M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JUNE 26, 2001

1. CALL TO ORDER

A. Roll Call

Vice-Mayor Keith Tarrer called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Vice-Mayor Tarrer were Commissioners Arthur Byrnes, Paul Lockeby and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Emergency Services Director Don Shinnamon, Public Works Director Milt Hallman, Finance Director Brenda Gubernator, Development Code Administrator Tim Harbuck, Assistant to the City Manager Greg Wood, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

A. Certificates of Appreciation to Beautification Board Members

Vice-Mayor Tarrer presented Certificates of Appreciation to Beverly Krause, Madeline Daly, Susan Burcham, Rosetta Gadson, and Jack Driscoll. Barbara Drake was not present.

B. Proclamation Declaring July 1st, 2001 as Centennial Celebration Day

Vice-Mayor Tarrer read the proclamation to the audience.

C. Certificate of Recognition to Firefighter Randy Nowell for his Outstanding Performance in the Florida Firefighter Olympics

Vice-Mayor Tarrer presented a Certificate of Recognition to Mr. Nowell who has won honor and esteem for his outstanding performance which earned him silver medals in the 2, 5, and 10-mile road bike time trials and the 5K run and gold medals in the rope climb and the pull-ups competition. Mr. Nowell thanked the Commission for their recognition and gave them the framed medals for display wherever they deemed appropriate. This was the first time one of the City's Firefighters had such a victory at this Olympics.

D. Recognition of Holly Hill All Stars

Commissioner Via introduced the eleven-year-old Holly Hill All Stars, which are the first eleven-year-old team to ever represent the City at an outside game. They placed third in their regional tournament in the Babe Ruth / Cal Ripken League. Commissioner Via mentioned that the ten and twelve year olds placed fourth in their tournaments.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – May 22, 2001

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

The motion **CARRIED** 4-0 on the following roll call: Via – yes, Lockeby – yes, Byrnes – yes, Tarrer – yes.

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Bill Doherty, 1025 Great Oaks Drive, requested a traffic light at Tenth Street and Nova Road. However, a traffic study was conducted by the Department of Transportation and showed that this intersection did not warrant it, so they would not pay for the installation. They did recommend blocking-off the road to allow only right turns and DOT paid for that. The City would have to expend $200,000 to have a traffic light at this intersection.

5. PUBLIC HEARING
DETERMINATION OF NUISANCE AT 1236 DAYTONA AVENUE

Vice-Mayor Tarrer opened the public hearing. Mr. Harbuck presented this case before the Commission. He stated that this structure and property is abandoned, unsecured, and is an attractive nuisance. Break-ins by undesirables may occur, the property is unkempt with over grown grass and weeds, junk and debris scattered about, the house is full of cluttered debris creating a fire hazard. The structure is in need of repair and paint. These conditions are in violation of the International Property Maintenance Code, Chapters 1 through 7 and the Holly Hill Code of Ordinances, Article III, Sanitary Nuisances, Section 26-61 (1)(2)(3)(4). The City has liens on the property for the times they have had to mow the yard. When an owner neglects to maintain their property, the City has the right to act in place of the owner and bring the property into compliance with applicable Codes – placing a lien on the property for the cost of such. The owner of the property, Karen Neill, 1309 Ariel Drive - Daytona Beach, attended and requested more time to clean-up her property. She stated that she is trying to clean it up and sell it as quickly as possible. Vice-Mayor Tarrer closed the public hearing.

*Commissioner Via moved to **APPROVE** finding a public nuisance at 1236 Daytona Avenue, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby – yes, Byrnes – yes, Tarrer – yes.

Commissioner Byrnes moved to ***APPROVE*** *allowing the property owner sixty (60) days to abate the fire hazard that exists and remove all the clutter from the premises, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Lockeby – yes, Via – yes, Tarrer – yes.

6. PUBLIC HEARING
DETERMINATION OF NUISANCE AT 1151 JARECKI AVENUE

Commissioner Tarrer opened the public hearing. Mr. Harbuck presented this case before the Commission. He stated that this structure and property is abandoned, dilapidated, structurally unsound and a hazard to surrounding property owners. These conditions are in violation of the Property Maintenance Code, Ordinance No. 2527 and the City of Holly Hill Code of Ordinances, Article III, Sanitary Nuisances, Section 26-61 (1)(2)(3)(4). Staff recommends demolition of the structure. Two of the three brothers that own this property were present, Rufus and Arthur Harper, and asked the Commission to allow them six months to fix the structure. Glenn Storch, of Storch, Hansen, and Morse Law Firm, spoke as a member of the audience and suggested the Commission allow the owners thirty days to either demolish the structure themselves or to produce a signed contract with a building permit and a schedule. Sue Burcham, 1562 Tuscaloosa, suggested County grant assistance programs be explored. Vice-Mayor Tarrer closed the public hearing.

Commissioner Via moved to ***APPROVE*** *finding a public nuisance at 1151 Jarecki Avenue, seconded by Commissioner Byrnes.*

The motion **CARRIED** 3-1 on roll call: Via – yes, Byrnes – yes, Lockeby – no, Tarrer – yes.

Commissioner Lockeby moved to ***APPROVE*** *allowing the property owner six (6) months to either bring the property up to Code or demolish it, seconded by Commissioner Via.*

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

Commissioner Byrnes moved to ***APPROVE*** *allowing the property owner until July 24th, 2001 to either demolish the property or have a signed contract with a building permit and a schedule, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Via – yes, Lockeby – yes, Tarrer – yes.

7. FINAL PLAN REVIEW & DEVELOPMENT ORDER FOR GREAT OAKS II

Mr. Harbuck stated that the Applicant is requesting a final plan review and development order for Great Oaks II, for a forty unit multi-family development. The location will be the undeveloped property located between 10th and 11th Street, one block east of Nova Road. The Planning Board recommends approval by a three to two vote.

The attorney for the Applicant, Glenn Storch, of Storch, Hansen, and Morse Law Firm, showed the Commission the proposed site plan. By approving this agenda item, the builder would be bound by the details of this site plan for a twenty-unit development. The zoning of this property would allow for twice that density. Builder Vince Visconi, 3 Crooked Trail, Ormond Beach, was present for any questions as was Project Manager Sam Maryland.

Several residents of Great Oaks I attended the meeting to voice opposition to this development. Those who spoke were as follows:

Linda Brumette, 1013 Great Oaks Drive
Rod Brown, 1030 Great Oaks Drive
Bill Doherty, 1025 Great Oaks Drive
Joan Konic, 1023 Great Oaks Drive

They anticipated Great Oaks II as being the same type of development that they currently have – single-family, individual homes. Quadruplex units are planned for this development, which are still considered single-family residences. They expressed concern over the upkeep of the property. This was resolved to satisfaction because there will be a Homeowners Association. They expressed concern about the retention pond for safety reasons. This was resolved to satisfaction when Mr. Storch offered on behalf of his client to put a landscape buffer between Great Oaks II and the retention pond.

*Commissioner Via moved to **APPROVE** the Final Plan Review and Development Order for Great Oaks II, contingent upon approval from St. Johns Water Management District and an agreement being reached with the Homeowners Association for use of the retention pond, and a landscape buffer being placed between Great Oaks II and the retention pond, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby – yes, Tarrer – yes.

8. VARIANCE REQUEST – 413 RIVERSIDE DRIVE (JOHANNE HAAS)

Mr. Harbuck advised that the applicant is requesting a variance to construct a patio cover with a twenty-five foot front yard setback in lieu of the required thirty-five foot setback. This would be a relief of ten feet. He said this property is irregular in that it basically has two front yards. This patio cover would be an attractive addition to the property and is unanimously recommended by the Planning Board.

*Commissioner Byrnes moved to **APPROVE** the variance requested to construct a patio cover with a twenty-five foot front yard setback in lieu of the required thirty-five foot setback, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Via – yes, Lockeby – yes, Tarrer – yes.

9. FINAL DOCUMENTS FOR WASTEWATER SYSTEM REHABILITATION

Mr. Hallman advised that the Wastewater System Rehabilitation Project is completed. Our original application to the Florida Department of Environmental Protection State Revolving

Loan was $2,706,300. We have completed the entire project and the final combined project cost was $2,286,261. Our original loan for the entire project and all attendant cost was $2,706,300. We completed the project with a savings of $420,039. We recommend the project be finalized indicating all attendant cost resulting in a final disbursement request for the Florida Department of Environmental Protection State Revolving Loan for $103,843.

*Commissioner Via moved to **APPROVE** the final project estimate and submit disbursement request for the Florida Department of Environmental Protection State Revolving Loan for $103,843, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby – yes, Byrnes – yes, Tarrer – yes.

10. THAD CONSTRUCTION COMPANY'S FINAL ESTIMATE & FINAL PAYMENT

Mr. Hallman advised that we have received the assurance from Thad Construction Company's Insurance Company that the City is insured and held harmless as stipulated in the construction contract documents. Thad Construction has two outstanding insurance claims by two of the adjacent property owners. The original construction contract was for $224,395. The final estimate is for $194,488.08, indicating a savings of $49,506.92.

There was discussion as to whether this claim will receive proper attention if the City removes itself from the loop. The attorneys for the City have stated that, in accordance with their service contract, the City has no cause for withholding payment.

*Commissioner Byrnes moved to **TABLE** this item for two weeks, seconded by Commissioner Lockeby.*

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

*Commissioner Lockeby moved to **APPROVE** the final payment to Thad Construction Company, Inc., as reflected in the final pay estimate, contingent upon receiving a letter of indemnity from the contractor, seconded by Commissioner Via.*

The motion **CARRIED** 3-1 on roll call: Lockeby – yes, Via – yes, Byrnes – no, Tarrer – yes.

11. FIRST READING OF ORDINANCE 2612, CREATING AN INTERLOCAL CANINE RECREATION CLUB

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ESTABLISHING AN INTERLOCAL CANINE RECREATION CLUB; PROVIDING FOR MEMBERS, TERMS, AND RESPONSIBILITIES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2612, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby – yes, Tarrer – yes.

12. RESOLUTION 2001-R-36, APPOINTING A VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES ANNUAL 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.

Vice-Mayor Tarrer recommended Commissioner Lockeby serve in this capacity for this year.

*Commissioner Byrnes moved to **APPROVE** Resolution 2001-R-36 designating Commissioner Paul Lockeby as their voting representative at this Conference, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Via – yes, Lockeby – yes, Tarrer – yes.

13. COMMUNICATIONS

A. City Manager

Mr. Forte utilized the overhead projector to show the Commission the plaque that had been prepared with their names on it to commemorate the City's 100th Anniversary. They all agreed that his name should be added to it, as well.

Mr. Forte gave a run-down of the antique car parade. The Commission will ride in the Tauruses and there will be several other City vehicles in the parade.

Mr. Forte asked the Commission in which direction they would like the City Seal on the Jarecki Avenue water tower to face. They decided it should face Ridgewood Avenue.

Mr. Forte asked the Commission when they would like to re-schedule the Holly Hill Centennial Celebratory Cubs Game and gave them the option of July 2nd or sometime later on in the year. They agreed on July 2nd.

Mr. Forte reminded the Commission of the Budget Workshop that is scheduled for Monday, July 9th. Commissioner Via asked the Commission to make the time 7:15, instead of 7:00 p.m. All agreed.

Mr. Forte distributed the Volusia League of Cities presentation outlines that Ms. Clauss prepared for each Commission member for the dinner this Thursday.

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Via noted that this is the last Commission meeting in the City's first one hundred years. Commissioner Via reiterated kudos to the All Stars and thanked Mr. Beach for his hard work – stating that they represented the City well. He stated how excited he is about the upcoming Centennial events and suggested they consider future events as well.
Commissioner Byrnes complimented the City employees for doing a wonderful decorating job.

Commissioner Lockeby agreed with all the comments expressed.

Vice-Mayor Tarrer stated that the Conference of Mayors was great. He thanked Mr. Forte and his staff for their work to prepare for the Centennial celebration. He sent best wishes to Mayor Arthur for a speedy recovery.

14. RECESS TO WORKSHOP

This meeting recessed for a workshop at approximately 10:15 p.m.

15. RE-CONVENE THE REGULAR CITY COMMISSION MEETING

This meeting re-convened at approximately 11:52 p.m.

16. LAND ACQUISITION FOR STORMWATER IMPROVEMENTS PROJECT

*Commissioner Via moved to **APPROVE** the purchase of the Indian Oakes project five acre property for ninety-nine thousand dollars, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby – yes, Byrnes – yes, Tarrer – yes.

*Commissioner Via moved to **APPROVE** the purchase of the Marlene Drive, Orange Avenue, and 4 Grove Street six point three acre property for two hundred thousand dollars contingent upon a thirty-day extension and a clean phase two environmental assessment, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby – yes, Tarrer – yes.

17. LINE OF CREDIT FOR STORMWATER IMPROVEMENTS

*Commissioner Via moved to **APPROVE** having staff prepare the documentation to proceed with the purchase of these properties, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby – yes, Tarrer – yes.

18. ADJOURNMENT

The meeting officially adjourned at approximately 12:00 a.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk