

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
MARCH 24, 1998**

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at 1065 Ridgewood Avenue in City Hall.

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

Also attending were City Manager Donald Lusk, Acting City Manager Joe Forte, City Attorney Edward F. Simpson, Jr., and City Clerk Sue W. Blackwell.

2. INVOCATION

Public Works Director Milton Hallman gave the Invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA

*Commissioner Via moved to **APPROVE** the consent agenda being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.*

Mayor Arthur presented Certificates of Recognition to members of Boy Scout Troop 405 for becoming involved in Local Government and Citizenship by having attended the City of Holly Hill Commission meeting on March 24, 1998.

5. AUDIENCE PARTICIPATION

None

6. PROCLAMATION CALLING FOR ANNEXATION REFERENDUM

City Attorney Simpson read the Body of the Proclamation:

PROCLAMATION DECLARING SPECIAL ELECTION

WHEREAS, the City Commission of the City of Holly Hill is required by Charter Section 142 to call all General and Special elections by Proclamation;

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WHEREAS, City is pursuing annexing the unincorporated lands West of the City and those lands lying between the City of Holly Hill and the City of Ormond Beach by involuntary annexation.

WHEREAS, pursuant to Florida Statute Section 171.0413, an involuntary annexation must be approved by referendum of the registered electors in the area proposed for annexation and if the annexation would increase the total area or increase the total population of the City by more than five percent (5%) the involuntary annexation must also be approved by the registered electors of the City of Holly Hill.

WHEREAS, the area proposed for annexation would have the effect of increasing both the area and population of the City of Holly Hill by more than five percent (5%).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA, DOES HEREBY PROCLAIM THE FOLLOWING:

1) The Special Election for the City of Holly Hill, Florida shall be held on June 16, 1998

2) The questions to be decided shall appear on the ballot in the following form:

Shall the City of Holly Hill annex the property described in Ordinance No. 2509.

____ Yes - For annexation of property described in Ordinance Number 2509 of the City of Holly Hill.

____ No - Against annexation of the property described in Ordinance Number 2509 of the City of Holly Hill.

3) The following locations are designated as voting places for the purpose of this election and shall be opened at 7:00 a.m. on the date of the election and shall be kept open until 7:00 p.m. on the same day:

City Precincts

- 526 - Sica Hall, 1065 Daytona Avenue, Holly Hill
- 527 - Sica Hall, 1065 Daytona Avenue, Holly Hill
- 528 - Holly Hill Youth Center, 1025 Hartford Ave., Holly Hill
- 529 - Holly Hill Youth Center, 1025 Hartford Ave., Holly Hill

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County Precincts:

- 523 - Prince of Peace Catholic Church, 600 S. Nova Road
- 524 - Prince of Peace Catholic Church, 600 S. Nova Road
- 530 - Daytona Beach Church of Christ, 1040 Derbyshire Road
- 531 - Greater Halifax Worship Center, 1050 Derbyshire Road

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Holly Hill, Florida to be affixed this ____ day of _____, 1998

Acting City Manager Joe Forte explained this Proclamation is required by law and is the first legal action the City is taking for the involuntary annexations west of the City. There will be more information later on this evening at the workshop.

Estelle Bowen 1401 Sunset Blvd. - said she was curious about the benefits of annexation.

Mayor Arthur explained the City has received a lot of voluntary annexations because the City has better services. The City will be getting out to different parts of the community to explain the benefits of annexation and what the City has to offer.

Tammy Caldwell 1504 Primrose Lane – said she is one of the people who have been collecting signatures to stop the annexation. Ms. Caldwell said she chose to move to the County because she doesn't want to be forced into a sewer system that is offered by the City that she will have to pay for both for installation and monthly payments. Ms. Caldwell also said she did not want the tax value of her house to decrease as it has in many properties in Holly Hill. Ms Caldwell said she wanted to go on record as being strongly opposed and is collecting signatures and educating the public.

Commissioner Byrnes said if you look towards the future, the things you are talking about with sewer are all on the horizon whether you stay in the County or become part of the City. The environmental regulations are such that they're going to be requiring sewer for all concentrations of homes such as the ones where you are at. I believe that our City can provide better services than the County is providing for you now. I also believe by having the seat of government here a mile or two from your house rather than all the way over in Deland, we will be able to provide you better service than what you're getting from the County. I know that our Police response will be quicker than the response you're getting now.

Charlotte Ramsey 1505 Primrose Lane – said that of the 200 signatures collected so far only 3 are in favor of annexation. The people are happy with what they have. Mrs. Ramsey said the County, I think they're doing a great job they patrol our neighborhood they're always in the area.

James A. Fryer 1422 Jackson Avenue – said he has no problem with fire protection, it's excellent. Mr. Fryer said he has as good or better roads than Holly Hill. Garbage pickup

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it's satisfactory as is. Mr. Fryer outlined several cost comparisons for the Commissioners for water, sewer, franchise fees, taxes, etc. Mr. Bowen said my main concern and all my neighbors main concern is we just don't need Holly Hill it was voted out once before and I can't see any advantage and don't want it. We're going to fight for it.

Wilfred Bowen 1401 Sunset Blvd. – said his question is how will the people in the unincorporated area be notified of the annexation meetings.

Mayor Arthur said the fastest way the City knew how to do it was through the schools and churches but the meetings will be advertised in the newspapers and mailings will be sent out.

*Commissioner Mellette moved to **APPROVE** the Proclamation Declaring Special Election being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

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

7. ORDINANCE NO. 2504 – AMENDS THE PERSONNEL RULES & REGULATIONS (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2504

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE NO. 2422 WHICH ADOPTED THE PERSONNEL RULES AND REGULATIONS ATTACHED HERETO; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **ADOPT** Ordinance No. 2504 on final reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

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

8. ORDINANCE NO. 2505 – AMENDS BEAUTIFICATION BOARD TO INCLUDE ALTERNATES (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2505

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 2-149 OF THE HOLLY HILL CODE OF ORDINANCES TO ALLOW FOR TWO ALTERNATE MEMBERS TO THE BEAUTIFICATION ADVISORY

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

Acting City Manager Joe Forte explained this adds two alternates to the Beautification Board. The purpose of the alternates is to insure a quorum for the meetings.

*Commissioner Mellette moved to **ADOPT** Ordinance No. 2505 on final reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

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

9. REQUEST CITY COMMISSION AWARD BIDS – Painting of Public Works Vehicles

Acting City Manager Joe Forte said originally there were six vehicles that were going to be painted; two of these vehicles are being sold to Jennings. The remaining four vehicles were sent out for bids to be painted and two companies placed bids. One company only bid on three vehicles so when comparing the two companies' bids on three vehicles, Pride Company came at a cost of about \$1,000 less. Staff recommends going with Pride for painting all four vehicles for a total not to exceed \$10,569.

*Commissioner Via moved to **APPROVE** award of the bid as recommended by Staff to Pride Company being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.*

10. REQUEST CITY COMMISSION AUTHORIZE QUENTIN HAMPTON ASSOCIATES TO PROCEED WITH INFILTRATION/INFLOW ANALYSIS STUDY (Addendum 3)

Acting City Manager Joe Forte said the first question is whether we (City) have an infiltration problem with the system. According to the Study by Quentin Hampton and Associates the answer to that question is yes. This is a three part phase. The second part of this is to determine where the leaks are. This is done by smoke testing, manhole inspections, internal inspections and heavy cleaning. Once we determine where the leaks are, we will be coming before you to go ahead and make the repairs. At this time Staff is asking approval to do the testing. The work won't begin until the 22nd of May and we are waiting for approval from the State on a 3% low interest loan for \$90,000 to go ahead and begin the work.

Commissioner Heyman and Commissioner Byrnes asked to hear from the engineer. Quentin Hampton and Associates President Richard Fernandez said he was the author of the Infiltration/Outflow Analysis Study which is the basis of the work program. Mr. Fernandez said, "The easiest way to illustrate the nature of the problem is on Figure 1 & 2 of the report. It shows the relationship between rainfall and wastewater and water flows in the City. A second chart further back in the report Figure 3 shows the

relationship between rainfall and wastewater strength. This establishes the magnitude of the problem and the rest of the report looks at where is the majority coming in. We don't want to look at everything. We want to look at the systems that are the worst first. The program that has been developed is a program to look at the worst first.

Commissioner Byrnes said, "My main concern is the impact on the users while this is occurring."

Mr. Fernandez said, "The way the smoke testing works is we will go into each subsystem one at a time. Before they start any smoke testing in a subsystem service area, door knockers will be placed on each of the individual homes letting them know that in the next week or the following week this activity will go on."

*Commissioner Via moved to **APPROVE** testing as recommended by Staff being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.*

11. RESOLUTION 98-R-11– SUPPORTING HOMEOWNERS' PROTECTION ACT (SB 1478 & HB 3827)

City Attorney Simpson read:

RESOLUTION 98-R-11

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, SUPPORTING PASSAGE OF SENATE BILL 1478 AND HOUSE BILL 3827, THE HOMEOWNERS' PROTECTION ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **ADOPT** Resolution 98-R-11 being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on the following roll call.*

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

12. REQUEST AWARD OF BIDS ON RIVIERA ESTATES UTILITY IMPROVEMENTS

Acting City Manager Joe Forte said, "This brings the water and sewer into the area of the Riviera Estates and doing the road repair afterwards. This is all part of annexation agreement established with the people at Riviera Estates. The cost for this is not going to exceed \$254,212. This is going to be funded through contingency money."

*Commissioner Mellette moved to **APPROVE** award of bids on Riviera Estates Utility Improvements being seconded by Commissioner Via. The motion **CARRIED** 5-0 on roll call.*

13. REQUEST APPROVAL FOR PROFESSIONAL PIGGING SERVICES, INC. TO CLEAN FORCE MAINS #4 AND #11

Public Works Director Milton Hallman explained ‘pigging’ a line is a series of putting in swabs of all different consistencies and forcing them through the water mains using the force of the pumps behind it until the density of the swabs can clean the pipe out. The efficiency of the pumping stations increases by quite a bit. These lines have never been cleaned since they were installed back in the early 70’s. This is a contractor who is the only one in the southeast United States who does this as a principal business and we’re piggy backing on Lakeland contract.

*Commissioner Via moved to **APPROVE** cleaning force mains being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on roll call.*

At this point Mayor Arthur called for a short five minute recess. After the five minute recess the meeting resumed.

14. REQUEST CITY COMMISSION AUTHORIZE QUENTIN HAMPTON ASSOCIATES ENGINEERING SERVICES FOR S.E. DRAINAGE IMPROVEMENTS PROJECT

Public Works Director Milton Hallman explained this is the Third Street and Sixth Street retention pond we’re building immediately east of the sewage treatment plant. Staff did not have **formal authorization** from the Commission for the professional services.

Commissioner Mellette asked how much money is involved and if it is budgeted. Mr. Hallman said, “\$15,000 for inspections and \$4,000 for engineering services and the money is in the budget.”

*Commissioner Heyman moved to **APPROVE** request being seconded by Commissioner Via. The motion **CARRIED** 5-0 on roll call.*

15. FINANCE DEPARTMENT REQUESTS APPROVAL OF 1996-97 BUDGET TRANSFERS

Acting City Manager Joe Forte said “the auditors have completed review of the 1996-97 Budget and at this time Staff is asking Commission acceptance of the report that is attached showing the administrative transfer of line items and balanced budget.”

*Commissioner Via moved to **APPROVE** report being seconded by Commissioner Byrnes. The motion **CARRIED** 5-0 on roll call.*

16. ORDINANCE NO. 2506 – VOLUNTARY ANNEXATION OF KUREK PROPERTY – Southwest Corner of Nova Rd. & Walker Street (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2506

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING CERTAIN PROPERTY INTO THE CITY BY VOLUNTARY PETITION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Acting City Manager Joe Forte said “This annexation is the property located at the southwest corner of Nova Road and is a completely voluntary annexation. There has been no incentives offered for this and is coming in at no cost to the City. This is Daytona Sand and Gravel.”

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2506 on first reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

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

17. ORDINANCE NO. 2507 - VOLUNTARY ANNEXATION OF SALH PROPERTY (Three parcels) one faces Alabama Avenue, one faces Golf Avenue, and one is on the west side of Nova Road in the block just north of Alabama Avenue (First reading)

City Attorney Simpson read:

ORDINANCE NO. 2507

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING CERTAIN PROPERTY INTO THE CITY BY VOLUNTARY PETITION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2507 on first reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call.*

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

18. COMMUNICATIONS FROM CITY MANAGER

Acting City Manager Joe Forte thanked the Mayor for his patience this evening and wished City Manager Don Lusk good luck on his surgery.

19. COMMUNICATIONS FROM CITY ATTORNEY

City Attorney Simpson read:

RESOLUTION 98-R-14

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA EXPRESSING DISSATISFACTION WITH THE IMPACT ON THE CABLE SERVICE RATES AS A RESULT OF DEREGULATION OF THE CABLE INDUSTRY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 98-R-14

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA EXPRESSING DISSATISFACTION WITH THE IMPACT ON THE CABLE SERVICE RATES AS A RESULT OF DEREGULATION OF THE CABLE INDUSTRY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **ADOPT** Resolution 98-R-14 being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

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

20. COMMUNICATIONS FROM MAYOR & COMMISSION

The Mayor and each Commissioner wished Mr. Lusk well on the surgery he has scheduled on Wednesday.

21. ADJOURNMENT

Mayor Arthur announced there will be a Workshop immediately following the regular meeting to discuss the Gymnasium with no further business to come before the Commission the meeting was adjourned at approximately 8:50 p.m.

Mayor

Attest:

City Clerk