MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
June 23, 1998

1. CALL TO ORDER

Vice-Mayor J. D. Mellette called the meeting to order in Commission Chambers at 1065 Ridgewood Avenue in City Hall.

Answering roll call with Vice-Mayor Mellette were Commissioners Arthur J. Byrnes, Shirley Heyman and Roland Via. Mayor William D. Arthur was excused attending the Convention of Mayor's in Reno, Nevada.

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

2. INVOCATION

Commissioner Roland Via gave the Invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

Vice-Mayor Mellette introduced Senator Locke Burt. Senator Burt said "the City requested his help in obtaining a grant for the teen center and he was successful in obtaining an $80,000 matching grant for the City. Senator Burt encouraged staff to apply for funding next year. Senator Burt presented the Commission with a letter telling about the grant (a copy is attached as part of the record).

4. CONSENT AGENDA

A. Minutes of Regular Meeting – May 26, 1998
B. Minutes Workshop Meeting – May 26, 1998
C. Minutes Special Called Meeting – June 02, 1998
D. Authorize SRF Loan Application for Sewer System Evaluation Study
E. Accept Resignation of Mrs. Jerry Robinson from Beautification Board

Commissioner Via moved to ***APPROVE*** *the consent agenda being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on roll call.

5. AUDIENCE PARTICIPATION

None

6. ORDINANCE NO. 2512 – GRANTING KMC TELECOM II, INC. A NON-EXCLUSIVE FRANCHISE TO USE THE CITY'S RIGHT-OF-WAYS (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2512
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA GRANTING TO KMC TELECOM II, 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.

*Commissioner Via moved to **ADOPT** Ordinance No. 2512 on second reading being seconded by Commissioner Heyman.* The motion **CARRIED** 4-0 on the following roll call:

Via, yes; Heyman, yes; Byrnes, yes; Mellette, yes.

7. ORDINANCE NO. 2513 – CHANGES THE NAME OF THE LIBRARY YOUTH CENTER BOARD TO THE RECREATION BOARD (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2513

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING ORDINANCE 2421, CHAPTER 2 (ADMINISTRATION), ARTICLE VI (BOARDS, COMMISSIONS, ETC.) DIVISION 2 (LIBRARY AND YOUTH CENTER BOARD) SECTIONS 2-391, 2-392, 2-394, AND 2-395 TO CHANGE THE NAME OF THE LIBRARY YOUTH CENTER BOARD TO THE RECREATION BOARD, ESTABLISHING THE NUMBER, TERMS AND OFFICERS OF BOARD MEMBERS, AND TO PROVIDE THE RECREATION BOARD WITH ADDITIONAL AUTHORITY REGARDING RECREATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **ADOPT** Ordinance No. 2513 on second reading being seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on the following roll call:

Via, yes; Byrnes, yes; Heyman, yes; Mellette, yes.

8. ORDINANCE NO. 2515 – AMENDS LAND DEVELOPMENT REGULATIONS BY REZONING PROPERTY ON SOUTH SIDE OF CALLE GRANDE BETWEEN STATE STREET (PARQUE DRIVE) AND THE FLORIDA EAST COAST RAILWAY TO CC-1 (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2515
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 1.50 ACRES LOCATED ON THE SOUTH SIDE OF CALLE GRANDE BETWEEN STATE STREET (PARQUE DRIVE) AND THE FLORIDA EAST COAST RAILWAY TO CC-1; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Heyman moved to ***ADOPT*** *Ordinance No. 2515 on second reading being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on the following roll call:

Heyman, yes; Via, yes; Byrnes, yes; Mellette, yes.

9. ORDINANCE NO. 2518 – AN EMERGENCY ORDINANCE REGARDING OPEN BURNING AND THE USE OF FIREWORKS

City Attorney Simpson read:

EMERGENCY ORDINANCE NO. 2518
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA PROHIBITING OPEN BURNING AND THE IGNITING OF FIREWORKS AND OTHER ITEMS AS HEREINAFTER DEFINED WITHIN THE CITY LIMITS OF HOLLY HILL UNTIL THE EXPIRATION OF EXECUTIVE ORDER NUMBER 98-141; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Byrnes said, "My question is this ties into Executive Order Number 98-141 what is the expiration date?" Commissioner Byrnes continued saying, "My only concern is if those of us in Volusia County get a lot of rain and it gets ok to use fireworks but another part of the State is on fire we may be stuck under that order."

City Attorney Simpson explained this Emergency Ordinance has no expiration date and would be lifted by the Governor. This Emergency Ordinance can be repealed by one reading of the Ordinance. This Ordinance only requires one reading because of the emergency nature of the Ordinance.

Commissioner Via said, "I would like to note for the record that something as simple as sparklers I know that has been a tradition, but sparklers are dangerous, it does not mention bar-b-que grills but I would hope that people would use due diligence and common sense."

Commissioner Via moved to ***ADOPT*** *Emergency Ordinance No. 2518 being seconded by Commissioner Byrnes.* Motion was **CARRIED** 4-0 on the following roll call:

Via, yes; Byrnes, yes; Heyman, yes; Mellette, yes.

10. RESOLUTION 98-R-23 – APPOINTING MEMBERS TO THE RECREATION BOARD

City Attorney Simpson read:

RESOLUTION NO. 98-R-23
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO SERVE ON THE RECREATION BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The term is through June, 2001, the names inserted in the body of the resolution are: Bonnie Sampson, Joanie Grounds, Joe Wittenton, Nikki Wittenton. The two year terms through June, 2000 are Marilyn Johnston and Ruth Wimberly.

Commissioner Via moved to ***ADOPT*** *Resolution 98-R-23 being seconded by Commissioner Heyman.* The motion **CARRIED** on the following roll call:

Via, yes; Heyman, yes; Byrnes, yes; Mellette, yes.

11. REQUEST COMMISSION APPROVAL TO PURCHASE EQUIPMENT FOR NEW BUCKET TRUCK

City Manager Lusk said, "After discussing this with the Public Works Director this morning I recommend you spend the $23,000." Mr. Lusk then asked Milt Hallman to explain to the expenditure to the Commission.

Public Works Director Milt Hallman said, "We have a small truck now that will only reach 19 feet. We have so many places throughout the City that we can't adequately serve that we needed a larger truck. We decided an elevation of 41 feet is what we would need to service everything in the City with the exception of the high lights over at Hollyland Park and that we would have to do with an electrical contractor. We have areas that we need to do some tree trimming that are within the right of ways. The method we have chosen is to buy a bucket to go on a truck we took out of the Sanitation

Department. To go out and buy a truck like this would cost between $75,000 to $100,000. The money is in the budget.

Commissioner Heyman moved to ***APPROVE*** *purchase of equipment for bucket truck being seconded by Commissioner Byrnes.* The motion **CARRIED** 4-0 on roll call.

12. REQUEST FOR SPECIAL EXCEPTION – AUTO SALES LOT NW CORNER OF 15TH AND NOVA ROAD

City Manager Lusk said, "This property has been in the City for a couple of years and has not requested a rezoning. This property carries a County Industrial Zoning. In the County, Car lots are not an industrial zoning. In the City we have what is called step down zoning. If you are in an Industrial Zone you can do anything below industrial. Car lots are a B-5 but it takes a Special Exception. What we are doing tonight is to ask the Commission to give them a Special Exception. The property meets the criteria for a Special Exception."

There were no property owners present for or against the Special Exception. The owner/purchaser of the property is Vincent C. Tarlini, and owns Academy Award Autos at 8th and Ridgewood Avenue. Mr. Tarlini explained, "There are two parcels there. There's a house and a studio garage apartment behind it. The studio garage apartment behind it will be used as an office until I build one. The house will stay as a residence."

Commissioner Heyman moved to ***APPROVE*** *the request for Special Exception being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on roll call.

13. COMMUNICATIONS FROM CITY MANAGER

Announced the City has just learned from D.O.T. that we got our grant for the medians. It's a match grant and we will spend $150,000 and we hope to start in the next couple of months.

14. COMMUNICATIONS FROM CITY ATTORNEY

None

15. COMMUNICATIONS FROM MAYOR & COMMISSIONERS

Commissioner Via – The City recently went through a referendum and he is very proud of the fact that the City offered this to the public. They (public) made their voice known and it makes our (the City's) position very clear. Mr. Via said he is very excited about the prospects of the City. There are all kinds of exciting things on the horizon for Holly Hill and I'm really proud to be a part of it. He personally thanked all the firefighters they are working a lot of hours out there.

Commissioner Heyman – None

Commissioner Byrnes - The smoke on I-4 is really bad between Holly Hill and Orlando. Mr. Byrnes said he has a lot of respect for the firemen and policemen that are protecting us out there against all this. He personally thanked Senator Burt for coming and sitting through the entire meeting.

Vice-Mayor Mellette – Thanked Senator Burt and said "We appreciate everything you have done for us and our citizens do to."

Vice-Mayor Mellette announced there will be a workshop following the regular meeting.

There was no further business to come before the Commission so the meeting was adjourned at approximately 7:54 p.m.

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MAYOR

ATTEST:

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CITY CLERK