M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
June 22, 1999

1. CALL TO ORDER

Vice-Mayor J.D. Mellette called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:35 p.m. Attending with Vice-Mayor Mellette were Commissioners Arthur Byrnes, Shirley Heyman, and Roland Via. (Mayor William Arthur arrived a short time later and was present for items six on.)

Also attending were City Manager, Don Lusk; City Attorney, Ed Simpson; Public Works Director, Milt Hallman; Police Chief, Larry Walker; Chief Building Official, Tim Harbuck; City Economic Development Administrator, Ira Corliss: City Planner, Bob Keeth; and City Clerk, Jeaneen Clauss.

2. INVOCATION

Commissioner Arthur Byrnes delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

None.

5. CONSENT AGENDA

A. Minutes of Regular Commission Meeting held on May 25, 1999;
B. Minutes of Commission Workshop held on May 25, 1999;
C. Minutes of Regular Commission Meeting held on June 8, 1999;
D. Minutes of Special Commission Meeting held on June 15, 1999;
E. Report of Purchases between five and ten thousand dollars.

*Commissioner Via moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Heyman.*

Commissioner Byrnes inquired about the purchase of a lease car when the City had been leasing instead of purchasing because the cars used for this purpose were too easily identifiable. Chief Walker advised that this was a non-descript vehicle for multi-use.

The motion **CARRIED** 4-0 on roll call: Via – yes, Heyman – yes, Byrnes – yes, and Mellette – yes.

6. AUDIENCE PARTICIPATION

None.

7. FIRST READING, ORDINANCE NO. 2563, ANNEXING BY VOLUNTARY PETITION PROPERTIES LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL, OWNED BY DONALD L. CARTER, LOCATED AT 1480 NORTH NOVA ROAD.

City Attorney, Edward Simpson read Ordinance No. 2564 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 DONALD L. CARTER; 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 CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved **APPROVAL** of the second reading of Ordinance 2563, seconded by Commissioner Via.*

Commissioner Via stated that this is another great business property that is voluntarily entering our City.

The motion **CARRIED** 5-0 on roll call: Mellette – yes, Via – yes, Heyman – yes, Byrnes – yes, Arthur - yes.

8. SECOND READING, ORDINANCE NO. 2564, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, REDUCING THE MINIMUM LOT FRONTAGE AND AREA REQUIREMENTS FOR NEW AND USED CAR SALES LOTS.

City Attorney, Edward Simpson read Ordinance No. 2564 by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, REDUCING THE MINIMUM LOT FRONTAGE AND AREA REQUIREMENTS FOR NEW AND USED CAR SALES LOTS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Via moved **APPROVAL** of the second reading of Ordinance No. 2564, seconded by Commissioner Mellette.*

The motion **CARRIED** 4-1 on roll call: Via – yes, Mellette – yes, Byrnes – no, Heyman – yes, Arthur - yes.

9. DISCUSSION OF INTERLOCAL AGREEMENT BETWEEN VOLUSIA COUNTY AND THE CITY OF HOLLY HILL FOR THE ISSUANCE OF BUILDING PERMITS FROM 14TH STREET SOUTH IN THE RIVER.

City Manager Don Lusk gave a report of what had happened in the last two weeks. He advised that the County has not prepared an interlocal agreement, they have not returned City Attorney Scott Simpson's phone calls, and some citizens raised this issue at the County Council meeting and they took no action - but it is scheduled to be on their next agenda. Mayor Arthur advised that Attorney Scott Simpson had told him it appeared to be on a timetable of about six weeks. Commissioner Byrnes inquired as to how long they have to hold up their residents while the County works on this? Attorney Edward Simpson indicated that, though he understands their frustration, it would be best to wait on the agreement - as the County has asserted ownership of the property. Commissioner Byrnes recommended that the citizens call their County Council Representatives, Big John and Joe Jaynes. Mr. Lusk indicated that the County needs to either 1) do the interlocal agreement or 2) do the easement they need and then vacate the property. He added that if he were a homeowner there the most important thing to him would be to clear his title.

George Frees, 1000 Riverside Drive, thanked the Commission for acknowledging that they have a problem and he understands that their fight is with the County. He added that County Attorney Frank Gummey has given a lot of conflicting information and yet not supplied any information to the County Council on this issue. He stated that the County Council members that he has spoken with desire to clear this up in favor of the property owners. Mr. Frees also asked that the City have a representative at the County meeting on this – July 22nd and requested the Commissioners to make some phone calls acknowledging their support. Mr. Frees asked if the City was pursuing any kind of an easement on Riverside Drive? Mr. Lusk advised that the County would do a forty foot easement from the road. Mr. Frees advised that the residents would have a problem with this size of an easement.

Deborah Walker, 1314 Riverside Drive, stated that fifteen years ago she checked with the City before putting up a fence and was told that the right of way was thirty-five feet wide and to measure back half of that, which is where the fence is…then it went to fifty and now eighty. She read an excerpt from a letter that she had written in 1987 to former Mayor Wiggins. She added that she has always maintained all of her property, declining the City's offer to do so and that she has various legal instruments asserting her claim of ownership. Ms. Walker stated that she does not support the interlocal agreement because it still doesn't allow the residents to enjoy the property they purchased. Mr. Lusk recommended that she notify her title company, as they should represent her.

Sandra Ward, 1336 Riverside Drive, stated that she has notified her title company and they have five attorneys working on this; she has told others to do the same. She inquired as to what an interlocal agreement is? City Attorney Edward Simpson advised that an interlocal agreement is an agreement between two government entities that may have separate jurisdictions and usually it's where one of them agrees to grant to the other some right or claim that they may have. She advised that Mr. Gummey told her the County was going to claim the land but the City could control it. She asked if she should go to the County to get a dock permit, since they claim ownership of the land. Mr. Lusk advised that building permits must come from the City, since this property is located in the City, but if she could attain a letter from the County stating that they give her permission to build a dock on the property they are asserting as theirs than the City could issue a permit without delay.

Ed Perkins, 920 Riverside Drive, requested a letter of denial for the dock permit he applied for from the City, that he hasn't yet received. Mr. Lusk advised that he'll get the letter tomorrow. Mr. Perkins also asked what gave the County Attorney the right to do this, when it didn't come from the County Council? City Attorney Edward Simpson stated that it is Mr. Gummey's opinion that his client owns this property and the request for this opinion probably came through administration – which he is believed to be a part of.

Commissioner Via stated that these individuals have paid taxes on this property and they should get a rebate, if the taxes were collected incorrectly. Mayor Arthur indicated that his past experience showed that they did not refund tax money.

There was some discussion as to the research of original plat maps. This issue will have to be reviewed by the County Council. The Commission recommended that the residents contact their title companies to let them know about the July 22nd meeting.

Commissioner Byrnes stated that he doesn't want anything in the interlocal agreement indicating that the City believes that the County owns the property.

10. REQUEST FROM DAYTONA GAS AND GRILL FOR A VARIANCE GRANTING RELIEF OF SETBACK REQUIREMENTS.

City Planner Bob Keeth advised that Daytona Gas and Grill located at the corner of Ridgewood Avenue and Second Street is requesting relief from a nine foot variance from the ten foot side yard setback to build in alignment with the existing building. He advised that the Board of Planning and Appeals heard this case and determined that the request met the conditions set out in section 11.2.6. They voted unanimously to approve recommending that the request be granted. There was some discussion as to the location of this in relation to Hugh's Supply and it was decided that this was not a problem.

*Commissioner Mellette moved **APPROVAL** of the variance request, seconded by Commissioner Byrnes.*

The motion **CARRIED** 5-0 on roll call: Mellette – yes, Byrnes – yes, Via – yes, Heyman – yes, Arthur - yes.

11. SEWER SYSTEM REHABILITIZATION

Public Works Director Milt Hallman advised that this is the result of last week"s Public Hearing and that they are requesting the Commission authorize the engineers to proceed so that they can begin work and begin the State filing.

*Commissioner Heyman moved **APPROVAL** of authorizing the engineers to proceed with the final application and preparation of plans and specifications for the wastewater collection system repair and replacement, seconded by Commissioner Mellette.*

Commissioner Byrnes asked if this was getting them into the bonds and City Manager Don Lusk advised that they were headed down the road and already had received part of the loan (ninety thousand) for a study they did, but they weren't actually asking for the money yet.

The motion **CARRIED** 5-0 on roll call: Heyman – yes, Mellette – yes, Via – yes, Byrnes – yes, Arthur - yes.

12. RESOLUTION NO. 99-R-21, ESTABLISHING AN AUDITOR SELECTION COMMITTEE, APPOINTING MEMBERS OF SAID COMMITTEE, AND ESTABLISHING COMPETITIVE AUDITOR SELECTION PROCEDURES.

City Attorney, Edward Simpson read Resolution No. 99-R-21 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING AN AUDITOR SELECTION COMMITTEE; APPOINTING THE MEMBERS OF THE AUDIT SELECTION COMMITTEE; ESTABLISHING COMPETITIVE AUDITOR SELECTION PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved **APPROVAL** of Resolution No. 99-R-21, seconded by Commissioner Via.*

Commissioner Via stated that Shirley Heyman is a good selection for this because she is the financial liaison for the Commission.

The motion **CARRIED** 5-0 on roll call: Mellette – yes, Via – yes, Byrnes – yes, Heyman – yes, Arthur - yes.

13. RESOLUTION NO. 99-R-20, AUTHORIZING THE SUBMITTAL OF REQUEST TO THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO REDUCE PERMIT APPLICATION FEES.

City Attorney, Edward Simpson read Resolution No. 99-R-20 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE SUBMITTAL OF A REQUEST TO THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO REDUCE PERMIT APPLICATION FEES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Resolution No. 99-R-20, seconded by Commissioner Heyman.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Heyman – yes, Mellette – yes, Byrnes – yes, Arthur - yes.

14. RESOLUTION NO. 99-R-19, AUTHORIZING THE RENEWAL OF AN AGREEMENT BETWEEN THE CITY AND THE AMERICAN RED CROSS TO PERMIT THE USE OF SICA HALL AS A MASS CARE SHELTER.

City Attorney, Edward Simpson read Resolution No. 99-R-19 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE RENEWAL OF AN AGREEMENT BETWEEN THE CITY AND THE VOLUSIA COUNTY SERVICE CENTER OF THE AMERICAN RED CROSS TO PERMIT THE USE OF THE SICA HALL COMMUNITY CENTER AS A MASS CARE SHELTER REQUIRED IN THE CONDUCT OF RED CROSS DISASTER SERVICE ACTIVITIES; PROVIDING FOR EMERGENCY CONTACT PERSONNEL; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Resolution No. 99-R-19, seconded by Commissioner Mellette.*

Commissioner Via inquired about using the new gymnasium instead of SICA Hall as a shelter and City Manager Don Lusk advised that that he and the Fire Chief had discussed that and they were considering using the gym for employees and their families, as it is important to the City to keep the employees here to work. He added that neither of these buildings could be used for a hurricane four or five. Commissioner Byrnes clarified that Commission notification is part of the process, if a shelter is opened. Mr. Lusk advised that it is.

The motion **CARRIED** 5-0 on roll call: Via – yes, Mellette – yes, Byrnes – yes, Heyman – yes, Arthur - yes.

15. RESOLUTION NO. 99-R-22, APPOINTING A VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES' ANNUAL CONFERENCE.

City Attorney, Edward Simpson read Resolution No. 99-R-22 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Arthur recommended Commissioner Mellette for this position. Commissioner Mellette accepted and recommended Commissioner Via for alternate. Commissioner Via accepted.

*Commissioner Byrnes moved **APPROVAL** of Resolution No. 99-R-22 appointing J.D. Mellette as the voting delegate and Roland Via as the alternate, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Byrnes – yes, Via – yes, Mellette – yes, Heyman – yes, Arthur - yes.

16. DISCUSSION OF HOLDING A BUDGET WORKSHOP AT THE NEW GYM.

City Manager Don Lusk advised that they have already discussed this but they need is a vote so they can advertise accordingly, if the gym is ready.

*Commissioner Via moved **APPROVAL** of holding the July 12th Budget Workshop at the new gym - contingent upon it being ready, seconded by Commissioner Mellette.*

Commissioner Byrnes asked if they felt this workshop would only take one night. Mr. Lusk advised that they only had so much money to spend.

The motion **CARRIED** 5-0 on roll call: Via – yes, Mellette – yes, Byrnes – yes, Heyman – yes, Arthur - yes.

17. COMMUNICATIONS FROM CITY MANAGER

City Manager Don Lusk advised that the bill on city managers' pensions passed and will take effect July 1st. He asked the Commission to make a motion that the City not exceed 12.4% for his pension (keeping it the same), until they can renegotiate his contract. This saves the City about six thousand dollars. Commissioner Via indicated that he desired the term "not to exceed the current rate" in the motion.

*Commissioner Heyman moved **APPROVAL** of the City not exceeding the current rate for the City Manager's pension, seconded by Commissioner Mellette.*

The motion **CARRIED** 5-0 on roll call: Heyman – yes, Mellette – yes, Via – yes, Byrnes – yes, Arthur - yes.

18. CITY ATTORNEY

City Attorney Edward Simpson stated he had nothing further to report. City Attorney Scott Simpson stated he had nothing further to report.

19. COMMUNICATIONS FROM MAYOR & COMMISSION

Mellette – Commissioner Mellette stated he had nothing further to report.

Heyman – Commissioner Heyman stated that she visited the new gym today and it's going to be fabulous!

Via - Commissioner Via stated that the Recreation Board is very excited about the new gym.

Byrnes – Commissioner Byrnes stated that he had a great vacation but it is good to be home.

Arthur – Mayor Arthur advised that he, Commissioner Heyman, and Commissioner Mellette attended the Alta Street Bridge Dedication.

20. ADJOURNMENT TO WORKSHOP.

The meeting officially adjourned at approximately 8:50 p. m.

ATTEST: WILLIAM D. ARTHUR, MAYOR

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JEANEEN P. CLAUSS, CITY CLERK