M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
DECEMBER 10, 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, and Councilman Jim Elliott. Councilman Shirley Heyman was unable to attend due to the illness of her husband James.

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

2. INVOCATION

The Invocation was given by Councilman Arthur Byrnes.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA

Approval of Minutes - Regular Meeting - November 12, 1996
- Regular Workshop - November 19, 1996
Bills and Accounts

Councilman Mellette moved to APPROVE the Consent Agenda being seconded by Councilman Byrnes. The motion CARRIED 4-0 on roll call.

5. AUDIENCE PARTICIPATION

None.

6. PUBLIC HEARING AMENDING THE COMPREHENSIVE PLAN AMENDMENT BY REVISING THE LAND USE MAP FROM MEDIUM DENSITY RESIDENTIAL TO WHOLESALE COMMERCIAL AND INDUSTRIAL (Second 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.

There were no comments from the citizens in the audience.

Councilman Elliott moved to ADOPT the ordinance on second reading being seconded by Councilman Mellette. The motion CARRIED 4-0 on the following roll call:

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

7. PUBLIC HEARING - ORDINANCE NO. 2447 REZONING 515 LPGA BLVD. FROM R-2 TO CC-1 (Second 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 was no public participation from the citizens in attendance.

Councilman Mellette moved to ADOPT the ordinance on second reading being seconded by Councilman Elliott. The motion CARRIED 4-0 on the following roll call:

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

8. ORDINANCE NO. 2448 REPEALING SECTION 70-100 (CONNECTION OF POTENTIAL CONTAMINANT SOURCE TO WATER DISTRIBUTION SYSTEM) ADOPTING NEW SECTION 70-100 PROHIBITING CROSS CONNECTIONS (Second 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 Elliott moved to ADOPT the ordinance on second reading being seconded by Councilman Mellette. The motion CARRIED 3-1 on the following roll call:

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

9. SALE OF CITY OWNED PROPERTY LOCATED SOUTH OF 15TH STREET, EAST OF POWERS AVENUE AND WEST OF BENDER AVENUE

City Manager Lusk explained the appraised value of the property is $30,000 and that the City has received an offer in that amount for these lots. He said he is in favor of selling the property because the City will not be building a fire station there as planned as the County has built a new station just west of the City in that area. Mr. Lusk said the purchaser is planning to build three single family homes on the lots and that will help our tax base.

Councilman Mellette moved to ACCEPT the offer of $30,000 for the three building lots. Councilman Elliott seconded the motion which CARRIED 4-0 on roll call.

10. RESOLUTION NO. 96-R-73 - AUTHORIZING CITY MANAGER TO ENTER INTO LOAN AGREEMENT TO PURCHASE COMPUTERS

City Attorney Simpson read:

RESOLUTION NO. 96-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING AND PROVIDING FOR BORROWING OF $250,000 FROM SUNTRUST BANK, EAST CENTRAL FLORIDA, NATIONAL ASSOCIATION IN ACCORDANCE WITH CHAPTER 166, PART II, FLORIDA STATUTES, AS AMENDED; AUTHORIZING THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE EVIDENCING SUCH BORROWING; PROVIDING CERTAIN FINDINGS IN CONNECTION WITH THE ISSUANCE OF THE NOTE; ACCEPTING THE COMMITMENT OF SUNTRUST BANK, EAST CENTRAL FLORIDA, NATIONAL ASSOCIATION TO PROVIDE SAID FINANCING; PROVIDING FOR THE TERMS AND DETAILS OF SUCH BORROWING AND THE FORM OF NOTE EVIDENCING THE SAME; PROVIDING COVENANTS; PROVIDING TRUTH-IN-LENDING STATEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Lusk gave a brief explanation for everyone. He said the loan is for $250,000 but that the City plans to repay all of the extra funds so in reality the loan is closer to $192,000. He told Council that Brenda Gubernator and Jim Marshall had done a fine job on this project and saved the City upwards of $50,000 on consulting fees. He noted the original RFP came in over $300,000.

Mr. Lusk said the software is being purchased from HTE and the hardware is an IBM AS400 so the City should be set for many years to come. The City Manager said the interest rate is 4.55%.

Councilman Byrnes moved to ADOPT the resolution being seconded by Councilman Elliott. The motion CARRIED 4-0 on the following roll call:

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

11. RESOLUTION NO. 96-R-74 APPOINTING AN ALTERNATE TO THE BOARD OF PLANNING AND APPEALS.

City Attorney Simpson read:

RESOLUTION NO. 96-R-74
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING AN ALTERNATE MEMBER TO SERVE ON THE BOARD OF PLANNING AND APPEALS FOR THE CITY OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson said the name in the resolution is Carol Swain.

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Elliott. The motion CARRIED 4-0 on the following roll call:
Mellette, yes; Elliott, yes; Byrnes, yes; Arthur, yes.

12. RESOLUTION NO. 96-R-75 - INCREASES STORM WATER DRAINAGE FEES

City Attorney Simpson read:

RESOLUTION NO. 96-R-75
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, INCREASING THE STORMWATER UTILITY FEE TO $2.50 PER EQUIVALENT LIVING UNIT; ESTABLISHING THE EQUIVALENT LIVING UNIT FOR NON-RESIDENTIAL AND MULTI-FAMILY PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

City Manager Lusk said Council had discussed a Five Year Plan improvements to the City's drainage system at a recent Workshop Meeting. He asked Mr. Hallman to come forward and give a presentation for Council and the members of the audience.

Mr. Hallman showed maps on the overhead for everyone and explained how they were color coded to show the years they would be undertaken. He also told the audience that a report is available with maps and written descriptions of the various projects as well as the estimated costs associated with each. He explained how the plan will always be a Five Year Plan as projects will be added each year as projects are accomplished.

Mr. Hallman talked about the cooperation the City has received from the County and how the County is proposing to help further. He said we are grateful for their help. Mayor Arthur read the fees of surrounding cities.

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Elliott. The motion CARRIED 4-0 on the following roll call:

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

13. VARIANCE REQUEST FOR SET BACK - 1530 GARDEN AVENUE

The owner Cynthia Frederick is requesting a variance from the required setbacks. This request was "referred back to the Board of Planning and Appeals from the City Council. The amended request is to build a building with a 10' set back on the rear 80' of the building and a 40' set back on the remaining 100'. This would be a relief from the 50' set back requirement. A 10' buffer will be maintained along the entire length of the property and all other development requirements would be met." The subject property is 100 feet wide and 300 feet deep.

A lengthy discussion ensued during which Mitch Lee, Kelly Fisher, John Kuhn and Mayor Arthur spoke in opposition to the request. (It was noted the Board of Planning and Appeals recommended denial of the request on a 3-2 vote.)

During the discussion, it was ascertained one of the prospective tenants for the proposed warehouse is Tomoka Cabinet Company. At that point Councilman Mellette said he might be deemed to have a conflict of interest. He explained this same company has talked to him about the possibility of buying some property he owns. On the advice of the City Attorney, Mr. Mellette abstained from taking part in any action of the property and was advised to file a conflict of interest form with the Deputy Clerk.

Mayor Arthur closed public comments and then Councilman Byrnes moved to DENY the request for a variance being seconded by Councilman Elliott. The motion CARRIED 3-0 and the variance was denied.

14. VARIANCE/SPECIAL EXCEPTION FOR ALF - 1421 DAYTONA AVENUE

City Manager Lusk told Council this Variance will allow the applicant to have an Assisted Living Facility on a 50 foot lot instead of the required 60 feet and further the Special Exception will allow them to have seven patients at an ALF at that address.

Councilman Byrnes moved to APPROVE being seconded by Councilman Mellette. After a brief discussion Mr. Byrnes said his motion covered both requests and Mr. Mellette agreed his second also covered both requests. The motion CARRIED 4-0 on roll call.

15. PRESENTATION BY TIME WARNER CABLE - NEW RATE STRUCTURE

Mr. Bob Bevis of CVI and Time Warner Industries gave a brief presentation on rates. He was accompanied by John Doctor a vice president of Time WARNER.

Big John asked when Time Warner planned to update the sub-par equipment in Holly Hill. He was told they plan to merge this system with Ormond Beach and will upgrade it at that time. He also asked why there were no ad inserts here and was told that would be available with the upgrade.

16. REQUEST AWARD OF CONTRACT TO GENERAL CHEMICAL FOR LIQUID ALUMINUM SULFATE

Mr. Hallman said two bids were received: Apperson Chemical .354/gal and General Chemical .324/gal. He recommended award of the bid to the low bidder.

Councilman Byrnes moved to AWARD the bid to General Chemical as recommended, being seconded by Councilman Elliott. The motion CARRIED 4-0 on roll call.

17. RESIGNATION OF LIBRARY-YOUTH CENTER BOARD MEMBER TAMI CARLUCCI-FIELDS

Councilman Elliott moved to ACCEPT the resignation being seconded by Councilman Byrnes with regrets. The motion CARRIED 4-0 on roll call.

18. RESOLUTION NO. 96-R-76 - AUTHORIZING CITY MANAGER TO PURCHASE HAND HELD METER READING EQUIPMENT

City Attorney Simpson read:

RESOLUTION NO. 96-R-76
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING CITY STAFF TO NEGOTIATE THE ACQUISITION OF COMPUTER HARDWARE AND SOFTWARE WITH SUNSTATE METER AND AUTHORIZING THE ACQUISITION OF THE COMPUTER HARDWARE AND SOFTWARE (HAND HELD METER READING EQUIPMENT) IF WITHIN THE ACQUISITION PRICE OF $20,000; PROVIDING FOR

SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Hallman explained this is a sole source purchase as almost all the meters in the City are Badger meters and it would be cost prohibitive to replace all of them. This system will work with the new meters being purchased and will also allow the City to retro fit the existing meters. He explained this is a wand reading system and will allow one person to do the work and do it more accurately than the current system.

Councilman ***Mellette moved to ADOPT the resolution being seconded by Councilman Byrnes.*** The motion CARRIED 4-0 on the following roll call:

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

19. COMMUNICATIONS FROM CITY MANAGER

A. Request to purchase new meters

The request is to purchase $13,701.60 worth of new meters and meter parts. Some of these are new meters and some of the equipment is to upgrade existing meters. The funds are budgeted in the Renewal and Replacement Fund.

Mr. John Starr asked if he would still be able to read his meter with this new system and Mr. Hallman assured him he (Starr) could read the meter.

Councilman Mellette moved to APPROVE the purchase being seconded by Councilman Byrnes. The motion CARRIED 4-0 on roll call.

B. Purchase of Front End Loader Garbage Truck

City Manager Lusk said there are funds budgeted to purchase a new front end loader truck. He said staff has been looking at demonstrators and taking quotes. He said they have a quote for $121,650 for a Volvo. In the last two days a Volvo dealer in Atlanta says he can meet that price on a new truck. Mr. Lusk said he would like Council to approve spending $121,650 for a front end loader and not specify which dealer. That way the City can take advantage of the best offer.

Council members discussed the options with staff and then *Councilman Mellette moved to APPROVE the expenditure of funds as requested being seconded by Councilman Elliott.* The motion CARRIED 4-0 on roll call.

C. Mutual Aid Agreement

City Attorney Simpson read:

RESOLUTION NO. 96-R-77
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION AGREEMENT FOR VOLUSIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lusk explained the current agreement expires before the next scheduled meeting which will be January 14, 1996 and that is the reason this has been added to this agenda. He said this agreement is for a five year period or until the year 2002.

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Byrnes. The motion CARRIED 4-0 on the following roll call:

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

Mr. Lusk said that concluded his communications and then wished everyone a Merry Christmas

20. COMMUNICATIONS FROM CITY ATTORNEY

Mr. Simpson wished everyone a happy holiday season.

21. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Members of the Council wished everyone a happy holiday season.

22. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 9:32 p.m.

Mayor

ATTEST:

City Clerk-Manager