M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
OCTOBER 8, 1996

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue at 7:30 p.m..

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

Also attending were City Manager Donald Lusk, City Attorney Edward F. Simpson. Jr., Chief Pat Finn and Acting Deputy City Clerk Susie Sheets.

2. INVOCATION

The Invocation was given by Arthur Byrnes

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting - 09/24/96
- Special Meeting - 10/01/96

B. Bills and Accounts

Councilman Elliott moved to APPROVE the Consent Agenda being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

5. AUDIENCE PARTICIPATION

None.

6. CONSIDERATION OF ORDINANCE NO. 2440 ESTABLISHING RESTRICTIONS ON CITY PARK USAGE BY CERTAIN INDIVIDUALS.

City Attorney Simpson read:

ORDINANCE NO. 2440
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ESTABLISHING ACCESS RESTRICTIONS ON INDIVIDUALS WHO HAVE BEEN ARRESTED FOR COMMITTING CRIMES WITHIN A CITY PARK AND FOR INDIVIDUALS DETERMINED TO BE GUILTY OF COMMITTING CRIMES IN A PUBLIC PARK WITHIN THE CITY LIMITS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Simpson said that in reviewing this Ordinance a change should be made to Section 2 and Section 3 to clean up the language. Section 2 should be changed to read: "Any individual, whether or not a citizen of Holly Hill, who is convicted of or pleads guilty to or pleads nolo contendere to ~~any crime for conduct that occurred or originated at a City park that is considered~~ a misdemeanor of any degree pursuant to State Law, for conduct that occurred or originated at a City park shall be...." Section 3 should be changed to read: "Any individual, whether or not a citizen of Holly Hill, who is convicted of or pleads guilty to or pleads nolo contendere to ~~any crime for conduct that occurred or originated at a City park that is considered~~ a felony of any degree pursuant to State Law, for conduct that occurred or originated at a City park shall be...."

Mr. Simpson asked that Council consider adopting the Ordinance with these changes.

Councilman Mellette moved to ADOPT the ordinance, with changes, on final reading being seconded by Councilman Elliott. The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Elliott, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

7. ORDINANCE NO. 2441 AMENDING LAND USE AND DEVELOPMENT REGULATIONS BY PROVIDING FOR FENCE REGULATIONS ON COMMERCIAL PROPERTY.

City Attorney Simpson read:

ORDINANCE NO. 2441
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED; REVISING SUBSECTION 5.6.2, FENCES, WALLS AND HEDGES - MAXIMUM PERMITTED HEIGHT OF FENCES AND WALLS LOCATED IN COMMERCIAL AND INDUSTRIAL AREAS; PROVIDING FOR SEVERABILITY; IN COMMERCIAL AND INDUSTRIAL AREAS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Heyman moved to ADOPT the ordinance on final reading being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call:

Heyman, yes; Mellette, yes; Byrnes, yes; Elliott, yes; Arthur, yes.

8. ORDINANCE NO. 2442 REZONING PROPERTY BETWEEN PINE AND GARDEN AVENUES FROM R-3 TO CC-1

City Attorney Simpson read:

ORDINANCE NO. 2442
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS BY REZONING APPROXIMATELY 0.75 ACRES LOCATED BETWEEN PINE AND GARDEN AVENUES APPROXIMATELY 250 FEET NORTH OF FIFTEENTH STREET AND 150 FEET SOUTH OF ELEANOR STREET, FROM R-3 SINGLE FAMILY RESIDENTIAL DISTRICT, TO CC-1, COMMERCIAL CORRIDOR DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Mellette moved to ADOPT the ordinance on final reading being seconded by Councilman Elliott.

Mayor Arthur opened the public hearing. Mr. John Kuhn and Ms. Rose Ellen Biggers spoke in opposition of the requested rezoning.

With no further audience participation, Mayor Arthur closed the Public Hearing and asked for roll call. The motion CARRIED 3-2 on the following roll call:

Mellette, yes; Elliott, yes; Heyman, no; Byrnes, no; Arthur, yes.

9. **RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE BOYS AND GIRLS CLUB OF VOLUSIA COUNTY AND THE CITY FOR THE USE OF THE YOUTH CENTER.**

City Attorney Simpson read:

RESOLUTION 96-R-62
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE

MAYOR AND CITY MANAGER TO EXECUTE THE LEASE AGREEMENT WITH THE BOYS AND GIRLS CLUB OF VOLUSIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lusk pointed out a change has been made which Council needs to be aware of. On the first page of the agreement paragraph 2 has been changed to read:" revenues that may be produced by grants which may be shared between the entities. If these grants are not obtained the monthly rental rate would be waived by the City." The money received as rent will be used to purchase computers for the Youth Center.

Mr. Lusk explained a lease agreement has been worked out with the Boys and Girls Club of Volusia County. The Library and Youth Center Board recommended the agreement on a 7-2 vote. Mr. Joe Sullivan, Executive Director of the Boys & Girls Club is present to answer any questions. There were no questions of Council for Mr. Sullivan.

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Heyman, yes; Elliott, yes; Byrnes, yes; Arthur, yes.

10. RESOLUTION ESTABLISHING ENGLISH AS THE OFFICIAL LANGUAGE OF HOLLY HILL

City Attorney Simpson read:

RESOLUTION 96-R-63
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, DECLARING ENGLISH AS THE OFFICIAL LANGUAGE OF THE CITY OF HOLLY HILL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Heyman moved to ADOPT the resolution being seconded by Councilman Byrnes. The motion CARRIED 5-0 on the following roll call:

Heyman, yes; Byrnes, yes; Mellette, yes; Elliott, yes; Arthur, Oui.

11. CHANGE ORDER ON SUNRISE PARK PIER AND WALKWAY PROJECT

Milton Hallman, Public Works Director explained the additional concrete needed to complete the Sunrise Park Pier and Walkway project.

Councilman Byrnes asked if there were ordinances in place to address people parking on the sidewalks. Mr. Lusk noted that signs could be placed along the bike path. Chief Finn stated that citizens can be cited if they are blocking the sidewalk.

Councilman Heyman moved to APPROVE the Change Order being seconded by Councilman Elliott. The motion CARRIED 5-0 on the following roll call.

Heyman, yes; Elliott, yes; Byrnes, yes; Mellette, yes; Arthur, yes.

12, CHANGE ORDER ON WATER PLANT IMPROVEMENTS

Mr. Hallman explained that the filter media for the Water Plant Improvements is contaminated and recommends this media not be used as use of the media would void any warranty for filter work or performance of the filters.

Councilman Heyman moved to APPROVE the Change Order being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call.

Heyman, yes; Mellette, yes; Byrnes, yes; Elliott, yes; Arthur, yes.

13. RESOLUTION AUTHORIZING MAYOR AND CITY MANAGER TO EXECUTE AN ADDENDUM TO THE ANNEXATION AND WATER REUSE AGREEMENT WITH RIVIERA COUNTRY CLUB.

City Attorney Simpson read:

RESOLUTION 96-R-64
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN ADDENDUM TO THE ANNEXATION AND WATER REUSE AGREEMENT WITH RIVIERA COUNTRY CLUB, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lusk explained the City was approximately two years late in delivering services to the Riviera

Country Club. The owner claimed $4,700 in losses due to the lateness in delivery of services. What was important to the owner was to lock in a few more years on his contract. I offered a ten year contract in exchange for the $4,700 in losses. Mr. Meyers accepted this offer. I also recommend the City retain the right of first refusal should the owner sell the Golf Course.

Councilman Mellette moved to ADOPT the resolution being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Heyman, yes; Elliott, yes, Byrnes, yes; Arthur, yes.

14. COMMUNICATIONS FROM THE CITY MANAGER

Mr. Lusk addressed Council concerning the future and the budget. The City budget has grown by $5,000 in four years. This year employees received 2% increases, last year 3½-4% increases. In the last four years the City has given raises but the budget isn't growing because revenues aren't growing. Last year the City sold property in the amount of $85,000 in non recurring revenues, the contingency fund keeps getting lower and lower.

Mr. Lusk said, I have been here a little over a year and I haven't done much reorganization. Tonight I'm going to talk to you about reorganization that can save this City about $90,000. I have looked at all the departments in the General Fund. We have one that I believe is a little over funded. I believe we can cut some people and save this city about $90,000 and I'm going to recommend it tonight. The department is Building and Grounds.

A few years ago Buildings & Grounds grew real quick, they had about four employees and it jumped up to thirteen about a year and a half before City Hall improvements started. These people were used in City Hall improvements. After City Hall was finished two of these people quit and were never replaced. Tonight I'm going to recommend, using seniority, lay off of two people lowest on seniority. I'm also going to recommend that we lay off the Supervisor and do a reorganization.

We have a street foreman who does pretty good work. I'd like to take the employees in the Buildings and Grounds Department and not necessarily put them directly into the Street Department but put them under his control he would become the Supervisor and I would lay off a Supervisor. Altogether this would save this City a little over $90,000.

I know you're not going to see a difference in the level of services this City provides. This is a cut we can make, and should make, for the betterment of the City and for the responsibility we have towards the tax payers. I'm ready to answer any questions.

Councilman Byrnes asked if the City Manager had examined other possibilities. Mr. Lusk responded he is addressing the general fund. Buildings and Grounds is all general fund and this is where the biggest problem money wise is. This is a 100% funded general fund department. Fire and Police are the other 100% general fund departments and I don't think you want to even discuss layoff there. This City cannot afford to cut their Police Department. The Fire Department is a small Fire Department already.

Councilman Mellette asked if these employees were transferred from other departments into Building & Grounds and promised to be transferred back. Mr. Lusk said no, one was hired approximately 8 months ago, the supervisor, one was hired to do a special type job from outside and so was the third one. This is the only department all three of these employees have been in.

Mr. Hallman explained that one employee was a tradesworker who decided he didn't want to continue as a tradesworker but remained in the same department. One of them may have been in Parks at one time but did the same type of work in Parks as they are doing in Building & Grounds.

Councilman Mellette asked Mr. Hallman if he was saying he had too many employees. Mr. Hallman answered saying that he has conferred with the City Manager and that no level of service will drop. This is a department that had the most employees in it. I can get along without the three people. This is the largest department, had the largest staff and the only one that was a total general fund department.

Mr. Lusk explained that six employees were hired within about a four month period in 1991. This was building the department up getting ready for something. This is where the tradesworkers were, carpenters and people who worked on City Hall. With City Hall completed, this department is too large. There is no cut in level of services.

Mr. Hallman said that he addressed the question as best he could. In the other departments there is not one extra person that could be cut without bringing in someone on overtime or double up on an operator. We just don't have the spare men in any of the other departments. You hate to say that you ever have too many people, but I'm telling you in this department I guess I do.

Councilman Heyman made motion to APPROVE reorganization being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call.

Heyman, yes; Mellette, yes; Byrnes, yes; Elliott, yes; Arthur, yes.

15. COMMUNICATIONS FROM CITY ATTORNEY

None

16. COUNCIL AND MAYOR COMMUNICATIONS

Councilman Heyman - None

Councilman Byrnes - None

Councilman Elliott - None

Councilman Mellette said over the last couple of days with the amount of rainfall we have had it's quite evident that our City crews have done a wonderful job in the cleaning of the ditches and canals and wanted to thank them for the job they have done.

Mayor Arthur said he saw alot of rain and thinks they have done an unbelievable job but it's incredible to him how much still needs to be done.

17. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 8:25 p.m.

MAYOR

ATTEST: