

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 25, 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, and Commissioner Roland Via. Commissioner Shirley Heyman was excused.

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

2. INVOCATION

Public Works Director Milton Hallman gave the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS

Mayor Arthur presented the GFOA Award of Excellence to Finance Director Brenda Gubernator. This award is the highest recognition in governmental budgeting and represents a significant achievement for the City of Holly Hill.

5. CONSENT AGENDA

Commissioner Byrnes said there is a minor correction to the minutes of August 11, 1998 on page 3. The minutes reflect the motion carried 5-0 when it actually carried 4-1 with the Mayor voting No.

*Commissioner Mellette moved to **APPROVE** the consent agenda with corrections being seconded by Commissioner Byrnes. The motion **CARRIED** 4-0 on roll call.*

6. AUDIENCE PARTICIPATION

None

7. 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) ADOPTING THE ADULT
ENTERTAINMENT CODE (Second 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 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Simpson said, "A Public Hearing is required this evening. After the Public Hearing this Ordinance is being proposed for second reading and adoption." The Public Hearing was opened at approximately 7:40 p.m. There were no comments from the audience and the Public Hearing was closed at approximately 7:43 p.m.

*Commissioner Mellette moved to **ADOPT** Ordinance No. 2521 being seconded by Commissioner Via. The motion **CARRIED** 4-0 on the following roll call:*

Mellette, yes; Via, yes; Byrnes, yes; Arthur, yes;

**8. 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 (Second
reading)**

City Attorney Simpson read:

ORDINANCE NO. 2523

AN ORDINANCE OF 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; 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 that this Ordinance be addressed at a Workshop. *Commissioner Byrnes moved to **TABLE** this Ordinance to the Workshop this evening being seconded by Commissioner Via.* The motion **CARRIED** 4-0 on the following roll call:

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

9. ORDINANCE NO. 2525 – CREATING AN ADDITIONAL \$2 FINE TO BE LEVIED FOR PEDESTRIAN, MOVING OR NON-MOVING TRAFFIC VIOLATIONS (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2525

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING AN ADDITIONAL \$2.00 FINE TO BE LEVIED FOR PEDESTRIAN, MOVING OR NON-MOVING TRAFFIC VIOLATIONS; LEVYING A 2.00 FINE TO BE DEDUCTED FROM EVERY BOND ESCHEATED OR FORFEITED; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (First reading)

City Manager Lusk explained there has been a problem in the way Cities have been collecting this fine and Ordinance 2525 corrects the problem. This \$2 goes to an educational fund for police officers but to continue to collect this money the Ordinance needs to be corrected.

*Commissioner Via moved to **APPROVE** Ordinance No. 2525 on first reading being seconded by Commissioner Mellette.* The motion **CARRIED** 4-0 on the following roll call:

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

10. ORDINANCE NO. 2526 – AMENDS LAND USE AND DEVELOPMENT REGULATIONS BY REZONING APPROXIMATELY 1.46 ACRES LOCATED ON THE NW CORNER OF THE INTERSECTION OF NOVA ROAD (SR 5A) AND 15TH STREET TO B-4 (Vincent Tarlini – Academy Award Auto) (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2526

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 1.46 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NOVA ROAD (SR 5A) AND FIFTEENTH STREET TO B-4; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

City Manager Lusk explained this is a piece of property that was annexed and is now being placed in City zoning comparable to what the County zoning was.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2526 on first reading being seconded by Commissioner Byrnes. The motion **CARRIED** 4-0 on the following roll call:*

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

ORDINANCE NO. 2527 – ESTABLISHES A MINIMUM INTERNATIONAL PROPERTY CODE (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2527

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Lusk explained this Ordinance gives minimum standards to commercial property.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2527 on first reading being seconded by Commissioner Via. The motion **CARRIED** 4-0 on the following roll call:*

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

12. AWARD BID TO REROOF THE NORTH & SOUTH PARK BUILDINGS AND THE CHAMBER OF COMMERCE BUILDING

City Manager Lusk said we have received bids on this project and it is a budgeted item. *Commissioner Mellette moved to **APPROVE** award of the bid to the low bidder R&R*

Industries for \$11,450 plus replacement of deteriorated wood if necessary and re-roof Chamber of Commerce for \$2,100 being seconded by Commissioner Byrnes. The motion CARRIED 4-0 on roll call.

13. REQUEST COMMISSION APPROVAL TO SET CHRISTMAS EVE (DECEMBER 24TH) AS FLOATING HOLIDAY

*Commissioner Via moved to **APPROVE** December 24th as the Floating Holiday being seconded by Commissioner Mellette. The motion CARRIED 4-0 on roll call.*

14. STAFF REQUESTS CITY COMMISSION SCHEDULE CITY AUCTION – November 7, 1998

*Commissioner Mellette moved to **APPROVE** scheduling the City Auction on November 7, 1998 being seconded by Commissioner Byrnes. The motion CARRIED 4-0 on roll call.*

15. RESOLUTION 98-R-32 – AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A THREE YEAR CONTRACT WITH I.A.F.F. LOCAL #3470

City Attorney Simpson read:

RESOLUTION NO. 98-R-32

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 I.A.F.F., INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 3470; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

There was no discussion by the Commissioners on this Resolution.

*Commissioner Mellette moved to **ADOPT** Resolution 98-R-32 being seconded by Commissioner Via. The motion CARRIED 4-0 on the following roll call:*

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

16. RESOLUTION 98-R-33 AUTHORIZE THE MAYOR AND CITY MANAGER TO APPROVE A COST OF LIVING INCREASE FOR NON-UNION EMPLOYEES.

City Attorney Simpson read:

RESOLUTION NO. 98-R-33

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AGREEING TO ADJUST THE WAGES OF NON-UNION PERSONNEL FOR THE FISCAL YEAR 1998-1999, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Arthur said he has some comments on this item. Mayor Arthur questioned the cost of living increase by saying, "The 4% allotted for these people should be divided up with each of them getting the same increase. If we have 4% in a pot it should be divided amongst the people who need it."

City Manager Lusk said, "The best kind of raise you can give is like we did last year where we did salary surveys where some people got 8% some 3%. You have to keep your certified people. We are not in a vacuum and are competing with other cities. You can talk cost of living or what a job is worth but in the end for us to hire a police officer we have to keep up with other cities. To hire a certified sewer operator, that's one of the things we got in trouble with last year and our sewer plant operators got a 14-15% raise to try to catch them up. Just remember it is easy to talk about let's give everybody a ten cents an hour raise but if you do that for about two years then you have big problems that way."

Mayor Arthur said, "I still don't believe that's a fair way of adjusting. If it's a cost of living increase would not be like that. It wouldn't happen like that; it shouldn't happen like that. Everybody's electric went up the same; everybody's bread went up the same; so for that reason only, I'm against that kind of increase."

Commissioner Via said, "Where does it say cost of living within the body of the Resolution? Am I missing it? It mentions it as direct annual salary adjustments for non-union employees."

Mayor Arthur said, "Even if it doesn't, I'm not sure that it's a fair way of adjusting salaries. Everybody that works for us we figured gained approximately 4%. That's how much extra money we have to spend. You take that lump sum of money and divide it among all the people. I don't believe a person making \$80,000 a year, if we're giving everybody a raise, their raise should be equal. A cost of living costs everybody the same amount."

Commissioner Via said, "This will be uniform with our other three unions."

Commissioner Mellette said, "The guy making \$80,000 opposed to a guy making \$20,000 he's making \$80,000 because he's been here longer and he does more work., so you add 4%."

*Commissioner Byrnes moved to **ADOPT** Resolution 98-R-33 being seconded by*

Commissioner Mellette. The motion **CARRIED** 4-0 on the following roll call:

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

**17. RESOLUTION 98-R-34 – AUTHORIZE THE MAYHOR & CITY
MANAGER TO ENTER INTO A THREE YEAR CONTRACT WITH P.B.A.**

City Attorney Simpson read:

RESOLUTION NO. 98-R-34

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 POLICE BENEVOLENT ASSOCIATION, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

There was no discussion by the Commissioners on this Resolution.

Commissioner Byrnes moved to ADOPT Resolution 98-R-34 being seconded by Commissioner Mellette. The motion **CARRIED** 4-0 on roll call.

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

**18. RESOLUTION 98-R-35 – APPOINTS AN ALTERNATE MEMBER TO
SERVE ON THE BEAUTIFICATION ADVISORY BOARD (Ann Stifel)**

City Attorney Simpson read:

RESOLUTION NO. 98-R-35

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING ONE (1) ALTERNATE MEMBER TO SERVE ON THE BEAUTIFICATION ADIVOSRY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Mellette moved to ADOPT Resolution 98-R-35 being seconded by Commissioner Via. The motion **CARRIED** 4-0 on the following roll call:

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

**19. REQUEST COMMISSION APPROVE PAYMENT OF \$10,131.95 TO
FLORIDA EAST COAST RAILWAY FOR SECOND STREET RAILROAD
CROSSING**

*Commission Byrnes moved to **TABLE** this item. The railroad crossing is directly on the border of Holly Hill and Daytona Beach and I would like staff to find out if Daytona Beach. The motion **DIED** for lack of a second.*

City Manager Lusk said, "We don't have a choice we're under a contract."

Public Works Director Milton Hallman said, "The information we got was that the City Limits line runs down the west side of the railroad there so the railroad crossing is all within the City of Holly Hill."

*Commissioner Mellette moved to **APPROVE** payment of \$10,131.95 to Florida East Coast Railway for the Second Street Railroad Crossing being seconded by Commissioner Via. The motion **CARRIED** 4-0 on roll call.*

20. COMMUNICATIONS FROM CITY MANAGER

None

21. COMMUNICATIONS FROM CITY ATTORNEY

None

22. COMMUNICATIONS FROM MAYOR & COMMISSIONERS

Commissioner Mellette – None

Commissioner Via – Enjoyed the Florida League of Cities meeting in Miami Beach. Congratulated Brian and Deronda Meyer at the corner of 15th and Center who won the beautification award for this month. Commissioner Via said he would give a Water Alliance report at the workshop. Concerning water restrictions, the water level has come up and it is anticipated the County will go to level 2 in the month of September (3 times a week).

Commissioner Byrnes – Got a lot out of the League of Cities. Found it interesting that Clarence Anthony, Mayor of Palm Bay, is going to be the leader of the National League of Cities.

Mayor Arthur – Real proud of the letters, J.D. and Shirley wrote to the Fire Union and was very disappointed in their letter myself and I just wanted to thank you. You did a very nice job and expressed my sentiments very clearly on that. We've got great firefighters but we need to work on the Union.

Mayor Arthur said "I received a check from the Conference of Mayors for a bowling tournament I entered and won \$225 which will be donated to the Boys and Girls Club of America."

Commissioner Via - said "I have one more quick comment, I'm very proud of the property tax rate update listed in the paper today. Of all the Cities and Districts listed there are only three who are lowering taxes. Edgewater, Deltona and Holly Hill. We are certainly moving forward."

23. ADJOURNMENT

With no further business to come before the Commissioners the meeting was adjourned to the Workshop at 8:17 p.m.

WILLIAM D. ARTHUR
MAYOR

ATTEST:

CITY CLERK