M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
March 9, 1999

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at 6:30 p.m. By a special order of the Mayor, the meeting was advertised to convene at 6:30 p. m. rather than 7:30 p. m. in order to accommodate Commissioners Byrnes' and Via's travel to Tallahassee for the Legislative Session.

Answering roll call were Mayor Arthur, Commissioners Arthur Byrnes, J. D. Mellette, and Roland Via. Commissioner Shirley Heyman was not in attendance due to illness.

Also attending were Assistant City Manager, Joe Forte, City Attorney, Ed Simpson, Public Works Director, Milt Hallman, Police Chief, Larry Walker, Economic Development Director, Ira Corliss, City Planner, Bob Keeth, and City Clerk, Joyce Holmquist. The City Manager, Don Lusk, having indicated he would arrive late, arrived at approximately 6:50 p. m. The Building Official, Tim Harbuck, arrived near the close of the meeting.

2. INVOCATION

Ms. Barbara Davis of the Metropolitan Planning Organization, delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Mayor Arthur presented a Proclamation declaring March 15th as Mrs. Caroline Bernhardt Day in honor of Mrs. Bernhardt having been named "Teacher of the Year" for Holly Hill Elementary School.

5. CONSENT AGENDA

A. Lease Purchase of Lap Top Computers in the amount of $16,005.00 with Local Law Enforcement Block Grant Monies, as previously discussed on 1/12/99, and projected for purchase at $16,168.00.

B. Minutes of Regular Meeting – February 23, 1999

C. Minutes of Commission Workshop – February 23, 1999

Commissioner Mellette moved ***APPROVAL of*** *the consent agenda, seconded by Commissioner Via.* The motion **CARRIED** 4-0 on roll call: Mellette, yes; Via, yes; Byrnes, yes; Arthur, yes.

6. AUDIENCE PARTICIPATION

Mr. Roy Schleicher, of the Goudy-Schleicher Company, 101 S. Woodland Blvd., DeLand, Fl., provided a brief report concerning the Legislative Hearings in Tallahassee. Mr. Schleicher noted that Commissioners Byrnes and Via were traveling to Tallahassee as part of the Volusia League of Cities' efforts with the Legislative Session. In years past communication had mostly occurred through indirect impact and there had been very little concerted effort to obtain the Legislators' attention.

Further audience participation occurred later in the meeting just prior to agenda item number eleven.

7. RESOLUTION NUMBER 99-R-07, A RESOLUTION RECOMMENDING THE SELECTION OF "ALTERNATIVE 2" FOR THE U. S. 1 TRANSPORTATION STUDY FOR THE CITY OF HOLLY HILL, FLORIDA.

City Attorney Edward Simpson read **RESOLUTION NUMBER 99-R-07,** by short title.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA RECOMMENDING THE SELECTION OF "ALTERNATIVE 2" FOR THE U. S. 1 TRANSPORTATION STUDY FOR THE CITY OF HOLLY HILL.

Commissioner Via moved APPROVAL of Resolution Number 99-R-07, seconded by Commissioner Byrnes.

Ms. Barbara Davis, of the Metropolitan Planning Organization, and an associate from TEI, provided a brief overview. The details of the study and alternatives had been work shopped by the Commission and the Redevelopment Board and a full presentation had occurred recently before the City Commission. Area cities such as Holly Hill and South Daytona along U. S. 1 had indicated preference for a four lane configuration to that of six lanes and the accompanying improvements such as bike facilities, better sidewalks and transit improvements which could be phased in over time. The study had recommended an improvement to the intersection at U. S. 1 and LPGA Blvd.; however, the city had requested improvements to other intersections. It was noted that all improvements had to be applied for through the normal MPO process and that from application to the start of any project it was always at least five years and sometimes ten depending upon the existing prioritized project list.

The motion to **APPROVE** Resolution Number 99-R-07, **CARRIED** 4-0 on the following roll call: Via, yes; Byrnes, yes; Mellette, yes; Mayor Arthur, yes.

8. RESOLUTION NUMBER 99-R-08, SUPPORTING THE PASSAGE OF H. R. 316, THE "CRUISE-TO-NOWHERE ACT OF 1999" BY THE U. S. HOUSE OF REPRESENTATIVES.

City Attorney Edward Simpson read **RESOLUTION NUMBER 99-R-08** by short title.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA SUPPORTING THE PASSAGE OF H. R. 316, THE "CRUISE-TO-NOWHERE ACT OF 1999" BY THE U. S. HOUSE OF REPRESENTATIVES; DIRECTING THAT COPIES OF THIS RESOLUTION BE FORWARDED TO ALL INTERESTED PARTIES AND SETTING AN EFFECTIVE DATE.

The City Manager indicated the item had been placed on the agenda as a result of a consensus of the Commission at a previous workshop. The Manager noted that the State could not presently regulate gambling boats due to Federal Control.

Commissioner Byrnes moved APPROVAL of Resolution Number 99-R-08, seconded by Commissioner Via.

Mayor Arthur questioned whether the State should regulate gambling boats. Discussion indicated if gambling boats docked within the City Limits of Holly Hill, the City would want some input and enabling the State to regulate gambling boats was a step in that direction. Commissioner Via indicated the issue should not be confused with whether anyone wanted gambling or not. Commissioner Byrnes indicated the issue was one of possibly enabling local government. Mayor Arthur indicated a belief that there were already ample regulations and more were not needed.

The motion to **APPROVE** Resolution Number 99-R-08 **CARRIED** 3-1 on the following roll call: Byrnes, yes; Via, yes; Mellette, yes; Arthur, No.

9. 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.

Commissioner Via moved APPROVAL of Resolution 99-R-05, seconded by Commissioner Mellette.

The City Manager advised Jennings was a fine company to work with and there had been few glitches involved in developing a contract with them and in privatizing the service. A few mistakes in the contract needed to be corrected. There had always been two pickups per week for commercial service so the contract needed to reflect that. The only change presently being recommended in this regard was going from one to two pickups per week. Jennings had been experiencing some problems with their equipment and there was a need to allow Jennings to utilize substitute equipment that was in good condition. This was provided within the proposed contract addendum, hereby appended. Initially, only white trucks had been desired by the City in order that residents would feel confident that everything would be the same service as before, and therefore, the white trucks similar to the City's had been necessary. The manager reported that as the years progressed; however, the residents, being confident in the privatized service, would not be concerned about the color of the trucks and, therefore, the contract addendum allowed that after the year 2001, Jennings would be allowed to utilize green trucks that suited their company. It was stipulated that the trucks would indicate "Holly Hill" and not another city's name. Jennings would also be allowed to place their name, but not other advertising, on residential cans, but they would be required to replace those cans if they went out of business with the City of Holly Hill. The Contract Addendum also provided for the City to pay fees for bulky refuse within item number four of the addendum. The City Manager reported the fees were what the City had been paying, but this had never been placed in the contract. The Manager noted that the rates on the roll offs, within item number five of the addendum, had been adopted by Resolution at the previous Commission Meeting and they were also being placed in the Contract Addendum.

The representative from Jennings, Brian Watkins, addressed the Commission indicating agreement with the proposed addendum, also indicating he would place the City' Logo on the doors of the trucks, and that purchase of new equipment would assist greatly in resolving problems.

The Commissioners discussed whether the ten day stipulation within the proposed addendum concerning substitute equipment should specify ten days within a given period of time? The City Manager advised that such a stipulation would complicate situations and the company would still be required to provide trucks in good shape. Some times electronically operated equipment under repair on a large refuse truck could break down more than once over a period of a few weeks. The Manager indicated that if problems arose, the City would have to address the ten day stipulation more specifically.

The motion to **APPROVE** Resolution 99-R-05 **CARRIED** 4-0 on the following roll call: Via, yes; Mellette, yes; Byrnes, yes; Arthur, yes.

10. FIRST READING, ORDINANCE NUMBER 2557, PROVIDING FOR THE REGULATION OF EXCAVATIONS WITHIN THE CITY OF HOLLY HILL RIGHTS-OF-WAY AND PROPERTIES; PROVIDING FOR PERMITS, APPLICATIONS, FEES, DEFNINITIONS, URGENT WORK, ETC.

City Attorney Edward Simpson read **ORDINANCE NUMBER 2557** by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR THE REGULATIONS OF EXCAVATIONS WITHIN THE CITY RIGHTS-OF-WAY AND PROPERTIES; PROVIDING FOR PERMITS, A PERMIT APPLICATION, FEES, DEFINITIONS, LIGHTING AND BARRICADES, THE METHODS OF EXCAVATIONS, MAINTENANCE OF THE RESTORATION AND REPAIR, LIABILITY FOR FAILURE TO RESTORE AND REPAIR THE STREET SURFACE AND RIGHTS-OF-WAY, URGENT WORK, CLEAN-UP, INSPECTION, STOP WORK AND WITHHELD PERMITS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Mellette moved APPROVAL of Ordinance Number 2557, seconded by Commissioner Byrnes for discussion.

Commissioner Byrnes indicated a desire to see a higher fee. Upon discussion, a $100.00 fee was recommended.

Commissioner Mellette moved to amend his motion to include a $100.00 fee rather than a $25.00 fee. Commissioner Byrnes accepted the amendment.

The motion to **APPROVE** Ordinance Number 2557 on first reading, as amended, **CARRIED** 4-0 on the following roll call: Mellette, yes; Byrnes, yes; Via, yes; Arthur, yes.

6. AUDIENCE PARTICIPATION Continued:

The Mayor permitted a member of the audience, Mr. George Fries, of 1000 Riverside Drive, who had just arrived, to address the Commission. Mr. Fries requested relief concerning violations recently cited at his property and handed each Commissioner a diagram type map of the area under discussion. Mr. Fries had been cited for placing traffic cones on the edge of the grass as it paralleled Tenth Street. Mr. Fries indicated an inordinate amount of traffic existed at the intersection due to two businesses being operated through a home occupation operated on the south side of Tenth Street and Riverside Drive. It was reported that an attorney and his wife operated their businesses from their home. The vehicular traffic involved parcel services and customers. Mr. Fries indicated traffic backed into his yard and this presented a danger to his family as well as damage to his property.

The City Manager advised that the City routinely experienced insurance claims as a result of infringements on rights-of-ways. The City would be liable if it didn't act responsibly upon seeing obstructions on rights-of-way. Discussion indicated that Attorney Kneller would be moving his office from his home in the near future. Mr. Fries indicated it was his understanding that the spouse would be continuing to run a graphic arts business from the home and extra traffic would still be generated in this regard. Mr. Fries requested to be allowed to keep the traffic cones in place until such time as the attorney with the home occupation moved. The City Manager indicated the City could not grant such relief. The Manager directed the Building Official to look into the extra traffic being generated at the home occupational license site as this was against City Code.

Mr. Fries reported he had also been cited concerning debris; indicating he did his best to maintain his riverside property, but the river regularly blew up debris which he had historically piled up on the road in front of the lift station for pick up. In the last several weeks this had become a problem. Mr. Fries indicated he desired to continue to place palm branches in front of the lift station rather than crossing the street with them. Mr. Fries indicated he could place the debris on the east side or west side of the sidewalk. The citation had occurred because the debris had been placed between the sidewalk and Riverside Drive. Mr. Fries indicated he had a corner lot and he had no other place to put the debris.

Mayor Arthur questioned the Public Works Director as to whether the City didn't pick up trash on Riverside? Mr. Hallman reported the City did pick up refuse on the east side of Riverside Drive; however, Mr. Fries had been placing the debris on the Lift Station Property rather than his own property. Debris had also been piled two houses down in front of someone else's home and this had resulted in a charge for some extra pick ups. Mr. Fries agreed that he could keep the debris on his own property so long as he did not have to cross Riverside Drive. Mr. Fries advised that a pile of debris that caused an obstacle, as indicated on the map he had handed out, had been in existence for one year. If this debris were removed, there would be more room for parking. Also, some bushes and hedges in that location were in need of trimming so vehicles northbound swinging westbound would have visibility. Mr. Fries reported that traffic northbound on Riverside and turning west on Tenth, couldn't see parked vehicles and subsequently panicked and swung too wide. The Manager indicated he would see that the code inspector looked into the issue.

11. SECOND READING, PUBLIC HEARING, ORDINANCE NUMBER 2555, ANNEXING BY VOLUNTARY PETITION, PROPERTY LOCATED CONTIGUOUS TO THE CITY OF

HOLLY HILL, OWNED BY MICHAEL M. ESTOK, LOCATED AT 1598 N. NOVA ROAD. (This agenda item was advertised for a Public Hearing at 7:30 p. m. or as soon thereafter as could be heard.) This item was addressed shortly after 7:30 p. m.

City Attorney Edward Simpson read ORDINANCE NUMBER 2555 by short title on second reading.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL, OWNED BY MICHAEL M. ESTOK; 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.

Commissioner Mellette moved APPROVAL of Ordinance Number 2555 on second reading, seconded by Commissioner Byrnes. There were no comments as a result of the Public Hearing.

The motion to **APPROVE** Ordinance Number 2555 **CARRIED** 4-0 on the following roll call: Mellette, yes; Byrnes, yes; Via, yes; Arthur, yes.

12. SECOND READING, ORDINANCE NUMBER 2556, ANNEXING BY VOLUNTARY PETITION, CONTIGUOUS PROPERTIES OWNED BY WILLIAM AND BETTY QUINLAN, LOCATED AT HICKORY STREET AND LPGA BLVD. (This agenda item was advertised for a Public Hearing at 7:30 p. m. or as soon thereafter as could be heard.)

City Attorney Edward Simpson read ORDINANCE NUMBER 2556 by short title on second reading.

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.

Commissioner Mellette moved APPROVAL of Ordinance Number 2556 on second reading, seconded by Commissioner Via. There were no comments as a result of the Public Hearing.

The motion to **APPROVE** Ordinance Number 2556 **CARRIED** 4-0 on the following roll call: Mellette, yes; Via, yes; Byrnes, yes; Arthur, yes.

13. COMMUNICATIONS FROM CITY MANAGER:

The City Manager handed out framed pictures of the ground breaking of the new City Gymnasium. The City Manager reported that Commissioner Byrnes and Via would be traveling in separate city vehicles to Tallahassee rather than collecting personal mileage reimbursement.

14. CITY ATTORNEY

Attorney Ed Simpson indicated he had nothing further to report.

15. COMMUNICATIONS FROM MAYOR & COMMISSION

Mellette – reported his letter to the Editor of the News-Journal regarding sidewalks had generated a lot of interest and he would respond to letters he had received.

Byrnes – thanked the Police Dept. for fine work during bike week and expressed disappointment that a local business had placed scantily clothed people outside in order to attract business.

Via - indicated Commissioner Mellette's response had been great and he would also respond to letters he had received that concerned his district. Commissioner Via reported he looked forward to traveling to Tallahassee for the Legislative Session and he would provide a full report when he returned.

Mayor Arthur – expressed hope that a new rating system concerning priority projects might assist with improvements to LPGA Blvd.

16. ADJOURNMENT

The meeting officially adjourned at approximately 7:45 p. m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

CITY CLERK