M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 22, 1994

1. CALL TO ORDER

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

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 Reverand Ronnie Fussell, Lighthouse for Christ.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

A. Mrs. Cecily Noel, 635 6th Street, went over a letter she presented to the Council. The letter addressed two concerns, the first being the additional fee for excess trash pick-up and the second being City and citizen communication.(letter attached) Mrs. Noel asked the Council to reconsider the charge for excess trash. She also asked Council to keep the lines of communication open with the citizens. She said she thought that a lot of the citizens aren't getting the information of meetings and events. She asked the Council to get the lines of communication open.

B. Mr. Tony LaSorsa, Citizens Advisory Committee, gave a brief report on the last Committee Meeting. He reported on Transportation Alternatives which the Committee is looking into. Mr. LaSorsa also reported the 11th Street Interchange would begin in March.

Mr. LaSorsa encouraged the citizens to be aware of the "motorcycles" on the street during "Bike Week" and to please drive carefully. He said there would be plenty of "Bike Week" activities in Holly Hill that will generate a lot of revenue in the City.

Mr. LaSorsa invited the City Council along with Mr. Chattin and Mr. Emery to the Kiwanis Club Meeting on February 28, 1994 at 6:30 p.m.

C. Mr. Dennis Dehn, Beautification Board, said the Board had a fine turnout this weekend for the Red Cedar Sapling giveaway. He said the entire Beautification

Board was there and they gave out a brochure with the tree to tell how to take care of it. Mr. Dehn gave a extra "thank you" to Jim Marshall and Jude Stano for their help at the giveaway.

5. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting 2/8/94

Councilman Mellette moved to APPROVE the Consent Agenda being seconded by Councilman Heyman.

The motion CARRIED 5-0 on roll call.

6. DISCUSSION OF CITY MANAGER'S CONTRACT

Mayor Wine read a memo from the City Attorney. (see attached)

Councilman Heyman moved to send Mr. Hester notice stating the Council did not want to renew the present contract so the Council could renegotiate the contract the next time it comes up for renewal.

The motion DIED for lack of a second.

7. RESOLUTION APPOINTING AN ALTERNATE TO SERVE ON THE BOARD OF PLANNING AND APPEALS

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING AN ALTERNATE MEMBER, TO SERVE ON THE BOARD OF PLANNING AND APPEALS FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE UNEXPIRED TERM OF CECILY NOEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AND EFFECTIVE DATE.

Councilman Mellette moved to TABLE this item until the next meeting being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

8. RESOLUTION APPOINTING OCCUPATIONAL LICENSE EQUITY STUDY COMMISSION

Councilman Mellette moved to TABLE this item until the next meeting being seconded by Councilman Heyman.

The motion CARRIED 5-0 on roll call.

9. REQUEST TO REZONE PROPERTY AT 1111 AND 1113 POWERS FROM R-3, SINGLE FAMILY RESIDENTIAL, TO I-1, WHOLESALE LIGHT INDUSTRIAL

City Attorney Simpson read:

AN ORDINANCE AMENDING THE ZONING MAP BY REZONING PROPERTY LOCATED AT 1111 AND 1113 POWERS AVENUE FROM R-3, SINGLE FAMILY RESIDENTIAL DISTRICT, TO I-1, WHOLESALE LIGHT INDUSTRIAL DISTRICT; 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.

The legal description is as follows:

LTS 5 & 6, BLK B, POWERS ALLOTMENT, PER MB 6, PG 142, PRVC.

Councilman Mellette moved to APPROVE the Ordinance as read being seconded by Councilman Elliott.

Councilman Byrnes said nothing has basically changed since this was denied just a short time ago. He said he thought the last decision was a correct one and he would still vote no.

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

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

10. DISCUSSION ON BID PROCEDURES

City Manager Hester stated he brought this before Council for their guidance. He said it has been the City's practice on past small projects, according to the Code, to waive pay and performance bonds. In dealing with recent bids, the City received some data from the City Attorney which says there is a conflict with the City's Ordinance and State law. Mr. Hester said he would like the City Council to make some policy to address this matter.

Mayor Wine said she called Daytona Beach, South Daytona and Ormond Beach and they require all bonds for anything over $10,000. She said she did not want to see the taxpayers in a liable position in any way.

Mr. Hester agreed there should be no exposure for the taxpayer.

There was a lengthy discussion on what the limit should be before a bond is required.

Mr. Chattin recommended a minimum should be set on how much a project should cost before a bond is required but if there is a compelling reason why the bond should be waived then staff could be allowed to come before Council and ask them to waive it.

Councilman Mellette moved to set the limit on a project for bonding to be required at $10,000 or more.

City Attorney Simpson said he would like to point out a case in which someone is building a product and bringing it to the City completed where the City is not paying until it is delivered then under those circumstances the City might want to be able to waive a bond because in that case you do not need a bond. He said the Council might want to take a look at the language they put in the ordinance.

Councilman Heyman seconded Councilman Mellettes motion.

Mr. Larry Dill from L & D Electric told Council if they required a bid bond when they put a project out for bid then they would get qualified bidders to start with and they should not run into problems.

There was a brief discussion on whether the Council wanted to put language in the ordinance which whould allow them to waive requiring a bond.

Mayor Wine asked Councilman Mellette if he would like to amend his motion to allow the waiver of a bond.

City Attorney Simpson said there are two ways this could be done, in the ordinance it would say bid bonds, performance bonds and payment bonds are required on all projects in excess of $10,000 unless waived in advance by the City Council or it could say bid performance payments are required on all projects in excess of $10,000 except where the contract is to buy a completed product and payment is not due until delivery of the product.

Councilman Mellette amended his motion to Bid performance payments are required on all projects in excessof $10,000 except where the contract is to buy a completed product and payment is not due until delivery of the product being seconded by Councilman Heyman.

Councilman Byrnes expressed concern of tying future Council's hands with this ordinance.

The motion CARRIED 5-0 on roll call.

11. AWARD OF HVAC BID FOR CITY HALL/PD RENOVATIONS

Mr. Chattin said on February 16, 1994 three bids were received for Heating, Ventilating and Air Conditioning System to complete the City Hall project. He said the low bid was from Von-Aire, Inc. of Holly Hill for $43,895. The other two bids were from Ferran Engineering Group for $73,890 and R & R Industries for $76,391.

Mr. Chattin said the spread between these bids is approximately $30,000. He said D.M. Martin has talked with the people from Von-Aire, Inc. and they have assured him they understood the bid and they can do the job for their bid price. Mr.

Chattin said they will have a performance and payment bond and staff recommends award to the low bidder, Von-Aire, Inc for $43,895.

Councilman Mellette moved to ACCEPT staffs recommendation of Von-Aire, Inc. for $43,895 being seconded by Councilman Byrnes.

Councilman Heyman said she could not imagine there being approximately $30,000 difference in the bids. She said she is uncomfortable about the low bid. She asked how Von-Aire, Inc. could bid so low.

Mr. Chattin said it is a combination of a couple of things. He said Von-Aire, Inc. has done a couple of smaller jobs in the renovation project and they know exactly what needs to be done. He said they also know they are going to get paid in a timely manner.

Councilman Heyman asked if all the bidders got the same thing to go by to bid on the project.

Mr. Chattin said all the bidders got the same material and specifications to place their bids.

Councilman Heyman asked if Council was allowed to ask the other bidders why they bid so high after the matter was voted on.

City Attorney Simpson said Council could ask but the bidders may not tell them.

The motion CARRIED 4-1 on roll call with Councilman Heyman voting no.

12. AWARD OF BID FOR 1994 ATHLETIC PROGRAM

See the attached list for the recommendation of bids by staff.

There was a question on the price difference of the "saftey balls"

Mr. Chuck Beach explained the difference between a saftey ball and a regular ball specifications and how it effects the use in the ball machine.

Councilman Mellette moved to ACCEPT staffs recommendations of bid awards being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

13. SET PUBLIC HEARING FOR CONDEMNATION HEARING ON 737 CARSWELL AVENUE

Mr. Harbuck said this is a two story, three unit apartment building that has fallen into a state of disrepair. He said he is asking Council to set a date for

a public hearing to consider condemning the structure. He asked the hearing be set for no more that thirty days from tonight.

Councilman Mellette asked Mr. Harbuck if he has had any contact with the owner with Mr. Harbuck answering, the owner is aware the public hearing is coming.

Councilman Mellette moved to have the public hearing on March 8, 1994 being seconded by Councilman Heyman.

The motion CARRIED 5-0 on roll call.

14. RECONSIDERATION OF AWARD OF ELECTRICAL CONTRACT FOR CITY HALL WORK

Mr. Chattin said the previous electric company, A Electric, was unable to get a bond to perform the work awarded to them at the last Council Meeting. He said the next bidder L & D Electric, Inc. bid $93, 324. Staff feels this is a good bid and is still within the budget therefore, staff recommends award of bid to L & D Electric, Inc. and recind the bid from A Electric, Inc.

Councilman Heyman moved to recind the award of bid from A Electric, Inc. and award the bid to L & D Electric, Inc. for $93,324 being seconded by Councilman Mellette.

Councilman Byrnes questioned whether the project needed to be re-bid.

City Attorney Simpson said the project did not need to be re-bid.

The motion CARRIED 5-0 on roll call.

15. DISCUSSION OF GOAL SETTING SESSION

Mayor Wine said things haven't changed that much since the last session and she did not feel Council needed to go through this.

Councilman Byrnes said things have changed and the purpose of the Goal Setting Session was for Council to be able to set an "brainstorm" and decide what direction they wanted to take the City. He said the last session was from the last Council and the new Council may have different ideas and different feelings.

Councilman Mellette said this is a way the Council can set down and discuss goals individually without violation of the "Sunshine Law".

Councilman Heyman asked if they wanted to have a workshop.

Councilman Mellette said the man that heads these sessions keeps things on and even keel and gives the Council direction.

There was a brief discussion on having a workshop instead of the Goal Setting Session.

Councilman Byrnes said the gentleman heading up the session helps people communicate.

Councilman Mellette said this gentleman helps pull feelings out that someone otherwise might not say and keeps everything calm. He said the Council is five different people with five different ideas. He said he felt if the session helps the City go forward then it is worth it.

City Manager Hester said the cost of the session is $1,900.

Councilman Mellette moved to have the Goal Setting Session being seconded by Councilman Byrnes.

The motion CARRIED 4-1 on roll call with Mayor Wine voting no.

16. EXPENDITURE FROM LAW ENFORCEMENT TRUST FUND (521.641)

Chief Finn said this expenditure is for two computers which are needed to replace computers that are about twenty years old. He said the current equipment can not keep up with the high-speed messages that come through.

Councilman Byrnes moved to APPROVE the expenditure of $2280 for two new computers for the Police Department being seconded by Councilman Byrnes.

The motion CARRIED 5-0 on roll call.

17. ORDINANCE REGARDING POLICE PENSION

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 21 (POLICE DEPARTMENT), SECTION 21-3 (ADDITIONAL PENSION BENEFITS), OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA, TO PROVIDE FOR AN AMENDMENT OT THE DEFINITION OF NORMAL RETIREMENT DATE; TO PROVIDE AN INCREASE IN EMPLOYEE DEDUCTIONS TO BE CONTRIBUTED TO THE RETIREMENT TRUST FUND; TO PROVIDE FOR AN INCREASE IN TEH EMPLOYEE CONTRIBUTIONS IN LIEU OF PAYROLL DEDUCTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

This is part of the collective bargaining agreement between the PBA and the City.

Mayor Wine said this is a "twenty year and out" retirement plan.

Mrs. Gubernator said it will cost about $23,500 more than what was budgeted for this fiscal year for this program.

Mr. Hester said this is the implementation of a labor contract that was negotiated last year.

Councilman Mellete moved to APPROVE the Ordinance on first reading being seconded by Councilman Heyman.

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

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

18. ORDINANCE AMENDING LAND USE AND DEVELOPMENT REGULATIONS (EXCEPTIONS REGARDING FINAL DEV. ORDER BEING ISSUED PRIOR TO ISSUANCE OF PERMIT)

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE 2352 WHICH ADOPTED THE LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING CERTAIN EXCEPTIONS FROM THE REQUIREMENT THAT A FINAL DEVELOPMENT ORDER BE ISSUES PRIOR TO ISSUANCE OF A DEVELOPMENT PERMIT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson said this Amendment is intended to allow any individual who filed an application before new development regulations were adopted to have the set-backs with respect to an issuance of an order today to be determined based on the set-backs that were in effect at the time the application was filed.

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; Byrnes, yes; Heyman, yes; Wine, yes.

19. PURCHASE OF ROLL OFF CONTAINERS

Mr. Chattin said the current budget provides for the purchase of roll off containers this year. Mr. Chattin said the City is in need of ten roll off containers. Four of the containers (30-cubic yar capacity) will be used for the residential recycling program and the other six (20-cubic yard capacity) are needed for the regular roll off service. The cost of the containers will be $22,080.

This purchase will be a "piggy back" order with Indian River County.

Councilman Byrnes moved to APPROVE the purchase of roll off containers for $22,080 being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

20. COMMUNICATIONS FROM CITY MANAGER

Mr. Hester brought up a number of items:

A. Mr. Hester said an offer to purchase a lot on Riverside Drive has come to him and he must present the offer to Council. The offer is for $2,500 which Mr. Hester said is a low bid and he recommends against accepting the bid.

Councilman Heyman moved to reject the offer of $2,500 for property on Riverside Drive being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

B. Mr. Hester reported on the microphones the Council asked about. He said the most economical microphones will cost approximately $65 each from Radio Shack. He said he had some companies look at the system and they feel the system needs to be replaced when Council moves into the new Council Chambers.

Councilman Byrnes said the Radio Shack microphones are pretty good but he thinks we should also add a couple of more speakers in the back so everyone can hear.

It was the consensus of Council to have Mr. Hester purchase the microphones and speakers for the back.

C. Mr. Hester said the City is re-bidding the Center Street Water Line based on the Council's new policy about bonds.

D. Mr. Hester said he would be writing a letter on behalf of the Council supporting the Florida Retirement withdrawal for new employees.

E. Mr. Hester reported to Councilman Heyman signs would be put up on Espanola to help with the speeding problem.

21. COMMUNICATIONS FROM CITY ATTORNEY

None.

22. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Mr. Helmentoller asked when the Center Street Water Line would be done now that it has to be re-bid. Mr. Hester said the Center Street Water Line would be on the March 8, 1994 agenda.

Mrs. Ruth Starr, 346 Clifton Avenue, said the Justice Department governs that everyone must hear in the Council Meetings. She read an article on Non-discrimination for disbilities. She said anytime someone can not hear they can write the Justice Department.

Councilman Byrnes thanked IBEW for the Youth Center signs and said the youth worked very hard putting the signs up. He asked everyone to come by and see what the youth are doing.

Councilman Elliott said he was involved in the meeting with the Library Board and he said there was real interest in using the red brick school house for the new library. He said they would like to get in touch with the appropriate people and they would also like to get in to look at the building.

Councilman Elliott said the surveys that went out to the City employees would not be seen by anyone other than him. He said he had many employees call and voice concern about their job or reprecussions if they filled out the survey. He said he would like to present the results and a typed copy of the comments from the surveys to the Civil Service Board. He said he would not give the originals to the Civil Service Board. He said he would like to confer with the Civil Service Board and asked if this must be put on an agenda.

City Attorney Simpson said the Council could authorize Councilman Elliott to present the information to the Civil Service Board.

Councilman Heyman moved to have Councilman Elliott present the information he received from the employee surveys to the Civil Service Board being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

Mayor Wine brought up the fact the "Bike Week" will be from March 4th through March 13, 1994. She said the "bikes" do generate a lot of money for the City's businesses and asked the residents to bear with the bikes for that week.

23. ADJOURNMENT

With nothing further to come before the Council the meeting was adjourned at 9:00 p.m.

_____
Mayor

ATTEST:

_____
City Clerk/Manager