

M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
OCTOBER 12, 1993

1. CALL TO ORDER

Mayor Pro Tem Chesnowitz called the meeting to order in Council Chambers, 1065 Daytona Avenue, Holly Hill, Fl. at 7:30 p.m..

Answering roll call were Mayor Pro Tem Robert Chesnowitz, Councilman Arthur Byrnes, Councilman J. D. Mellette, and Councilman William Walker. Mayor Jim Gaither was absent.

Also attending were City Manager Ralph Hester, City Attorney Edward Simpson, Chief of Police Pat Finn and Deputy City Clerk Sue W. Blackwell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

The Invocation was given by Councilman Byrnes.

4. MAYOR'S REPORT/COMMENTS

Mayor Gaither was absent and there were no comments from Mayor Pro-Tem Chesnowitz.

5. COUNCIL'S REPORT/COMMENTS

None.

6. ADVISORY COMMITTEE REPORTS

Mr. Tony LaSorsa, Citizen's Advisory Committee, said he had nothing to report.

7. AUDIENCE PARTICIPATION

None.

8. CONSENT AGENDA

A. Bill and Accounts.

Councilman Mellette moved to APPROVE the Consent Agenda being seconded by Councilman Walker.

The motion CARRIED 4-0 on roll call.

9. CONDEMNATION HEARING - 1592 RIVERSIDE DRIVE

Mr. Tim Harbuck said the house is in a state of disrepair. He said he spoke to the owner's attorney and the owners were aware of the Public Hearing. The attorney said the owners were in agreement that the house should be condemned. Mr. Harbuck asked that a certificate of condemnation be issued for thirty days.

Mayor pro-tem Chesnowitz asked if the property had been left to an estate with Mr. Harbuck answering yes.

Councilman Byrnes asked Mr. Harbuck if he believed the owners were going to make any repairs and Mr. Harbuck answered no. Mr. Harbuck said he believed the owners would let time run out and the City would end up demolishing the structure and placing a lien on the property.

Mr. Harbuck stated there were two heirs in England who owned the property.

Councilman Mellette moved to issue a Certificate of Condemnation for thirty days being seconded by Councilman Walker.

City Attorney Simpson asked how notice was given to the owners of the property. Mr. Harbuck stated notice was given by certified mail return receipt requested, but he only received one signed receipt.

City Attorney Simpson asked Council to continue this hearing until the next meeting so it can be determined if the City has given effective notice to the owner whose certified mail was returned unsigned to Mr. Harbuck.

Councilman Mellette withdrew his motion and Councilman Walker withdrew his second.

Councilman Walker moved to continue the Condemnation Hearing of 1592 Riverside Drive being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

10. PETITIONS/REQUESTS FOR ANNEXATION

Mr. Hester said a group of residents adjacent to Holly Hill, north of the Riviera Golf Course on Center Street would like to come into the

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City. Mr. Hester asked the Council to consider beginning the process of annexation. He said the people involved are aware of the cost of the utilities to bring water and sewer to the area.

There was a lengthy discussion on how the property should be annexed in accordance with the Police Department to stop any confusion on who has jurisdiction.

Mr. Helmintoller, 724 Center Street, said for the last five years he and the other people interested in the annexation have been trying to generate some action to try to obtain water and sewer. He said Mr. Hester has been very helpful to him and the other people and they are now ready to be annexed. He asked the Council to look favorably on this annexation.

Councilman Walker moved to start the process of annexation of the properties on Center Street that have asked to be voluntarily annexed into the City of Holly Hill being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

Councilman Walker said he would like to see the City Attorney look into getting the County to let the City annex Calle Grande in front of the golf course and Center Street in front of the properties asking to be annexed.

11. REQUEST FOR FREE DUMPSTER SERVICE - LOVE CENTER

There was no one present to represent the Love Center in this matter.

Councilman Mellette moved to DENY the request for free dumpster service because according to City Ordinance this would not be allowed being seconded by Councilman Walker.

The motion CARRIED 4-0 on roll call.

AT THIS TIME MAYOR PRO-TEM CHESNOWITZ ALLOWED A GENTLEMAN FROM THE AUDIENCE TO SPEAK TO COUNCIL.

Mr. Arnold Katz, 553 Peacock Road, said he and other residents of the area have a problem with the Ordinance that does not allow the children to play in the street. He said there is a gentleman who lives on the street who keeps calling the police on the children for

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being in the street. Mr. Katz said he feels the gentleman is abusing this ordinance.

Chief Finn said the complainant demands the Ordinance be strictly enforced. He said he had attempted to deal with the gentleman on several occasions and he does not feel there is an easy solution. He questioned the liability factor.

City Attorney Simpson said there is a minimum liability factor. He said if the Ordinance was appealed it would be a legislative function which generally is immune from "suit". He said it's when you have a law and don't enforce it that the liability attaches.

Walker moved to have staff look into the ordinance further and bring it back to Council being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

12. ORDINANCE NO. 2362 AMENDING ORDINANCE NO. 2080, CHAPTER 28, WATER, SEWERS AND SEWAGE DISPOSAL, AMENDING ARTICLE III, SECTION 28-72, PARAGRAPH (a) THEREOF EFFECTIVE NOVEMBER 1, 1993, INCREASING WATER USAGE CHARGES 0%

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL FLORIDA, AMENDING ORDINANCE NO.: 2080, CHAPTER 28, WATER, SEWERS AND SEWAGE DISPOSAL, AMENDING ARTICLE III, SECTION 28-72, PARAGRAPH (a) THEREOF EFFECTIVE NOVEMBER 1, 1993, INCREASING WATER USAGE CHARGES; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OR LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT

Councilman Walker moved to ADOPT Ordinance No. 2362 being seconded by Councilman Byrnes. The motion CARRIED 3-1 on the following roll call.

Walker, yes; Byrnes, yes; Chesnowitz, yes; Mellette voted No.

13. RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE STATE OF FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM

City Attorney Simpson read:

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A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY TO APPLY FOR AN IMPROVEMENT GRANT FROM THE STATE OF FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Walker moved to ADOPT Resolution 93-R-55 being seconded by Councilman Mellette.

The motion CARRIED 4-0 on the following roll call:

Walker, yes; Mellette, yes; Byrnes, yes; Chesnowitz, yes.

14. RESOLUTION CANCELING THE SECOND MEETING IN DECEMBER (12-28-93)

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, CANCELLING THE DECEMBER 28, 1993 REGULAR MEETING OF THE CITY COUNCIL OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT Resolution 93-R-56 being seconded by Councilman Walker.

The motion CARRIED 4-0 on the following roll call:

Mellette, yes; Walker, yes; Byrnes, yes; Chesnowitz, yes.

15. REQUESTING PURCHASE OF 300 REFUSE CONTAINERS

Mr. Chattin said bids were received in September of last year for Refuse Containers and Toter, Inc. won the Bid. They have agreed to honor the price of the bid for the 300 refuse containers we need to purchase now. Mr. Chattin recommends the City to purchase the containers from Toter, Inc. for \$46.80 per container.

Councilman Walker moved to purchase 300 Refuse Containers from Toter, Inc. for \$46.80 each being seconded by Councilman Byrnes.

The motion CARRIED 4-0 on roll call.

16. REQUEST TO PURCHASE BULK REFUSE AND YARD TRASH TRUCK

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Mr. Chattin said last August the Yard/Trash truck's frame broke. This put the vehicle out of commission for about sixteen days. The dump body was placed on another truck and is now in need of repair. The garage personnel located a used vehicle at a cost of \$9,000 which can replace the other truck as the primary vehicle. Mr. Chattin recommends the City purchase this vehicle and place it in service as the primary vehicle. This will provide a more functional primary vehicle and a dependable backup vehicle at minimum cost.

Councilman Walker moved to APPROVE purchase of the Bulk Refuse and Yard Truck for \$9,000 and find (under section 2-317) this is a single source for the used truck and solicitation of bids is deemed to be inappropriate being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

17. REQUEST FOR FLOATING HOLIDAY

Councilman Byrnes moved to have December 27, 1993 as the floating holiday being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

18. CITY MANAGER REPORTS/COMMENTS

A. Mr. Hester asked Council to approve the emergency purchase and installation of 188 feet of liner for main number three.

Councilman Walker moved to APPROVE the purchase being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

B. Mr. Hester asked Council to ratify the L.I.U.N.A. contract. The vote was 52-6 to accept the City's offer of a 2% cost of living adjustment with the employees taking the option of "lump-sum" or adding it to their base salary.

Councilman Byrnes moved to Ratify the L.I.U.N.A. contract being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

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19. CITY ATTORNEY REPORTS/COMMENTS

None.

20. MISCELLANEOUS COUNCIL COMMUNICATIONS

None.

21. ADJOURNMENT

With nothing further to come before Council the meeting was adjourned at 8:22 p.m.

Mayor

ATTEST:

City Clerk/Manager