

**MINUTES
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
JULY 25, 1995**

1. CALL TO ORDER

Mayor Virginia Wine called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue.

Answering roll call were Mayor Wine, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Shirley Heyman and Councilman Jim Elliott.

Also attending were City Manager Donald Lusk, City Attorney Edward Simpson, Chief of Police Pat Finn 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. AUDIENCE PARTICIPATION

Ms. Carol Swain, 218 Scotland Drive asked what has been done regarding the mound of dirt dumped by DOT and caused their area to flood. Mayor Wine asked Mr. Hallman to give a brief report on what has transpired regarding the flooding in the area. He said the DOT wants to lower the water in the pond by about two feet and that the crews have also cleaned out ditches in the area. This seems to have helped to control the flooding. Mr. Hallman said his crews plan to do more work in the area so they can get machinery in to the ditch area to clean it out further.

5. FDCA EVALUATION AND APPRAISAL REPORT ASSISTANCE PROGRAM

VCOG Planner Bob Keeth explained the City is required by Chapter 163, Par II, F.S. Chapter 9J-5005 (FAC) to prepare an evaluation and appraisal of its Comprehensive Plan. The Florida Department of Community Affairs have made some funds (\$14,069) available to assist the City with expenses involved in this project.

Mr. Keeth told Council a Work Plan must accompany the agreement when it is sent to the Department of Community Affairs.

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After a brief discussion, *Councilman Byrnes moved to APPROVE the agreement and to have Mr. Keeth bring a work plan to the next meeting. Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.*

6. ORDINANCE NO. 2411 - AMENDING THE LAND USE AND DEVELOPMENT REGULATIONS

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED; AMENDING SECTION 2.2, DEFINITIONS BY ADDING A DEFINITION OF BED AND BREAKFAST ACCOMMODATION AND DELETING THE DEFINITION OF BOARDING HOUSE; AMENDING SECTION 5.5.3, R-1 LOW DENSITY SINGLE-FAMILY DISTRICT, TO PROVIDE FOR BED AND BREAKFAST ACCOMMODATIONS AS A SPECIAL EXCEPTION; AMENDING SECTION 5.6.1, SPECIAL EXCEPTIONS, PROVIDING REQUIREMENTS FOR BED AND BREAKFAST ACCOMMODATION; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

A lengthy discussion ensued regarding limiting length of time a customer could stay, limiting the number of persons allowed in a single room, requiring all parking to be contained on the property of the Bed and Breakfast and removing Section 8 which pertains to Americans with Disabilities Act and to Life Safety Codes.

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

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

7. ORDINANCE NO. 2407 - ANNEXATION OF NOVA ROAD RIGHT-OF-WAY (SECOND READING)

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING CITY CLERK TO PUBLISH NOTICE OF ANNEXATION; DIRECTING CITY CLERK TO FILE ORDINANCE WITH CLERK OF CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND

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DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

8. CITY HALL PARKING & EAST ENTRANCE IMPROVEMENTS

P & S Paving, Inc. requested a change order in the amount of \$1,274.40 which increased the project price to \$91,264.40 from the original bid of \$89,990.

Councilman Elliott moved to APPROVE the change order being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

9. RESOLUTION NO. 95-R-33 PROPOSED MILLAGE RATE

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, PROPOSING A TENTATIVE MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 1995 FOR THE CITY OF HOLLY HILL, FLORIDA

WHEREAS, the City Council of the City of Holly Hill, Florida is required by Florida Statute 200.011 to certify to the County Property Appraiser the general municipal millage rate proposed by said Council for the tax year beginning October 1, 1995; and

WHEREAS, the City Council of the City of Holly Hill, Florida, pursuant to Florida Statute 200.065, the TRIM BILL, shall hold a public hearing adopting a tentative budget and a proposed millage rate, said proposed millage rate exceeding the rolled back rate by 0%; and

WHEREAS, the City Council of the City of Holly Hill, Florida, is desirous of adopting a proposed millage rate, with a proposed 0% tax increase and setting a public hearing to be held with respect to same; and

WHEREAS, the City Council has set a public hearing on the millage rate at 7:30 p.m., on September 13, 1995, in Council Chambers, 1065 Ridgewood Avenue, Holly Hill, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA:

Section 1. That the millage rate proposed by the City Council of the City of Holly Hill, Florida, for the tax year beginning October 1, 1995 is 5.55375 (\$5.55375 per \$1,000.00); said proposed

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millage rate exceeding the rolled back rate by 0% which shall be the proposed percentage increase in property taxes.

Section 2. That all resolutions made in conflict with this Resolution are hereby repealed.

Section 3. That this Resolution shall become effective immediately upon its adoption.

The within and foregoing Resolution was read before the City Council of the City of Holly Hill, Florida, at its regular meeting held in council chambers at 1065 Ridgewood Avenue, Holly Hill, Florida, on the 25th day of July, A.D. 1995.

It was moved by Councilman _____ and seconded by Councilman _____ that said Resolution be adopted. A roll call vote of the Council on said motion of the Resolution resulted as follows:

Mayor Virginia Wine	_____
Councilman Arthur Byrnes	_____
Councilman J. D. Mellette	_____
Councilman Shirley Heyman	_____
Councilman James Elliott	_____

WHEREAS, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly authorized by the City Clerk, and has caused the official seal of said City to be affixed, all at the City Hall in the City of Holly Hill, this _____ day of _____, A.D. 1995, for the purpose of authenticity as is required by law.

VIRGINIA WINE, MAYOR
CITY OF HOLLY HILL, FLORIDA

ATTEST:

CITY CLERK/MANAGER

There was no comment from members of the audience.

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Elliott. The motion CARRIED 4-1 on the following roll call:

Mellette, yes; Elliott, yes; Heyman, no; Byrnes, yes; Wine, yes.

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10. ORDINANCE NO. 2406 - WATER RATE INCREASE (SECOND READING)

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 28 (WATER, SEWERS AND SEWAGE DISPOSAL), ARTICLE III (CITY WATER SUPPLY SYSTEM), SECTION 28-72 (USAGE CHARGES GENERALLY) TO INCREASE THE CHARGE FOR THE BASE WATER RATE AND THE PER 1,000 GALLON RATE AND TO ESTABLISH AN ADDITIONAL INCREASED CONSERVATION CHARGE FOR WATER CONSUMPTION IN EXCESS OF 15,000 GALLONS PER MONTH; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Councilman Elliott moved to ADOPT the ordinance on second reading being seconded by Councilman Mellette. The motion CARRIED 4-1 on the following roll call:

Elliott, yes; Mellette, yes; Byrnes, yes; Heyman, no; Wine, yes.

11. COMMUNICATIONS FROM CITY MANAGER

Mr. Lusk thanked Council for having him and told them he will hold staff meetings each Wednesday at 2:00 p.m. which are always open to members of the Council.

12. COMMUNICATIONS FROM CITY ATTORNEY

None.

13. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Byrnes welcomed Mr. Lusk to the City and thanked Mr. Harbuck for doing a good job and staff for helping him.

Councilman Mellette welcomed Mr. Lusk; thanked Mr. Harbuck for being Acting City Manager.

Councilman Heyman: That is what I was going to say too. Thank you, Tim. Nice to have you aboard, Mr. Lusk and it is nice to have Sue back and I would like to ask a question here.

Mrs. Heyman: Mr. Simpson has anybody looked into that agreement with Angelica?

Mr. Simpson: I have not looked at it in a long time, Mrs. Heyman. Is that something that I need to be doing?

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Mrs. Heyman: Yes sir, I would like for you to do that and see if we can get some money back in the City.

Mr. Byrnes: If this takes a concurrence from the Council, I don't concur, just so that is on the record.

Mrs. Heyman: I beg your pardon.

Mr. Byrnes: I don't concur. We've already made that adjustment. You voted against it this evening. We've already made an adjustment to get us more money from those folks and you voted against it.

Mrs. Heyman: So what do you have against that, Mr. Byrnes?

Mr. Byrnes: I have against the fact it was a legally drawn up approved contract.

Mrs. Heyman: Made for one person in this City.

Mr. Byrnes: No, ma'am.

Mrs. Heyman: Who else uses that kind of water?

Mr. Byrnes: Anybody who wants to and wants to pay the price. All I am saying is I don't want to see us spending a whole lot of staff's time going back on ancient history.

Mrs. Heyman: How long will it take you to look at it, Mr. Simpson?

Mr. Simpson: Less than an hour.

Mayor Wine: Council has the right to ask the City Attorney to look up something so it will be okay.

Mrs. Heyman: Thank you.

Councilman Elliott said he would like to reiterate what has been said and thanked Mr. Harbuck . He said he talked with Mr. Lusk yesterday and thought things would go along well.

Mayor Wine said she would like to ditto everything Council has said only she has not had a chance to talk to the City Manager. She said she would leave her turn to last. Councilman Mellette said he has not talked with Mr. Lusk yet. Mrs. Wine said she knew all the Department Heads would work with Mr. Lusk and she said she was sure all the employees would cooperate as well. She wished Mr. Lusk well.

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Mayor Wine reminded everyone of the Executive Session to be held following the meeting.

15. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 8:55 p.m.

Mayor

ATTEST:

City Clerk-Manager