M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
April 13, 1999

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. Present were Mayor Arthur, Commissioners Arthur Byrnes, Shirley Heyman, J. D. Mellette, and Roland Via.

Also attending were City Manager, Don Lusk, City Attorney, Ed Simpson, Public Works Director, Milt Hallman, Police Chief, Larry Walker, Economic Development Director, Ira Corliss, Chief Building Official, Tim Harbuck, Personnel Director, Diane England, Recreation Supervisor, Chuck Beach, and City Clerk, Joyce Holmquist.

2. INVOCATION

The Economic Development Director, Ira Corliss, delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Mayor Arthur presented a Ten Year Service Award to Chuck Beach, Recreation Supervisor.
B. Mayor Arthur read a Proclamation proclaiming City Hall to be open to the community's youth for a "Shadowing Program" on 4/27/99 in honor of America's Promise – The Alliance for Youth, which was a national non-profit organization committed to lifting the lives of America's children. A representative of the Halifax Healthy Communities, accepted the proclamation.
C. Mayor Arthur read a Proclamation urging all citizens to recognize the 35th Anniversary of the Kiwanis of Holly Hill, commending the club for their excellent accomplishments and achievements since April 28, 1964. Past President, Mr. John Wooten, accepted the Proclamation on behalf of the Kiwanis,

5. CONSENT AGENDA

A. Minutes of Regular Meeting – February 23, 1999
B. Minutes of Commission Workshop – February 23, 1999

*Commissioner Via moved **APPROVAL of** the consent agenda, seconded by Commissioner Byrnes.* The motion **CARRIED** 5-0 on roll call: Via, yes, Byrnes, yes; Mellette, yes; Heyman, yes; Arthur, yes.

6. AUDIENCE PARTICIPATION

Mr. Ron Martin, Editor of Full Throttle Magazine, requested the Commission allow a special one hour event at the Armadillo Saloon and that the permit fee be waived. Monies collected would go to charity. The City Attorney requested Mr. Martin allow some time for study of the issue, indicating he and staff would review the code and respond later in the meeting. Mr. Martin had no objections.

7. PUBLIC HEARING – FINDING OF A PUBLIC NUISANCE REGARDING 261 RIDGEWOOD AVE.

Mayor Arthur announced that the Public Hearing concerning this issue would occur at the April 27th Commission Meeting. There were no objections.

8. SECOND READING, PUBLIC HEARING, ORDINANCE NO. 2558, AMENDING ORDINANCE NUMBER 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.87 ACRES LOCATED ON THE WEST SIDE OF GARDEN AVENUE APPROXIMATELY 75 FEET SOUTH OF ELEANOR STREET FROM R-3 TO CC-1.

City Attorney Edward Simpson read **ORDINANCE NUMBER 2558** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.87 ACRE LOCATED ON THE WEST SIDE OF GARDEN AVENUE APPROXIMATELY 75 FEET SOUTH OF ELEANOR STREET FROM R-3 TO CC-1; 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 as a result of the Public Hearing. *Commissioner Mellette moved **APPROVAL** of Ordinance Number 2558 on second reading, seconded by Commissioner Heyman.*

The motion to **APPROVE** Ordinance Number 2558 **CARRIED** 5-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, Yes.

9. SECOND READING, PUBLIC HEARING, ORDINANCE NO. 2559, ANNEXING BY VOLUNTARY PETITION, VACANT PROPERTY ON HICKORY STREET LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL, OWNED BY WILLIAM AND BETTY QUINLAN.

City Attorney Edward Simpson read **ORDINANCE NUMBER 2559** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTIES LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL, OWNED BY WILLIAM AND BETTY QUINLAN; REDEFINING THE BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; ESTABLISHING COMPLIANCE WITH FLORIDA STATUTES, 171.044; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF CIRCUIT COURT IN AND FOR

VOLUSIA COUNTY, FLORIDA, THE DEPARTMENT OF STATE, STATE OF FLORIDA, AND WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY; PROVIDING FOR CONFLICITNG ORDINANCES; PROVIDING FOR SEVERABILLITY; AND PROVIDING AN EFFECTIVE DATE.

There were no comments as a result of the Public Hearing. *Commissioner Via moved **APPROVAL** of Ordinance Number 2559 on second reading, seconded by Commissioner Mellette.*

The motion to **APPROVE** Ordinance Number 2559 **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

10. FIRST READING, ORDINANCE NUMBER 2560, AMENDING SECTION 2-240 (RECREATION DIVISION) OF THE CODE OF ORDINANCES, CREATING THE HOLLY HILL RECREATION DEPARTMENT.

City Attorney Edward Simpson read **ORDINANCE NUMBER 2560** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 2-240 (RECREATION DIVISION) OF THE HOLLY HILL CODE OF ORDINANCES CHANGING THE NAME OF THE RECREATION DIVISION TO THE RECREATION DEPARTMENT AND DELETING THE REFERENCES TO THE RECREATION DIRECTOR AND SUPERINTENDENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Ordinance Number 2557, seconded by Commissioner Mellette.*

The City Manager reported the topic had been work shopped and the amendment to the Municipal Code was necessary.

The motion to **APPROVE** Ordinance Number 2560 on first reading, **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Heyman, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

11. RESOLUTION NUMBER 99-R-10, APPOINTING TONY BARBIERI TO THE BEAUTIFICATION BOARD, RE-APPOINTING PATRICIA WELLS, MADELINE DALY, SUSAN BURCHAM AND ROSETTA GADSON; AND APPOINTING BARBARA FORGAS AS AN ALTERNATE MEMBER.

City Attorney Edward Simpson read Resolution Number 99-R-10 by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING TONY BARBIERI TO THE BEAUTIFICATION BOARD; RE-APPOINTING PATRICIA WELLS, MADELINE DALY, SUSAN BURCHAM AND ROSETTA GADSON; AND APPOINTING BARBARA FORGAS AS AN ALTERNATE MEMBER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved **APPROVAL of 99-R-10**, seconded by Commissioner Via.*

The motion to **APPROVE** Resolution 99-R-10 **CARRIED** 5-0 on the following roll call: Mellette, yes; Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

12. RESOLUTION NUMBER 99-R-11, FIRST RESPONSE AUTOMATIC FIRE AID AGREEMENT WITH ORMOND BEACH.

City Attorney Edward Simpson read 99-R-11 by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN INTER-LOCAL AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BY AND BETWEEN THE CITY OF HOLLY HILL AND THE CITY OF ORMOND BEACH TO ESTABLISH A FIRST RESPONSE AID AGREEMENT IN THE EVENT OF A STRUCTURAL FIRE OR DISASTER THAT ENDANGERS LIFE OR PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The City Manager requested the end of Section Nine, within the Agreement appended to the Resolution, be amended by the addition of the following language: "The duty to defend, save, and hold harmless, as set forth in this agreement is only for the benefit of the contracting parties and no third party shall have any claim, right, or interest to said benefit."

*Commissioner Mellette moved **APPROVAL of 99-R-11** and the appended Agreement, as amended, seconded by Commissioner Heyman.*

The City Manager explained the two in, two out rule, advising that sometimes there were only three people on duty. The Agreement would result in a savings in overtime expenses. Ultimately, a similar agreement might occur with Daytona Beach because this seemed to be the trend. Commissioner Byrnes questioned the possibility of failed response times, citing a news story regarding Ormond's response time and the new fire station in the County area. The City Manager advised that the Agreement provided for "back-up;" if the "back-up" was the closest, then it should arrive on the scene first; the Agreement would, in effect, provide the fourth person, and if it did not do so due to some circumstance, then the City would be just as it is presently. The issue of dispatch would be work shopped. The City Manager advised that some time around August, the city would go to EVAC Dispatch. Commissioner Byrnes indicated he would vote in opposition to the agreement based upon the News-Journal story and his opinion that the County had made a poor decision in giving Ormond a Fire Station located so far from their city borders that they were having trouble servicing the respective area. Commissioner Mellette was of the opinion that the news article had contained information that Ormond's Dispatch had not reported the same delayed response time the home owner had reported. Commissioner Via shared Commissioner Byrnes' sentiments, but advised that if a fire ever occurred on the west side of the railroad tracks with a train blocking access, it would be good to have the cooperation of a neighboring city. Commissioner Via questioned if Holly Hill would be responding more frequently to Ormond calls than Ormond would be responding to Holly Hill calls? The City Manager indicated the Agreement adequately addressed this issue.

The motion to **APPROVE** 99-R-11 with the appended, amended agreement, **CARRIED** 4-1 on the following roll call: Mellette, yes; Heyman, yes; Byrnes, no; Via, yes; Arthur, yes.

13. COMMUNICATIONS FROM CITY MANAGER:

A. Inter-local Agreement for Water Conservation Technical Assistance and Services between the City of Holly Hill and the Volusian Water Alliance.

The City Manager reported that one of the requirements for the renewal of the "Cup Permit" was that the City have a Water Conservation Program. The Water Alliance could provide the program at a cost of $1,600; however, the agreement the Alliance had forwarded needed two amendments, i. e., to remove a late fee for late payments, and that the Alliance had to notify the City concerning yearly renewals rather than an automatically renewing contract. If the conservation program did not work out, then the City would have to do its own. The City Manager recommended that the Commission approve the Inter-local Agreement for Water Conservation Technical Assistance and Services as amended, for one year. The Agreement would run October 1st to Sept. 30th and was funded by Water Management Monies.

*Commissioner Via moved **APPROVAL** of the Inter-local Agreement for Water Conservation Technical Assistance and Services between the City of Holly Hill and the Volusian Water Alliance, as amended, seconded by Commissioner Heyman*

The motion to **APPROVE** 99-R-11 with the appended, amended, interlocal-agreement, **CARRIED** 5-0 on the following roll call: Via, yes; Heyman, yes; Mellette, yes; Byrnes, yes; Arthur, yes.

B. Change Order Number Two, Locker Room And Swimming Pool Design – Hawkins & Hall.

The City Manager reported the City had about $150,000 it could draw on and approximately $200,000 to $300,000 was expected in State Monies toward the swimming pool. There was about $100,000 in Community Development money. The project had been contemplated at $300,000 for the pool and $150,000 for locker rooms; however, the architect had recently represented figures of up to $800,000. Specific reductions in the project could bring down costs; therefore, a change order for the architect at 6 & ½%, not to exceed $7,700 would result in the City obtaining the necessary information to acquire firm figures for the proposed project. Discussion indicated the locker rooms were required by HRS; however, the exercise portion of the locker rooms could be deleted from the project in order to reduce costs. The size of the pool could be reduced. Presently the proposed pool was the size of the Ormond YMCA pool. The City Manager indicated the results concerning Change Order Number Two would be placed on a work shop agenda.

*Commissioner Heyman moved **APPROVAL** of Change Order Number Two for Locker Room and Swimming Pool Design, seconded by Commissioner Mellette.*

The motion to **APPROVE** Change Order Number Two **CARRIED** 5-0 on the following roll call: Heyman, yes; Mellette, yes; Via, yes; Byrnes, yes; Arthur, yes.

14. CITY ATTORNEY

The City Attorney reported he had discussed with the Building Official and the Police Chief the request brought by Mr. Ron Martin earlier in the meeting under audience participation.

6. AUDIENCE PARTICIPATION Continued:

The City Attorney reported he and the Building Official and the Police Chief had concluded there was no need for the City Commission to act on the issue and that so long as Mr. Martin's event did not sell any product outside of the respective building, they could proceed; however, if the product was sold in the building and customers walked onto a public place, which would include a public parking lot or a semi-public parking lot, then participants might run afoul of the city's public consumption ordinance. The City Attorney suggested to Mr. Martin that the business barricade or tape off the portion of the parking lot that would involve consumption and that there be no sale outside, but that customers could to outside into the area of the parking lot which was barricaded off and which would not be utilized for parking during the one hour time period. Also, Mr. Martin should check with the Police Chief to be certain the area was not public or semi-public parking during the hour time period. The City Attorney reported that under such circumstances, Mr. Martin would not have to ask the City Commission to do anything.

15. COMMUNICATIONS FROM MAYOR & COMMISSION

Heyman – read a letter she had received commending the city employees for the work they were doing in the construction of sidewalks.

Byrnes – introduced his mother, aunt and cousin who were visiting and who were present in the audience.

Via - complimented the city employees on their sidewalk work in agreement with the letter Commissioner Heyman had read.

Mayor Arthur – reported he had attended the recent consortium involving the Local Government Study Commission fire service issues. The basic goal, which was an honorable goal, seemed to be to achieve a higher quality service at a lower cost; however, the proposal would most likely not be workable.

16. ADJOURNMENT

The meeting officially adjourned at approximately 8:20 p. m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

CITY CLERK