



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • FEBRUARY 28, 2017

City Commission Chamber

Work Session

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

1. Roll Call

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John C. Danio	District 3 - Commissioner	Present	
Chris Via	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

2. PAY & CLASSIFICATION STUDY

1.

Pay and Classification Study

(Requested by Diane Cole, Human Resources)

Diane Cole, Human Resources Manager shared the following classification and compensation study for scope of services with the Mayor and Commissioners.

CLASSIFICATION AND COMPENSATION STUDY - SCOPE OF SERVICES

- Examination of all job descriptions to include a review of position FLSA designations; essential functions; minimum qualifications, license requirements, working conditions, etc.; provide recommended updates and/or changes
- Establish criterion for the selection of survey participants with City staff members; prepare/create survey, send to the agencies and prepare an analysis based on the results
- Conduct salary survey and analysis to include all 60 classifications which covers approximately 107 full-time employees and 5 members of the City Commission
- Comprehensive study and analysis to include the benefit package as it relates to vacation/personal/sick accruals, holidays and other types of paid time off, group insurance, tuition assistance, retirement, additional compensation (cell phone, auto allowances)
- Establish an equitable classification methodology and salary ranges to provide for the recruitment and retention of qualified staff; ensure equitable relationships of one job to another within the organization; ensure compression does not occur between pay

grades and classifications

- Provide recommendations to classify/reclassify positions as appropriate
- Review department staffing and organizational structures and make recommendations/proposals
- Evaluate existing compensation policies and propose any recommended changes
- Develop and recommend a new or revised performance appraisal form and procedure which supports the classification and compensation plan
- Develop and recommend an implementation plan for adoption of the proposed classification plan and salary adjustments to include an estimated fiscal impact ; with options for a 3-year and a 5-year implementation
- Develop an ongoing internal maintenance of the plan
- Conduct interviews with employees from the various work areas and meetings with staff as needed
- Prepare and deliver presentations to the City Commission

There was **consensus** from the Mayor and Commissioners for Ms. Cole to move forward with the study.



3. LISTING THE MARKET FOR SALE

Mr. Forte stated they have talked about the sale of The Market several months ago. It's in the CRA so they will have to do the same advertisement that they did for 1200 Center Avenue. They have to advertise it for no less than thirty days and seek bids. When they had it appraised in 2015 it came back that it was appraised at \$825,000 and the vacant land was appraised at \$120,000. What he can tell the Commissioners from some of the people that have looked at the property, is they believe that the appraiser valued the property as if it was sitting on US1 and they had a high traffic count but it doesn't have the same traffic count. He has had two people make in-direct offers in the neighborhood of \$600,000 based on the values of the rent that are coming in. That's just for The Market not for the vacant land. He would like to go ahead and advertise these as an "A" and "B" option where somebody can come in and offer one price for The Market or another price for the vacant land, it can be one or the other or it can be both. If somebody comes in and they want to buy both and it's less than if it were two separate options, the Commission will have to consider that to see what the best options are with that. He would like to get it out and put a minimum bid on it at \$600,000. The other thing that the Commission has to be aware of is that the roof needs a lot of work. It needs about \$250,000 worth of work so they will never get \$825,000 for it in its current condition.

Mayor asked if Mr. Forte was going to put a minimum on the vacant land too.

Mr. Forte stated they can if the Commissioners like, he just doesn't know what number he would use.

Mayor Penny stated he doesn't know what that number would be.

Commissioner Via stated it was assessed at \$120,000 but that was based on if it had the

traffic like on US1.

Commissioner Byrnes stated his concern is that if somebody owned that property and wanted to put on there, what's on there now, he doesn't believe they legally meet the parking requirements.

Mr. Forte stated the people that have looked at it have told him that there's plenty of parking associated with The Market. The problem is, what the city has currently leased it to is beyond what it's capacity use it. Those building are supposed to be for 3, 4, or 5 people to work in there not 20 people coming to a class. There is enough room for parking in there. That's what he is saying. If they have somebody that is interested in this parking, they certainly can buy it and use the vacant land for parking but what if they have somebody that says, "You know what, I want to put up a 2,000 square foot building, a little retention pond and some parking and add a separate business, the city should be able to consider it.

Commissioner Currie stated and the tax return on that is going to be much better.

Mayor Penny stated basically, they are valuing the building at \$600,000, needing \$225,000 on the roof, that puts them at the \$825,000 that it was assessed at.

Commissioner Via stated this money will be put back in the CRA because they used CRA money to fix it up.

Mr. Forte stated, correct.

Commissioner Via stated so they will have \$600,000 more in the CRA to work on other programs.

Mr. Forte stated they will go ahead and get it advertised out and see what kind of bids come back.

4. CHARTER DISCUSSION

Mayor Penny stated his main concern with the Charter was the city and the entire City Commission took a big black eye when it came to residency. The city formed a Charter Review Committee and several questions were put on the ballot and the residency requirement was passed but he just doesn't think it goes far enough. His concern was that according to our Charter, someone can have homestead exemption outside of our city and still be eligible to run for office in our city. Mayor Penny stated he doesn't think that's right. He would go so far as to put it, he doesn't know if they legally can, if you or your spouse have homestead exemption on any property outside the City of Holly Hill, you are not eligible to run for office. That might be going too far but that's what they ran into and it was a mess.

Commissioner Byrnes stated he doesn't think that the homestead restriction is fair.

Mayor Penny stated the problem is if somebody claims homestead in Ormond Beach and wants to represent the taxpayers in Holly Hill, what's fair about that?

Mr. Forte stated the Mayor's not saying you have to be homesteaded.

Mayor Penny stated I'm not saying you have to be homesteaded. I'm saying, Bill Arthur, on the 11th hour, decided not to run in this last election. Bill Arthur claims homestead exemption in Ormond Beach. Mayor Penny stated he told him that if he decided to run he would be dully obligated to challenge it in court. According to the City Clerk, there is nothing she can do except ask him for a driver's license.

Commissioner Byrnes stated that's the thing that bothers him more than anything. When the city passed that the last time, he would have sworn before a judge that the wording they had in there said that the City Clerk can deny...

Mayor Penny stated she can't deny anything. All she can do is accept it. If the Commissioners put the rules forward and if someone has homestead somewhere else, he doesn't think that they should be able to vote in the city...

Commissioner Byrnes stated before they go that far, if somebody comes in and their driver's license is from out of town, the electric bill they don't have, all they have is their sworn statement that says they live in Holly Hill. The City Clerk can tell them they're not supposed to run but she still has to accept their paperwork. It would have to be up to the individual running against them to sue the opponent.

Attorney Simpson stated what the law says is the City Clerk cannot look into the accuracy of what is put on the document. The city's Charter says there are certain things they have to provide. They have to provide a voter registration card. If a person shows up and doesn't have a voter registration card, he thinks the City Clerk can say, "You're not qualified", because the city has things that you have to produce.

Commissioner Byrnes stated, okay.

Attorney Simpson stated if they show up with a driver's license that says they live in Georgia, where's their proof that...or maybe they come with something else, maybe they just haven't changed their address yet, whatever, they have to show proof that they live here in the city. What the City Clerk can't do is say, "Yes, you own a piece of property here, you're driver's license says Holly Hill but you have homestead over here so this can't be accurate."

Commissioner Byrnes stated, okay.

Attorney Simpson stated the City Clerk can't look into the accuracy of it. She just has to make sure it's complete. Now, it could be a lie, if it's incomplete, the City Clerk can say, "I'm sorry you're not a registered voter here in Holly Hill, you can't apply."

Commissioner Byrnes stated he was under the opinion that she couldn't reject anybody at all.

Mayor Penny stated his problem is that even if they change the Charter and it says if you have homestead exemption somewhere else, you're ineligible. The City Clerk isn't going to research that but if it's a known fact that someone has homestead exemption somewhere else then it will be challenged. If they don't have this in their Charter, it's his understanding that someone can claim their "intent" was to live here in Holly Hill. Remember Paul Lockaby and

Donnie Moore. There is case law that Attorney Simpson can quote from New York but if the Charter says if you have it, you are not eligible. It may be easier, in his opinion, for someone to challenge it and they won't have to know what someone's intent was, it says it in black and white. The City Clerk can't be the judge and jury. Someone is going to have to file it at the Clerk of the Court level and challenge it but he believes it makes it more defensible.

Commissioner Currie stated Attorney Simpson, in order to keep that from happening again, it would have to be in the city's Charter to say what the Mayor is indicating?

Attorney Simpson stated, yes. There are actually court cases where somebody was a qualified elector in one jurisdiction and had homestead in another jurisdiction. That can happen.

Commissioner Currie stated she remembers when the city went through all of that.

Commissioner Byrnes stated the attorney said it could happen, can the city outlaw that?

Attorney Simpson stated he would say most likely, he would have to check but he thinks they can setup the criteria, that is reasonable, that is what the city wants, as long as it's a reasonable criteria. It's easily circumvented. They will just put the house in their wife's name and she claims homestead.

Mayor Penny stated he would even go so far as "you and your spouse" because...

Attorney Simpson stated you're getting a little harder there now because...they will have to look and see.

Mayor Penny stated he doesn't know what's legally possible. He just doesn't want to have to go through that circus ever again and be the judge and jury of it.

Attorney Simpson stated what the city currently has and just to refresh everybody, what his advice was back then with Donnie's situation and that's before this language, they still had to be a registered voter in Holly Hill. Somebody challenged Donnie's voting, being a registered voter in Holly Hill and yes, this Commission could have said, "Donnie, you no longer qualify", that really wasn't a candidate qualifying issue that was actually removing somebody because they no longer met the qualifications, same criteria though. Attorney Simpson stated his advice then was Ann McFall is going through a process to take Donnie off the voter registration rolls as not being a qualified voter in Holly Hill. If that occurred then Donnie was no longer qualified and the city...it was a decision made by a third-party, the city says that decision was made, "Sorry, Donnie. You no longer qualify, you forfeited your seat". If Ann McFall came back and said, "No, you're still a qualified elector", the Commission still had the discretion to go forward and say, "You still forfeited your seat." It would be hard now that Ann McFall essentially found that Donnie "did" reside there enough to be a qualified voter because you are required by law to vote in the precinct you live. So in essence, that's what she would be finding and ultimately she did find that he still qualified as a voter there and the whole thing went away. That still applies today. That's what the city's rules are today. They still have to be a qualified elector in Holly Hill, if the Supervisor of Elections removes someone from the voter rolls, they either are not qualified as a candidate or they forfeit their seat. The city can look at adding additional criteria. He feels more

comfortable to say if you own homestead somewhere else that disqualifies you from qualifying and you forfeit the seat if you ever claim homestead somewhere else. It has to go both ways.

Mayor Penny stated, yes. Flashback to three years ago, his first mayoral race, one of his candidates had homestead not in the city but in the unincorporated area of the County and it was common knowledge.

Attorney Simpson and the City Clerk they will find out when the County is running an election so it's cheaper for the city to hold an election and find out when the ballot language needs to be submitted to the elections office for a November election.

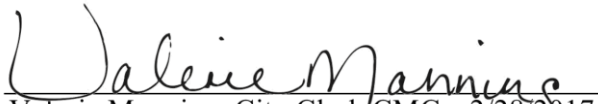
Commissioner Via encouraged educating the residents before the election so that the residents are fully understanding what's being placed on the ballot.

Attorney Simpson stated the Commission can educate they just can't advocate.

There was **consensus** to move forward in finding out from the Supervisor of Elections when the ballot language needs to be submitted and the cost and to educate the residents as to what is going to be on the ballot.

5. **ADJOURNMENT**

The workshop adjourned at approximately 6:55 PM.


Valerie Manning, City Clerk CMC 2/28/2017


John Penny, Mayor 2/28/2017