# M I N U T E S
# REGULAR COMMISSION MEETING
# CITY OF HOLLY HILL, FLORIDA
# JUNE 24, 2003

## 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, Paul Lockeby, Lou Schmitt and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Building Official Tim Harbuck, City Planner Bob Keeth, Human Resource Director Diane Cole, Public Safety Director Don Shinnamon, and City Clerk Jeaneen Clauss.

### B. Invocation

Mr. Hallman delivered the invocation.

### C. Pledge of Allegiance to the Flag

## 2. PRESENTATIONS & PROCLAMATIONS

Commissioner Via stated that the Holly Hill All Stars are playing in the play-offs and they could go to Finals tomorrow, if they win tonight.

## 3. CONSENT AGENDA
**Minutes of Regular Commission Meeting – June 10, 2003**
**Minutes of Commission Workshop – June 10, 2003**
**Report of Purchase Orders Over $5,000**

- **Volusia County (Fuel) $5,122.90**
- **Tractor Depot $2,970 + trade-in**
- **Hawkins & Hall Architects (Gym A/C)**

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

The motion **CARRIED** 5-0 on roll call: Via – yes, Byrnes – yes, Schmitt – yes, Lockeby – 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 website is coming along at no cost.

Commissioner Via indicated that he would have a few things to discuss on the Water Entity at the Workshop tonight. Mayor Arthur complimented him on his representation of the City on this Board.

Commissioner Byrnes reminded everyone that the Volusia League of Cities dinner is this Thursday here in Holly Hill. This will give us a chance to show-off our City again.

Commissioner Lockeby stated that Volusia Council of Governments is planning a joke on Mayor Arthur for the League dinner. VCOG approved their budget. The EMS / Fire study has resulted in them pooling a list from the junior college for potential hires.

Mayor Arthur advised that the Metropolitan Planning Organization passed the resolution that is on their agenda tonight supporting heightened accountability and performance measurements for DOTs. This same resolution will considered by the Volusia League of Cities on Thursday.

**5. AUDIENCE PARTICIPATION**
**Regarding items not on the agenda.**

Gena Plante, 623 Daytona Avenue, asked that the Commission consider paint color regulations, given the controversial painting of the home and Assisted Living Facility (ALF) at the corners of Seventh Street and Daytona Avenue. The Commission indicated they were not inclined to regulate colors but referred to the requirement that ALFs blend into the neighborhood and asked Staff to look into that.

Susan Johnson, 706 Avondale, stated that she lives behind the ALF under discussion and there are a number of things going on there which are causing a major neighborhood disturbance. She stated that they are housing mentally challenged individuals in the ALF and some of the adjacent homes owned by the same family and that these individuals are not receiving adequate care or supervision. They work on the property mowing the lawn and moving furniture and they have vomit contests in the backyard. She checked with the State and found they are only registered for eight individuals, though the City shows they can have thirteen – and they currently house eleven. Also, many construction jobs have been performed without a building permit.

Lisa Daggert, 700 Daytona Avenue, stated that she works at the facility and is a member of the family who owns these properties. She stated there are no residents living anywhere but the ALF and that they are all well-mannered, not mentally challenged. She stated she is licensed for thirteen individuals. They receive annual inspections from the State.

Ms. Johnson stated that she has complained to the State many times but they require a large number of complaints before they look into an allegation and their record keeping has been very poor, so they don’t even show the ones she has made herself. The Commission instructed Staff to follow-up with the State on this issue and to insure all City Codes are being upheld.

Boy Scout Troop 405 was present tonight as part of earning their citizenship and community merit badge.

**6. RESOLUTION 2003-R-33, BEAUTIFICATION ADVISORY BOARD APPOINTMENTS**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER AND AN ALTERNATE TO THE BEAUTIFICATION ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES; AND PROVIDING AN EFFECTIVE DATE.**

The Commission reviewed the three applications before them from Brenda Carter, Donna Abbott, and Phyllis Bashaw. The resolution was prepared for the appointment of two positions on this Board. The third vacancy currently existing will be considered at another meeting.

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-33 appointing Donna Abbott as the District 4 regular member and Phyllis Bashaw as an alternate, seconded by Commissioner Via.*

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

**7. RESOLUTION 2003-R-34, PAL / RECREATION BOARD APPOINTMENT**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING AN ALTERNATE TO THE PAL/RECREATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATE; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2003-R-32 appointing Tanya Hull as an alternate on the PAL / Recreation Board, seconded by Commissioner Byrnes.*

Commissioner Via complimented the involvement of Tanya Hull in the youth recreation programs.

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

**8. FIRST READING OF ORDINANCE 2659, REZONING REQUEST FROM BUD SEVERINO FOR PROPERTY LOCATED AT THE CORNER OF 8TH STREET AND HOLLY AVENUE FROM COUNTY RESIDENTIAL-7 TO CITY INDUSTRIAL PLANNED UNIT DEVELOPMENT**

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 7.35 ACRES, LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF EIGHTH STREET AND HOLLY STREET, FROM R-7, MULTI-FAMILY RESIDENTIAL CLASSIFICATION (VOLUSIA COUNTY), TO IPUD, INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT; 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.**

Mr. Keeth explained that a mistake in the transposition of the list of permitted uses in the current City Code has led to a request from Mr. Severino that the actual pages from the Code be incorporated into this document as an addendum. Second reading of this ordinance will be considerably delayed as the City works to rectify an issue with DCA regarding a school citing amendment to the Comprehensive Plan. DCA issued a requirement for all comprehensive plans to be amended to address this issue in 1999. Mr. Keeth apologized to the Commission and Mr. Severino, stating that he reviewed this and felt that the City's Plan adequately met that requirement. Commissioner Byrnes expressed his disturbance over this second delay for Mr. Severino in "the business friendly city" (the first being caused because they did not advertise for and hold a hearing with the designated Local Planning Agency). The Commission apologized to Mr. Severino for this.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2659 to include incorporating the list of permitted uses in the current City Code as an addendum, seconded by Commissioner Byrnes.*

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

## 9. VARIANCE REQUEST – 1517 NOVA ROAD

Mr. Keeth recommended approval of this request, as did the Planning and Appeals Board, and suggested a future ordinance granting this to everyone. The applicant, Joe Hardage, indicated this project would be completed in approximately four months.

*Commissioner Via moved to **APPROVE** the variance request for an eleven foot perimeter set-back, in lieu of the required thirty feet at 1517 Nova Road, seconded by Commissioner Lockeby.*

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

## 10. REVIEW OF AGRICULTURE PLANNED UNIT DEVELOPMENT AGREEMENT, 6TH STREET, APPROVED NOVEMBER 2001

Mr. Forte explained that this project has not developed as the applicant, Jim Wilson, told them it would. Mr. Forte stated that Staff attempts to work with Mr. Wilson have not brought about the desired result and the neighbors are very unhappy with the appearance and fire threat of this property. The Commission discussed this at length, indicating that a timeline similar to the ones they had laid out for other projects would be appropriate in this circumstance.

Kathy Ajamian, 612 Center Lance, expressed her strong concern about the large piles of lumber sitting very near her home and stated there were children playing with firecrackers on this property – this combination presents a high potential for fire. Laurie Metts, 616 Center Lane expressed concern about the ditch there. Donna Erickson, 652 Sixth Street, stated that she loves her area and wants the Commission to come to an equitable timeframe to allow Mr. Wilson to complete his vineyard project, which is far better than many other things they had feared would be placed there. Mr. Wilson apologized for the delay and stated that he has run into numerous problems with the soil. He is willing to work with Staff to lay out a completion timeline.

*Commissioner Via moved to **APPROVE** authorizing Staff develop a timeline with a priority on removing the piles of lumber and bring it back to the Commission for approval, seconded by Commissioner Byrnes.*

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

## 11. REVIEW OF ASTON GREEN SUBDIVISION DEVELOPMENT ORDER / PLAT, 8TH STREET, APPROVED AUGUST 2001

Local Developer William Meesik, requested that the Commission issue final approval on this plan which was initially approved in August 2001. The previous owner did not proceed with the project but he, as the current owner, is ready to proceed immediately and has the funding available to do so. There was some discussion as to whether this should be re-approved or simply extended because the City Code provides for the Commission to approve six-month extensions if a project is not begun after the first year. Due to the fact that it has been almost two years, a new approval is necessary.

*Commissioner Via moved to **APPROVE** the Aston Green Subdivision Development Order under the same conditions placed on August 28, 2001, seconded by Commissioner Lockeby.*

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

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Mr. Forte pointed-out the owners of TYL Construction as they were leaving. They recently won a national award for a project in Holly Hill.

**12. RESOLUTION 2003-R-35, VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 2003 CONFERENCE**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2003-R-35 appointing Mayor Arthur, seconded by Commissioner Byrnes.*

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

**13. RESOLUTION 2003-R-36, HEIGHTENED ACCOUNTABILITY AND PERFORMANCE MEASUREMENTS FOR DEPARTMENTS OF TRANSPORTATION**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, IN SUPPORT OF THE CONFERENCE OF MAYORS RESOLUTION FOR HEIGHTENED ACCOUNTABILITY AND PERFORMANCE MEASUREMENTS OF THE FLORIDA STATE DEPARTMENT OF TRANSPORTATION AND METROPOLITAN PLANNING ORGANIZATIONS IN REAUTHORIZATION OF THE TRANSPORTATION EQUITY ACT FOR THE 21$^{ST}$ CENTURY (TEA-21); CALLING UPON THE SUPPORT OF VOLUSIA COUNTY AND ITS INCORPORATED CITIES; REQUESTING A RESOLUTION OF SUPPORT FROM THE FLORIDA LEAGUE OF CITIES AT THE 2003 ANNUAL CONFERENCE; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-36, seconded by Commissioner Lockeby.*

Mayor Arthur stated that this is a very good resolution which was designed to address a problem that cities around the nation face, when Departments of Transportation come in and dictate the design, speed, etc… on highways running through them. The Conference of Mayors passed this earlier this month.

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

**14. RESOLUTION 2003-R-37, RATIFICATION OF THE L.I.U.N.A. UNION CONTRACT**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RATIFYING A THREE-YEAR CONTRACT WITH THE LIUNA, PUBLIC EMPLOYEES, LOCAL 678-AFL-CIO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-37, seconded by Commissioner Byrnes.*

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

**15 & 16. FIRST READING OF ORDINANCE 2663 AND FIRST READING OF ORDINANCE 2664, AUTHORIZING CERTAIN PROPOSED CHARTER AMENDMENTS TO BE SUBMITTED TO THE ELECTORS**

These two ordinances had to be discussed simultaneously, so the titles of each were read.

Mr. Simpson read by short title:

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE ELECTORS TO PROVIDE FOR THE POSITION OF MAYOR TO BE FILLED IN THE SAME MANNER AS THE COMMISSIONERS; PROVIDING FOR THE DELETION OF CERTAIN ELECTION CANVASSING REQUIREMENTS THAT HAVE BECOME TECHNOLOGICALLY OUTDATED; PROVIDING FOR THE UPDATE OF CERTAIN AREAS OF THE CHARTER THAT CONFLICT WITH THE REVISION ENACTED BY THE VOTERS IN 1997; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Simpson read by short title:

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE ELECTORS REGARDING THE DECREASING THE TERM OF THE MAYOR TO TWO-YEARS AND ELIMINATING THE TERM LIMIT; PROVIDING FOR THE DELETION OF CERTAIN ELECTION CANVASSING REQUIREMENTS THAT HAVE BECOME TECHNOLOGICALLY OUTDATED; PROVIDING FOR THE UPDATE OF CERTAIN AREAS OF THE CHARTER THAT CONFLICT WITH THE REVISION ENACTED BY THE VOTERS IN 1997; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte explained that the difference between these two ordinances is in regards to the term of the mayor and the filling of a vacancy of the mayor. Ordinance 2663 maintains the current mayoral term of four years with a two term limit and changes the current method of filling a mayoral vacancy to be the same as for a Commissioner's seat. Ordinance 2664 changes the mayor's term to two years with no term limit and maintains the current method of filling a mayoral vacancy by requiring the vice-mayor to forfeit his/her Commissioner's seat to fill the mayor's vacancy until the next election. Though no one on the Commission felt that term limits were in the best interest of the City, Commissioner Via stated that this question has been posed to the voters twice in five years and they have overwhelmingly supported term limits for the mayor's seat. Commissioner Byrnes disagreed with the core of this philosophy because he did not feel they ever wanted term limits on two year terms – only when they went to four years. He also felt that having the mayor's seat on the ballot at every general election would be very beneficial for voter turn-out. Over the last four years, the two general elections that the City has held yielded results of 9% voter turn-out without the mayor and 22% voter turn-out with the mayor. Commissioner Via inquired as to other factors that may have contributed to these percentages – this information was not on-hand for this meeting. Mayor Arthur did not like the idea of having the mayor's seat continuously running for office by reducing the terms to two years because he felt it was too unstable, but he agreed that would likely increase voter participation and supported it for that reason.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2663, seconded by Commissioner Schmitt.*

The motion **FAILED** 2-3 on roll call: Via – yes, Schmitt - yes, Lockeby – no, Byrnes – no, Arthur - no.

*Commissioner Byrnes moved to **APPROVE** the First Reading of Ordinance 2664, seconded by Commissioner Lockeby.*

The motion **CARRIED** 3-2 on roll call: Byrnes – yes, Lockeby – yes, Schmitt - no, Via – no, Arthur - yes.

There was some discussion that neither of these ordinances quite accomplished what they were looking for regarding the filling of a mayoral vacancy and the Commission indicated they did not want to lose either option at this time.

*Commissioner Byrnes moved to **RECONSIDER** Ordinance 2663, seconded by Commissioner Via.*

This item will be further discussed in the Workshop and re-considered at their next Commission Meeting.

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

## 17. FLORIDA EAST COAST RAILROAD CROSSING REHABILITATION AT 2ND STREET

*Commissioner Via moved to **APPROVE** the estimated amount of $50,960 for rebuilding the crossing of the FEC Railroad at 2nd Street, seconded by Commissioner Schmitt.*

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

## 18. LAW ENFORCEMENT TRUST FUND EXPENDITURE REQUEST

*Commissioner Via moved to **APPROVE** the expenditure of $1,400 from the City's Special Law Enforcement Trust Fund for the purchase of six trunk packs for the Crown Victoria vehicles, seconded by Commissioner Byrnes.*

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

## 19. COMMUNICATIONS

### A. City Manager

Mr. Forte advised that they are attempting to settle an insurance claim with Mr. Beck regarding a false arrest. He read a letter for Commission approval of this settlement. We are one of three government entities being sued and our settlement amount equates to $3,500.

*Commissioner Byrnes moved to **APPROVE** the Beck insurance settlement as read, seconded by Commissioner Lockeby.*

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

Mr. Forte advised that the Volusia League of Cities is gearing-up for Volusia Day 2004. This would be held March 23rd-25th. As they determine who will be placed on the committee, they are asking if we plan to participate. The City of Holly Hill did not participate last year because we didn't have anything on the platform for which to lobby. Without knowing what will be on next year's platform, it is hard to say – but they will say "yes" for now.

With an election forthcoming, Mr. Forte asked if the Commission wanted to address the political sign issue again. The last ordinance resulted in a tie vote primarily because the candidates opposed any changes being made in the middle of the campaign process. The Commission decided they would like to workshop this issue.

### B. City Attorney

Mr. Simpson indicated he had nothing further to report.

### C. Mayor and Commissioners

Commissioner Lockeby indicated he had nothing further to report.

Commissioner Schmitt indicated he had nothing further to report.

Commissioner Via stated that he will need a little time in the Workshop to address Water Entity issues.

Commissioner Byrnes stated that it was an interesting meeting for the Boys Scouts who attended tonight.

Mayor Arthur thanked everyone for coming.

## 20. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 10:05 p.m.

City of Holly Hill, Florida

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William D. Arthur
Mayor

Attest:

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Jeaneen P. Clauss, CMC
City Clerk