

**MINUTES
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 23, 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, Councilman Shirley Heyman and Councilman Jim Elliott.

Also attending were City Manager Donald Lusk, City Attorney Edward Simpson, Deputy City Clerk Sue W. Blackwell and Susie Sheets, Recording Secretary (in training).

2. INVOCATION

The Invocation was given by Councilman Jim Elliott

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA

Approval of Minutes - Regular Meeting - April 9, 1996

Approval of Minutes - Special Meeting - April 11, 1996

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

Mayor Arthur issued a Proclamation declaring April 27, 1996 Halifax River Spring Cleanup Day in Holly Hill.

5. AUDIENCE PARTICIPATION

Mr. Eugene Cirilli, owner of Cirilli Auto Parts, 301 Carswell Avenue addressed Council concerning a hearing in front of City Council scheduled for May 14, 1996 and questioned why he is being harassed by Code Administration. Mr. Simpson interjected at this point advising Council that Mr. Cirilli has been given Notice of Hearing for revocation of an Occupational License and is scheduled to appear on May 14, 1996 at which time Mr. Cirilli can present such testimony or evidence as he feels is appropriate. The City will do the same. The City Council will try the facts before them and make a finding of whether or not his Occupational License should be revoked. It is up to Council as a fact finding body on that night. It is probably inappropriate for Council to engage in trying to find

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facts tonight or to engage in dialog with Mr. Cirille to decide what is right and what is wrong. Mr. Simpson suggested Council could listen to Mr. Cirilli but it is not appropriate to make any resolution tonight. Mr. Cirilli cited several examples of perceived harassment from the Code Administration Department. Mr. Lusk responded to Mr. Cirilli's allegations stating the policy of this City and this City Manager is that we do not harass people. Mr. Harbuck and Mr. Lee do a job. If people are breaking Codes, they will cite people. It is their job to enforce the Ordinances of this City. Mayor Arthur thanked Mr. Cirilli for his comments.

6. ORDINANCE NO. 2423 AMENDING LAND DEVELOPMENT CODE BY REZONING LOTS 2-9 IN PADOVA PARK SUBDIVISION

City Attorney Simpson read:

ORDINANCE NO. 2423

AN ORDINANCE OF THE CITY OF HOLLY HILL AMENDING THE LAND DEVELOPMENT CODE BY REZONING APPROXIMATELY 2 ACRES LOCATED BETWEEN FIRST STREET AND HIGH STREET APPROXIMATELY 150' WEST OF BEACH STREET FROM R-5 TWO FAMILY RESIDENTIAL 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.

Councilman Mellette moved to ADOPT the ordinance on final reading. Councilman Elliott seconded the motion which CARRIED 5-0 on the following roll call:

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

7. RESOLUTION NO. 24 REAFFIRM CITY COUNCIL APPROVAL OF REDEVELOPMENT PLAN AS APPROVED ON 7/18/95 ADDING A LEGAL DESCRIPTION

8. ORDINANCE NO. 2426 - ESTABLISHING A REDEVELOPMENT TRUST FUND FOR THE COMMUNITY REDEVELOPMENT AGENCY

City Manager Lusk asked to have Item 7 and Item 8 removed from the Agenda. After research, staff is concerned the 15 day advertising period had not been met. First reading will be the first meeting in May and second reading the second meeting in May.

Councilman Byrnes requested a map. City Manager Lusk assured Council a map would be provided as well as a budget with exact figures.

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Councilman Byrnes moved to TABLE items 7 and 8 being seconded by Councilman Elliott the motion CARRIED 5-0 on roll call.

9. ORDINANCE NO. 2425 - AMENDING CHAPTER 5, (ANIMALS AND FOWL) SECTION 5-12 (ANIMALS WHICH CREATE NUISANCES) AND CREATING SECTION 5-14 TO ESTABLISH A PROCEDURE FOR FILING COMPLAINTS WITH THE CITY FOR ANIMAL CONTROL VIOLATIONS

Mayor Arthur read the Ordinance by title.

Ordinance No. 2425 - Amending Chapter 5, (Animals and Fowl) Section 5-12 (Animals which create nuisances) and Creating Section 5-14 to Establish A Procedure for Filing Complaints With The City for Animal Control Violations

City Manager Lusk explained the previous Ordinance was too vague. After looking at other Ordinances staff found one which will hold up in Court. When a citizen calls about a barking dog complaint, they sign an affidavit and if one other citizen signs the affidavit, a nuisance exists and that will hold up in Court.

Councilman Mellette moved to APPROVE the Ordinance on first reading. Councilman Heyman seconded the motion which CARRIED 5-0 on the following roll call:

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

10. RESIGNATIONS FROM LIBRARY YOUTH BOARD

City Manager Lusk explained these are resignations received from Mrs. Hilda Episcopo and Mrs. Florence Davis who were members of the original Library Board before it was combined with the Youth Board.

Mayor Arthur commented on Mrs. Episcopo's 22 years of service on the Library Board. He requested a letter of appreciation be written to her.

Councilman Mellette moved to ACCEPT resignations with regret. Councilman Heyman seconded the motion which CARRIED 5-0 on roll call:

11. ORDINANCE NO. 2427 - AMENDING LIBRARY YOUTH CENTER BOARD TO INCLUDE THREE YOUTH APPOINTMENTS

City Attorney Simpson read:

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ORDINANCE NO. 2427

AN ORDINANCE OF THE CITY OF HOLLY HILL FLORIDA ESTABLISHING THREE (3) YOUTH POSITIONS ON THE LIBRARY AND YOUTH CENTER BOARD APPOINTED BY THE CHAIRMAN AND TO BE FILLED BY YOUTHS BETWEEN THE AGES OF 10 AND 18; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Lusk explained the Board has requested three youth members representatives with voting ability. Staff requests Council allow the Chairman of the Library Youth Center Board to make the appointments because of the expected turnover of Youth members.

Councilman Elliott moved to APPROVE Ordinance No.2427 on first reading. Councilman Mellette seconded the motion which CARRIED 5-0 on the following roll call:

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

**12. ADDITIONAL AUCTION SURPLUS - REQUEST COUNCIL DECLARE
ADDITIONAL ITEMS SURPLUS FOR AUCTION**

City Manager Lusk deleted the Scooter from the Auction list.

Councilman Byrnes moved to APPROVE the auction list as submitted, with the deletion. Councilman Elliott seconded the motion which CARRIED 5-0 on roll call.

13. CITY MANAGER COMMUNICATIONS

Discussion of Volusia Aquifer Water Alliance

City Manager Lusk explained most of the City Councils in Volusia County are in the process of passing and joining the Alliance. City Manager Lusk recommends the City **not** join the Alliance. Mr. Lusk's concerns were two fold. The proposed 3% of the City's water rates would amount to \$41,000. The first year the City's share would be \$6,000. The next year rates could be raised to \$41,000. The INTERLOCAL Agreement obligates the City to stay in the Alliance for 5 years with no way to withdraw.

Councilman Byrnes moved the City Council of Holly Hill supports the Volusia Aquifer Alliance but before the City can join, certain changes to be outlined by the City of Holly Hill's legal staff need to be made to this document. Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.

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Accept Bid - Police Vehicle

City Manager Lusk had an additional item for Council consideration. Mr. Lusk asked Council to accept a bid for a new four wheel drive Jeep for the Police Department. This vehicle will be used by the Sergeants and replaces the jeep that was totaled.

Councilman Mellette moved to APPROVE the purchase of a four wheel drive Jeep for the Police Department. Councilman Elliott seconded the motion which CARRIED 5-0 on roll call.

Mr. Lusk announced there will be an Arbor Day celebration on Friday, April 26, 1996 at 11:30 in Hollyland Park.

14. COMMUNICATIONS FROM CITY ATTORNEY

None.

15. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Mellette - None

Councilman Heyman recognized George Zoller and complimented him on doing a super job for the Chamber of Commerce. She read a thank you card from Carolyn Sue Connerly and the Linkous family for flowers sent by the City when her mother passed away.

Councilman Elliott thanked City Manager Lusk and staff for the tour of the City.

Councilman Byrnes thanked Mr. Lusk for the Council Day Tour and reminded everyone Saturday is a busy day in the City beginning with the Auction in the morning and Youth Center B-B-Q in the afternoon.

Mayor Arthur reminded everyone of the City Auction and the Library Youth Center Bar-B-Que. Before all of this, the Fire Department is burning down a house on Flomich Avenue as part of a training exercise.

Mayor Arthur announced the Council's Workshop Meeting will begin after the Council meeting and the public is invited to attend.

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16. ADJOURNMENT

There was no further business to come before Council so the meeting was adjourned at approximately 8:15 p.m.

MAYOR

ATTEST:

CITY MANAGER