M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
DECEMBER 14, 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 J. D. Mellette, Councilman Robert Chesnowitz and Councilman William Walker. Councilman Arthur Byrnes came in late at 7:40 p.m.

Also in attendance were City Manager Ralph Hester, City Attorney Edward Simpson and Deputy City Clerk Sue W. Blackwell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

The Invocation was given by Mr. Jim Elliott.

4. MAYOR'S REPORT/COMMENTS

Mayor Gaither presented Mr. Joe Stewart with a proclamation declaring December 14, 1993, Joe Stewart Day, for the work he has done as a volunteer.

Mayor Gaither asked several gentlemen with the Halifax River Task Force to speak to the citizens and the Council-elect.

Mr. Clete Oakley, Chairman, Halifax-Indian River Task Force, gave a brief background on the Task Force and how it works. Mr. Oakley said the City of Holly Hill is the leader in the County when it comes to cleaning up the 11th Street Canal and the stormwater going into the canal. He explained it is going to take an inter-governmental effort from all the municipalities around to clean up the canal and the stormwater situation.

Mr. Joe Janes, City of Ormond Beach Environmental Engineer, reiterated what Mr. Oakley said stressing the importance of working inter-governmentally. Mr. Janes said he thought cleaning up the canal will help several communities as well as the County.

Mr. David Brown, Volusia County Environmental Management, was at the meeting to represent Mr. Jim Pillon of the Stormwater Management Division. Mr. Pillon wanted to express his support for this project but he could not be here himself.

Mr. Gaither introduced the Mayor-elect, Virginia Wine; Council-elect, Shirley Heyman, Ward 3 and Jim Elliott, Ward 4.

5. COUNCIL'S REPORT/COMMENTS

None.

6. AUDIENCE PARTICIPATION

None.

7. CONSENT AGENDA

Councilman Mellette moved to APPROVE the Consent Agenda which contained the minutes from November 23, 1993 and December 7, 1993 and bill & accounts being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

8. PUBLIC HEARING - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR EAST COAST CAB AND SHUTTLE

There was no one from the public to speak on this matter.

Mr. Harbuck spoke on behalf of the staff saying the Company has adequate parking and he can foresee no problems.

There was no one present from East Coast Cab and Shuttle to represent them.

Councilman Chesnowitz moved to APPROVE amending the existing Certificate to add five cabs and five shuttles being seconded by Councilman Mellette.

The motion was DENIED 1-4 on the following roll call:

Chesnowitz, yes; Mellette, no; Byrnes, no; Walker, no; Gaither, no.

Councilman Mellette moved to reschedule for thirty days and advertise for another public hearing being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

9. ORDINANCE NO. 2363 - ANNEXING CERTAIN PROPERTY INTO THE CITY OF HOLLY HILL

City Attorney Simpson read:

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Mellette moved to ADOPT Ordinance No. 2363 as read being seconded by Councilman Byrnes.

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

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

Mr. Helmentroller, 724 Center Street, asked when water and sewer service could be expected.

Mr. Chattin said the system is under design for the permit process and then the City will go out for bids.

Mr. Hester said tentatively water could be expected in the first quarter of the year.

10. ORDINANCE NO. 2364 - ANNEXES HARDESTY PROPERTY ON PARQUE DRIVE BETWEEN CALLE GRANDE AND ARROYO PARKWAY

City Attorney Simpson read:

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes moved to ADOPT Ordinance No. 2364 as read being seconded by Councilman Walker.

Mr. Gary Demianycz, 755 Parque Drive, questioned whether the Hardesty property was contiguous for the annexation. He stated Calle Grande belongs to the City of Ormond Beach and therefore he did not think the property is contiguous.

City Attorney Simpson read the state statue stating a road can not keep a property from being contiguous.

Mr. Demianycz said if the property is annexed then the City of Holly Hill is going to create and enclave which is prohibited by Florida Statues.

City Attorney Simpson explained the procedure for adopting an Ordinance to Mr. Demianycz.

Mr. Demianycz said he had no problem with the annexation but he wanted the City to be aware of the Florida Statues.

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

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

11. ORDINANCE NO. 2365 - ANNEXES ORT PROPERTY WEST OF NOVA ROAD INTO THE CITY OF HOLLY HILL

City Attorney Simpson read:

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT Ordinance 2365 as read 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.

12. REQUEST TO REZONE PROPERTY FROM COUNTY ZONING OF R-5 TO CITY ZONING OF R-4A

Mr. Haas is requesting Council to approve on first reading to rezone property north of 13th Street and east of Old Kings Road.

City Attorney Simpson read:
AN ORDINANCE AMENDING THE ZONING MAP BY REZONING PROPERTY LOCATED AT 100 KINGS GARDENS DRIVE FROM R-5 TO PROPOSED CITY OF HOLLY HILL ZONING OF R-4A; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Walker moved to APPROVE Ordinance No. 2366 on first reading being seconded by Councilman Mellette.

Mrs. Wines asked what the R-4A classification is.

Mr. Keeth answered it is a new classification that permits single family, two family, quadruplex and townhouse developments to a maximum density of seven units per acre.

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

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

13. ORDINANCE REPEALING SECTION 24-2 OF THE CODE OF ORDINANCES

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REPEALING SECTION 24-2 OF THE CITY OF HOLLY HILL CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE Ordinance No. 2367 on first reading being seconded by Councilman Walker.

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

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

14. 1992-93 BUDGET TRANSFERS

Mr. Hester said in accordance with the Code of Ordinances the attached budget transfers have been made for the fiscal year ending September 30, 1993. The total budget remained the same as amended earlier in the year.

Councilman Walker moved to ACCEPT the report of budget transfers for fiscal year 1992-93 being seconded by Councilman Mellette.

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

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

15. REQUEST FROM ERIC SPAULDING FOR BIKES FOR FRIENDS OF THE HOMELESS

Mr. Hester said there was a request from friends of the homeless for bicycles for five children.

Mr. Jim Elliott said he was not sure if it was the same person or not but he suggests the Council check Mr. Spaulding out before they give five bicycles away.

Councilman Walker said he had a problem with giving bicycles to transients since there are people in the City that could ask and if the Council gives bikes to everyone that asks then pretty soon there won't be any.

Councilman Mellette said he agreed, if you give to one group you have to give to all.

Councilman Mellette moved to DENY the request from Eric Spaulding for bike for Friends of the Homeless being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

16. AWARD OF BIDS FOR DEMOLITION OF BUILDINGS

Mr. Chattin said bids were received for the demolition of three "old" school buildings on December 8, 1993. The bids ranged as follows:

1.	Yancey's Land Clearing Inc.	$17,800
2.	Halifax Wrecking and House Moving Company, Inc.	$27,000
3.	Dan Rice Construction Company	$27,790

4. Self Trucking Inc. $28,900

The low bid by Yancey's Land Clearing Inc. is considered an excellent bid for this work considering the asbestos content of the buildings.

Councilman Mellette moved to AWARD the bid to Yancey's Land Clearing Inc. for $17,800 to demolish all three buildings being seconded by Councilman Walker.

Councilman Walker suggested instead of the City demolishing the property, to put it up for sale and take the money we get for the property and build a nice place for the juveniles.

Mr. Hester said if the property was put up for sale then the County has first option at buying it.

Councilman Byrnes said the City has already used a portion of the property and if the City intends to use the "old brick school house" then the selling the property is not a good idea.

Mrs. Wine, 11th Street, asked why the demolition has to be done at this time.

Mayor Gaither said the City is in the process of making a Youth Center an additional parking is needed and also for safety purposes the buildings need to be taken down.

Mrs. Wine suggested tearing the "old wooden barracks" if parking is needed and she does not understand why there is an urgency to tear the buildings down.

Mr. Hester said he didn't think it was an urgency. He said the City has been working on what to do with the property for several years. He said the only reason they brought up demolishing of these three buildings is to open up the "court yard" area to make a more secure area for the youth. Officer Hatcher, youth officer, concured with the idea. Chief Finn spoke on this issue at a recent meeting and felt the building should be torn down. Mr. Hester said the City has a problem with the buildings being broken into regularly. He said there is no big hurry but something needs to be done. He pointed out the fact that if the buildings did not belong to the City then in all likelihood they would be going through the condemnation process.

Councilman Byrnes said he concurred that if the buildings were privately owned buildings they would be going through condemnation. He said he has been through them and feels they are not worth saving.

Mrs. Wine asked why the "barracks building" is not being torn down.

Mr. Hester said the City is looking at using that building as a training exercise for the Fire Department and if they do then it will save the cost of demolition.

Officer Hatcher said there has been a constant problem with the buildings being broken into. The lighting is not adequate with the buildings there and that causes a safety problem for the youth.

The motion CARRIED 3-2 on roll call with Councilman Chesnowitz and Councilman Walker voting NO.

17. MOTION TO RESCIND RESOLUTION NO. 93-R-56 WHICH CANCELED THE REGULAR MEETING OF DECEMBER 28, 1993

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RESCINDING AND DECLARING VOID RESOLUTION NO. 93-R-56 AND THEREBY RESCHEDULING THE REGULAR COUNCIL MEETING OF DECEMBER 28, 1993; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Walker moved to ADOPT Resolution No. 93-R-62 Rescinding Resolution No. 93-R-56 being seconded by Councilman Mellette.

Councilman Chesnowitz questioned why the meeting was being rescheduled.

Mayor Gaither answered the meeting is being rescheduled to take care of unfinished business.

Councilman Mellette said people involved have asked for the meeting to be rescheduled.

The motion CARRIED 4-1 on the following roll call:

Walker, yes; Mellette, yes, Chesnowitz, no, Byrnes, yes;
Gaither, yes.

18. RESIGNATION FROM BOARD OF PLANNING AND APPEALS

Councilman Mellette moved to ACCEPT Mrs. Shirley Heyman's resignation from the Board of Planning and Appeals being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

19. BID ALTERNATE - REUSE PUMPING SYSTEM

Mr. Chattin said the City is presently in the final stages for the reuse pumping system. He said he has recently been made aware of an elevated storage tank as an attractive alternate to a ground storage tank.

The most effective means to evaluate the costs of ground storage verses elevated storage is to bid each as alternatives, negotiate the price of the elevated tank, and compare the projected maintenance costs, all resulting in true comparison. The cost proposed by the engineers to accomplish this is $3,900. Staff recommends approval of the proposal.

Councilman Walker asked if $3,900 would be saved if they go with the elevated tank.

Mr. Chattin answered that is one of the things that they would find out with the comparison.

Mr. Chattin said the only way to find a true comparison to find out which way would be cheaper is to do the comparison.

Councilman Walker moved to APPROVE staff's recommendation of $3,900 to have Pitman-Hartenstein & Associates design an alternate reuse system using an elevated tank in lieu of a ground storage tank being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

20. ENGINEERING SERVICES TO DESIGN THE SYSTEM TO EXTEND WATER AND SEWER LINES WEST OF NOVA ROAD

Mr. Chattin said the City has received a proposal from Flood Engineering to perform the necessary engineering services to extend water and sewer lines across Nova Road in the vicinity of Walker Street and 15th Street to provide service to the areas that have been annexed. The proposal is for survey, design and construction phase services in the amount of $11,376.84. Staff recommends approval of this proposal. Funding for this work is included in the proceeds of the latest bond issue.

Councilman Mellette moved to APPROVE the proposal from Flood Engineering in the amount of $11,376.84 being seconded by Councilman Byrnes.

The motion CARRIED 5-0 on roll call.

21. AWARD OF BID FOR POLYMER

Mr. Chattin said on November 2, 1993, four bids were received for liquid cationic flocculent polymer which is used for dewatering sludge in the water and wastewater treatment processes. Only the product proposed by Allied Colloids, Inc. performed satisfactorily.

The four bids are as follows:

1. Rhone-Poulenc, Inc. C-4450 Polymer $1.24 lb. delivered
   Dosage: 5.5lbs./ton x $1.24 $6.82/dry ton

   Note: Product was tested on belt presses and did not yield satisfactory results.

2. Allied Colloids, Inc. 767FS40 Polymer $1.32 lb. delivered
   Dosage: 8.0 lbs./ton x $1.32 $10.56/dry ton
   Note: This product is currently being used and performs well. % dry solids achieved 35-40%.

3. H.F. Scientific, Inc. POL-E-Z 3466 $1.23 lb. delivered
   No dosage provided in bid.
   Note: Product supplied did not yield satisfactory results.

4. Leachem Industries, Inc. LF-9340 $1.23 lb. delivered
   No dosage provide in bid.
   Note: No product supplied for belt testing.

Staff recommends award of the bid for $1.32 per pound delivered to Allied Colloids, Inc. This product delivers the best percentage of dry solids results.

Councilman Mellette moved to AWARD the bid to Allied Colliods for $1.32 per pound delivered being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

22. ALTERNATE REUSE TRANSMISSION MAIN ROUTE

Mr. Chattin said the City has received a proposal from Pitman-Hartenstein & Associates in the amount of $4,699 to survey and design an alternate route for the reuse transmission main on the east side of the railroad tracks through Hollyland Park. This route will result in a savings of approximately $20,000 in the project costs.

Staff recommends approval of this proposal.

Councilman Walker moved to ACCEPT the proposal from Pitman-Hartenstein & Associates in the amount of $4,699 to survey and design an alternate route for the reuse transmission main on the east side of the railroad tracks through Hollyland Park being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

23. CITY MANAGER REPORTS/COMMENTS

Mr. Hester presented a resolution from PBA for Council to approve to ratify the PBA contract.

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AND EXECUTE THE 1993-1994 CONTRACT BETWEEN THE CITY OF HOLLY HILL AND THE COASTAL POLICE BENEVOLENT ASSOCIATION.

Councilman Mellette moved to ADOPT Resolution No. 93-R-63 being seconded by Councilman Walker.

Councilman Byrnes said he was going to vote against this because he did not agree with the twenty years and out clause.

The motion CARRIED 4-1 on the following roll call:

Mellette, yes; Walker, yes; Byrnes, no; Chesnowitz, yes; Gaither, yes.

At this time Mayor Gaither moved to item number twenty six.

26. FINAL DEVELOPMENT PLAN REVIEW - 100 KINGS GARDENS DRIVE

The Board of Planning and Appeals recommends approval contingent upon the following seven (7) items:

1. The wet land permits be approved and issued by St. Johns Water Authority and U.S. Army Corp of Engineers.

2. The plan be in conformance with the Holly Hill Tree Preservation Ordinance.

3. The right-of-way shown to exist on the property be identified and vacated if necessary.

4. The City Public Services Department review and approve the drainage and utility plan.

5. Tree loss in the stormwater management area be minimized.

6. The driveway location and dimensions be specified.

7. The property receive second and final reading for rezoning to R-4A by the City Council after Department of Community Affairs has approved the amendment for "Small Scale Development" to the Comprehensive Plan.

Councilman Walker moved to APPROVE the Final Development Plan Review for 100 Kings Gardens Drive with the seven stipulations given by the Board of Planning and Appeals being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

24. CITY ATTORNEY REPORTS/COMMENTS

None.

25. MISCELLANEOUS COUNCIL COMMUNICATIONS

Councilman Byrnes asked about the Bike Auction.

Mr. Hester said the Auction would start around 9:30 a.m. outside behind the Police Department. He said the bikes would be out early for inspection and the Master of Ceremonies would be Chief Finn.

Mayor Gaither said proceeds from the auction would be given to the new youth program to help enhance the program.

27. ADJOURNMENT

With nothing further to come before the Council the meeting was adjourned at 8:48 p.m.

____
Mayor

ATTEST:

____
City Clerk/Manager