M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
JULY 13, 1993

1. CALL TO ORDER

Mayor Thomas C. Ryan called the meeting to order at 7:30 p.m. in Council Chambers of Sica Hall Community Center, 1065 Daytona Avenue, Holly Hill, Florida..

Answering roll call were Mayor Ryan, Councilman Arthur Byrnes, Councilman J. D. Mellette and Councilman Jim Gaither. Councilman Robert Chesnowitz was absent due to illness.

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.

4. MAYOR'S REPORT/COMMENTS

None.

5. COUNCIL'S REPORT/COMMENTS

None.

6. ADVISORY COMMITTEE REPORTS

None.

7. AUDIENCE PARTICIPATION

Mr. Charles Heaton, 1503 State Avenue, said the east side of Flomich and Ridgewood at the intersection was in very bad shape and wanted to know if there was any way it could be repaired in the near future.

Mayor Ryan said the City was hoping to fix that with CDBG grant money but it falls outside the redevelopment district. He referred the question to Mr. Chattin, Public Works Director.

Mr. Chattin said it could be repaired if money was budgeted for it in the up coming budget.

Mayor Ryan said the unfortunate thing is money is usually not put in the budget for paving and it may be something that has to be dealt with for a while.

Councilman Gaither said he thought there would be money in the budget to take care of the road since it is one of the worst intersections in the City.

8. CONSENT AGENDA

A. APPROVAL OF MINUTES - Regular Meetings of May 11, May 25, June 8, and Special Meetings of May 18, and July 6, 1993.
B. Bills and Accounts

Councilman Gaither moved to APPROVE Consent Agenda being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

9. PUBLIC HEARING TO CONSIDER CONDEMNATION OF 1585 ANNISTON AVE.

City Attorney Simpson said the Chief Building Official has been unable to obtain "service of the notice" on this application and it is requested it be "withdrawn".

Mrs. DeSilva, wife of the deceased previous owner of the property, said she did not understand.

Mr. Simpson said it was his concern that other people might have an interest in the property and without giving notice to all parties it would be inappropriate to proceed.

Mr. Jim Kern, 138 Live Oak Avenue, attorney for the children (John DeSilva and Helen Wiggins) of the deceased said he is having his own investigation done.

Mr. Simpson and Mr. Kern had a brief discussion.

Councilman Mellette moved to TABLE this item being seconded by Councilman Gaither.

The motion CARRIED 4-0 on roll call.

Councilman Byrnes asked for time certain to bring this item back and Mr. Simpson said it would be on the next agenda.

10. SET PUBLIC HEARING DATE TO CONSIDER CONDEMNATION OF 602 SIXTH STREET

This item was withdrawn pursuant to consensus update.

11. REQUEST FROM MR. RAYMOND WEBB FOR RELIEF FROM THE SERVICE FEES IMPOSED UNDER SECTION 3-16 OF THE HOLLY HILL CODE DUE TO FALSE ALARMS

Mr. Hester said Mr. Webb was asking for relief from some of the fees but there is no provision in the Ordinance that allows staff to forgive these fees.

Mr. Raymond Webb, Kenco Sign and Awning, 1538 Garden Avenue, and Mr. Victor Erling, Maximum Security said every component of the alarm system has been replaced. He also stated cats or raccoons are setting the alarms off.

After a lengthy discussion it was decided to follow the Ordinance which allows for a ninety (90) day waiver of fees if a new system is installed. With proper documentation and at the discretion of the police chief and the City Manager the ninety (90) day waiver may be granted but all other fees will stand.

Councilman Gaither moved to follow the Ordinance with the waiver of 90 days from the installation date of the new system and at the discretion of the Police Chief and the City Manager being seconded by Councilman Byrnes.

The motion CARRIED 4-0 on roll call.

12. ORDINANCE NO. 2352 - ADOPTING LAND DEVELOPMENT REGULATIONS FOR THE CITY OF HOLLY HILL

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING CHAPTER 30 (ZONING); CHAPTER 22 (SIGNS); CHAPTER 25 (SUBDIVISIONS); CHAPTER 20 (PLANNING AND DEVELOPMENT), ARTICLE II (PLANNING BOARD); AND CHAPTER 9 (DRAINAGE AND FLOOD CONTROL), ARTICLE II (FLOOD HAZARD AREAS) AND ARTICLE III (STORMWATER MANAGEMENT; MINIMUM STANDARDS FOR ENVIRONMENTAL PROTECTION) OF THE CITY OF HOLLY HILL CODE OF

ORDINANCES; ADOPTING THE REVISED LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson asked Council to make an Amendment to the Ordinance which would change how the Review of Concept/Development Plans notifications are mailed out. (page 47 and 48 of the Land Development Regulations)
After a lengthy discussion it was decided the Amendment should be to give the developer the option to mail the notifications by certified mail or pay for staff to do the mailing and to change the distance from four hundred (400) to three hundred (300) feet.

Councilman Gaither moved to ADOPT Ordinance 2352 with the Amendment being seconded by Councilman Mellette.

Mr. Donald Haas asked Council to allow the developer the choice of doing all the work for the mailing but let the staff mail the notifications by regular mail instead of certified mailed. It was the consensus of Council to keep the mailings certified so there will be proof of notification.

The motion CARRIED 4-0 on the following roll call.

Gaither, yes; Mellette, yes; Byrnes, yes; Ryan, yes.

13. ORDINANCE NO. 2353 - AMENDS CIVIL SERVICE ORDINANCE

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE III (OFFICERS AND EMPLOYEES), DIVISION 2 (CIVIL SERVICE SYSTEM), SECTION 2-116 (PERSONS SUBJECT TO CIVIL SERVICE), PROVIDING FOR PART-TIME EMPLOYEES; SECTION 2-227 (APPOINTMENT PROCEDURE), PROVIDING FOR APPOINTMENT PROCEDURE WITH PART-TIME EMPLOYEES; SECTION 2-229 (HOURS AND DAYS OF WORK AND LEAVE), PROVIDING ADDITIONAL REQUIREMENTS TO OBTAIN SICK LEAVE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; ;AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT Ordinance 2353 being seconded by Councilman Gaither.

The motion CARRIED 4-0 on the following roll call.

Mellette, yes; Gaither, yes; Byrnes, yes; Ryan, yes.

14. ORDINANCE NO. 2354 - PROVIDES FOR SEWAGE METERS AND SEWAGE SERVICE CHARGES ON HIGH VOLUME USERS

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 28 (WATER, SEWERS AND SEWAGE DISPOSAL), ARTICLE IV (SEWERS AND SEWER DISPOSAL), DIVISION 3 (SEWER SERVICE CHARGES) SECTION 28-166 (GENERALLY) TO ESTABLISH LOWER SEWER SERVICE CHARGES FOR HIGH VOLUME USERS FOR THE DIFFERENCE BY WHICH THE VOLUME OF WATER PURCHASED EXCEEDS THE VOLUME OF SEWAGE RETURNED FOR TREATMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes moved to APPROVE Ordinance 2354 being seconded by Councilman Mellette.

The motion CARRIED 4-0 on the following roll call.

Byrnes, yes; Mellette, yes; Gaither, yes; Ryan, yes.

A lengthy discussion ensued on whether the City should pay for part of the meter and installation as mentioned in Mr. Chattin's memorandum of June 30, 1993.(see attached) It was the consensus of Council to go along with the memorandum as long as it was understood the City would own the meter.

15. RESOLUTION NO. 93-R-35 APPOINTING A CITY REPRESENTATIVE TO THE VOLUSIA GROWTH MANAGEMENT COMMISSION.

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE GROWTH MANAGEMENT COMMISSION BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS;A ND PROVIDING AN EFFECTIVE DATE.

Councilman Gaither moved to ADOPT Resolution 93-R-35 appointing John Heaphy to serve on the board being seconded by Councilman Mellette.

The motion CARRIED 4-0 on the following roll call.

Gaither, yes; Mellette, yes; Byrnes, yes; Ryan, yes.

Mr. Heaphy said a few words saying he was happy to be on the Board and he would be glad to talk to anyone who had questions about the Commission.

16. RESOLUTION NO. 93-R-37 AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CROSSING AGREEMENT WITH THE FEC FOR RAILROAD CROSSING AT WALKER STREET

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH THE FLORIDA EAST COAST RAILROAD COMPANY CONCERNING THE WALKER STREET CROSSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

After a short discussion Councilman Gaither moved to ADOPT Resolution 93-R-37 being seconded by Councilman Mellette.

The motion CARRIED 4-0 on the following roll call.

Gaither, yes; Mellette, yes; Byrnes, yes; Ryan, yes.

17. RESOLUTION NO. 93-R-38 - AUTHORIZING THE AMENDMENT OF THE INTERLOCAL AGREEMENT CREATING THE VOLUSIA CITY-COUNTY WATER COOPERATIVE

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE AMENDMENT OF THE INTERLOCAL AGREEMENT, CREATING THE VOLUSIA CITY-COUNTY WATER SUPPLY COOPERATIVE, TO ELIMINATE PRIVATE ENTERPRISES AS POSSIBLE AFFILIATE MEMBERS OF THE COOPERATIVE; AND TO ESTABLISH THE METHOD BY WHICH THE COOPERATIVE WOULD RESPOND TO LIABILITIES THAT MIGHT BE INCURRED THROUGH PERFORMANCE OF THE INTERLOCAL AGREEMENT, AND INSURING AGAINST SUCH LIABILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Gaither moved to ADOPT Resolution 93-R-38 being seconded by Councilman Mellette.

The motion CARRIED 4-0 on the following roll call.

Gaither, yes; Mellette, yes; Byrnes, yes; Ryan, yes.

18. RESOLUTION NO. 93-R-39 - APPOINTING REDEVELOPMENT BOARD

Councilman Gaither brought up the fact that the people chosen for the Redevelopment Board must own or manage a business in the

Redevelopment District and he said he looked all over for an Architect in the district an could not find one. Councilman Gaither said to get an architect, who he felt was a key person to set on the Board, he would have to go outside the Redevelopment District.

Councilman Gaither moved to AMEND the Ordinance to allow someone from outside the Redevelopment District to set on the Board. The motion DIED for lack of a second.

There were two names that had to be removed from the list that did not work in the Redevelopment District.

Councilman Gaither moved to TABLE the Resolution. The motion DIED for a lack of a second.

The Council voted on the applicants and were chosen as follows:

David Spearin	- Florida Health Care	- 3 year term
Dave Rusler	- Aloha Marine	- 3 year term
Ryan LaRoche	- Sun Bank	- 3 year term
Big John	- Big John's	- 2 year term
Bruce Greenbaum	- Discount Carpet	- 2 year term
Ned Rowley	- Publix	- 1 year term
John DiGuilio	- Shakey Jakes	- 1 year term

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING SEVEN MEMBERS TO SERVE ON THE REDEVELOPMENT ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ACCEPT Resolution 93-R-39 with the names of the applicants chosen and the terms they will serve being seconded by Councilman Byrnes.

The motion CARRIED 4-0 on the following roll call.

Mellette, yes; Byrnes, yes; Gaither, yes; Ryan, yes.

19. RESOLUTION NO. 93-R-40 SOLID WASTE FEES AND DEPOSITS FOR 440 GALLON CONTAINER WITH ONE PICKUP PER WEEK

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING SERVICE FEES TO BE CHARGED FOR COLLECTION AND DISPOSAL OF SOLID

WASTE, PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Gaither moved to ADOPT Resolution 93-R-40 being seconded by Councilman Mellette.

The motion CARRIED 4-0 on the following roll call.

Gaither, yes; Mellette, yes; Byrnes, yes; Ryan, yes.

20. SELECTION OF VOTING DELEGATE FOR THE ANNUAL MEETING OF THE FLORIDA LEAGUE OF CITIES

Mayor Ryan recommended Councilman Gaither be the voting delegate.

Councilman Byrnes moved to appoint Councilman Gaither as the voting delegate being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

21 AWARD OF BID SUNRISE PARK FISHING PIER AND GAZEBO

Staff recommended the bid be awarded to Dan Rice Construction who submitted the low bid. (see attached memo)

Councilman Mellette moved to ACCEPT recommendation of staff being seconded by Councilman Byrnes.

The motion CARRIED 4-0 on roll call.

22. AWARD OF BID CLEANING ELEVATED WATER TANK

Staff recommended the bid be awarded to Jack Ethridge Tank Company, Inc. (see attached memo)

Councilman Gaither moved to ACCEPT recommendation of staff being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

Mr. Chattin said the City needs an engineer to inspect the tank and asked Mr. Hester be allowed to go out for bids for an inspector.

Councilman Gaither moved to authorize the City Manager accept bids to contract a engineer to inspect the Elevated Water Tank being seconded by Councilman Mellette.

The motion CARRIED 4-0 on roll call.

23. CITY MANAGER REPORTS/COMMENTS

Mr. Hester said he needed the Council to Approve emergency repairs on the Wayne Refuse truck that was damaged in an accident. The repairs will cost $6,625.42.(see attached memo)

There was a brief discussion about the accident.

Councilman Mellette moved to APPROVE the expenditure of to repair the Wayne Automated Garbage Truck being seconded by Councilman Gaither.

The motion CARRIED 4-0 on roll call.

Mr. Hester passed out the proposed Budgets.

24. CITY ATTORNEY REPORTS/COMMENTS

Mr. Simpson said the City's appeal in respect to the 10th Street Crossing and it was said the City should receive the Crossing at 10th Street but the DOT an appeal hearing to reverse this decision.

25. MISCELLANEOUS COUNCIL COMMUNICATIONS

None.

26. ADJOURNMENT

With nothing further to come before the Council the meeting was adjourned at 9:46 p.m.

Mayor

ATTEST:

City Clerk/Manager