MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JANUARY 13, 1997

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at 1065 Ridgewood Avenue in City Hall.

Answering roll call with Mayor Arthur were Commissioner Arthur J. Byrnes, Commissioner J. D. Mellette, and Commissioner Roland Via. Commissioner Shirley Heyman came in after roll call.

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

2. INVOCATION

Milton Hallman, Public Works Director gave the Invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA

Commissioner Via moved to APPROVE the consent agenda being seconded by Commissioner Mellette. The motion **CARRIED** 4-0 on roll call.

5. PRESENTATION OF SERVICE AWARDS – Leonard Vulpi, Marion Miller, Vincent Hawes, Gerald Page, James Patton, Jay Martin, Charles Sharp and Kimberly Upton

Mayor Arthur extended congratulations to employees reaching the milestone of 10 years of service with the City of Holly Hill. Mayor Arthur called the following employees to the podium to present their service awards: James Patton, Charlie Sharp, Leonard Vulpi and Kimberly Upton. Marion Miller, Vincent Hawes, Gerald Page and Jay Martin were unable to attend.

City Manager Don Lusk said a City's greatest asset is its employees and the employees present here tonight are an example of the asset the City has. Mr. Lusk thanked the employees.

6. AUDIENCE PARTICIPATION

Ms. Katherine Holdridge, 1533 Espanola Avenue voiced concern over traffic and speeders on this short section of street. Mayor Arthur asked Chief Walker to look into the situation.

Mr. Stan Rosevear, Chairman of the Volusia County Council, asked for Commission consideration to support the One Cent Local Option Sales Tax. The majority of the County Council is in favor of putting this on the ballot for a referendum in June. The County Council will vote on this in February. Holly Hill's share of the funds generated by this proposal would be approximately $736,000 a year.

7. ORDINANCE NO. 2493 – AMENDS SECTION 26-34(C) (VIOLATIONS) TO CLARIFY PROPERTY OWNERS CAN BE HELD RESPONSIBLE FOR NOISE VIOLATIONS BY TENANTS (Second and final reading)

City Attorney Simpson read:

ORDINANCE NO. 2493

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 26-34(C) (VIOLATIONS) OF THE HOLLY HILL CODE OF ORDINANCES TO CLARIFY THAT PROPERTY OWNERS CAN BE HELD RESPONSIBLE FOR VIOLATIONS OF THE CITY'S NOISE REGULATIONS BY TENANTS OR LESSEES ON THE OWNER'S PROPERTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Mellette moved to ADOPT Ordinance No. 2493 on second and final 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.

8. ORDINANCE NO. 2495 – AMENDS LAND DEVELOPMENT REGULATIONS TO ALLOW ADULT DAY CARE CENTERS AS PERMITTED USE (Second and final reading)

City Attorney Simpson read:

ORDINANCE NO. 2495

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS; REVISING SECTIONS 5.5.13 (B-1 DISTRICT REGULATIONS), 5.5.14 (B-2 DISTRICT REGULATIONS), 5.5.15 (B-3 DISTRICT REGULATIONS), 5.5.16 (B-4 DISTRICT REGULATIONS), 5.5.17 (B-5 DISTRICT REGULATIONS), AND 5.5.18 (B-6 DISTRICT REGULATIONS) TO ALLOW ADULT DAY CARE CENTERS AS PERMITTED PRINCIPAL USES; REVISING SECTION 6.3.16 (OFF-STREET PARKING AND LOADING FACILITIES TO PROVIDE MINIMUM PARKING SPACE REQUIREMENTS FOR ADULT DAY CARE CENTERS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Heyman moved to ADOPT Ordinance No. 2495 on second and final reading being seconded by Commissioner Mellette.

Commissioner Byrnes said he had no problem with what the applicants propose but with the concept of this becoming a non special exception. It should still have been a special exception and this is the reason he is voting no.

The motion **CARRIED** 4-1 on the following roll call:

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

9. PUBLIC HEARING TO CONSIDER RECOMMENDATIONS OF LLEBG ((LOCAL LAW ENFORCEMENT BLOCK GRANT) ADVISORY COMMITTEE ON EXPENDITURE OF FUNDS

City Manager Lusk explained this is the first year we have received the Local Law Enforcement Block Grant. A committee of people came together and made a recommendation. The committee consisted of: Judge Gail Piggotte, Attorney Janice Simpson, Middle School Principal Ron Pagano, Police Chief Larry Walker and Library Youth Board Member Marilyn Johnston.

The next requirement of the grant is to bring the recommendation of this committee to the City Commission for final decision. The Advisory Committee recommends the money, $18,688 be used for a patrol car and a poster contest for middle school children. This is staff's recommendation also. A Public Hearing is necessary for citizen input on the recommendation.

*Commissioner Via moved to **APPROVE** the recommendation of the Advisory Committee being seconded by Commissioner Heyman.* The motion carried 5-0 on roll call.

10. ORDINANCE NO. AMENDS THE COMPREHENSIV PLAN BY REVISING THE FUTURE LAND USE MAP FROM HIGH DENSITY RESIDENTIAL TO GENERAL RETAIL COMMERCIAL (First reading)

City Attorney Simpson read:

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 0.59 ACRE LOCATED ON THE EAST SIDE OF STATE AVENUE APPROXIMATELY 100 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*** *the Ordinance on first reading being seconded by Commissioner Via.*

Commissioner Byrnes said this Ordinance is tied in with the next Ordinance where there is a request for rezoning after the City Commission makes the map change. By mixing residential and business together in the same area the City Commission will be creating more business traffic into an area that should be residential, increasing enforcement problems and putting more children at risk. Commissioner Byrnes said the City Commission should be protecting the residential area instead of constantly encroaching and making it smaller.

It was the consensus of the rest of the Commission that in the long run this area will go commercial and there would be no further residential development.

The motion **CARRIED 4-1** on the following roll call:

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

11. ORDINANCE NO. AMENDING LAND DEVELOPMENT REGULATIONS BY REZONING 0.59 ACRE ON THE EAST SIDE OF STATE AVENUE FROM R-7 TO CC-1 (First reading)

City Attorney Simpson read:

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.59 ACRE LOCATED ON THE EAST SIDE OF STATE AVENUE APPROXIMATELY 100 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 Via moved to **APPROVE** the Ordinance on first reading being seconded by Commissioner Mellette.*

Commissioner Byrnes asked if the planner had changed his recommendation.
Tim Harbuck explained Mr. Keeth, after discussion with the Board, agreed with the Board of Planning and Appeals that it would be more practical to amend the Comprehensive Plan and rezone the property.

The motion **CARRIED** 4-1 on the following roll call:

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

12. ORDINANCE NO. AMENDS WATER RATES (First reading)

City Attorney Simpson read:

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 70-125(d) (USAGE CHARGES GENERALLY.) TO ALLOW RESIDENTS OF ORMOND BEACH TO BE CHARGED IN-CITY RATES FOR WATER SERVICE PROVIDED BY THE CITY OF HOLLY HILL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the Ordinance on first reading being seconded by Commissioner Byrnes.*

City Manager Lusk explained if someone lives inside a City you never have to pay a surcharge. If you happen to be an Ormond Beach resident living inside the City and getting water from Holly Hill you would pay a surcharge forever. Right now we have some customers who live in Holly Hill that are using Ormond Beach's water and paying a surcharge. This is an agreement that will benefit citizens in both Cities and staff recommends approval.

The motion **CARRIED** on the following roll call:

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

13. RESOLUTION 98-R-02 – AUTHORIZE CITY MANAGER TO APPLY FOR A HIGHWAY BEAUTIFICATION GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION

City Attorney Simpson read:

RESOLUTION 98-R-02

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE CITY MANAGER AND HIS STAFF TO APPLY FOR A HIGHWAY BEAUTIFICATION GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Commissioner Mellette moved to ***ADOPT*** *Resolution 98-R-02 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.

14. RESOLUTION 98-R-03 – AUTHORIZE THE CITY MANAGER TO ENTER INTO A HIGHWAY LANDSCAPING MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

City Attorney Simpson read:

RESOLUTION 98-R-03

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE CITY MANAGER AND HIS STAFF TO ENTER INTO A HIGHWAY LANDSCAPING MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORATION

Commissioner Mellette moved to ***ADOPT*** *Resolution 98-R-03 being seconded by Commissioner Byrnes.* The motion **CARRIED** 5-0 on the following roll call:

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

15. AMENDMENT TO UNIFORM MUNICIPAL ELECTION ACT – REQUEST FOR CITY COMMISSION SUPPORT

City Manager Lusk explained this is a recommendation by the Elections Supervisor to move up the elections by one month. Instead of having elections in September and October you would have them in October and November. One of the big pluses is that citizens who are out of town during the summer would be back in time for the election.

Commissioner Via moved to support the bill and authorize the City Manager to write letters to the legislative delegation to support the bill being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call.

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

16. COMMUNICATIONS FROM CITY MANAGER

City Manager Lusk said he has two add on items to explain to the Commission.

The first item is purchase of a Toro Sand Pro Ballfield Grooming Machine from Zaun Equipment Company for $9,629.66. The City will piggyback on the federal contract and staff recommends approval of this purchase. Since the price is so close to his spending authority of $10,000, Mr. Lusk said he would prefer the City Commission approve this purchase. There is $10,000 in the budget for this purchase.

*Commissioner Byrnes moved to **APPROVE** purchase of the Toro Sand Pro Ballfield Grooming Machine being seconded by Commissioner Heyman.* The motion **CARRIED** 5-0 on roll call.

The second item is for two purchases which, when combined, is $14,000. One purchase is for $6,670 for harness and air supply system and is a sole source quote. The second purchase for confined space and high angle rescue equipment is an OSHA requirement. The low bid is $6,497.79. The City received four quotes and recommends the low bid. The four quotes were; Rescue Response Gear $6,497.79, Rescue Systems $6,546.98, Municipal Equipment $6,668.14, Life Safety Equipment $7,337.10.

*Commissioner Mellette moved to **APPROVE** the two purchases as recommended by staff being seconded by Commissioner Via.*

Commissioner Byrnes and Commissioner Via had questions for Fire Chief Joe Forte.

Chief Joe Forte explained he is purchasing confined space equipment and high angle rescue equipment required by OSHA. Confined space equipment would be used for utility workers in pump stations, sewer lift stations, and telephone workers who go down into holes. Anything that has a restricted entrance OSHA defines as a confined space. High angle rescue can be anything from somebody working on telephone poles, water towers and communication towers. These expenditures are budgeted and in fact are $900 below what was budgeted.

The motion **CARRIED 5-0** on roll call.

17. COMMUNICATIONS FROM CITY ATTORNEY

None

18. COMMUNICATIONS FROM MAYOR AND COMMISSION

Commissioner Via – Commented on the importance of the Goals Setting Sessions coming up later this evening and Thursday evening.

Commissioner Byrnes – Hoped everyone had a good holiday season and is looking forward to the New Year.

Commissioner Heyman – None

Commissioner Mellette – None

Mayor Arthur –Vincent Hawes' son is in the Hospital in Gainesville and he wished them the best.

Mayor Arthur said at the last Commission meeting Mr. Elliott inquired about the cost of remodeling at City Hall. In this years budget $17,000 was budgeted for remodeling and so far $9,001 has been expended.

Mayor Arthur commented on the efficiency of the Fire Department. Mayor Arthur received a thank you letter from Mr. James Newman who was so happy about their performance on the fire at his house, he gave the City a check for $2,000 to be used toward the purchase of the fire helmet.

Mayor Arthur announced the workshop immediately following this meeting.

19. ADJOURNMENT

There was no further business to come before the Commission so the meeting was adjourned at approximately 8:17 p.m.

Mayor

Attest:

City Clerk