MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
OCTOBER 11, 2005

1. CALL TO ORDER
A. Roll Call

Mayor Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Scott Simpson, Community Development Director Stuart Buchanan, Public Safety Director Don Shinnamon, Community Redevelopment Coordinator Marsha Radulovich, Public Works Director Milt Hallman; and Elizabeth Nelson, Recording Secretary.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – September 27, 2005

Commissioner Blais moved ***APPROVAL*** *of the item on the consent agenda, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Blais – yes, Via – yes, Byrnes – yes, Schmitt – yes, Arthur – yes.

4. COMMITTEE REPORTS
Members of the Commission are encouraged to give a brief report from the various committees on which they serve.

Commissioner Byrnes had no report.

Commissioner Via reported that the next WAV meeting will be Wednesday, October 19th at 8:30 am in the Votran building.

Commissioner Schmitt had no report.

Commissioner Blais had no report.

Mayor Arthur had no report.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Joe Borelli, City of Holly Hill Police Department, read a statement to the Commission regarding the comments made at the last Commission Meeting regarding union negotiations and crime rate. Stating that the Police Officers are doing the best job possible and deserve the new benefits.

Mayor Arthur stopped Mr. Borelli from reading any further when he commented about the Mayor's family. He further stated that he has given the Police Department every tool they need to do their jobs and have given them what ever they have asked for, but when the Police Officers go beyond that and he doesn't see it as fair, he is not in favor of it.

Mayor Arthur asked how much the police pension cost the City this year. Joe Forte stated that he will have the figure by the time the Commission reaches that item on the Agenda.

Hope Dutton, 153 Daytona Avenue stepped to the podium and asked if the Community Redevelopment Board meetings could be changed to evening meeting to allow more of the public to attend. She was informed that they will pass the recommendation on to that Board.

6. VARIANCE REQUEST – 1002 INDIAN OAKS WEST – APPLICANT CHRISTOPER ROSSI

Mr. Buchanan stated the applicant has applied to the City for relief of 3' to allow for the construction of a swimming pool. That this property is a corner lot and is subject to the 8' setback because of it. Further stating that the Board of Planning & Appeals recommended approval by a 5-0 vote.

Commissioner Schmitt moved to ***APPROVED*** *the variance request for 1002 Indian Oaks West for applicant Christopher Ross, seconded by Commissioner Byrnes.*

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes, Arthur – yes.

7. RESOLUTION 2005-R-46, FEE SCHEDULES AND RENTAL RATES

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE RECREATION FEE SCHEDULES AND RENTAL RATES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2005-R-46, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Blais – yes, Byrnes – yes, Schmitt – yes, Arthur – yes.

8. RESOLUTION 2005-R-47, WATER AND SEWER IMPROVEMENT REVENUE BOND, SERIES 2005

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE FINANCING OF THE CONSTRUCTION OF CAPITAL IMPROVEMENTS TO THE CITY'S COMBINED WATER AND SEWER SYSTEM; THE ISSUANCE OF A BOND IN THE MAXIMUM PRINCIPAL AMOUT OF $1,500,000 THEREFORE; PLEDGING THE CITY'S WATER AND SEWER REVENUES TO SECURE THE REPAYMENT OF THE BOND; PROVIDING FOR THE TERMS OF THE BOND; MAKING CERTAIN COVENANTS IN CONNECTION WITH THE BOND; PROVIDING FOR THE SALE OF THE BOND; AUTHORIZINIG CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-47, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Blais – yes, Byrnes – yes, Via – yes, Arthur – yes.

9. RESOLUTION 2005-R-48, ADOPTION OF A FEE SCHEDULE FOR FALSE ALARMS

City Manager, Joe Forte, stated this Resolution sets the fees for the false alarms, but the Ordinance has not been read yet. The Commission can do one of two things, pass the Resolution and make it effective on the second reading of the Ordinance or we can table this item until the next meeting.

Commissioner Schmitt moved to ***TABLE*** *Resolution 2005-R-48, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Via – yes, Byrnes – yes, Blais – yes, Arthur – yes.

10. FIRST READING OF ORDINANCE 2745, AMENDMENT OF THE CITY'S FALSE ALARM ORDINANCE

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 11, (EMERGENCY SERVICES), ARTICLE II (ALARM SYSTEMS); DIVISION 2 (SECURITY ALARMS) TO PROVIDE THAT MULTIPLE FALSE FIRE OR POLICE ALARMS WILL BE ENFORCED AS A CODE VIOLATION; DELETING ALL REFERENCES TO DIRECT CONNECTED ALARM SYSTEMS; AND AMENDING OTHER PROVISIONS TO REFLECT CURRENT PRACTICES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Schmitt moved to ***APPROVE*** *first reading of Ordinance 2745, seconded by Commissioner Byrnes.*

Commissioner Byrnes stated that this Resolution came about because of the total number of false alarms calls. In 2004 the Fire Department responded to 77 false alarms, so far in 2005 they have responded to 88 calls; 40 of which were at the same location.

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes, Arthur – yes.

11. PUBLIC HEARING - SECOND READING OF ORDINANCE 2742, PENSIONS AND RETIREMENT FOR POLICE OFFICERS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 42, (PENSIONS AND RETIREMENT), ARTICLE II POLICE OFFICERS, OF THE CODE OF ORDINANCES FOR THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-31(d) PENSION BENEFITS TO DELETE REFERENCE TO SPECIFIC PERCENTAGE OF CITY CONTRIBUTION; AMENDING SECTION 42-31(e) TO PROVIDE AN EFFECTIVE DATE OF A REDUCTION IN EMPLOYEE CONTRIBUTION RATE TO FIVE (5) PERCENT; AMENDING SECTION 42-31(h) TO PROVIDE CLARIFICATION OF EMPLOYEE ENTITLEMENT ONLY TO EMPLOYEE CONTRIBUTION; AMENDING SECTION 42-31 TO PROVIDE AN ANNUAL TWO PERCENT (2%) COST OF LIVING ADJUSTMENT FOR EMPLOYEES WHO RETIRE AFTER SEPTEMBER 30, 2006; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING OF POSTING OF THIS ORIDNANCE.**

*Commissioner Schmitt moved to **APPROVE** Ordinance 2742 on second reading, with the amendment that the effective date be changed to October 7, 2005, seconded by Commissioner Via.*

Commissioner Blais stated that he does not approve of the Ordinance, but if this is what the Police Officers want, he his willing to give them what they want.

City Manager, Joe Forte stated that the retirement benefits where *not* cut. The contribution that the City made on behalf of the employee, the 8%; is being contributed to the pension fund, but not on behalf of that specific employee. All the factors are the same the difference is there is no contribution being put into the fund on their behalf, so that amount will not be calculated in their final compensation.

Mayor Arthur asked what the cost to the City is.

City Manager, Joe Forte stated that it is approximately $158,000 contribution by the City; the City is picking up the $61,651 difference between the 5% and the 11.2% contribution that the employees are now putting in the fund. The City has to pick up the 6.2% difference, the City has to continue the almost $80,000 for the 8% contribution that they were making on behalf of the employee.

Joe Forte informed the Commission that the effective date on this Ordinance states October 1, 2005; however the City would like to change that effective date to October 7, 2005 which corresponds to the pay cycle; he confirmed this with the union representatives and they have no problem with the effective date being October 7, 2005.

The motion **CARRIED** 4-1 on roll call: Schmitt – yes, Via – yes, Byrnes – yes, Blais – yes, Arthur – no.

12. SUBDIVISION – 308 CENTER AVENUE – APPLICANT, T.T. INVESTMENT OF VOLUSIA COUNTY

Mr. Buchanan explained that this request is for a subdivision of 1.5 acres with 5 single family lots. The subdivision with not connect to the existing right-of-way Lillie Road; instead it will be a cul-de-sac off of Center Avenue. The city had 4 modifications to the plans and the developer has agreed to make those changes.

*Commissioner Schmitt moved to **APPROVE** the subdivision, seconded by Commissioner Byrnes.*

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Byrnes– yes, Blais – yes, Via – yes, Arthur – yes.

13. SANITARY SEWER REHABILITATION PROGRAM 2005

Mr. Forte explained that this is the request for the State Revolving Fund loan for the wastewater side of the treatment plant. This will fund the third leg of the wastewater system.

Milt Hallman, Public Works Director, explained that this is a continuation of the sewer system evaluation and sewer system rehab, where we have a lot of infiltration inflow. The loan is for $500,000.00 at a rate of 2.1%.

*Commissioner Via moved to **APPROVE** the loan, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Blais – yes, Byrnes – yes, Schmitt – yes, Arthur – yes.

14. COMMUNICATIONS

A. City Manager

Mr. Forte asked the Commission if they wanted a report on the comments made at last week commission meeting. They did. Mr. Forte explained that the call involving the fire department, actually Station 96 was responding to the northwest side of the City, when the call came in about the dumpster fire at Marina Grande, Station 11 was also busy. There was as extended time period, but that was because they were backed up on numerous calls. The call that Ms. Monahan brought up, was a call that was received at

21:41 they were dispatched at 21:58 around 17 minutes. The reasoning was multiple calls.

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Schmitt commented that it was a long and interesting day. He feels that all the candidates want what's best for the City of Holly Hill. He feels no animosity for these opponents, but there is someone who should be more professional than he has acted on his radio show recently and that is Big John. He further commented that he does not understand why he is against our City.

At this time Commissioner Schmitt moved to have Big John removed from the City Board of the Interlocal Canine Recreation Club, seconded by Commissioner Byrnes.

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes, Arthur – yes.

Commissioner Via stated that some of the unofficial results are coming in and there are going to be some changes, which is all well and good. He thanked the mayoral challengers, Roy Johnson and Donnie Moore. This was a campaign of respect and issues and run very clean. He further thanked everyone for coming to tonight's meeting.

Commission Byrnes thanked everyone for coming to the meeting tonight and applauds the challengers for their hard work. It would have been a much better campaign without the radio personality that has to attack people and get into the name calling business.

Commissioner Blais thanked everyone for attending this meeting. He stated that the month of October is the Navy's birthday month.

Mayor Arthur thanked everyone for coming to the meeting and that has been on unbelievable campaign run by all the candidates.

Joe Forte stated that some of the campaign results are in. Commissioner Via is carrying 49.48%, John Penny is at 48.79%, Mark Reed is at 34.33%, Commissioner Schmitt is at 34.33%, Tracy Anderson at 56.07%. Tracy Anderson is the only one that has been finalized and she has been declared the winner for District 4.

16. ADJOURNMENT

The meeting officially adjoined at 8:15 p.m.

Attest: City of Holly Hill, Florida

Elizabeth M. Nelson
Recording Secretary

William D. Arthur
Mayor