M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 23, 1999

1. CALL TO ORDER

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

Answering roll call were Mayor Arthur, Commissioners Arthur Byrnes, Shirley Heyman, J. D. Mellette, and Roland Via.

Also attending were City Manager, Donald Lusk, City Attorney, Ed Simpson, Public Works Director, Milt Hallman, Police Chief, Larry Walker, and City Clerk, Joyce Holmquist.

2. INVOCATION

Public Services Director, Milt Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Ten Year Service Award: Ronald Stier, Police Officer. Chief Walker reported Officer Stier was presently engaged in an arrest. Mayor Arthur indicated perhaps the award could be moved to the next meeting for presentation.

5. CONSENT AGENDA

A. Minutes of Regular Meeting – February 09, 1999

*Commissioner Heyman moved **APPROVAL of** the consent agenda, seconded by Commissioner Via.* The motion **CARRIED** 5-0 on roll call: Heyman, yes; Via, yes; Mellette, yes; Byrnes, yes; Arthur, yes.

6. AUDIENCE PARTICIPATION

None

7. FIRST READING, ORDINANCE NO. 2556, ANNEXATION BY VOLUNTARY PETITION.

City Attorney Edward Simpson read: **ORDINANCE NO. 2556** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTIES LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL, OWNED BY WILLIAM AND BETTY QUINLAN; REDEFINING THE BOUNDARIES OF THE CITY OF HOLLY HILL TO

INCLUDE SAID PROPERTY; ESTABLISHING COMPLIANCE WITH FLORIDA STATUTES, 171.044; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF CIRCUIT COURT IN AND FOR VOLUSIA COUNTY, FLORIDA, THE DEPARTMENT OF STATE, STATE OF FLORIDA, AND WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City Manager noted this ordinance was presented in conjunction with Ordinance No. 2555 which had passed first reading at the previous Commission Meeting.

Commissioner Mellette moved APPROVAL of Ordinance No. 2556 on first reading, seconded by Commissioner Heyman.

The motion to **APPROVE** Ordinance No. 2556 on first reading **CARRIED** 5-0 on the following roll call: Mellette, yes; Heyman, yes; Byrnes, yes; Via, yes; Mayor Arthur, yes.

8. AUTHORIZATION OF EVENT SPECIFIC (OPERATIONAL ASSISTANCE) MUTUAL AID AGREEMENT RELATING TO MAJOR LAW ENFORCEMENT PROBLEMS.

The City Manager reported the mutual aid agreement was proposed at the request of Sheriff Vogel and basically the agreement would deputize Holly Hill Officers to work for the County in a specific event. The City Manager advised that Holly Hill would always come first so that the city would never be understaffed and this would always be considered before agreeing to send any staff.

Commissioner Via moved APPROVAL of the Event Specific Mutual Aid Agreement relating to major law enforcement problems, seconded by Commissioner Heyman.

The motion to **APPROVE** the Mutual Aid Agreement **CARRIED** 5-0 on the following roll call: Via, yes; Heyman, yes; Mellette, yes; Byrnes, yes; Arthur, yes.

9. RESOLUTION NUMBER 99-R-04, RELATING TO SERVICE FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, ADDING A SERVICE FEE AND DEPOSIT FOR THIRTY AND FORTY YARD ROLLOFF CONTAINERS.

City Attorney Edward Simpson read: **RESOLUTION NUMBER 99-R-04** by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING SERVICE FEES TO BE CHARGD FOR COLLECTION AND DISPOSAL OF SOLID WASTE, PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Heyman moved APPROVAL of Resolution 99-R-04, seconded by Commissioner Mellette.

The City Manager advised the Resolution was presented charges for the thirty and forty yard rolloff containers provided by Jennings Environmental Services, Inc., the solid waste refuse contractor for the city.

Discussion by the Mayor and Commissioners turned to the rate structure regarding agenda item ten. The Mayor indicated he had wanted to workshop the commercial rates because he did not see the reasoning in charging commercial customers double as compared to residential customers for the same container as this was not business friendly. The City Manager reported he believed residential customer routes generated very little refuse on the second pickup of the week, while this was not true of commercial routes. The Mayor questioned whether adoption of the Resolution would result in a savings for commercial customers since the city had privatized refuse collection? The City Manager advised that would be dependant upon what the Commission wanted to do October 1st. The Manager indicated that Jennings was of the position that they weren't being paid for the second pickup. Discussion by Commissioners expressed opposition to raising rates. The Manager emphasized that the Resolution did not raise rates. The Resolution set rates for large containers with respect to service fees and deposits for the collection and disposal of solid wastes. The Manager satisfactorily answered questions relating to yard trash, bulky refuse and white goods relating to Resolution 99-R-04.

The motion to **APPROVE** Resolution 99-R-04 **CARRIED** 4-1 on the following roll call: Heyman, yes; Mellette, yes; Byrnes, yes; Via, yes; Arthur, no.

10. RESOLUTION NUMBER 99-R-05, APPROVING ADDENDUM TO JENNINGS ENVIRONMENTAL SERVICES, INC. CONTRACT FOR SOLID WASTE SERVICES DATED MARCH 11, 1998; CONCERNING COMMERCIAL PICKUPS, ADVERTISING AND FEES

City Attorney Edward Simpson read: **RESOLUTION NUMBER 99-R-05** by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE ADDENDUM TO THE CONTRACT FOR SOLID WASTE SERVICES WITH JENNINGS ENVIRONMENTAL SERVICES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The City Manager advised that numbers 3 and 4 (i. e., $4.00 per cubic yard for bulky refuse and $123.00 per month plus landfill costs for 30 yd. Rolloffs and $143.00 per

month plus landfill costs for 40 yard rolloffs) within the Addendum were actually what was occurring, but the contract did not currently reflect this. (Said proposed addendum hereby appended.) The City Manager indicated he would like to place item four, which had just been approved by 99-R-04, in the actual contract, as well as item three because that was what was actually being paid. Concerning item one in the addendum, the City Manager reported that the Finance Dept. had commercial charges set up for years, for once a week pickup, but city staff were picking up the refuse twice each week. Therefore, the records had not matched what had been actually happening. One of the reasons for privatizing had been in order to establish uniform rates. The contract had been negotiated based on what the financial records of the City reflected. The proposal was to place a rate structure in the addendum for the second pickup. Currently the contract stipulated that the City Manager would settle disputes; however, one desired to be fair. The Manager indicated if the Commission did not want to pay Jennings a proposed percentage of increase for the second pick-up, it would be his job to advise Jennings. This issue had not been work shopped due to Jennings desiring to do something by the first of March.

The City Manager reported currently Jennings was running green Jennings Trucks within the residential neighborhoods contrary to the contract due to their equipment being broken. Mayor Arthur indicated the purpose of privatizing was to save money for commercial accounts. Commissioner Byrnes indicated he was opposed to raising rates. The City Manager reported the affected customers had experienced a one year savings to date and if the City hadn't privatized, the City would have had to raise rates, so this did constitute a savings. The City's refuse service had run at break even and privatizing had caused a profit for other city uses while saving customers money for the service, all while cutting property taxes. The City Manager advised that when Jennings had negotiated the contract he believed they had understood they would be picking up 400 cans twice a week at the rate of $17.57 because they had followed the city trucks and had reviewed the city's landfill costs. Detailed discussion indicated the Commissioners believed Jennings should follow the terms of the contract concerning any rate increases and wait the stipulated year and one half if they were having a problem, as Jennings had not brought attention to the problem until almost a year into the contract. The City Manager indicated he would negotiate whatever the Commission set forth.

Concerning item two within the Addendum, the City Manager reported that if the City ever went back to the refuse collection business, the City would start out with brand new cans provided by Jennings. Commissioner Byrnes objected to the possibility of any advertising being placed on residential cans, indicating he didn't mind the name Jennings stamped on the cans, but he opposed all the advertising which was being placed as "sold advertising" on everything in society today. The City Manager recommended changing the addendum in order to stipulate that Jennings could only place its name on the residential cans and no other advertising. The Commissioners agreed.

Commissioner Via moved APPROVAL of Resolution 99-R-05 and the Contract Addendum, with the exception under Item One, deleting everything after "Jennings will

continue to provide twice a week commercial can pickup at a rate of $17.57 per month per customer," and accepting Items 2, 3 and 4, seconded by Commissioner Mellette.

The City Attorney recommended an amendment to Commissioner Via's motion, i. e., a counter proposal authorizing the City Manager to agree to signing the Addendum, deleting Item One entirely and accepting Items 2, 3, and 4 upon agreement by Jennings to the deletion of Item One. This would constitute agreement for the City Manager to renegotiate to amend the contract. *Commissioner Via moved the amendment to his motion for APPROVAL as set forth by the City Attorney, seconded by Commissioner Mellette, i. e., APPROVAL for the City Manager to renegotiate with Jennings to amend the contract to accept Items 2, 3, and 4 if Jennings agreed to delete Item One, seconded by Commissioner Mellette.*

Upon discussion regarding negotiations, Commissioner Via indicated perhaps the City should not agree to Item 2 until the City Manager was satisfied regarding Item One.

*Commissioner Via **WITHDREW** his **MOTION** and Commissioner Mellette withdrew his second.*

*Commissioner Via **MOVED** to deny the request to enter into the Contract Addendum with Jennings Environmental Services, Inc., seconded by Commissioner Mellete.*

The motion to **DENY** the request to enter into the Contract Addendum **CARRIED** 5-0 on the following roll call: Via, yes; Mellete, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

11. RESOLUTION NUMBER 99-R-06, RESOLVING TO WORK TO ACHIEVE THE VISION OF A CLEAN COMMUNITY.

City Attorney Edward Simpson read RESOLUTION NUMBER 99-R-06 by short title.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA DECLARING SATURDAY, APRIL 24, 1999 AS SPRING CLEANING DAY; JOINING THE HALIFAX/INDIAN RIVER TASK FORCE, KEEP DAYTONA BEACH BEAUTIFUL, AND VOLUSIA COUNTY ENVIRONMENTAL MANAGEMENT SERVICES IN SPONSORING A SPRING CLEANUP DAY, APRIL 24, IN CONJUNCTION WITH THE "GREAT FLORIDA CLEANUP" AND URGING ALL CITIZENS TO JOIN IN CLEANING UP AND IMPROVING THE COMMUNITY AND WATERWAYS;

DIRECTING THAT COPIES OF THIS RESOLUTION BE FORWARDED TO ALL INTERESTED PARTIES.

Commissioner Mellette moved APPROVAL of Resolution 99-R-06, seconded by Commissioner Heyman.

At the request of Commissioner Via, *Commissioner Heyman **MOVED** an amendment to the third "Whereas" within the Resolution, requesting the addition of "The Beautification Board" to those in support of the goals of the Halifax/Indian River Task Force to make the waterways clean and safe, seconded by Commissioner Byrnes.*

The motion to **AMEND** Resolution 99-R-06 **CARRIED** 5-0 on the following roll call: Heyman, yes; Byrnes, yes; Mellette, yes; Via, yes; Arthur, yes.

Commissioner Via introduced Beautification Board Member, Vice-Chairman, Sue Burcham, who was present in the audience.

The vote on the main motion to **ADOPT** Resolution 99-R-06 **CARRIED** 5-0 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

12. COMMUNICATIONS FROM CITY MANAGER:

The City Manager advised he had an add on to the agenda advising the City had received bids on the Ridgewood Avenue Streetscape and Maintenance Project on February 18, 1999. The bids had been reviewed and it was recommended that the contract be awarded on parts I, II, III and IV, to "You and Me Gardens, of 102 Poincianna Cove, New Smyrna Beach, Florida at $209,886.21 for construction, and that Part V be awarded to TIF-JEN, INC. of 824 Chickadee Drive, Port Orange, Fl. at $29,700.00 for maintenance. The Manager reported the lowest and best combination of contract was as recommended and the bid award would be within the budgeted amount of money from the State Grant and monies put aside by the City. The target date for completion was June, 1999.

*Commissioner Via moved **APPROVAL** of the bid award as described by the City Manager, seconded by Commissioner Mellette.*

The vote on the motion to APPROVE the bid award for the Ridgewood Avenue Streetscape and Maintenance Project **CARRIED** 5-0 on the following roll call: Via, yes; Mellette, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

13. CITY ATTORNEY

Attorney Ed Simpson indicated he had nothing further to report.

14. COMMUNICATIONS FROM MAYOR & COMMISSION

Byrnes – Commented on a letter received from the Chairman of the County Council thereby indicating disagreement with the correspondence and emphasizing instead that vehicles on the Atlantic Ocean Beach were important to the local economy, stressing that people were not visiting or staying the way they used to and that since the implementation of the beach tolls, the economy had suffered.

Heyman - Stressed that the County Council had not accomplished anything to assist local businesses and that it appeared that even the race crowd business was beginning to suffer somewhat.

Via - Stressed that privatizing part of the beach along the Main Street, Seabreeze, area, would only place additional regulations at greater cost, while providing the public less.

Mayor Arthur – stressed that quality of life was the most important thing to him and that increased businesses were needed in order to keep taxes low.

15. ADJOURNMENT

The meeting officially adjourned at approximately 8:55 p. m. A workshop immediately followed in Conference Room #227.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

CITY CLERK