

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
SEPTEMBER 23, 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

Councilman Byrnes gave the Invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

Mrs. Marsha Elliott, 1646 Center Avenue, (wife of Councilman Jim Elliott) spoke in opposition to the proposed Charter amendment regarding formalization of the City Manager form of government. She urged other citizens to oppose the amendment on the General Election ballot on September 30, 1997.

Mrs. Pat Fink, 526 Eagle Drive, (candidate for Councilman for Ward 4) said she supported Mrs. Elliott's position on the City Manager form of government amendment. She also asked if the Fire Chief was going to 'police school' and was answered affirmatively. Then, she asked how much this cost but the Mayor said he didn't know the cost. Neither did the City Manager when the Mayor asked him.

City Manager Lusk responded to Mrs. Elliott comments.

Mrs. Alice Delanoy, 503 Third Street, wife of a former employee, complained about the way Mr. Lusk had handled a complaint she made. The City Manager told Council he has personally taken three members of Council to look at that problem. Her husband said he also received rude treatment from the City Manager.

Councilman Elliott said if the City Manager has in any way threatened or belittled any citizen of the City, the Manager is out of order. Mr. Lusk agreed.

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Mayor Arthur intervened and said he didn't want any bashing on the Council tonight as it doesn't accomplish very much.

Mr. Delanoy said he was berated on the telephone by the City Manager. Mr. Lusk responded he did not agree with this man's complaint and neither did the Building Official.

Mayor Arthur asked if any other member of the audience had anything to bring before Council.

Mr. Dave Rusler, Chairman of the Redevelopment Board, came forward and announced the booklet the Board has worked on for so long is finally available. He presented each member of Council with a framed copy of the cover.

5. PUBLIC HEARING ON RESOLUTION NO. 29 ADOPTING A FINAL MILLAGE RATE FOR 1997-98 BUDGET YEAR

City Attorney Simpson read:

“RESOLUTION NO. 97-R-29

**A RESOLUTION OF THE CITY OF HOLLY HILL,
FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR
THE YEAR BEGINNING OCTOBER 1, 1997 FOR THE
CITY OF HOLLY HILL, FLORIDA.**

WHEREAS, the City Council of the City of Holly Hill, Florida, is required by Florida Statute 200.065 to certify to the County Property Appraiser the general municipal millage rate established by said Council for the tax year beginning October 1, 1997; and

WHEREAS, the City Council of the City of Holly Hill, Florida, pursuant to Florida Statute 200.065, the TRIM BILL, has adopted a tentative budget and proposed millage rate, said proposed millage rate exceeding the rolled back rate by 0%; and

WHEREAS, the City Council of the City of Holly Hill, Florida is desirous of adopting a final millage rate, having given proper notice of both a proposed 0% tax increase and the Public hearing to be held with respect to same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA:

Section 1. That the final millage rate adopted by the City Council of the City of Holly Hill, Florida, for the tax year beginning October 1, 1997 is 5.51831 (\$5.51831 per \$1,000), said final millage rate exceeding the rolled back rate by 0% which shall be the percentage increase in property taxes.”

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Councilman Heyman moved to ADOPT the resolution being seconded by Councilman Mellette. The motion CARRIED 5-0 and the resolution was ADOPTED on the following roll call:

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

None of the members of the audience commented on the proposed rate.

**6. PUBLIC HEARING ON ORDINANCE NO. 2480 -APPROPRIATIONS
ORDINANCE FOR BUDGET YEAR 97-98 (Second Reading)**

City Attorney Simpson read:

**ORDINANCE NO. 2480
AN ORDINANCE ADOPTING 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**

Councilman Mellette moved to ADOPT the ordinance establishing the budget. Councilman Byrnes seconded the motion which CARRIED 5-0 on the following roll call:

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

None of the audience commented on the proposed budget.

7. ORDINANCE NO. 2479 - AMEND BUDGET FOR 96-97 (Second Reading)

City Attorney Simpson read:

**ORDINANCE NO. 2479
AN ORDINANCE AMENDING ORDINANCE NO. 2439, THE
APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL,
FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1996, THROUGH
SEPTEMBER 30, 1997, PROVIDING FOR THE REPEAL OF LAWS IN
CONFLICT HERewith; PROVIDING FOR THE TERMS AND
CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE
SHALL TAKE EFFECT**

Councilman Mellette moved to ADOPT the ordinance on first reading being seconded by Councilman Heyman. The motion CARRIED without comment 5-0 on the following roll call:

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

8. RESOLUTION NO. 30 EXTENDS CONTRACT WITH BOYS AND GIRLS CLUB FOR THREE ADDITIONAL YEARS

City Attorney Simpson read:

RESOLUTION NO. 97-R-30

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN EXTENSION TO THE LEASE AGREEMENT WITH THE BOYS AND GIRLS CLUB OF VOLUSIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE .

This resolution approves a one-year extension to the present contract that makes it for a three-year period.

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

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

9. REQUEST FOR A VARIANCE AT 1501 TUSCALOOSA AVENUE

City Planner Bob Keeth listed his reasons for opposing the variance. Chief Building Official Tim Harbuck said this is a unique situation. Members of the Board of Planning and Appeals voted 3-2 to recommending approval of the variance.

Following a discussion on the location of the property and the grounds around it, *Councilman Heyman moved to APPROVE the variance as requested being seconded by Councilman Elliott.*
The motion CARRIED 5-0 on roll call.

10. REQUEST FOR SPECIAL EXCEPTION –1600 BLOCK OF RIVERSIDE DRIVE

A request was made to hold this item for the next meeting. *Councilman Mellette moved to hold the item being seconded by Councilman Elliott.* The motion CARREID 5-0 on roll call.

11. REQUEST APPROVAL OF WAGE ADJUSTMENTS FOR NON-UNION PERSONNEL

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Mr. Lusk said Councilman Mellette has met with the Personnel Director and has set the rates along the guidelines set by Council.

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

12. ORDINANCE ANNEXING ALABAMA AVENUE RIGHT OF WAY (1ST READING)

City Attorney Simpson read:

ORDINANCE NO. 2481

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE DEPUTY CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lusk explained the County has told the City we did not include a 700' portion of the right of way of Alabama Avenue in the annexation we recently had approved. They have no objections to the City annexing this enclave.

Councilman Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Heyman. The motion was approved 5-0 on the following roll call:

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

13. ORDINANCE ANNEXING PROPERTY ON NOVA ROAD NORTH OF FLOWERS BAKERY SITE (1ST READING)

City Attorney Simpson read:

ORDINANCE NO. 2482

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE DEPUTY CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE

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**CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE
DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

The legal description of the property is as follows: N ½ of Lot 22 exc W Part in Rd Blk 21 Fleming Fitch Grant Per OR 1523 PG 0596 & 3404 PG 1361. The subject is immediately north of the Flowers Bakery property on Nova Road.

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.

14. COMMUNICATIONS FROM CITY MANAGER

A. Sale of Jeep

Mr. Lusk said pursuant to Council's direction, the City has advertised the confiscated Jeep for sale. Only one bid was received and it was in the amount of \$2,613. This above the \$2,500 minimum bid requested so Mr. Lusk recommended accepting the bid.

Councilman Mellette moved to ACCEPT the bid as recommended being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.

B. Workshop canceled

Mr. Lusk said the scheduled workshop has been canceled because the Property Appraiser cannot attend this evening.

C. Antennas on the Water Tower

Mr. Lusk told Council there would be contracts on the next agenda with two cell phone companies. Each will be paying the City \$10,000 a year for the use of the tower. There is also a chance a third company may be interested.

15. COMMUNICATIONS FROM CITY ATTORNEY

None.

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16. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Mellette - None

Councilman Heyman – None

Councilman Elliott - Thanked the citizens for his two terms on the City Council. He also mentioned the workout he got at the fire on LPGA on Sunday. Mr. Lusk informed Council there was another fire at the same location today.

Councilman Byrnes reminded everyone to turn out and vote at the General Election on September 30th.

Big John said everyone could listen to WORD for election returns.

Mayor Arthur also commented on being at the fire on LPGA on Sunday and said there are a lot of code violations there so maybe if we enforce the codes a little better, this won't happen again.

17. ADJOURNMENT

There was no further business to come before the City Council so the meeting was adjourned at approximately 8:23 p.m.

Mayor

ATTEST:

City Clerk-City Manager