MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 22, 1997

1. CALL TO ORDER

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

Answering roll call with Mayor Arthur were Councilman Arthur J. 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., and Acting Deputy City Clerk Susie Sheets.

2. INVOCATION

The Invocation was given by Councilman Jim Elliott.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

Mr. Lloyd Davis of 545 Burleigh Avenue, a resident of Holly Hill for 17 years, addressed Council concerning the profusion of road signs placed along Riverside Drive. He asked Council to look at the esthetics of the signs along Riverside Drive and he would appreciate anything that can be done.

Chief Pat Finn approached the podium to thank the Chamber of Commerce for the purchase of another bike for the bike patrol. The Chamber initiated a fund raiser to purchase bikes for the Police Department Bicycle Patrol.

Mayor Arthur introduced Yvonne Van Wie, 11 years old and a sixth grade student at Holly Hill Middle School. Ms. VanWie presented a school project she prepared showing what the City could do with the medians utilizing reclaimed water and plantings.

5. CONSENT AGENDA

A. Approval of Minutes Regular Meeting - April 08, 1997

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

6. PRESENTATION OF AUDIT REPORT BY ERNST & YOUNG

John Vodenicker of Ernst & Young presented the "Annual Audit" and the "Report to the City Council and Financial Analysis" for the year ending September 30, 1996. Copies of both reports are attached and made part of the record.

City Manager Don Lusk praised the efforts of the Finance Department and in particular the Finance Director, Brenda Gubernator who deserves a lot of credit.

Councilman Mellette moved to APPROVE the report as submitted by Ernst & Young, LLP being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:

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

7. PRESENTATION BY CHARTER REVIEW COMMITTEE

Roland Via, member of the Charter Review Committee, presented the recommendations for an Ordinance to update the City Charter. The Council nominated Charter Review Committee consisted of: Virginia Wine, Lois Willett, Roseanne Dries and Ira Corliss. The committee thanked the Department Heads for their input and especially Deputy City Clerk Sue Blackwell and City Attorney Scott Simpson for their long hours of work

The Charter needs to be updated in language to reflect the Council/Manager form of government. The Committee chose not to change anything with the Civil Service Board that currently covers 18 of our employees under the Civil Service Act.

For the public record, Mr. Via read, the Ordinance recommended for the proposed Charter update. A workshop is planned for after the meeting to address any questions.
Mr. Via then read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE CHARTER OF THE CITY OF HOLLY HILL TO CHANGE THE NAME OF THE CITY COUNCIL TO CITY COMMISSION, CITY COUNCIL MEMBERS TO CITY COMMISSIONERS, MAYOR PRO-TEM TO VICE-MAYOR, AND TO CHANGE WARDS TO DISTRICTS; TO PROVIDE FOR FORFEITURE OF ELECTED OFFICES UPON CERTAIN EVENTS; TO PROVIDE FOR THE FILLING OF VACANCIES OF OFFICE; TO PROVIDE FOR THE APPOINTMENT, REMOVAL AND DUTIES OF THE CITY MANAGER; PROHIBITING THE CITY COMMISSION FROM DIRECTING CITY EMPLOYEES OR OTHERWISE INTERFERING WITH THE

PERFORMANCE OF THE CITY MANGERS'S DUTIES; REQUIRING ALL CANDIDATES FOR ELECTED OFFICE TO BE PERMANENT RESIDENTS OF THE CITY OF HOLLY HILL FOR AT LEAST TWELVE (12) MONTHS PRIOR TO THE EXECUTION OF THE NOTICE OF INTENTION; AMENDING HOW SPECIAL MEETINGS ARE CALLED; DELETING CERTAIN PROVISIONS OF THE CHARTER, AS MORE SPECIFICALLY SET FORTH IN THE BODY OF THE ORDINANCE, THAT ARE OUTDATED OR NO LONGER NECESSARY; PROVIDING FOR CONFLICTING ORDINANACES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Via then asked members of the Charter Review Committee to make their personal comments. Mrs. Virginia Wine, Ms Roseanne Dries, Mrs. Lois Willett, all spoke briefly to Council and thanked them for the opportunity to serve on the committee.

At this time City Manager Lusk added a hearing to the agenda as requested by Collette Heck. Mr. Lusk explained Ms. Heck had been cited for a zoning violation concerning a 37' boat illegally parked on her property and sticking out on the right of way. The Police Department had it towed. Ms. Heck was asked not to bring the boat back to the property; she has ignored this request. Ms. Heck was served notice the hearing she requested would be tonight and was unable to attend. Ms. Heck had requested a postponement. City Manager Lusk recommends Council hear the case this evening.

City Attorney Simpson read the section of the Ordinance dealing with the violation. Mr. Simpson further explained the hearing process. Ms. Heck has requested a hearing and has a right to a hearing for the violation cited. City Council decides if a violation exists and whether to grant an extension for her to correct the situation.

City Manager Lusk stated staff recommends Ms. Heck be given three days to correct the violation.

Councilman Mellette moved to proceed with the hearing being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call:

City Manager Lusk asked Chief Building Official Tim Harbuck to make a presentation to Council. Mr. Harbuck explained in early January he began receiving complaints concerning the property at 615 Center Lane with respect to illegal parking of boats, rv's, trailers, and obstructions in the right of way. Mr. Harbuck began corresponding with the owner, Collette Heck through citations and letters. On April 17, 1997, Thursday evening, Ms. Heck brought in a 37' pleasure craft. Friday morning the City became aware of it and went there with the Police Chief and determined it was indeed an obstruction in the right of way. The Police Chief ordered the removal of the vehicle. The boat was towed. Ms. Heck got the vehicle out of compound and brought it right back to the property Friday evening. On Saturday morning the City issued a citation giving her 72 hours to remove the vehicle. This is where we are right now. Ms. Heck asked for a hearing tonight. Staff recommends giving Ms. Heck three (3) days to move the boat.

Councilman Heyman moved the violation cited does in fact exist and to give Ms. Heck 72 hours beginning from 10:00 p.m. tonight (April 22, 1997) to move the boat, being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

8. ORDINANCE NO. 2463 AMENDS LAND USE AND DEVELOPMENT REGULATIONS TO PERMIT TATTOO PARLORS AS A PERMITTED SPECIAL EXCEPTION (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2463
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS; REVISING SECTION 5.5.14 (B-2 DISTRICT REGULATIONS) TO PERMIT TATTOO PARLORS AS A PERMITTED SPECIAL EXCEPTION; 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 **ADOPT** the ordinance on final reading being seconded by Councilman Elliott.*

Councilman Byrnes brought to Council's attention page 8-3 shows he voted yes, he did not, he voted no on the roll call vote and restated his reasons for voting no. The motion to ADOPT the ordinance on final reading CARRIED 4-1 on the following roll call:

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

9. REQUEST COUNCIL APPROVAL TO PURCHASE COMMERCIAL DUMPSTERS.

City Manager Lusk requested Council approval to purchase approximately six 2 cubic yard dumpsters and fourteen 4 cubic yard dumpsters for a total purchase price of $6,060 from

Industrial Refuse Sales. Mr. Lusk advised Council this is in the budget and staff recommends purchase of the dumpsters.

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

10. RESOLUTION 97-R-10 ESTABLISHES SECURITY PROCEDURES REGARDING ABSENTEE BALLOTS

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA ESTABLISHING SECURITY PROCEDURES REGARDING ABSENTEE BALLOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR DISTRIBUTION, AND PROVIDING AN EFFECTIVE DATE.

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

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

11. COMMUNICATIONS FROM CITY MANAGER

Mr. Lusk explained we have budgeted for two pickup trucks. There is an auction of Volusia County Surplus Equipment and asked Council to authorize spending up to the budgeted amount to purchase two pick up trucks.

Councilman Byrnes moved to APPROVE the purchase of two pickup trucks not to exceed the budgeted amount being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

12. COMMUNICATIONS FROM CITY ATTORNEY

None

13. COMMUNICATIONS FROM MAYOR/COUNCIL

Councilman Byrnes asked the audience to remember the folks out west who are experiencing flooding. The Red Cross can really use your help in helping them.

Councilman Mellette agreed with Mr. Byrnes.

Councilman Heyman - None

Councilman Elliott - None

Mayor Arthur was glad to hear Mrs. Heyman's husband James is doing better. Florence Little former Mayor of DeBary is very sick. Mayor Arthur announced the workshop meeting after this meeting.

14. ADJOURNMENT

There was no further business to come before the City Council so the meeting was adjourned at approximately 8:50 p.m.

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William D. Arthur, Mayor

Attest:

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City Clerk-Manager