M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA

October 24, 2006

1. CALL TO ORDER

A. Roll Call

Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Via were Commissioners John Penny, Gilles Blais, Mark Reed and Traci A. Anderson.

Also attending were City Manager Joe Forte, Asst. City Attorney Scott Simpson, Community Development Director/City Planner Doug Gutierrez, Public Safety Director Don Shinnamon, Public Works Director/City Engineer Chris Hurst, Community Redevelopment Coordinator Marsha Radulovich, Human Resources Director Diane Cole and City Clerk Valerie Manning.

B. Invocation

Mayor Via delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

- Presentation to the City of Holly Hill on behalf of the St. Johns River Water Management District (SJRWMD)

Nancy Christman, Intergovernmental Coordinator for this area gave a brief presentation regarding the SJRWMD. Ms. Christman mentioned that they are here tonight to present to the City of Holly Hill a celebration check. Paul Hyatt, Northern Coastal Basin Manager and Ann Moore, Governing Board member are here tonight to present the celebration check in the amount of $95,000 to the City on behalf of the 3rd Street pretreatment outfall project in conjunction with the SJRWMD.

3. CONSENT AGENDA

- Minutes from the regular City Commission meeting – October 10, 2006
- Minutes from the City Commission Workshop – October 10, 2006

Report of Purchase Orders over $5,000

- ♦ Solarcom, LLC – $5,880

Commissioner Reed asked to pull the Solorcom, LLC Consent Agenda item for further discussion.

*Commissioner Reed moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Penny – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes.

Discussion on Solorcom, LLC item:

Mr. Forte stated the City entered into a contract for a spam server to protect the computer equipment. This would normally be approximately $3,500 but because the City went to a three year contract, the total cost is $5,880.

*Commissioner Reed moved **APPROVAL** of the Solorcom, LLC Consent Agenda item, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Anderson – Yes, Penny – Yes, Blais – Yes, Mayor Via – Yes.

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Steve Tyler, Tyler Properties, Inc., 721 Ridgewood Avenue, asked the Mayor and Commissioners for permission to advertise the Chambers 1st Annual Pre-Holiday Party to help Holly Hill friends and neighbors in need on the City's digital sign. The dates would be from October 27th through November 10th, the day of the party which will be held at Diamond Backs, 745 Ridgewood Avenue from 5:00 p.m. to 7:00 p.m.

*Commissioner Reed moved **APPROVAL** for the usage of the digital sign to advertise the 1st Annual Pre-Holiday Party on November 10, 2006 sponsored by the Chamber, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Blais – Yes, Penny – Yes, Anderson – Yes, Mayor Via – Yes.

Natalie Williamson, League of Women Voters, 1400 Moravia, presented the Mayor and Commissioners with a letter from Judy Moore, President of the League of Women Voters, regarding the County Charter Amendments and her concerns that some of the municipalities in the County are using their public revenues to campaign against all of the proposed County Charter Amendments.

Eddie Colosimo, 144 Ridgewood Avenue, Bikers For First Amendment Rights (B.F.F.A.R.), thanked the Mayor, City Commissioners and Mr. Forte for allowing the bike parade that was held on Sunday, October 22nd. Mr. Colosimo also thanked the Police Department and the Fire Department, the merchants who participated, HOGG radio and *The Daytona Beach News-Journal* for the nice publicity prior to the event and the nice article in yesterday's paper. Mr. Colosimo thanked the citizens who showed up along the parade route. Mr. Colosimo asked the Mayor and Commissioners if a committee can be formed so that they can prepare for Bike Week 2007.

There was a consensus from the City Commissioners to hold a workshop to discuss putting together a committee for Bike Week 2007.

Dean Wiggins, 450 Center Avenue, came to ask permission to have the alternates on the Historic Preservation Board removed due to their lack of attendance on the Board. Mr. Wiggins asked if the Mayor and Commissioners can meet again regarding the Historic Preservation Demolition Ordinance.

There was a consensus from the City Commissioners to hold a workshop to discuss the Historic Preservation Demolition Ordinance.

Cindy Mitchell, 135 – 7th Street, stressed her concerns about dogs running loose over at Sunrise Park. She has been approached on two separate occasions by dogs. She is asking that the City put up signs stating that they need to be kept on leashes or to not allow dogs in the park at all.

There was a consensus from the City Commissioners to address this issue at tonight's workshop.

5. PUBLIC HEARING – SECOND READING OF ORDINANCE 2785 AMENDMENT TO THE BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) AGREEMENT – 1184 N. NOVA ROAD – <u>APPLICANT</u>: MALKIT SALH

Mr. Simpson read by short title:

ORDINANCE NO. 2785

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE 2679 AND THE WRITTEN DEVELOPMENT AGREEMENT FOR THE MALKIT SALH BUSINESS PLANNED UNIT DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NOVA ROAD (SR 5A) AND ALABAMA; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mayor Via opened public participation. No one spoke.

*Commissioner Penny moved **APPROVAL** of Second Reading for Ordinance 2785, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Penny – Yes, Blais – Yes, Reed – Yes, Anderson – Yes, Mayor Via – Yes

6. FINAL PLAT APPROVAL – THE MIRAGE SUBDIVISION – APPLICANT: VINCE VISCOMI

Attorney Simpson stated the existing zoning on the property allows what Mr. Visomi is proposing to do. The City Commission is only looking at a subdivision plat and the issue before them tonight is, does the propose plat comply with the City's subdivision regulations? It's not a *use* issue at all. This is consistent with the City's existing zoning.

Doug Gutierrez, Community Development Director/City Planner, gave a brief presentation regarding the final plat for The Mirage subdivision from the applicant, Vince Viscomi. Mr. Gutierrez informed the Commissioners that the Board of Planning and Appeals recommends approval.

Vince Viscomi, President of Viscomi and Associates, 299 West Granada Boulevard, Ormond Beach, mentioned that he is the owner and developer of Holly Hill's next premiere townhome community called The Mirage. Mr. Viscomi gave a brief presentation and showed the Mayor and Commissioners what he is proposing for The Mirage. Mr. Viscomi is proposing to build 161 townhomes West of Nova Road between Alabama Avenue and Flomich Avenue. Mr. Viscomi mentioned that he is the developer of the townhomes that are located off of 10th Street behind Winn-Dixie called Great Oaks which consists of 40 townhomes.

Mike Hull, 12 Stewart Drive, mentioned that The Mirage townhomes are going to be really nice when completed. He has seen Great Oaks and understands that is a successful project. Mr. Hull mentioned that he is in the stucco trade business and mentioned that he would like to see The Mirage townhomes built with stucco.

Attorney Simpson wanted to read a suggested motion to the Mayor and Commissioners if they decide to vote in favor of this because there is some wording that needs to be stated to address some title issues. Attorney Simpson explained the following: the northern part of this subdivision is an existing plat that has already been recorded and by recording this plat tonight, they are in essence re-plating that portion and it's a new plat for the bottom 2/3; re-plat for the top 2/3. The benefit of the re-plat is when you file a new plat in, it nullifies the first plat which in essence vacates the roads that are there. If they look at the drawing, where Mirage Lane is, which is Gadsden, is part of the original plat. However, the dotted line is where the re-plats are affecting. So, Gadsden is staying in place but the other roads that show up on the old plat that currently exists, for *title* purposes for the applicant, the attorneys have asked that the Commission specifically say those are being vacated, which they are, through the plat. Attorney Simpson read the motion into the record for the Commissioners, "*Motion to approve, and this* *includes a replat of a plat that exists on a portion of the subject property in pursuant to Florida Statute, Section 177.101, shall result in an annulment of said plat upon the recording of this approved plat. This will have the affect of vacating the following unimproved right-of-ways, Cordova Street, Jasper Street, Ensley Street, Kansas Avenue up to Gadsden Street including an adjacent ditch that runs parallel to the vacated portion of Kansas Avenue".*

Commissioner Reed made a motion to ***APPROVE*** *the final plat for The Mirage subdivision; Attorney Simpson's motion above, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Penny – Yes, Blais – Yes, Anderson – Yes, Mayor Via – Yes

7. NEW VEHICLE PURCHASES – 2006/2007 BUDGET

Commissioner Penny moved to ***APPROVE*** *the purchase of the new vehicles from Duval Ford for a total amount of $68,158 under the Sheriff's Contract, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Penny – Yes, Blais – Yes, Anderson – Yes, Reed – Yes, Mayor Via – Yes

8. RESOLUTION 2006-R-41, WASTE MANAGEMENT – SOLID WASTE CONTRACT

Mr. Simpson read by short title:

RESOLUTION 2006-R-41

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE ANNUAL CPI ADJUSTMENT TO THE CONTRACT FOR SOLID WASTE SERVICES WITH WASTE MANAGEMENT, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Blais made a motion to ***APPROVE*** *Resolution 2006-R-41, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Penny – Yes, Reed – Yes, Anderson – Yes, Mayor Via – Yes

9. RESOLUTION 2006-R-42, RATIFICATION OF THE POLICE BENEVOLENT ASSOCIATION (PBA) UNION CONTRACT

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-42

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RATIFYING A THREE-YEAR CONTRACT WITH THE POLICE BENEVOLENT ASSOCIATION (PBA); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte informed the Mayor and Commissioners that this has been negotiated since January 2006. Everything that has been discussed in the Shade meetings has been included or excluded from the contract. The parties worked well together and he appreciates the participation from the PBA's attorney and Sgt. Aldrich and Chris Yates who are on the negotiating team as well as Mrs. Gubernator and Ms. Cole and Chief Shinnamon who are a part of his negotiating team. The concerns about the 12 hour shift; the Commissioners already know that did not pass on a 10-12 vote to deny but the contract, itself, in all, has passed. They are going to work to try and resolve that 12 hour issue and even in the near future to try and accommodate some of the needs that they are seeing down in the Police Department. Mr. Forte asked that this contract be retroactive pay from October 6th.

There was some discussion about the retroactive pay between Oct. 1st and Oct. 6th. Some of the Commissioners were concerned about setting up precedent regarding retroactive pay and Union contracts. The final decision was to have the pay retroactive from Oct. 6th.

Joe Borelli, Holly Hill Police Detective, was at the meeting representing Sgt. Aldrich and Chris Yates on behalf of the PBA contract regarding the retroactive pay and stated that they would like to see it retroactive from Oct. 1st.

Commissioner Penny made a motion to ***APPROVE*** *Resolution 2006-R-42, seconded by Commissioner Anderson.*

The motion **CARRIED** 4-1 on roll call: Penny – Yes, Anderson – Yes, Blais – No, Reed – Yes, Mayor Via – Yes

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

(See below).

11. COMMUNICATIONS
A. City Manager

Mr. Forte mentioned the air conditioner over at the Wellness Center and the locker rooms and stated that it's going to cost under $20,000 for the repairs with AC Good Year. There was consensus from the Commission to repair the air conditioning unit for the Wellness Center and locker rooms. Mr. Forte mentioned the crime statistics in the area and mentioned the article that was in *The Daytona Beach News-Journal* recently and Chief Shinnamon went over the crime statistics with them.

B. City Attorney

Attorney Simpson spoke briefly about the Political Action Committee (PAC) meeting and that there will be a meeting on Thursday, October 26th in DeLand at the Courthouse at 12:00 p.m. and then at 1:30 p.m. there is going to be a press release on the Courthouse steps in DeLand regarding the Charter Amendments. The PAC is still trying to educate the people. Attorney Simpson stated that he is going to be doing a debate on Nov. 1st regarding the County Charter Amendments which will be on TV; various people are doing various speaking engagements.

C. Mayor & Commissioners

Mayor Via mentioned that the City is paying WAV by the month as they go along; the MAC is complete and the next meeting will be Nov. 15th which will be the end of the 60-day period and that's when they will find out where WAV is going to go as a planning agency or whatever; VCOG met yesterday and Jim Ryan from the Emergency Operations Center (EOC) was there and he spoke about 15 different operations that they are involved in; ACT Corporation came before VCOG and spoke briefly about what has happened with ACT and Attorney Simpson explained what has happened with ACT and mentioned that he used to represent ACT for a long time. Mayor Via mentioned that Greg France from Builders Care was also at VCOG and Mayor Via discussed what Builders Care is and what they do.

Commissioner Blais mentioned that MPO was canceled. On Oct. 13th Commissioner Blais went to Orlando in regards to "How Shall We Grow?" in creating a shared vision in Central Florida.

Mayor Via reminded the Commissioners about the Nov. 4th Golf Tournament for PAL that will be held at Pelican Bay Golf Course in Daytona Beach starting at 8:30 a.m. Also, on Nov. 4th he is hosting a Mayor's breakfast from 8:30 a.m. to 10:00 a.m. over at Sica Hall. Mayor Via mentioned the letter that was presented tonight from Judy Moore, the President from the League of Women Voters.

12. ADJOURNMENT

The meeting officially adjourned at approximately 9:10 p.m.

Attest: City of Holly Hill, Florida

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Valerie Manning
City Clerk

Roland D. Via
Mayor