M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
JANUARY 24, 1995

1. CALL TO ORDER

Mayor Virginia Wine called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue at 7:30 p.m.

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

Also attending were City Manager Ralph Hester, City Attorney Edward Simpson, Capt. Larry Walker, and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Rev. John Hull.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

Sgt. Harold Hatcher, Holly Hill Police Department, introduced Mr. Mark Meadows, a professor at Bethune Cookman College. Professor Meadows explained a program he has with the Police Department wherein his students can ride with police officers. He told Council how beneficial this program is for these young people and asked Council's approval to extend the program.

Mayor Wine thanked him for attending and informing Council of this program.

Mayor Wine introduced Stan Rosevear, Volusia County Councilman from District Four. He spoke briefly and pledged cooperation and to help the City in any way he could.

At the close of Audience Participation, Mayor Wine called Finance Director Brenda Gubernator forward and presented her with the Certificate of Achievement from the national Government Finance Officers Association. This is the 17th year the City of Holly Hill has received this recognition.

5. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting - January 10, 1995

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

6. ORDINANCE NO. 2391 - HEARING TO REINSTATE SUSPENDED OCCUPATIONAL LICENSES - Second Reading

City Attorney Simpson read:

ORDINANCE NO. 2391
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 14 (LICENSES AND TAXATION), ARTICLE II (OCCUPATIONAL LICENSES), SECTION 14-30 (REVOCATION OF LICENSE) TO REQUIRE CITY COUNCIL APPROVAL PRIOR TO REISSUANCE OF A LICENSE WHICH HAS BEEN REVOKED; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

7. REPORT ON SOLID WASTE FUND - FINANCE DEPARTMENT

Part "A" - Three month report - Copy Attached

Finance Director Brenda Gubernator explained the report. She informed Council it was difficult to tell too much about the revenues and the amounts of garbage being carried to the landfill. It was noted that October Clean-up Month and Tropical Storm Gordon increased the amount of yard waste being hauled when we had expected a decrease. She told Council she would give them another report at the end of the next quarter and those figures would give more information.

Part "B" - Discussion on Commercial Account Complaints

Council talked about the complaints from commercial accounts saying they did not need two cans and should not be charged for two. Council decided not to adjust the rates. It was noted the same logic could be applied to a retired couple who say they only need one can picked up once a week. Council did say they may have to consider once a week pickups as an economy movement during the upcoming budget sessions.

Council thanked Mrs. Gubernator for the report and said they would look forward to the next report.

8. PUBLIC HEARING RE: REVOCATION OF OCCUPATIONAL LICENSE - HOLLY HILL SALVAGE AND JUNK- 408 LPGA BLVD.

A letter was read from Attorney Daniel J. Webster representing John G. Kastner of Holly Hill Salvage and Junk, 408 11th Street (LPGA Blvd.) requesting a continuance of the hearing for 30 days.

Councilman Mellette moved to grant an extension until the last meeting in February (28th) with the understanding this would be the final extension. Councilman Elliott seconded the motion which CARRIED 5-0 on roll call.

9. REQUEST TO EXPEND LAW ENFORCEMENT TRUST FUNDS FOR THE MONTHLY LEGAL UPDATE AND REVIEW ($4,000)

City Manager Hester said this is an annual request to pay for this subscription.

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

10. COUNCIL CONSIDERATION OF WEIGHTED VOTE ON MPO

Mr. Gerald Langston, City of Daytona Beach, gave Council a brief update of how this request came to be before Council for action. Council discussed the options and then City Attorney Simpson read:

RESOLUTION NO. 95-R-01
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, REJECTING THE PROPOSED REAPPORTIONMENT OF THE MEMBERSHIP OF THE METROPOLITAN PLANNING ORGANIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson explained he also had another resolution approving the proposed reapportionment of the MPO but read the other one because of the conversation held by Council. He said if the resolution before Council was not adopted, he would then read the other one.

Councilman Mellette moved to ADOPT the resolution rejecting the proposed reapportionment. Councilman Byrnes seconded the motion which CARRIEID 5-0 on the following roll call:

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

11. REQUEST EXTENSION FOR CONDEMNED PROPERTIES AT 812 AND 814 MAY AVENUE

Mr. Dennis Wiggins, a deacon from Holly Hill First Baptist Church, asked Council for an extension on the condemnation proceedings. He explained how this property has been in limbo for over two years and how several sales have fallen through for one reason or another. At the present time, a contract for sale is pending.

Building Official Tim Harbuck said the property has been cleaned up and the houses boarded up so they do not pose a threat to anyone at this time.

Councilman Mellette moved to GRANT an extension for thirty (30) days from February 15, 1995 as requested being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

12. REQUEST FOR A VARIANCE TO DIVIDE AND CONSTRUCT THREE HOMES ON LOTS WITH 80 FOOT DEPTHS IN LIEU OF THE REQUIRED 100 FEET

Mr. Greg Fretwell explained his request to Council and showed them a drawing which depicted his request.

Mayor Wine said she thought it would be a good idea to table this matter until the new engineers are on board to look at this request. She mentioned the recent problems with flooding in the area.

Councilman Elliott moved to TABLE the request until the new engineers can evaluate the request. Councilman Heyman seconded the motion which CARRIED 5-0 on roll call.

13. REQUEST TO MOVE POLLING PLACE FOR WARD 1 (Precinct 929) AND WARD 2 (Precinct 928)

Mayor Wine briefly mentioned that she had received numerous complaints when the DAV moved the polling place out of their large hall and into the building on the south end of their property.

Council talked about the work which has been accomplished on the Youth Center and then *Councilman Mellette moved to APPROVE the request to move the Ward One and Ward Two polling location to the Youth Center just off Hartford. Councilman Elliott seconded the motion which CARRIED 5-0 on roll call.*

14. ORDINANCE INCREASING BUILDING PERMIT FEES, LICENSE INSPECTION AND REGISTRATION FEES TO OFFSET THE EXPENSE OF A FULL-TIME FIRE INSPECTOR - First Reading

City Attorney Simpson read:

ORDINANCE NO. 2392
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 7 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE II (BUILDING CODES), SECTION 7-23 (PERMIT FEES) TO PROVIDE FOR NEW BUILDING PERMIT FEES; AMENDING CHAPTER 14 (LICENSES AND TAXATION), ARTICLE II (OCCUPATIONAL LICENSES), SECTION 14-23(A) (REGISTRATION OF CERTAIN LICENSES) TO PROVIDE A NEW FEE FOR REGISTRATION OF LICENSES; AMENDING CHAPTER 30 (ZONING), ARTICLE II (ADMINISTRATION AND ENFORCEMENT), DIVISION 1 (GENERALLY), SECTION 30-25(B) (CERTIFICATION OF OCCUPANCY) TO PROVIDE A NEW FEE APPLYING FOR A CERTIFICATE OF OCCUPANCY; CREATING SECTION 11-34 (FIRE INSPECTIONS) IN CHAPTER 11 (FIRE PREVENTION AND PROTECTION), ARTICLE III (FIRE PREVENTION CODES) WHICH ESTABLISHES A FEE SCHEDULE FOR ANNUAL FIRE INSPECTIONS AND RE-INSPECTIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Elliott.

Under discussion Mike Pryor questioned how much the fees would increase and Mr. Harbuck said only the building permit fees would increase and the amount would bring the City's fees in line with the surrounding cities.

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

Mellette, yes; Elliott, yes; Byrnes, yes; Heyman, no; Wine, yes.

15. ORDINANCE AMENDING LAND USE AND DEVELOPMENT REGULATIONS REGARDING PARKING OF COMMERCIAL/ RECREATIONAL VEHICLES - First Reading

City Attorney Simpson read:

ORDINANCE NO. 2393

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING SECTIONS 5.6.9 AND 5.6.11 OF THE LAND USE AND DEVELOPMENT REGULATIONS AND ADOPTING NEW SECTIONS 5.6.9 AND 5.6.11; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council discussed this proposed ordinance at length. Various suggestions were made but in the end *Councilman Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Heyman. The motion CARRIED 4-1 on the following roll call:*

Mellette, yes; Heyman, yes; Byrnes, yes; Elliott, no; Wine, yes.

Mr. Harbuck said the second reading on this ordinance would not take place until the last meeting in February (28th) in order to give staff time to advertise it in the News Journal legal ads, the Neighbors Section, and on the back of the utility bills.

16. ORDINANCE CREATING THE POSITION OF PUBLIC SAFETY DIRECTOR (ADMINISTRATION) - First Reading

City Attorney Simpson read:

ORDINANCE NO. 2394
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING THE POSITION OF DIRECTOR OF PUBLIC SAFETY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Heyman. The motion CARRIED 3-2 on the following roll call:

Mellette, yes; Heyman, yes; Elliott, no; Byrnes, no; Wine, yes.

17. CHANGE ORDER - MARLENE DRIVE -SOUTH PORTION

Mayor Wine suggested Council table this request until the City gets their new engineers.

Councilman Heyman moved to TABLE the Change Order as suggested being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

18. AWARD OF BID FOR 1995 RECREATION PROGRAMS

Mr. Hester told Council this equipment has been bid according to the Code and that Mr. Bethea is in the audience to answer any questions.

Councilman Elliott moved to accept the low bids as recommended being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

19. REQUEST TO PURCHASE MORE GARBAGE CONTAINERS

Council discussed this request and when it was determined from Mr. Hallman there were no cans in the yard, *Councilman Mellette moved to APPROVE the purchase of 200 additional garbage cans being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.*

Council asked Mr Hallman to monitor the cans being brought in and to repair them if possible. He was also instructed to determine if any of the broken cans were Toter cans as they have a five year warranty on them.

20. REQUEST AWARD OF BID FOR POLICE DEPT. COMPUTER HARDWARE

City Manager Hester said this item is back to Council for a decision. At a prior meeting, Council asked that the hardware portion of the computer update be bid according to law.

Councilman Byrnes moved to AWARD the bid to Synergistics as recommended by Jim Marshall. Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.

It was noted this was not the lowest bid but that it is a local firm and it was felt the City could get better service than having to mail parts to the low bidder who was located in Virginia.

21. RESOLUTION APPROVING A MUTUAL AID AGREEMENT BETWEEN THE HOLLY HILL POLICE DEPARTMENT AND THE STATE ATTORNEY'S OFFICE

City Attorney Simpson read:

RESOLUTION NO. 95-R-02
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A VOLUNTARY COOPERATION AGREEMENT WITH THE STATE ATTORNEY’S OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

22. RESOLUTION APPOINTING TWO CITIZENS TO THE EMPLOYEES APPEALS COMMITTEE

City Attorney Simpson read:

RESOLUTION NO. 95-R-02
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING TWO MEMBERS TO SERVE ON THE EMPLOYEE APPEALS COMMITTEE FOR CIVIL SERVICE FOR THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson said the two names in the resolution are Chris Heyman and Lois Willett.

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

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

23. RESOLUTION APPOINTING THREE CITIZENS TO THE BEAUTIFICATION ADVISORY BOARD

City Attorney Simpson read:

RESOLUTION NO. 95-R-03
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING THREE MEMBERS TO SERVE ON BEAUTIFICATION ADVISORY BOARD FOR THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson said the three persons named in the resolution are Dennis Dehn, Dorothy Tyre, and Tamara Phillips.

Councilman Mellette moved to ADOPT the resolution 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.

24. RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD - COUNCILMAN BYRNES

City Attorney Simpson read:

RESOLUTION NO. 95-R-05
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, FOR THE UNEXPIRED TERM OF ALAN PRATT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes said he would like to appoint Katheleene L. Bryann. Her name was inserted into the resolution and then *Councilman Byrnes moved to ADOPT the resolution being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call:*

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

25. RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE 800 MHz FINANCING AGREEMENT

City Attorney Simpson read:

RESOLUTION NO. 95-R-06
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FINANCING THE 800 MHZ RADIO SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Council asked Mrs. Gubernator if this money was budgeted. She answered partially that Council had budgeted $10,000 and would have to amend the budget to include the additional $6,000 to make up the $16,000 annual payment.

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Heyman. The motion CARRIED 4-1 on the following roll call:

Mellette, yes; Heyman, yes; Elliott, yes; Byrnes, no; Wine, yes.

26. COMMUNICATIONS FROM CITY MANAGER

A. Riverside Bike Path from Sunrise Park To North City Limit

Mr. Hester called on Bill Bethea, Administrative Assistant to the City Manager, who explained he had received a letter from Jeanne Wise (local FDOT representative) asking if the City would be interested in having them move the planning and engineering for this project from fiscal year 1997-98 to 1995-96. The FDOT has budgeted $40,000 for this work and the City's match of 10% will be $4,000.

Council discussed this matter and then decided it would be a good idea to get this project moved up. *Councilman Mellette moved to APPROVE the request and fund the money being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.*

B. Wetlands Vegetative Monitoring

Mr. Hester said the Water Coop did pass an agreement the Coop would collectively, to reduce costs on the Consumptive Use Permit, run the monitoring so the City does not have to do that. The Coop will invoice the City within the various stages and where it is within the Manager's spending authority, he will okay the invoices and where it is over the limit, he will bring the bills to Council for approval. This will reduce the costs to the City from $13,500 to $10, 210. He said this does not require any action from Council.

C. Short List of Four Engineering Firms

Mr. Hester asked Council to set a Special Meeting to interview Boyle Engineering, McKim & Creed, Quentin L. Hampton Associates, Inc. and Zev Cohen & Associates, Inc. Council talked about various dates and times and settled on January 31, 1995 in Council Chambers at 6:30 p.m. for the interviews.

Mr. Hallman said he would prepare a series of questions for Council to ask. He said he would like to help with the selection and suggested Council interview the four firms and then dismiss them so Council could discuss them and rate them. Council agreed.

D. Rives vs. City of Holly Hill

Mr. Hester said the City's insurance company can settle this matter for $10,000. The City would have to pay $5,000 deductible. Mr. Simpson said should Council decide not to go along with the proposed settlement, it could mean the City would have to pay more if we went to court and lost.

After a brief discussion, *Councilman Heyman moved to accept the recommendation from the insurance company being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.*

E. Cable Television Franchise

The City Manager said CVI has notified us they intend to renew their franchise for another 15 year period. Mr. Hester said the franchise requires them to give the City notice of renewal. The current contract expires in May, 1997. The contract started with Group W and its successors.

F. Goals and Objective Session

Roy Schleicher, Executive Director of VCOG, has agreed to conduct the session for the City. Mr Hester was instructed to invite him to the Special Meeting so Council could talk with him and decide where and when to hold this meeting.

Mayor Wine said each member of Council has some definite goals they want to reach so it would be a good idea to bring him in before the engineers at the special meeting. Council agreed.

27. COMMUNICATIONS FROM CITY ATTORNEY

None.

28. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Mayor Wine asked Mr. Hester if the City has the permits for the Reuse Project and has it already been bid. He said we have awarded the contract and are waiting for the final piece of paper on the construction permit from Department of Environmental Protection. Mr. Hallman said the permit should be in hand this week.

Mayor Wine asked if this is a budgeted item. Mr. Hester said it is. Mrs. Gubernator said the amount is between $400,000 and $500,000.

Mayor Wine said in the last couple of weeks the Police Department has been a mess. She said she discussed some of this with the City Manager because the morale is bad: the dust is everywhere: the smell is everywhere. She said this construction has been going on for over a year. It was to have been completed by July, 1994. We are still in the process of working on everything. She said the City Manager had the workers go down and finish up the Police Department.

She said the cement has been tracked everywhere and there were no plates on the electrical outlets. Mrs. Wine said every time you turn around, there is a purchase order to L & D Electric and she said their bid was $93,000. At some point in time you must stop work as this could go on for years. She said Mr. Hester sent men down there to complete the work and by Wednesday the carpet will be installed. After that the other carpet will be cleaned.

Mayor Wine said you must have direction in order to get a project completed. That is the main reason she wants a certified engineer. She said we do not need our employees doing construction work when we are shorthanded in Public Works. There are drainage problems and streets are in deplorable conditions. This construction work needs to be done by contractors and sub-contractors.

Mrs. Wine said she would like, if the rest of Council agrees, to have Mr. Hester draft a policy regarding employee use of the telephone for personal business or spending time with their family on the job. When the taxpayer is paying for forty hours, the employee should work forty hours. If they want to visit, then they should clock out and go visit. Mr. Hester said he could draft a policy, the problem will be with enforcing it. Mr. Hester said he would address this at the Department Head Meeting on Wednesday. Mayor Wine asked if he is having these meetings every two weeks and he said yes the general meetings were every two weeks but there are numerous one on one meetings. He said he meets with Mr. Hallman more often. Mr. Hester said the schedule of these meetings is flexible at this point.

Mrs. Heyman said she was happy to hear the Police Department is finished and would be going down to see it. Mr. Hester said it 99.99% complete. Mr. Hallman agreed and said they have worked their way out of the Police Department and will be working on the generator.

Councilman Byrnes asked if that is really everything or just what we decided to finish. Mr. Hallman said it is essentially everything and no employees will be assigned to work there day in and day out. The women's locker room isn't finished inside but Council had agreed to hold up on completing that work until after funds are budgeted.

Mr. Hallman listed some of the items the men had completed. He said the majority of the work is done and the men have been assigned back to him at Public Works. These men were put back into the Departments they were in before they began the construction. Mr. Hallman said you would see some of the men around the generator area as it must be secured and a roof put on it. The men have worked themselves out of the Police Department. Mayor Wine said it would probably take three days to do the roof.

Councilman Byrnes said he was a little concerned about the process to get new engineers. He said he hoped it would save the City money since Mr. Hallman could supervise them as he has

done that before. Mr. Hallman said the engineers would be working through him and then he would submit projects to the City Manager. He said this could save money.
Councilman Byrnes invited everyone to help lay tile at the Youth Center. He said that is almost the last thing which needs to be done. He said all donations were appreciated.

Mayor Wine said the City received $67,500 from the County for the park at Ross Point.

29. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at 9:50 p.m.

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Mayor

ATTEST:

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City Clerk-Manager