M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
NOVEMBER 12, 1996

1. CALL TO ORDER

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

Answering roll call were Mayor Arthur, 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, Police Chief Pat Finn, and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Rev. Chuck McKeown of the United Brethren Church.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATION OF PLAQUE FOR SERVICE TO THE CITY

Mayor had a plaque to present to Ms. Dorothy Tyre. Ms. Tyre was unable to attend the meeting due to ill health.

5. PROCLAMATION DECLARES NOVEMBER AS HOSPICE MONTH

6. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting - October 22, 1996; Special Meetings - October 14, 1996 and 28, 1996; Workshop Meeting - October 22, 1996.
B. Bills and Accounts
C. Resolution supporting EVAC's renewal certificate of Public Convenience and Necessity
D. Request permission to purchase five air packs - Fire Dept. Budget item.
E. Request permission to purchase three hundred 101 gal. garbage containers for $14,550. Budget item.
F. Request permission to purchase commercial dumpsters. Budget item.
10 two cu. yd. and 10 four cu. yd. Total $6,500
G. "Write off " uncollectible accounts for $$20,423.89 total, Budget item.
H. Request permission to expend monies from the Law Enforcement Trust Fund to lease a vehicle for CID. ($485 per month) Budget Item.

Councilman Byrnes wanted item 6-G removed so he could comment further on it. Council agreed.

Councilman Mellette moved to APPROVE the Consent Agenda being seconded by Councilman Heyman . The motion Carried 5-0 on roll call.

6. "WRITE-OFF" UNCOLLECTIBLE ACCOUNTS FOR $20,423.89

Councilman Byrnes said he had this removed from the Consent Agenda because he wanted to be assured that staff is still working with other cities to keep people from getting services when they still owe a utility bill to us. He said he did not want to vote "no" on the other items.

Councilman Heyman moved to APPROVE the request to "write-off" the accounts being seconded by Councilman Mellette. The motion CARRIED 3/2 with Councilman Byrnes and Councilman Elliott voting no.

7. AUDIENCE PARTICIPATION

Mrs. Mildred Haapala, 140 Lincoln Avenue, Apt. 309, Ormond Beach presented the City with two watercolor pictures she had painted of the red brick school building. Mayor Arthur thanked her on behalf of the City and its citizens.

8. CONSIDERATION OF BIDS RECEIVED FOR TENTH STREET RAILROAD CROSSING

City Manager Lusk reported the bids received fall short of the revenue budgeted by $51,440 when you consider the charges from the railroad. He recommended rejecting the bids received and re-bidding the project after the engineers go over the plans.

Councilman Heyman moved to reject the bids and to rebid the project being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

9. VARIANCE REQUEST AT 1530 GARDEN AVENUE FOR FREDERICK

Mr. Jerry Findley represented the owners and offered to modify the original request which the Board of Planning and Appeals had turned down. After considerable discussion, *Councilman Heyman moved to send the request back to the Board for their input. Councilman Mellette seconded the motion* which CARRIED 5-0 on roll call.

10. REZONING REQUEST - N.E. CORNER OF THIRD ST. AND NOVA ROAD

City Planner Bob Keeth explained the request to Council. However, before the meeting was opened to comments, Mr. Houlton withdrew the request from consideration. He said he had no idea the neighbors were so opposed to his proposed development. He offered to deed a portion of the land to the City if it is needed for drainage. No further action was taken by Council.

11. PUBLIC HEARING AMENDING THE COMPREHENSIVE PLAN AS IT RELATES TO CERTAIN ANNEXED PROPERTY (ORDINANCE FOR FIRST READING)

City Attorney Simpson read:

ORDINANCE NO. 2445
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 PROPERTIES, AND ASSIGNING 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.

There was no comment from citizens present.

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

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

12. PUBLIC HEARING AMENDING THE COMPREHENSIVE PLAN AMENDMENT AMENDS LAND USE MAP FROM MEDIUM DENSITY RESIDENTIAL TO WHOLESALE COMMERCIAL AND INDUSTRIAL (First Reading)

City Attorney Simpson read:

ORDINANCE NO. 2446
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 0.94 ACRE LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF LPGA BOULEVARD AND ALTA DRIVE FROM MEDIUM DENSITY RESIDENTIAL TO WHOLESALE COMMERCIAL AND

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

Bob Keeth explained the request to Council. However there were no comments from the audience.

Councilman Heyman moved to APPROVE the ordinance on first reading being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call:

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

13. ORDINANCE FOR A REZONING REQUEST FOR 515 LPGA BLVD. FROM R-2 TO CC-1 (First Reading)

City Attorney Simpson read:

ORDINANCE NO. 2447

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.94 ACRE LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF LPGA BOULEVARD AND ALTA DRIVE FROM R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO CC-1, COMMERCIAL CORRIDOR DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

There were no comments from citizens attending the meeting.

Councilman Heyman moved to APPROVE the ordinance on first reading being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call:

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

14. PUBLIC HEARING - DECLARING A SIX MONTH MORATORIUM ON COMMUNICATION TOWERS

City Attorney Simpson read:

ORDINANCE NO. 2444

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, ENACTING A SIX (6) MONTH MORATORIUM ON THE ISSUANCE OF PERMITS AND APPROVALS FOR THE CONSTRUCTION, ERECTION, OR PLACEMENT OF ANY ANTENNA OR TOWER WHICH EXCEEDS THIRTY-FIVE (35) FEET IN HEIGHT; PROVIDING FOR EXCEPTIONS; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

There were no comments from citizens attending the meeting.

Councilman Byrnes suggested adding "federally licensed" to line 86 on page 14-2. Council agreed.

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

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

15. PUBLIC HEARING - ORDINANCE APPROVING BILLBOARDS ON MASON AVENUE - Final Reading

City Attorney Simpson read:

ORDINANCE NO. 2443

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED; REVISING SECTION 2.2, DEFINITIONS, BY ADDING A DEFINITION FOR THE TERM "BILLBOARD" AND REVISING THE DEFINITION FOR THE TERM "PERMANENT OUTDOOR ADVERTISING SIGN"; ADDING SUBSECTION 10.5.9 TO PERMIT PERMANENT OUTDOOR ADVERTISING SIGNS SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

There were no comments from citizens attending the meeting.

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

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

16. ORDINANCE ADOPTING A NEW SECTION PROHIBITING CROSS CONNECTIONS AND REPEALING THE CURRENT LAW (STATE MANDATE) (First Reading)

City Attorney Simpson read:

ORDINANCE NO.2448
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING CHAPTER 70 (UTILITIES), ARTICLE IV. (WATER SYSTEM), DIVISION 1. (GENERALLY), SECTION 70-100 (CONNECTION OF POTENTIAL CONTAMINANT SOURCE TO WATER DISTRIBUTION SYSTEM.); ADOPTING A NEW SECTION 70-100 PROHIBITING CROSS CONNECTIONS AND SUBSEQUENT CONSECUTIVE SECTIONS FURTHER REGULATING CROSS CONNECTIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Elliott. The motion CARRIED 4-1 on the following roll call:

Mellette, yes; Elliott, yes; Byrnes, yes; Heyman, yes; Arthur, no.

17. ORDINANCE AMENDING SECTION 6-2 REGARDING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES (First Reading)

City Attorney Simpson read:

ORDINANCE NO. 2449
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 6 (ALCOHOLIC BEVERAGES), SECTION 6-2 (PUBLIC CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES) TO ALLOW FOR CONSUMPTION OF ALCOHOLIC BEVERAGES AT SICA HALL UNDER CERTAIN CONDITIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Heyman moved to APPROVE the ordinance on first reading being seconded by Councilman Mellette. After hearing five members of the audience speak in opposition to the ordinance, the motion was DEFEATED 5-0 on the following roll call:

Heyman, no; Mellette, no; Byrnes, no; Elliott, no; Arthur, no.

18. REQUEST AWARD OF CONTRACT TO MID FLORIDA ENVIRONMENTAL SERVICES FOR HANDLING BIO SOLIDS

Mr. Lusk explained the current hauler is getting out of the business on the east coast of Florida and that our contract is about to expire with them. This is now a sole source item and he recommended awarding the contract to Mid Florida Environmental Services.

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

19. COMMUNICATIONS FROM CITY MANAGER

A. City Manager Lusk asked Council to approve an **agreement between the City and Betty Ford** which gives her two months severance pay. He told Council Mrs. Ford has resigned.

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

B. Mr. Lusk announced the **Water Billing Department will be opening at 8:30 a.m. beginning December 2, 1996.** The extra half hour will allow the staff to bank out and get ready for the new work day. He also mentioned the new computer system will enable the stubs to be posted without having to be input individually as they will have a bar code on them. Council thought that would be a good idea.

Councilman Byrnes said he wouldn't object so long as there is a payment box put in the lobby for the half hour before Water Billing opens their doors.

20. COMMUNICATIONS FROM CITY ATTORNEY

None.

21. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Byrnes said he would like the City Attorney to research and give a memo to Council of ex parte communications on City business. Mr. Simpson said he would write a memo to Council.

Mr. Lusk reminded Council of the Chamber of Commerce breakfast at Bishop's Glen on Wednesday morning.

Mayor Arthur said Mrs. Ruth Starr is ill and has asked to be replaced on the Board of Planning and Appeals. Council expressed their regrets. *Councilman Mellette moved to ACCEPT her resignation with regret being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.*

Mayor Arthur said he would like to appoint "Snake" Andress to serve the remainder of this term.

City Attorney Simpson read:

RESOLUTION NO. 96-R-72
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE BOARD OF PLANNING & APPEALS FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE UNEXPIRED TERM OF RUTH STARR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

22. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 9:05 p.m.

Mayor

ATTEST:

City Clerk - Manager