M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
MAY 14, 1996

1. CALL TO ORDER

Mayor William D. 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, Attorney Kit Korey sat in for City Attorney Edward Simpson, Chief Of Police Patrick Finn, and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Virginia Wine.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Arthur asked if there were any changes to the agenda. City Manager Lusk said he would like to withdraw Item No. 8. "REQUEST FOR VARIANCE TO BUILD ON RIVERSIDE LOT" because the City received a survey today which shows there is plenty of room to build the house the purchaser wants to build.

Councilman Mellette moved to APPROVE the change in the agenda being seconded by Councilman Elliott. The motion CARRIED 5-0.

4. CONSENT AGENDA

A. Approval of Minutes - Regular and Workshop Meetings, April 23, 1996
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

Mr. Mike Withers, 1634 Riverside Drive expressed concern about drainage problem which might be caused by the City allowing a house to be built on the vacant lot in their neighborhood.

He said his group felt cheated as they paid an attorney $850 to represent them and now the item has been withdrawn from the agenda.

A lengthy discussion ensued during which Milt Hallman, Public Works Director and City Manager Lusk assured the neighbors the City intends to replace the existing drainage system with a larger and better system.

Ms. Darlene Hakorjarvi, 1630 Riverside Drive said she has French drains and as her property is the lowest in the area she is very concerned about being flooded. There are approximately four properties in the area which flood when the present drain stops up. Again, staff assured her the new system would be bigger and better.

Mr. James Swilley, 1000 Walker (Lot 273) complained to Council about noise from boom boxes. A lengthy discussion centered around what the Police Department can and cannot do in these cases. However, he was assured the City would try to help with the problem.

6. PRESENTATION OF 1996 GOALS - Roy Schleicher

Mr. Schleicher went over his report (copy attached) with Council and he reported on the progress Council made on the last goals set in 1995. He explained that some goals were carried over to the 1996 list and that some new realistic goals were also established. He complimented Council for a job well done.

7. PUBLIC HEARING REGARDING REDEVELOPMENT PLAN

Mayor Arthur opened the Public Hearing and called on the City Manager. Mr. Lusk said this is kind of a repeat item as it was done last summer in a Special Meeting. He said the staff had concerns about the advertising requirements not being met so the best way to handle that is to back up and start over. He said he is asking Council to pass the Redevelopment Plan tonight and assured Council the advertising requirements have been met and other agencies have been notified as required by law. Mr. Lusk said the only change is a map of the area has been added.

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

8. REQUEST FOR VARIANCE TO BUILD ON RIVERSIDE LOT

Item was withdrawn because a variance was not needed. See explanation on Page 1.

9. RESOLUTION NO. 26 AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE ALL NECESSARY PAPERS TO ACCOMPLISH THE SALE OF THE LOT ON RIVERSIDE DRIVE FOR NOT LESS THAN $80,000.

Attorney Korey read:

RESOLUTION NO. 96-R-26
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO FACILITATE THE SALE OF PROPERTY LOCATED AT 1647 RIVERSIDE DRIVE; 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; Heyman, yes; Byrnes, yes; Arthur, yes.

10. PRESENTATION REGARDING THE BALANCE OF THE PAVING PLAN FOR 1996

Mr. Hallman, Public Works Director reported the City would continue with the paving plan as Council had previously approved. Five Streets will be paved 1) Daytona Avenue from 15th Street, south to the city limits 2) Eighth Street from Nova Road to Center 3) Scitutate 4) Granada 5) Arrica Way, north to city limits. He said he has talked to the contractor and as they go through the streets, they will fan out the intersections. This will cure some of the pot holes and will allow them to go down some of the streets 50 or 60 feet. The other item is that there will be $12,000 to $13,000 left and the next recommendation to Council is to work on the entrance and exit in Hollyland Park. He said if there was any money left, he would continue on with the program.

Mayor Arthur asked if it would be expensive to pave Walker Street to US 1. Mr. Hallman said it would cost $8,000 to $10,000. Mr. Lusk said there are many bad streets, they are paving the worst ones first and Eighth is worse than Walker and that is what put it on the list. He agreed Walker needs to be paved. He said it probably would be paved the next time.

Mr. Hallman said he will offer a $50,000 paving program for Council consideration each year. When this paving is completed, the City will have accomplished about $310,000 in paving this year.

Mayor Arthur said it tickles him to see the paving being done. Mr. Hallman said the neighbors are taking more interest in their lots and places and cleaning them up. This is giving them a sense of pride. Mr. Lusk said this is the beginning of an annual paving program.

Councilman Elliott moved to APPROVE the program as presented with the additions for Hollyland Park being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

11. REQUEST BY D & W PAVING TO REZONE PROPERTY FROM CC-1 (COMMERCIAL CORRIDOR DISTRICT) AND R-3 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO I-2 (HEAVY INDUSTRIAL DISTRICT) (ORDINANCE NO. 2429 - FIRST READING)

Attorney Korey read:

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY REZONING APPROXIMATELY 0.7 ACRE LOCATED ON THE NORTH SIDE OF 3RD STREET EAST AND WEST OF SUNSET DRIVE, FROM R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT, AND CC-1, COMMERCIAL CORRIDOR DISTRICT, TO I-2 HEAVY INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Bob Keeth, VCOG Planner said this rezoning is consistent with the Comprehensive Plan and the Future Land Use Map designated this as commercial or industrial. This would put all of D & W Paving's holdings under the I-2 zoning classification. He said the Board of Planning and Appeals also recommended approval.

Big John, from the Redevelopment Board, said he thought it would be more agreeable to the Redevelopment Board if staff would let them know when there is any proposed activity in the CC-1 zone which is the Redevelopment Area. Council agreed it would be a good idea to have the Board's input even though they don't have anything to do with rezoning. Big John also reminded Council of some of the types of businesses allowed in the I-2.

City Manager Lusk said he agreed the Redevelopment Board should look at any activity in the CC-1 zone. He had not thought about that before this came up.

Councilman Byrnes moved to TABLE the ordinance until it is looked at by the Redevelopment Board. After a brief exchange of ideas, it was agreed to make it a policy to always get input from the Redevelopment Board on items concerning the CC-1 (Redevelopment District). The motion was seconded by Councilman Elliott and CARRIED 5-0 on the roll call.

12. ORDINANCE NO. 2425 - ESTABLISHES A PROCEDURE FOR FILING COMPLAINTS FOR ANIMAL CONTROL VIOLATIONS (TWO PERSONS TO SIGN AFFIDAVIT

Attorney Korey read:

ORDINANCE NO. 2425
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 5 (ANIMALS AND FOWL), SECTION 5-12 (ANIMALS WHICH CREATE NUISANCES) AND CREATING SECTION 5-14 TO ESTABLISH A PROCEDURE FOR FILING COMPLAINTS WITH THE CITY FOR ANIMAL CONTROL VIOLATIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Roseanne Dries, 9 Stuart Drive, expressed her displeasure with the proposed ordinance and talked about the problem with dogs in her neighborhood. Mr. Lusk told her how the present ordinance regarding animal nuisances did hot hold up in Court and the ordinance being proposed has been tested and does hold up.

At this point in the meeting Mr. Korey was replaced by Attorney Scott Simpson.

Following more discussion, Mr. Simpson explained the difference between public and private nuisances.

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

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

13. ORDINANCE NO. 2427 - AMENDS LIBRARY YOUTH CENTER BOARD TO INCLUDE THREE YOUTH APPOINTMENTS

Attorney Simpson read:

ORDINANCE NO. 2427
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ESTABLISHING THREE (3) YOUTH POSITIONS ON THE LIBRARY AND YOUTH CENTER BOARD APPOINTED BY THE CHAIRMAN AND TO BE FILLED BY YOUTHS BETWEEN THE AGES OF 10 AND 18; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

14. ORDINANCE NO. 2424 - VACATES A PORTION OF 15TH STREET AND HOLLY HILL AVENUE

Attorney Simpson read:

ORDINANCE NO. 2424

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA VACATING THE UNUSED PORTIONS OF HOLLY HILL AVENUE AND 15TH STREET; RETAINING A 20 FOOT UTILITY EASEMENT OVER THE VACATED PORTION OF 15TH STREET; REQUIRING THE INSTALLATION OF A TURNAROUND ON HOLLY HILL AVENUE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. John Wine said he was representing the owners and they agreed with the radius for the turn-around. However, he said they would like some flexibility in its location. Council talked about that briefly.

Mrs. Heyman asked Mr. Hallman if he was familiar with the property and if he could give Council some insight into the matter. Mr. Hallman said the City would not ever need the right of way.

Mr. Mellette asked Mr. Harbuck if there was a problem with the proposal and was told there is no problem.

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; Elliott, yes; Byrnes, yes; Arthur, yes.

15. ORDINANCE NO. 2426 - ESTABLISHES A REDEVELOPMENT TRUST FUND

Attorney Simpson read:

ORDINANCE NO. 2426
AN ORDINANCE OF THE CITY OF HOLLY HILL ESTABLISHING A REDEVELOPMENT TRUST FUND FOR THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

City Manager Lusk explained this ordinance is establishing the Redevelopment Trust Fund and asked Council if they had any questions. There were none.

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

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

16. ORDINANCE NO. 2428 - ADOPTS A NEW CODE OF ORDINANCES

Attorney Simpson read:

ORDINANCE NO. 2428
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF HOLLY, HILL, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

17. RESOLUTION 25 - PROVIDES THAT SPECIAL TAXING DISTRICTS MAY REQUEST TO BE EXEMPTED FROM DEPOSITING THE INCREMENTAL AD VALOREM TAX REVENUES INTO THE COMMUNITY REDEVELOPMENT TRUST FUND

Attorney Simpson read:

RESOLUTION NO. 96-R-25
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING A PROCEDURE BY WHICH SPECIAL TAXING DISTRICTS MAY REQUEST TO BE EXEMPTED FROM DEPOSITING THE INCREMENTAL AD VALOREM TAX REVENUES INTO THE COMMUNITY REDEVELOPMENT TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Big John said he did not understand why this resolution was being presented. Mr. Simpson explained this is required by state law.

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

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

18. RESOLUTION NO. 27 - APPOINTMENT(S) TO THE BOARD OF PLANNING AND APPEALS

Attorney Simpson read:

RESOLUTION NO. 96-R-27
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE FOR A THREE YEAR TERM UNTIL MAY, 1999; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

These appointments were for Cecily Noel (Ward 4) and Cheryl Skidmdore (Ward 3).

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

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

19. RESOLUTION NO. 28 - AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE TENTH (10TH) STREET CROSSING LICENSE AGREEMENT WITH THE FLORIDA EAST COAST RAILWAY

Attorney Simpson read:

RESOLUTION NO. 96-R-28
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH THE FLORIDA EAST COAST RAILROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR 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; Elliott, yes; Mellette, yes; Arthur, yes.

20. PUBLIC HEARING TO CONSIDER REVOCATION OF OCCUPATIONAL LICENSE OF CIRELLI AUTO PARTS, 301 CARSWELL AVE

Mayor Arthur said this item is to have a public hearing to consider the revocation of the occupational license of Cirelli Auto Parts, 301 Carswell Ave. He turned the hearing over to Mr. Simpson.

Mr. Simpson explained the procedure which would be followed. He said the first thing is that the Clerk will swear in all the witnesses. After the witnesses are sworn in, it is the City's burden to prove what they have alleged against Mr. Cirelli which is that he is operating a salvage yard without an occupational license. The City will present their case first. Each witness will present evidence to the City Council. The Council has the right to ask questions of each witness and in turn Mr. Cirelli can question the witnesses. After the City presents its case, Mr. Cirelli will be given the opportunity to present a case. When all the evidence has been presented, the Mayor will close the floor for discussion and then the Council will consider the matter and possibly make a motion to revoke the occupational license. If no motion is made, then the license is not revoked. A motion must be approved by a majority of the Council. The burden on the City is to prove that Mr. Cirelli is doing what has been alleged.

Mr. Simpson told Council the City has hired attorney Ed Davis to represent the City in this matter. The reason for that is because the Council is sitting in a quasi-judicial capacity and he (Simpson) represents the City Council so he cannot represent the City in a case in front of the City Council. That would be a conflict of interest.

Mr. Simpson said Councilman Mellette has inquired if he would have a conflict of interest in this matter and have to step down. Mr. Simpson said the matter would have to benefit Mr. Mellette personally before there is a conflict. Since there is no evidence of that, there is no conflict as far as Mr. Mellette is concerned.

The first matter to be done is for the City Clerk to swear in all the witnesses.

At this point Deputy City Clerk Sue W. Blackwell administered the oath to the witnesses.

The first witness for the City was Chief Building Official Tim Harbuck.

Harbuck: In 1994, Mr. Cirelli along with Linda Cirelli applied for an occupational license for a vehicle repair shop. The license was issued with no problem, no incident. At a later date Mr. Cirelli amended the license to include used car sales and trucks.

Since 1994, over a period of time, the City has received numerous complaints from citizens who drive up and down Third Street and Carswell Avenue complaining about cars being half in the street and half in a parking space and a lot of activity going on there creating traffic hazards...This sort of thing...We investigated the complaints over a period of time and found out there was indeed some of this activity occurring. We spoke to Mr. Cirelli and asked for his cooperation to clean up the area and to park the cars in an orderly fashion to get them off the street. Also, we asked him that the cars that were inoperable and unable to run could not stay there because they are considered salvage automobiles and he did not have a license for salvage automobiles.

He claimed the cars were there for sale and for a while, we kind of went along with that, but, yet, the complaints continued to come. If you will notice in your packet, I wrote Mr. Cirelli a letter in December 15, 1994, and in the letter I listed five items that needed to be complied with to put him in compliance with the ordinance.

Byrnes: Do you have the page number in the agenda for that.

Elliott: It is 20-3.

Harbuck: Thank you. I don't have my agenda with me, I'm just going from my file. He (Cirelli
Ordinance does not permit an automobile dismantling and salvage yard in CC-1 zoning category which is what he is now. Prior to the administrative rezoning to CC-1, he was in I-1 and the I-1 zone does not permit an automobile dismantling and salvage yard.

I'd like to give you some photos. The large photos were taken approximately three months ago and some of the small ones were taken this morning. The automobiles in the pictures are obviously junk cars. Some of them don't have wheels, some of them don't have motors. They do not run. These cannot be classified as automobiles for sale. They are simply junk cars. We have other evidence that some of the witnesses are going to submit to tonight regarding selling parts off these cars and regarding selling the cars themselves. To put it quite simply, we believe our evidence will support that the Cirellis are running and automobile dismantling salvage yard, a junk yard if you will. The property is not zoned for that and it is not a permitted use. We've had a multitude of citizen complaints, business complaints in the neighborhood, police complaints of the activities ...moving the cars in and out creating traffic jams, traffic obstructions, violating certain traffic laws. In a nutshell, that is our case. We are saying that he is not zoned to do what he is doing and it is not permitted to do what he is doing in that location.

Next, I'd like to ask Code Enforcement Officer Ed Lee to come before you...

Arthur: Before you do that...Mr. Cirelli, you have...

Unintelligible

Simpson: I will but after the City Council has an opportunity.

One issue: Any written documentation as submitted for the Council needs to be given to Sue Blackwell, City Clerk so it can be part of the file. I guess she already has a copy of all the stuff that is in the agenda, but like these photographs and any other written evidence you want to present to Council...

Unintelligible..

Simpson: Okay. And also the Mayor does have the authority to limit the amount time someone has to speak, if the Mayor believes it is getting into irrelevant or unnecessary items. That lies within the discretion of the Mayor and he can do that at his will. At this time does the Council have any questions for Mr. Harbuck?

Byrnes: Mr. Harbuck, can you just give us a quick rundown as to what the difference would

Harbuck: I suppose they could. They don't normally do that. If you look at the definition of a junkyard in our Zoning Ordinance, it specifically mentions the fact that the cars are dismantled and the parts are sold. You can't do it there. I suppose you could buy parts from another location and bring them to an auto repair to sell, but the fact that parts are stripped from automobiles, rendering the automobiles disabled, would constitute a junkyard. But, to answer your question, I suppose an auto mechanic or auto repair/ vehicle repair shop could sell parts. But one would think they would buy the parts from somewhere else and stock them in the building.

Byrnes: But a sales and repair place would normally not have multitudes of inoperable vehicles?

Harbuck: That is correct.

Byrnes: Thank you.

Arthur: Were all these pictures taken the same day?

Harbuck: The smaller pictures were taken this morning...Yes, sir, today. The larger pictures were also taken the same day approximately three months ago.

Arthur: The small ones were three months ago?

Harbuck: The small ones were this morning.

Arthur: These?

Harbuck: Yes, sir. They were taken today.

Arthur: I don't know what the rules are on..as far as selling cars, but this it's not really a good location for a car lot, let alone...I'm not sure what it requires to have a car lot so I obviously think...

Heyman: Well, a car lot is a lot where you sell cars that run, not cars that have windows busted out and no motors. That is a junkyard.

Arthur: Well, there are such things as cheap cars to sell. It is usually...that doesn't look like a good pla

Harbuck: Along that line Mayor, one of the other problems we were experiencing was that the customer parking...the designated customer off-street parking was being used to park these cars which he allegedly was selling. We simply said if you are going to be a used car lot, provide an area to put the cars and provide customer parking and he wasn't doing that.

Arthur: This may be premature but has anybody looked for a more adequate spot for his ...well, we'll find out what his business is and then we'll...

Heyman: How long has this been going on Mr. Harbuck?

Harbuck: This has been going on since 1994.

Arthur: Does anybody on Council have anymore questions?

Simpson: Anymore questions for Mr. Harbuck?

Mr. Cirelli, do you have any questions?

Cirelli: You said '94. I think that is a lie because see I've had a license..I've had a license there to sell aut Harbuck comes in with the sheriff saying that I should not...that I am not allowed to sell automobiles. He came with the sheriff and he had a little notice. I had twenty-four hours to moved eleven automobiles that ran..out of the designated area that I had to sell cars. Do you have that paper there? (To Harbuck.) That should be in evidence because he came with the sheriff. Do you have the paper there saying that? That was not in '94; that was in '92. Is the paper around? It's in his file.

Arthur: '92?

Harbuck: Unintelligible...this lying thing?

Cirelli: No, it is not lying.

Harbuck: I didn't go with the sheriff. I didn't give you 24 hours...

Cirelli: Oh, you didn't? That is a lie and I can and I will... There is a witness right there.

Byrnes: Mr. Mayor, can we have the person ask questions. This is his...This is your time to be as

Simpson: You will be given an opportunity to present your case, if you want, but if you have an

Cirelli: Yeah.

Harbuck: He (Cirelli) is alleging I went to his place of business....

Cirelli and City Manager talking at the same time...

Cirelli: There is a paper for this. I lost my partner in selling automobiles....

Heyman: Did they give you a copy of the paper?

Cirelli: Yes they did...

Arthur: Let's start back. Let's try to make this the way it is supposed to be done. What you (Cirelli) ha

Cirelli: Okay. I'm asking Mr. Harbuck what with the paper that he came with the Sheriff to my shop...

Arthur: Okay. Well, you'll have a...you'll have a chance...When it is your turn to show all your complaint

Cirelli: He alleges these automobiles are junk.

Arthur: Well, a lot....

Heyman: Mayor, could I ask a question, please?

Simpson: You can get the information. Yes that is correct. Okay, that is fine.
(Unknown who he is talking to as he is speaking to someone else.)

Heyman: Mr. Cirelli, if he came to your place of business with a sheriff or police officer, whatever, surely he gave you a copy. Do you have a copy?

Cirelli: I don't have it with me, cause...

Heyman: Well, you knew this hearing was coming up...

Cirelli: Yes, I did but my lawyer dropped me at four o'clock.

Heyman: But you should have brought that paper with you see...You shoulda brought that paper.

Arthur: Okay...

Simpson: We need to get that on the record.

Mr. Cirelli, if you are going to speak, you need to speak into the microphone so the cou

Unintelligible.

Cirelli: These are motors and this is my wrecker. I have a wrecker service. Which I do...

Harbuck: Not at that location, you don't.

Cirelli: No, I don't?

Harbuck: No, you don't.

Cirelli: I don't have a license? Oh, you mean to tell me you guys didn't process it yet? I have a receipt t

Mr. Harbuck is speaking in the background about Cirelli not having a license but it uninte

Cirelli: I don't have a license for towing. Well, why ain't I...why haven't...

Several people talking at once. Cannot understand to transcribe.

Heyman: Where is it at?

Lusk: ...ask questions and move on.

Arthur: Hold on a minute. Here is what you (Cirelli) have to do. Now you are going to have to do this.

More unintelligible conversation.

Arthur: Please stand at the podium. Please. Tim, could you go over there also.

Cirelli: Is that what it is? My tow truck hauling a motor? That means I am a junkyard?

Harbuck: As far as I am concerned it does.

Cirelli: Okay. There's more motors on the..that means they were sold, right? Are you alleging I sold

Harbuck: Mr. Cirelli, I am alleging that you are operating...

Cirelli: Okay. You gotta receipt? You have a receipt for these parts? You alleged I sold. Okay, h

Heyman: Mr. Cirelli, are you selling auto parts off those cars?

Cirelli: I am dismantling automobiles that are sold to me through City Limits Towing and I'm taking them

Lusk: Sir. Wait a minute. You need to ask questions.
You get to do a whole summary at the end....

Cirelli: She asked me a question.

Lusk: You need to ask him (Harbuck) questions and let's move on.

Arthur: Yes. We have other witnesses too and you get to ask everybody questions and you will get yo

Cirelli: Look at this. This is not my lot.

Lusk: Sir. that is not a question. Ask Mr. Harbuck questions.

Unintelligible.

Harbuck: (In background) Are those your automobiles?

Cirelli: Nope. Not a one. That's the lot next door to us.

Harbuck: I believe we have evidence later on in this hearing that will support what we are saying.

Cirelli: Okay.

Arthur: Okay. Do you have another witness?

Simpson: First, I'll ask if the City's attorney Ed Davis has any questions for Mr. Harbuck.

Davis: I have no questions.

Simpson: Who is your next witness? (To Mr. Harbuck)

Mr. Ed Lee, will you come forward, please?

Elliott: I want the big pictures.

Harbuck: You didn't get to see the pictures?

Elliott: Not the big ones.
Unintelligible.

Lee: Approximately two years ago...
Arthur: Tell everybody who you are.

Lee: I'm Ed Lee. I'm Code Enforcement Officer for the City of Holly Hill.

Approximately two years ago, I went to Cirelli's place of business before I was Code E wreckers...parts hanging off the cars, dragging down the road. Some of the cars have been sitting on his lot right there for months. I have,... I think you guys (Council) all got copies of this. These are receipts from Yorke's. There are 54 pages of receipts, two receipts per page from cars that have been either dismantled by him (Cirelli), his employees at his property or just drug down there for sale. That is about all I've got.

Arthur: Do you have that entered for evidence?

Lee: Yes, I do (unintelligible).

Arthur: I'd like to see it.

Lee: All these receipts, these dates range from 1-9-96 to 5-8-96.

Arthur: Mr. Cirelli you have any...

Simpson: Actually, it is Council's turn. Does Council have...

Byrnes: Have you seen them actually pull parts off vehicles?

Lee: Yeah. In fact I've got one photograph right here where a gentlemen has a wrench in his h

Byrnes: Does the City require that the work be done inside the premises?

Lee: No. No.

Byrnes: Did you check the vehicles for license tags and registrations?

Lee: There are very few vehicles on that lot that have tags on them. In fact, I've got more pi
Byrnes: Do you believe there were no tags on them for a period of time such...

Lee: Yeah. Yeah.

Byrnes: ...not just happen to fall off or not get renewed or...

Lee: The photographs I took today, the majority of them didn't have tags on them and I know fo

Byrnes: Do you have some more pictures to present?

Lee: Well, no. Yeah, I guess maybe I could.

Arthur: What I am looking at...There's quite a few. I mean there's an awful lot of sales here to a salvag
any of us J. D. (Councilman Mellette).

Mellette: I am a salvage yard and we dismantle probably six cars a week. We sell roughly six cars

Byrnes: Wonder how many your average car dealer would sell?

Mellette: The average car dealer probably sell to someone like us or someone like Mr. Cirelli.

Byrnes: Here are some more pictures. So that I can be sure that I heard you, you say you purchas

Lee: Well, this is going back two years ago prior to me becoming the Code Enforcement Officer. I was looking for some bumper fillers for an old Cadillac I had.

Byrnes: You were not down there in an official position?
Lee: No. No. He did have the parts I needed . He wanted $50 for them. I didn't buy them fr

Arthur: Did you go to J. D. ?
Mellette: I would have charged him more.

Arthur: Does Council have anymore questions?

Mr. Cirelli?

Cirelli: I want to say one thing. Ed Lee does a good job on Code Enforcement. He really does because a

Lee: A bunch of them and those are all in the photograph there.

Cirelli: Whose cars are they? Pete's, right? You just said it. That photograph that I told you was not mi

Arthur: What do you do with them, Mr. Cirelli?

Cirelli: I have them...I rented them a lot. Anybody unintelligible. That lot there looks like garbage, v
Not my fault.

Arthur: What did you mean by "making your junkyard bigger"?

Cirelli: Cause I have another section in the back. It is..(unintelligible)

Arthur: Are you telling me that it is a junkyard...

Cirelli: No, cause I have

Arthur: ...but if we gave you a fence you'd make it bigger?

Cirelli: The City alleges it is a junkyard and that if they gave me the other fence to the front of the lot,
they say now you got a junkyard. Why did they do that?

Byrnes: I have no idea.

Cirelli: But you see what I mean..

Arthur: What percentage...maybe I'm asking this too soon but, what percentage of your cars you are tak

Cirelli: I would sell about four to six cars a month under $500.

Arthur: Then how many of these cars go to a junkyard?

Cirelli: I would say more than six a week, but see I'm not just a car salesman. I am a wrecker service want to go to J. Mellette or Moore's or John's. They call me. Why do they call me?

Arthur: Maybe...to me it just sounds like the license...it just doesn't sound like...what you are doing doesn

Cirelli: You are probably right.

Arthur: That is what...

Cirelli: I'm not going to say you are wrong. I say at the end it is going to show that I do everything that

Arthur: Well, we need to correct it then.

Cirelli: Yeah. Oh , yeah. There's not problem. I want to move. But...

Byrnes: But we do have a problem, Mr. Mayor. Because Mr. Cirelli wants to keep doing what he is doing until he moves..

Cirelli: No, you are wrong. See, I tried to move but the City stopped me from moving.

Unintelligible.

Byrnes: How can..How can..Excuse me. How can we stop you from moving

Cirelli: The City stopped me from moving. They stopped me from working. Now they stopped me fro to the City and they tell him the same thing. He's running a junkyard. He has phoned all over (unintelligible) and he doesn't want to irritate anything. Now

what is it the business of the City to tell this man not to make me move after they tell me to move. They called my landlord up and they threatened him.

Arthur: Is Al Webb's..Is that place is it zoned for this...

Byrnes: It is not even in our City...

Unintelligible...Several people talking at once.

Cirelli: They stopped me from moving. What do they want from me?

Arthur: Tim? Enlighten me on this.

Harbuck: Mr. Cirelli is being less than truthful with you.

Arthur: What does that mean?

Harbuck: That means that just about everything he said is not the truth. We didn't stop him from moving. We didn't tell him to buy the lot or lease the lot. It is not true. It simply is not true. We don't..We don't...He did that on his own. As far as Mr. Webb is concerned, he came to the City of Holly Hill and told Ed and I that he went and saw Mr. Cirelli's operation and can't believe we allow it and there's no way he is going to allow something like that in Daytona Beach. That is the fact. That is what he said and Mr. Lee and myself witnessed it. We did not say anything discouraging about Mr. Cirelli to Mr Webb.

Arthur: Arthur (Byrnes).

Byrnes: We can ..We can ..

Harbuck: We can do this all night long.

Byrnes: We can have witnesses and everything from both sides but you understand Mr. Cirelli t all the City is trying to do is to get compliance.

Cirelli: All I'm trying to do is to leave town. I want to comply so bad, it ain't funny. Don't you unde

Unintelligible - Several people talking at once.

Arthur: Well, we are going to stop doing that. We're not going to do anything with you.

Cirelli: ...Leave me alone. I'll leave town.

Arthur: I don't even see any matter here. You admit you are not complying with....

Cirelli: (Speaking in background away from mike) Unable to understand.

Arthur: I don't even know what we are doing...What are we doing...

Byrnes: That is what I'm trying to figure out myself.

Arthur: Looks like to me you totally agree with everything we said.

Cirelli: If you threw me into the street instead of....

Arthur: I think there is a place for your business and...but...but it's not on 301 Carswell.

Cirelli: I don't disagree. I want to get out. Get'em off my back so I can get out.

Arthur: Okay. That is fine. Get off his back; take his license. Let's go.
Mr. Simpson, what do you do?

Lusk: Wait, well wait. When you say off your back, are you willing to move from this address?

Cirelli: Yeah.

Lusk: When are you willing to do it? Are you willing to make that part...
Cirelli: When I have the building permit for the other place and I'm not telling 'em where it is.

Lusk: I don't think they care about that. What they care about would be a specific time and dat

Cirelli: July.

Arthur: One second and I'll get you.

Cirelli: What day? I can't tell you. Unable to transcribe more...Too many people talking.

Arthur: One minute...

Proulx: What I'm going to say is I'm Mr. Cirelli's mechanic. All right? We have the towing license,

Lusk: You can't speak for his license. You don't....This is the man that can speak for his license.

Heyman: Do they have the same copy we've got here...We've got something wrong here.

Proulx: I've worked for him for six years and...

Heyman: Where does it say towing?

Arthur: Shirley, wait a minute.

Proulx: All them pictures that he said the cars are there for six months or something like that...Our place

Arthur: I truthfully think all of this is immaterial though. What we are talking about is immaterial. I n

Lusk: Are you willing to sign an agreement that you will be out on July 1st?

Cirelli: Are you willing to sign the agreement?

Lusk: Yes.

Cirelli: Yes. I told my lawyer you guys sign the paper...unintelligible.

Lusk: But you would...But you would also be agreeing to forfeit any hearing you might have or

Cirelli: For this, yes..When I sue the City, that not going to...

Lusk: That ain't gonna to work then. Move on. No. Move on.

Cirelli: See...Now you see...That's were the problem is...If I'm gonna take this to civil court see you i

Arthur: Okay.

Several people talking at once - cannot understand.

Cirelli: I don't want to be in a town...

Lusk: That don't get it. Mayor, you need to continue the hearing and this Council needs to make a decision.

Arthur: Right.

Lusk: Okay? And, Sir, you need to sit down 'til you are called as a witness.

Arthur: I did...I did ask him to come up, Don.

Byrnes: I thought we could cut this short 'cause he did stand here and admit he was doing things..

Lusk: Obviously, you guys...if you are ready to make a decision, then understand it is going to

Cirelli: They took me to state court or county court or whatever. Did you know they lost?

?Unknown: No.

Cirelli: You didn't lose. Who forfeited? Me?

Lusk: Hey, wait. We are still...Are you through with Ed as a witness or do you...

Arthur: Yes. Ed, thank you.

Lusk: Let's call the next witness and let's move on. I mean this, you know, there is a time an

Elliott: Let's go.

Lusk: Who is you next witness? Tim, don't you start delaying it. It is time to move it on. Giv

Simpson: The next witness is Mark McGaha.

McGaha: Mark McGaha. I'm an investigator with the South Daytona Police Department. My inv business on Carswell and see if they were selling auto parts out of there and if they were, purchase some type of auto part.

I went over to the business on 3-5-96 in the afternoon and contacted the mechanic, the guy that was up here speaking and talked to him about auto parts. I looked around. If you are a mechanic, the shelves there have anything you want that is

used-brake reservoirs, starters, alternators, anything you want. I looked around and finally found this part here and claimed I needed it for a rail buggy that I was building and he ended up selling the part for $5. I talked to him about an engine he has setting on the floor. I told him I was building a race car . He told me I could end up buying engines that they took them out. They...his words were "they build them, sell them, yank them out sell them and you know depending on what the customer wants". Those were his words about the engines that they take out of cars. So, basically, I could have bought anything in there along the lines of used parts that I wanted to buy. If the City of Holly Hill would have given me a fortune to spend, you guys would have had a lot of auto parts laying around here this evening. They just asked me to buy a couple of little parts in there.

Arthur: Does he have a little piece for a '57 Thunderbird in there? I need one bad.

McGaha: Anything in there we talked about...we talked about a Chevy engine. The prices of engi

Arthur: Thank you. Any questions from Council? Arthur.

Byrnes: In your opinion was there evidence that they were dismantling vehicles on the sight?

McGaha: The mechanic was sitting on the floor working on engine parts right there. There was a c
shelves, one above the other and they are packed with every type of auto....

Byrnes: But it is a repair shop so they could be working on vehicles. Did you see...do you believe

McGaha: Yeah. There were a large amount of parts there...

Arthur: I don't believe they are denying it.

Lusk: The point is these parts were for sale and that's what he doesn't have a license to do. He

Arthur: I don't believe he is denying any of these things.

Lusk: I think that is what the witness is trying to say...

Arthur: I don't believe that is the issue anymore.

Harbuck: That goes back to one of your first questions.

Byrnes: One of my first questions...

Harbuck: It is not unusual for an auto mechanic to do that but he has to have a retail sales license

Byrnes: Okay then that is the part of the information I didn't get. I wanted that on the record s

Arthur: Any further discussion from Council?

Heyman: Did he charge you sales tax on that?

McGaha: Five dollars cash. He put it in his pocket.

Lusk: No sales tax?

McGaha: No, sir.

Arthur: Let's not...

Heyman: That's another issue.

Arthur: Good for you. I do that all the time. I hate the sales tax part. That is not true. I was saying that

Cirelli: Most of the time when you go to a junk yard and you buy a part, they mark it , right? They tal
do it. Five dollars is cheaper than the f------.., excuse me ladies. Was that cheaper than
Mellette's, John's or anybody?

McGaha: I wasn't out looking for parts actually.

Cirelli: You never bought a part from a junkyard in your life?

McGaha: I can't say that but I was ....

Cirelli: Then you know that this is cheaper than anywhere else. Right?

McGaha: No, sir. I cannot say that.
Cirelli: You can't huh? How about the Chevy motors? Were they cheaper than anywhere else?

McGaha: I've never priced a motor in my life.

Cirelli: You never have priced a motor? You must be a rich man because I'm not. I always have to

McGaha: I'm a police officer.

Cirelli: Yeah. Well, that's another issue.

Arthur: This is the issue...

Cirelli: You know...I just want to get out of town and I have a place to go to when they deem it.

Arthur: Yeah.

Cirelli: That's the thing. You see that's my issue. They are not kicking me out of town.

Arthur: Did you have any...It sounds to me like you are not denying anything this man is saying though.

Cirelli: Oh, I didn't sell him the part.

Arthur: Okay. You didn't...Other than you didn't sell him the part.

Cirelli: I didn't sell it to him.

Arthur: Okay.

Cirelli: I didn't sell it to him.

Arthur: Okay. All right.

Cirelli: Right or wrong, I didn't sell you the part?

McGaha: No you didn't.

Cirelli: Do you know the name of the guy?

McGaha: That gentlemen there. (Proulx) I don't know his name.

Proulx: I don't believe I sold you that part.

Unintelligible. Several people talking at once.

Cirelli: This is really getting out of hand. Right?

Arthur: Yes. Thank you very much.

Cirelli: I just want to get out of town. Just let me out of town.

Arthur: All right. Okay. I think we just have to go through a procedure.

Cirelli: I could rebuttal everything but I don't want to be there. I don't wanna. I am tired of it. I've been dogged for four years.

Lusk: Wait. We need to go back to witness, sir. You'll get your shot. Call your witnesses.

Arthur: Is there another one? Is there a witness with anything...I hate to say new.

Aldrich: Steve Aldrich...Investigator Aldrich.

Good evening. I'll try to make this quick. I'm Steve Aldrich, one of the Investigators here at the Police Department. Basically, I was monitoring the audio tape of our purchase of the one part. I have an audio tape here and I'll go ahead and play it if you want. You do all have transcriptions of the tape. (He played part of the tape which is unintelligible on the recording of the meeting.)

Byrnes: It don't make any sense to me Mr. Mayor. We got a transcript.

Heyman: Yeah, we have a transcript of it.

Arthur: Yeah. I heard the Volkswagen at the start and then I...

Byrnes: We got a transcript

Unintelligible

Aldrich: Do you want us to keep the original as evidence downstairs?

Simpson: Okay as long as we have a copy.

Arthur: Any questions from the Council?

Byrnes: Posed a question to Aldrich which was lost when the tape changed to side b.

Aldrich: I did watch Officer McGaha go in and a conversation took place....

Byrnes: Thank you.

Cirelli: Can I ask this officer some questions?

Arthur: Sure can. Is the Council through?

Mellette: I don't have anything.

Cirelli: How many times was I broken into?

Aldrich: Three or four times...

Cirelli: Three or four times. What happened? Did I ..did I..did I get any satisfaction when you buste

Heyman: This has got nothing to do with...

Arthur: I don't understand here.

Heyman: ...nothing to do with this case.

Cirelli: No, this is to concur that I don't want to be there.
Heyman: I don't want to be here all night so...

Cirelli: Did they catch the guy?

Aldrich: Unintelligible

Cirelli: They caught one (?). Did they get prosecuted?

Aldrich: They go to the State Attorney's office.

Cirelli: No they did not get prosecuted. Then you arrested me, right?

Mellette: What's this got to do with...

Arthur: That happens to everybody...

Cirelli: No. No. No. See what I'm trying to say is...see. I feel (?) laughed because the guy he busted, arrest me for some phoney charge. No big deal. Now, I find my stuff . Do they arrest the man whose got my items? No. Mr. Aldrich doesn't arrest him. What did he do? He gives the okay to the man to give my stuff back. Do you know what I mean?

Heyman: But, Mr. Cirelli, that has nothing to do with this hearing and I don't want to be here all

Cirelli: All I'm trying to say to you is all these little things all along come to the conclusion is th

Lusk: Well, wait. See we are away from asking questions. You are going to get to tell the Cou

Byrnes: I'm sorry. He brought up something I have to ask the question...Did the arrest...

Aldrich: I didn't arrest him. It was another officer...could not understand tape.

Byrnes: It...nothing to do with cars or anything? Okay. I'm...

Lusk: At this time Mayor, Mr. Harbuck will sum up the City's case. We are kind of away fr

Harbuck: We have no further witnesses. I think you have heard all the evidence. Even by Mr. Cir properly zoned. To put it in layman's language, he is trying to put ten pounds of sugar in a five pound bag. He doesn't have room and he is not zoned properly. I don't think there is anything more that needs to be said.

Arthur: There is one question I have to ask you. Does he have a towing license?

Harbuck: Mr. Cirelli had a towing license down the street on Carswell Avenue. He never notified right now but we are holding it pending the outcome of this public hearing.

Arthur: This was all recently?

Harbuck: This was all recently. He does not have...currently have a license for a towing busines

Arthur: When people do move it, how fast do they have to notify you?

Harbuck: Immediately.

Arthur: They can't operate unless you have...

Harbuck: That's right. There's no telling how long he had moved the towing business without

Lusk: The license goes "with the address" I guess is the way you'd describe it, Tim.

Harbuck: That's right. That's right.

Lusk: If you've moved to a new address, you need an occupation license at that moment to opera

Byrnes: So...so it's your assertion that the...that what is being performed there is not the licensed

Harbuck: That's right. Not only is it not licensed for...

Byrnes: He should not be dismantling cars...

Harbuck: He is not zoned for it. He should not be dismantling cars...

Byrnes: ...and they don't have a retail license?

Harbuck: Right.

Lusk: To sell parts...

Harbuck: To sell the parts and he does not have a license for a junkyard.

Byrnes: Because it is...He could not get a license to run a junkyard at that location because of the zoning.

Harbuck: That is correct.

Byrnes: The...you didn't even mention the parking problems along Third Street that have been an

Harbuck: That is correct, Mr. Byrnes. There is a lot I didn't mention. We've been going around him doing. We've had to turn him over to EPA...

Arthur: Okay, we're..we're in a whole new bag...

Harbuck: There's a lot of things that are not germane to what we are discussing here.

Lusk: Okay. Thank, Tim. It's Mr. Cirelli's next...

Arthur: Mr. Cirelli, now you can...

Cirelli: You want to hear the truth or what.

Arthur: Yeah. Let's hear it.
Lusk: Did you want to present any witnesses?

Cirelli: As I go along, I'll ask my wife to verify and my mechanic will verify that I am not lying. I don't r

Arthur: At that location?

Cirelli: At that location with a City license to sell cars, used cars. And like I said, they stopped from s don't have too many outside". So we agree upon that and I sell cars and I'm still there. We sell not too many so I start fixin' cars. So one of his City Code Enforcement Officers is a young man, which is, he was only there for maybe a year. Young man goes to me, goes to me "Will you see, you are fixing cars. Why don't you get a license?" I says is this license going to be just as good as the one I have for selling cars which I'm not allowed to sell. He laughs and says "No problem. You can do it." Okay, so I get the license which is on the wall for years and year.

I fix cars and I'm going along and Mr. Harbuck keeps breaking my chops. He tells me not to park on Third because it conflicts with the trucks. He tells me to park on Carswell or the other way round. Then later on he changed his mind. He goes park over here and then don't park over here. Then he comes along..I had lines like this...then he come along and says put the lines this way, clean up and we won't bother you. So I put the lines this way, clean up and he don't bother me for a week or two and then he comes back and bother me again.

If...if you look at this folder which he does have a folder but he probably didn't give to you because it is real thick about the stuff I've done that he complained about.

Now, as we go along here, I started with one item which you wouldn't let me do so I had to go into another item, you know what I'm saying. Like he wouldn't let me sell cars so I had to fix cars in order to make my living. 'Cause now I'm fixing

those cars and I have that license to tow but not at that address. He is correct on that. I didn't want to tow cars. I was using my dealers license plates on my tow trucks 'cause I was gonna do my own thing. I didn't tow for people. I wanted to do for my own trucks, my own cars, my own service, my own customers. I didn't want any extra activity.
Now come along Mr. Ed Lee, call the state. It is illegal to do this..this an the other thing. I'm not allowed to have my dealer tag on the tow truck but I have asked the state if I did it for my self it was okay. So he called them up and they gave me hard time so I get another one. Then we are going along and they tear the house down next door to me, condemned it, they teared it down. So now I have a little more room so I put a couple of cars over there and Mr. Ed Lee comes down and says well you keep doing this and we are going to cite you for it. Okay? I don't park 'em over there, I leave 'em over here. Then he come to me why don't you rent the lot and park your cars there and we'll leave you alone. So I rents the lot...I pay Charles somebody "x" amount of money to rent the lot. This way not the other side. I park a car there and Mr. Ed Lee runs down with a tow truck and tows it away, after he told me to do it.

Okay? He goes you gotta get a fence. You gotta do this, this, and the other thing so Mayor, I called the Mayor up, it was a girl, a lady Mayor ...It wasn't you (Arthur), it was a lady Mayor, I don't know who she was. So she says to them "Hurry up and give him the fence. It'll look good. They'll be out of your hair. So, I put the fence up. I take all my cars away from the building , put them inside. He's happy for a little bit then Mr. Ed Lee goes make sure you don't strip the cars in the back, that dismantling. I use strip because I'm from Jersey. They use dismantling. So he goes to me make sure you don't dismantle the cars in the back yard, you do it inside. So what does that say to me? I means says it is okay to dismantle, because you told me to do because he is a cop, he is an authority. He knows what he is doing so if he tells me to dismantle them in my shop, that means it is okay for me to do it. So I do it. Three days later, little ticket. Oh, you are dismantling cars. Hey, you just told me to do it. You know why, 'cause you have a little picture there of a guy with a wrench in his hand trying to take a part off a part off a car or truck. That is what he claims. He wasn't taking a part off. Big deal. But he told me to do it inside.

Now, they gave me the fence to keep my stuff in. It wasn't good enough. They told me to do inside and it's not good enough then I go for the other fence so it doesn't look bad for the City 'cause I didn't want to stick out cars and make it look bad so they say no you can't have it. Then I say to them, what are your going to do

when I buy this property, this property, and this property and Harbuck says to me what are you going to do when you buy that property. Says do I look stupid? You think I'm going to tear it down because he wanted me to tear it down so it is on a 40 foot by a hundred. You know on a 40 foot lot, you can't build anything after you tear it down. Is that right? Well, that's the City of course so I told him...I ain't that stupid I wouldn't tear it down. I just use it for my repairing cars and stuff.

A few days later, I called the landlord to buy the building. Landlord says I can't sell you the building. I just had a conversation with Mr. Harbuck and he says he ill make my life miserable in town if I sell the building to you. Okay then I can't buy the building. I was going to buy the other building . Now, the other building, I don't know what happened but within two weeks it was being repaired. I don't know why the man would put money in an $18,000 building he paid he claims, spent $5,000 to renovate it and never use it; can't use it. I don't know why somebody would throw foolishly four grand into a building. I don't know. Maybe you understand what I am saying. I don't have to say it 'cause I don't know what happened but I do know my landlord was threatened. And he did call the EPA on me. You know what I told the EPA...Here's the keys to the building. You can have them. You know what they did. They left and they never bothered me. Why? I guess it wasn't a big deal what he says I was doing, was that bad.

Now, what I'm trying to get across to you people is that I was a car salesperson and I wasn't...I couldn't do it there. But he didn't say from the beginning get lost and go somewhere else, I'm going to give you a hard time. Don't do that. He led me to believe I could stay there by making me do other things. So I did other things and little by little, he kept saying "No, you can't do this. No, you can't do this. No, you can't do this. No, you can't do this." I got five years invested in this place. Hard earned...For what? Because I can't do it? Why did you let me do it up to that point? Why did you give me the back lot and tell me to put cars there? So it could look like a junkyard so you can throw me out? Why didn't you throw me out in the beginning? Why are you going to make my life miserable, make me work hard for what? To get a reputation in town that I'm a good mechanic and a good sales person?

Arthur: It sounds like to me that if everything you say is true, then it sounds like to me, the City was try

Cirelli: If they would have left me alone to sell cars, I wouldn't have had to do the other stuff. Do you u
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