

M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
MARCH 8, 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. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

The Invocation was given by Councilman Byrnes.

SPECIAL PRESENTATION

F.I.N.D. presented the City with a check for \$40,000 for the work at Sunrise Park and complemented the City on the great work they did with the Park improvements.

4. AUDIENCE PARTICIPATION

Mrs. Ruth Starr, 346 Clifton, said she had received several telephone calls concerning the lack of a second to the motion that was made at the last Council Meeting to discuss the City Managers Contract. She said she would like to see a Special Meeting called to discuss the contract.

Mrs. Pat Fink, 526 Eagle Drive, said she agreed with Mrs. Starr and would also like to see a meeting called.

Mr. Ray Blossom, 1413 Daytona Avenue, stated concerns about the speed limit increase on Riverside Drive and Mayor Wine told him this was on the agenda and he would have a chance to speak on it when it came up later in the meeting.

Mrs. Pearl Gill, 759 Orchard, asked Council to address the situation at Desperados concerning the "Bike Wash" and the "naked or half

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naked" women who are washing the motorcycles by the street on Ridgewood Avenue. She said the situation is indecent and dangerous.

Mayor Wine said she was not aware of the situation and asked Mr. Hester if he knew anything about this.

Mr. Hester said he had received a number of calls and he, the Police Chief and Building Official have looked into the situation. He said there is no Ordinance violation and they are not violating any laws. He said in planning ahead for next year there might be some need for some ordinances to address the issue.

Mayor Wine told Mrs. Gill it did not look like the City could enforce anything dealing with this situation.

Councilman Byrnes questioned a law outlawing "thong" bathing suits and asked Mr. Simpson to look into the law and try and do something to help the people with this situation.

Ms. Ruth Davis, 12th Street, said she was aware of the fact that Desperados has a permit to have the Bike Wash but she did not think the City of Holly Hill should let them do this and bring the City "down" just for the revenue they will make from Desperados. She expressed concern about what is going on in Daytona Beach will spread to Holly Hill and the City will become "rowdy". She says she feels safe in Holly Hill and the City does not need revenue from that kind of business doings.

Mayor Wine said the City Manager and the Police Chief would keep monitoring the situation.

Councilman Elliott asked when the Special Meeting could be addressed that the citizens had asked for.

Mayor Wine said anyone could call a Special Meeting whenever they want to.

Councilman Elliott asked if it was time to do it now.

Mayor Wine asked Mr. Simpson if there was any reason why they could not call a meeting.

Mr. Simpson said Council could do it now.

Councilman Elliott said he would like to make a motion that Council call for a Special Meeting to go over Mr. Hester's contract being seconded by Councilman Heyman.

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Councilman Byrnes asked what date and what time.

Council consensus decided on March 17, 1994 at 7:30 p.m.

The motion CARRIED 3-2 with Councilman Byrnes and Councilman Mellette voting no.

5. CONSENT AGENDA

- A. Approval of Minutes - Regular Meeting, February 22, 1994
- B. Bills and Accounts

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

The motion CARRIED 5-0 on roll call.

6. CONDEMNATION OF 737 CARSWELL AVENUE

Mr. Tim Harbuck asked Council to issue a Certificate of Condemnation for sixty days to rehabilitate the structure or demolish it.

Councilman Mellette moved to issue the Certificate of Condemnation for sixty days being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

7. ORDINANCE NO. 2371 ANNEXING CERTAIN PROPERTY INTO THE CITY FROM VOLUSIA COUNTY

City Attorney Simpson read:

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Mellette moved to ADOPT Ordinance No. 2371 as read being seconded by Councilman Elliott.

The motion CARRIED on the following roll call:

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

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**8. ORDINANCE NO. 2372 REZONES CANUP PROPERTY AT 1111 AND 1113
POWERS AVENUE FROM R-3 TO I-1**

City Attorney Simpson read:

AN ORDINANCE AMENDING THE ZONING MAP BY REZONING PROPERTY LOCATED AT 1111 & 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 ADOPT Ordinance No. 2372 as read 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.

Mr. Tony Schmidt, 722 Orchard Avenue, asked Council if he could ask a question about the previous motion concerning annexation and Mayor Wine allowed him to do so.

Mr. Schmidt asked Council to explain which properties were being annexed. Council showed him a map and told him only the properties that have asked to be annexed were being annexed and they let him know if he would like to be then Mr. Hester would be glad to help him out.

**9. ORDINANCE NO. 2373 AMENDS POLICE PENSION FUND TO ALLOW FOR
"TWENTY AND OUT"**

Mayor Wine ask Mr. Hester if when negotiating with the PBA Union he received the report from the Finance Director. (see attached)

Mr. Hester said he did receive the report.

Mayor Wine expressed concern about the amount of the Unfunded Actuarial Accrued Liability which is \$250,000. She was concerned that overtime and people who have already been with the police department twenty years were not included in this.

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Mr. Hester said the previous Council was aware of the impact and the amount the City would be contributing.

Mayor Wines asked if they were aware there was a unfunded liability of \$250,000. She then asked why Section (f) had been added to the original ordinance.

Mr. Hester stated it was language proposed by the City Attorney. He said it is something which could be amended by Council tonight.

Mayor Wine questioned if the word "involuntary" would effect more people. She said she understood why the section had been added but she thought the situation was going to be taken care of without having to add to the ordinance.

Mr. Hester said this is working it out and it is only applicable to one employee and will save the City from litigation.

Mayor Wine asked why it could not be worked out without putting section (f) in the ordinance.

City Attorney Simpson said in this particular instance an employee was terminated and filed an appeal. He said the employee said all he really wanted was to be able to retire. Mr. Simpson said at that point the City had two options (1) to reinstate the employee and then let the employee retire or (2) to make the ordinance retroactive to October 1, 1993 and allow anyone who had been terminated and was eligible to retire to retire. Mr. Simpson said the cleanest way to do it was to make the ordinance retroactive.

There was a lengthy discussion with Mr. Simpson finally adding that obviously an agreement was entered into with PBA in good faith and it would be an unfair labor practice not to honor the agreement that was entered into. If Council decides they are not happy with this then it should be brought up in the next labor negotiations.

Mayor Wine said she would like it to be brought up in negotiations with PBA this summer.

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 TO THE DEFINITION OF NORMAL RETIREMENT DATE; TO PROVIDE AN INCREASE IN THE EMPLOYEE CONTRIBUTIONS IN LIEU

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OF PAYROLL DEDUCTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT Ordinance No. 2372 as read being seconded by Councilman Elliott.

The motion CARRIED on the following roll call:

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

10. ORDINANCE NO. 2374 AMENDS LAND USE REGULATIONS

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 FORM THE REQUIREMENT THAT A FINAL DEVELOPMENT ORDER BE ISSUED PRIOR TO ISSUANCE OF A DEVELOPMENT PERMIT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes moved to ADOPT Ordinance No. 2374 being seconded by Councilman Heyman.

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

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

11. CONSIDERATION OF RIVERSIDE DRIVE SPEED LIMIT

Mayor Wine said the current speed limit is twenty-five miles per hour.

Councilman Heyman moved to raise the speed limit from twenty-five to thirty-five miles per hour.

The motion died for lack of a second.

Councilman Byrnes moved to reaffirm Councils support of the twenty-five mile per hour speed limit being seconded by Councilman Mellette.

Mr. George Fries, 1000 Riverside Drive, asked with the new Council members at hand if he could give the Council a handout (see attached) Mr. Fries said a few years ago the citizens got together to form a coalition to Save Riverside Drive. He said raising the

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speed limit would not help the natural beauty of Riverside Drive. He asked the Council to read the handout.

Mayor Wine said she did not think the Council lowered the speed limit but it was the County that did it.

Councilman Mellette said he was the Councilman who made the original motion to lower the speed limit and it was lowered by Council decision.

Councilman Heyman said she was at that meeting and Council did lower the speed limit.

Councilman Heyman gave some statistics on traffic violations on Riverside Drive. She said she understood the people on Riverside Drive did not want the speed limit changed but the whole time she was campaigning she had many people come to her and ask if she could help get the speed limit changed.

Councilman Heyman said the speed limit in Ormond and Daytona Beach is thirty-five miles per hour and Holly Hill has a speed trap with the twenty-five mile per hour speed limit.

Mrs. Pearl Ward, Riverside Drive, asked Councilman Heyman who the people were she told she would look into raising the speed limit and if they were people from Holly Hill.

Councilman Heyman said some of the people were from Holly Hill and some from Ormond Beach.

Mrs. Ward said most of the streets in Holly Hill are posted at twenty-five. Riverside Drive is a residential area and there are also parks along Riverside Drive. She said a lot of people come by foot and there are no sidewalks or shoulders on most of the road. She asked if the Council would want the death of one child on their conscious and if the City is prepared for the liability of a death if the speed limit is raised. Mrs. Ward said there are alternate routes if the commuters want to go faster. Mrs. Ward said the City should protect its citizens who walk and bike on Riverside Drive and use the parks.

Mrs. Anna Seay, 1324 Riverside Drive, said to Councilman Heyman if she insisted on bringing the speed limit up she would not get her vote in the next election. She said a lot of Holly Hill people worked to do some good and she asked Council not to undo it.

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Mr. Robert Chesnowitz, 1430 Riverside Drive, gave out statistics on the speeding violations issued in 1993. Mr. Chesnowitz and Councilman Heyman's statistics were very different. Mr. Chesnowitz said he stopped putting the fence up in front of his property because it has been knocked down three times by speeders. He said if the speed limit is raised then the City should give back the \$40,000 from F.I.N.D. because we do not want to entice anymore people into our parks.

Chief Finn said both Councilman Heyman's and Mr. Chesnowitz's figures were accurate but one is total speeding tickets and the other is total tickets given.

Councilman Byrnes said one of the reasons he favors the twenty-five mile an hour speed limit on Riverside Drive is because historically the Council has set speed limits that the people on the street who live there want. He said the residents on the street should control the speed limit.

Councilman Elliott said originally he wanted it changed back to thirty-five but then he started thinking about the children and also all the residents he has talked to want the speed limit left at twenty-five and he is here to do what the citizens want.

Councilman Mellette said lowering the speed limit has served its purpose to lower the speeds on Riverside Drive and he could not see changing it back so the speeds will increase again.

Mr. Anna Seay commended Chief Finn and his men on the great job they are doing catching the speeders.

Ms. Tess Jackson, 139 14th Street, said she has heard pros and cons on the subject and she would like to commend Councilman Heyman for bringing the subject up and no one should hold it against her for bringing up something that a citizen asked her to bring up.

Mayor Wine said there were more people here for leaving the speed limit at twenty-five miles per hour but personally she would like to see the speed limit raised. She said thirty-five miles per hour is not a lot and other people would like to see it raised just not the people who live on Riverside Drive.

The motion CARRIED 3-2 with Councilman Heyman and Mayor Wine voting no.

12. REQUEST TO ANNEX PROPERTY WEST OF NOVA ROAD INTO THE CITY (1177 15TH STREET)

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Mayor Wine questioned if this property only wants sewer.

Mr. Hester said the City would be providing both water and sewer.

Councilman Mellette moved to instruct staff to proceed with the request for the voluntary annexation of 1177 15th Street being seconded by Councilman Byrnes.

Mayor Wine said if the City is going to pursue annexations of property and there are people in the City who do not have sewer then she did not think it was right.

Councilman Byrnes said the people coming into the City are going to pay impact fees to hook up.

Mayor Wine said there are people in the City who do not have a sewer.

Councilman Byrnes said for most of those people it is there own choice.

There was a brief discussion on the different areas that do not have sewer service.

The motion CARRIED 5-0 on roll call.

13. RECLASSIFY ADMINISTRATIVE ASSISTANT POSITION FROM CIVIL SERVICE EXEMPT TO NON-COMPETITIVE CIVIL SERVICE.

Mayor Wine said Mr. Hester has asked Council to reclassify this position.

Mr. Hester said he had an employee that was going to be placed in that position and it would be a cost saving measure overall and reduce the expenditures in the budget.

Councilman Mellette moved to Reclassify the Administrative Assistant position from Civil Service Exempt to Non-Competitive Civil Service being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

14. ORDINANCE AMENDING PURCHASING ORDINANCE RE: BONDS

City Attorney Simpson read:

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AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 2-313 (WAIVER OF IRREGULARITIES) AND SECTION 2-320 (PERFORMANCE AND PAYMENT BONDS) OF THE CITY OF HOLLY HILL'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes questioned the wording of the Ordinance in regards to making no payment until the project is complete. He would like to see it say the City can make partial payment while the job was being done.

There was a brief discussion with Council consensus to keep the language "no payment until the project is complete".

Councilman Mellette said he thought the language should be changed to read a higher figure than \$10,000 to require a bond.

There was a lengthy discussion on what the figure should be before a bond is required and what kind of projects a bond should be required for.

It was Council consensus that to be able to waive a bond, it must come before the Council first and also it applies to all projects, services or products.

City Attorney Simpson said he could change the language and bring it back at the second reading if approved tonight.

Councilman Heyman moved to APPROVE the Ordinance amending the Purchasing Ordinance Re: bonds being seconded by Councilman Elliott.

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

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

15. RESOLUTION APPOINTING AN ALTERNATE TO 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 AN EFFECTIVE DATE.

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Councilman Mellette moved to APPOINT Robert Chesnowitz as the alternate to serve on the Board of Planning and Appeals being seconded by Councilman Heyman.

The motion CARRIED 5-0 on roll call.

16. RESOLUTION APPOINTING MEMBERS TO THE OCCUPATIONAL LICENSE EQUITY COMMISSION

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, CREATING AN EQUITY STUDY COMMISSION FOR THE PURPOSE OF REVIEWING THE CITY'S CURRENT FEE STRUCTURE FOR OCCUPATIONAL LICENSES AND TO RECOMMEND A NEW CLASSIFICATION SYSTEM AND RATE STRUCTURE; PROVIDING FOR APPOINTMENT TO THE EQUITY STUDY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The Council submitted the names as follows:

Councilman Byrnes - Mary Shearer
Councilman Mellette - Sandra Moore
Councilman Heyman - has no one at this time
Councilman Elliott - John Butterfield
Mayor Wine - Jim Rasor

Councilman Byrnes moved to ADOPT the Resolution Appointing Members to the Occupational License Equity Commission being seconded by Councilman Mellette.

Councilman Heyman will bring a name back at a latter time.

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

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

17. CONSIDERATION OF CHANGE ORDER FOR HVAC CONTRACT

This portion of the minutes will be verbatim per the request of Councilman Heyman.

Mr. Chattin: On February 22, 1994, the Council awarded the contract for the HVAC system in the renovation of the City Hall project to Von-Aire, Inc. of Holly Hill, in the amount of \$43,895. Since that time a question has been raised as to the preference of using galvanized ductwork in lieu of the fiberglass ductwork that was bid and specified for the project. We have talked to Von-Aire and they have given us a quote \$16,105 as an increase to install galvanized

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ductwork. We have looked into this; we have talked with mechanical engineers; we have talked to the suppliers and there are pros and cons as to use of the two types of systems. Staff does not feel like the additional cost of \$16,105 is worth it, therefore, we recommend we continue with the project as awarded.

Mayor Wine: I have some questions. I checked around but I haven't called EPA, I assume Mr. Hester that EPA requires the metal galvanized duct.

Mr. Hester: No Ma'am, it does not.

Mayor Wine: I checked with one of the other cities that just completed their municipal building and they used galvanized ductwork all over their building.

Councilman Heyman: I would like to ask why you changed the specs after we paid all this money to have them drawn up?

Mr. Chattin: Mainly for the amount of \$16,105, Mrs. Heyman.

Councilman Heyman: In the long run, Mr. Chattin, we're going to pay more for repairs. We're talking about our police station where a lot of people are going to be in there twenty-four hours a day.

Councilman Byrnes: Mrs. Heyman, where do you get the information that we're going to pay more for repairs?

Councilman Heyman: Did you read C.B. Cummings, did you get a copy of that?

Councilman Byrnes: Yes.

Councilman Heyman: Did you read it where it says it doesn't have the longevity that the galvanized steel has?

Councilman Byrnes: Well, that's their opinion but the opinion of other engineers is that the difference between the cost of the two is not worth \$16,105. So, I frankly do not see why this is here. We discussed this, we passed this.

Councilman Heyman: We passed what?

Councilman Byrnes: We passed the ordinance, excuse me, we accepted the bid for \$43,895 to put in the ductwork and to put in the air conditioning. We did that at the last meeting, everybody had their

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agendas before that. They had plenty of time to discuss, look or change or minds if we wanted to then.

Councilman Heyman: Did you know that was what was going in it Mr. Byrnes or did you did you think steel was going in it, or did you know?

Mayor Wine: Excuse me, if I may. When we approved the HVAC contract last time I don't think anything was said about fiberglass ductwork and/or sheetmetal ductwork and they had turned in, and nobody said what it was. They turned in and requested them to give us another bid on galvanized because the other two contractors turned in bids for galvanized sheet metal. Well, if the other two firms did not turn it in for fiberglass then it's not hardly fair for us to say that this other one is correct. If we hired M.B. Cummings Engineers to tell us what we should have in a municipal building then I don't see how we can go against Mr. Cummings Engineering because we pay this company.

Councilman Byrnes: We have often gone against staff and consultant recommendations. Especially if it is going to cost us \$16,105 more and it is not going to add any benefit.

Mayor Wine: How do you know this? Based on the information here it certainly does add.

Councilman Byrnes: I have an expert there and I have an expert there telling me that they believe it is not a problem.

Councilman Heyman: Well, Mr. Byrnes, when the bids were put out, my understanding from Mr. Hester, City Manager, told me that Mr. Martin told him, that all three bidders were told to bid on fiberboard or steel duct.

Councilman Byrnes: That's correct.

Councilman Heyman: O.K. The high two bidders said they knew nothing about that whatsoever. They bid it on specs, specifications.

Councilman Byrnes: It's easy for someone to say that after the bid is awarded and you've lost.

Councilman Heyman: Mr. Byrnes, give me a break.

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Councilman Byrnes: Give me a break Mrs. Heyman, you are mettling into things that have already been passed and done and you are only going to end up costing us more money.

Mayor Wine: Mr. Byrnes.

Councilman Byrnes: We're either going to end up with the \$60,000 because we've decided to go with galvanized or we're going to re-bid it and everyone knows what was bid and the bids are going to come in at \$100,000.

Mayor Wine: Mr. Byrnes, the Council people sit up here and vote to appropriate funds and pay these bills and to take care of the help of the City of Holly Hill. If this had been done properly as Mr. Hester knows, there would have been addendums sent out. There was no addendum sent out and that is the proper way to do something on any bid. Mr. Chattin knows that and so does Mr. Martin and there was no addendum sent out. That is not proper, maybe you think it is, but it is not proper. If you go back and look at the other contract that were that were let the addendums were sent out Mr. Byrnes. On the other projects that we did addendums were sent out! That's the only way we can do that with proper contracting.

The other question I would like to ask is to Mr. Martin. I certainly am not a general contractor but I have asked some questions of other people in the HVAC system business and I would just like you to answer these questions, please.

Mayor Wine: On this spec that went out does the return air system have a filter in it?

Mr. Martin: Yes, ma'am.

Mayor Wine: Are the filters in the return air grill?

Mr. Martin: They come with the piece of equipment. They are in the piece of equipment.

Mayor Wine: Do the specs call for the filters to be in it?

Mr. Martin: Yes.

Mayor Wine: Thank you. Is there a ten percent margin of increase we need to further expand?

Mr. Martin: An increase in what?

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Mayor Wine: The HVAC system. Do we allow any margin of expansion?

Mr. Martin: The engineers who designed this would have to answer that. I mean we're taking the equipment that they recommended to us and I assume they have adequate safety factors in it.

Mayor Wine: Are the grills adjustable?

Mr. Martin: I can't answer that.

Mayor Wine: Do we have heat strips or do we have pumps or do we have both?

Mr. Martin: We have heat pumps, electric heat pumps with auxiliary heat strips that will come on in case the heat pumps can not carry the load, if it is too cold outside.

Mayor Wine: That makes it more efficient?

Mr. Martin: Yes.

Mayor Wine: Do we have dual stage thermostats?

Mr. Martin: Yes.

Mayor Wine: Do you know if EPA requires electronic filters in municipal buildings?

Mr. Martin: They do not.

Mayor Wine: Those were the only questions that I had.

Councilman Heyman: O.K. I have two. One I want to make to the City Manager and one to the City Attorney.

Mr. Simpson, when the specs call for sheetmetal does the Council have to vote on this change or can Mr. Martin or Mr. Chattin change it on their own?

Mr. Simpson: If the Council has approved the specifications before they went out, in other words, if they were brought to you for consideration and approval then any change in them unless you authorize carte blanche the change should be brought back to you, I think.

Councilman Heyman: Wasn't that what we were voting on, the specifications?

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Mr. Simpson: I don't know if the Council ever had the specifications brought to them and were asked the question, "Do you want sheetmetal or do you want fiberglass initially". I don't know if the Council was ever asked that question.

Councilman Heyman: Well what I am asking you is why would they do that whenever they paid this money to draw up these specs? I mean that does not make sense.

Mr. Martin: May I interject something here?

Councilman Heyman: Yes.

Mr. Martin: Our specifications that are almost all standard specifications say what the engineer is quoting here is a style and brand of equipment or type of materials that he prefers. It always says and it does in these specifications that you can use and substitute equal and as good as materials for them. For instance the engineer here specifies all Carrier-Brown equipment. I was asked by all the contractors if they could use other equipment that was equal to and I said our specifications always say you can furnish anything that is equal to what we have in the specifications. That is what the specifications themselves gives us the leeway to accept anything that we as an engineering department consider equal to what was specified.

Councilman Heyman: O.K. Mr. Hester.

Mr. Hester: Yes, ma'am.

Councilman Heyman: Did you send out a letter to Ferran asking them to bid on the fiberboard?

Mr. Hester: Yes ma'am, Mr. Martin contacted Ferran and R&R as well. Ferran declined to bid based on their quality concerns they had with the fiberboard product.

Councilman Heyman: Then he wouldn't even bid on it.

Mr. Hester: That's correct.

Councilman Heyman: He wouldn't even put it in there.

Mr. Hester: That's correct.

Councilman Heyman: That should tell us something.

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Mr. Martin: If I may, I would like to address that also. I took the trouble to go to three major manufacturers of fiberboard. I asked them to give me information they knew about it concerning air quality with fiberboard vent board and with galvanized. I got responses from all three. One late this afternoon. They all said there is no evidence in the world to substantiate that there is any difference in air quality between galvanized and fiberboard ductwork.

Mayor Wine: Who did you say you talked to?

Mr. Martin: I talked to three different manufacturers, I talked to Owen-Illinois, I talked to Knaupf, and I talked to Con-Air Metal who represents several companies. They all told me exactly the same thing and they all offered to send representatives to address the meeting and show literature to tell the Council anything they want to know about the product. I believe a man may have come here tonight, I am not sure. I didn't ask him to, he volunteered but I was asking for information.

Mayor Wine: Come on up sir.

Mr. Hillard: My name is David Hillard and I'm with Knaupf Fiberglass. I also hold a Class A state air conditioning license which is currently in inactive status in the state of Florida. If I may approach I have put together some brochures with some information that would outline some of the questions that you brought up. I can answer some of the questions that you have.

Councilman Heyman: Your company sells fiberglass board?

Mr. Hillard: We're the manufacturer. Yes, we are the one of the four largest manufactures in the United States.

In the brochure you will find I have compiled a few of the latest data that has been published that has been seen by the health organizations plus other agencies throughout the world. The data has been approved and put into publication over the last year. A letter has been sent to Mr. Martin regarding the City Hall. This letter outlines one of the testing procedures of the seventeen that this product must perform to allow us to put a UL label on the product. The one particular test, air erosion test, seems to get the most amount of questions. The air erosion test is performed at Underwriters Laboratories on a continuing basis and it is performed at two and a half times the rated and listed velocity of the product. In layman terms that is about one hundred miles per hour

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of forced air through the ductwork system. It can not show any erosion for a five and a half hour testing procedure. Fiberglass is one of the most researched and studied products in the construction industry. Over the last forty years millions of dollars have been spent to update testing procedures to insure the safety of the product. The material has been tested and found to be safe when installed in a close to manufactures recommendations. The material will last for the economical lifetime of the HVAC system. The system can be cleaned using manufactures approved methods. An approved method booklet was published last year by the North American Insulation Manufactures Association. The inclusion of fiberglass air duct board in this contract is not only a safe decision but is a fiscally responsible decision. I do not understand what your bidding procedures were that is not really my concern. I will be happy to furnish any information and answer any questions that I can regarding manufactures recommendations, installation, inspection and check lists. Whatever I can do for your engineer.

Councilman Byrnes: Why do you think one of our bidders would say they would not bid fiberglass?

Mr. Hillard: It's not unusual, over the last ten years with the problems that asbestos have caused and the scare of asbestos that there is a lot of misinformation and a lot of contracting firms that may not have the most up to date information. It is not unusual. Just they are both fibers, they are completely different fibers. This one has been tested as well as asbestos and this has been proven to be safe and of course you know the problems with asbestos, you just spent a lot of money to have some removed from one of your buildings. That is no unusual. We're fighting that, it is one of those things.

Councilman Heyman: So, you can honestly say that it is just as good as the sheetmetal ducts?

Mr. Hillard: Absolutely. Yes ma'am.

Mayor Wine: That's because you're the manufacturer of fiberglass.

Mr. Hillard: Of fiberglass products. As a matter of fact most products in the galvanized systems that are installed in municipal buildings in the State of Florida, and I've been in this industry for eighteen years, most of them are fiberglass lined. Sheetmetal on the exterior with fiberglass on the interior for sound intenuation.

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Mayor Wine: Well did you bring a sheetmetal man here also, Mr. Martin?

Mr. Martin: No ma'am.

Councilman Byrnes: You didn't bring him here either did you Mr. Martin?

Mr. Martin: No. I did not.

Mr. Hillard: I volunteered.

Mayor Wine: Thank you very much.

Mr. Martin: I was talking to him about the product and he said I think I would like to come to the meeting because we want to defend our products and I said fine you can come if you want to.

Mayor Wine: Thank you very much.

Mr. Chesnowitz: What is the life expectancy of the sheetmetal on the outside fiberglass on the inside lined board? Especially in this atmosphere where we have a lot of salt content?

Mr. Hillard: Some of the first aluminum jacketed fiberboard systems were installed along the Carolina coast and they are still in operation today. We go around the country and take out old systems and test them to see what type of degradation has happened over the years and at this point we have not been able to substantiate it is anything beyond or less than the economical life of the HVAC system. We have had no problems that we can point to.

Mr. Chesnowitz: The life of a system is how long?

Mr. Hillard: Usually a systems life expectancy with the use of the building for its intended purpose, the systems life I would assume would be fifteen years on the equipment in commercial applications. There are duct systems that are over thirty years old that are fiberglass duct systems that are still being used today.

Gentleman in Audience: Are there different types of fiberglass made such a heavy or light in the industry?

Mr. Hillard: Yes, there are different densities. Each of them may have different fiber thicknesses.

Gentleman: Do they use the industrial? Is that what they use?

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Mr. Hillard: I don't know what was bid in this particular.

Mr. Martin: Class 1

Mr. Hillard: If it is standard Class 1 it could be four and a half pound density or it could be six depending on what the specification was.

Mayor Wine: Mr. Martin, do you know what class it was?

Mr. Martin: Yes, it was class 1.

Mayor Wine: Do you Council people have anymore questions for this gentleman?

Council: No.

Mayor Wine: Thank you very much for coming. We appreciate that very much.

Councilman Heyman: Mayor Wine, I would like to read something to the audience. I have a letter from M.B. Cummings, Engineers, the people that drew up our plans. I won't read the whole thing.

1. Sheetmetal is cleaner over the years, dust will not build up as it can in fiberboard systems.
2. Sheetmetal usually requires no maintenance to repair joints and split open duct system from aging.
3. Sheetmetal ductwork allows high static pressure without erosion or damage to ductwork system.
4. Sheetmetal ductwork has a longer life span than fiber ductwork. Sheetmetal ductwork provides a more efficient system of less fan horsepower. However, M.B. Cummings, Engineers allow jobs to be constructed with fiber ductboard if the client so desires and is aware of the problems associated with fiber ductboard and relieves M.B. Cummings of all liability associated with fiber ductboard such as splitting joints and separation.

Councilman Byrnes: It should be continued. "Fiber ductboard should be of the commercial class 1 grade as a minimum standard on any construction which is what was specified".

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Councilman Heyman: Right. It also says, It shall be noted that M.B. Cummings has inspected systems 1, 2, & 3 duct system which are install and found the fiber ductboard to be installed in an acceptable manner.

Mayor Wine: Right! Now it is just a matter of whether we want to pay. Von-Aire has submitted a bid for approximately \$60,000.

Councilman Heyman: M.B. Cummings says it is a \$70,000 job.

Mayor Wine: Which would make it about \$16,000 more, I think that is what Mr. Chattin said and it is for galvanized steel ductwork. So if you want to go with the difference then we need to have a motion to see which one we want to do.

Councilman Heyman: I make a motion we go with the specs, the specifications of the steel duct work.

Mayor Wine: And go with Von-Aire at \$60,000.

Councilman Heyman: Well no, I think we should discuss the other bids. First of all that's not fair when the man already knew what the other two bidders had bid then he comes in at \$60,000. We got some double standards here somewhere. Something is not right here. I don't think it is fair to the other two bidders.

Councilman Mellette: Who do you personally want to award it to?

Councilman Heyman: I would give it to the middle bidder because he bid it on the specs.

Councilman Mellette: Why don't we throw them all out and start all over again.

Councilman Heyman: Then you're going to get what Mr. Byrnes, you know. They all know what everybody bid. So how can you do that? I'm not for holding this project up.

Councilman Byrnes: As someone who ran on a platform of wanting to reduce cost in government you're certainly taking something that was already voted on and already done and adding \$16,000 at least to the cost.

Councilman Heyman: I'm all for saving the City money but I want the City to get good stuff. I wanted them to get stuff that is going to last. We're talking about commercial basic quality.

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Councilman Mellette: Are you saying the other material is no good?

Councilman Heyman: I'm not saying it is no good. I did not even insinuate that Mr. Mellette. I'm saying..

Councilman Byrnes: Then why change it?

Councilman Heyman: You got it in your specs Mr. Byrnes. Why do you go against what is in our specifications from a gentleman we paid good money to draw these specs up. If you remember right, I told you at the last meeting something was wrong with the bids. When we're getting something for half price. Well, there was something wrong with them.

Councilman Byrnes: I don't agree with that.

Councilman Heyman: I think everyone should know about it.

Councilman Byrnes: In your opinion, maybe there was something wrong with them.

Councilman Heyman: No. That's not my opinion it is M.B. Cummings.

Mr. Sharp: What was wrong with them?

Mayor Wine: Just a moment please. In the first place Mr. Byrnes you did ask, I asked why there was a price difference of \$30,000. You Mr. Byrnes did ask and they didn't tell us it was in fiberglass. They did not say that at all Mr. Byrnes. They just said the man could do it for that. Mr. Martin said they just gave that bid of \$48,000 and they did not bother to tell us it was on fiberglass. That's the only thing I think you'll find Mrs. Heyman was questioning. You even questioned Mr. Byrnes and I did too.

Councilman Byrnes: If I remember correctly I sat back and said something about when I gave more money to somebody it got me in trouble.

Mayor Wine: Your question was why there was \$30,000 difference Mr. Byrnes. You and I both did.

Councilman Heyman: How much was budgeted for that job?

Mayor Wine: Do you know Mr. Martin?

Mr. Martin: We had \$85,000 budgeted for this particular item.

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Mayor Wine: \$85,000.

Councilman Heyman: Why Mr. Martin did we have \$85,000.

Mr. Martin: Because that was our preliminary estimate of what it would cost.

Councilman Heyman: Un uh. Thank you sir.

Councilman Mellette: Just because we budget that much does not mean we have to spend it.

Councilman Heyman: Absolutely not. I agree with that.

Mayor Wine: We can either go with Von-Aire at \$60,000 on the galvanized steel ductboard or we can go with the original fiberglass or we can go with the second bid which was approximately \$73,000, I don't have the figure in front of me, that was to Ferran Engineering. The last bid was to R & R. So what are your wishes.

Mrs. Blackwell: Excuse me Mayor. You have a motion on the floor from Councilman Heyman to go with the specs.

Councilman Heyman : And also can I say to go with the middle bidder? Can I do that?

Councilman Byrnes: There is not a second yet.

Mrs. Blackwell: You would have to ask the City Attorney since you already awarded a contract. I don't know about that.

Councilman Mellette: That's adding another \$13,000 to the \$16,000.

Councilman Heyman: I'm still asking how Von-Aire can do it so much cheaper than the other guys when they told me their markup is fifteen to eighteen percent and they could not do it any less than that.

Councilman Byrnes: How can I buy things cheaper at your restaurant than somebody elses restaurant? That's their business.

Mayor Wine: I was going to say maybe they don't pay there helper as much as the R&R.

Councilman Mellette: That's their business not ours.

Mayor Wine: She was asking a question.

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Councilman Byrnes: I understand.

Mayor Wine: So maybe they don't pay there help as much as another company pays.

Councilman Heyman: Well I rest my case folks. Anybody in the audience like to ask anything about this?

Mr. Chesnowitz: I believe Ferran Engineering farms their work out.

Councilman Heyman: I beg your pardon?

Councilman Elliott: They sub it out.

Mr. Chesnowitz: They sub it out exactly.

Councilman Mellette: So you're paying for Ferran's profit and the sub's profit.

Mayor Wine: So that is probably why Von-Aire can do it for less because they pay there workers less.

Mr. Sharp: Charles Sharp, 1500 Riverside Drive, taxpayer, I really appreciate the lesser bids, the people told you in their bids they could do it for that then that is what they are going to do it for. And they're going to give you a quality product. If the other two bidders were not smart enough to bid the fiberboard, that's their problem, not yours. It's not you alls place to go back an tell them how the other bidders bid the job in the first place. They are sealed bids that are sent out and sent back. It is up to you all to accept the best bid and the best bid would be Von-Aire, they were the cheapest bidder. Thank You.

Councilman Heyman: I beg to differ with you on the bids because the other two bidders bid it on sheetmetal because they were not told, from what they told me, they could bid on fiberglass.

Mr. Sharp: It is a sealed bid, you do not have to tell everybody what you are bidding.

Mayor Wine: Thank you Mr. Sharp.

Mr. Sharp: You're welcome Mrs. Wine.

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Councilman Heyman: Oh, you don't have to tell them they don't go by specs? You just tell them to put in there what they want to or what?

Mayor Wine: We have a motion on the floor, could you please tell us what the motion says:

Mrs. Blackwell: The motion was "to go with the specs".

Mayor Wine: Motion died for lack of second.

Councilman Mellette: I make a motion we proceed with the bid we already awarded with the specs that were there under Von-Aire.

Councilman Byrnes: Second.

Mayor Wine: Any discussion? Call the roll please.

Mrs. Blackwell: Councilman Mellette?

Councilman Mellette: Yes.

Mrs. Blackwell: Councilman Byrnes?

Councilman Byrnes: Yes.

Mrs. Blackwell: Councilman Elliott?

Councilman Elliott: Yes.

Mrs. Blackwell: Councilman Heyman?

Councilman Heyman: No.

Mrs. Blackwell: Mayor Wine?

Mayor Wine: Yes.

At this time a seven minute recess was called.

18. STREET LIGHT SURVEY (800 BLOCK MAGNOLIA)

Mr. Hester said there was a request for a street light which was sent to the Police Department for a survey. The survey came back recommending a light be placed on an existing pole in front of 813 Magnolia.

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Councilman Mellette moved to APPROVE a light being placed at 813 Magnolia being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

Mrs. Susan Huggins, 802 Magnolia, said she called in for the light and she would like to find out if they could get a sign placed on the street that says "Caution: Children at Play".

Mayor Wine said she needed to contact Mr. Hester and he would follow through.

19. CITY HALL SITE PLAN

Mayor Wine said there was a map in the agenda packet and she would like Mr. Chattin to explain it.

Mr. Chattin said the map was a conceptual view of a proposed layout for the east side of City Hall. (see attached)

Councilman Byrnes said he wanted to go on record as objecting to not being able to drive completely around City Hall by blocking off the driveway on the South Side of City Hall.

There was a lengthy discussion with it being decided no construction would be undertaken until each member of the Council could tour the site with Mr. Chattin and have everything explained in detail. This will be brought back up at another meeting.

20. AWARD OF BID ON DUMPSTERS

On March 2, 1994 bids were received for dumpsters and dumpster replacement. (see attached)

Industrial Refuse Sales was the low bidder for the containers and the major replacement components (bottoms). It is recommended the contract for purchase of dumpsters be awarded to them.

The dumpsters will be ordered on an "as needed" basis.

The budgeted amount for these containers is \$12,000.

Councilman Mellette moved to approve staff's recommendation and award the bid for dumpsters to Industrial Refuse Sales being seconded by Councilman Byrnes.

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The motion CARRIED 5-0 on roll call.

21. COMMUNICATIONS FOR CITY MANAGER

Mr. Hester said he received a fax from the City of Daytona Beach discussing the renaming of 11th Street to L.P.G.A. Boulevard, from Jimmy Ann to the west. Mr. Hester said they wanted some feedback from the Council.

Mayor Wine said she thought L.P.G.A. Boulevard sounded better than 11th Street.

It was Council consensus that it sounded better and they have no problem with changing the name.

22. COMMUNICATIONS FROM CITY ATTORNEY

None.

23. COMMUNICATION FROM MAYOR AND CITY COUNCIL

Councilman Byrnes said the street light between Gibbons and Jeffrey on Third Street is out. He would also like the placement of the light to be looked at. He would like to see it placed on the corner.

Chief Finn will look at the light and changing the location.

Councilman Byrnes also asked if McAuthur Circle could become two way again and have the one way signs taken down.

Councilman Byrnes moved to remove the one way signs and let McAuthur Circle become a two way street being seconded by Councilman Elliott.

The motion CARRIED 5-0 on roll call.

Councilman Heyman thanked Mr. Chattin for the quick response to the signs on Espanola. She also said at 397 Dubs Drive the residents say their water meter is covered with dirt and would like to know how anyone is reading the meter.

Councilman Heyman asked if the Crossing Guards were voluntary work and Chief Finn said the Sheriff's Department handles them.

Councilman Elliott said he plans to present the Civil Service Board with the Employees Surveys at the next Civil Service Meeting.

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Mayor Wine said The Fraternal Order of Eagles honored Joe Forte, firefighter and Harold Hatcher, police officer. She said a couple of weeks ago the Elks Club also honored Harold Hatcher.

Mayor Wine also said she attended the last VCOG meeting and Deanie Lowe is advocating having one uniform election date throughout the County. This would cut the cost of the elections. She would like two people to represent the City at the next meeting on April 14, 1994. Mayor Wine suggested Mrs. Blackwell and Scott Simpson attend to represent the City.

Mayor Wine stated the Council is having a Goal Session with Dr. Peter Colby on March 15, 1994 at 7:00 p.m. at DBCC in room 202.

Councilman Byrnes thanked Mr. Hutchinson and his crew, who were involved in putting in the new microphone system.

24. ADJOURNMENT

With nothing further to come before Council the meeting was adjourned at 10:10 p.m.

Mayor

ATTEST:

City Clerk/Manager