

**M I N U T E S**  
**REGULAR COUNCIL MEETING**  
**CITY OF HOLLY HILL, FLORIDA**  
**FEBRUARY 23, 1993**

**1. CALL TO ORDER**

Mayor Thomas C. Ryan called the meeting to order.

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

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 Chesnowitz.

**4. MAYOR'S REPORT/COMMENTS**

Mayor Ryan reported the Volusia Council of Governments (VCOG) and the Metropolitan Planning Organization (MPO) met earlier in the day in the Volusia Room at Daytona International Airport.

MPO received the Fire Services Report from the appointed sub-committee. (As an aside Mayor Ryan noted the representative from Holly Hill was one of three members of the subcommittee who attended the meeting.) The two items of agreement from the report were the need for a uniform numbering system of fire apparatus and a management response system which would take place throughout the County.

Mayor Ryan said they discussed whether to continue or disband the sub-committee. VCOG agreed they should continue their work. Two areas of concern were the need for better communications (800 MHz system) and the need to work on the mutual aid agreement so the department nearest a fire would be the one responding with mutual aid.

Mayor Ryan informed the citizens the MPO approved the 2015 long range plan which does contain a bridge for Eleventh Street. He stressed this is only for planning and does not mean the bridge will be built. The other item of interest was the inclusion of four

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lanes for Eleventh Street from Nova Road to US 1. This too, is only for planning purposes.

Mayor Ryan told Council he would like the City Manager and Director of Public Services to be ready with some projects which would qualify for federal dollars when and if President Clinton's grant programs become reality. He stated these projects would have to be ready to begin immediately as he did not think there would be any funds for studies or engineering fees. Mayor Ryan mentioned stormwater plans and reuse plans as two projects which might be eligible.

**5. COUNCIL'S REPORT/COMMENTS**

**Councilman Chesnowitz** introduced **Doc Watson** of the Holly Hill Boxing Club. Mr. Watson briefly talked to Council regarding his proposal for using the cafeteria building at the old school site. Mr. Watson stated his willingness to donate equipment to the City in return for use of the cafeteria after the City brings it up to code. Mr. Hester said it was the intention to create a "wellness center" where employees could use the equipment as well as others.

City Manager Hester outlined the proposal he had discussed and told Council he had not brought this matter to them for consideration because the City does not own the building at this time. The closing on this property may be held this week.

Everyone agreed this would be a good program for the children in the area but expressed concern over the fact professional boxers would be working out at this facility.

Mr. Watson said he is currently located on State Avenue but has to leave that location by March 1 so right now he needs a place to store his equipment.

**Mr. Ralph DeSantis**, 210 12th Street, was with Mr. Watson and spoke to Council on this proposed project. He also mentioned he had been active with youth programs in Holly Hill in the past.

Council asked the City Manager to try to work something out so the equipment could be stored in one of the buildings at the old school.

**Councilman Gaither** mentioned problems the dirt, noise and equipment at Public Services are causing the homeowners on Alta Drive. Mr. Chattin said he had looked into installing a fence. However, the fence would cost between three and four thousand dollars and that

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was not in his budget. He said possibly the budget could be amended.

Mayor Ryan suggested moving some of the junk away from the area next to the fence and put it on the other side of the compound. Mrs. Virginia Wine suggested using some of the holly trees from the nursery along the wire fence. Mr. Chattin will bring back a plan in two weeks.

**6. ADVISORY COMMITTEE REPORTS**

None.

**7. AUDIENCE PARTICIPATION**

**Mr. Tom Schillings**, State Avenue asked if anyone had contacted IWS regarding their recycling trucks using State Avenue and causing problems.

After a brief discussion, Mayor Ryan asked the City Manager to make sure someone does contact IWS about this problem and write to Mr. Schilling and let him know what is going on.

Mr. Schillings mentioned the bump in the road he complained about has been fixed.

**Ms. Elsie Burger**, 921 Hartford Avenue said the City needs some recreation program for girls and also needs a swimming pool as well as arts and crafts.

**Mrs. Rosetta Gadson**, 1122 Graham Avenue, complained about her high water bills. Mayor Ryan asked her to go to the Billing Department and see if they could help her and if they wouldn't help then she should contact Mr. Hester and he would get someone on the problem.

**Mr. Joe Spoto**, 124 15th Street, complained about the fees being charged for extra refuse pickups as did **Mr. Bill McGrimley**, 1500 Riverside Drive and **Mr. John Capers** also of Riverside Drive.

Mayor Ryan explained the process used to reach the new rates and how ordinances are adopted. He also mentioned citizens had an opportunity for input during all of these actions as well as the budget process.

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**Mr. Clinton Peddy**, 934 Hartford Avenue, inquired about the street sweeping program and complained about used cars parked along Riverside Drive and about sunbathing in parks on Riverside.

Mayor Ryan explained the street sweeping bid was over the amount budgeted so Mr. Chatten is looking at the possibility of doing this work "in house".

**Mr. Joe Spoto** came back and suggested to Mayor Ryan that the Council should look at a "committeeman" system like is used in upstate New York. Mayor Ryan told him the Council is elected to serve in that capacity.

**8. CONSENT AGENDA**

- A. Approval of Minutes - Regular Meeting - January 12, 1993; January 26, 1993; and February 9, 1993
- B. Award of Miscellaneous Recreation Bids

Mayor Ryan asked to amend the minutes of January 12, 1993 to reflect his reason for voting "No" on the Garage Sale ordinance. Council concurred.

Councilman Byrnes asked if the Recreation items were budgeted and the City Manager said they were.

Councilman Gaither moved to approve the consent agenda being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

**9. ORDINANCE NO. 2343 - VACATING A PORTION OF EARL STREET**

City Attorney Simpson read the following title as well as the legal description contained in the ordinance:

ORDINANCE NO. 2343

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF HOLLY HILL, FLORIDA, BY VACATING PART OF THE EARL STREET RIGHT-OF-WAY LOCATED SOUTH OF FIFTEENTH (15TH) STREET AND WEST OF LOTS THREE (3) AND FOUR (4) OF THE WEST HAVEN SUBDIVISION; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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Councilman Byrnes moved to ADOPT the ordinance on second and final reading being seconded by Councilman Gaither. The motion CARRIED 5-0 on the following roll call:

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

**10. ORDINANCE NO. 2344 - ANNEXING CERTAIN PROPERTY WEST OF NOVA ROAD INTO THE CITY OF HOLLY HILL (Johnston Property)**

City Attorney Simpson read the following title as well as the legal description contained in the ordinance:

ORDINANCE NO. 2344

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

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

**11. ORDINANCE NO. 2345 AMENDING GARAGE SALE PERMIT FEES AND PROVIDING FOR A PENALTY**

City Attorney Simpson read:

ORDINANCE NO. 2345

AN ORDINANCE AMENDING ORDINANCE NO 2080, CHAPTER 15, MISCELLANEOUS PROVISIONS AND OFFENSES, SECTION 15-5, SALE OF PERSONAL PROPERTY WITHIN RESIDENTIAL ZONES, PARAGRAPHS (C) AND (g) THEREOF; BY PROVIDING A PERMIT FEE OF FIVE DOLLARS; PROVIDING A FINE FOR VIOLATIONS; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Gaither moved to ADOPT the ordinance being seconded by Councilman Mellette.

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Mayor Ryan again stated his objections to this ordinance by saying he did not believe the Police Department should be put in the position of collecting the money/fees in this ordinance.

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

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

**12. REQUEST TO REZONE WEST SIDE OF HOLLY HILL AVENUE BETWEEN WALKER AND 15TH STREETS FROM R-3 (SINGLE FAMILY RESIDENTIAL TO I-1 (LIGHT INDUSTRIAL))**

Council briefly discussed this item and agreed with the recommendation from the Board of Planning and Appeals. Councilman Byrnes asked if this would mean having to change the Comprehensive Plan and was told it was in compliance with the Plan.

Councilman Gaither moved to instruct staff to prepare an ordinance for Council consideration at the next meeting being seconded by Councilman Chesnowitz. The motion CARRIED 5-0 on roll call.

Councilman Gaither initiated a discussion regarding the paving of a street which only had one house on it. Mr. Chattin explained this was done with CDBG funds and was on a priority list approved by Council.

Mr. Chattin said some of the streets most in need of paving were not in the CDBG area but after the census figures are studied, maybe the area will expand to cover more of the streets needing paving. The opinion was voiced that it is a shame there are no funds in the regular budget for paving.

**13. SET HEARING DATE TO CONSIDER CONDEMNATION OF 850 RIDGEWOOD AVE.**

Councilman Byrnes moved to set a hearing on this matter on March 9, 1993 being seconded by Councilman Chesnowitz. The motion CARRIED 5-0 on roll call.

**14. REQUEST FROM COUNCIL ON AGING TO CONTINUE USING SICA HALL TO CONTINUE THE DINING PROGRAM**

Councilman Gaither moved to APPROVE the request as presented being seconded by Councilman Byrnes. The motion CARRIED 5-0 on roll call.

**15. EMPLOYEES COMMITTEE REQUEST CONSIDERATION TO CHANGE SANITATION PICKUP SCHEDULE FOR THANKSGIVING DAY**

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Council discussed this matter at length and then Councilman Gaither moved to rescind the current policy of working all holidays except Christmas Day and allow the City Manager to direct the Department Head to work out the logistics of problem. Councilman Mellette seconded the motion which CARRIED 5-0 on roll call.

**16. CITY MANAGER REPORTS/COMMENTS**

Mr. Hester asked for Council approval to dispose of the old garbage containers. He called Council's attention to a letter which will be mailed out to interested citizens who have expressed a desire to use one of the old cans.

The City Manager said the reason for the letter is so the citizens will understand these cans will not be dumped by our people.

Councilman Gaither said he agreed these cans should not be put out for pickup and disagreed with Mr. Chattin's letter saying this was a low priority. Mr. Chattin said the reason this project is a low priority is because the department is in the middle of getting the recycling project working. This system is starting to work as they accomplished all the recycling without overtime on Saturday.

Councilman Chesnowitz mentioned there are green cans which are picked up by our people. These cans say yard waste on them. Mr. Chattin said there are about twenty-five of these cans. The main concern is that residents understand the old cans cannot be put out for collection or pickup. It was also noted citizens can purchase these green cans at approximately \$55.

Councilman Gaither asked how much of a problem it would be to give out these cans. Mr. Chattin asked that the pickup be restricted to certain hours and for a certain length of time. Council agreed.

Mr. Chattin suggested changing the letter to reflect the dates and times as discussed. Council agreed.

Councilman Chesnowitz suggested the letter be put in the Update and Neighbors section.

Mr. Hester reported on **Street Lights**. Anyone can have a light or pole or both installed for a fee (copy attached). He suggested Council remember this information to pass along when asked about lights.

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The next item was the **newsletter**. Mr. Hester presented the Council with three options (copy attached) and recommended option two which would have the News Journal continue to print the newsletter and mail it out first class on a quarterly basis.

Councilman Mellette moved to accept option two being seconded by Councilman Chesnowitz. The motion Carried 5-0 on roll call.

**17. CITY ATTORNEY REPORTS/COMMENTS**

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY MANAGER OF THE CITY OF HOLLY HILL, FLORIDA TO ENTER INTO AND EXECUTE AN AMENDMENT TO THE LOAN COMMITMENT AND AGREEMENT WITH SUN BANK OF VOLUSIA COUNTY DATED JANUARY 25, 1993.

Mr. Simpson explained this was a "housekeeping" resolution because the bank wanted the language in the agreement changed which described the security from franchise tax to utility service tax revenues.

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

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

**18. MISCELLANEOUS COUNCIL COMMUNICATIONS**

Mayor Ryan asked Councilman Chesnowitz about Student Government Day. Councilman Chesnowitz announced it would be March 9, 1993.

**19. ADJOURNMENT**

There was no further business to come before Council so the meeting was adjourned at 9:25 p.m.

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Mayor

ATTEST:

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City Clerk-Manager