M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
NOVEMBER 8, 1994

1. CALL TO ORDER

Mayor Virginia Wine called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue.

Answering roll call were Mayor Wine, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Shirley Heyman and Councilman Jim Elliott.

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

2. INVOCATION

The Invocation was given by Bill Bethea. Administrative Assistant to the City Manager.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

Mr. Raymond Webb, Kenco Signs, told Council he was about to be cited for violation of parking regulations. He said he did not have room at his business for employee parking and asked Council for a solution to his problem. It was determined the pending citation was not from Code Enforcement but from the Police Department. Chief Finn explained the violation was of Code Section 24-54 regarding parking vehicles.

A lengthy discussion ensued during which Ms. Rosella Biggers, 1514 Pine and John Kuhn, 1510 Pine addressed Council about the problems being created by the vehicles being parked on the right of way by their property.

A compromise was reached which allowed Mr. Webb time (until Monday, November 14, 1994) to try to talk to businesses in the area to allow his employees to park there. Ms. Biggers was asked if this would be okay with her and she agreed not to push the complaint until then.

5. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting - October 25, 1994
B. Bills and Accounts

Councilman Mellette moved to APPROVE the Consent Agenda being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

6. RESOLUTION APPOINTING A MEMBER TO THE BEAUTIFICATION ADVISORY BOARD

City Attorney Simpson read:

RESOLUTION NO. 94-R-48

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE BEAUTIFICATION BOARD, FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE UNEXPIRED TERM OF LINDA STUBBS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The name inserted in the Resolution is Dorothy Tyre. This is Councilman Heyman's appointment.

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

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

7. RESOLUTION CANCELING THE SECOND MEETING IN DECEMBER

City Attorney Simpson read:

RESOLUTION NO. 94-R-49

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, CANCELING THE DECEMBER 27, 1994 REGULAR MEETING OF THE CITY COUNCIL OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

8. RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD

City Attorney Simpson read:

RESOLUTION NO. 94-R-50

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE CIVIL SERVICE BOARD FOR THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

This is Councilman Elliott's appointment and reappointed Clyde Tebbe until January, 1999.

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

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

9. CHANGE ORDERS 3 & 4 FOR L & D ELECTRIC

City Manager Hester explained Change Order No. 3 in the amount of $3,175 for downstairs work and Change Order No. 4 in the amount of $3,869 was for upstairs work . The total of the change orders approved is for $7,044.

Council talked about the work being done and City Engineer D. Martin expressed his satisfaction with the quality of the work and the way it was accomplished. Mayor Wine said she felt there should have been three quotes on the work.

Councilman Heyman moved to APPROVE the two Change Orders as submitted being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

10. REQUEST TO EXPEND LAW ENFORCEMENT TRUST FUNDS

Council talked about the meter being recommended with Police Chief Finn who expressed some concern as to how the proposed meter readings would be accepted in court. It was decided to proceed with the purchase and make adjustments as necessary to satisfy the courts.

Councilman Heyman moved to APPROVE the expenditure of LETF monies being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

11. ORDINANCE NO. 2383 - AMENDS FIRE PENSION ORDINANCE

City Attorney Simpson read:

ORDINANCE NO.2383

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 11, ARTICLE 2, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR AN INCREASE IN BENEFITS; PROVIDING FOR A CHANGE IN THE NORMAL RETIREMENT AGE; PROVIDING FOR A CHANGE IN THE EARLY RETIREMENT AGE; PROVIDING FOR A MONTHLY SUPPLEMENTAL RETIREMENT BENEFIT; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING THE TERMS AND CONDITIONS THEREWITH; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A brief explanation of the increased benefits was given for the benefit of citizens in the audience.

Mayor Wine asked the City Attorney what is the "retirement age" in the U.S.C. Sect. 416 (L) and is that a part of the Florida Statutes? Mr. Simpson answered he did not know the age but that it isn't the Florida Statutes but United States Code.

Councilman Byrnes said this is first reading so that information can be obtained before the second reading. Mayor Wine agreed and said to call the roll on the motion.

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

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

Councilman Mellette moved to APPROVE the ordinance being seconded by Councilman Elliott. The motion CARRIED 5-0 on the following roll call:

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

12. ORDINANCE NO. 2390 AMENDING SECTION 2-257 DELETING PUBLIC SERVICE DIRECTOR POSITION AND CREATING MANAGER POSITIONS

City Attorney Simpson read:

ORDINANCE NO. 2390

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE IV (GOVERNMENTAL ORGANIZATION AND STRUCTURE GENERALLY), SECTION 2-257 (STREET, SANITATION AND MAINTENANCE DIVISIONS; PUBLIC SERVICES DIRECTOR) TO DELETE THE POSITION OF PUBLIC SERVICES DIRECTOR AND CREATE THE POSITION OF PUBLIC WORKS MANAGER; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE the ordinance being seconded by Councilman Heyman.

Mayor Wine pointed out this ordinance was drawn at the direction of the City Council at the Special Meeting held November 1, 1994.

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

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

13. STORMWATER DRAINAGE IMPROVEMENTS

The proposed improvements to the Stormwater Drainage System are located in three areas; one in the 900 block of Flomich and two on Center Avenue in the 500 block and the 1500 block. The estimated material cost of all three projects is $27,000. These funds are available in the Drainage Improvements (Storm Water Utility) Account.

Councilman Heyman moved to APPROVE the expenditure of the funds as recommended being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

14. REQUEST EXTENSION FOR CONDEMNED PROPERTY AT 632 WALKER

Attorney Lawrence W. Borns was present to represent the owner (Anderson). He said they have applied for the permits and the property has been cleaned up and they are asking for another 30 days.

After a brief discussion it was determined from Mr. Harbuck that he had no objections to the extension as requested.

Councilman Mellette moved to APPROVE a 30 day extension being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.

15. REQUEST EXTENSION FOR CONDEMNED PROPERTY AT 808 MAY AVE.

Mr. Harbuck explained the owner, Don Wiggins, was unable to attend because he was at election headquarters in DeLand. He took title to the property about ten days ago and he has the necessary permits to bring the property up to code and has secured and cleaned the property and work is being accomplished.

Councilman Mellette moved to APPROVE a 30 day extension being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

16. REQUEST EXTENSION FOR CONDEMNED PROPERTY AT 812 AND 814 MAY AVE.

Mr. Jerry Bishop from the First Baptist Church explained the property was given to the church and they do not have the money to bring it up to code. They plan to sell the property so he is requesting a 60 day extension to allow them to dispose of the property.

Councilman Heyman moved to APPROVE a 60 day extension being seconded by Councilman Byrnes. The motion CARRIED 4-1 on roll call with Councilman Mellette voting No.

17. DISPOSAL OF SURPLUS FIREARMS

Council discussed the options open to the City to dispose of the firearms. They had one offer from an outside gun dealer and then Mayor Wine suggested taking sealed bids. Council consensus was that it was a good idea to take bids from licenses firearm dealers.

Councilman Mellette said we should allow Chief Finn to dispose of them in the manner he thinks is best for this City for the most money he can get. Let him make the decisions. Mayor Wine agreed and said he should get the most money possible. Councilman Heyman asked if that is a motion and when Councilman Mellette said it was, she seconded the motion.

The motion CARRIED 5-0 on roll call.

18. PERFORMANCE BOND - ELEVATED TANK CONTRACT

City Manager Hester said this is a change order to the contract with Jack Ethridge on the used tank we purchased for the reuse system. The amount is 3 1/2 % ($3,325) for the performance bond. Mr. Hester said they have been trying to get out of the deal with Holly Hill because they have had some better offers. It has also come to light that the capacity of the tank is 125,000 and not 100,000 as previously discussed.

Councilman Byrnes moved to APPROVE the change order being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

19. CHANGE ORDER MARLENE DRIVE WATER LINE /PAVING

Mayor Wine said this change order is from Thad Construction and was negotiated by Mr. Martin and Mr. Gilbert at the direction of the City Council. Mr. Hester noted the change order is for $42,005 and is less than the lowest bid previously received on this project.

Councilman Byrnes moved to APPROVE the proposed change order for $42,005 being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

20. COMMUNICATIONS FROM CITY MANAGER

Mr. Hester reported to Council on the **drainage problem at 1509 Center**. He said Mr. Martin is working with **Mr. Dubey** in setting up a meeting with these people because it is not a City problem. Mr. Hester asked Council's permission to have a topographical survey made so he could give the citizens the best information possible. However, the majority of Council was not for expending up to $1,500 to accomplish the survey because all the problem is on private property.

Mr. D. Martin said he has talked to Mr. Dubey. They do not have the money to fill the property but are willing to attend a meeting. Mr. Martin said the survey would give him the information he would need to make a correct analysis.

Councilman Heyman said she thought this should be done because these people need help and do pay taxes. Councilman Byrnes said he understood the problem was created when a lot was filled in and a home built on it. Mr. Martin said it appears somewhere in history a house was built which caused part of this blockage. However, it did not cause all the property to flood because the lowest spot in this area is lower than that lot could have ever been.

Mayor Wine said people are obligated to take care of their own problems so if Mr. Martin can get that whole group together, then maybe they could come up with the money and iron out their own problems. She said the bottom line is how bad they want to do it. Councilman Mellette said if they are not interested enough to meet with Mr. Martin, then he wouldn't pursue the problem that much further. Mr. Martin said that eight people have signed and said they would be willing to meet but to his knowledge they had not said they will spend money.
Councilman Heyman asked if Mr. Martin was sure none of this is a City problem. He said he did not know when the home was put there. It was mentioned that area came into the City at

different times so it might not have been in the City when this occurred. Mr. Harbuck said the house was built in 1979.

Mr. Hester said the consensus of the Council is clear to him so he will set up a meeting with Mr. Martin and the citizens and see if they can build consensus in the group to solve their own problems.

The City Manager said he would like to see Council immediately following the meeting for an **Executive Session** to deal with labor negotiations.

The final item was a letter received by Mayor Wine from **PSG regarding privatization**. PSG said they are willing to guarantee the City savings in excess of a million dollars on a five year contract. This is for the operation of the water and wastewater plants. Mayor Wine said that a million dollars is something to think about. Councilman Byrnes said it started out as a hundred thousand so if we wait, it may go up again. Councilman Heyman said if it looks that good, it may not be that good. Mayor Wine said if a guarantee comes with it, she didn't know how anybody could object to looking further. Councilman Mellette asked what happens after five years. Councilman Byrnes said we have a bid out now to have somebody to come in and tell us how to save that much money so if that works then we will know.

Mr. Hester said our RFP is for a firm that will be able to come in to tell the City where to make changes. Councilman Byrnes said it was specified the firm selected had to have a proven track record. Councilman Heyman said if we hire someone who knows what he is doing, he will be able to tell us what to do to save money without hiring a consultant.

Mr. Hester said that is all he has under his comments.

21. COMMUNICATIONS FROM CITY ATTORNEY

None.

22. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Byrnes said he thought the Council should set a policy so that when someone is demoted through no fault of their own, we should have some kind of cap (to be agreed upon by Council) which says the most a person can lose is whatever the Council agrees on. Mrs. Heyman said her opinion was that these people should not take salary cuts so big that their pay is lower than when they were given the promotion.
Councilman Elliott said we need to do something along that line. This would have been a second demotion for the same person and he (Elliott) has heard a lot of comments as to why if

they are moved up a position, they get the money but if they are moved back down, why didn't he get a cut. He said he had heard that from several employees and when somebody else was moved up and then moved down, they received a cut. It wasn't a cut but it was a cut. We don't have the same standards for everybody. Councilman Byrnes said that is why we need standards. That way the employee will know what is going to happen. Councilman Elliott said he agreed so that we are clear on everything and everybody know it ahead of time. Councilman Mellette said we would not be dealing with a dollar amount. Councilman Byrnes said then we would not have to deal with individuals but with positions. Mayor Wine said we have the unions, Civil Service and the Pay Plan and if you read it, it is all in there. This is like trying to shut the barn door after the horse is out. She said this is in the Pay Plan and this is what has been adhered to since 1976, and it has always been adhered to and those are facts, not fiction. Councilman Byrnes said it is a fact in your (Wine) mind but Mr. Elliott mentioned and he (Byrnes) has seen it has not always occurred and that is what he is trying to correct. He wants a simple policy statement which says you don't lose more than this much if something happens to your job and it is not your fault. This is not to interfere with disciplinary demotions or change of job.

Mayor Wine said this has been done right along except in one or two occasions and is contained in the ordinance adopted by the City.

Mayor Wine asked the City Manager if the Ross Point project was being worked on and he replied ,"Everything is running 'hot, straight, and normal'." The City Attorney has not reported on any communications.
Mr. Simpson said he wrote a letter to the attorney representing the property owner and he has not heard from him.

23. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at 8:45 p.m.

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Mayor

ATTEST:

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City Clerk/Manager