M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 24, 1993

1. CALL TO ORDER

Mayor Jim Gaither called the meeting to order in Council Chambers, 1065 Daytona Avenue, Holly Hill, Fl at 7:30 p.m..

Answering roll call were Mayor Gaither, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Robert Chesnowitz and Councilman William Walker.

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

The Invocation was given by Reverend Fussell from the Lighthouse for Christ Church.

4. MAYOR'S REPORT/COMMENTS

Mayor Gaither presented Mrs. Shirley Heyman with a Proclamation officially making August 24, 1993, PACTDAY.

5.COUNCIL'S REPORT/COMMENTS

Councilman Byrnes brought up the necessity to have 11th Street widened to four lanes from Nova Road to Ridgewood Avenue. It was the consensus of Council this would be a necessity and to send word to the County that the City of Holly Hill would like to have 11th Street four lanes.

6. ADVISORY COMMITTEE REPORTS

Mayor Gaither announced there would be a Redevelopment Advisory Board meeting Thursday, August 26, 1993, at 11:00 a.m.

7. AUDIENCE PARTICIPATION

Mrs. Hazel Gregor, 737 Gladiola, asked about the Senior exercise group and who was responsible for how much they were supposed to pay.

City Manager Hester said the instructor was being sponsored by DBCC but the cost has gone up and the City needs to at least be running the program on a "break even" basis. He said the instructor is charging $1.00 hour from DBCC and the City is looking for instructors that will work on a 75 percent - 25 percent split. Mr. Hester said it is cost prohibitive to continue with DBCC and subsidize the program at $1.00 per hour.

Councilman Chesnowitz suggested the Seniors take a look at some exercise tapes instead of using an instructor.

Mrs. June Pope, 118 Walker Street, questioned the price the instructor was charging. Mr. Hester reiterated his previous statement. Mr. Hester said the City is looking for other instructors that will charge a lower price.

Mrs. Anna Seay, 1324 Riverside Drive, questioned why the trees in the parking lot of Sica Hall had been taken down. She said she needed to give the Tree Board an explanation.

Mr. Hester said the City's Tree expert, Mr. McClumpy, looked at the tree because of the numerous inquiries from the lady next door to Sica Hall. It was Mr. McClumpy's consensus the trees needed to come out. The lady next door was very concerned that with Hurricane season coming up the tree's would come down on her house. She has been calling regularly and as recently as this morning. Mr. Hester said the trees were first looked at in March, at that time it was thought they could be saved. Mr. McClumpy looked at them again last month and said they needed to be taken down.

Mrs. Seay stated if the City was going to have a Tree Board it should be made aware anytime a tree was going to be removed.

8. CONSENT AGENDA

A. Approval of Minutes - Budget Workshops July 19, 20 and 21, 1993; Regular Meeting - August 10, 1993.

Councilman Mellette moved to ACCEPT the Consent Agenda being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

9. DISCUSSION ON PROPOSED WATER RATE INCREASE

Mr. Hester stated by Ordinance the City is required to raise the water and sewer rates each year based on the Consumer Price Index. It was asked the Ordinance be looked into more closely and a decision made as to keep it the way it is or to change the "language" of the Ordinance to allow the City not to have to automatically raise the water rates to meet the Consumer Price Index.

Mr. John Vodnecker of Ernst & Young, looked into this rate increase question. He presented the Council with three different rate scenarios. (see attached) In each case from zero (0) to three (3) percent the City will be able to meet the rate covenant. Mr. Vodnecker also looked at how the rate increase from zero to three percent would effect the cash flow. (see attached)

After a lengthy discussion it was decided the Ordinance should be changed.

Councilman Chesnowitz moved to amend the Ordinance to allow for a CPI increase or an increase based on recommendation of an independent Rate Consultant being seconded by Councilman Walker.

Mr. Greenbaum, Discount Carpet, said he did not think the Council had a problem. He went over the Summary of Cash Flow (see attached) with Council and the audience. He said even if Council goes for the Zero percent increase they would still be "ahead of the game".

The motion CARRIED 5-0 on roll call.

10. COMPREHENSIVE PLAN AMENDMENT FOR A SMALL SCALE DEVELOPMENT TO INCLUDE THE MEDIUM-HIGH RESIDENTIAL DEVELOPMENT (ORDINANCE NO. 2356)

City Attorney Simpson read:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF HOLLY HILL, FLORIDA; ADDING A NEW "MEDIUM-HIGH RESIDENTIAL DEVELOPMENT" CLASSIFICATION TO THE FUTURE LAND USE ELEMENT; REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN PROPERTIES RECENTLY ANNEXED INTO THE CITY; DESIGNATING SAID PROPERTIES FOR MEDIUM-HIGH DENSITY RESIDENTIAL DEVELOPMENT; PROVIDING FOR RESOLUTION OF CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT Ordinance No. 2356 seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Chesnowitz, yes; Walker, yes; Byrnes, yes; Gaither yes.

11. REQUEST TO REZONE 1111 AND 1113 POWERS AVENUE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO I-1 (WHOLESALE-LIGHT INDUSTRIAL)

Attorney Doyle Tumbleson (representing Canup property) stated a variance was granted several years ago for this property but over a period of time the owners of the property have had a hard time using the property for only what the variance allows. They do not do it intentionally but at times they find a hardship and have to use the property for something other that what the variance allows. He said that is one of the reason for the request, so the company can be in compliance with the zoning.

A lengthy discussion ensued.

Councilman Byrnes said he felt the variance allowing the company to use the property for parking is a good transitional use between residential and commercial.

Mayor Gaither asked if it was true that Baylor had violated the City Ordinances several times. Mrs. Canup answered on occasion they have had to use the property to park some of the commercial vehicles overnight. Mayor Gaither said he understood the variance to allow parking of employees vehicles only. Mrs. Canup said that was true but under times of hardship they had to use the property to park their commercial vehicles.

There was another lengthy discussion.

Councilman Chesnowitz moved to DENY the Rezoning being seconded by Councilman Walker.

The motion CARRIED 4-1 on roll call with Councilman Mellette voting NO.

City Attorney Simpson asked Councilman Chesnowitz to state his reasons for denial for the record.

Councilman Chesnowitz said he based the motion on the fact he has been out with the Building Official (Tim Harbuck) on several occasions and they had contacted Baylor and asked them to clean up the property but after a week and a half later the property was still not cleaned up.

City Attorney Simpson said the Council needed to state some findings of fact as it relates to the denial of the request for rezoning.

Councilman Byrnes said he felt the use of the property for a parking lot presents a reasonable transitional use between residential and commercial and changing the zoning would remove that buffer from the area.

Councilman Walker said he agreed with Mr. Byrnes but he also said the inability for the Canups' to use the property for anything else has been brought upon themselves.

Mayor Gaither said changing the zoning west of the railroad track or canal would be counter-productive. He felt they needed no more industrial property on that side.

Councilman Byrnes said he also felt the fact that the Board of Planning and Appeals gave a negative vote also weighed on his decision.

Councilman Walker moved to have the above reasons be the Council's findings of fact, as they relate to the previous motion seconded by Councilman Byrnes.

The motion CARRIED 4-1 on roll call with Councilman Mellette voting NO.

Attorney Tumbleson asked if the Council was finding the request to not be consistent with the City's Comprehensive Plan.

Councilman Walker moved that the request was not consistent with the City of Holly Hill's Comprehensive Plan being seconded by Councilman Chesnowitz.

The motion CARRIED 4-1 on roll call with Councilman Mellette voting NO.

Councilman Byrnes said the existing use provides a buffer between the residential and commercial properties in the area.

12. RESOLUTION NO. 47 AUTHORIZING THE CITY TO APPLY FOR A COMMUNITY JUVENILE JUSTICE GRANT

Officer Harold Hatcher gave a brief explanation of the Juvenile Justice Grant.

Mayor Gaither said Volusia County ranks number ten (10) n Juvenile arrests in the state of Florida.

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER OF THE CITY OF HOLLY HILL, FLORIDA TO ENTER INTO AND EXECUTE AN INTERAGENCY AGREEMENT WITH THE VOLUSIA COUNTY SCHOOL BOARD AND THE STATE OF FLORIDA HRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Councilman Walker moved to ADOPT Resolution No. 93-R-47 being seconded by Councilman Mellette.

The motion CARRIED 5-0 on the following roll call:

Walker, yes; Mellette, yes; Byrnes, yes; Chesnowitz, yes;
Gaither, yes.

13. RESIGNATION FROM BEAUTIFICATION BOARD - SEAY

Mayor Gaither asked this matter be canceled.

Councilman Walker moved to TABLE this item being seconded by Councilman Chesnowitz.

Mrs. Anna Seay said there are also two other resignations from the Beautification Board and all three will stand unless given a reason to withdraw them and at this point in time there is no reason for withdrawal.

Councilman Chesnowitz said he would like to suggest a Workshop between Council and the Beautification Board and maybe the ladies would withdraw their resignations.

Councilman Byrnes said if the ladies had a problem they should have come to the Council and ask for a workshop but they have sent letters of resignation and there are actually only two members of the Beautification Board left.

Councilman Chesnowitz said he would like the ladies whom submitted their resignations to attend the workshop to hopefully correct the problems they are having since obviously they are having a problem.

Councilman Walker said he did not necessarily want to stop the resignations but he wanted to find the basis and facts of the complaints the ladies have. He said apparently if there were problems they haven't come to Council Meetings with them.

Mrs. Seay said they have gone to several Councilman and some of the problems have been attempted to be worked out but really nothing has been done.

There was a lengthy discussion.

City Attorney Simpson said the matter being brought before Council tonight was a Resolution to appoint someone to fill Mrs. Seay's unexpired term on the Beautification Board and not to accept or not accept her resignation.

It was the consensus of Council they were not ready to appoint someone to fill the position tonight.

Councilman Walker moved to TABLE the appointment to fill the vacancy in the Beautification Board being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

Councilman Byrnes moved to have a Workshop with the Beautification Board and Council being seconded by Councilman Walker.

There was a discussion on the days, times and rules of engagement.

Councilman Byrnes withdrew his motion.

Councilman Walker moved to place the discussion with the Beautification Board and their resignations on the next agenda being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

14. ORDINANCE NO. 2357 - AMENDING POLICE AND FIRE PENSION FUNDS

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 21, POLICE DEPARTMENT, AND CHAPTER 11, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, TO PROVIDE FOR A TRUSTEE-TO-TRUSTEE TRANSFER OF THE LUMP SUM DISTRIBUTIONS FROM THE RETIREMENT PLANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE Ordinance No. 2357 being seconded by Councilman Chesnowitz.

There was a brief discussion.

The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Chesnowitz, yes; Byrnes, yes; Walker, yes; Gaither, yes.

15. REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 1993-94 FUNDS FOR TENTH STREET RAILROAD CROSSING

Councilman Mellette said he felt he should abstain from voting since he owned land and this could possibly be of benefit to him. He left the room after he made that statement.

City Manager Hester said we have gone through the court case successfully and it looks like we are going to be able to have the 10th Street crossing. What Mr. Chattin is asking to do is defer the items that are allocated for 1993-94 to 1994-95 and do the railroad crossing in fiscal year 1993-94.

Councilman Byrnes voiced concerns over losing the money if the Council reallocated the funds again.

Mr. Hester said the City would not lose the money they would just have to go back through the process again.

Mr. Chattin said he did not anticipate any problems with the railroad.

Councilman Walker moved to direct staff to prepare a Resolution reallocating the CDBG funds (1993-94) from street resurfacing to the 10th Street railroad crossing being seconded by Councilman Chesnowitz.

The motion CARRIED 4-0 on roll call with Councilman Mellette abstaining from voting.

Mr. Chattin asked that the intersection of Walker and Center Street be added to the resurfacing list and remove another street that is not as in as much need as this intersection.

Councilman Walker moved to add the intersection of Walker and Center Streets to the priority list for resurfacing and delete a street that is not in as much need for repair being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

16. CITY MANAGER REPORTS/COMMENTS

Mr. Hester asked if there could be a Special Meeting called on August 31, 1993 at 12:15 p.m.

It was Council consensus to have the Special meeting.

Mr. Hester addressed the question of a lease for the Chamber of Commerce. (see attached)

He also said the Chamber is asking for help for maintenance of the building and some help in painting the Chamber building. Mr. Hester said the City could probably afford to supply the paint but not the labor to have the building painted.

Councilman Walker said he did not mind funding the paint but he did not feel since the City furnished the building it should also furnish maintenance.

Councilman Mellette said he agreed he had no problem with furnishing the paint.

Mr. Zoller said Knox Painting has given the Chamber and estimate of $782.00 to paint and sandblast the building.

Councilman Byrnes moved to fund $391.00 toward having the building painted being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

Mr. Hester said there is still correspondence going between Mr. Christensen's attorney and the City's attorney. He said the Council would be getting copies. Mr. Hester said Mr. Christensen has inundated Mrs. Blackwell with requests for information. Mr. Hester stated Mr. Christensen wants money to "go away" but the City's attorney felt there was no case for him to get any money so he's looking for any information he can find that he might be able to use.

Mr. Hester said there was a meeting on the 800MHZ system and asked Mayor Gaither to make some comments on this.

Mayor Gaither said it looks like the 800MHZ is days away from becoming a reality. He said he feels the City is not going to have any choice but to go along with it. He said there was a meeting at 8:00 a.m. in the Agriculture building and wants someone from the City to attend.

There was a lengthy discussion with Chief Finn saying he would be attending the meeting and would report back to Council.

17. CITY ATTORNEY REPORTS/COMMENTS

City Attorney Simpson went over a Cable Television Regulation summary with the Council. (see attached) A brief discussion ensued. Mr. Simpson said more information could be provided if Council would like to see more. Council said they would like more information.

18. MISCELLANEOUS COUNCIL COMMUNICATIONS

Councilman Byrnes said he attended a meeting at Channel 2 and the television stations said they are not going to let the Cable companies carry their signal unless they pay them for it. He said both the Cable Companies and the Television Stations are out to play "hard-ball" and the citizens are the ones who were going to suffer.

Councilman Mellette asked if the City would be getting a contract with the Chamber. Mr. Hester said he would get with the attorney and look at a lease and get back to Council.

Mayor Gaither said he would like the Council to think about appointing a Juvenile Advisory Board made up four or five juveniles and a couple of parents who would work with the City's D.A.R.E. officer to give the young people more input.

Mayor Gaither asked Officer Hatcher to look into the logistics of an advisory program for the youth and report back to Council at the next meeting.

19. ADJOURNMENT

With nothing further to come before Council the meeting was adjourned at 10:04 p.m.

MINUTES
REGULAR COUNCIL MEETING
AUGUST 24, 1993

Mayor

ATTEST:

City Clerk/Manager