

M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 10, 1993

1. CALL TO ORDER

Mayor Jim Gaither called the meeting to order in Council Chambers, 1065 Daytona Avenue, Holly Hill, Fl at 7:30 p.m..

Answering roll call were Mayor Gaither, Councilman Arthur Byrnes, Councilman J. D. Mellette and Councilman Robert Chesnowitz.

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 Reverend Laucks from Bishop's Glen.

4. SELECTION OF COUNCILMAN - WARD 4

City Manager Hester said this vacancy had been advertised in the Newspaper and two applications of interest had been received from William Walker and Calvin Fink.

Councilman Mellette moved to appoint William Walker to the vacant Council Seat in Ward 4 being seconded by Councilman Byrnes.

The motion CARRIED 4-0 on roll call.

At this time City Attorney Simpson swore William Walker in as the Councilman for Ward 4.

5. MAYOR'S REPORT/COMMENTS

Mayor Gaither said some concerns had been raised and he wanted to assure everyone the staff will still run the City and he had no intention of trying to run it himself.

6. COUNCIL'S REPORT/COMMENTS

Councilman Byrnes said he wanted to thank Rev. Laucks for the invocation.

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Councilman Walker thanked the Mayor and Council for his appointment.

7. ADVISORY COMMITTEE REPORTS

Mr. Tony LaSorsa said he would not be able to attend the CAC meeting Tuesday August 17, 1993 and asked if someone could take his place at that meeting.

8. AUDIENCE PARTICIPATION

None.

9. CONSENT AGENDA

- A. Approval of Minutes - Special Meeting July 23, 1993; Regular Meeting July 27, 1993.
- B. Bills and Accounts.

Councilman Chesnowitz moved to APPROVE the Consent Agenda being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

10. PUBLIC HEARING ON CONDEMNATION OF 1113 JARECKI AVENUE

Mr. Tim Harbuck, Building Official, recommended this property for condemnation stating it was in a state of disrepair and in hazardous condition. He asked that a Certificate of Condemnation be issued for thirty days.

Councilman Chesnowitz moved to issue a Certificate of Condemnation for thirty days being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

11. PUBLIC HEARING ON CONDEMNATION OF 1585 ANNISTON AVENUE

Mr. Harbuck recommended this property for condemnation stating it had been completely destroyed by fire and is a severe nuisance to the neighborhood.

Councilman Byrnes moved to issue a certificate of condemnation for thirty days being seconded by Councilman Mellette.

Mr. Jim Kern, Attorney, 138 Live Oak Avenue, asked if this item could be tabled for two weeks pending the State Fire Marshal's final report. He stated he had engaged his own forensic team to go over the site depending on the report from the state fire marshal. He

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said the police reports raised many questions that need to be answered.

Chief Finn said the criminal aspects of the investigation have been concluded. The issue Mr. Kern has is civil. There is a dispute over who is going to acquire the property between the wife and the children. He stated he had no problem with the structure being left there for another two weeks.

Councilman Byrnes asked if there had been anything to keep Mr. Kern from conducting an investigation already and Chief Finn answered absolutely not.

Councilman Mellette asked City Attorney Simpson who would be liable if someone went on the property and got injured.

City Attorney Simpson said if someone goes to the property and gets injured then whoever owns the property is responsible.

Councilman Chesnowitz asked Mr. Kern how much time he thought he would need.

It was the consensus of Council that the thirty days given until condemnation should be sufficient time for Mr. Kern to get the report and conduct his investigation.

The motion CARRIED 5-0 on roll call.

12. CHAMBER OF COMMERCE REQUEST FOR 1993 BUDGETED FUNDS OF \$2500

City Manager Hester said there was money in the current years budget to assist the Chamber. They did not ask for the money earlier this year and are asking for the funds at this time. Based on discussion at the Council workshop they are asking the funds be released.

Councilman Chesnowitz moved to release the funds to the Holly Hill Chamber of Commerce being seconded by Councilman Mellette.

Mayor Gaither said the Council has done a turnaround and are doing a great job.

The motion CARRIED 5-0 on roll call.

13. ORDINANCE NO. 2354 AMENDS CHAPTER 26 (SEWERS AND SEWER DISPOSAL) TO ESTABLISH SERVICE CHARGES FOR HIGH VOLUME USERS

City Attorney Simpson read:

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AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 28 (WATER, SEWERS, AND SEWAGE DISPOSAL), ARTICLE IV (SEWERS AND SEWAGE 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 Mellette moved to ADOPT Ordinance No. 2354 being seconded by Councilman Byrnes.

The motion CARRIED on the following roll call:

Mellette, yes; Byrnes, yes; Chesnowitz, yes; Walker, yes; Gaither, yes.

14. ORDINANCE NO. 2356 AMENDS APPROPRIATIONS ORDINANCE FOR THE 1992-93 BUDGET YEAR

City Attorney Simpson read:

AN ORDINANCE AMENDING ORDINANCE NO. 2333, THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1992, THROUGH SEPTEMBER 30, 1993, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT HERewith; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Byrnes moved to APPROVE Ordinance No. 2356 on first reading being seconded by Councilman Mellette.

The motion CARRIED 4-1 on the following roll call:

Byrnes, yes, Mellette, yes, Walker, yes; Chesnowitz, no; Gaither, yes.

15. RESOLUTION NO. 93-R-45 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE HALIFAX HUMANE SOCIETY

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR OF THE CITY OF HOLLY HILL, FLORIDA, TO ENTER INTO AND EXECUTE A SERVICE AGREEMENT WITH HALIFAX HUMANE SOCIETY INC., PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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Councilman Mellette moved to ADOPT Resolution 93-R-45 being seconded by Councilman Byrnes.

There was a lengthy discussion on the City building pens and boarding and disposing of the animals instead of using the Humane Society.

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

Mellette, yes; Byrnes, yes; Chesnowitz, yes; Walker, yes; Gaither, yes.

16. APPROVAL OF ROSS POINT MASTER PLAN

Mr. Chattin asked for approval of the plan presented to Council. (see attached)

There was a discussion on the different aspects of the plan and where different things would be located in the park.

Councilman Mellette moved to APPROVE the site plan being seconded by Councilman Byrnes.

The motion CARRIED 5-0 on roll call.

17. RESOLUTION NO. 93-R-46 AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE PORT AUTHORITY

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY TO APPLY FOR AN IMPROVEMENT GRANT FROM THE PONCE DE LEON PORT AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT Resolution 93-R-46 being seconded by Councilman Byrnes.

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

Mellette, yes; Byrnes, yes; Chesnowitz, yes; Walker, yes; Gaither, yes.

18. CITY MANAGER REPORTS/COMMENTS

None.

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19. CITY ATTORNEY REPORTS/COMMENTS

City Attorney Simpson said the City won the Appeal for the 10th Street Crossing but D.O.T. appealed and asked for a new hearing. Before a hearing could be scheduled for D.O.T. an order was submitted by the Appellate court denying a new hearing and changing the wording in their findings. He said the City has their crossing at 10th Street.

20. MISCELLANEOUS COUNCIL COMMENTS

None.

21. ADJOURNMENT

With nothing further to come before Council the meeting was adjourned at 8:15 p.m.

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Mayor

ATTEST:

City Clerk/City Manager