MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 12, 1997

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Council Chambers at 1065 Ridgewood Avenue in City Hall.

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

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

2. INVOCATION

The Invocation was given by Councilman Shirley Heyman.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

None.

5. CONSENT AGENDA

A. Approval of Minutes - Budget Workshop Meeting July 14, 1997
- Regular Meeting July 22, 1997
- Special Meeting July 29, 1997

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.

6. ORDINANCE NO. 2473 - ANNEXATION OF SUPA PROPERTY (Second and final Reading)

City Attorney Simpson read:

ORDINANCE NO. 2473

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING CERTAIN PROPERTY INTO THE CITY BY VOLUNTARY PETITION; PROVIDING FOR

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

Councilman Heyman moved to ADOPT 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.

7. ORDINANCE NO. 2474 - ANNEXATION OF ALABAMA AVENUE PROPERTY (Second and final Reading)

City Attorney Simpson read:

ORDINANCE NO. 2474

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING CERTAIN PROPERTY INTO THE CITY BY VOLUNTARY PETITION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

8. ORDINANCE NO. 2475 - ANNEXATION OF RIVIERA ESTATES PROPERTIES (Second and final reading)

City Attorney Simpson read:

ORDINANCE NO. 2475

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING CERTAIN PROPERTY INTO THE CITY BY VOLUNTARY PETITION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

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

9. ORDINANCE TO REZONE PROPERTY AT 150 FIRST STREET FROM R-5 TWO-FAMILY RESIDENTIAL TO CC-1 COMMERCIAL CORRIDOR DISTRICT (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2476

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.70 ACRE LOCATED ON THE NORTH SIDE OF FIRST STREET BETWEEN DAYTONA AVENUE AND BEACH STREET FROM R-5, TWO-FAMILY RESIDENTIAL DISTRICT, TO CC-1, COMMERCIAL CORRIDOR DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Lots 5, 6, and 7, and the W 30 ft. of Lot 8, Block 'B', Saulsbury Place, Holly Hill, Per OR 3150, Page 1759 and the S. 145 ft. of Lot 5, Simpson's Sub, Block 36, Mason and Carswell Holly Hill, OR 3150, Page 1759, Public Records of Volusia County, Florida.

(Tax Parcel Numbers 5337-25-00-0051 and 5337-22-02-0050)

Jim Elbers, Ponce Intlet, said he is the owner of the property and will answer any questions. There were no citizens present to object to the requested rezoning. Councilman Byrnes expressed concern about creating a transitional neighborhood. Following a brief discussion, *Councilman Mellette moved to APPROVE the ordinance on first reading 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.

10. ORDINANCE TO REZONE PROPERTY LOCATED AT 708 CARSWELL AVENUE FROM R-3 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT TO CC-1 COMMERCIAL CORRIDOR DISTRICT

City Attorney Simpson read:

ORDINANCE NO. 2477

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 0.359 ACRE LOCATED ON THE WEST SIDE OF STATE AVENUE APPROXIMATELY 150 FEET NORTH OF SIXTH STREET FROM R-3, MEDIUM DENSITY SINGLE FAMILY

RESIDENTIAL DISTRICT, TO CC-1, COMMERCIAL CORRIDOR DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

The north ½ of Lot 53, all of Lots 54 and 55, Pine Crest Subdivision, as per Map Book 6, Page 56, Public Records of Volusia County, Florida. (Tax Parcel Number 5337-01-00-0290)

(Note: All of Lot 53, including the north ½ referenced in the above legal description, had already been rezoned to CC-1 by Ordinance No. 2416.)

Council discussed this item fully and questioned the owner Mr. Frank Todora on many aspects of the rezoning. Mr. Todora said he was willing to provide whatever papers as necessary for approval. Council talked about a 'unity of title" to the property on Carswell and the property on State Avenue. He assured Council the building on State would look like a home.

Councilman Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Heyman. Following more discussion Councilman Mellette amended his motion to include proof of the unity of title being accomplished before second reading on the ordinance. Councilman Heyman agreed to the amendment and seconded it.

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

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

11. REQUEST COUNCIL APPROVAL OF FINAL PAY REQUEST TO P&S PAVING FOR 10th STREET IMPROVEMENTS

Mr. Lusk said this is the final payment of $11,168.90 for the 10th Street project and will close the contract.

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

12. REQUEST COUNCIL APPROVAL TO PURCHASE DITCH EXCAVATOR

Mr. Lusk told Council and the Citizens present that this piece of equipment is parked out back. He said he likes for everyone in the City to know where the capital expenditures are made. He explained this is being purchased with the proceeds from the sale of the dozer ($16,111) and with $15,000 from the drainage fund.

Councilman Mellette moved to APPROVE the purchase of the Bobcat 331 Excavator from Bobcat of Orlando at the price of $30,507 as quoted on State Contract. The motion CARRIED 5-0 on roll call.

13. REQUEST COUNCIL AUTHORIZATION TO DECLARE STEEL TANK SURPLUS

Mr. Lusk said there is a 2,500 gallon tank in the back of the Public Works yard. It weighs about 2,000 pounds. We can scrap it for about $20 or we can declare it surplus and Daytona Plumbing and Heating will pay us $250 and remove it.

Councilman Heyman moved to declare the tank surplus so it can be sold to Daytona Plumbing. Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.

14. ORDINANCE TO AMEND SECTION 2-174 OF THE CODE OF ORDINANCES TO ALLOW THREE ALTERNATE MEMBERS TO THE COMMUNITY REDEVELOPMENT ADVISORY BOARD (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2478

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 2-174 OF THE HOLLY HILL CODE OF ORDINANCE TO ALLOW FOR THREE (3)ALTERNATE MEMBERS TO THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; 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 Byrnes. The motion CARRIED 5-0 on the following roll call:

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

15. REQUEST COUNCIL APPROVAL OF RESOLUTION 97-R-23 PBA CONTRACT

City Attorney Simpson read:

RESOLUTION NO. 97-R-23

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 A THREE YEAR CONTRACT WITH THE COASTAL FLORIDA POLICE BENEVOLENT ASSOCIATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lusk briefly explained this contract changes. (A copy of the contract is attached to the resolution.) The City Manager said the City's police are ranked second in pay in the County. *Councilman Byrnes moved to ADOPT the resolution being seconded by Councilman Heyman.* The motion CARRIED 5-0 on the following roll call:

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

16. COMMUNICATIONS FROM CITY MANAGER

A. Mr. Lusk said he would like to announce the paving job on Walker is not finished. He said that is the leveling coat and that the contractor will be back to finish. The contractor said he is waiting for sewer rings. However, he (Lusk) said he has told them not to come back the week school starts because that could cause major problems. Mr. Lusk said if he comes back the first day of school, he will have the Police Department shut him down.

Mayor Arthur said it is a County policy that all roads they are working on must have the stripes on them at the end of the day.

B. Mr. Lusk said he would like to talk about the add-on he mentioned earlier. It is award of the contract for a water main extension on Alabama Avenue. He said we have two quotes. One is from R. C. Johnston & Son for $30,986 and the other is from Pruett & Associates for $34,826. Staff recommends the low bid and reminded Council Flowers Bakery will be reimbursing the City $15,000. He said we are trying to move fast on this because of a September 1st deadline. He told Council we don't have the permit yet but the engineers are working on it and they have the design about three-fourths completed. This project must be completed by September 1, 1997 so they can get a certificate of occupancy.

Mr. Lusk asked Mr. Hallman about putting penalties in the contract. Mr. Hallman said he did know if we would be allowed to ad penalties or not because there were none before the quotes were made. He noted the contractor is anxious to get started on the project so he might accept penalties.

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

17. COMMUNICATIONS FROM CITY ATTORNEY

None.

18. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Council members Mellette, Heyman, and Elliott had no communications.

Councilman Byrnes said he would like for everyone to know he will have a Web site where they can look at all the accomplishments of the City Council over the past few years. The address is AJB.COM. The official unveiling is August 15, 1997.

Mayor Arthur welcomed candidates/citizens running for Council this year. He introduced Dutch Mostert, Mitch Wine, Pat Fink; Paul Lockeby and Roland Via.

19. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 8:08 p.m.

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Mayor

ATTEST:

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City Clerk-Manager