

M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
OCTOBER 26, 1993

1. CALL TO ORDER

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

Answering roll call were Mayor Gaither, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Robert Chesnowitz and Councilman William Walker.

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 Reverend Richmeyer.

4. MAYOR'S REPORT/COMMENTS

Mayor Gaither read a proclamation declaring Florida Red Ribbon Week to be the week of October 23 thru October 31, 1993. He said every person is encouraged to wear a red ribbon for a show of support. He introduced Naomi Canup, Holly Hill Middle School, and she presented the City with a Red Ribbon.

5. COUNCIL'S REPORT/COMMENTS

Mayor Gaither said Red Ribbon Week is important to help everyone remember in the fight against drug abuse.

Mayor Gaither reported he had the pleasure to serve two days with the staff doctors from Halifax Hospital during their "rounds". This is a new program Halifax Hospital is offering to citizens and they are looking for citizen participation. He said anyone interested could contact him and he would give Halifax Hospital the names.

The first meeting for the Juvenile Advisory Board will be meeting at Sica Hall, October 26, 1993, at 7:30 p.m. Councilman William Walker will be Council representative.

Councilman Byrnes said the Beach Trust is making waves about the Cities wanting to take back the Beach Rangers from the County. He asked Council for comments for the next Beach Trust meeting.

Mayor Gaither said the one dollar advance in the Beach Toll would be better than the two dollar advance that is being asked for with Councilman Chesnowitz in agreement.

6. ADVISORY COMMITTEE REPORTS

Mr. Tony LaSorsa reiterated comments from the last Council Meeting. He said the Department of Transportation reported Nova Road is progressing nicely with the exception of the merchants taking the case to court because they feel they are losing money due to the construction.

7. AUDIENCE PARTICIPATION

None.

8. CONSENT AGENDA

A. Approval of Minutes - 9/28/93 & 10/12/93

Mayor Gaither made two corrections to the October 12, 1993 Minutes. The corrections are on page one under "Call to Order", Mayor Gaither did not call the meeting to order and he did not answer roll call because he was absent. Mayor pro-tem Chesnowitz called the meeting to order.

Councilman Byrnes moved to APPROVE the Consent Agenda with the corrections being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

9. CONDEMNATION HEARING - 1592 RIVERSIDE DRIVE

Mr. Harbuck asked for a Certificate of Condemnation to be issued for thirty days.

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

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Councilman Mellette stated this issue had been tabled at the last meeting because the owner of the property had not been properly notified and asked if that problem had been solved.

City Attorney Simpson said a personal representative had been appointed to handle the estate and the personal representative had been notified.

The motion CARRIED 5-0 on roll call.

10. SEAPLANE PASSENGER OPERATIONS

Mr. Hester said Braunig Aeromarine and Aloha Marina are requesting authorization to use the Halifax River behind the Aloha Marina for seaplane passenger operations. He said they are asking for a "blessing" from the City. There is no ordinance for or against seaplanes coming or going.

Mr. Rusler, Aloha Marina, said years ago the area was a seaplane base and there have been seaplanes there from time to time. He said this would be nothing new to the area.

City Attorney Simpson said they are asking for a letter and the proper response from the City, is to advise it is properly zoned and there are no ordinances to prohibit it.

Councilman Walker moved to have staff write a letter being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

**11. CHAMBER OF COMMERCE REQUEST OF \$3,500 AS ALLOCATED IN THE
1993-94 BUDGET**

Councilman Mellette moved to APPROVE the allocation of \$3,500 to the Chamber of Commerce being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

12. RESOLUTION DECLARING CANDIDATES FOR OFFICE

City Attorney Simpson read:

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Resolution 93-R-57

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, DECLARING THE CANDIDATES WHICH ARE QUALIFIED FOR THE PRIMARY ELECTION TO BE HELD ON TUESDAY, NOVEMBER 16, 1993 AND THE GENERAL ELECTION TO BE HELD ON TUESDAY, DECEMBER 7, 1993 FOR MAYOR AND CITY COUNCIL SEAT POSITIONS OF WARD ONE (1), WARD TWO (2), WARD THREE (3), AND WARD FOUR (4); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

THE FOLLOWING CANDIDATES FOR EACH OFFICE ARE AS FOLLOWS:

CANDIDATES FOR MAYOR

- 1) Jim Gaither
- 2) Doug Kneller
- 3) Virginia Wine

CANDIDATES FOR WARD 1

- 1) Arthur J. Byrnes
- 2) Lois Willett

CANDIDATES FOR WARD 2

- 1) J.D. Mellette
- 2) Pearl Ward

CANDIDATES FOR WARD 3

- 1) Robert (Bob) Chesnowitz
- 2) Shirley Heyman
- 3) Charles (Chuck) King

CANDIDATES FOR WARD 4

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- 1) Jim Elliott
- 2) Calvin Fink
- 3) Bill Walker

Councilman Mellette moved to ADOPT Resolution 93-R-57 being seconded by Councilman Walker.

The motion CARRIED 5-0 on the following roll call:

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

City Attorney Simpson explained the Sunshine Law so all new candidates would be aware of it.

13. RAW WATER MAIN RELOCATION I-95 & 11TH STREET

Mr. Chattin said on October 14, 1993, four bids were received for the relocation of the City's raw water main under the 11th Street/I-95 Interchange. He said the low bid was from Volusia Construction Company, Inc. for \$220,594. The engineer for the project (Flood & Associates, Inc.) recommends the bid be awarded to Volusia Construction Company, Inc. and the Public Services Department concurs with this recommendation.

Councilman Mellette moved to ACCEPT the low bid from Volusia Construction Company, Inc. for \$220,594 being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

14. CITY ATTORNEY REPORTS/COMMENTS

City Attorney Simpson went over a memo he presented to Council about Section 24-2 of the City's Code of Ordinances. (see attached)

He recommends this ordinance be repealed.

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Councilman Walker moved to authorize the preparation of an Ordinance repealing Section 24-2 of the City's Code of Ordinances being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

City Attorney Simpson said he had researched Home Solicitation as Council requested and it is covered under Florida State Statute 501. The statute states anyone doing home solicitation for items or services over \$25 need a permit from the Clerk of the Circuit Court. He said you can not regulate home solicitation until after 9:00 p.m.

Councilman Walker asked Chief Finn if the City was having a large problem with solicitation.

Chief Finn said it happens about twice a year and in his opinion if you can't regulate solicitation until after 9:00 p.m. then it isn't worth pursuing since most of the complaints come from people who are being solicited before 9:00 p.m.

Chief Finn suggested asking the County to notify the City any time someone is going to solicit in Holly Hill.

Councilman Byrnes asked about putting up "No Solicitation Signs". City Attorney Simpson said he would look into this and get back to Council.

15. CITY MANAGER REPORTS/COMMENTS

Mr. Hester said he received correspondence from the City of Casselberry asking at least seven cities to join in a coalition at the cost of \$5,000 each for a "war chest" to hire a lobbyist or an attorney to go after the Florida Retirement System to either offer and "opt out option" for new employees or to sue for five years worth of back contributions for those people who are already retired. He stated the City of South Daytona is pursuing this.

Mr. Hester said he feels the City is a member of the League of Cities and it is their job to represent all cities on legislation.

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Mr. Hester said the City is paying in \$428,000 a year to the Florida Retirement System.

There was a lengthy discussion and it was the consensus of Council not to pursue the subject with the City of Casselberry but Mr. Hester stated he would be pursuing the subject with the League of Cities.

16. MISCELLANEOUS COUNCIL COMMUNICATIONS

Mayor Gaither said the Juvenile Delinquency Organizations are looking for people to help with the juvenile problems.

He said he is going to be at the next Legislative Session coming up the first of November and urged the citizens to write to contact their legislators on the problems with the juveniles.

17. ADJOURNMENT

With nothing further to come before Council the meeting was adjourned at 8:16 p.m.

Mayor

ATTEST:

City Clerk/Manager