

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JULY 14, 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, Shirley Heyman and Roland Via.

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

2. INVOCATION

The Invocation was given by Rev. Ron Fussell.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS

A. **Cecily Noel** – Held over to the 28th

B. **Proclamation – Houligan's**

Mayor Arthur presented the owners (Tim and Walter Curtis) of Houligan's with proclamations expressing the gratitude of the citizens for their efforts on behalf of the fire fighters during the recent wild fires.

C. **Recognition of Firefighters** – Chief Joe Forte read a letter (copy attached) of appreciation for a job well done during the fire storm. He introduced his men in attendance and they were given a round of applause by those attending the meeting.

D. Mayor Arthur presented **Sgt. Gillis Blais** with a plaque of appreciation on the occasion of his retirement from the Police Department. Sgt. Blais thanked the Commission and made few brief remarks on his early career with the Department.

5. CONSENT AGENDA

A. Minutes Regular Meeting – June 9, 1998

B. Minutes Regular Meeting – June 23, 1998

C. Minutes Workshop Meeting – June 23, 1998

*Commissioner Via moved to **APPROVE** the minutes of the Regular Meeting of June 9, 1998 being seconded by Commissioner Mellette. The motion CARRIED 5-0 on roll call.*

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

6. AUDIENCE PARTICIPATION

None.

**7. ORDINANCE NO. 2516 – ANNEXATION BY VOLUNTARY PETITION
(Wayne’s Roofing) (Second reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2516
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY
VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF
HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO
INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE
ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF
ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE
DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Mellette moved to **ADOPT** the ordinance on final reading being seconded by Commissioner Byrnes. The motion CARRIED 5-0 on the following roll call:*

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

**8. ORDINANCE NO. 2517 – ANNEXATION BY VOLUNTARY PETITION (All
Florida Plumbing) (Second reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2517
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY
VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF
HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO
INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE
ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF
ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE
DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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*Commissioner Via moved to **ADOPT** the ordinance on final reading being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:*

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

13. RESOLUTION 98-R-26 – SUPPORTS THE CREATION OF THE CERTIFIED CITIES PROGRAM

Mayor Arthur moved this item up on the agenda so Daytona Beach Commissioner Christina Travis and Steve Burley from the Volusia County Business Development Corporation would not have to wait until later in the meeting.

City Attorney Simpson read:

RESOLUTION 98-R-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, SUPPORTING THE CREATION OF THE CERTIFIED CITIES PROGRAM IN HOLLY HILL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

9. ORDINANCE NO. 2519 – AMENDS CHAPTER 62 (TAXATION) ARTICLE III (PUBLIC SERVICE TAX) PROVIDING FOR A SEVEN PERCENT (7%) PUBLIC SERVICE TAX ON TELECOMMUNICATIONS SERVICE (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2519

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 62 (TAXATION) ARTICLE III (PUBLIC SERVICE TAX) PROVIDING FOR A SEVEN PERCENT (7%) PUBLIC SERVICE TAX ON TELECOMMUNICATIONS SERVICE PURCHASED WITHIN THE CITY THAT ORIGINATE AND TERMINATE WITHIN THE STATE OF FLORIDA; PROVIDING FOR INTEREST AND PENALTIES; PROVIDING FOR QUARTERLY PAYMENT OF TAX WHEN THE AMOUNT OWED FOR THE CALENDAR QUARTER DOES NOT EXCEED ONE HUNDRED TWENTY

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DOLLARS (\$120.00); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** the ordinance on first reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

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

10. ORDINANCE NO. 2520 – AMENDS CHAPTER 34 (FIRE PREVENTION & PROTECTION) BY ADOPTING THE STANDARD FIRE PREVENTION CODE, 1997 EDITION AND THE NATIONAL FIRE PROTECTION ASSOCIATION 101, LIFE SAFETY CODE, 1997 EDITION AS THE OFFICIAL FIRE PREVENTION CODE OF THE CITY (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2520

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 34 (FIRE PREVENTION AND PROTECTION) BY ADOPTING THE STANDARD FIRE PREVENTION CODE, 1997 EDITION, AND THE NATIONAL FIRE PROTECTION ASSOCIATION 101, LIFE SAFETY CODE, 1997 EDITION, AS THE OFFICIAL FIRE PREVENTION CODE OF THE CITY AND AMENDING SECTION 14-126 ADOPTING THE 1997 STANDARD BUILDING CODE, PLUMBING CODE, MECHANICAL CODE, GAS CODE. SWIMMING POOL CODE, AND ELECTRICAL CODE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** the ordinance on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

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

11. ORDINANCE NO. 2521 - REPEALS SECTION 6-4 (Nudity in bars, etc.), 6-5 (Lewd conduct in bars, etc.), 6-6 (Persona engaging in lewd conduct), SECTION 78-14 (Definitions), and 114-565 (Special Exceptions), and ADOPTS THE ADULT ENTERTAINMENT CODE (First reading)

City Attorney Simpson read:

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ORDINANCE NO. 2521

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING SECTION 6-4 (NUDITY IN BARS, ETC.), SECTION 6-5 (LEWD CONDUCT IN BARS, ETC.), SECTION 6-6 (PERSONS ENGAGING IN LEWD CONDUCT), THE DEFINITION OF ADULT BOOKSTORE AND ADULT THEATER AS CONTAINED IN SECTION 78-14 (DEFINITIONS); AND ADULT BOOKSTORES AND ADULT THEATERS BEING ALLOWED AS SPECIAL EXCEPTIONS IN I-2 DISTRICT IN SECTION 114-565 (SPECIAL EXCEPTIONS) ADOPTING THE ADULT ENTERTAINMENT CODE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Assistant City Attorney Scott Simpson gave a brief explanation regarding the need to amend the City's current ordinance. This proposed ordinance gives more detail definitions and will be easier to enforce.

*Commissioner Heyman moved to **APPROVE** the ordinance on first reading being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:*

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

12. RESOLUTION 98-R-25 – REAPPOINTS TWO MEMBERS TO THE REDEVELOPMENT BOARD

City Attorney Simpson read:

RESOLUTION NO. 98-R-25

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING TWO MEMBERS TO SERVE ON THE REDEVELOPMENT ADVISORY BOARD FOR THE CITY OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE

The names contained in the resolution are Big John and Leila Gosney.

*Commissioner Via moved to **ADOPT** the resolution being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:*

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

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14. RESOLUTION 98-R-27 – APPOINTS AN ALTERNATE TO THE METROPOLITAN PLANNING ORGANIZATION

This item was removed from the agenda.

15. CONSIDERATION OF CITY MANAGER'S EMPLOYMENT CONTRACT

City Attorney Simpson said he and the City Manager have had some discussion on some revisions that would clarify and conform to what is presently in effect. Mr. Simpson then went through the corrections as follows:

Page 15-4 of the agenda 5(C) of the employment contract. There is a conflict. What is actually in practice is sick leave days accrue at one day per month the same as other employees and the manager doesn't get twelve days in advance. This needs to be corrected.

Page 15-5 paragraph 7 establishes the City Manager will use his own vehicle and receive a monthly vehicle allowance. The City Manager will be responsible for paying all costs associated with, among other things, the operation, maintenance, etc. The only thing the City pays in addition to the vehicle allowance is when the City Manager goes out of County. The City pays his (Manager's) gas bill. When the City Manager takes a trip out of County using his vehicle the City pays for his gas. We will amend the contract to reflect this and that is consistent with past practice.

Page 15-6 paragraph 1 Termination and Severance pay needs clarification. In the event of his conviction of an illegal act the City can terminate the manager and shall have no obligation to pay Employee's salary or to continue Employee's benefits. We will add to that; or any lump sum obligation contained in this paragraph.

*Commissioner Mellette moved to **APPROVE** the contract with clarifications being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

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

16. REQUEST COMMISSION APPROVAL TO PURCHASE THREE NEW POLICE VEHICLES

*Commissioner Via moved to **APPROVE** purchase of three new police vehicles for \$19,500 each being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on roll call.*

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**17. REQUEST APPROVAL OF ONE YEAR EXTENSION OF CONTRACT FOR
LAWN AND SHRUB SPRAYING SERVICES (Quantum Pest Management)**

*Commissioner Via moved to **APPROVE** the one year extension of the contract for lawn and shrub spraying services with Quantum Pest Management being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.*

18. REQUEST COMMISSION PASS EMERGENCY WATER RESTRICTIONS

*Commissioner Mellette moved to **APPROVE** the request to pass emergency water restrictions being seconded by Commissioner Via. Commissioner Byrnes stated he would prefer not to pass this request. City Manager Lusk suggested postponing this item for two weeks. This motion was then withdrawn.*

*Commissioner Via moved to **TABLE** this item until the next agenda July 28, 1998 being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on roll call.*

**19. REQUEST COMMISSION AWARD BID – PRE-FABRICATED METAL
BUILDING (Steel Span Corp.)**

*Commissioner Heyman moved to **AWARD** bid for Pre-fabricated Metal Building to Steel Span Corporation for the low bid of \$16,600 being seconded by Commissioner Via. The motion **CARRIED** 5-0 on roll call.*

**20. REQUEST COMMISSION APPROVE REPLACEMENT AND INSTALLATION
FOR WASTEWATER TREATMENT PLANT SCADA INSTRUMENTATION**

*Commissioner Heyman moved to **APPROVE** the replacement and installation of the scada instrumentation for the wastewater treatment plant being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.*

Mayor Arthur said he attended the Conference of Mayor's in Reno, Nevada and entered the City of Holly Hill in a national water taste test of all the cities in the country. The City of Holly Hill did not make the six finalists but was in the top 100 in water taste. Mayor Arthur thanked Milton Hallman for his help in gathering and packaging the water sample.

21. COMMUNICATIONS FROM CITY MANAGER

- A. Chamber of Commerce** – The Chamber of Commerce presently pays the commercial rate for water and has requested the City allow them to pay the residential rate. City

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Manager Lusk recommended the City waive these fees as it amounts to only a couple of hundred dollars a year. The City would have to pay the water bill.

- B. Chief Walker Appointment** - City Manager Lusk advised the Commission that effective July 15, 1998 he is removing Chief Walker from probation to permanent status as Police Chief. He has proven he can do the job and he does it quite well. The Police Department has higher morale than it has had in years.

22. COMMUNICATIONS FROM CITY ATTORNEY

City Attorney Simpson read:

RESOLUTION 98-R-28

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE BEAUTIFICATION ADVISORY BOARD FOR THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to appoint Susan Burcham to serve on the Beautification Advisory Board being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:*

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

23. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Byrnes – Complimented Chief of Police Larry Walker. Commissioner Byrnes said “A store manager stopped him and said the police department is doing a wonderful job, the officers come in with a good attitude, help with problems and they do the job you expect them to do. As a Commissioner you’re not used to that you are used to complaints. This has happened to me three times in different places in different stores. It’s good to have people say that to you and really mean it. I wanted to thank you for the good job you’ve done.”

Commissioner Mellette - None

Commissioner Heyman – Congratulated the Chief and thanked the firefighters.

Commissioner Via - Thanked the firefighters and all of the local businesses in Holly Hill that helped during the fires.

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Mayor Arthur – Expressed his condolences to Commissioner Heyman on the loss of her husband James.

24. ADJOURNMENT

With no further business to come before the Commission the meeting was adjourned at approximately 8:50 p.m.