MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 11, 1997

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 F. Simpson, Jr., Police Chief Pat Finn and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Councilman Shirley Heyman.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

None.

5. CONSENT AGENDA

Approval of Minutes

Regular Meeting - February 25, 1997
Workshop Meeting - February 25, 1997
Bills & Accounts

Councilman Elliott moved to APPROVE the Consent Agenda being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.

6. ORDINANCE NO. 2453 - AMENDS SECTIONS 13, 19, 144, 146, 147, 148, 149 AND 151 OF THE CHARTER OF THE CITY OF HOLLY HILL TO REFLECT THE RESULTS OF THE SPECIAL ELECTION (Second Reading)

City Attorney Simpson read

ORDINANCE NO. 2453
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTIONS 13, 19, 144, 146, 147, 148, 149 AND 151 OF THE CHARTER OF THE CITY OF HOLLY HILL TO REFLECT THE RESULTS OF THE SPECIAL ELECTION

HELD

OF OCTOBER 1, 1996 RELATING TO CITY ELECTIONS AND TERMS OF OFFICE FOR ELECTED OFFICIALS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

7. ORDINANCE NO. 2454 - AMENDS LAND DEVELOPMENT REGULATIONS TO INCLUDE BLOOD BANKS AS A SPECIAL EXCEPTION IN I-2 HEAVY INDUSTRIAL DISTRICTS (Second Reading)

City Attorney Simpson read:
ORDINANCE NO. 2454
[REVISED 3/4/97]
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS; REVISING SECTION 2.2 TO INCLUDE A DEFINITION FOR "BLOOD BANKS"; REVISING SECTIONS 5.5.13 (B-1 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 PROHIBIT BLOOD BANKS; REVISING SECTION 5.5.20 (I-2 ZONING DISTRICT REGULATIONS) TO PERMIT BLOOD BANKS AS A SPECIAL EXCEPTION; REVISING SECTION 5.6.1 (SPECIAL EXCEPTIONS) TO REQUIRE CERTAIN CONDITIONS FOR APPROVAL OF BLOOD BANKS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Heyman moved to ADOPT the ordinance on second reading being seconded by Councilman Byrnes.

Mr. Keeth said there were two changes made following the first reading of the ordinance. The first was on page 1, the final three lines which deal with physician's offices. And page 4 added parking requirements.

The motion CARRIED 5-0 on the following roll call:

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

8. ORDINANCE NO. 2455 - AMENDS LAND DEVELOPMENT REGULATIONS - REGULATING SIDEWALK REQUIREMENTS (First reading)

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS; REVISING SECTION 6.3.7, PARAGRAPH "M" TO ALLOW,UNDER CERTAIN CIRCUMSTANCES, A DEVELOPER TO PAY A FEE IN LIEU OF CONSTRUCTING REQUIRED SIDEWALKS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

City Manager Lusk said this ties in with the ten year sidewalk plan which is next on the agenda. A brief discussion followed on how a determination would be made as to how much would be paid in lieu of constructing a sidewalk. The City will get three estimates on the job.

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

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

9. REQUEST APPROVAL OF 10 YEAR CAPITAL IMPROVEMENT PLAN FOR SIDEWALK IMPROVEMENTS

Councilman Byrnes moved to APPROVE the Ten Year Sidewalk Plan as presented and discussed in Workshop being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

10. ORDINANCE NO. 2456 - REZONE 1400' FRONTAGE ON WEST SIDE OF NOVA ROAD BETWEEN 13TH STREET AND 15TH STREET (First Reading)

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 9.37 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD) (S. R. 5A) BETWEEN 13TH STREET AND 15TH STREET FROM R-5, B-5, AND I-1 (ALL BEING VOLUSIA COUNTY ZONING DESIGNATIONS) TO B-5 (HOLLY HILL ZONING DESIGNATION); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

A brief discussion was held . Joe Hopkins spoke as owner's representative and Mr. William Izzarelli was the only citizen to speak. He was concerned about a business going in at that location and the fact the contractor tore up his yard when the sewer line was installed for the City.

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

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

11. REQUEST TO REZONE 999 THIRD STREET - SOUTH EAST CORNER OF NOVA & THIRD STREET

Mr. Lusk told Council Terri Campbell, owner's representative, had called and requested this item be delayed two weeks because she had been called out of town. Council talked about that and said the outcome would be the same in two weeks and so they saw no reason to delay action.

Councilman Byrnes moved to DENY the request as recommended by the Board of Planning and Appeals. Councilman Heyman seconded the motion which CARRIED 5-0 on roll call.

12. RESOLUTION 97-R-07 AUTHORIZES MAYOR AND CITY MANAGER TO EXECUTE AGREEMENT WITH "OUR CHILDREN FIRST"

City Attorney Simpson read:

RESOLUTION NO. 97-R-07
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE AGREEMENT WITH "OUR" CHILDREN FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

13. ORDINANCE NO. 2457 - AMENDS LAND USE AND DEVELOPMENT REGULATIONS TO INCLUDE DEFINITIONS RELATING TO TELECOMMUNICATIONS TOWERS AND ANTENNAS (First Reading)

City Attorney Simpson read:

ORDINANCE NO. 2457
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS; REVISING SECTION 2.2, DEFINITIONS, TO INCLUDE

DEFINITIONS RELATING TO TELE-COMMUNICATIONS TOWERS AND ANTENNAS; ADDING A NEW SECTION 5.6.21, PROVIDING WHERE AND BY

WHAT TERMS TELECOMMUNICATIONS TOWERS AND ANTENNAS WILL BE PERMITTED; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

City Planner gave an overview of the ordinance and when it turned technical members of Council talked about having a workshop meeting on the ordinance. Attorney Laurel Belflower of Holland & Knight representing PrimCo Personal Communications asked for Council to consider the occupational license issue and the separation issue. They assured her they would look into these matters and scheduled this for a workshop on March 25, 1997. (Councilman Heyman was called away due to the illness of her husband.)

At the close of the discussion Council decided to go ahead with action on the first reading of the ordinance. *Councilman Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Elliott. The motion CARRIED 4-0 on the following roll call:*

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

14. RESOLUTION 97-R-08 APPOINTS MEMBER TO THE LIBRARY /YOUTH CENTER BOARD

City Attorney Simpson read:

RESOLUTION 97-R-08
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE LIBRARY/YOUTH CENTER BOARD FOR THE CITY OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson announced the name contained in the resolution is that of Elizabeth Solana.

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

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

15. ORDINANCE NO. 2458 - AMENDS LAND USE AND DEVELOPMENT REGULATIONS TO PERMIT INTERDERMAL MIRCO PIGMENTATION (First Reading)

City Attorney Simpson read:

ORDINANCE NO. 2458
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS; REVISING SECTION 2.2, DEFINITIONS, TO EXPAND THE MEANING OF "PERSONAL SERVICES" AND TO DEFINE "TATTOOING", "TATTOO PARLOR" AND "PERMANENT MAKEUP"; 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), 5.5.18 (B-6 DISTRICT REGULATIONS) AND 5.5.21 (CC-1 DISTRICT REGULATIONS) TO PROHIBIT TATTOO PARLORS; REVISING SECTION 5.5.17 (B-5 DISTRICT REGULATIONS) TO PERMIT TATTOO PARLORS AS A SPECIAL EXCEPTION; REVISING SECTIONS 5.5.16 (B-4 DISTRICT REGULATIONS) AND 5.5.17 (B-5 DISTRICT REGULATIONS) TO PERMIT THE APPLICATION OF PERMANENT MAKEUP AS A PERMITTED USE; REVISING SECTION 5.6.1 (SPECIAL EXCEPTIONS) TO REQUIRE CERTAIN CONDITIONS FOR APPROVAL OF TATTOO PARLORS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Mellette moved to APPROVE the ordinance on first reading. The motion DIED for lack of a second. Mayor Arthur said he would be willing to vacate his chair to second the motion but it wouldn't do any good since Councilman Heyman isn't here.

Councilman Byrnes moved to have a workshop on this item being seconded by Councilman Elliott. The motion CARRIED 4-0.

16. ORDINANCE NO. 2459 - ENTITLES CITY TO COLLECT ATTORNEYS' FEES AND COSTS INCURRED IN LITIGATION

City Attorney Simpson read:

ORDINANCE NO.2459
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ENTITLING THE CITY TO COLLECT ATTORNEYS' FEES AND COSTS INCURRED IN THE EVENT LITIGATION IS REQUIRED TO RECOVER MONEY OWED TO THE CITY; AUTHORIZING THE RECORDING OF A LIEN ON PROPERTY THAT THE CITY HAS PERFORMED LOT CLEARING OR DEMOLITION SERVICES UPON AND THE CHARGING OF INTEREST ON SAID LIEN AT THE RATE OF ONE PERCENT (1%) PER MONTH; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

It was explained this ordinance would allow the City to recover legal fees when they have to go to litigation.

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

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

17. REQUEST COUNCIL DECLAIR SURPLUS FOR AUCTION

Councilman Byrnes moved to declare the list of bicycles as surplus so they can be advertised and sold at the auction on April 19, 1997. Councilman Elliott seconded the motion which CARRIED 4-0 on roll call.

18. COMMUNICATIONS FROM CITY MANAGER

A. CDBG Revised Budget

Mr. Lusk furnished Council with a copy of the amended CDBG Five Year Capital Improvement Budget. Additional funds were allocated after all the cities complained about the reduced funding. Projected funding is $52,300 for storm water/drainage improvements; $32,910 for sidewalks; $25,000 for Wastewater lift station rehabilitation; $2,000 for Our Children First; total allocation is $112,179. The expenditures fit the City’s Five Year Drainage, Sidewalk and Wastewater rehab plans.

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

B. Closing City Parks at Night

Mr. Lusk explained that Mr. Hallman’s crews are having trouble with the vandalism in Sunrise Park. He and Chief Finn have talked about the matter and believe the only way to curb this problem is to close at 9:00 p.m. to 6:00 a.m.

Council discussed the problem at length but did not want to close the park so no formal action was taken.

19. COMMUNICATIONS FROM CITY ATTORNEY

None.

20. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Mayor Arthur told the Audience that Mrs. Heyman had to leave because of her husband’s illness. He also mentioned an article written about the Youth Center.

Mr. Lusk said the City is working with the Boy's and Girl's Club to build a bicycle track.

21. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 9:15 p.m.

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William D. Arthur, Mayor

ATTEST:

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City Clerk-Manager