

**MINUTES
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
SEPTEMBER 13, 1994**

1. CALL TO ORDER

Mayor Virginia Wine called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue.

Answering roll call were Mayor Wine, Councilman Arthur Byrnes, Councilman J. D. Mellette, and Councilman Jim Elliott. Councilman Shirley Heyman was excused.

Also attending were City Manager Ralph Hester, City Attorney Edward Simpson, Chief of Police Pat Finn and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Rev. Chuck McKeowan, United Bretheran Church, Holly Hill.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

Mr. Tim Slater, 1617 Montgomery Ave., said he would like Council to consider an amendment to the parking ordinance which prohibits dual wheel vehicles from parking in residential areas. He wanted to be able to park a dual wheel pickup at his home.

Tim Harbuck, Chief Building Official, informed Council the Board of Planning and Appeals will be considering this matter at their meeting on the 3rd of October. After that, they may have a recommendation for Council's consideration. Councilman Byrnes expressed his concern regarding allowing the ordinance to be opened up too much.

5. CONSENT AGENDA

- A. Approval of Minutes - Regular Meeting - August 23, 1994
- B. Bills and Accounts

Councilman Mellette moved to APPROVE the consent agenda being seconded by Councilman Elliott. The motion CARRIED 4-0 on roll call.

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6. CONDEMNATION HEARING ON 332 AND 332 1/2 BURLEIGH

Mr. Harbuck explained the condition of the building to the Council.

Mrs. Jean Hobbs of Lake City, N. J. said she was unaware of the condition of the property until just recently. She asked for time to bring the property up to code as she did intend to restore the property.

Councilman Byrnes moved to issue a Certificate of Condemnation and give the property owner 60 days to bring the property up to code. Councilman Mellette seconded the motion which CARRIED 4-0 on roll call.

7. CONDEMNATION HEARING ON 808 MAY AVENUE

8. CONDEMNATION HEARING ON 812 MAY AVENUE

9. CONDEMNATION HEARING ON 814 MAY AVENUE

Mr. Harbuck asked to handle these three items at one time because the property is under one ownership. He explained that these properties do not meet Code and would like all of them condemned.

Mr. Don Wiggins, 672 Eighth Street, addressed Council regarding this matter. He explained how this property has been in litigation for the past two years but as of today the property belongs to the First Baptist Church and they would like time to get with the Building Official and decide if the property is worth being fixed up or if the Church will tear them down. He said they will immediately secure the properties and clean them up. He apologized for taking two years to settle this matter.

Councilman Mellette moved to issue a Certificate of Condemnation allowing 60 days to bring the property up to code. Councilman Elliott seconded the motion which CARRIED 4-0 on roll call.

10. CONDEMNATION HEARING ON 632 WALKER STREET

Mr. Rudy Dubovek, 821 Whippoorwill, Port Orange and Attorney Lawrence W. Borns, 412 N. Halifax Drive (representing the Andersons, owners of the property), spoke to Council regarding this matter. It is the intention of the owner to repair the property and bring it up to code. However, this work will be done with grant funds under a housing rehab program and can only proceed at the pace of funds made available for the project. Mayor Wine asked if there is any funding available under the County program.

Mr. Harbuck said there are funds available and in fact, the County is soliciting applicants for this program.

Mr. Dubovek said he did not know if they would be able to get enough money to get all the repairs done in 60 days or not.

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Councilman Byrnes moved to issue a Certificate of Condemnation allowing 60 days to bring the property up to code. Councilman Mellette seconded the motion which CARRIED 4-0 on roll call.

11. CONDEMNATION HEARING ON 402 FLOMICH STREET

Mr. Harbuck explained this is an accessory structure which has been used for a garage and therefore does not have anyone living in it. He also recommended allowing the Bishop family 90 days to do something with the structure and told Council the owners are involved in the recent flooding in Georgia and needed the extra time because of commitments on the farm at this time.

Councilman Mellette moved to issue a Certificate of Condemnation for 90 days being seconded by Councilman Elliott. The motion CARRIED 4-0 on roll call.

12. CONDEMNATION HEARING ON 415 FLOMICH

Mr. Harbuck informed Council this property is owned by the same person as owns the property in number 11 and his recommendations would be the same for the reasons previously stated.

Councilman Mellette moved to issue a Certificate of Condemnation for 90 days being seconded by Councilman Byrnes. The motion CARRIED 4-0 on roll call.

13. ORDINANCE AMENDING 1993-94 BUDGET ORDINANCE

City Attorney Simpson read:

ORDINANCE NO. 2382

AN ORDINANCE AMENDING ORDINANCE NO. 2360, THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1993, THROUGH SEPTEMBER 30, 1994, 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 Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Byrnes. The motion CARRIED 4-0 on the following roll call:

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

14. REQUEST FOR SPECIAL EXCEPTION FOR COMMUNICATION TOWER FOR DIAL CALL, INC. AT 350 11TH STREET

This item was withdrawn at the request of the applicant and rescheduled for September 27, 1994.

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15. ORDINANCE AMENDING FIRE PENSION ORDINANCE

City Attorney Simpson read:

ORDINANCE NO. 2383

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 11, ARTICLE 2, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR AN INCREASE IN BENEFITS; PROVIDING FOR A CHANGE IN THE NORMAL RETIREMENT AGE; PROVIDING FOR A MONTHLY SUPPLEMENTAL RETIREMENT BENEFIT; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING THE TERMS AND CONDITIONS THEREWITH; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson said today a request was received for an amendment to the ordinance so there will be some minor changes before the second reading. Mayor Wine said she had some comments and asked if Council wanted to make a motion or hear her comments first. She asked Mr. Simpson if there had to be a motion before discussion. He answered it was Council's pleasure.

Councilman Mellette moved to APPROVE the ordinance on first reading being seconded by Councilman Elliott.

Mayor Wine referred Council to page 15-6 of the agenda packet and said Council needs to look at this matter in depth because it will affect the City for many years. She said the supplemental \$200 per month from retirement to age 65 on one individual will amount to \$36,000 for 15 years but that increases the percentage (page 15-12 "A") Annual Payroll is \$248,509 and as of October 1, it is \$278,000 which will increase the City's liability plus on page 15-13 under item "E" 7, the State contributions for the last two or three years have only been \$16,800 so that leaves a \$5,400 deficit. On line item 10, the percentage of payroll goes from 15.6% to 24.3% so maybe Council should study this. She said it will go higher each year. Mayor Wine said that makes a difference of about \$20,000 in one year.

Councilman Byrnes said he felt Council should look closely at this proposal because of the budget constraints this year and in the past he has voiced his objections to retiring at fifty as that is a little young. He said he was happy with the age at 52.

Mr. Byrnes also expressed concern about the cost of the supplement. He said he wanted to be sure he wasn't putting a future Council in a lot more debt than they can afford. Mayor Wine said that is what

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she is looking at because you do not know how many people are going to retire and that \$200 a month could amount to a lot of money. She said Council needs to really think about this ordinance.

Councilman Mellette asked if there is a time restraint for this ordinance and Mr. Hester said part of the discussion on this ordinance was that there would be a retirement of the Fire Chief under this proposed ordinance. He also said there would have to be an actuarial study before the second reading. Mr. Hester said the Chief has offered his early retirement bonus to the pension fund to make up the first year's shortfall of \$20,000 plus dollars. Mayor Wine asked Mr. Hester to repeat that statement which he did. He said part of the restructuring would be to look at what the City of South Daytona does in operating with less management in the Fire Department. He said that basically the Lieutenants are chiefs on their shift and they do not have an overall administrative chief. One of the options presented by Mr. LaRue was to look at a Department of Public Safety in the management area.

Mayor Wine asked if the ordinance was voted on for first reading, could some items be deleted before the second reading. Mr. Simpson answered affirmatively and further stated if enough of the ordinance was deleted, you might have to re-advertise and read it again. He explained this in detail. Mayor Wine asked about holding a workshop on the ordinance.

David Waffle of the Fire Department spoke to Council about the history of the pension fund. Mayor Wine thanked him for his comments. A brief exchange was held regarding whether or not the study attached was current. She instructed Mr. Hester to set the workshop when the new study was completed.

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

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

16. AWARD OF BID FOR ROSS POINT PARK IMPROVEMENTS

It was anticipated the bids for this project would come in over the available funding so deducts were built into the bid to enable the City to have the option of making the deductions to bring the cost of the project down. With the deductions, D.R.C (Dan Rice Construction) was the low bid in the amount of \$154,920. The entire project is funded with grant money.

Councilman Byrnes moved to AWARD the bid to D.R.C. as recommended being seconded by Councilman Mellette. The motion CARRIED 4-0 on roll call.

17. COMMUNICATIONS FROM CITY MANAGER

Mr. Hester announced he had received resignations from Sharon and Tony LaSorsa from their respective Board appointments. He said these were Mayor Wine's appointments.

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Councilman Mellette moved to ACCEPT the resignations being seconded by Councilman Elliott. The motion CARRIED 4-0 on roll call.

Mr. Hester said the appointments would be on the next agenda.

The City Manager said he had received a request from Cobb, Cole & Bell (representing Bono's Barbecue) requesting the City Council to consider renaming 11th Street to "LPGA Boulevard" within the city limits of Holly Hill. Mr. Hester asked if Council would like this on the next agenda and Council agreed they would consider it. Council requested Mr. Hester to respond to the request informing them of this matter being placed on the 27th (September) agenda.

18. COMMUNICATIONS FROM THE CITY ATTORNEY

None.

19. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Byrnes thanked everyone for the expression of sympathy on the loss of his grandfather.

Councilman Elliott said the Youth Center would be opening soon and he thought something should be done about the barracks building before someone gets hurt. He said things are falling off the building. Mr. Hester said the Fire Department has said they will participate in the burning of that building. Mr. Byrnes said the day before he left for the funeral, he drove by the Youth Center and was very pleased with the paint job on the building.

Mayor Wine said she was over on Marlene Drive and they have not started to work on the drainage project so if it is more feasible to put in the water main previously requested, why couldn't the City go out for bids just on that section. She said the City did not need to get the work from the contractor who is there because it is possible the project could be less than previously quoted. Mr. Hester said he would prepare the bids. Mayor Wine said she is just asking that for information because that particular water main has been budgeted for five years without anything being done about it. At that time they did not think it would be \$20,000 so if the man is going to have it open anyway for the drainage pipe, she said she wondered what could happen if this was bid separate. Mr. Hester told her to consider it done, that he would be working on the project at 8:01 a.m. Wednesday. He asked Mr. Martin if he would work on the project then and was told he (Martin) had a meeting scheduled but would work on it as soon as possible.

Councilman Byrnes asked what it would cost to do this. Mr. Hester said he would take standard specs and bid it out as a utility project and let the local firms who can bid on putting in a six inch line on Marlene compete for it and bid out the paving as well.

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Councilman Byrnes said he was concerned this bid could come out higher. Mr. Hester said Council still had the option with the contractor of taking the lower numbers but this will give us the opportunity to solicit additional quotes. Mayor Wine said if the drainage pipe is there and is already going to be opened on this construction company's bid then perhaps it will be almost nothing to put down the water main.

Mr. Hester announced the Council would be going back into an executive session as they did not finish their business before the regular meeting started.

20. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at 8:30 p.m.

Mayor

ATTEST:

City Clerk/Manager