

**MINUTES  
REGULAR COUNCIL MEETING  
CITY OF HOLLY HILL, FLORIDA  
AUGUST 8, 1995**

**1. CALL TO ORDER**

Mayor Virginia Wine called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue.

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 Donald Lusk, City Attorney Edward Simpson, Chief of Police Pat Finn and Deputy City Clerk Sue W. Blackwell.

**2. INVOCATION**

The Invocation was given by Milt Hallman, Director of Public Works.

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

**4. AUDIENCE PARTICIPATION**

None.

**5. ORDINANCE NO. 2408 - AMENDS LAND USE AND DEVELOPMENT REGULATIONS BY ADDING A COMMERCIAL CORRIDOR DISTRICT**

City Attorney Simpson read:

ORDINANCE NO. 2408

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ARTICLE V, SECTION 5.5, DISTRICT REGULATIONS, OF ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED, BY ADDING A NEW SUB-SECTION 5.5.21, CC-1 COMMERCIAL CORRIDOR DISTRICT; AMENDING SECTION 5.6, SUPPLEMENTARY REGULATIONS, BY ADDING A NEW SUB-SECTION 5.6.20, PERFORMANCE STANDARDS; PROVIDING FOR SEVERABILITY;

REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Councilman Mellette moved to ADOPT the ordinance on second reading being seconded by Councilman Byrnes. The motion CARRIED 5-0 on the following roll call:*

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

**7. ORDINANCE NO. 2409 - AMENDS LAND USE AND DEVELOPMENT REGULATIONS TO REQUIRE A DEVELOPMENT PERMIT PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**

City Attorney Simpson read:

ORDINANCE NO. 2409

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ARTICLE III, SECTION 3.2, AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY, OF ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Councilman Mellette moved to ADOPT the ordinance on second reading being seconded by Councilman Elliott. The motion CARRIED 5-0 on the following roll call:*

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

**8. ORDINANCE NO. 2410 - AMENDS LAND AND DEVELOPMENT REGULATIONS BY REVISING THE SIGN ORDINANCE**

City Attorney Simpson read:

ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352 WHICH ADOPTED THE LAND USE AND DEVELOPMENT REGULATIONS; REVISING THE DEFINITION OF GROUND SIGNS; ADDING DEFINITIONS FOR MONUMENT SIGNS AND

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POLE SIGNS; PROVIDING A MAXIMUM HEIGHT FOR MONUMENT SIGNS AND POLE SIGNS; PROVIDING FOR RESOLUTION OF CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

*Councilman Mellette moved to ADOPT the ordinance on second reading 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.

**9. ORDINANCE NO. 2411 -AMENDS LAND AND DEVELOPMENT REGULATIONS BY ADDING A DEFINITION FOR BED AND BREAKFAST AND PROVIDING FOR A SPECIAL EXCEPTION**

City Attorney Simpson read:

*ORDINANCE NO. 2411*

*AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED; AMENDING SECTION 2.2, DEFINITIONS BY ADDING A DEFINITION OF BED AND BREAKFAST ACCOMMODATION AND DELETING THE DEFINITION OF BOARDING HOUSE; AMENDING SECTION 5.5.3, R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PROVIDE FOR BED AND BREAKFAST ACCOMMODATIONS AS A SPECIAL EXCEPTION; AMENDING SECTION 5.6.1, SPECIAL EXCEPTIONS, PROVIDING REQUIREMENTS FOR BED AND BREAKFAST ACCOMMODATIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.*

*Councilman Elliott moved to ADOPT the ordinance on second reading being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:*

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

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**10. RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE VOLUSIA COUNCIL OF GOVERNMENTS TO PROVIDE COMPREHENSIVE PLAN EVALUATION AND APPRAISAL AS REQUIRED BY LAW.**

City Attorney Simpson read:

**RESOLUTION NO. 95-R-34**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL PLANNING SERVICES FROM THE VOLUSIA COUNCIL OF GOVERNMENTS TO PROVIDE COMPREHENSIVE PLAN EVALUATION AND AN APPRAISAL REPORT PER CHAPTER 163, PART II, FLORIDA STATUTES AND RULE 9-J-5 FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

City Manager Lusk said the City Attorney had reviewed the proposed contract and found there were additional expenses above the lump sum contract. Mr. Keeth said he did not have any problem with a lump sum contract but he needs to discuss this with his boss. He also noted there is also a problem with the termination clause and by deferring action on this item until the next meeting, it will give staff a chance to work out these problems.

*Councilman Mellette moved to TABLE this item until the next meeting 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.

**11. REQUEST TO CHANGE OCTOBER CLEAN UP TO A TWO WEEK PLAN**

Mr. Hallman told Council he is requesting they entertain the idea of having a shortened period for the October Clean-up, if Council wishes to continue the clean-up. Council discussed the matter briefly and then *Councilman Byrnes moved to set the October Clean-up for October 16 through October 31, 1995. Councilman Elliott seconded the motion which CARRIED 5-0 on roll call.*

**12. DRAINAGE PLAN FOR NORTH EAST CORNER OF NOVA ROAD AND THIRD STREET (This agenda item is transcribed verbatim at the request of Mayor Wine.)**

Mr. Hallman : We received a drainage plan from the consultant of the owners there, Mr. Mark Dowst. He is here tonight to make a presentation and answer any questions you may have. We have met with the St. John's River Water Management people today out

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there. As far as the wetlands, they did not see anything that would reflect or that would require a establishment or recognizing any wetland area there. They wouldn't give us a definite on it until they go back to the office and talk to the investigator that actually looked at the property the first time when the DOT built the pond in here, the retention pond at area. We are trying to contain all runoff, the storm runoff in that area and have it percolate through...on top of the fill material here. It is going to be lowered from some places it is 15 feet to where now the highest point on there, anywhere on there, will be 11.5 elevation. If you have any questions for Mr. Dowst, he is here and are, we are available for any questions too.

Would you like for Mr. Dowst to answer any questions or make a presentation to you?

Mayor Wine: Mr. Byrnes, have you had a chance to go over this?

Mr. Byrnes: I've looked at it. I haven't gotten to talk to the neighbors directly. The City Manager told me he has talked with the neighbors and that they seem to be satisfied with the fact we are going to...

Mayor Wine: We have four or five here tonight so if you want to address them, I'd like to know if the citizens that live on that street, if you are satisfied with the way this is being handled.

Mr. Clem: Mayor, did you say somebody is here to present something they are going to do?

Mr. Lusk: Well, I think you're going to find what he is going to present, basically is that math you guys have been looking at. But I think maybe we need to add something that is not part of what Council is looking at. Since we put the agenda packet together, we've been looking at the site more and we've talked to the neighbors and things. One of the problems we've found is that you are going to be removing some of the trees that are now the buffer between the houses and Nova Road and what is not showing on your agenda is believe that we would also like to tell Council that we would recommend that Council would require a landscaping plan to go along with this project. What you are basically doing by doing this by moving this dirt is you are developing this property. If you developed anywhere else, you are going to have to do some type of buffer between homes and a development. So we are saying that maybe this Council ought to require a landscaping plan accordingly to replace those trees that are going to be removed.

?????? Unable to understand comments..

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Mr. Lusk: Yeah, those trees have to be removed. They are right in the middle of where they are going to be pushing dirt and now they are serving as a buffer. So, if that happens, our recommendation is that Council should require a landscaping plan. I also believe, and I think maybe the City Attorney might want to pick up from here, I think this should be in the framework of a permit that these people would be issued by the City and maybe an agreement that would be drawn up by the City Attorney. I wanted to add that. I wanted the people to know in the neighborhood that we are looking at a landscaping plan and that's our recommendation. Plus, this map you are looking at also. That is two things we would be asking and maybe now that I have brought that up, the engineer may want to reply on what I'm saying. The reason I'm say it the ordinance would require a landscaping plan. If, if you'd have done this right, like pulled a permit, we would have required landscaping. Now we are kind of backing up and saying the same thing except... we are kind of backing up and saying the same thing except it's after the fact type thing. Maybe you might want to reply to Council what we are asking for.

Mr. Dowst: Mayor Wine, Members of the Council, my name is Mark Dowst and I am a project engineer with the firm Mark Dowst and Associates. I have been retain by Don Holden who is the trustee for the property to come to a solution that works to his advantage and also satisfy the residents' concern.

If I could, I would just like to tell you a few things about the plan. A couple of things were brought out as problems from day one. One was the appearance. The fill was stacked rather high, 15 feet high, and it was in piles and it was grown up and kind of unsightly. That was the first thing, obviously, that was a concern. The second thing that was raised was the, was the flooding that occurred during the tropical storm we had and so as part of our analysis, we looked at area drainage, the DOT plans and met on site with Milton Hallman and actually we did a "topo" of the site so we did quite a bit of work in there and we don't believe the fill contributed to any type of flooding problems.

However, that being said, some of the fill was placed in a swale which was along the rear of the homes and we don't believe it should have been there. The second thing we found is that there...

Mr. Lusk: I want to correct you. The fill shouldn't have been put there at all. Not just in the berm, I mean not just in one area...

Mr. Dowst: I understand, sir.

Mr. Lusk: So you know all the fill should not have been put in.

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Mr. Dowst: I understand, sir.

Mr. Lusk: I don't mean to be rude but I think the point should be made.

Mr. Dowst: That's okay.

The uh...as you know the fill is placed there by the contractor who dug the pond for the DOT and they had asked Mr. Holden if the fill could stay and he thought "Well great" and we'll let it stay and he didn't really realize I think what he was getting into. But that being said, we did see two problems aside from the fill being not properly permitted when it was placed there in the first place. One was it was in a swale that along the back of these houses and we didn't think that was a very good place for it to be so part of the plan...of the plan calls for the removal of that fill from the swale.

The second thing is that since we are out there grading, we noticed some deficiencies in the back swale. These swales were not, aside from the area in the center, which is right here, were not impacted from the fill. This swale which was here and here was not affected. We did find that there was a little pipe...all the swale apparently drains through an eight inch pipe, that was plugged full of dirt so after talking to Milt Hallman about that, we agreed to put in a larger pipe which will essentially make this area actually drain better when we are done than before the fill was even placed the first place. So that...I think that's important to know.

The trees...The other thing that will happen is that...this fill of course will be leveled out so that the height will be approximately 10.5 with a 12 inch berm around the perimeter so the average height is about 10.5. If and when this property is developed in the future, there will still need to be additional fill brought in to meet your normal requirements of finished floor elevation above the street center line. So that kind of gives you an idea the fill is there is still not the amount that would be there if you were develop it. The other that will happen is that once the fill is spread out and graded, it will all seeded and mulched. So it will appear like a field. It will be grassed and it will be something that is much easier to maintain.

The comment regarding the trees was brought up to me this afternoon and I tried to contact Don Holden to make him aware of that and I was unable to reach him, but I have not been able to discuss that one comment with him but we did look at aerials and we have noticed that in addition to some trees which are along the back lot of the homes which will stay, they haven't been affected, there is a stand of trees that runs through the middle portion of this site...approximately right here. Those are the trees in question and I think what we are talking about is that if these trees are removed, what kind of screen can go in and the proposal has been to put a screen in this area.

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This area hasn't been touched and this area hasn't been touched so if I understand that comment correctly, it would be the placement of a screen in this particular area. Is that correct?

Unknown: Yes.

Mr. Dowst: One of the problems we have with placing a screen in advance of an actual development where you put building and so forth up is we don't have any irrigation so what we would try and do...our recommendation to Mr. Holden would be to select native vegetation that will grow and not be subject to requiring irrigation or something that would cause it to die. That is our thought there.

The second thing that we would like to...if that is going to be a condition of the approval, we would like to retain the option and take a look and see if any of these trees can be saved and still meet the intention of the drainage plan. I don't know if we can do that yet. The drainage is what is paramount and one of the requirements set forth by Milton Hallman so it is not know at this time whether I can do that but I would like to have that opportunity to either retain the trees through the center or plant the screen on the backside if that is acceptable.

Mr. Lusk: The only thing I would be concerned about is if for some reason because of the dirt moving that those trees died...

Mr. Dowst: Yes, Sir.

Mr. Lusk: ...Then we would want then the second choice.

Mr. Dowst: That would be an acceptable condition.

Mr. Lusk: Yeah.

Mr. Dowst: We would have to stay a distance away obviously from those trees.

Mr. Lusk: I'm a little...cause it seems like anytime you start moving dirt around trees, it ends up the trees die.

Mr. Dowst: Pretty much have to stay under the crown away from the trees and, and that is why I say I don't know if I can do that. I would have to look at the trees out in the field, see what

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kind they are, you know, see if that is a possibility. If not, then of course a buffer is another alternative.

Again, I haven't had...unfortunately I was not able to reach Don Holden so I don't have his concurrence on that. I did bring a little aerial photograph that I am...I'll pass around. It'll show you the site is highlighted in yellow and will actually show you the stand of trees in question. It might give you a little additional clarification.

Mayor Wine: Can you folks back there see the design he is talking about

Unknown: Unable to understand as person was speaking from audience.

Mayor Wine: Would you like to come on up, please? The Council needs to hear your name and address.

Mr. Dowst: I'll sit down for the moment in case there are any questions.

Mayor Wine: It is alright, he may want to ask you question.

Mr. Simpson: Can you give us an estimate of the amount of time that you would require to complete the improvements that you have contemplated?

Mr. Dowst: We have provided plans as you see to our client to take to contractors and get prices for it. I would just guess, but I would think once you get a contractor mobilized, should be able to finish the whole thing in a couple of weeks. That is final grading, seeding, and mulching and everything. The contractor has not been selected as yet. We did not know if there was going to be any additional changes so Don Holden I guess is awaiting the outcome of this meeting to see what he needs to do.

Unknown: I just want to ask you a quick question. On the yellow basins here, what is saying 11 feet?

Mr. Dowst: Sure.

Unknown: When I walk out my back door..

Mr. Dowst: What are you going to see?

Unknown: Right now I was looking at a 60 foot pile of dirt.

Mr. Dowst: Okay.

Unknown: It is down to about 12 foot now.

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Mr. Dowst: Okay. To give you an idea of what....

Unknown: How high in feet is that gonna be?

Unknown II: It's gonna be 11 feet.

Mr. Dowst: The rear...The approximate rear property grade of the homes in here are somewhere around...

Unknown: Well, I'm right here and this is 7.5.

Mr. Dowst: Okay.

Unknown: There is 7.2 or 3 right there.

Mr. Dowst: 7.2

Unknown: ...and it is right around the 7.2 or 7.5...

Mr. Dowst: Well, where you are looking straight back, you'd be looking at the pond.

Unknown: No, I'm right here. This is the edge of the pond and there's the edge of my property line, the edge of my house.

Mr. Dowst: Okay.

Unknown: Walk out my...you are lookin...

Mr. Dowst: Alright.

Unknown: I walk out my door; walk to my line and I am walking 12 foot straight up.

Mr. Dowst: Okay.

Unknown: You know, that wasn't there before..

Mr. Dowst: I understand, okay.

Unknown: How high are we going to be talking here in feet?

Mr. Dowst: What you will see now is if you are at 7.8...

Mayor Wine: Speak a little louder, please.

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Mr. Dowst: The back of the lot is at 7.8, the opt of the berm would be 11.5, so 8, 9, 10, 11; 3 1/2 feet is what you would see as a vertical rise. Now that vertical rise wouldn't start for 50 feet.

Unknown: Right. That is going up like this.

Mr. Dowst: Right. Currently you have a lot of fill that is this area, the first 50 foot. That is all being pulled back to this point here and then it will be spread and evened out. So, at this point right now you have that you are looking at that is probably like 8 to 15 so that would be 7 feet high. Now you will be looking at something that is 3 1/2 feet high but it will be pushed 50 feet back. In addition, the side slopes of the fill will be 6 to 1 which is about like that as far as slope.

Unknown: Right. In other words, it is not gonna be walking out and walking into a wall.

Mr. Dowst: That's correct.

Unknown: Cause that's what is there right now.

Mr. Dowst: That's correct.

Unknown: You can walk into it and almost stand vertically right up against it.

Mr. Dowst: It is piles of dirt right now.

Unknown: I know it was 60 foot high at one time....I just wanted to know what in feet what we were talking about. I can see the elevations.

Mr. Dowst: Sure.

Unknown: How many feet are we talking about?

Mr. Dowst: 8, 9, 10, 11,...It would be like 3 1/2.

Unknown: Okay.

Mr. Dowst: About like that. It starts at 50 feet and the transition....

Mr. Lusk: To help you, it is kinda like you are standing on an 8 foot pile and you are looking at 11 foot pile.

Mayor Wine: Exactly.

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Mr. Lusk: It's not like you are down there at zero.

Unknown: Right.

Mr. Lusk: Okay.

Unknown: Where I am standing is zero.

Mr. Lusk: When you start looking at these maps, they do not start at zero.

\*\*\* Unable to understand some comments as more than one person was speaking.

Unknown: When I am standing on my back property line, I am still looking at an 11 to 12 foot pile of dirt...

Mr. Lusk: That's what is going to be gone.

Unknown: When they grade all this down, I was just trying to figure out how many feet we were talking about. How high is it going to be?

Mr. Dowst: If we put it in proper perspective, like here to the back wall would be where the fill starts being placed.

Unknown: Right.

Mr. Dowst: All the fill within that distance would be removed. From that point to about from here to there, would be the area that it would take to grade up to that height.

Unknown: That is what I wanted to find out...How high was it gonna be? Not in elevations or or sea levels but in feet, you know? Would we have to be a midget to walk up there or...

Mr. Dowst: Nope, you can walk right up.

Mayor Wine: What do you suggest we do? Wait until we can confirm what it is that Mr. Simpson wants for the City's records.

Mr. Simpson: Well, I would recommend you approve the drafting of an agreement that contains the parameters that have been outlined for you this evening. Probably a 30 day time period to complete the improvements. A visual buffer of some kind or in the alternative retain the trees that are presently located. We discussed this earlier today that if they will do this, that any permit fee required by the City would be waived. We wouldn't require them to come out and pay a permit to do this work. The installation

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of the large pipe, the seeding, and mulching and we would put this all in an agreement and if they were unable to do it or didn't do it, refused to do it within 30 days, that we would have a provision that allows us to seek an injunction to compel them to do this or remove the dirt. Either take this plan and follow it or remove the dirt. And, that would be what I recommend we put in an agreement. Course their attorney would need to look at it and we would look at it, but if you were to approve that tonight in concept, we can proceed with the preparation of that document and he can go back to his client and say this is what the Council has approved in concept so we get it moving.

Mr. Byrnes: So moved.

Mr. Mellette: I'll second...provided it's in there that if they leave the trees out there in the middle and they die within a year or if they die, then they have to put the buffer in.

Mr. Elliott: That's a good idea.

Mr. Byrnes: Yeah, that's a good idea.

Mr. Mellette: Anytime you go in and start pulling dirt away from trees, they're liable to die. That dirt needs to be there.

Mayor Wine: Even so, sometimes even after a year, Mr. Mellette, I've seen some of these subdivisions...if you have noticed that...

Mr. Mellette: I'd like to change my statement from a year to "if they die".

Mayor Wine: Yeah, right cause I have seen some of them die after a year, especially the oaks.

Mr. Mellette: Yeah, it can lay full of water also and kill them so in other words if they die, they need to be replaced.

Mr. Dowst: If , if we think there is any chance of them dying, that won't be the recommendation that I'll be giving so...

Mr. Elliott: You'd be going with putting another buffer in for the trees?

Mr. Dowst: Right. We want to have the thing finished.

Mr. Elliott: Yeah.

Mr. Hallman: Can I add one more thing? If , by trying to leave those trees there in the heart of the area and it would decrease the amount ...

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Mr. Dowst: The amount of water....,

Mr. Hallman: ...of retention we would have there...If we start doing that, we gonna have to...the plan is gonna have to be slightly revised.

Mr. Dowst: Yeah. Yeah. Cause we are not saying we are gonna reduce the retention.

Mr. Hallman: Yeah. Well your...

Mr. Dowst: That would still have to find...

Mr. Hallman: You're going to if you leave the trees there because you have to setback and buffer them out again and then you going to go up on a one to six slope and what I am saying is if where we are now saying we gotta have six inches in there we may need ten inches in there; we may need twelve inches in that inches retention area but it will have to be slightly modified.

Mr. Byrnes: Would it, would it not be better Mr. Hallman to require a stand of trees along what I would call the back of the property which would be basically a lot closer to the folks' houses back in here.

Mr. Hallman: That's where we are talking about.

Mr. Byrnes: If I, I, I lived there, I'd much rather have the trees here and not have to worry about a parking lot or something.

Mr. Hallman: Yeah, that is what we were talking about doing if we go to a landscaping plan, the trees along the back property line of the homes on Scotland or their east property line.

Mr. Dowst: Unable to make out. Three people talking at the same time.

Mr. Byrnes: The property line of the homes?

Mr. Hallman: Well, the property line of the homes and the east property line are the same thing.

Mr. Byrnes: Same spot?

Mr. Hallman: Yes...

Mr. Byrnes: I thought that swale was a uh...

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Mr. Hallman: The swale is a...the swale is actually on their property...some thirty feet over onto their property.

Mr. Byrnes: Okay.

Mr. Mellette: The best solution would be to leave the trees in the middle out, take them all out and put the buffer across the back of the property.

Mr. Hallman: I'm just saying the plan would have to be slightly modified because we are gonna...we gonna maintain the amount of retention we got there.

Mr. Elliott: We'll, we'll be, you'll be going back in there in a few months in a few months to take them out and mess around anyway...

Mr. Byrnes: I think Mr. Hallman that we're all in agreement that...

Mr. Elliott: Take'm out.

Mr. Byrnes: Take'm out...

Mr. Mellette: Take'm out.

Mr. Byrnes: ...and put in the buffer along the back rather than try and save those trees in the middle.

Mr. Hallman: I, that, I, I would like it that way. I just don't, I see...(three people talking) while we were here so that the engineer knew we were gonna if we were gonna change that we were going to maintain the amount of storage we that calculating.

Mr. Lusk: Long term you'd be a lot better off really.

Mr. Byrnes: I think so too.

Mr. Lusk: You'd save money in the long term.

Mr. Dowst: I'll recommend that to the owner.

Mr. Simpson: Assuming that is what you've decided to do, I think we can prepare an agreement that reflects that and you have an option. We can either bring that back to Council for you to review it or we can tonight authorize the Mayor and City Manager to execute it provided it contains the provisions you've authorized here tonight and, and I think that'll just get it done quicker.

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Mr. Elliott: Yeah. That is what I'd suggest.

Mr. Byrnes: I think the Mayor knows what we all want and she wants the same thing so she is not going to sign it if it doesn't meet what we want so we'll put her on the spot.

Mayor Wine: That's right.

Mr. Elliott: Yeah, let's push it on through and get done with it.

Mr. Mellette: That's right.

Mr. Lusk: I think you've sent a message to the property owner that this is what Council wants too.

Mr. Dowst: Yeah.

Mr. Lusk: Because this doesn't even have to come back to Council...let's kinda do it.

???? Comments made from someone away from mike.

Mayor Wine: As another addendum to this, would you do that verbatim please?

Mrs. Blackwell: Yes, ma'am.

Mayor Wine: Just on this discussion here so that we make sure we understand each other.

Mrs. Blackwell: Yes, ma'am.

Mayor Wine: Do you citizens out there have anything to ask? Mr. Clem.

Jim Clem: Mayor Wine, Jim Clem, 325 Scotland Drive. The only thing I would like to bring up to Council is the fact that on all the plans that have been drawn up here, the City Manager and Mr. Hallman have gone over those with us and we have gone out on the property the DOT and we're pretty well satisfied. At least we've got a good plan we can start out from here on this. I would urge you to go ahead and you know pass this and allow the City Attorney to draft up a letter so we can expedite this.

Mrs. Heyman: That is what we are going to do.

Mayor Wine: That's what we are doing.

????? Other members of Council spoke at same time and could not be understood.

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Mrs. Heyman: That's what we are doing.

Mr. Clem: They have done a lot of work on this so we are pretty well satisfied. They've kept us up do date on everything that's been done....

Mayor Wine: Good.

Mr. Clem: ...and they've been calling us and allowed us to come to their meetings and I think we are on the right track.

Mayor Wine: Well, that's what we need to do.

Mr. Byrnes: Good compliment.

Mr. Clem: Thank you very much.

Mayor Wine: Thank you Mr. Clem.

I had a motion and second, didn't I? If there is not anymore discussion, call the roll, please.

Mrs. Blackwell: Councilman Byrnes?

Mr. Byrnes: Yes.

Mrs. Blackwell: Councilman Mellette?

Mr. Mellette: Yes.

Mrs. Blackwell: Councilman Heyman?

Mrs. Heyman: Yes.

Mrs. Blackwell: Councilman Elliott?

Mr. Elliott: Yes.

Mrs. Blackwell: Mayor Wine?

Mayor Wine: Yes.

**13. REUSE PERMIT SUBMITTED FOR SITE APPROVAL**

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Mr. Hallman told Council this item had been included in a previous authorization approved by Council so no action is needed.

**14. WATER TREATMENT PLANT IMPROVEMENTS**

Mr. Hallman told Council this report contains the recommendations made by Quentin L. Hampton, Associates for water plant improvements which include the filter media for all three filters, the filter control valves, instrumentation that goes with it, a recarbonization system and then one item in there which is a mixer, a sludge mixer in the Wastewater Treatment Plant. All of this is to be paid for out of the Repair and Replacement Account.

Mr. Hallman said he knows this will come out of next year's budget but that he wanted to get the engineering going so the improvements can be started and completed as soon as possible.

*Councilman Byrnes moved to APPROVE the request being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.*

**15. WATER REUSE MAIN CONSTRUCTION CONTRACT CHANGE ORDER AND FINAL ESTIMATE**

Mr. Hallman explained this is the Final Change Order deleting all the items from Progressive Contractor, Inc. that went with the elevated tank. This is being done based on a decision to go with a ground storage tank instead of the used elevated tank. This reduces their contract about \$199,452.95 and then adds \$34,910.90 back for the ground storage tank which the firm has already been authorized to prepare final plans and specifications.

Mayor Wine said this is the contractor doing the reuse water construction and asked Mr. Hallman if he is checking to see that all the cleanup is being done. He said he is checking everything. Following a brief discussion, *Councilman Mellette moved to APPROVE the request being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.*

**16. COMMUNICATIONS FROM CITY MANAGER**

**A. Request for Workshop 9/13 Meeting**

City Manager Lusk said since he has assumed his duties, there has been a lot of discussion regarding the property next door to City Hall. He said he thought a good way for him to deal with this, would be

to have a Workshop Meeting on September 13, 1995, and have the staff come up with some recommendations and plans for Council to look at and direct staff to do.

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Mr. Lusk then explained about an asbestos problem in the buildings. *Councilman Heyman moved to APPROVE the Workshop and to allow Mr. Lusk to spend up to \$3,000 for an asbestos survey. Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.*

**B. Request free trash pickup for two weeks**

City Manager Lusk asked Council to grant two week free trash pickups to allow City crews to clean up after the storm. *All members of Council agreed this was a good idea and needed to be done.*

**C. Voting Delegate to the Florida League of Cities**

Council agreed that this was something the Mayor has always done unless they did not attend.

**17. COMMUNICATIONS FROM CITY ATTORNEY**

None.

**18. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL**

**Councilman Byrnes** thanked the Chamber of Commerce for the very good meeting they had at the Speedway.

**Councilman Mellette** - None

**Councilman Heyman** reported numerous citizens are saying how good the City worked during the recent storm and were very happy to receive the sandbags. She thanked the Chamber for inviting her to their meeting.

**Councilman Elliott** mentioned the Chamber breakfast and also a letter from Paul Bernadini complimenting three members of the Fire Department.

**Mayor Wine** thanked Mr. Lusk, the Department Heads, and City Employees for their work during the storm and said the citizens were thrilled to get the sandbags. She complimented the Chamber for a job well done.

**19. ADJOURNMENT**

There was no further business to come before the City Council so the meeting was adjourned at approximately 8:28 p.m.

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Mayor

ATTEST:

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City Clerk - City Manager