MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 28, 1998

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 Commissioners Arthur J. Byrnes, J. D. Mellette, and Roland Via. Commissioner Heyman was excused.

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

2. INVOCATION

Public Works Director Milton Hallman gave the Invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Arthur announced he had some presentations to make. The Mayor asked Animal Control Officer Bob Foster to come forward and then presented him with a certificate of appreciation for his years of dedicated service to the citizens of Holly Hill on the occasion of his retirement April 30, 1998.

Mayor Arthur read a Proclamation observing Builders Club Week May 3-9, 1998. Mayor Arthur called the representatives from Holly Hill Middle School forward and presented the Proclamation to them.

4. CONSENT AGENDA

A. Minutes of Workshop Meeting – March 24, 1998
Minutes of Regular Meeting – April 14, 1998
Minutes of Workshop Meeting – April 14, 1998

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

5. AUDIENCE PARTICIPATION

None

6. ORDINANCE NO. 2508 – AMENDS RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2508
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES OF THE CITY OF HOLLY HILL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Mellette moved to ***ADOPT*** *Ordinance No. 2508 on final reading being seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on the following roll call:

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

At this point in the meeting Mayor Arthur said he wanted to address item **6-B** which appears on the agenda as **15-B**

15. B PLAN TO PROVIDE CITY SERVICES TO PROPOSED ANNEXATION AREA

City Manager Lusk went over the Annexation Report and explained this is a plan the City must file according to State Statute with the County on the services the City plans to provide to the annexed area after the annexation. The City Commission needs to approve the plan before it goes to the County. Mr. Lusk referred to the budget he and the Finance Director Brenda Gubernator put together showing revenues of approximately three million dollars. (A copy of the report and proposed budget is attached and made part of the record.)

Commissioner Mellette moved to ***APPROVE*** *the report and budget being seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on roll call.

7. ORDINANCE NO. 2509 – INVOLUNTARY ANNEXATION OF CERTAIN PROPERTY LOCATED IN UNINCORPORATED VOLUSIA COUNTY (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2509
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING CERTAIN PROPERTY AS DESCRIBED HEREIN LOCATED IN VOLUSIA COUNTY LYING WEST OF THE CITY LIMITS OF THE CITY OF HOLLY HILL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **ADOPT** the ordinance on final reading being seconded by Commissioner Mellette.*

Mr. William Jacobs (city resident) spoke in opposition to the proposed annexation referendum, as did Mrs. Heidi Heinmiller. Following several questions and answers between the City Manager and Mrs. Heinmiller, former mayor Gordon Currie spoke in favor of the proposed annexation. He gave a brief history of previous annexations that occurred when he was growing up in the area.

Commissioner Byrnes said his biggest fear in this whole thing is the people who read some of the misleading items in the document going around out there and vote against the annexation because of misleading information in the pamphlet. Commissioner Byrnes said the City would not require County residents to hook up to City water and sewer. The City's water and sewer system right now is fully funded. If someone makes County residents hook up to sewer it will be the County or Federal Government not the City of Holly Hill.

Commissioner Via said he concurs with Commissioner Byrnes concerning the erroneous information being circulated.

The Motion **CARRIED** 4-0 on the following roll call:

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

8. ORDINANCE NO. 2510 – ANNEXING PROPERTY BY VOLUNTARY PETITION (Riviera Hotel) (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2510
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING CERTAIN PROPERTY INTO THE CITY BY VOLUNTARY PETITION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **ADOPT** Ordinance No. 2510 being seconded by Commissioner Via.*
The motion **CARRIED** 3-1 on the following roll call:

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

9. ORDINANCE NO. 2511 - FIBER OPTIC CABLE (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2511
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA GRANTING TO KMC TELECOM, INC. A NON-EXCLUSIVE FRANCHISE TO USE THE CITY'S RIGHT-OF-WAYS FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A TELECOMMUNICATION SYSTEM IN THE CITY; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID NON-EXCLUSIVE RIGHTS, PRIVILEGES AND FRANCHISE MAY BE EXERCISED; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Lusk said this Ordinance was copied from Port Orange and is in the process of being changed. The Assistant City Attorney is studying these changes. There is a chance this Ordinance will change by second reading.

*Commissioner Byrnes moved to **TABLE** this Ordinance being seconded by Commissioner Via.*

Commissioner Byrnes said he was concerned that one of the items talked about in the Workshop, having the City connected to that line to monitor the quality of service they deliver, was not addressed and he thinks it should be. Commissioner Byrnes said, "My concern is if the company has such a financial situation that they can't afford to drop a single line so we can monitor their service, I would hate to issue a franchise to a company that may be going out of business after they have dug up and otherwise trashed our right of ways. Would you please make sure they hear that statement?"

The Ordinance was **TABLED** 4-0 on the following roll call:

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

10. RESOLUTION 98-R-16 - SOLID WASTE FEES

City Attorney Simpson read:

RESOLUTION 98-R-16
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING SERVICE FEES TO BE CHARGED FOR COLLECTION AND DISPOSAL OF

SOLID WASTE, PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Mellette moved to ***ADOPT*** *Resolution 98-R-16 being seconded by Commissioner Via.*

City Manager Lusk explained this is the rate reduction promised when the City contracted out solid waste services. The City is reducing garbage rates for residents and businesses. Residents are going from $12.85 to $11.85 a month and businesses depending on what size of service they are receiving about 4-8% roughly. This is a reduction in what the City has been charging and will become effective June 1, 1998.

The motion **CARRIED** 4-0 on the following roll call:

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

11. RESOLUTION 98-R-17 AGREEMENT WITH CITY OF ORMOND BEACH – Municipal Boundaries

City Attorney Simpson read:

RESOLUTION 98-R-17
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AFFIRMING AN AGREEMENT BETWEEN THE CITY OF HOLLY HILL AND THE CITY OF ORMOND BEACH ESTABLISHING MUNICIPAL BOUNDARIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Mellette moved to ***ADOPT*** *Resolution 98-R-17 being seconded by Commissioner Byrnes.*

City Manager Lusk said this is an agreement that benefits both Cities and recommends the Commission approve this Resolution.

The motion **CARRIED** 4-0 on the following roll call:

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

12. DECLARE SURPLUS ITEMS AND SET DATE FOR CITY AUCTION – May 23, 1998

Commissioner Via moved to ***DECLARE*** *surplus items and set May 23, 1998 for City Auction being seconded by Commissioner Mellette.* The motion **CARRIED** 4-0 on roll call. (Copy attached.)

13. REQUEST COMMISSION APPROVAL TO EXPEND LAW ENFORCEMENT TRUST FUND MONEY – Lease Vehicle for Criminal Investigation Division

*Commissioner Mellette moved to **APPROVE** expenditure of Law Enforcement Trust Fund Money to lease a vehicle for Criminal Investigation Division being seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on roll call.

14. L.I.U.N.A. CONTRACT – Discussion

Richard Lyons, Business Agent for L.I.U.N.A. requested a postponement of this item until the next meeting due to the absence of the L.I.U.N.A. attorney Mr. Siwicka who was unable to attend due to an emergency.

*Commissioner Mellette moved to **TABLE** this item being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on roll call.

15. COMMUNICATIONS FROM CITY MANAGER

A. Request Expansion of CC-1 Boundary to include Walgreen's.

City Manager Lusk said he is requesting an expansion of the CC-1 boundary to include Walgreen's.

It was the consensus of the Commission to have Mr. Lusk bring this item back in Ordinance form for formal Commission approval.

B. Plan to Provide City Services to Proposed Annexation Area

This item was dispensed with early on the agenda as item 6-B.

16. COMMUNICATIONS FROM CITY ATTORNEY

None

17. COMMUNICATIONS FROM MAYOR & COMMISSIONERS

Commissioner Mellette – None

Commission Via – Wished Mr. Heyman the best.

Commissioner Byrnes – None

Mayor Arthur read a letter from a citizen concerning the medians. The citizen suggested the young lady who made the presentation (on the medians) to the Commission be recognized for her ideas in some way. The Commissioners concurred.

18. ADJOURNMENT

There was no further business to come before the Commission so the meeting was adjourned at approximately 8:38 p.m.

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Mayor

ATTEST:

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City Clerk