

**MINUTES
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 25, 1995**

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, Councilman Shirley Heyman and Councilman Jim Elliott.

Also attending were Acting City Manager Tim Harbuck, City Attorney Edward Simpson, Chief of Police Pat Finn and Secretary Susie Sheets.

2. INVOCATION

The Invocation was given by Pastor Larry Kirk, Christ Community Church. Following the Invocation, a moment of silence was observed in memory of Mayor George Musson from New Smyrna Beach.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

None.

5. CONSENT AGENDA

Minutes - Regular Council Meeting - April 11, 1995

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

6. UNINCORPORATED PROPERTY BETWEEN HOLLY HILL AND ORMOND BEACH

Acting City Manager Tim Harbuck said the City of Ormond Beach requested a meeting with Holly Hill staff to discuss the feasibility of using Calle Grande as a dividing line concerning the unincorporated areas between the two cities. Utilities, police, and fire services were discussed.

Mr. Harbuck said this item is on the agenda tonight to see if Council agrees in concept and if that is affirmative, then staff can meet further with Ormond Beach staff to work out the details. Mr. Keeth and Mr. Bethea are present to answer any questions and to display a map showing the exact area under discussion.

**MINUTES
REGULAR COUNCIL MEETING
APRIL 25, 1995**

Mr. Keeth addressed Council briefly and said it would be good for the two cities to try to work something out and when an agreement is presented for consideration, a public hearing should be held to get input from the citizens. Mr. Dan Smith and Ms. Lucille Ferris spoke to Council on this idea.

After discussing the matter, *Councilman Mellette moved to approve the concept and to have staff set up a meeting with Ormond Beach. Councilman Elliott seconded the motion which CARRIED 5-0 on roll call.*

7. WALKER STREET RAILROAD CROSSING REHABILITATION

Mayor Wine briefly explained the FEC Railroad is proposing to rehab the crossing on Walker Street at a cost of \$24,193. She asked Mr. Hallman if city crews could do this work cheaper and he said no.

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

8. RE-ARRANGEMENT OF SHELVING, FURNITURE, AND EQUIPMENT IN HOLLY HILL PUBLIC LIBRARY

Mayor Wine said the librarian has asked for some help from city personnel to take down the double doors and store them. *Councilman Byrnes moved to APPROVE the request being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.*

Mayor Wine told the librarian to let the City Manager know about a week in advance of when she wanted this work done so he could schedule work with the maintenance crew.

9. ORDINANCE NO. 2397 - WRECKER SERVICE (SECOND READING)

City Attorney Simpson read:

ORDINANCE NO. 2397

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING CHAPTER 29 (WRECKERS), ARTICLE II (WRECKER ROTATION LIST); ADOPTING A NEW SECTION 29-1 TO PROVIDE FOR EXCLUSIVE FRANCHISE AGREEMENT FOR CITY WRECKER SERVICE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**MINUTES
REGULAR COUNCIL MEETING
APRIL 25, 1995**

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

10. ORDINANCE NO. 2398 - AMENDS B-4 ZONING CLASSIFICATION TO PROVIDE FOR CHURCHES AS A PERMITTED USE (FIRST READING)

Councilman Byrnes expressed concern about the traffic any church would generate when they abutted residential areas. A brief discussion ensued and then

City Attorney Simpson read:

ORDINANCE NO. 2398

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 5.5.16, B-4, HIGHWAY BUSINESS DISTRICTS, OF ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED, TO PROVIDE FOR HOUSES OF WORSHIP AS A PERMITTED USE IN THE B-4 DISTRICTS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Byrnes asked if this was being done because of a specific request. Mr. Harbuck answered yes. Mayor Wine asked if this was how Mr. Harbuck found this oversight. He said it was discovered because of a specific request. Mayor Wine said the churches must meet all the parking regulations.

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

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

11. RESOLUTION NO. 20 - AUTHORIZES THE MAYOR TO EXECUTE AN AGREEMENT WITH THE COASTAL FLORIDA POLICE BENEVOLENT ASSOCIATION FOR 1994-95

City Attorney Simpson read:

**MINUTES
REGULAR COUNCIL MEETING
APRIL 25, 1995**

RESOLUTION NO. 95-R-20

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE COASTAL FLORIDA POLICE BENEVOLENT ASSOCIATION FOR THE FISCAL YEAR 1994 - 1995; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

12. RESOLUTION NO. 21 - ADOPTING THE REAPPORTIONMENT OF VOTING MEMBERSHIP ON MPO

City Attorney Simpson read:

RESOLUTION NO. 95-R-21

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING THE REAPPORTIONMENT OF VOTING MEMBERSHIP ON THE VOLUSIA COUNTY METROPOLITAN PLANNING ORGANIZATION TO INCLUDE REPRESENTATIVES FROM EACH OF THE FIFTEEN (15) CITIES AND THE COUNTY COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Councilman Byrnes said he would have voted against the resolution if Daytona Beach had not requested the City's support.

13. RESOLUTION NO. 22 - AUTHORIZES THE MAYOR TO EXECUTE MODIFICATION #1 TO THE STATEWIDE MUTUAL AID AGREEMENT

City Attorney Simpson read:

RESOLUTION NO. 95-R-22

**MINUTES
REGULAR COUNCIL MEETING
APRIL 25, 1995**

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE MODIFICATION #1 TO THE STATEWIDE MUTUAL AID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

14. RESOLUTION NO. 23 - REVISES RATES FOR BULK MATERIALS FOR RESIDENTIAL AND COMMERCIAL AND ESTABLISHES MINIMUM FOR 440 GALLON CONTAINER

City Attorney Simpson read:

RESOLUTION NO. 95-R-23

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING SERVICE FEES TO BE CHARGED FOR COLLECTION AND DISPOSAL OF SOLID WASTE, PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HERewith, AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Elliott moved to ADOPT the resolution being seconded by Councilman Mellette.

A lengthy discussion ensued and by consensus, Council agreed to TABLE the resolution, revise it, and bring it back on the May 9th agenda. Mr. Hallman and the City Attorney will revise the resolution. (No action was taken on the motion.)

Mayor Wine asked Mr. Rosevear (County Councilman, District No. 4) to take this discussion back to the County Council because they have built up such a large Fund Balance, maybe they could change the tipping fees for the cities.

15. RESOLUTION NO. 24 - APPROVES BINGO BEING PLAYED AT SICA HALL

City Attorney Simpson read:

RESOLUTION NO. 95-R-24

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE PLAYING OF BINGO AT SICA HALL; PROVIDING FOR SEVERABILITY;

**MINUTES
REGULAR COUNCIL MEETING
APRIL 25, 1995**

**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, Wine, yes.*

16. COMMUNICATIONS FROM CITY MANAGER

Mr. Harbuck said he has had a **request from the Finance Director to consider cancelling the second meeting in June (27th)** to allow for budget workshops from June 26 through June 28. Mr. Harbuck says if Council agrees, he would have a resolution for the next meeting.

Councilman Mellette said he does not have a problem with the request. Councilman Heyman said it was fine with her. Mayor Wine said she does not have a problem with it either because we need to get the budget done.

Councilman Byrnes said he doesn't remember Council setting those dates as the budget time that in the past, the budget workshops have been in July and he had planned his vacation for that time in June so he has a problem with that date.

Mayor Wine said the reason this has been brought up is because if the Legislature passes the uniform election date, that process will start in July.

More discussion ensued and Mayor Wine suggested since Mr. Byrnes was going to be out of town, maybe the budget hearings could be held June 19 through June 21, 1995. Mr. Byrnes said he didn't want to upset the whole Finance Department. It was decided to bring a resolution to the next meeting with blank dates and Council could decide at that time what they wanted to do.

Mr. Harbuck said the other thing he wanted to bring up is that within the next thirty to sixty days, City crews will begin to **demolish the auditorium building** (two story school building). He said when you do projects like this, you have people walking up and they want to salvage material from there. He said as far as he is concerned, every item taken will save the taxpayers money. He said he is going ahead and let them do it but that he may require them to sign a waiver if they are injured while doing this, they would hold the City harmless. He said if anybody asks, we will let them do this but he is not going to advertise or make any announcements. If people ask, we will let them do it. Mr. Hallman agreed that every pound taken would save money. Councilman Elliott asked if this was just the auditorium area and Mr. Harbuck said it was.

**MINUTES
REGULAR COUNCIL MEETING
APRIL 25, 1995**

Councilman Byrnes asked when this decision was made and Mr. Harbuck said he has been talking about this for the last couple of weeks. Councilman Byrnes told Mr. Harbuck he (Harbuck) knew he (Byrnes) has been working with the Florida State Film Commission because Mr. Harbuck helped Mr. Byrnes get the pictures. Mr. Harbuck said that is true and he did not think about that until just now. He said he had talked to Mr. Hallman at the dedication of the Youth Center and he (Hallman) mentioned starting on the project during the next thirty days.

Mr. Harbuck assured Mr. Byrnes he would yield to whatever plans he had made. Mr. Byrnes said he would contact them again because they were going to advertise the school and the ads won't be out until next month. Mr. Byrnes said he would hate to think he has put all this work into this and people are not informing the Council what is going on. Mr. Harbuck told Mr. Byrnes this had completely slipped his mind until right now, the part about having him working with the Film Commission. Mayor Wine said she had forgotten he was trying to get someone to come and take the school down. She said she thought that was last month.

Councilman Byrnes said it may fall through but the point is...

Mr. Hallman asked if they could go ahead and start taking some of the material out of the inside of the building. He said the only thing anyone is interested in is the wood and they (Public Works) plan on salvaging are the cast iron materials (radiators). He said he has just learned they are so valuable, they might pay for what it would cost to take down the building. He said you can't bury the wood and mainly the wood (flooring and timbers) is what citizens would take out any way. Mr. Hallman said you wouldn't want to get on the roof.

Mayor Wine asked Councilman Byrnes if he wasn't planning to have the building blown up and he said that was a possibility. She said it wouldn't make any difference then if some of the material is removed from the building. Councilman Byrnes said it probably wouldn't make any difference. He said he had hoped to have the cost of removing the building covered by a film company. A December time frame was mentioned.

17. COMMUNICATIONS FROM CITY ATTORNEY

None.

18. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Byrnes mentioned his sadness because of the passing of Mayor George Musson from New Smyrna. He noted Mayor Musson attended the Ross Point opening. Mayor Wine said she would be out of state and could not attend the funeral. Mr. Harbuck said Bill Bethea is going to represent the City.

**MINUTES
REGULAR COUNCIL MEETING
APRIL 25, 1995**

Councilman Heyman talked about the opening for the Youth Center and said the young people, Sgt. Hatcher and Councilman Byrnes had worked over there and did a wonderful job. She said it was a touching ceremony.

Mayor Wine said Mr. Bethea did a good job bringing it all together as well as the opening of Ross Point Park.

Mayor Wine asked Mr. Simpson if he had received the permit for the railroad crossing on Tenth Street. He responded he had not received the permit but would call them. Mayor Wine asked Mr. Simpson to call them tomorrow because if he continues to call, the FEC would be more inclined to mail the permit.

19. ADJOURNMENT

There was no further business to come before the City Council so the meeting was adjourned at approximately 9:05 p.m.

Mayor

ATTEST:

Acting City Manager