M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
August 27, 2002

1. CALL TO ORDER
A. Roll Call

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

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

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Commissioner Via advised that Chief Shinnamon had presented a check to the Middle School. Chief Shinnamon explained that he had presented a check for $1,100 as part of last year's Local Law Enforcement Block Grant for a poster contest.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – August 13, 2002
Minutes of Commission Workshop – August 13, 2002

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

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

4. Committee Reports

Volusian Water Alliance

Commissioner Via advised that there was no update from this board.

Volusia League of Cities

Commissioner Byrnes advised there was no local update but they just returned from the State conference in Boca Raton, where they learned a lot through exchanging ideas with other cities. He was disappointed that the candidates for Governor could not attend as they were scheduled to but they did get to meet some of the other candidates for State races.

Volusia Council of Governments

Commissioner Lockeby stated that they will be discussing the Fire/EMS study on September 30th. He also advised that the Historic Preservation Convention will be held here in Volusia County this year. It will cost between fifty and sixty thousand dollars to hold this event. They will be asking all of the cities to contribute towards this. They passed-out a list of the cities that have received historic grants (Holly Hill is not on the list yet). He felt we should try to contribute. Also, VCOG is looking at Roy Schleicher to head the new water entity.

Metropolitan Planning Organization

Mayor Arthur advised that they had a meeting today, which he chaired half of. There were no updates from that meeting.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

6. FIRST READING OF ORDINANCE 2640, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES OF THE CITY OF HOLLY HILL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2640, seconded by Commissioner Lockeby.*

Commissioner Via inquired about what a non-elective contribution is. Mr. Simpson explained that this is our present system and new state law requires that we adopt this ordinance in order to continue using it. Commissioner Byrnes asked that the options within it that we are not selecting be deleted so that it does not appear anyone into thinking additional options are available to employees.

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

7. RESOLUTION 2002-R-46, AUTHORIZING THE USE OF SICA HALL AS A MASS CARE SHELTER BY THE RED CROSS

Mr. Simpson read:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE RENEWAL OF AN AGREEMENT BETWEEN THE CITY AND THE VOLUSIA COUNTY SERVICE CENTER OF THE AMERICAN RED CROSS TO PERMIT THE USE OF THE SICA HALL COMMUNITY CENTER AS A MASS CARE SHELTER REQUIRED IN THE CONDUCT OF RED CROSS DISASTER SERVICE ACTIVITIES; PROVIDING FOR EMERGENCY CONTACT PERSONNEL; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Byrnes moved to ***APPROVE*** *Resolution 2002-R-46, seconded by Commissioner Lockeby.*

Commissioner Via asked if they should list more than three City contacts. Mr. Forte stated that the ones they have listed are sufficient because they can always reach a number of others through the police department.

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

8. RESOLUTION 2002-R-47, VACATING THE CITY'S INTEREST IN THE PROPERTY ACROSS FROM 504 RIVERSIDE DRIVE CONTINGENT UPON CERTAIN CONDITIONS BEING MET

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA VACATING THE CITY'S INTEREST IN CERTAIN PROPERTY HEREINAFTER DESCRIBED; RETAINING THE RIGHT TO CONSTRUCT AND MAINTAINED UNDERGROUND UTILITIES OVER THE ENTIRE PARCEL; RETAINING A FORTY FOOT (40') RIGHT OF WAY MEASURED EAST FROM THE CENTER LINE OF THE EXISTING RIVERSIDE DRIVE; CONDITIONING SAID VACATION ON RESTRICTIVE COVENANTS ON THE SUBJECT PROPERTY PROHIBITING THE CONSTRUCTION OR INSTALLATION OF ANY STRUCTURES OR OTHER IMPROVEMENTS OTHER THAN A DOCK, PROHIBITING THE PARKING OF ANY VEHICLES ON THE SUBJECT PROPERTY AND REQUIRING SAID PROPERTY TO BE FOREVER JOINED AS A SINGLE PARCEL WITH THE PROPERTY LOCATED ON THE WEST SIDE OF RIVERSIDE DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2002-R-47, seconded by Commissioner Byrnes.*

Commissioner Byrnes confirmed that the only thing they can construct on this property is a dock. Mr. Forte advised that we have maintained an easement over the entire parcel but, in response to Commissioner Via's question, we cannot build on it. Commissioner Lockeby confirmed the location of this property. This action will increase the property tax value and therefore provide some additional ad valorem tax to the City.

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

9. RESOLUTION 2002-R-48, AUTHORIZING A FUNDING AGREEMENT WITH THE METROPOLITAN PLANNING ORGANIZATION

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH THE METROPOLITAN PLANNING ORGANIZATION FOR FISCAL YEAR 2002-2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** Resolution 2002-R-48, seconded by Commissioner Lockeby.*

This amount is slightly higher than last year because the census showed a population increase.

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

10. RESOLUTION 2002-R-49, AUTHORIZING A LEASE FOR SPACE AT THE HALIFAX LAW CENTER FOR USE BY THE HISTORIC PRESERVATION BOARD

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF A LEASE FOR SPACE AT THE HALIFAX LAW CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2002-R-49, seconded by Commissioner Byrnes.*

Commissioner Byrnes inquired if the reverter still applied for this property. Mr. Forte stated that the County has asked for a letter from our attorney, which waives the original reverter clause - so that we may utilize part of this building without assuming the entire structure. Scott Simpson has prepared this. This building was once owned by the City and used for a market. They deeded it over to the County in the 1930's.

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

11. RESOLUTION 2002-R-50, AUTHORIZING A CONTRACT FOR WATER METER INSTALLATION WITH AZURIX

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING A CONTRACT FOR WATER METER INSTALLATION WITH AZURIX; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Byrnes moved to ***APPROVE*** *Resolution 2002-R-50, seconded by Commissioner Lockeby.*

Mr. Forte stated that Staff was pleasantly surprised to learn that Azurix did this kind of work. They know them to be a good company and they were the low bidder. This project is for installation only. Commissioner Byrnes commented on the switching process costing less than he had anticipated. Commissioner Via asked if any other city has this? The City of Port Orange is the only other one that does.

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

12. RESOLUTION 2002-R-51, AUTHORIZING A CONTRACT FOR A WATER METER UPGRADE WITH BADGER METER, INC.

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING A CONTRACT FOR A WATER METER UPGRADE PROJECT WITH BADGER METER, INCORPORATED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Byrnes moved to ***APPROVE*** *Resolution 2002-R-51, seconded by Commissioner Via.*

Mr. Forte advised that when they were looking into a wand meter upgrade, they found that upgrading to state of the art radio controlled meters was in the same price range because they already have so much Badger equipment in the ground that only a head change is necessary. We had budgeted $150,000 for this project and it came in at $110,000. This will provide for more accurate readings, thereby increasing the City's water revenue. Mr. Forte advised that they plan to stagger this project over a period of four years so that they don't all require replacement at once. The Commission indicated that they would rather get going on this and get everything done as quickly as possible.

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

13. FLORIDA EAST COAST RAILROAD – REBUILDING OF 10TH STREET CROSSING

Mr. Forte advised that they received the response to Mr. Hallman's inquiry that they were waiting for. They made an error on the invoice in listing the work done, but the price is the same. The Commission was inclined to delay approval because the crossing is relatively new but the contract with FEC does not leave them in a position for negotiation. They did not want to expend anymore Staff time futilely on this issue.

*Commissioner Schmitt moved to **APPROVE** payment of $44,589.70 to the Florida East Coast Railroad for the cost of rebuilding the 10th Street Crossing, as per our agreement, seconded by Commissioner Lockeby.*

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

14. VARIANCE REQUEST FOR THE HOLLY HILL SHOPPING CENTER (WINN DIXIE) FOR AN ADDITIONAL SIGN

This item was deferred to the end of the meeting in order to wait for the City Planner to arrive. Items 15 and 16 were completed first. Mr. Keeth arrived as Mr. Wood was showing slides of the signs presently on and around the site. On behalf of the property owner, the applicant for this request is the sign company, Central Signs. Representative Charles Cameron was present to make this request. There are twenty-six units in this shopping center; approximately three are currently empty. Most of these businesses do not have any signage, but some of the larger ones have two. The Commission indicated they looked favorably upon this type of request but their greatest concern was the issue of equity. They wanted to ensure that the goal of allowing all of the businesses signage availability was met. Mr. Cameron suggested a four-foot minimum be required to be offered to each tenant. They need to get the signs matched-up more closely with who is closer to them, too. They also liked the idea that unit numbers be incorporated onto the sign. Mr. Simpson advised that they should table this request because it would be an oversimplification to adequately address the Commission's concerns tonight. He would like some time to research exactly what type of conditions they can place on a sign variance. Now that they have some direction of how the Commission would like to proceed, they need for the attorney, the planner, and the contractor to design a proposal for their consideration. Commissioner Byrnes stated that he felt that signage should be based on the square foot of the business, not the frontage.

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

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

15. SPECIAL EXCEPTION REQUEST FOR A RESTAURANT ABUTTING RESIDENTIAL ZONING – 267A RIVERSIDE DRIVE (OLD PUBLIX SHOPPING CENTER)

This is a request to place a restaurant at the north end of the Halifax Shopping Center, behind the present restaurant, where the Laundromat used to be. The restaurant in front has been there since the 1970's, which was prior to the requirement of a Special Exception if they abut residential zoning. Commissioner Byrnes confirmed with Mr. Harbuck that the notice requirement had been fulfilled. Belinda Applebee attended on behalf of the applicant. She advised that this will be an upscale bistro, serving New American cuisine with a Southwest Cajun flair. They will be applying for a beer and wine license from the State. The Commission found no problem with this request and were actually surprised that they needed a Special Exception.

*Commissioner Via moved to **APPROVE** granting the Special Exception Request for a restaurant abutting residential zoning at 267A Riverside Drive, seconded by Commissioner Lockeby.*

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

16. SPECIAL EXCEPTION REQUEST FOR A USED CAR SALES LOT AT 1105 RIDGEWOOD AVENUE

This property is currently used as an oil change and repair shop. The owner is requesting a Special Exception to operate a small used car sales lot on this property, in conjunction with their repair business. He wants to display five cars in the front and ten in the back. The property is zoned B-5. The business owner, Hamid Zomorodian, showed a photograph of the site and a site plan of what he is requesting. Mr. Forte was not concerned about the cars in the back but he was concerned about how this would look in the front. The Commission agreed because this is at the foot of the main artery into the City. Most of the Commission did not feel that this was so much a problem now, but it could be later on as they continue their beautification and redevelopment efforts. Overall, they felt the request would improve its current state if there was one less vehicle on the southwest corner of the property. Commissioner Lockeby did not agree with this type of image on their main corridor. Special Exception allows them to create specific rules for the granting of it. Mr. Simpson recommended they table this item and have the applicant bring back an amended site plan. The Commission felt their amendments were small enough that they could complete this action tonight. Steve Correia, 707 Caroline Avenue, expressed concerns about the ingress and egress of this area.

*Commissioner Via moved to **APPROVE** granting the Special Exception Request for a period of one year from date of approval, to be renewed for additional one year periods, upon recommendation of Development Code Administrator and approval of the City Commission - conditioned upon 1) compliance with site plan as amended, limiting vehicles and parking on southwest corner of building to three; and 2) requiring retention of landscape island presently on site, as reflected on amended site plan, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-1 on roll call: Via – yes, Byrnes – yes, Schmitt - yes, Lockeby - no, Arthur - yes.

17. COMMUNICATIONS

A. City Manager

Mr. Forte advised that the property they had declared a nuisance at 154 5th Street, owned by Sicilia, is expected to make the deadline for corrective action. He also advised that the rain has caused a slight delay in the completion of phase III of the Recreation project. The new anticipated completion date is October 26th. Mayor Arthur asked if the property on 6th Street was meeting its timeline for correcting a nuisance. Mr. Harbuck stated that the owner was a little behind but he is out there working everyday. The house next door to it has been sold and the entire area appears to be improving. The Wilson property across from this has now been cited. Referring to the City's SRF loan for their stormwater improvement projects, Mr. Forte advised that we are part of a financial hardship community interest rate – which means that our 3.09 interest rate is actually going to come down to 2.12 percent. This will save us about $24,000 per year.

B. City Attorney

Mr. Simpson indicated that he had nothing further to report.

A. Mayor and Commissioner

Commissioner Via stated that he was very disappointed in the results of the 6th Street vineyard. This Commission showed empathy and enthusiasm for this project, as did Staff, to bring this special APUD for this property. This has almost become an insult. Commissioner Via had requested a report from the Historic Preservation Board. The Commission receives copies of the agendas and minutes from each board but Mr. Wood redistributed a copy of the January 2002 minutes from that Board to each of the Commissioners, where they outlined their goals. He also presented a copy of the historic structures report. One of the goals of this Board is to have the City adopt a local preservation ordinance, so that structures that are identified as having historic value can be preserved. They will be applying for a grant for a historic preservation survey. They have been working with sandborn maps, which are insurance maps that date particular structures to a certain time. They have identified the first school house in Holly Hill, which is located on 6th Street, one block east of Ridgewood. They are searching for more information on the McCoy house. They are aiming to put out a monthly newsletter and a spot on the City web site. They were created to grow to become a separate entity from the City, so they also intend to pursue independent funding. This is a very enthusiastic board. One of their Board members is also on the Conference Board for the Historic Preservation Conference that Commissioner Lockeby had referred to in his VCOG report. Commissioner Via also asked if anyone else was really interested in attending the RailVolution. They have budgeted for one person to attend. The Commission agreed that Commissioner Via should attend this year. He will bring back a report from this Conference. Commissioner Via stated that he was very proud of our City and its leadership stand within the area.

Commissioner Byrnes referred to the water meter upgrade, which he has long been a promoter of, and stated that he is very pleased that we are making this progress. He then referred to a News Journal article on the EMS/Fire study, which he was very disappointed in. He felt the small cities that were currently managing their own areas were doing fine, as opposed to the big city that is going broke.

Commissioner Lockeby agreed with Commissioner Byrnes on the EMS/Fire study. He feels that VCOG selected the wrong company to do this. He thanked the News Journal for their ten thousand dollar contribution to the Historic convention.

Commissioner Schmitt asked why there isn't a school guard at Nova and Walker? Mr. Forte responded that we have requested this both through the School Board and the Sheriff's Office and the response is that they do not supply school guards for middle schoolers, which are the one's who are crossing this area. Commissioner Schmitt then mentioned the political sign violations that he has seen and asked Staff to look into that.

Mayor Arthur advised that Congressman Mica came to visit City Hall. During his visit, he mentioned that TOPS grant funding is available. Staff will look into this.

18. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:52 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk