M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
SEPTEMBER 14, 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, Councilman Robert Chesnowitz and Councilman William Walker.

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 McKeown, United Brethren Church.

4. MAYOR'S REPORT/COMMENTS

Mayor Gaither suggested all Boards of the City submit a report at the first Council meeting each month.

Councilman Chesnowitz stated he thought the Beautification Board was supposed to come before the Council at this meeting.

Mayor Gaither said Mr. Hester needed to put together a detailed report and he was unable to get it together in time for this meeting.

Mr. Hester stated the report would be ready for the next meeting. He continued by saying one of the last people he needed to talk with was the gardener and she was on vacation until September 13, 1993.

Councilman Chesnowitz asked if Mr. Hester had received many responses to the advertisement asking for people interested in serving on the Board to submit an application. Mr. Hester answered he had only received two but the advertisement was due to run again Thursday, September 16, 1993.

Councilman Chesnowitz said he was hoping to talk the ladies into taking back their resignations. Mr. Hester said that would be something the Council would have to decide since the Board is advisory to the Council.

There was lengthy discussion on Mayor Gaither's suggestion that the Boards report at the first Council meeting each month. It was decided to send letters to all the Boards letting them know there is a spot on the Agenda where they can bring up any problems they are having and this would be the time to address Council with the problems instead of letting problems "snowball" and get out of hand.

Mayor Gaither reported he attended a meeting for the Juvenile Justice Forum in Deland and said there would be many more meeting and urged anyone who could attend to please do so when these meetings came to their area.

He also reported that he had the pleasure of being appointed to the Florida League of Cities Criminal Justice Policy Committee for the year 1993-94.

5. COUNCIL'S REPORT/COMMENTS

Councilman Byrnes said it is not the Beach Trust who is proposing a raise in the Beach Toll it is the County Staff suggesting it as a Budgetary Item.

6. ADVISORY COMMITTEE REPORTS

Mr. Tony LaSorsa, Citizens Advisory Committee, said there was no one from the City of Holly Hill at the last meeting to represent the City in his absence. He gave a brief summary of the minutes from the Committee meeting.

7. AUDIENCE PARTICIPATION

None.

8. PROCLAMATION CALLING FOR 1993 ELECTIONS

City Attorney read Proclamation. (see attached)

Councilman Walker moved to APPROVE the proclamation being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

9. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting 8/24/93; Special Meeting 8/31/93
B. Bills and Accounts

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

The motion CARRIED 5-0 on roll call.

10. UPDATE ON WINTERFEST

Mr. Lee Webb, Boardwalk Event Management, gave out a handout which outlined what he was planning for Winterfest. (see attached)

Mr. Webb said they are looking to make this Winterfest even better than last years. He gave the basic concept which would include rides, food and of course the Parade. He stated they are also looking to upgrade the arts and crafts show which would attract participants from around the country and state. He is asking the City for fifty percent of the registration fee.

Mayor Gaither expressed concern over the cost of the registration fee for participants in the arts and crafts festival. He asked if it was possible the give the Volusia County residents a break on the cost of the registration fee and let the people doing this as a regular business bear the cost of the registration fee.

Mr. Webb gave a brief explanation of the different registration fees and said he thought something could be worked out for the local people to get a break.

Councilman Byrnes asked if the registration fees were in line with what other arts and crafts shows charge.

Mr. Webb said the cost is actually a lot less.

Councilman Mellette moved to APPROVE the contracts with Boardwalk Event Management being seconded by Councilman Byrnes.

The motion CARRIED 5-0 on roll call.

11. SET PUBLIC HEARING TO CONSIDER CONDEMNATION OF 1592 RIVERSIDE DRIVE

Mr. Tim Harbuck reported on the condition of the house at 1592 Riverside Drive and asked that a date be set for Public Hearing to have it Condemned. He recommended October 12, 1993 as the Hearing date.
Councilman Mellette moved to set October 12, 1993 at 7:30 p.m. for a Public Hearing on Condemnation of 1592 Riverside Drive, Holly Hill, Florida being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

12. CABLEVISION INDUSTRIES RATES

Mayor Gaither asked Assistant City Attorney Scott Simpson for his recommendation on whether the City should get into rate and customer service regulation.

Mr. Simpson said he is still doing research with the rate regulation end of it.

Mr. Robert Bevis, General Manager for Cablevision Industries, gave a summary of the different rates and the changes that have been made in accordance to the new rulings that have come down from the FCC.

Councilman Byrnes said he feels Cablevision's "numbers" are wrong and they are actually increasing the citizens bill instead of reducing the bill which the new law is supposed to do.

There was a lengthy discussion between Council and Mr. Bevis.

Councilman Walker moved to TABLE this item until further research by the attorneys could be done being seconded by Councilman Mellette.

Mr. Dennis Dehn, 627 Cherokee Lane, questioned the basic service and complained about not being able to get any information when he called cablevision with questions.

The motion CARRIED 5-0 on roll call.

13. PROPOSED VOLUSIA COUNTY RECYCLING ORDINANCE

Mayor Gaither stated he attended a meeting September 13, 1993, and he feels the way the Ordinance reads now will make the City's businesses suffer. He asked this item be TABLED until it can go back to the County Council and be looked at again.

Councilman Walker said he felt the City needed to act one way or the other. He said the County was looking for a recommendation from the City as to whether the City agreed or not.

A lengthy discussion ensued.

Councilman Walker suggested for staff to go through the ordinance and find the problems then send the County a letter stating the problems with the ordinance.

City Attorney Simpson suggested the Council make a recommendation to the County and that recommendation be the Ordinance not be adopted until whomever the expert in the County's Administrative Staff is meets with the City's Public Works Director and such other Public Works Directors from other Cities who are interested in participating in a workshop to discuss how this ordinance will work in the individual cities.

Councilman Walker moved to send a letter to the County asking for a workshop with the interested Public Works Directors from the Cities that will be affected by this Ordinance being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

14. DISCUSSION ON RECOMMENDATION OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD TO INCLUDE 11TH STREET IN THE REDEVELOPMENT DISTRICT

Councilman Mellette moved to APPROVE the recommendation to include 11th Street in the Redevelopment District being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

15. RESOLUTION NO. 48 - RECOGNIZES CITY GOVERNMENT WEEK

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL RECOGNIZING CITY GOVERNMENT WEEK, OCTOBER 3-9, 1993, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

Councilman Mellette moved to ADOPT Resolution No. 93-R-48 as read being seconded by Councilman Walker.

The motion CARRIED on the following roll call:

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

16. LIGHTING DAMAGE TO SCADA SYSTEM

City Manager Hester said this is a emergency purchase. Lightning struck and caused about $7,000 worth of damage to the computers. Mr. Chattin gave brief background on the damage caused by the lightning strikes.

Councilman Mellette moved to APPROVE the two purchase being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

17. REQUEST APPROVAL TO PURCHASE STREET SWEEPER

City Manager Hester said the City has a proposed "piggy back" contract with the City of Melbourne to buy a street sweeper for $72,838. There is $95,000 budgeted for this item.

Mr. Chattin said if Council approves the purchase tonight they are looking at a eight week delivery time.

Councilman Mellette moved to APPROVE the purchase of the Street Sweeper being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

18. WATER TREATMENT PLANT IMPROVEMENTS

The improvements to the Water Treatment Plant constructed by WPC Industrial Contractors, Inc. are complete. Two actions are required by the Council to close out the project: (1) Approval of Change Order No.5 increasing the contract amount $6,085.00 to a total of

$985,154.00; and, (2) Acceptance of the work and authorization of Final Payment.

The work in the change order included installation of backflow preventers as required by HRS and relocation of electrical feeders to avoid a conflict with the new washwater recovery basin.

Councilman Walker moved to APPROVE Change Order No. 5. and final payment to WPC Industrial Contractors being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

19. ORDINANCE NO. 2356 - AMENDS 1992-93 APPROPRIATIONS BUDGET

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 Mellette moved to Adopt Ordinance 2333 on second reading including the Revenue and Expenditure outlined in the Finance Directors Memorandum of September 8, 1993 being seconded by Councilman Walker. (copy of Memo attached)

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

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

Councilman Chesnowitz voted No.

20. ORDINANCE NO. 2357 - DELETES SECTION 28-45 RESTRICTIONS ON USE OF POTABLE WATER

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA DELETING ARTICLE III. (CITY WATER SUPPLY SYSTEM), DIVISION 1 (GENERALLY), SECTION 28-45 (RESTRICTION ON USE) WHICH RESTRICTS THE USE OF POTABLE WATER FOR IRRIGATION PURPOSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE Ordinance No. 2357 on first reading being seconded by Councilman Walker.

Councilman Byrnes asked where this Ordinance originated.

Mr. Chattin stated this was a "house cleaning" ordinance that was brought up by the Redevelopment Board. He stated the use of the water is regulated by St. John's and the County and this is just getting rid of an unnecessary ordinance in the City's Code Book.

There was a brief discussion on the background of the original ordinance and why it was developed.

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

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

Councilman Byrnes voted no.

21. ORDINANCE NO. 2358 - PROVIDES FOR RATE INCREASES BASED ON RATE STUDY PERFORMED BY INDEPENDENT CONSULTANT

City Attorney Simpson read:
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE NO. 2331, CHAPTER 28 (WATER, SEWERS AND SEWAGE DISPOSAL), ARTICLE III (CITY WATER SUPPLY SYSTEM) DIVISION 3 (RATES AND CHARGES), SECTION 28-72 (USAGE CHARGES GENERALLY) PROVIDING FOR RATE INCREASES BASED ON RATE STUDY PERFORMED BY INDEPENDENT CONSULTANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

The change in the ordinance is reflected on page 21-2 and is underlined. It provides for CPI or a percentage increase after an analysis by a independent rate analysis is recommended or determined not to detrimentally effect the viability of the system.

Councilman Walker moved to Approve Ordinance NO. 2358 on first reading being seconded by Councilman Byrnes.

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

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

22. CITY MANAGER REPORTS/COMMENTS

City Manager Hester had three items to present to Council:

A. Proposed County Wide Taxi Regulation Ordinance
B. Street Light Survey - Recommend installation of light at the south end of Anniston adjacent to school fence.
C. Discussion of proposed agreements with Riviera Country Club regarding reuse water system and water and wastewater system.

(C) Riviera Agreements - Mr. Hester went over the agreements with the Council. He stated Mr. Eric Meyers is going to act as his own Contractor. Staff and the City Attorney have gone over both the documents and neither have a problem with them.

Councilman Byrnes moved to APPROVE the agreements with Eric Meyers (Riviera Country Club) being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

Councilman Chesnowitz moved to Authorize the Water and Wastewater System agreement pursuit to Code section 2317 being seconded by Councilman Walker.

The motion CARRIED 5-0 on roll call.

(B) Street Light Survey - Chief Finn recommends installation of a light at the south end of Anniston.

Councilman Walker moved to APPROVE the installation of a light at the south end of Anniston being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

(A) Proposed County Wide Taxi Regulation Ordinance

Chief Finn and Assistant City Attorney Simpson have reviewed this Ordinance and both agree a County Wide Regulation is in order.

Assistant City Attorney Scott Simpson gave out a memo and suggested there should be an enforcement provision placed in the ordinance.

A lengthy discussion ensued.

Councilman Walker moved to have the City Attorney prepare the County Wide Taxi Regulation Ordinance with the "shortest route provision" suggested by Scott Simpson included for adoption in the City of Holly Hill being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

23. CITY ATTORNEY REPORTS/COMMENTS

Assistant City Attorney Simpson said he reviewed the Franchise Agreement and the definition in the agreement for basic cable is twelve programs including three major networks. He said as of October 6, 1993 if an agreement is not reached with the networks, cable will no longer carry the three major networks. Mr. Simpson asked Council if the Cable Company does not carry the three major networks then it would be in violation of the Franchise Agreement and the City could possible revoke it.

Councilman Byrnes said he would also like it added that a Home Shopping Channel and a Preview Channel not be considered "programming".

Councilman Walker moved to have Assistant City Attorney Simpson send a letter to CVI Cable referring to the Franchise Agreement and including Councilman Byrnes suggestions being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

24. MISCELLANEOUS COUNCIL COMMUNICATIONS

Mayor Gaither asked Chief Finn to report on the 800 Mhz System.

Chief Finn said he is not in the position to put anything on paper but it appears G.E. will receive the contract and Volusia County is trying to "piggy back" Dade County's bid. This will have a significant reduction in overall cost of getting on the system. He said it appears the City could get on the system for approximately $12,000 to $14,000 a year based over a ten year payoff. The cost of the project appears to be down approximately forty percent.

Eric Meyers thanked the Council for their approval of the Riviera Agreements and expressed appreciation for the professional manner in which Mr. Hester, the City Attorney, Marc Chattin and De Martin worked with him and his attorney. He also said he is looking forward to the annexation.

There was a discussion on moving the Council Meeting time from 7:30 p.m. to 7:00 p.m. It was decided to leave the meeting times at 7:30 p.m.

Mrs. Sue Blackwell told Council the numbers on the Ordinances would be changing because there was a numbering error.

25. ADJOURNMENT

With nothing further to come before Council the meeting was adjourned at 9:11 p.m.

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Mayor

ATTEST:

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City Clerk/Manager