

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 11, 1998**

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at 7:30 p.m.

Answering roll call were Mayor Arthur, Commissioner Arthur Byrnes, Commissioner J. D. Mellette, Commissioner Shirley Heyman and Commissioner Roland Via.

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

2. INVOCATION

Commissioner Shirley Heyman gave the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS

Mayor Arthur presented a proclamation to Clay Beasley for his community spirit and generosity during the recent firestorm.

5. CONSENT AGENDA

- A. Minutes Budget Workshop – July 20, 1998**
- B. Minutes Regular Meeting – July 28, 1998**
- C. Minutes Workshop Meeting – July 28, 1998**

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

6. AUDIENCE PARTICIPATION

None

7. ORDINANCE NO. 2522 – AMENDS CHAPTER (ADMINISTRATION) ARTICLE II (CITY COMMISSION), DIVISION 1 (GENERALLY), SECTION 2-30 (EXPENSE ALLOWANCE AND HONORARIUM) TO PROVIDE FOR AN INCREASE IN THE ANNUAL EXPENSE ALLOWANCE OF THE MAYOR AND CITY COMMISSIONS (Second reading)

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City Attorney Simpson read:

ORDINANCE NO. 2522

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (CITY COMMISSION), DIVISION 1 (GENERALLY), SECTION 2-30 (EXPENSE ALLOWANCE AND HONORARIUM) TO PROVIDE FOR AN INCREASE IN THE ANNUAL EXPENSE ALLOWANCE OF THE MAYOR TO \$9,840.00 AND INCREASING THE ANNUAL EXPENSE ALLOWANCE OF THE CITY COMMISSIONERS TO \$6,600; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Heyman moved to **ADOPT** the ordinance on second 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.

8. ORDINANCE NO. 2521 – 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) AND ADOPTING THE ADULT ENTERTAINMENT CODE (First reading)

City Attorney Simpson read:

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

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SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Public Hearing was opened at approximately 7:35 p.m. City Attorney Simpson said, "This Ordinance is being proposed for first reading and a first public hearing this evening."

Commissioner Heyman asked for a brief explanation of this Ordinance. City Manager Lusk said in the future to locate this type of an establishment would have to go into an Industrial zone in other words you couldn't do it on Ridgewood Avenue. You would have to grandfather in the existing business. This Ordinance will also regulate how and where the adult entertainment is done. A lengthy discussion was held concerning occupational license fees and the cost to the City to regulate this type of business.

There were no comments from the audience so the public hearing was closed as approximately 7:35 p.m.

*Commissioner Via moved to **APPROVE** the ordinance on first reading being seconded by Commissioner Heyman.*

*Commissioner Byrnes moved to amend the ordinance so that the fee for an occupational license will be \$1,000 instead of \$750. The amending motion was seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

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

Mayor Arthur asked for a roll call on the original motion as amended to **APPROVE** Ordinance No. 2522 on first reading. The motion **CARRIED** on the following roll call:

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

9. ORDINANCE NO. 2523 – AMENDING ORDINANCE NO. 2275 AND SECTION 114-764 OF THE LAND USE AND DEVELOPMENT REGULATIONS PROVIDING CONDITIONS UPON WHICH USES OF TENTS MAY BE ALLOWED AND CONDITIONS FOR THE ISSUANCE OF PERMITS (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2523

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AN ORDINANCE OF AMENDING ORDINANCE NO. 2275 AND SECTION 114-764 OF THE LAND USE AND DEVELOPMENT REGULATIONS PROVIDING CONDITIONS UP WHICH USES OF TENTS MAY BE ALLOWED; PROVIDING FOR CONDITIONS FOR THE ISSUANCE OF PERMITS; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING THE TERMS AND CONDITIONS THEREOF AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Byrnes asked where this Ordinance originated. City Manager Lusk said this is a recommendation of the Redevelopment Board. City Manager Lusk explained tent permits could be issued for 30 days plus for special events. In the proposed Ordinance the special events will be a part of the 30 days. A discussion was held concerning the definition of a tent.

City Attorney Simpson suggested the Commission eliminate the potential confusion by putting language in the ordinance that describes the limitation of the use of a tent for commercial purposes. No tent shall be erected for Commercial purposes within the City limits without a permit issued by the City so it clearly doesn't apply to recreational type camping in your yard.

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

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

10. COMMISSION REVIEW DRAFT OF SPECIAL EVENTS RESOLUTION

City Manager Lusk said as an example during a special event, a restaurant owner, who has a state license to sell alcoholic beverages, would be able to use his whole property not just his building. In other words, you could set something up in a parking lot and be able to sell alcoholic beverages in that parking lot for a special event only.

City Attorney Simpson said this only applies to retail merchants who possess City Occupational Licenses who want to have a special event tent. It would be a good idea to redraft this for a workshop.

It was the consensus of the Commission to have staff draft an Ordinance bring it back for discussion at a Workshop Meeting.

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11. RESOLUTION 98-R-31 – VOLUSIA COUNTY PARTNERSHIP FOR DISASTER MITIGATION AND RECOVERY

City Attorney Simpson read:

RESOLUTION 98-R-31

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACTUAL SERVICES AGREEMENT WITH VOLUSIA COUNTY FOR DEVELOPMENT OF A LOCAL HAZARD MITIGATION STRATEGY AND CREATION OF AN EMERGENCY RESPONSE PLAN FOR THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **ADOPT** Resolution 98-R-31 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.

12. REQUEST APPROVAL OF FINAL PAYMENT – P&S PAVING FOR PAVING PROGRAM FY 1997-98 IN THE AMOUNT OF \$96,261.45

City Manager Lusk explained the Commission approved \$89,000 for the paving project. City Manager Lusk said, “When the City started paving some of our roads were worse than we thought and it took more leveling, we were being charged by the ton. We paved all the roads in our program and it brought the price to \$96,000. So instead of cutting anything out we are coming back to the Commission for approval.

*Commissioner Mellette moved to **APPROVE** the final payment of \$96,261.45 being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on roll call.*

13. COMMUNICATIONS FROM CITY MANAGER

City Manager Lusk said the City doesn’t have to buy property to build the gym but we do need to prepare this property to be able to build the gym. We have the ability to get the dirt from across

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the street, we have the ability to dig it out, we have an engineer that will certify and a contractor who will be bringing the dirt and compacting it. We can control the price at \$28,075.50. City Manager Lusk is asking Commission approval for \$28,075.50 for compacted dirt.

*Commissioner Byrnes moved to **APPROVE** the expenditure not to exceed \$28,075.50 for preparation of the gym property being seconded by Commissioner Mellette. The motion **CARRIED** 5-0.*

14. CITY ATTORNEY

None

15. COMMUNICATIONS FROM MAYOR & COMMISSIONERS

Commissioner Via – Is looking forward with excitement to the Florida League of Cities Convention in Miami.

Commissioner Byrnes – Asked that all future ordinances coming from the Redevelopment Board be workshopped before appearing on the Agenda for Commission action

Commissioner Mellette – Agreed with Commissioner Byrnes that future Ordinances coming from the Redevelopment Board be presented at a Workshop

Commissioner Heyman – Introduced her future daughter-in-law.

Mayor – Riverside Drive is beginning to look like a parking lot or car lot and he would like to see something done to preserve Riverside Drive if possible.

Mayor Arthur then reported that VCOG has three people in mind for the Executive Director and will go before a committee to see which one of the three they want.

Mayor Arthur said he was looking forward to going to the League of Cities and announced there is a special meeting (reception) at 4:00 p.m. with the Volusia League.

16. ADJOURNMENT

With no further business to come before the Commission, the meeting was adjourned at approximately 8:52 p.m.

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WILLIAM D. ARTHUR, MAYOR

ATTEST:

City Clerk