M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
MAY 9, 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 Shirley Heyman and Councilman Jim Elliott. Councilman J. D. Mellette was absent.

Also attending were Acting City Manager Tim Harbuck, City Attorney Edward Simpson, Chief of Police Pat Finn and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Mrs. Lois Willett.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

Redevelopment Board member Big John addressed Council regarding the Goals and Objectives recently adopted regarding upgrading the U S 1/Ridgewood Avenue corridor. He told Council the Board decided to have a member at each Council meeting to help communications between the two groups.

Big John informed Council about the rezoning project the Board is currently working on and that the Redevelopment Board would be meeting on Tuesday, May 16, 1995 to go over the proposed rezoning before meeting with the Board of Planning and Appeals on Thursday, May 18, 1995. Sometime after that meeting, the Redevelopment Board will be coming to Council.

Ms. Frances Mobley, Alternate to the Board of Planning and Appeals, introduced herself to Council, explained she has lived in the City for many years and is glad to help out. She gave invitations to Council to attend the Community Affair Day which is held in Daytona Beach each year. The date is for Saturday, May 27, 1995 with a rain date of June 3, 1995. Hours are from 10:00 a.m. to 7:00 p.m.

5. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting - April 25, 1995
B. Bills and Accounts

Councilman Elliott moved to APPROVE the consent agenda being seconded by Councilman Heyman. The motion CARRIED 4-0 on roll call.

6. PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR 1993-94

The annual financial report for 1993-94 was given by John Vodenicker, partner, Ernst and Young LLP. He read the opinion page which, according to their evaluation, says the work was done in conformity with generally accepted accounting principles.

After a brief overview was presented(copy attached), Mr. Vodenicker cautioned Council about the declining revenues and escalating expenses in the water and sewer funds. He said he would be going into this matter in the next agenda item. He also pointed out the City was able to complete the year in the General Fund without using any of the Appropriated Fund Balance, while managing to add over $600,000 to the unrestricted Fund Balance.

Councilman Byrnes moved to ACCEPT the report being seconded by Councilman Elliott. The motion CARRIED 4-0 on roll call.

7. PRESENTATION OF WATER RATE STUDY

The rate study was presented by John Vodenicker, partner, Ernst and Young, LLP. (A copy is attached.)

Following the presentation, a lengthy discussion was held on the various aspects of the report. Councilman Byrnes said he had hoped to have several alternatives to choose from. Mr. Vodenicker said that would not be a problem, that he could generate more reports based on the conservation rate being dropped back to 10,000 gallons instead of starting at 15,000.

Mayor Wine reminded Council of the need to upgrade the rates to help get the funding back on track.

Council asked Mr. Vodenicker to come back to the next meeting (June 13, 1995) with more information to allow them to consider different ways of increasing rates. He agreed to return to that meeting.

8. REQUEST FOR VARIANCE AT 293 GIBBONS AVENUE

Mayor Wine explained the variance request briefly and then opened the floor for discussion. The applicant came forward to answer any questions Council might have of him.

After a brief discussion, Mayor Wine told Mr. Ricci she objected to granting variances and could not support his request. ***Councilman Byrnes moved to GRANT the variance being seconded by Councilman Elliott. The motion CARRIED 3-1 with Mrs. Wine voting no.***

9. RESOLUTION NO. 23 - REVISES RATES FOR BULK MATERIALS FOR RESIDENTIAL AND COMMERCIAL ACCOUNTS AND ESTABLISHES MINIMUM RATES FOR 440 GALLON CONTAINERS

City Attorney Simpson read:

RESOLUTION NO 95-R-23-B
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

Mr. Simpson said the resolution contained two blanks which needed to be filled in before the resolution is adopted. The blanks were for the amount of security deposits on the 90 gallon containers.

Councilman Byrnes said he objected to making citizens pay a large deposit for the container on top of the water deposit which is $90 for renters. A lengthy discussion ensued regarding the loss of cans and what could be done about the problem.

Councilman Byrnes moved to set the deposit at $25 and ADOPT the resolution. Mayor Wine said she would vacate her chair and second the motion.

More discussion ensued and the motion FAILED on a 2-2 roll call as follows:

Byrnes, Yes; Wine, Yes; Elliott, no; Heyman, no.

Mr. Hallman explained the need for the can deposit and how people were moving off with the cans. He explained how many times he has had to come to Council to request approval for additional can purchases. He also said he has ridden over the City after the last collection day and has plans to write some nice letters reminding the citizens of their obligation to take the garbage cans away from the street after collection has been made. Mayor Wine said she was glad to hear that because she had it on her comment list.

After more discussion Councilman Heyman moved to TABLE this item until the next meeting being seconded by Councilman Elliott. The motion CARRIED 4-0 on the following roll call:

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

10. RESOLUTION APPOINTING TWO ALTERNATES TO THE BOARD OF PLANNING AND APPEALS

City Attorney Simpson read:

RESOLUTION NO. 95-R-25
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING TWO (2) ALTERNATE MEMBERS TO SERVE ON THE BOARD OF PLANNING AND APPEALS

Councilman Heyman said Mr. King and Ms. Mobley have been doing a good job so she would moved to insert their names in the resolution and to ADOPT the resolution. Councilman Elliott seconded the motion which CARRIED 4-0 on the following roll call:

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

11. RESIGNATION FROM REDEVELOPMENT BOARD (ROWLEY) RESOLUTION APPOINTING A MEMBER TO SERVE UNEXPIRED TERM

City Attorney Simpson read:

RESOLUTION NO. 95-R-26
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE THE UNEXPIRED TERM OF NED ROWLEY ON THE REDEVELOPMENT ADVISORY BOARD FOR THE CITY OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Wine said she was sorry to learn Mr. Rowley can no longer serve as he has been a good and faithful member of this Board. She said she would like a letter of appreciation written to him. Mayor Wine suggested appointing Alan Riegner from Nude Oak to fill this vacancy.

Mr. Harbuck said the Board has talked to Dan Rice and Steve Cretens about filling the vacancy. A brief discussion ensued and then ***Councilman Heyman moved to appoint Mr. Alan Riegner from Nude Oak to fill this vacancy being seconded by Councilman Elliott.*** The motion CARRIED 4-0 on roll call:
Heyman, yes; Elliott, yes; Byrnes, yes; Wine, yes.

12. RESOLUTION CANCELLING COUNCIL MEETING

City Attorney Simpson read:

RESOLUTION NO. 95-R-27
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, CANCELLING THE JUNE 27, 1995 REGULAR MEETING OF THE CITY COUNCIL OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Council discussed the resolution briefly, decided to insert the date of the last regular meeting in June and then ***Councilman Byrnes moved to ADOPT the resolution being seconded by Councilman Elliott.*** The motion CARRIED 4-0 on the following roll call:

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

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

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 Elliott moved to ADOPT the ordinance on final reading being seconded by Councilman Heyman. The motion CARRIED 4-0 on the following roll call:

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

14. ORDINANCE NO. 2399 - AMENDS LAND DEVELOPMENT REGULATIONS REGARDING PARKING AND STORAGE OF BOATS, RECREATIONAL VEHICLES AND EQUIPMENT AND PARKING AND STORAGE OF TRUCKS AND COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS

City Attorney Simpson read:

ORDINANCE NO. 2399
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING SECTIONS 5.6.9 (PARKING AND STORAGE OF BOATS, RECREATIONAL VEHICLES AND EQUIPMENT) AND 5.6.11 (PARKING AND STORAGE OF TRUCKS AND COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS) OF THE LAND USE AND DEVELOPMENT REGULATIONS AND ADOPTING NEW SECTIONS 5.6.9 (PARKING AND STORAGE OF BOATS, RECREATIONAL VEHICLES AND EQUIPMENT) AND 5.6.11 (PARKING AND STORAGE OF TRUCKS AND COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Heyman moved to APPROVE the ordinance on first reading. When no second was forthcoming, Mayor Wine vacated her chair and seconded the motion.

Mr. Harbuck explained the difference between this ordinance and the current law in the City. Six citizens addressed Council at length regarding this matter. Some were opposed, some were in favor of the new ordinance and some just wanted clarification on additional information.

Council discussed many scenarios regarding parking all types of vehicles and it was the consensus of Council to have Mr. Simpson prepare two ordinances for the first meeting in June. One ordinance will address parking boats and RV's. The second ordinance will address parking commercial vehicles.

15. ORDINANCE NO. 2400 ADOPTS UNIFIED BUILDING CODES

City Attorney Simpson read:

ORDINANCE NO. 2400
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING THE UNIFIED CONSTRUCTION CODE AS PREPARED BY UNIFIED CODE COMMITTEE OF VOLUSIA COUNTY, FLORIDA EXCEPT FOR STANDARD FIRE PREVENTION CODE, 1994 EDITION AND THE NATIONAL FIRE CODES, 1994 EDITION;

PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Harbuck briefly explained to the audience that he had been working on a committee from several cities to make it easier for citizens and builders to do business.

Councilman Byrnes moved to APPROVE the ordinance on first reading being seconded by Councilman Elliott. The motion CARRIED 4-0 on the following roll call:

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

16. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT TO PROVIDE FOR UNIFORM BUILDING CODES

City Attorney Simpson read:

RESOLUTION NO. 95-R-28
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT TO PROVIDE FOR UNIFORM CONSTRUCTION CODES WITHIN VOLUSIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Elliott moved to ADOPT the resolution being seconded by Councilman Heyman. The motion CARRIED 4-0 on the following roll call:

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

17. CITY HALL PARKING LOT PAVING - EAST SIDE

Mr. Hallman explained the project was bid as required by law and the City received one bid. After a brief discussion, Brad Blais, Project Manager for Quentin L. Hampton Associates explained it was his opinion a portion of this project could be charged to Stormwater and recommended the award of the bid to P & S Paving, Inc. in the amount of $89,990.

Councilman Heyman moved to AWARD the bid as recommended being seconded by Councilman Byrnes. The motion CARRIED 4-0 on roll call.

18. COMMUNICATIONS FROM CITY MANAGER

Mr. Harbuck said he had two items. The first was to inform Council the Legislature passed the **uniform election day** for Volusia County so this would be an item on the June 13, 1995 agenda.

Mayor Wine said you only have a certain number of days to opt out so she wanted to make sure this is on the June 13th agenda.

The second item was to inform Council he had given **Mr. Hallman a 5% pay increase** for assuming the duties of Paul Schulz (Public Utilities Manager) who recently retired from service with the City. Mr. Harbuck said Council could review the two jobs at a later date. Councilman Byrnes said in the future, he wanted to see any increases come before the Council. Mr. Byrnes said Mr. Hallman is doing a good job and deserves the increase but was concerned about giving a Department Head an increase when some jobs were eliminated and other employees are working harder because of that and were not given an increase.

Mayor Wine told Councilman Byrnes the City Manager was within the scope of his duties when the did this; that the Manager does not have to inform Council of such actions. More discussion ensued. Councilman Byrnes said if there are three votes for the Manager to give raises anytime to anyone, that is fine but he didn't believe there should be any raises given out without it coming before Council first because fiscal responsibility is very important.

Councilman Heyman asked if City Manger's have done this in the past and Mr. Byrnes said they consulted with Council first. Mayor Wine said that is not the case.

More discussion ensued and then Milt Hallman, Public Works Director, said he would like to make a statement since all this is about him. He said he was given the additional responsibilities, which he did not want it for 5% but Mr. Harbuck asked him to assume these duties on a temporary basis. He said in the meantime, he has cut the salaries in the Public Works Department $214,532 and when you add 35% benefits on top of that, it is $289,618 so when anybody says he is not trying to save money for the City, he takes objection to it.

Councilman Byrnes said he did not say that, just that he wants to be informed before any raises are given. Mayor Wine said she would like to reiterate to Mr. Harbuck that she did not want him to bring anything to the City Council, that when it comes to raises for Department Heads, the City Manager has always had the leeway to do that the same way a Department Head has the leeway to do the same for his employees.

Councilman Heyman said the big problem in the City is that there have been too many Chiefs and not enough Indians. She said Mr. Hallman can handle this job and save the City $88,850 a year and he only got 5%. Mr. Harbuck and Mr. Hallman save the City money.

19. COMMUNICATIONS FROM CITY ATTORNEY

A. Report on Tenth Street Crossing

City Attorney Simpson told Council he had good news and bad news. The good news is that the FEC has sent an agreement for the Tenth Street Crossing. The bad news is that the Tenth Street Crossing may no longer be eligible for CDBG funding. Because of changes in eligibility in that geographic area may no longer be available. Mr. Simpson said if that changes Council's zeal for that crossing, they need to tell him that because of the agreement.

Mayor Wine said she felt sure the City would get the CDBG grant funding. Otherwise, she said the City will just have to find money out of the General Fund to do something about it before the I-95 comes in.

20. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Elliott said he has been talking to Mr. Hallman about paving. He asked Mr. Hallman if he had thought about where the City could get some money. Mr. Hallman responded there isn't any funding in this year's budget but he will bring it to Council in the next budget. He said the streets are in deplorable condition and his crews continue to fill potholes. There is a street survey so he will bring a program to Council at budget time that is not a CDBG program.

Councilman Byrnes again stated to Mr. Hallman that his remarks were not directed at him but at the City Manager as he (Hallman) is doing a fine job.

Mayor Wine asked Mr. Simpson if he was familiar with the Property Rights Bill. He said he knew about the bill and has requested Scott to prepare a memo for Council. Mr. Simpson said that basically the bill affords property owners who have their property affected by zoning, legal recourse whereby they can come in and seek compensation not for the complete taking of the property which they have always had, but in essence what is a partial taking.

Mayor Wine asked when the bill goes into effect and he said the Governor has not signed the bill. She asked if this would affect the decision the Board of Planning and Appeals. Mr. Simpson said the City needs to be aware there are dollar consequences if you change the value of property by a zoning decision which changes (reduces) the value of the property. Mr. Simpson said this would require some study before making decisions.

21. ADJOURNMENT

There was no further business to come before the City so the meeting was adjourned at approximately 10:39 p.m.

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Mayor

ATTEST:

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Acting City Manager