M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 22, 2000

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:02 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Keith Tarrer and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Assistant City Attorney Scott Simpson (who served for the second half of the meeting from approximately 8:00 p.m.), Public Works Director Milt Hallman, Public Works Manager Tim Miller, Economic Development Coordinator Ira Corliss, Code Development Administrator Tim Harbuck, City Planner Bob Keeth, Police Lt. Mark Barker, Recreation Director Chuck Beach, and City Clerk Jeaneen Clauss.

2. INVOCATION

Mr. Corliss delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation for American Public Transit Week

Mayor Arthur presented a proclamation to Ken Fisher, General Manager of Votran, declaring September 10th-16th, 2000 as American Public Transit Week.

B. Service Awards

Carol Collins	**Telecommunicator**	**20 Years**
Michael Junker	**Chief Wastewater Plant Operator**	**15 Years**

Mayor Arthur presented a Service Award to Carol Collins, who has served the City for 20 years as a telecommunicator. Mr. Junker, Chief Wastewater Plant Operator, was unable to attend the meeting but gratitude was expressed for his 15 years of service to the City.

C. Police and Fire Donation Presentation from Holly Forest Estates Homeowners Association President / City Commissioner Keith Tarrer and Board of Directors

Commissioner Tarrer introduced the Holly Forest Homeowners Association Board of Directors: Art Desautels, Vice-President; Lou Schmidt, Treasurer; and Lucy DeFlores, Chairman of the Entertainment & Food Committee. Mr. Schmidt presented checks for $1,000 to both Fire Lieutenant Donny Moore and Police Lieutenant Mark Barker. Mr. Schmidt commended

American Legion Post #120 for their $500 donation. Commissioner Tarrer stated that we have the finest police and fire departments in the State of Florida and they are very proud of them.

5. CONSENT AGENDA

A. Minutes of Commission Budget Workshops – July 19 & 20, 2000
B. Minutes of Regular Commission Meeting – July 25, 2000
C. Minutes of Commission Workshop – July 25, 2000

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

Motion **CARRIED** 5-0 on the following roll call: Via – yes, Lockeby – yes, Tarrer – yes, Byrnes – yes, Arthur – yes.

6. AUDIENCE PARTICIPATION

Mayor Arthur recognized Ms. Virginia Wine, former mayor, in the audience.

7. PUBLIC HEARING
FINDING A PUBLIC NUISANCE AT 721 RIDGEWOOD AVENUE

Mayor Arthur opened the Public Hearing, allowing Staff to give their presentation on this case. Mr. Forte began by explaining that this is the property known as Cottage Row, which used to be the Holly Hill Inn. This property has been going into a dilapidated state for some time with City Staff making numerous attempts to get the property owner to complete the project. Mr. Harbuck stated that the building permit for completion of this project was issued January 5th, 1998. Since that time, a little bit of work has been done and then none, and then a little more work and then none, with further deterioration occurring each time work stops. This has become a pattern with this site. Mr. Harbuck advised that since the time they put Mr. Loggins (property owner) on notice 30 days ago, he has made a cooperative, assertive effort to begin work on the project – making a vast improvement from the condition it was in at that time. The building permit lapsed after two years and Mr. Loggins has now paid to renew the permit. The two worst units, which were in the back, have been demolished and the work done so far has been first rate. However, Mr. Harbuck requested that they still declare this property a nuisance and place a time certain for completion. At the time they filed for the public hearing, the property was run down, it was inhabitable, there was graffiti on the windows, it was in need of mowing, construction materials were rotting, there was evidence that undesirables were hanging around it. It was in effect abandoned as no one was taking responsibility for the security or maintenance of the property.

Mr. Loggins stated that he felt he could complete the project within 90 to 120 days. He stated that labor has been very hard to find, quoting the News Journal statistics on the high employment rate. He stated that he had phone call documentation since February of his attempts to contact his contractor about this project – about 21 calls per month. The amount of work needed is far more than what he anticipated when he bought the property. Much work has been completed on the individual units recently and the parking lot has been re-surfaced. Mr. Loggins thanked Mr.

Harbuck, Mr. Corliss, and Mr. Forte for their assistance to him. He also complimented the Commission for their successful beautification along Ridgewood.

The Commission considered different alternatives for handling this case, as there has been an effort to complete the project. Mayor Arthur inquired as to whether they could declare it a nuisance, allow Mr. Loggins 120 days to finish, and fine him for each week thereafter that it takes for him to complete the work. Mr. Simpson stated that they do not have a provision in their ordinance for imposing a penalty. Mr. Simpson recommended that they not give a finding tonight that this is not a nuisance because if they later must re-address this than they will have a finding that they made that at this date it was not a nuisance. With that in mind, he recommended they choose one of two options: 1) declare it a nuisance and give the owner a period of time to remedy it or 2) continue this public hearing to a date certain at which time Mr. Harbuck appears either to tell them that it is done and that he is withdrawing his request that it be declared a public nuisance or to ask that they proceed with the hearing.

Commissioner Byrnes moved to give the owners 120 days to finish and to ***CONTINUE THE HEARING in 30 days / the second meeting of next month to receive a progress report****, seconded by Commissioner Tarrer.*

Commissioner Tarrer confirmed that they could declare it a nuisance in the meeting to which this is continued. Commissioner Via referred to three years and three months ago when Staff first stood before the Commission about this property. He indicated that he had reached the end of his patience with this.

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

8. SECOND READING OF ORDINANCE 2582, ANNEXING PROPERTY LOCATED ON THE WEST SIDE OF RIDGEWOOD AVENUE, NORTH OF CALLE GRANDE STREET

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 Tarrer moved ***APPROVAL*** *of the Second Reading of Ordinance 2582, seconded by Commissioner Via.*

Mr. Forte stated that this is the property for the proposed Publix.

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

9. SECOND READING OF ORDINANCE 2583, AMENDING THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF RIDGEWOOD AVENUE, NORTH OF CALLE GRANDE STREET

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 7.94 ACRES LOCATED ON THE WEST SIDE OF RIDGEWOOD AVENUE (S.R. 5) NORTH OF CALLE GRANDE STREET FROM URBAN MEDIUM DENSITY AND COMMERCIAL 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 **APPROVAL** of the second reading of Ordinance 2583, seconded by Commissioner Tarrer.*

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

10. FIRST READING OF ORDINANCE 2584, REZONING PROPERTY LOCATED ON THE WEST SIDE OF RIDGEWOOD AVENUE, NORTH OF CALLE GRANDE STREET FROM R-5, R-7, AND B-4 TO CC-1

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 7.94 ACRES LOCATED ON THE WEST SIDE OF RIDGEWOOD AVENUE (S.R. 5) NORTH OF CALLE GRANDE STREET FROM R-5 (COUNTY ZONING), R-7 (COUNTY ZONING) AND B-4 (COUNTY ZONING) TO CC-1; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Byrnes moved **APPROVAL** of the second reading of Ordinance 2584, seconded by Commissioner Via.*

Commissioner Via thanked the members of the audience who were facilitating this great business coming in.

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

11. VARIANCE REQUEST FOR PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREA

Mr. Keeth stated that this variance request involves property located at the corner of 15th Place and Moravia Avenue. It involves the parking of two beach concession wagons on the residential property. This has been occurring as far back as when the ordinance prohibiting it was adopted in 1995. There is a provision within the ordinance that allows the offender to apply for a variance if they meet certain criteria. Mr. Keeth stated that they do not meet all of the criteria. The Board of Planning and Appeals unanimously recommended that this be denied.

*Commissioner Tarrer moved to **DENY** the variance request, seconded by Commissioner Byrnes.*

Mark Reed, 140 15th Place, stated that he has lived in Holly Hill for six and a half years and that they selected Holly Hill because it was compatible with their family owned business and their need to park a commercial vehicle. He stated that he felt this variance was created for circumstances like his own and that he fit within the guidelines, with the exception of four feet in length and ten inches in height. He stated that though it may be possible to park some concessions almost anywhere, his requires electricity, water, adequate security, and to be within a reasonable distance of their beach location. He stated that he has spent many months trying to find a suitable alternative between $200-$300 per month and he has been unable to do so. He added that his neighbors have expressed support for his request. The Commission indicated that they felt that he kept a nice home and yard but a residential area was not the place for a commercial vehicle.

Ann Stifel, 130 15th Place, expressed strong disapproval of the variance request. She referred to how negatively this commercial vehicle affected the residential quality of life.

Virginia Wine, 104 15th Place, stated that when they looked around to buy their home it was on a Sunday – so she didn't know there was a beach wagon near their choice. When she checked the zoning, it is R-1 and you expect R-1 to be just that. She also stated that three of Mr. Reed's neighbors definitely do not like having this on their street and they were at the Planning Board meeting last week to state that.

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

Commissioner Via moved to ***GRANT 30 DAYS*** *for the vehicles to be relocated, seconded by Commissioner Byrnes.*

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

12. FIRST READING OF ORDINANCE 2585, AMENDING THE LAND USE AND DEVELOPMENT REGULATIONS TO ALLOW NEIGHBORHOOD RESIDENTIAL STORAGE IN MULTI-FAMILY RESIDENTIAL AREAS

Mr. Forte asked that this item be removed from the agenda and discussed at a workshop. All agreed, indicating it would not pass in its present form. Attorney Robert Riggio, who was there representing the applicant, the Carrot family trust, asked the Commission if they would prioritize this item for an upcoming workshop. The Commission agreed and requested this be included for the September workshop.

-----10 Minute Recess-----

13. VARIANCE REQUEST FOR ILLEGALLY CONSTRUCTED PATIO COVER AND CARPORT TO REMAIN IN PLACE

Mr. Forte explained that this is a property located on Flamingo Drive at which White Aluminum constructed a carport and patio overhang without a permit. They brought this to the attention of the building official who has cited them for doing the work, which was built infringing on the setback requirements. In an attempt to avoid having to tear down the structure, they applied for a variance, which would grant them relief of nineteen feet for the front yard setback. The Board of Planning and Appeals unanimously recommended approval of this variance, even though it does not meet any of the variance requirements to be approved.

Mr. Keeth explained that this house, like many others in the area, was built back in the 1950's – prior to adoption of the current code and doesn't meet setback requirements even without add-on structures. He stated that a carport was built in or about 1990 without a permit and did not comply with setback requirements at that time. This illegal carport was damaged in the storms last fall and an illegal replacement was built this year.

Fletcher Moody, manager of White Aluminum –1240 Herbert Street, Port Orange, stated that he has a survey, which shows that the carport existed on the house in 1959, and stated that they simply replaced what was previously there. To this, Mr. Keeth responded that the house had a carport originally but this one was built in front of the original. Mr. Moody stated that the materials that were used on the one that was damaged and he replaced have not been used since 1974. Mr. Moody also stated that he was here to try to help the elderly owner, Mary Ann Batten, keep what she's had and still needs. He apologized for failing to attain the permit prior to construction and stated that as soon as he realized it, he turned himself in. He pointed out that every single house on this block is in violation of the required setback. Notification of this to all neighbors has been completed and none of them had any problem with this.

The Commission discussed this issue and what their options were. This request does not meet the present variance criteria and though the proposal seems to be acceptable to all concerned, the policy does not allow for it. They discussed revising the policy to provide for authorization and regulation of these types of requests. Mayor Arthur stated that his preference for a city was to allow for as much variety as possible regarding setbacks, indicating that gave the city character.

*Commissioner Via moved to **TABLE** this variance request, seconded by Commissioner Byrnes.*

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

14. VARIANCE REQUEST FOR RELIEF OF FRONT YARD SETBACK REQUIREMENTS FOR CARPORT CONSTRUCTION

*Commissioner Tarrer moved to **TABLE** this variance request, seconded by Commissioner Via.*

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

15. FIRST READING OF ORDINANCE 2586, AMENDING THE APPROPRIATIONS BUDGET FOR FISCAL YEAR 1999/2000

Mr. Simpson read by short title:

AN ORDINANCE AMENDING ORDINANCE NO. 2533 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Tarrer moved **APPROVAL** of the First Reading of Ordinance 2586, seconded by Commissioner Byrnes.*

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

16. FIRST READING OF ORDINANCE 2587, ANNEXING PROPERTY LOCATED ON ARRAGON STREET

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.

Mr. Corliss utilized the overhead projector to show the Commission and audience the property under consideration. The taxable value of the property is approximately $14,276, which is anticipated to be $76,000 once the building is completed. The owner is Paul Bielefeldt.

*Commissioner Via moved **APPROVAL** of the First Reading of Ordinance 2587, seconded by Commissioner Tarrer.*

Commissioner Byrnes confirmed that the petitioner understands that this does not approve the building, just the property coming into the City. The building will have to approved by another process. Commissioner Via spoke well of Mr. Bielefeldt and his business (Paul's Electric). Commissioner Lockeby asked about the two County lots next to this one and Mr. Corliss stated that he is talking with them about annexation.

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

17. RESOLUTION 2000-R-46, APPOINTING CHARLES SHARP TO THE PAL/RECREATION BOARD

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING MEMBERS TO THE PAL/RECREATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE. (Charles Sharp)

*Commissioner Tarrer moved **APPROVAL** of Resolution 2000-R-46, seconded by Commissioner Byrnes.*

Mr. Sharp was in attendance. Commissioner Byrnes suggested that board appointments be placed earlier in the meeting. Commissioner Tarrer agreed.

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

18. PURCHASE OF COMPUTER VOICE STRESS ANALYZER

Mr. Forte advised that the computer voice stress analyzer is a tool that the police department would use in interviewing and interrogating people. It is not admissible in court, but is still a useful tool. Currently, our officers are using the machine at the Volusia County Sheriff's Office in Deland and Ormond Beach Police Departments. Their machine would be available to other law enforcement agencies, as well. They have funds leftover from the tobacco grant, which could be used to purchase this.

Commissioner Tarrer moved ***APPROVAL*** *of the purchase of a Computer Voice Stress Analyzer at a cost of $9,250 and training for one officer at a cost of $1,215, seconded by Commissioner Byrnes.*

The Commission discussed the various aspects of this purchase request, as follows: 1) whether they needed to purchase the laptop computer included in the price or if they could use something they might already have; 2) the revenue received from the tobacco money and its non-earmarked status, once it rolls into the general fund; 3) the training expense and whether they could train just one officer and have him train others within the department. Mr. Forte explained that they need this to be a sole purpose machine and they don't have any other laptops. The Commission discussed the fact that they could use this money on anything and whether they felt this was a priority expenditure. Lt. Barker stated that he felt this was a worthy expenditure of City funds. Officer Steve Aldrich with the investigations office stated that they are currently making many trips to the Sheriff's Office to use their's and they would like to use it even more if it weren't so inconvenient to do so. Training additional staff will be determined once they get further into this process. Re-certification costs $500. Mention was made that being certified doesn't have the same purpose on this as other police equipment, because it isn't admissible in court.

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

19. WASTEWATER OUTFALL REPAIR

Mr. Forte stated that this is the effluent line that is located on the corner of Ridgewood Avenue and 10th Street, which is leaking so badly. It took a lot of time to locate the leak, and they utilized a camera to do so. It was thirteen feet down. The most efficient way to do this is to add a change order to the contract with the company that is currently doing our sewer repair work. This leak is broken down into two areas: 1) a 150 foot section that crosses Ridgewood Avenue and 2) 400 feet that runs east toward the river. The total for both sections is about $34,000, which would come out of the contingency fund excess of the SRF loan because the sewer project came in under budget.

Commissioner Tarrer moved ***APPROVAL*** *of the Emergency Change Order with Insituform for the cleaning and sleeving of the wastewater outfall at Ridgewood Avenue and 10th Street, seconded by Commissioner Via.*

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

20. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte stated that they have a Spay and Neuter mobile vehicle at the Fire Department this week providing free service to help control the animal population.

21. CITY ATTORNEY

Attorney Simpson indicated that he had nothing further to report.

22. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Lockeby thanked Commissioner Tarrer for his work with the fund raiser cook-out for the Police and Fire Departments.

Commissioner Tarrer thanked the police officers and firefighters who attended the meeting tonight and complimented them on the super job they do for the City.

Commissioner Via thanked Commissioner Tarrer for the fundraiser. He also indicated that the Florida League of Cities Conference was very worthwhile and they learned a lot. Holly Hill was one of the few cities that had full representation among their elected officials and he was very proud of that.

Commissioner Byrnes thanked the police and firefighters for attending tonight.

Mayor Arthur stated that he had received a call tonight about a police officer telling some children that they could not skateboard or rollerskate on either the sidewalk or the street because we have an ordinance prohibiting that and suggested they go to Ormond. There was some discussion about an ordinance that had been repealed which prohibited children from playing in the street. Mr. Forte will look into this. Mayor Arthur stated that he appreciated all the good work from the various City departments and stated that they could all do that good work together. He gave an update from the MPO meeting: 1) that the dues issue would need to be voted on soon, and 2) that they currently have no rights with DOT as to what type of work they do within the City – the Commission decided to send them a letter requesting they be allotted more consideration for projects done within their City. They particularly addressed the filling in of grassy areas with concrete, which directly conflicts with the goals of the City - regarding flood control and St. John's Water Management efforts. Mayor Arthur thanked former Mayor Virginia Wine for attending.

23. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:28 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk