROFIT SERVICE ORGANIZATION LOCATED ON 787 CENTER AVE., UNITS C AND D. The City Manager requested this item be addressed upon the return of the City Attorney and Chief Building Official.

13. COMMUNICATIONS FROM CITY MANAGER:

The City Manager reported he had an "add on" for the agenda and handed out paperwork and schematic drawings concerning the swimming pool project reporting he was fast and tracking the project. The Manager requested the Commission approve the plan and let the architect, within his present contract, design the locker rooms, the decking and the pool house and to contract directly with Parker Mynchenberg & Associates for other specific aspects of the project in order to expedite completion. The two projects would flow together and have the same type roofs.

Commissioner Heyman moved approval of the plan and schematic drawings, and to let the architect, under his existing contract, design the locker rooms, the decking, and the pool house concerning the swimming pool project, seconded by Commissioner Mellette.

The motion to approve the fast track plans and for the architect to proceed under his present contract concerning the swimming pool project, **CARRIED**, 5-0 on the following roll call: Heyman, yes; Mellette, yes; Via, yes: Byrnes, yes; Arthur, yes.

The City Manager reported Hall Construction had a 15% overhead profit and removing Hall Construction from the pool project would eliminate this cost. However, the plans and drawings needed to be prepared. For a sum not to exceed $3,500.00 Parker Mynchenberg and Associates would prepare the design work for the pool and obtain the necessary permits. This would come off what the city would have paid the architect. The pool had to be tied in with the gymnasium and the Mychenberg engineering firm had worked with Hall in the past. A pool company would charge more. The design would then be presented for quotes. The manager indicated he wanted the contractor to work with specifications presented by the city rather than the pool contractor telling the city what the specs would be.

Commissioner Heyman moved APPROVAL to utilize Parker Mychenberg as set forth by the City Manager for the swimming pool project, seconded by Commissioner Byrnes.

The motion to approve utilizing Parker Mynchenberg as set forth by the City Manager regarding the pool project, **CARRIED**, 5-0 on the following roll call: Heyman, yes; Byrnes, yes; Mellette, yes; Via , yes; Arthur, yes.

8. SPECIAL EXCEPTION REQUEST – TRINITY LUTERAN CHURCH TO OPERATE A SCHOOL AT 1205 RIDGEWOOD AVE. (Continued from earlier in the meeting.)

The City Attorney and Chief Bldg. Official returned. The City Attorney reported he had reviewed the ordinance requirements and the notices sent by the applicant and it had been determined that the notice, which had been sent by the applicant, was not adequate for the Commission to consider the special exception request presently. Upon the applicant sending out a new and proper notice, the issue would be placed on a future agenda for the Commission's consideration.

Commissioner Mellette moved to TABLE consideration of the special exception request by Trinity Lutheran Church to operate a school at 1205 Ridgewood Ave., seconded by Commissioner Heyman.

The motion to table the special exception request by Trinity Lutheran Church, **CARRIED**, 5-0 on the following roll call: Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

10. ORDINANCE NO. 2564, AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, REDUCING THE MINIMUM LOT FRONTAGE AND AREA REQUIREMENTS FOR NEW AND USED SALES LOTS.

The City Attorney read Ordinance No. 2564 by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, REDUCING THE MINIMUM LOT FRONTAGE AND AREA REQUIREMENTS FOR NEW AND USED CAR LOTS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Via moved APPROVAL of Ordinance NO. 2564 on first reading, seconded by Commissioner Mellette.

Commissioner Byrnes indicated he would prefer a motion to table because the ordinance seemed to be missing a requirement stating the maximum number of cars a lot could hold per square footage. Each vehicle should require a specific number of square feet. Mr. Keeth, City Planner, confirmed that currently the city had no sq. footage requirements in this regard. The Commissioners discussed various manners by which to approach the problem. The City Attorney recommended the ordinance be tabled until specific criteria could be added due to the need for the issues under discussion causing an amendment to short title of the ordinance.

Commissioner Via withdrew his motion and Commissioner Mellette accepted and withdrew his seconded.

Commissioner Byrnes moved to TABLE Ordinance No. 2564 until after the next workshop. Commissioner Heyman seconded the motion.

The motion to **TABLE** Ordinance NO. 2564 **CARRIED** 5-0 on the following roll call: Byrnes, yes; Heyman, yes; Mellette, yes; Via, yes; Arthur, yes.

12. SPECIAL EXCEPTION REQUEST – EASY DOES IT CLUB, NON-PROFIT SERVICE ORGANIZATION LOCATED ON 787 CENTER AVENUE, UNITS C & D (This item was continued from earlier in the meeting.)

A letter was read into the record from Mary Keenan, 530 8th Street, in response to receipt of a Neighborhood Notification Letter", hereby appended. Mr. Harbuck reported that the organization making the request was a twelve-step program for recovering alcoholics. There were six conditions involved in the special exception and staff had determined the request met the six conditions. There would not be any loitering because all activities occurred inside and ample parking existed.

Mr. Don Wiggins, 672 8th Street, addressed the Commission indicating that the club would interfere with evening hours in the neighborhood. The club would have night meetings and activities concerning parking in the evening. A city building on Daytona Avenue could be leased rather than adding disturbing evening activities to the existing neighborhood. The City Attorney reported that special exceptions could be granted for limited time periods. A resident of 535 8th Street spoke against any club in his neighborhood that wold meet from early in the morning until late at night. A resident of 808 May Avenue spoke in opposition to the club located within the neighborhood indicating he had driven by the presently existing club in the evening hours and had found cars parked everywhere and people sitting outside. Some who could not drive were known to walk the neighborhood or ride bikes. A representative, and board member, of the Easy Does It Club indicated the club had operated on Nova Road within Holly Hill for the past two years and before that for five years on Ridgewood Avenue within Holly Hill and no problems arose when there were meetings in place. Meetings occurred five times each day and the least attended meetings were the evening meetings. The move offered the club the opportunity to own the new building. A resident of 533 8th Street echoed opposition to the club being located in his neighborhood and questioned if any members of the club were court ordered to attend? The representative of the Easy Does IT Club indicated he did not know the answer to the question. The Mayor indicated he thought the club was a great organization; however, it appeared that the neighborhood where the club wished to relocate was not the best location. A resident of 1000 Walker Street expressed the opinion that although the organization did much good, it did not appear to belong in a residential neighborhood. Commissioner Via expressed the hope that the City's Economic Development Director could assist the organization in finding a suitable location. Commissioner Byrnes reported the decision was one of the toughest in a while indicating he knew the club provided a meaningful service to the community.

Commissioner Mellette moved to DENY the request for special exception for the Easy Does It Club to be located on 787 Center Avenue due to the request being inconsistent with the purpose and intent of the neighborhood's zoning, seconded by Commissioner Via.

The motion to deny the special exception request for the Easy Does It Club **CARRIED** 5-0 on the following roll call: Mellette, yes; Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

13. COMMUNICATIONS FROM CITY MANAGER: (Continued from earlier in the meeting.)

The City Manager reported his secretary was having some problems and was away further requesting the Commissioners take correspondence they needed typed to Kim Cline and that they be aware that a copy would be made because everything was public record. Also, he would be away Wednesday, Thursday and Friday at a City Manager's Association Meeting. The City Manager invited the Commissioners to look at the new street vacuum that was parked by the rear entrance to the building.

14. CITY ATTORNEY

The City Attorney indicated he had nothing further to report.

15. COMMUNICATIONS FROM MAYOR & COMMISSION

Via – commended the Public Services Director on a bridge project and spoke in opposition to a gas tax increase.

Byrnes – spoke in opposition to a gas tax increase and questioned the wisdom in the funding of a 44 million dollar justice center and a 48 million dollar airport when money, other than from gas tax, was needed to fund roads.

16. ADJOURNMENT

The meeting officially adjourned at approximately 9:20 p. m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

JEANEEN P. CLAUSS, CITY CLERK