M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 13, 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, Police Chief Pat Finn, 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. CONSENT AGENDA

A. Approval of Minutes - Budget Workshops July 16 & 17, 1996; Regular Meeting - July 23, 1996 and Workshop Meeting - July 23, 1996
B. Reso. No. 44 - Payment of Attorney Fees for Ethics Comm. complaints
C. Bills and Accounts

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

5. AUDIENCE PARTICIPATION

Ms. Grace McIntosh, 1585 Selma, complained about the ditches on her street. She wanted the City to put pipe in for her and the lady next door. The City Manager explained the City's policy is to furnish the pipe but that the individual must make arrangements to have it installed. Ms. McIntosh said the City did the work for a man living down the street. Mr. Hallman told Council city crews installed a catch basin and that is the work she is talking about and it is city policy to install catch basins. She said she didn't know anyone who did this work and the City Manager asked Mr. Harbuck to generate a list of contractors licensed to do this work in the City.

She then complained about her high water bill and garbage bill how these bills were less in Ormond Beach. The City Manager responded that our City's solid waste program is about the same cost as Ormond Beach's and that BFI does their work and it isn't of the quality provided by the City of Holly Hill. Mr. Lusk told her the City of Holly Hill isn't going to raise taxes this year and that the City of Ormond Beach is increasing their millage rate. She also said there should be a "grace" period on the payment of utility bills. She said the bill is due 20 days from the day it is mailed and that is the grace period.

Ms. McIntosh also complained about the parking around Rowsie's Bar and how you couldn't see when you try to pull out of that street. City Manager Lusk agreed it was a problem and he will have the Police Department keep an eye on it.

6. ORDINANCE NO. 2436 - AMENDS SIGN REGULATIONS IN THE LAND USE AND DEVELOPMENT REGULATIONS

City Attorney Simpson read:

ORDINANCE NO. 2436
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED; REVISING SECTION 10.3.2, SIGNS, BY REMOVING CERTAIN TYPES OF SIGNS FROM THE LIST OF PROHIBITED SIGNS; 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. After being assured this ordinance had nothing to do with billboards, the motion CARRIED 5-0 on the following roll call:

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

7. RESOLUTION NO. 45 - AUTHORIZING A MERIT INCREASE FOR THE CITY MANAGER

City Attorney Simpson read:

RESOLUTION 96-R-45

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING A 2% MERIT INCREASE FOR THE CITY MANAGER/CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

8. VARIANCE REQUEST - MOVE A SINGLE FAMILY HOME ON A 50 FT. LOT

Attorney Skip Walter was present to represent the owner of the property, Anthony Teta. Mr. Teta wants to move an existing house at 700 Ridgewood to a vacant lot between 641 and 645 State Avenue. The Board of Planning and Appeals recommend approval.

After considerable discussion, Councilman Heyman moved to grant the variance being seconded by Councilman Elliott.

The motion FAILED 2-3 on the following roll call:

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

Following still more discussion, *Councilman Mellette moved to DENY the variance because the two lots are under one ownership and the City is being asked to sub-divide them into two non-conforming lots. Councilman Byrnes agreed and seconded the motion and also mentioned the fire-safety-density issue.* The motion CARRIED 4-1 on the following roll call:

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

9. VARIANCE REQUEST - 331 RIVERSIDE DRIVE TO CONSTRUCT AN IN-GROUND SWIMMING POOL

City Planner Bob Keeth explained this request to Council and the audience. Because of the location, the owner Don Lentz, is required to have three front yard setbacks. The Board of Planning and Appeals recommends approval.

Council briefly discussed the request and then *Councilman Heyman moved to APPROVE the request being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.*

10. EXTENSION OF BIKE PATH ON RIVERSIDE DRIVE FROM SILVER BEACH DRIVE TO THIRD STREET (CHANGE ORDER NO. 3)

Mr. Hallman told Council this Changer Order No. 3 will continue the bike path to the Halifax Shopping Center as it should have been done in the original plan. He also explained there were additional funds available ($12,600) in the grant to finish the "T" on the pier where the water is eight feet deep.

Councilman Byrnes moved to APPROVE Change Order No. 3 and the expenditure of the $12,600 to complete the pier. Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.

11. REPLACE INSTRUMENTATION & CONTROL SYSTEM IN THE WATER AND WASTEWATER TREATMENT PLANTS

Mr. Hallman told Council of the problems with the communication system at the well site and about the problems in the wastewater plant. He said the bid problem is getting someone to work on these systems and explained it cost almost a $1,000 a day to get help from out of state.

After considering the explanations, *Councilman Heyman moved to APPROVE the request being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.*

12. RESOLUTION NO. 46 - APPROVING A UNION CONTRACT WITH THE POLICE BENEVOLENT ASSOCIATION

City Attorney Simpson read:

RESOLUTION NO. 96-R-46
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A TWO YEAR CONTRACT WITH THE POLICE BENEVOLENT ASSOCIATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lusk told Council this is a two year contract.

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; Byrnes, yes; Heyman, yes; Arthur, yes.

13. COMMUNICATIONS FROM CITY MANAGER

Mr. Lusk gave a brief history of the house/lot at 344 Elsie. He told how no bids were received when the City advertised it for sale. Then last week, someone came in and made and offer and before that offer could be brought to Council another party made a higher offer. Now the City has two offers so Mr. Lusk asked the City Attorney how to handle this.

Mr. Simpson said the Council could do whatever they want to do. He suggested taking sealed bids and authorizing the Mayor to sign the necessary papers to sell to the highest bidder. Both interested parties were in the audience so they were instructed to bring sealed bids in at 9:00 a.m. Thursday, August 15, 1996. Both parties agreed this would be fair.

Councilman Byrnes moved to request sealed bids again and to authorize the Mayor to accept the highest bid above the base bid of $14,000 and if there is a tie, the bid will be awarded to Carlos Echauarria because he had first interest in the place. Councilman Mellette seconded the motion which CARRIED 5- 0 on roll call.

14. COMMUNICATIONS FROM CITY ATTORNEY

None.

15. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Byrnes said the new roof on the Youth Center is looking good and Councilman Heyman said the Youth Center is something to be proud of. Mayor Arthur commented this is the first time he has even seen anyone put on tar paper from the top down to the bottom instead of the reverse. Other members of Council agreed.

16. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 9:52 p.m.

Mayor

ATTEST:

City Clerk-Manager