M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 23, 1994

1. CALL TO ORDER

Mayor Virginia Wine called the meeting to order in Council Chambers, Sica Hall, 1065 Daytona Avenue at 7:30 p.m.

Answering roll call were Mayor Wine, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Shirley Heyman and Councilman Jim Elliott.

Also attending were City Manager Ralph Hester, City Attorney Edward Simpson, Chief of Police Pat Finn and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Rev. Ron Fussell, of the Lighthouse for Christ.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

None.

5. CONSENT AGENDA

Approval of Minutes - Regular Meeting - August 9, 1994

Councilman Mellette moved to approve the Consent Agenda being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

6. SET PUBLIC HEARING DATE TO CONDEMN THE FOLLOWING SUB-STANDARD STRUCTURES:

A. 808 May Avenue
B. 812 May Avenue
C. 814 May Avenue
D. 402 Flomich Street
E. 632 Walker Street
F. 332 & 332 1/2 Burleigh Avenue
G. Garage on the Southwest corner of Pine Avenue and Flomich Street

Mr. Harbuck explained he had received a call requesting a 90 day delay before any action was taken on the garage and 402 Flomich (property belonging to Harrell Bishop). Council discussed the request and said any information forthcoming could be considered at the public hearing.

Councilman Mellette moved to set September 13, 1994 as a public hearing to consider all the properties listed. He said the request could be handled at that time. Councilman Byrnes seconded the motion which CARRIED 5-0 on roll call.

7. REQUEST TO REZONE 1369 RIDGEWOOD AVENUE

Mayor Wine read the request of Gordon and Phyllis Hutson, owners who are requesting to rezone their property for R-3 (Single Family Residential) and B-4 (Highway Business) to B-6 (Ridgewood Avenue Business District)

Councilman Byrnes moved to APPROVE the rezoning as presented by the Board of Planning and Appeals which was rezoning lots three, four, five, and six and leaving lots one and two as residential. He said this would provide a buffer to the residential activities. Councilman Mellette seconded the motion for discussion.

City Attorney Simpson said the ordinance in the packet rezones all the lots and that should be corrected if it is Council's intention to ADOPT the ordinance on first reading, it needs to be as amended to reflect it is lots three, four, and, five which will be rezoned to B-6 from B-4. He then read:

AN ORDINANCE AMENDING THE ZONING MAP BY REZONING PROPERTY LOCATED AT 1369 RIDGEWOOD AVENUE FROM B-4 (HIGHWAY BUSINESS DISTRICT) TO B-6 (RIDGEWOOD AVENUE BUSINESS DISTRICT)

Mr. Simpson said the body of the ordinance would now read "lots 3, 4, and 5 including existing road, Block H, Holly Heights Plat 2" and it will not include lots 1 and 2 which will remain residential.

Mrs. Phyllis Hutson, owner of Heavenly Cheesecakes, explained why the rezoning as presented would not help her. She went into detail about her proposed expansion and why she needed the additional land to expand her kitchen. Mrs. Hutson told Council she has spent thousands of dollars to renovate the building. Council agreed the building has been greatly improved. She introduced other property owners in the area and said they do not object to her rezoning request. Mrs. Hutson said she had to have the rezoning or would have to move to another location with larger facilities. She offered to construct a buffer on lot 5 if that would pacify everyone.

Mrs. Judy Lemons, Woodward Avenue, spoke in opposition to the rezoning citing the loss of the quality of life in the area if the rezoning is approved.

After more discussion the motion and second were withdrawn.

Mrs. Mary Shearer spoke in favor of the rezoning and related her experience with her business being in a residential neighborhood.

More discussion ensued regarding rezoning half of lot 2 business and then the remainder of lot 2 and all of lot 1 would be residential. Mrs. Hutson explained why this (20 feet) would not work. She again said she would be willing to use lot one for a buffer zone by putting up a mound and landscape it.

Mrs. Hutson asked if she could waive her right to use Lot 1 for anything other than a buffer. The City Attorney said she could place a restrictive covenant on her property that says the property cannot be used for anything except a park (buffer/retention, etc.). This would stay with the land even if Mrs. Hutson sold it. He said Mrs. Hutson could do this and then apply for rezoning because Council could not promise her this kind of deal tonight.

After discussing numerous possibilities, Mr. Simpson said he should read the title of the ordinance again because it has changed. He read:

AN ORDINANCE AMENDING THE ZONING MAP BY REZONING PROPERTY LOCATED AT 1369 RIDGEWOOD AVENUE FROM B-4 (HIGHWAY BUSINESS DISTRICT) TO B-6 (RIDGEWOOD AVENUE BUSINESS DISTRICT) (Lots 1-5 Holly Heights, Plat 2)

Councilman Byrnes moved to rezone all the property (Lots 1, 2, 3, 4, and 5) to B-6 as requested being seconded by Councilman Heyman, The motion CARRIED 5-0 on the following roll call:

Byrnes, yes; Heyman, yes; Elliott, yes; Mellette, yes; Wine, yes.

The City Attorney was asked to look at the possibility of zoning lot 1 as conservation.
Councilmembers and the City Attorney talked about the best way to handle this request. He said the Council may also want to change the off-site parking ordinance when determining other restrictions. Councilman Byrnes and Mayor Wine said they wanted something 'pretty' on Lot 1 that would not be offensive to the residential area.

<u>8. AMEND THE LAND USE AND DEVELOPMENT REGULATIONS BY ADDING A SPECIAL EXCEPTION TO B-3 ZONING</u>

Mayor Wine read the request to audience members and reported the Board of Planning and Appeals voted 3-2 to deny the request for a Special Exception to allow an office park.

Mrs. Darlene Williams said she was representing her father (Jim Carey) who could not attend due to illness. She outlined the request to Council. Ms. Esther Long, Mr. Dave Rowe, Mr. Don Gonzalez spoke in favor of reasonable use of the property. Mrs. Cecily Noel expressed concern about the request being open ended and Mr. Tony LaSorsa spoke in opposition of the request.

Councilman Byrnes expressed concern regarding the number of vehicles a large number of businesses would generate. Mayor Wine said the City needs new businesses because the City needs to grow. More discussion was held and then *Councilman Heyman moved to instruct staff to prepare an ordinance amendment incorporating the use that is proposed in the B-3 zone.* Council talked about what this meant and then *Councilman Heyman moved to include the Special Exception the use "Office Park" subject to the conditions listed in "a" through "g" in Mr. Keeth's memo.* Mr. Simpson said Council may wish to add other conditions but this would be sufficient for them to consider on first reading. *Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.*

<u>9. RESOLUTION APPROVING A CONTRACT WITH THE HALIFAX HUMANE SOCIETY</u>

Mayor Wine told everyone the contract is the same as this year's contract and there are no increases in the prices.

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR OF THE CITY OF HOLLY HILL, FLORIDA, TO ENTER INTO AND EXECUTE A SERVICE AGREEMENT WITH HALIFAX HUMANE SOCIETY INC., PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Heyman, yes; Elliott, yes; Byrnes, yes; Wine, yes.

10. DRAINAGE PROJECT CHANGES - MARLENE DRIVE

Mr. Chattin said the project currently under construction provides for replacing approximately one-half of the existing 2-inch galvanized water main along Marlene Drive from Eighth Street to Sixth Street. This line is being replaced because it conflicts with the new storm sewer. The existing water main and its services are in very bad condition as is the pavement because of numerous repairs. The Engineer solicited a proposal from the contractor to replace the main and services the entire length of Marlene Drive and to level and resurface the street. The additional cost is $33,617.90 for this project and staff and the engineer agree this is a fair price and recommend approval.

Mayor Wine asked if the City hadn't entered a contract about a month ago which included all these projects and Mr. Chattin said it did not include replacing the entire water main on Marlene. Mayor Wine asked why it wasn't included. Mr. Chattin said it only included the part of the water main in the area of the work to be done. Mayor Wine asked who the engineer was as she thought this was the purpose of the project. Mr. Chattin said this was a drainage project to solve some problems in that area. Mr. Chattin said what is being said in this request is that while a contractor is in there on the drainage, let's add replacing the entire water main to that contract. Mayor Wine asked if the engineer didn't know that and she was told it was not within the scope of the original project. She again asked who were the engineers and was told it was Upham, Inc.

Councilman Mellette asked when this would need to be done if it isn't approved now. Mr. Chattin said there was $20,000 in the bond issue to replace this pipe but it did not include pavement replacement which is the expensive item ($17,000) on this request which will resurface the entire street from one end to the other. Mayor Wine said she didn't understand why it is coming up now and why it wasn't done when we were doing Marlene. Mr. Chattin said the scope of the original job was for drainage. She then asked how Mr. Chattin knew the water line was bad and he answered it has been known forever. Mrs. Wine asked why it wasn't included and Mr. Chattin said it was not a water project but a drainage project. Mayor Wine said that is like paving a street and then deciding we need to go back in and tear it up and put in a pipeline. Mr. Chattin disagreed and said that street was not scheduled for paving because they knew it needed pipe under it and this proposal is the exact opposite of that.

Mr. Byrnes asked about paving the street and Mr. Chattin said the contract only included patching the street where the lines went across the street. He said the main drainage pipe is not under the pavement but is on the east side of the street and several catch basins will go across the street in this 500 foot area - probably two or three. Where they go under the street, the paving will be repaired. Councilman Byrnes asked if Council did not approve this, would the street look like Center Street at Flomich. The answer is that it should be a little better.

Councilman Mellette asked where the funds would come from to do this work. Mr. Chattin said it would come from Renewal and Replacement funds. A discussion followed regarding the types of materials involved in this. Councilman Elliott said every time money comes up in these kind of thing, he is a little cautious because he has kicked himself for some of the votes he has done in the past. He said it seems to him something should have been working together with the two projects to get it all done at once. Mr. Chattin said that is what they are proposing to do. Mr. Elliott asked if the project wasn't already done and Mr. Chattin said it wasn't. Councilman Elliott asked if this is still to be done and Mr. Chattin said yes. Mayor Wine said the contract was let. Mr. Chattin agreed the contract was let for the drainage but the work hasn't been done yet. Councilman Mellette asked if it was his (Chattin) idea to do all the work at one time and Mr. Chattin answered yes. Mayor Wine said maybe we could have gotten a better bid if we knew we were going to add more to it.

Mrs. Bobbie Durrance asked if the work was bid and Mr. Chattin said it was. She said the other work should be bid too because you couldn't say it is cheaper. Mr. Chattin said this is about $33,000 out of a $400,000 project. He said it is a unit price contract so this is just extensions and felt that bidding these items separately would be hard to divide the contract properly. Mayor Wine said if we knew the water line was bad, it should have been bid with the other project. Councilman Byrnes asked if Council should compound the mistake by not approving the request and Mayor Wine said she couldn't vote for it. She said they tried to raise the water 6% and she didn't know how the City could keep going this way. Councilman Byrnes said the money is already there. He asked about the $20,000 from the bond issue. Mr. Chattin said there was money in the last bond issue but did not know the status but that the Finance Director could answer that.

Mrs. Gubernator told Council if it was in the '89 bonds, they were spent. She said there is probably about $150,000 in the replacement fund. Mayor Wine asked if the money for the filter was coming out of that and Mrs. Gubernator said the filter repairs have already been deducted from that. Councilman Mellette asked if it would cost more to come back and do this work later and Mr. Chattin said it would be a least this amount of money. Mr. Mellette asked how long the line would last without repairs. Mr. Chattin said it needs repairs every month. Mr. Cliff Camara, Water Distribution, said he fixed a leak there today and in the past two years there probably have been 75 to 100 between Sixth and Eighth. He said there are services running across the street that cannot be repaired anymore. Some of the services have clamps on them from one side of the street to the other. He said they would be back in there tearing up the street if it was paved. Councilman Heyman said she wanted to know where the money is coming from because Council just voted to cut pay 5% and she doesn't feel good about that.

Councilman Byrnes said he would make a motion although he does not like the way this was done, but he is concerned about that area looking like the area near Center and Flomich with all the bumps. He moved to APPROVE the request. Councilman Mellette seconded the motion and said it makes sense to *replace the water line if the City is going to construct drainage in that area at this time, not six months down the road.*

Councilman Heyman again asked where the money would come from and Mayor Wine said it would come from the Renewal and Replacement Fund which has approximately $150,000 in it now. Mrs. Heyman asked what else needs to be done with that money and Mayor Wine said she had no idea.

The motion FAILED 2-3 on roll call with Councilman Heyman, Councilman Elliott and Mayor Wine voting no.

11. SLUDGE REMOVAL CONTACT

Mayor Wine said the contract with Wheelabrator Clean Water Systems, Inc. has expired. This is the firm who land spreads the sludge from the water and wastewater treatment plants. The price is increasing from $100 to $105 per ton. The landfill charges $350 per load.

Councilman Elliott moved to APPROVE the contract being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

12. AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT FOR RECYCLING AND EDUCATION WITH VOLUSIA COUNTY

This grant will give the City approximately $15,000 from the County as mandated by the State of Florida when they required the 30% recycling by all municipalities.

Councilman Mellette moved to APPROVE the authorization being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

13. LOCAL OPTION GAS TAX AGREEMENT

Mayor Wine explained this new agreement is for one year and it says how the gas tax is distributed among the various cities. Mrs. Gubernator said she had budgeted $150,000 and the City will receive $139,000 for the upcoming year.

Councilman Mellette moved to APPROVE the agreement with the County being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

14. COMMUNICATIONS FROM THE CITY MANAGER

A. EARLY RETIREMENT

Mr. Hester asked permission to offer a six months pay bonus as there were no takers for early retirement for a three month bonus. Council approved the request by consensus.

B. CHANGE LOCATION OF FUTURE COUNCIL MEETINGS

Councilman Mellette moved to hold future meetings of the City Council in City Hall, 1065 Ridgewood in the new chambers starting with the meeting of September 13, 1994. Councilman Heyman seconded the motion which CARRIED 5-0 on roll call.

Mayor Wine said Mrs. Heyman could not attend those meetings and would like to be excused.

C. BEAUTIFICATION BOARD

The City Manager said there has not been a quorum of this Board for the past three months.
He referred Council to a copy of a memo they received in their box. Mr. Hester said this Board advises the City on beautification and the parks, acts as the Tree Board, and selects the winners of the Beautification Awards for the residential and commercial awards each month.

Mayor Wine said maybe each member of Council could pick a winner. Mr. Hester said he does not like to call staff in on overtime and then not have enough members show up for a meeting. He said maybe they could meet during the day. Councilman Byrnes asked if it is the same members who are always absent and Mr. Hester said he would have to check attendance to see. Councilman Mellette asked Mr. Hester to give them some options when he makes his report.

15. COMMUNICATIONS FROM THE CITY ATTORNEY

None.

16. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Mrs. Heyman asked Mr. Chattin if it would be feasible to keep her dumpster and charge $50 for it instead of giving her two cans at $24 which she could not lock. She asked if it would make better sense to use the dumpsters rather than have them on hand. He agreed this was something they would be looking at shortly.

Mayor Wine reported that VCOG sent a letter to the County Council endorsing the idea that all cities be given voting membership on the Beach Trust Commission and that the voting procedure be revised to provide for one city/one vote for all issues.

She said they discussed the economic picture in Volusia County. They are trying to make it easier for the businesses to come into the County by making everything standard, i.e. building permit costs because now they are all different. A committee will be working with the VCOG director. They are also talking about zoning so the different zones would be described the same in each city. They are trying to do something with the impact fees too. She said they are trying to get some more businesses in Volusia County and wanted to make things less confusing.

17. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at 9:18 p.m.

Mayor

ATTEST:

City Clerk/Manager