M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
JULY 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, Assistant City Attorney Kit Korey, and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Councilman Jim Elliott.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AWARDS AND PROCLAMATIONS

A. Chamber of Commerce
Mayor Arthur called Chamber of Commerce Executive Director George Zoller forward and presented him with a Proclamation and with a plaque for the Chamber commending them for their support of the City.

B. Proclamation Calling a Special Election October 1, 1996
Attorney Korey read:

PROCLAMATION
DECLARING
SPECIAL ELECTION

WHEREAS, the City Council of the City of Holly Hill is required by Charter Section 142 to call all General and Special Elections by Proclamation.

WHEREAS, the City Council has adopted Ordinance No. 2433 authorizing a referendum on an amendment to the City’s Charter to allow for several amendments to the City's Charter regarding elections and terms of office.

WHEREAS, pursuant to Section 196.1995, F.S. 1995, the City can grant economic ad valorem tax exemptions for businesses and expansions of existing business.

WHEREAS, the citizens must approve in a referendum the City granting said tax exemption

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA, DOES HEREBY PROCLAIM THE FOLLOWING:

1) The Special Election for the City of Holly Hill shall be held on October 1, 1996.
2) The questions shall appear on the ballot in the following form:

ECONOMIC DEVELOPMENT AMENDMENT

1) Shall the City Council of the City of Holly Hill be authorized to grant, pursuant to Section 3, Article VII of the State Constitution, property tax exemptions to new businesses and expansions of existing businesses?

_____ Yes - For authority to grant exemptions.
_____ No - Against authority to grant exemptions.

ELECTION REFORM AMENDMENTS

1) Shall the City of Holly Hill conduct its election by having a general election for all elected offices with two or more qualified candidates and a run off election if necessary if one candidate does not receive a majority of the votes cast for the position sought?

_____ Yes - For amendment.
_____ No - Against amendment.

2) Shall the City be governed by the notice requirements for all elections as contained in the General Election Law as set forth in Florida Law?

_____ Yes - For amendment.
_____ No - Against amendment.

3) Shall the City of Holly Hill's Charter be amended to provide for four (4) year staggered terms of office for the Mayor & City Council members, with the initial term of office for Ward 2 & Ward 4 being two (2) years and four (4) years thereafter, the initial term of office of Mayor, Ward 1 and Ward 3 being four (4) years and limiting the Mayor to two consecutive four (4) year terms, beginning with the election held in 1997?

_____ Yes - For amendment.
_____ No - Against amendment.

4) Shall the City have the authority to use the Volusia County canvassing board to canvass the returns for City elections or in the alternative create a five-member canvassing board consisting of those elected officials of the City who are not on the ballots and as many citizens of the City of Holly Hill as necessary to have a full board?

_____ Yes - For amendment.
_____ No - Against amendment.

5) Shall the City of Holly Hill provide for qualifying only by payment of a $10 fee or by petition with 25 signatures, with the City not accepting any undue burden claims for a waiver of any fees?

_____ Yes - For amendment.
_____ No - Against amendment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Holly Hill, Florida to be affixed this 23rd day of July, 1996.

Councilman Mellette moved to Approve the Proclamation being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.

4. CONSENT AGENDA

A. Approval of Minutes - July 9, 1996
Councilman Elliott moved to APPROVE the Consent Agenda being seconded by Councilman Heyman. The motion CARRIED 5-0 .

6. AUDIENCE PARTICIPATION

Mr. Clyde Johnston, 1186 15th Street, presented Council with a petition from residents along Tenth Street and along Center Avenue who opposed the railroad crossing being constructed at Tenth Street.

Mr. Johnston asked each member of Council for their reasons for supporting this project. Councilman Byrnes responded by saying he was concerned about safety for the children going to the park as well as this being a goal of the Visions 2000 Committee. Councilman Heyman cited safety as her primary reason for voting for the crossing. Councilman Mellette said he had been involved in working for the crossing before he owned property adjacent to the proposed crossing. He also cited an incident involving a former employee where that person had driven a vehicle onto the tracks and become stuck. Councilman Elliott cited safety and the Fire Department access as being his primary reasons for supporting the crossing. Mr. Byrnes also noted this crossing had been talked about for years when he was growing up in the community. Mayor Arthur said everyone knows he is opposed to this project and believes the money could be better spent in other areas.

City Manager Lusk said there has been some problems obtaining the necessary permits from the railroad but now the permit is back in engineering and should be forthcoming. He also noted it may be as much as nine to twelve months before the railroad is ready to construct the crossing. He said the City has already advertised the project but that we may have to slow the process because it would not make sense to have the work done and then have the FEC come in and tear it up when they make the crossing itself.

Mrs. Theresa Jackson, 139 14th Street said she is opposed to the crossing but since the decision has been made, the Council should move forward and quit revisiting the issue.

7. RESO. 40 -PROPOSING A TENTATIVE MILLAGE RATE AND SETTING DATE, TIME, AND PLACE FOR PUBLIC HEARING

Attorney Korey read:

RESOLUTION NO. 96-R-40
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, PROPOSING A TENTATIVE MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 1996 FOR THE CITY OF HOLLY HILL, FLORIDA

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Byrnes.

There were no comments from the audience when the City Manager announced the City did not plan to raise taxes this year but would be going with the rolled back rate.

The motion CARRIED 5-0 on the following roll call:

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

8. ORDINANCE NO. 2432 - PROVIDES FOR ORDERLY TRANSITION TO UNIFORM ELECTION DATES RE: DATE OF TAKING OFFICE

Attorney Korey read:

ORDINANCE NO. 2432
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTIONS 13, 19, 135, AND 149 OF THE CITY OF HOLLY HILL'S CHARTER TO PROVIDE FOR ELECTED OFFICERS TAKING OFFICE AT THE BEGINNING OF THE FIRST REGULARLY SCHEDULED MEETING OF NOVEMBER; AND DELETING SECTION 135 ESTABLISHING THE DATE OF THE REGULAR ELECTION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Elliott moved to ADOPT the ordinance on final reading being seconded by Councilman Mellette. The motion CARRIED 5-0 without any comments on the following roll call:

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

9. ORDINANCE NO. 2433 - CHARTER REFERENDUM QUESTION PROVIDING FOR A GENERAL ELECTION/RUN-OFF STYLE OF ELECTIONS INSTEAD OF A PRIMARY/GENERAL ELECTIONS SYSTEM

Attorney Korey read:

ORDINANCE NO. 2433
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE ELECTORS PLACING A LIMIT ON THE NUMBER OF CONSECUTIVE TERMS A MAYOR CAN SERVE; PROVIDING FOR STAGGERED TERMS; PROVIDING FOR FOUR (4) YEAR TERMS; PROVIDING FOR A GENERAL AND RUN OFF ELECTION; PROVIDING FOR THE USE OF THE COUNTY'S VOTING SYSTEM; PROVIDING FOR COMPLIANCE WITH THE NOTICE REQUIREMENTS FOR ALL ELECTIONS AS SET FORTH IN THE GENERAL ELECTION LAW; PROVIDING FOR THE AUTHORITY TO USE THE COUNTY CANVASSING BOARD OR A CANVASSING BOARD CONSISTING OF COUNCIL MEMBERS NOT ON THE BALLOT AND CITIZENS APPOINTED BY THE CANVASSING BOARD MEMBERS; PROVIDING FOR QUALIFICATION BY PAYMENT OF A $10 FEE OR BY OBTAINING 25 SIGNATURES; PROVIDING FOR CONFLICTING

ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT the ordinance being seconded by Councilman Heyman. The motion CARRIED 5-0 without comments on the following roll call:
Mellette, yes; Heyman, yes; Byrnes, yes; Elliott, yes; Arthur, yes.

10. ORD. NO. 2435 AMENDMENT TO LAND USE AND DEVELOPMENT REGULATIONS - REDUCES FRONT AND REAR YARD SETBACKS IN CC-1 ZONING DISTRICT (EXCEPT FRONT YARDS ON LPGA BLVD. AND RIDGEWOOD AVENUE)

Attorney Korey read:

ORDINANCE NO. 2435

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED; REVISING SECTION 5.5.21, CC-1, COMMERCIAL CORRIDOR DISTRICT, BY REDUCING THE REQUIRED FRONT YARD SETBACK FOR ALL CC-1 ZONED PROPERTIES, EXCEPT THOSE FRONTING ON RIDGEWOOD AVENUE AND LPGA BOULEVARD; REDUCING THE REAR YARD SETBACK FOR ALL CC-1 ZONED PROPERTIES; ESTABLISHING A 100 FEET MINIMUM LOT FRONTAGE REQUIREMENT FOR ALL CC-1 ZONED PROPERTIES; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Heyman moved to ADOPT the ordinance being seconded by Councilman Mellette. The motion CARRIED 5-0 without comment on the following roll call:

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

11. RESOLUTION NO. 39 SUPPORTING DAVID RIGSBY FOR 2ND VICE PRESIDENT OF THE FLORIDA LEAGUE OF CITIES

Attorney Korey read:

RESOLUTION NO. 96-R-39
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ENDORSING THE CANDIDACY OF MAYOR DAVID RIGSBY FOR THE POSITION OF 2ND VICE PRESIDENT OF THE FLORIDA LEAGUE OF CITIES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Elliott moved to ADOPT the resolution being seconded by Councilman Heyman. The motion CARRIED 5-0 without comment on the following roll call:

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

12. RESOLUTION NO. 41 - APPOINTS MAYOR AND CITY MANAGER AS REPRESENTATIVES TO THE VOLUSIAN WATER ALLIANCE

Attorney Korey read:

RESOLUTION NO. 96-R-41
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING ONE (1) REPRESENTATIVE AND ONE (1) ALTERNATE TO THE VOLUSIAN WATER ALLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lusk said the Mayor will be the City's representative and he (Lusk) will be the alternate. He said the thought it would be better if he or the Mayor attended these meeting until the guidelines and work parameters are better established. Council agreed.

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

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

13. ACCEPTANCE/REJECTION OF BID ON HOUSE AT 344 ELSIE

City Manager Lusk announced the bidder had announced the withdrawal of his bid. Mr. Lusk assured Council he would continue to work to sell the house.

14. DISCUSSION ON ROOFING PROPOSALS FOR YOUTH CENTER

Mr. Lusk told Council ten different firms had been asked for bids and only two responded. One of the bids is for an encapsulation process at $8,750 and the other is for a composition roof at $8,185.

Following a brief discussion, Councilman Byrnes moved to award the bid to H & H Roofing for the composition roof for $8,185 with the stipulation that the guarantee be put in writing. Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.

15. COMMUNICATIONS FROM CITY MANAGER

A. Reso. No. 42 - Signing of IAFF Contract

Attorney Korey read:

RESOLUTION NO. 96-R-42
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY MANAGER OF THE CITY OF HOLLY HILL, FLORIDA TO ENTER INTO AND EXECUTE AN ADDENDUM TO THE CONTRACT WITH THE HOLLY HILL PROFESSIONAL FIREFIGHTER'S ASSOCIATION, LOCAL 3470, IAFF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lusk told Council this agreement contains a 2% COLA and is essentially a two year contract with wages being the only opener next year. Council expressed their appreciation that a contract has been reached.

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

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

Councilman Byrnes asked if it would be possible to put this contract in effect early like Council did last year to show their appreciation for the Fire Union's cooperation. Mr. Lusk said that may happen but he couldn't say at this time. He also indicated he thought the Laborer's union will be ready on their contract within the next couple of weeks.

B. Reso. No. 43 - COPS Grant Application

Attorney Korey read:

RESOLUTION NO. 96-R-43
A RESOLUTION AUTHORIZING THE CITY OF HOLLY HILL STAFF TO APPLY/PARTICIPATE IN A GRANT FROM THE COPS UNIVERSAL HIRING PROGRAM THROUGH THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS); AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY FORMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Council discussed the grant and how it would help the City. Mr. Lusk said it is essentially a 75% grant and that he hopes the Redevelopment Fund will be able to pay the City's matching portion. Council was pleased with the idea of being able to put another patrolman on the street.

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

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

16. COMMUNICATIONS FROM CITY ATTORNEY

None.

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Councilman Byrnes thanked Mayor Arthur for filling in for him at the Beach Trust Commission meeting and remarked everyone said the Mayor did a good job.

Councilman Heyman thanked the employees for a job well done during "Bertha". She also introduced Mrs. Fink who is running for the County Council.

18. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 8:18 p.m.

Mayor

ATTEST:

City Clerk-Manager