M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 13, 1996

1. CALL TO ORDER

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

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

Also attending were City Manager Donald Lusk, City Attorney Edward Simpson, Chief J. Pat Finn, and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Councilman Byrnes.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA
A. Approval of Minutes - Regular Meeting - January 23, 1996
B. Bills and Accounts
C. Agreement to Settle Lawsuit (James Duggan)

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

5. AUDIENCE PARTICIPATION

Ms. Laura Czarnecki, Laura's Thrifty Boutique, asked Council to reconsider the $200 permit fees for special outside events held during Bike Week. This matter was discussed at length and the City Attorney was instructed to research to see if Council could make a distinction between local merchants and those who come into town for special events.

6. AWARD OF BID FOR 1996 RECREATION PROGRAMS

Councilman Mellette moved to APPROVE the recommendation to award the bids to the low bidder being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

7. RESOLUTION NO. 11 - APPOINTS A MEMBER TO THE CITIZENS ADVISORY COMMITTEE FOR THE MPO

City Attorney Simpson read:

RESOLUTION NO. 96-R-11
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE CITIZEN'S ADVISORY BOARD TO THE VOLUSIA COUNTY METROPOLITAN PLANNING ORGANIZATION FOR THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson said the name of the appointee is Rhoda Goodson. Mr. Lusk said we are lucky to have her interested in this Committee. He also noted Ms. Goodson is a lawyer.

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 Elliott, yes; Byrnes, yes; Arthur, yes.

8. RESOLUTION NO. 12 - APPOINTS A MEMBER TO THE CIVIL SERVICE BOARD

City Attorney Simpson read:

RESOLUTION NO. 96-R-12
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.

The name contained in the resolution was Mary Mellette.

Councilman Byrnes moved to ADOPT the resolution being seconded by Councilman Heyman. The motion FAILED 2-3 on the following roll call:

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

9. RESOLUTION NO. 13 - APPROVES APPLICATION FOR HIGHWAY BEAUTIFICATION GRANT

City Attorney Simpson read:

BEAUTIFICATION GRANT
RESOLUTION NO. __13___
A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER AND HIS STAFF TO ENTER INTO A HIGHWAY BEAUTIFICATION GRANT MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

*Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Byrnes. The motion CARRIED 5-0 and the resolution was ADOPTED 5-0 on the foll*owing roll call:

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

10. RESOLUTION NO. 14 - APPROVES MAINTENANCE AGREEMENT ON RIDGEWOOD AVENUE MEDIAN STRIP BEAUTIFICATION

City Attorney Simpson read:

LANDSCAPE MAINTENANCE
RESOLUTION NO. _14___

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER AND HIS STAFF TO ENTER INTO A HIGHWAY LANDSCAPING MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

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

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

11. ORDINANCE NO. 2419 - AMENDMENT TO THE LAND USE AND DEVELOPMENT REGULATIONS - SIGN ORDINANCE

City Attorney Simpson read:

ORDINANCE NO. 2419

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED; REVISING SUBSECTION 10.1.4, TIME OF COMPLIANCE: NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS, BY DELETING CERTAIN PROVISIONS REQUIRING REMOVAL OF NON-CONFORMING SIGNS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Heyman moved to ADOPT the ordinance on final reading being seconded by Councilman Elliott. The motion CARRIED 4-1 on the following roll call:

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

12. REQUEST FOR EXPENDITURE FROM LAW ENFORCEMENT TRUST FUND MONIES (Annual request for funds for computerized training for law enforcement officers.)

After a brief discussion, *Councilman Byrnes moved to APPROVE the expenditure being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.*

13. REQUEST TO AUCTION POLICE DEPARTMENT MOTORCYCLE

Council members talked about selling the motorcycle after a brief explanation of the request by Mr. Lusk.

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

14. REQUEST TO ACCEPT BIDS FOR FIREARMS HELD IN EVIDENCE

Mr. Lusk explained this request had been approved last year but the deal fell through and now approval is being sought again to try to sell these firearms. Chief Finn said he would like to sell the firearms originally approved as well as be given permission to put additional weapons with that list. Chief Finn said he would like to either sell the firearms or trade for law enforcement equipment or have payment made directly to the city for these items.

Councilman Heyman moved to approve the sale of these items being seconded by Councilman Mellette. Councilman Byrnes said he would make the same comment as before and that is "These guns came from criminals and were used to commit a crime so they should be destroyed."

The motion CARRIED 4-1 on roll call. Councilman Byrnes voted No.

15. ORDINANCE NO. 2420 - AMENDS NEW DEFINED CONTRIBUTION PLAN TO REFLECT A TOTAL CONTRIBUTION OF UP TO 10%

City Attorney Simpson read:

ORDINANCE NO. 2420
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2417 TO REDUCE THE VOLUNTARY CONTRIBUTIONS TO CITY OF HOLLY HILL'S GENERAL EMPLOYEE'S DEFINED CONTRIBUTION PLAN FROM 10% TO 8%; 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. The motion CARRIED 5-0 on the following roll call:

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

16. ORDINANCE NO. 2421 - CREATES THE LIBRARY - YOUTH CENTER BOARD

City Attorney Simpson read:

ORDINANCE NO. 2421
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, FLORIDA AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VI (BOARDS, COMMISSIONS, ETC.), DIVISION 2 (LIBRARY BOARD) SECTIONS 2-391, 2-392, 2-393, 2-394, AND 2-395 TO CHANGE THE NAME OF THE LIBRARY BOARD TO THE LIBRARY AND YOUTH CENTER BOARD, TO INCREASE THE NUMBER OF BOARD MEMBERS FROM FIVE (5) TO NINE (9) AND TO PROVIDE THE LIBRARY AND YOUTH CENTER BOARD WITH ADDITIONAL AUTHORITY REGARDING THE YOUTH CENTER;

PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes moved to APPROVE the ordinance on first reading being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:

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

17. REQUEST A SIDE YARD VARIANCE AT 939 CARSWELL

Bob Keeth, Director of Planning for VCOG, explained the request and told Council the applicant is asking for a relief of 3 feet 3 inches on the side yard. Mr. Keeth said this is a non-conforming lot. This request was heard by the Board of Planning and Appeals and they approved the request unanimously.

Councilman Heyman moved to grant the request for a variance being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

18. AWARD BID ON WATER PLANT IMPROVEMENTS

Mr. Hallman said this request is to award the bid to McMahan Construction of DeLand. The bid was slightly over the budget so if Council approves awarding the bid, it will also be for Change Order No. 1 which deletes three items totaling $116,000. (1. Dust collector on top of the lime 2. silo 2. Sludge mixer 3. Vacuum priming system for high service pumps for the ground storage tanks.) Mr. Hallman told Council he hopes to have the money at the end of the contract to install the vacuum priming system. He said he thinks City crews can do the work if necessary.

Mr. Lusk said the items being deleted do not affect the purpose of this construction project.

Mayor Arthur said he did not like the way the City receives bids because if we could split the bids, there would be a savings to the City. He said in the future he would like see the bidding done differently.

Councilman Mellette moved to AWARD the bid as explained being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

19. REQUEST APPROVAL OF ENGINEERING SERVICES FOR S. E. AREA CANAL

Mr. Hallman explained this project is for the design of the improvements to the S.E. Area Canal.

He said he has been working with the Community Development Block Grant people and by using 1992, 1993, and 1994 funds to improve the canal and by using the Nature Preserve as a retention pond and eventually a park pond, the City will be able to improve the drainage in that area.

He said he has worked with the consultants and is recommending Council approve this project for $38,078. He noted there will be some dikes installed in the project and the City will have the ability to pump water into the 11th Street Canal.

Councilman Elliott moved to APPROVE the project being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

Mayor Arthur asked if it would be to the City's advantage to hire a staff engineer. The City Manager said it is hard to call because there are arguments on both sides of the matter. He said he thought this way is probably best for the City.

It was noted about $10,000 is for surveying and another one-third of the project is for biological consultants.

20. REQUEST TO SET APRIL 22 THROUGH MAY 3 AS CITY-WIDE SPRING CLEANUP

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

Mr. Lusk said he had a request from a council member to change the dates but if the dates are changed, he would recommend to keep a Monday through Friday schedule.

The motion CARRIED 5-0 on roll call.

21. AWARD OF BID FOR RIVERSIDE BIKE PATH

Mr. Lusk said the exact bid amount was not in the agenda packet because it was not known when the agenda went out. He said the low bid was for $120,000 and the grant funds totalled $100,000 so the City eliminated the brick pavers as part of the bike path and will replace them with concrete. This reduced the bid by $28,000 which brings the bid down to $89,044 and the difference is sign costs and engineering fees but this brings it within the budget of the grant. He also noted this will be a concrete bike path instead of asphalt.

Mr. Charles Costello asked if any of this money would be used to improve the "world's worst boat ramp". He was told none of the funds are to be used for the ramp. Councilman Byrnes said he and Mr. Mellette remember the City could not get a permit to dredge that area.

Councilman Mellette moved to APPROVE the award of the bid as explained ($89,044) by Mr. Lusk being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.

<u>22. AWARD OF BID FOR SUNRISE PARK IMPROVEMENTS</u>

Mr. Lusk said the amount of this bid will be $132,780 for low bid. The original bid was for $176,000 but the grant was for $130,000 so some items had to be cut. He said the problem is that when you cut things, it changes your points and the grant could have been lost. However, what will be built for the $132,000 is 270 feet of boardwalk, a pier of 400 feet, and a bridge for the bike path which was not part of the other bid for the bike path.

Mr. Lusk said that comes to $132,000 but with engineering it pushes the grant to about $142,000 so there is a shortfall of about $12,000 so he asked the Finance Director if she could find that money and she has assured him the money is there so it is okay to award the bid for $132,780 tonight.

Councilman Mellette moved to APPROVE award of the bid being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.

<u>23. REQUEST APPROVAL OF 1995-1996 PAVING PROGRAM</u>

Mr. Hallman said the City is tying together several programs. The CDBG program is going to pave about 29 streets in the City. He noted they have received several comments recently about peeling back the dirt on the sides of the streets. This must be done before the paving can be accomplished. The contractor has started in the north end of the City and will work his way south. They are also expanding two intersections.

Mr. Hallman told Council he would like to use $100,000 out of Storm Drainage. He said they have determined they can seal about $40,000 worth of streets and save them and the other $60,000 program is to pave Center Street and Daytona Avenue from the north city limits to the south city limits. He briefly explained how this would improve drainage and thus help eliminate flooding. Mr. Hallman said they are taking advantage of the County's bid on bulk asphalt and bulk micro-sealing for this project.

Councilman Mellette moved to APPROVE the 1995-96 Paving Program as outlined by the City Manager and Mr. Hallman (29 streets resurfaced with CDBG funds; 18 or 19 streets with micro-surfacing; and Center and Daytona Avenue being resurfaced) *being seconded by Councilman Heyman.*

Mr. Lusk said Council will be getting requests to resurface other streets and they admit there are other streets needing to be paved. He said he promised those streets will be paved next year and the reason they have to wait is because the City does not have the money this year. He said they are looking at this as a two year program to hit a bunch of streets. The CDBG money can only be used on certain streets.

The motion CARRIED 5-0 on roll call.

24. COMMUNICATIONS FROM CITY MANAGER

A. Discussion on surplus property/Request to set city auction on April 27th

Mr. Lusk said he is asking to hold a City auction on April 27, 1996 for bikes, surplus equipment, etc. and he would be using the Police Chief as was past practice a few years ago. *Councilman Mellette moved to APPROVE the date being seconded by Councilman Byrnes.* The motion CARRIED 5-0 on roll call.

B. Riverside Drive Lot

Mr. Lusk said some of the paving money was to have come from the sale of the lot on Riverside Drive. However, we did not get any bids for the lot. He asked if Council had any suggestions or ideas on how to sell the lot.

The City Manager said he rode his bike past there on Sunday and said he thought we should put up a sign. Council agreed to the sign idea with the City Manager's office number on it. Councilman Byrnes said if it is decided to get aggressive on selling this lot, Council may want to hire a realtor. Mr. Lusk said he thought he could sell the lot to anyone who came in his office and offered more than $80,000 for it because we have gone through the sealed bid process.

25. COMMUNICATIONS FROM CITY ATTORNEY

None.

26. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Heyman asked Mr. Hallman about the street sign in front of Chris' Bar. When he said the City installed it, Mrs. Heyman asked if he would have the spelling corrected on it. Mr. Hallman said he would have it corrected tomorrow.

Mrs. Heyman told Council about going to the meeting in DeLand regarding the school crossing guard. She said the meeting is held the first Wednesday of each month and would like for everyone to go. Mrs. Heyman told about counting the students crossing the street and how that differed from what the County had counted. Mr. Lusk suggested the Council have a motion and vote asking the Mayor to do a letter showing the support of this Council for the crossing guard. That way Mrs. Heyman can take it with her to the next meeting showing this Council is united in wanting the guard. Mr. Lusk said he would draft the letter.

Mrs. Heyman said she got the impression this was being treated without respect because this was Holly Hill. She said that was the reason the County sent representatives to apologize.

Mayor Arthur asked to have the motion clarified. Mrs. Heyman said she wanted a letter written to both of these committees.

Councilman Mellette moved to have the letter drawn as suggested being second by Councilman Byrnes.

The motion CARRIED 5-0 on roll call.

Councilman Elliott, Councilman Byrnes and Councilman Mellette had no communications.

27. ADJOURNMENT

There was no further business to come before Council so the meeting was adjourned at approximately 8:51 p.m.

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Mayor

ATTEST:

City Clerk/Manager