

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
OCTOBER 27, 1998**

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at 7:30 p.m.

Answering roll call were Mayor Arthur, Commissioners Arthur Byrnes, J. D. Mellette, Shirley Heyman and Roland Via.

Also attending were City Manager Donald Lusk, Assistant City Manager Joe Forte, City Attorney Edward Simpson, and City Clerk Sue W. Blackwell.

2. INVOCATION

Public Works Director Milton Hallman gave the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

PRESENTATIONS

Mayor Arthur congratulated Ken Huntley for his 25 years of service to the City and presented him with his service award.

5. CONSENT AGENDA

A. Minutes Regular Meeting – October 13, 1998

*Commissioner Via moved to **APPROVE** the consent agenda being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.*

6. AUDIENCE PARTICIPATION

Marceda Polisnek Zurawski, 9 Timber Trail – Complained to the Commission about flooding in front of her home since the installation of water and sewer lines. Surface water is settling in front of her home and she now has mosquitoes and snakes to deal with. Ms.Zurawski asked for help in dealing with the problem.

Mayor Arthur said, “You’ve talked with me earlier about the problem and I’ve looked into it and I looked into it the best I could. I’ve talked to the engineers and I’ve talked to your neighbor. We have found out a little bit of new information about the problem and there may be a cheap way to settle this. What we would like to do is look into it a little

further before we give you any formal answers and there may be a way to take care of this.”

Ms. Zurawski said “When city officials had the meeting in her yard they all said to her that our property would be restored to the condition it was if not even better. I’ve already invested \$150 to try to get the bugs out of my lawn. We had worms in the sod. I’ve had Tru Chem come in, I’ve put Bonus S on the lawn trying to save my lawn from the bugs. They did not put the sod back in properly. The condition is worse. I didn’t have this kind of flooding before.”

City Manager Lusk said, “Just so Council knows, the sod has not been paid for, nor will it be paid for until the contractor replaces it. We’re withholding the man’s final payment until the sod gets done right. One of our problems and why I don’t want to respond tonight is we got some information about 4:30 p.m. this afternoon and hasn’t given us enough time to take a look at what needs to be done.”

Mike O’Sullivan – 7 Timber Trail – Lives next door to Ms. Zurawski and complained about the lack of proper drainage and said he was here this evening in support of Ms. Zurawski.

4. PRESENTATIONS & PROCLAMATIONS

PROCLAMATION

At this point in the agenda Mayor Arthur presented a Proclamation and asked Fire Chief Joe Forte to come forward. Mayor Arthur then proclaimed November 1998 as Holly Hill Fire & Rescue Month and presented a formal proclamation to Chief Forte.

Chief Forte said, “I would like to thank the Commission and City Manager for allowing the Fire Department to take this enormous step forward in providing this level of service. Tonight you did a ground breaking for a gym and you also did a ground breaking for an enormous service we will be providing to our citizens so I thank you as well.”

Mayor Arthur said, “I would like to change the agenda a little bit tonight and have the City Manager’s comments.”

26. COMMUNICATIONS FROM CITY MANAGER

A. Early Retirement Agreement – Sheets

City Manager Lusk said, “I have three things I would like to cover real quick. The one item is the policy of this City in the last few years has been employees with a lot of years we can maybe save on the payroll by buying them out and giving them six months severance. By them taking this offer, it saves us overall in the years to come. I know when the auditors came in every year and talked to you one of the big things is our

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payroll has been cut. Probably by about 20% over the last three years. How we've done it is by buying out highly paid employees and having them take early retirement.

"I'm going to request that you do one of these tonight and it's Mrs. Susan Sheets who is the Deputy Clerk. We estimate that it will take about nine months to get our money back. There will be a new employee that will come in at about half the cost. I recommend that. I want to tell Council that what we've offered is a six months severance package which is standard. One thing that wasn't standard was we've also offered Mrs. Sheets the amount of money it would have cost us to have sent her, she had one more Clerk's School to go to and we've offered to go ahead and pay for that as part of the severance package. We figured up the cost of the hotel, mileage, etc. and we've added that to the six months and with that I would like to recommend that City Council approve this contract."

Commissioner Via said, "Is that contract or severance package?"

City Manager Lusk said, "It is a contract; it was drawn up by the City Attorney."

Mayor Arthur said, "and you and Susie talked about it and this is what she's willing?"

City Manager Lusk said, "Yes and I recommend it."

*Commissioner Mellette moved to **APPROVE** the contract being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on roll call.*

City Manager Lusk said, "The second thing I want to talk with you tonight is about is the workshop. You're going to meet with your two advisory boards, the Board of Planning and Appeals and the Redevelopment Board. I want to tell Council I feel that when City Council meets with Advisory Boards that Staff really has no part in that. I'm going to have our Planner, Tim Harbuck and Ira they are there for information purposes. They're not there to guide you or to tell you what we think you ought to do. They are there if you have a question you can ask them all the questions you want. I think an Advisory Board the City Council should take the lead not staff at all. I'm not going to be there tonight I don't think it would be appropriate for a City Manager to be sitting in that type of meeting. I will have people there to give you information. If you want to ask a question about zoning or something you will have the people there. We're there to answer questions but not really participate."

City Manager Lusk said, "With that there is a third thing I would like to say to Council. I've been a City Manager and a County Manager for about 25 years. This is the best City Council I've ever worked for. I want to thank this City Council for something. The last couple of months I've had some health problems. I'm better now and I'm ready to move forward. This City Council individually stuck with me and I just want to thank you and tell you how much I appreciate that. I think you are the best City Council I've ever worked for. Thank you very much. I hope that I can give you another ten years like I've given you the last three."

7. ORDINANCE NO. 2531 – AMENDS THE COMPREHENSIVE LAND USE PLAN (Martin Property) – (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2531

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN EIGHTH STREET AND TENTH STREET, AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATIONS THERETO; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Mellette move to **ADOPT** Ordinance No. 2531 on second reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call.*

Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

8. ORDINANCE NO. 2532 – REZONES PROPERTY ON THE WEST SIDE OF NOVA RD. (SR 5A) BETWEEN EIGHTH AND TENTH STREET FROM B-5 AND MH-1 (COUNTY) TO I-1 (CITY) – (Martin Property) – (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2532

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 4.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN EIGHTH STREET AND TENTH STREET FROM B-5 (COUNTY) AND MH-1 (COUNTY) TO I-1 (CITY); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Mellette moved to **ADOPT** Ordinance No. 2532 on second reading being seconded by Commissioner Byrnes. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Byrnes, yes; Heyman, yes; Via, yes; Arthur, yes.

9. ORDINANCE NO. 2536 – REQUEST COMMISSION APPROVE PENSION BENEFIT FOR NON-UNION MEMBERS OF THE POLICE DEPARTMENT (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2536

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE II (POLICE OFFICERS), SECTION 42-31(g)(PENSION BENEFITS) TO PROVIDE AN ADDITIONAL \$100 PER MONTH BENEFIT UP TO AGE SIXTY FIVE (65) FOR POLICE OFFICERS RETIRING WITH AT LEAST TWENTY (20) YERS OF SERVICE.

*Commissioner Heyman moved to **ADOPT** Ordinance No. 2536 on second reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

Heyman, yes; Via, yes; Byrnes, yes; Mellette, yes; Arthur, yes.

10. ORDINANCE NO. 2537 – AMEND ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.49 ACRE LOCATED ON THE EAST SIDE OF STATE AVENUE APPROXIMATELY 300 FEET SOUTH OF FLOMICH STREET FROM R-7 TO CC-1 (Blair) – (Second reading)

Mayor Arthur said, “I would like to see Item 10 Tabled, it should come after Item 11 so it should come at another meeting.”

City Attorney Simpson said, “Mr. Mayor we’ve got a solution to the timing as you pointed out Item 11 is related to Item 10 and generally you should adopt your amendments to your Comprehensive Plan before you change your zoning. What you can do to avoid republishing is you can amend 10 to make it effective November 11, 1998 which will be after the second reading of Ordinance No. 2541 (Item 11) so you can avoid having to re-advertise by amending Ordinance No. 2537 (Item 10) to make it effective after the date that you read Ordinance No. 2541 (Item 11). So if you’ll strike out in Section 5 where ‘it shall become effective immediately upon its adoption’, scratch in there November 11, 1998 and then, assuming that you move to adopt this ordinance on second and final reading, it would be as amended to reflect the effective date of November 11, 1998.”

City Attorney Simpson read:

ORDINANCE NO. 2537

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS BY REZONING APPROXIMATELY 0.49 ACRE LOCATED ON THE EAST SIDE OF STATE AVENUE APPROXIMATELY 300 FEET SOUTH OF FLOMICH STREET FROM R-7 TO CC-1; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Byrnes moved to **ADOPT** Ordinance No. 2537 as amended by insertion of the effective date of November 11, 1998 being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:*

Byrnes, yes; Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.

11. ORDINANCE NO. 2541 – AMENDS THE COMPREHENSIVE LAND PLAN BY REVISING THE FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED ON THE EAST SIDE OF STATE AVENUE FROM HIGH DENSITY RESIDENTIAL TO GENERAL RETAIL COMMERCIAL (Blair Property) – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2541

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING FIGURE II-6, THE FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 0.49 ACRE LOCATED ON THE EAST SIDE OF STATE AVENUE APPROXIMATELY 300 FEET SOUTH OF FLOMICH STREET FROM HIGH DENSITY RESIDENTIAL TO GENERAL RETAIL COMMERCIAL; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2541 on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll*

call:

Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

**12. ORDINANCE NO. 2538 – ANNEXATION BY VOLUNTARY PETITION
(Tew Hitch City) – (First reading)**

City Attorney Simpson read:

ORDINANCE NO. 2538

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTINGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** Ordinance NO. 2538 on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

13. ORDINANCE NO. 2542 – AMENDS COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE ANNEXED PROEPRTY AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATION – (Tew Hitch City) – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2542

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY OF APPROXIMATELY .39 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN 8TH AND 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATIONS THERETO; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN

EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** Ordinance NO. 2542 on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

14. ORDINANCE NO. 2543 – AMENDS LAND DEVELOPMENT REGULATIONS BY REZONING APPROXIMATELY .39 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN 8TH & 10TH STREETS FROM COUNTY ZONING B-5 & MH-1 TO CITY ZONING I –1 (LIGHT INDUSTRIAL) (Tew Hitch City) – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2543

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY .39 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN 8TH AND 10TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE CURRENT COUNTY ZONING OF B-5 AND MH-1 TO CITY ZONING I-1 (LIGHT INDUSTRIAL); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2543 on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

15. ORDINANCE NO. 2539 – ANNEXATION BY VOLUNTARY PETITION (U.S. Rentals) – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2539

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF CIRCUIT

COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Ordinance No. 2539 on first reading being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:*

Byrnes, yes; Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.

16. ORDINANCE NO. 2544 – AMENDS THE COMPREHENSIVE PLAN BY REVISING THE LAND USE MAP TO INCORPORATE ANNEXED PROPERTY AND ASSIGNING THE “WHOLESALE COMMERCIAL & INDUSTRIAL” LAND USE DESIGNATION – U.S. Rentals – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2544

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY OF APPROXIMATELY 4.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN 8TH AND 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATIONS THERETO; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SERVABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2544 on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

17. ORDINANCE NO. 2545 – AMENDS THE LAND DEVELOPMENT REGULATIONS BY REZONING APPROXIMATELY 4.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN 8TH & 10TH STREETS FROM COUNTY ZONING OF B-5 TO MH-1 TO CITY ZONING I-1 (LIGHT INDUSTRIAL) – U.S. Rentals – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2545

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 4.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN 8TH AND 10TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE CURRENT COUNTY ZONING OF B-5 AND MH-1 TO CITY ZONING I-1 (LIGHT INDUSTRIAL); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2545 on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Arthur, yes.

18. ORDINANCE NO. 2540 – ANNEXATION BY VOLUNTARY PETITION (Fox Property) – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2540

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Ordinance No. 2540 on first reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

Byrnes, yes; Via, yes; Heyman, yes; Mellette, yes; Arthur, yes.

19. ORDINANCE NO. 2546 – AMENDS THE COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE ANNEXED PROPERTY AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATION – (Fox Property) – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2546

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY OF APPROXIMATELY 1.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN FLOMICH AVENUE AND ALABAMA AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, AND ASSIGNING THE "WHOLESALE COMMERCIAL AND INDUSTRIAL" LAND USE DESIGNATIONS THERETO; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2546 on first reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Via, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

20. ORDINANCE NO. 2547 – AMENDS LAND DEVELOPMENT REGULATIONS BY REZONING APPROXIMATELY 1.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN FLOMICH AVENUE & ALABAMA AVENUE FROM COUNTY ZONING B-5 TO CITY ZONING I-1 (LIGHT INDUSTRIAL) – (Fox Property) – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2547

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 1.22 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN FLOMICH AVENUE AND ALABAMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE CURRENT COUNTY ZONING OF B-5 TO CITY ZONING I-1 (LIGHT INDUSTRIAL); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2547 on first reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

21. ORDINANCE NO. 2548 – AMENDS LAND DEVELOPMENT REGULATIONS BY REZONING PROPERTY FROM B-5 (General Retail Commercial) TO CC-1 (Commercial Corridor) – Aloha Marina – (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2548

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 9.37 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD BETWEEN 13TH AND 15TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM B-5 (GENERAL RETAIL COMMERCIAL) TO CC-1 (COMMERCIAL CORRIDOR DISTRICT) PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2548 on first reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Via, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

22. ORDINANCE NO. 2549 – ADOPTS REGULATIONS FOR ALL OUTSIDE SALES OF GOODS & MERCHANDISE WITHIN THE CITY - (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2549

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING SECTION 114-767 (OUTSIDE DISPLAY OF GOODS); ADOPTING REGULATIONS FOR ALL OUTSIDE SALES OF GOODS AND MERCHANDISE WITHIN THE CITY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A discussion was held concerning the amount of money to be charged for permitting fees. It was the consensus of the Commission to pass this Ordinance on first reading and have Chief Building Official Tim Harbuck check on the amount of permit fees that are being charged by other cities and have this information available for the Commission for second reading.

*Commissioner Heyman moved to **APPROVE** Ordinance No. 2549 on first reading being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:*

Heyman, yes; Mellette, yes; Via, yes; Byrnes, yes; Arthur, yes.

23. RESOLUTION 98-R-43 – APPOINTS A MEMBER TO SERVE ON THE BOARD OF PLANNING & APPEALS – (George Davis)

City Attorney Simpson read:

RESOLUTION 98-R-43

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE THE UNEXPIRED TERM OF LINDA CORNELIUS UNTIL MAY, 2001; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Heyman moved to **ADOPT** Resolution 98-R-43 being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

Heyman, yes; Via, yes; Byrnes, yes; Mellette, yes; Arthur, yes.

24. REQUEST COMMISSION DECLARE SURPLUS ITEMS FOR AUCTION ON NOVEMBER 7, 1998

*Commissioner Mellette moved to **APPROVE** the list of Surplus Items for Auction being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on roll call.*

25. REQUEST COMMISSION APPROVE FINAL INVOICES FOR THAD CONSTRUCTION CO., FINAL CONSTRUCTION INSPECTION BY QUENTIN HAMPTON & AUTHORIZE PAYMENT OF FINAL INVOICES AND AUTHORIZE MAYOR TO EXECUTE DEDUCTIVE CHANGE ORDER #1 – Riviera Estates Utility Improvements

A lengthy discussion was held concerning the drainage problems being encountered by the residents of Riviera Estates.

*Commissioner Heyman moved to **APPROVE** the request being seconded by Commissioner Via.*

Commissioner Byrnes voiced concern over the number of man hours being charged by the Engineer. Commissioner Mellette said he would like to see the problem solved and see this item **TABLED**.

Commissioner Via withdrew his second and Commissioner Heyman withdrew her motion.

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*Commissioner Mellette moved to **TABLE** this time until the drainage problems are solved being seconded by Commissioner Byrnes. The motion **CARRIED** 5-0 on roll call.*

27. **CITY ATTORNEY**

None

28. **COMMUNICATIONS FROM MAYOR & COMMISSION**

J. D. Mellette – Very proud of the ground breaking ceremonies tonight and thanked everyone involved in it.

Shirley Heyman – Took the words right out my mouth. I'm real proud of it too. I want it to be the biggest and the best in Volusia County.

Roland Via – I'm right at the end of the first year of my term and its been a super experience. I'm really proud of the gym. I ditto J.D.'s remarks.

Arthur Byrnes – It was nice. It was nice seeing the ex-mayors there. It was nice that the community was involved. It was nice that we had a good showing from our employees. Once again, it reminds me of what a good job our employees do and how they make us all look good.

Mayor – I'll tell you what I'm even more proud of than our gymnasium, which is an incredible accomplishment. If anyone sat here and watched how this meeting went tonight they saw issues that should have been passed quickly, pass quickly. We had little disputes on different things and every one of us worked together. As long as we continue to do that we're going to have great things. There is no way to stop it. I'm extremely proud to be a part of what you have created.

Mayor Arthur announced the Workshop immediately following the regular meeting.

29. **ADJOURNMENT**

With no further business to come before the Commission, the meeting as adjourned at 8:30 p.m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

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CITY CLERK