M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
JULY 9, 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, City Attorney Edward Simpson, and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Fire Chief Joe Forte.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting - June 23, 1996
B. Bills and Accounts

Councilman Elliott moved to APPROVE the Consent Agenda being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

5. AUDIENCE PARTICIPATION

Mayor Arthur introduced District 4 County Council Candidate Terri Campbell and Diane LaPorta who is running for the School Board.

Chamber of Commerce Executive Director George Zoller introduced Adam Ross Owens , an Olympic Torch Runner, from the United Brethren Church. Mr. Owens told of his experience and then passed his torch to Mr. Simpson and asked him to pass it around to Council. When asked about the torch, Mr. Owens said it cost $275 and that the church raised the money to purchase it for him since he did not think he could afford to buy it.

6. ORDINANCE NO. 2430 - AMENDS LAND DEVELOPMENT REGULATIONS REGARDING THE DEFINITION OF KENNEL

City Attorney Simpson read:

ORDINANCE NO.2430
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE CURRENT DEFINITION OF THE TERM "KENNEL" AS DEFINED IN THE CURRENT SECTION 78-14 OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Heyman moved to ADOPT the ordinance on final reading 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.

7. ORDINANCE NO. 2431 - MOVING CITY ELECTION DATES TO UNIFORM DATES ESTABLISHED BY LEGISLATURE

City Attorney Simpson read:

ORDINANCE NO. 2431
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 146(4) OF THE CITY CHARTER TO PROVIDE FOR A NEW QUALIFICATION PERIOD FOR CANDIDATES AND AMENDING SECTION 151 OF THE CITY CHARTER TO PROVIDE FOR THE UNIFIED ELECTION DATE AS SET FORTH IN THE UNIFIED ELECTION DATE ACT FOR VOLUSIA COUNTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

City Attorney Simpson 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.

Council discussed the date briefly and then *Councilman Elliott moved to APPROVE the ordinance on first reading being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:*

Elliott, yes; Heyman, yes; Byrnes, yes; Mellette, 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

City Attorney Simpson 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 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; Arthur, yes.

Volusia County Supervisor of Elections Deanie Lowe said she could not pass up the opportunity to say thank you very much for the action Council took tonight and to impress the importance of this act.

Almost all of the cities have gone to the uniform date. Daytona Beach passed it last week. That will help with the cost factor for smaller cities. Mrs. Lowe gave an example of the City of Pierson having to pay $1.31 per ballot compared to 18 cents per ballots if all the cities hold their elections at once. That same type of savings will carry through to all cities but maybe not on that scale. The delivery of equipment to the polls and staff overtime will also be divided among all the cities and will provide substantial savings. Mrs. Lowe said perhaps the savings will not be so much for any one city but on a county-wide basis there will be a substantial savings. She again thanked the Council for their cooperation and noted she would be going to the City of Ormond Beach next week to talk about the uniform election dates. She said the City of Port Orange called for a copy of the ordinance adopted this evening.

Mayor Arthur and Council members thanked Mrs. Lowe for being at our meeting.

10. RESOLUTION ESTABLISHING A POLICY REGARDING PAYING ATTORNEY FEES FOR COMMISSION ON ETHICS COMPLAINTS

City Attorney Simpson read:

RESOLUTION NO. 96-R-38
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING A POLICY FOR PAYMENT OF FEES AND COSTS INCURRED BY PUBLIC OFFICIALS DURING THE INVESTIGATION OF A COMPLAINT BY THE COMMISSION ON ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Former Mayor Virginia Wine asked that the resolution be read in full. Mr. Simpson read:

"WHEREAS, the City of Holly Hill does not have a policy regarding the payment of fees and costs incurred by a public official during an investigation by the Commission on Ethics;

WHEREAS, the City Council believes that it is unnecessary to have legal representation during the preliminary investigation of a complaint filed with the Commission on Ethics;

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

Section 1. The City Council of the City of Holly Hill hereby adopts a policy that the City of Holly Hill shall make no contribution towards attorney's fees and costs incurred by a public official, nor hire an attorney for a public official, during the preliminary investigation with respect to a complaint filed with the Commission on Ethics."

Former Mayor Don Wiggins spoke in opposition to the resolution and then Former Mayor Wine spoke in opposition to the resolution too. Both felt it was necessary to hire an attorney during the investigation part of the process and in most cases the case does not get to a full hearing. Following a very lengthy discussion, *the motion to ADOPT the resolution FAILED 2-3 on the following roll call:*

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

When Council could not agree on a policy, Mr. Lusk said he would bring this back to a workshop meeting as this is a policy decision. He was asked to check with other cities and see how they handle this type of request and if they have a policy.

11. AMENDMENT TO LAND USE AND DEVELOPMENT REGULATIONS - PERMITS ASPHALT BATCHING PLANTS AS A PERMITTED USE IN 1-2 HEAVY INDUSTRIAL ZONING

City Attorney Simpson read:

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED; REVISING SECTION 5.5.20, I-2, HEAVY INDUSTRIAL DISTRICTS, BY ADDING ASPHALT BATCHING PLANTS AS A PERMITTED PRINCIPAL USE; 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 APPROVE the ordinance on first reading being seconded by Councilman Elliott.

Councilman Mellette said this could be a problem. He asked about buffer requirements which Bob Keeth listed. The requirements vary based on the amount of land involved. Council considered this matter fully and then *Councilman Heyman and Councilman Elliott withdrew the motion and second.*

After more consideration during which Council said they would like to see what kind of requirements could be put together if this request was a Special Exception, *Councilman Heyman moved to TABLE the ordinance being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call.*

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

12. 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)

City Attorney Simpson 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 Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Heyman.

Former Mayor Virginia Wine asked Council if they considered the parking spaces needed for businesses. City Planner Bob Keeth said the parking requirements were not changed.

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

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

13. EMERGENCY REPAIRS TO LIFT STATION NO. 11

Public Works Director Milton Hallman is requesting $12,068 to purchase equipment to rehab Lift Station No. 11. Mr. Lusk said this is more in the nature of a sole source purchase than an emergency. He informed Council since he and Mr. Hallman began talking about this, the factory caught fire and now it will be about six months before these dry pit sewage pumps can be shipped.

After a brief discussion where Council was told how this would improve the operation of the lift station, *Councilman Heyman moved to APPROVE the request being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.*

The motion CARRIED 5-0 on roll call.

14. PURCHASE OF TIDE FLEX CHECK VALVE FOR FOURTH STREET DITCH

Mr. Hallman explained how these valves would allow water to drain away from one area without allowing other water to come into the drainage ditches. He said these valves are very expensive ($6,500) and that is why he is only requesting one at this time. After studying the working of this valve, he will probably be back to Council with further requests.

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

15. COMMUNICATIONS FROM CITY MANAGER

A. Mr. Lusk reported he had received a fax from Don Large, VCOG Executive Director, asking for the Manager and Council to evaluate Bob Keeth. He said if Council has any input, please see him so he can get it in by the 12th of the month.

B. The City Manager reported his evaluation is due at the next meeting and asked Council if they wanted to have it at the regular meeting or at the workshop. After considering the matter briefly, Council decided to hold the evaluation at the workshop and it will be verbal instead of written.

16. COMMUNICATIONS FROM CITY ATTORNEY

None.

17. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Heyman commented on the fine audit the Police Department received and she wanted everyone to know.

Councilman Byrnes said he has been talking to Mr. Harbuck a little and has mentioned to Mr. Lusk about the City needing a sidewalk policy. It was discussed years ago but nothing was ever done about a policy for commercial businesses. He said he thought Council should talk about this at a workshop. Mayor Arthur asked if this could be done at the next workshop. Mr. Lusk said it could be done at that time but that Council should also think about requiring money so you can build a fund.

Mr. Lusk reminded Council they could bring anything to him to put on a workshop agenda without having to get a consensus of the other members.

Mayor Arthur said he and Mrs. Heyman had brought up amending the Sign Ordinance and nothing has ever been done about that. Mr. Lusk told him that is scheduled for the next workshop. Mayor Arthur said there is still a problem with the boom boxes where the people came to Council not too long ago. He said something needs to be done about that.

18. ADJOURNMENT

There was no further business to come before Council so the meeting was adjourned at approximately 9:07 p.m.

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Mayor

ATTEST:

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City Clerk/Manager