

**MINUTES  
REGULAR COMMISSION MEETING  
CITY OF HOLLY HILL, FLORIDA  
SEPTEMBER 22 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, Commissioners Arthur Byrnes, J. D. Mellette, Shirley Heyman and Roland Via.

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**

None

**5. CONSENT AGENDA**

*Commissioner Via moved to **APPROVE** the consent agenda being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on roll call.*

**6. AUDIENCE PARTICIPATION**

None

**7. PUBLIC HEARING ON RESOLUTION 98-R-37 – ADOPTING A FINAL MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 1998 FOR THE CITY OF HOLLY HILL**

City Attorney Simpson said, "Mayor we need to make a Public Announcement pursuant to Florida Statute 200.065(2)(d). The name of the taxing authority holding the Public Hearing is the City of Holly Hill. The 1998 roll back rate is 5.41688 (5.41688 per \$1,000). The percentage decrease rate is 3.08%. The 1998 millage rate to be levied is 5.2500 (5.25000 per \$1,000). We have a resolution that I will read by title and then you can conduct the Public Hearing."

City Attorney Simpson read:

**RESOLUTION 98-R-37**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 1998 FOR THE CITY OF HOLLY HILL, FLORIDA.**

Mayor Arthur opened the Public Hearing. There were no comments from the public and Mayor Arthur closed the Public Hearing.

*Commissioner Mellette moved to **ADOPT** Resolution 98-R-37 being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

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

**8. PUBLIC HEARING ORDINANCE NO. 2533 – ADOPTING THE APPROPRIATIONS BUDGET FOR THE FISCAL YEAR OCTOBER 1, 1998 THROUGH SEPTEMBER 30, 1999 (Second reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2533**

**AN ORDINANCE ADOPTING THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1998, THROUGH SEPTEMBER 30, 1999, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT HERewith; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

Mayor Arthur opened the Public Hearing. There were no comments from the audience and the Public Hearing was closed.

Commissioner Via said, “I want to commend the Mayor and the current Commission and certainly our city staff on being able to accomplish a tax decrease that is the number one decrease in Volusia County and I certainly applaud anyone who was involved in it.”

Commissioner Byrnes said, “I was looking at the millage rates in Sunday’s paper and I don’t think there were any other cities in Volusia County. Bunnell was one of the cities up in Flagler and one of the taxing districts, if I’m not mistaken, everybody else either went up or stayed at the roll back rate. So, I also applaud the City Manager and City Staff for their good job in getting us this lower tax rate.”

MINUTES  
REGULAR COMMISSION MEETING  
SEPTEMBER 22, 1998

---

*Commissioner Mellette moved to **ADOPT** Ordinance No. 2533 on final reading 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.

**9. ORDINANCE NO. 2534 – AMENDS ORDINANCE NO. 2480 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL FOR FISCAL YEAR OCTOBER 1, 1997, THROUGH SEPTEMBER 30, 1998 (Second reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2534**

**AN ORDINANCE AMENDING ORDINANCE NO. 2480 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1997, THROUGH SEPTEMBER 30, 1998, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT HERewith; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT**

*Commissioner Heyman moved to **ADOPT** Ordinance No. 2534 on final 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.

**10. ORDINANCE NO. 2535 – AMENDS SECTION 6-2 (PUBLIC CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES) TO ALLOW CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY WITH PRIOR CITY COMMISSION APPROVAL (Second reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2535**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 6-2 (PUBLIC CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES.) TO ALLOW CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY WITH PRIOR CITY COMMISSION APPROVAL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Mellette moved to **ADOPT** Ordinance No. 2535 on final reading being seconded by Commissioner Heyman. The motion **CARRIED** 4-1 on the following roll*

call:

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

**11. ORDINANCE NO. 2528 – VACATES A PORTION OF GRANADA STREET RETAINING A STORMWATER DRAINAGE AND PUBLIC UTILITY EASEMENT OVER SAID PROPERTY (Second reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2528**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA VACATING A PORTION OF GRANADA STREET MORE SPECIFICALLY DESCRIBED HEREIN; RETAINING A STORMWATER DRAINAGE AND PUBLIC UTILITY EASEMENT OVER SAID PROPERTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **ADOPT** Ordinance No. 2528 on final reading being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:*

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

**12. ORDINANCE NO. 2529 – REPEALS CHAPTER 70 (UTILITIES), ARTICLE IV (WATER SYSTEMS), SECTION 70-107 (MAINTENANCE OF BACKFLOW PREVENTION DEVICES) TO PROVIDE THAT ALL BACKFLOW PREVENTION DEVICES SHALL BE INSPECTED AND REPAIRED BY THE CITY ON AN ANNUAL BASIS (Second reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2529**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING CHAPTER 70 (UTILITIES), ARTICLE IV (WATER SYSTEMS), SECTION 70-107 (MAINTENANCE OF BACKFLOW PREVENTION DEVICES); ADOPTING A NEW SECTION 70-107 (MAINTENANCE OF BACKFLOW PREVENTION DEVICES) TO PROVIDE THAT ALL BACKFLOW PREVENTION DEVICES SHALL BE INSPECTED AND REPAIRED BY THE CITY ON AN ANNUAL BASIS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

MINUTES  
REGULAR COMMISSION MEETING  
SEPTEMBER 22, 1998

---

Commissioner Heyman moved to **ADOPT** Ordinance No. 2529 on final reading being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call:

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

**13. ORDINANCE NO. 2531 – AMENDS ORDINANCE 2265, COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN EIGHTH STREET AND TENTH STREET, AND ASSIGNING THE WHOLESALE COMMERCIAL AND INDUSTRIAL LAND USE DESIGNATION (First reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2531**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN EIGHTH STREET AND TENTH STREET, AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATIONS THERETO; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

A copy of the map was projected for the Commissioners and members of the audience. It was determined from looking at the projected map, the City would be creating an enclave. City Manager Lusk said, “If we’re creating an enclave, we can’t do that. What I would recommend is that we pull that off the agenda later on. We need to look at some legal descriptions and check the maps and pull Agenda Item #15 on the Annexation Agreement on U. S. Rentals until the next meeting. Agenda Item #13 doesn’t have anything to do with the enclave.”

Commissioner Mellette moved to **APPROVE** Ordinance No. 2531 on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:

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

**14. ORDINANCE NO. 2532 – REZONES PROPERTY ON THE WEST SIDE OF NOVA RD. (SR 5A) BETWEEN EIGHTH AND TENTH STREET FROM B-5 AND MH-1 (COUNTY TO I-1 (CITY) – Martin Property (First reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2532**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 4.38 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) BETWEEN EIGHTH STREET AND TENTH STREET FROM B-5 (COUNTY) AND MH-1 (COUNTY) TO I-1 (CITY); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

City Planner Bob Keeth said, "I want to point out in Section 5 there is a blank in which you will have to insert the number of the previous ordinance (2531). There is a waiting period beyond second reading required before the comp plan amendment becomes effective, I believe its 30 days."

City Manager Lusk said, "Then the zoning would become effective. You don't have to wait 30 days to do the rezoning it just takes 30 days for it to become effective because you have to wait for the Land Use."

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2532 on first reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

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

**15. REQUEST APPROVAL OF ANNEXATION AGREEMENT WITH U. S. RENTALS - West side of Nova Road (SR 5A)**

City Manager Lusk requested that this item be pulled from the Agenda.

**16. RESOLUTION 98-R-38 – ESTABLISHING THE WATER AND SEWER RATES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998**

City Attorney Simpson read:

**RESOLUTION 98-R-38**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ESTABLISHING THE WATER AND SEWER RATES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998; PROVIDING FOR SEVERABILITY; REPEALING ALL PARTS OF LAWS IN CONFLICT**

**HEREWITH; PROVIDING FOR CONFLICTING RESOLUTIONS; AND  
PROVIDING AN EFFECTIVE DATE.**

*Commissioner Mellette moved to **ADOPT** Resolution 98-R-38 being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

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

**17. COMMUNICATIONS FROM CITY MANAGER**

**A. Site Preparation – Municipal Gymnasium**

City Manager Lusk reported there was some water contamination from the heating oil tanks found on the Municipal Gymnasium site. A site assessment is required by law and it will cost \$13,000. The site assessment will tell how much contamination is in the water and how to take care of it. Then the plan is submitted to EPA for approval.

City Manager Lusk said, “We are on schedule to open bids and move the contractor on. What I didn’t want to lose was a week and a half to be able to do the site assessment and then have a contractor have to wait to get the bid awarded. I talked with Vice-Mayor Mellette and we declared it an emergency because we have to do it anyway. We’re using the same company that’s doing all the other work, Universal Engineering. We awarded them the contract which is \$13,000 to do the site assessment. According to our Charter we need the Commission to approve the actions we took. The site assessment will be done by October 2, 1998. If the contamination isn’t too bad it won’t slow anything down.”

City Manager Lusk said, “Tonight we’re asking you to affirm the decision Vice-Mayor Mellette and I made last week.”

*Commissioner Heyman moved to **AFFIRM** the decision to award the site assessment contract for \$13,000 to Universal Engineering being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.*

**B. Application for Permit for a Concert in the Park**

City Manager Lusk said, “We would like to do an add on. It is something we have discussed in a workshop. We have an application for a permit to have a concert in the Park across the street. Our process is they file this with Chief Building Official Tim Harbuck, I send it to the Public Works Director, the Police Chief and Chief Building Official to make comments. Our recommendation is to approve, with our stipulations and a \$500 up front deposit. The police coverage will cost about \$300 and cleanup could possibly cost \$200. If they do their own clean up we could refund the money. I would like to request we get \$500 up front as part of the permit issuance and we would also waive the fees for the permit.”

MINUTES  
REGULAR COMMISSION MEETING  
SEPTEMBER 22, 1998

---

Chief Building Official Tim Harbuck agreed with the City Manager and said, "They submitted a site plan where they do show restroom facilities and the area where they are going to have the beer and parking. Milt (Public Works Director Milt Hallman) looked at it and with some variations it looks like the parking will be okay."

Commissioner Via clarified that "they" is the Chamber of Commerce.

City Manager Lusk said, "One of the things that concerns me but it's because of the way we've passed the Ordinance and at the timing we got this permit. I would like to promise the Council that in the future we will require a deadline. If you want a permit it must be turned in 14 days before the Commission meeting that is going to hear it. This will give us time to review it and also make copies. I don't like this kind of add on for something like this. From now on this is not an add on type of an item and should be on the agenda."

Commissioner Via voiced his concern that the S. R. Perrott beer wagon be in a secured, fenced area with a uniformed police officer keeping minors out and judging traffic in and out.

Mayor Arthur asked about the food vendors and how that will be handled. Chief Building Official Tim Harbuck said he didn't know but could get that information.

*Commissioner Mellette moved to **APPROVE** the permit based on the City Manager's recommendations being seconded by Commissioner Heyman. The motion **CARRIED** 4-1 on roll call with Commissioner Via voting no.*

**18. COMMUNICATIONS FROM THE CITY ATTORNEY**

None

**19. COMMUNICATIONS FROM MAYOR & COMMISSIONERS**

**Commissioner Heyman** – None

**Commissioner Via** - Commended the actions City moving up and taxes going down.

**Commissioner Byrnes** – At the last meeting I called the actions of the County Council in the previous weeks reprehensible and it never made the papers. I wanted to make sure that our representative knew that I had called their actions reprehensible because 98% of the people in the annexation area voted to not annex to Holly Hill because those folks wanted to keep their fire station. Until the fire station became an issue, many of those people were going to vote to become a part of the City of Holly Hill. Once the fire union got out there and started working and those people thought they were going to lose those fine county employees who were their fire fighters for all those many years. Those

**MINUTES  
REGULAR COMMISSION MEETING  
SEPTEMBER 22, 1998**

---

people suddenly started looking at the big, bad City of Holly Hill was going to take their firemen away from them. I warned those folks, everyone I talked to, it doesn't matter whether you become a part of the City of Holly Hill or not that fire station will not exist in its present form. I was told you can't foresee that. You don't know that. Well, call me a psychic I was right."

**Commissioner Mellette** – I'll agree with the same sentiments of what I said at the last meeting. It goes back to the fire union got involved and it came back to personal greed. They wanted more money from Ormond than they did from us.

**Mayor Arthur** – I have a couple of concerns and I'm going to get with some of the County people and some of the residents, on the School crossing at Nova Road. As soon as school starts, there are kids dodging cars all day long on Nova Road. They want a crossing guard very badly there. I'm going to meet with them and see if anything can be done.

Another issue that was brought up with the MPO today was regarding the restoration or replacing of the Lions Bridge in St. Augustine. The City Council and Mayor of St. Augustine are very much in favor of saving it for its historical value. The MPO's are going to try to get together and support restoration of the Bridge.

Mayor Arthur announced the Workshop Meeting will be held immediately following the regular Commission Meeting.

**20. ADJOURNMENT**

With no further business to come before the Commission the meeting was adjourned at 8:18 p.m.

---

WILLIAM D. ARTHUR, MAYOR

ATTEST:

---

CITY CLERK