MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
OCTOBER 26, 2004

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 7:02 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 Edward Simpson, Assistant to the City Manager Greg Wood, Public Safety Director Don Shinnamon, Community Redevelopment Coordinator Marsha Radulovich, Finance Director Brenda Gubernator, Public Works Director Milt Hallman; and Human Resources Director Diane Cole.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur presented a gift basket to Commissioner Via that he received at the WAV program meeting. Mayor Arthur attended the meeting in Commissioner Via's absence.

Joe Forte, City Manager, introduced the new City Clerk, Valerie Manning, who was seated in the audience.

3. CONSENT AGENDA
Minutes of Workshop with PAL/Recreation Board – October 12, 2004
Minutes of Regular Commission Meeting – October 12, 2004

Commissioner Via moved ***APPROVAL*** *of the items on the consent agenda, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Blais – yes, Byrnes – 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 stated that the Volusia League of Cities meeting will be Thursday, October 28th in South Daytona. This meeting was rescheduled due to the recent hurricanes.

Commissioner Blais stated that at the recent Collegiate Event Task Force Meeting, someone attended a conference and reported at the meeting that the Task Force is contemplating a program that would stretch from Ormond Beach to Port Orange whereas different zones would be set up to accommodate students different interests; such zones would include a student leadership zone, or dry zone (for non-drinkers), a car enthusiasts zone, a sports zone, a Greek zone for sororities and fraternities, and a music and art entertainment area. This would spread the groups throughout the Daytona Beach area relieving some of the congestion on the beaches. He further stated that in 2006 BCR will no longer be in existence, it will be combined with Spring Break and be called The Collegiate Program and it will take place during the month of March each year. These ideas are still in the planning stages.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Maureen Monahan, 215 5th Street, Holly Hill, addressed the Commission regarding the Department of Community Affairs transmittal that she received from the City. She feels that the part dealing with the density bonus request and the requirements for it are geared towards the developer and not in the best interest of the City and urged the Mayor and Commissioners to carefully review this document.

Jim Legary, 342 Burleigh Avenue, addressed the Commission with concerns regarding eminent domain, that the Swerdlow Group may ask the City of Daytona Beach to elect to use their power of eminent domain for their project in that City and wondered it the City of Holly Hill will use their powers of eminent domain for this project. Mayor Arthur expressed that he and the Commission are not in favor of using eminent domain and will not be using it for this project.

6. PUBLIC HEARING / SECOND READING OF ORDINANCE 2709, AMENDING THE BUDGET FOR FISCAL YEAR 03/04

Mr. Simpson read by short title:

> **AN ORDINANCE AMENDING ORDINANCE NO 2674 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

Commissioner Schmitt moved to ***APPROVED*** *the Second Reading of Ordinance 2709, seconded by Commissioner Byrnes.*

Commissioner Via expressed his thanks to the Finance Department and Brenda Gubernator, Finance Director for a job well done.

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

7. PUBLIC HEARING / SECOND READING OF ORDINANCE 2713, AMENDING THE CITY'S PURCHASING POLICY

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE CITY'S PURCHASING PROCEDURE TO INCREASE THE CITY MANAGER'S PURCHASING AUTHORITY FROM $10,000 TO $25,000; AMENDING THE DOLLAR AMOUNTS FOR THE PROCEDURE FOR OPEN MARKET PURCHASES; DELETING THE REQUIREMENT FOR COMMISSION APPROVAL IN ADVANCE OF NEGOTIATING A CONTRACT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** the Second Reading of Ordinance 2713, seconded by Commissioner Blais.*

Joe Forte, City Manager explained that all limits are raised and under Section 30-70 (d) is added: <u>All purchases anticipated from $10,001.00 to $25,000.00 shall be approved in advance by the City Commission.</u> Stating that this was discussed at the last City Commission meeting and is now within this Ordinance.

Maureen Monahan, 215 5th Street, questioned the Commission about the bidding process. She is concerned that this would end the bid process and asked for clarification.

Mr. Forte explained that anything over $25,000.00 would go out to formal bid. At this time Mr. Forte read section (b) 1-3, (c) and (d).

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

8. RESOLUTION 2004-R-63, AUTHORIZING AN AGREEMENT WITH HALIFAX HUMANE SOCIETY

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR OF THE CITY OF HOLLY HILL, FLORIDA, TO ENTER INTO AND EXECUTE A SERVICE AGREEMENT WITH HALIFAX HUMANE SOCIETY INC., PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2004-R-63, seconded by Commissioner Schmitt.*

Commissioner Via stated that the City has not had a signed contract for 5 years. Without a contract the Humane Society can raise the price at any time, change the rules or even refuse us service; not so with a contract. He expressed a concern with the contract and that has to do with the way the Cities are charged. The Halifax Humane Society charges the City by address of where the animal comes from, with no real accountability, just an address. In other words a person in Ormond Beach could drop off an animal at the humane society and give them an address in Holly Hill as to where the animal was picked up and the City of Holly Hill would be charged.

A discussion pursued regarding as to this aspect of the contract, with concern that the City many be charged for animals that are dropped off, but did not come from our City limits.

Mr. Forte explained that when the City receives the bill from the humane society, the addressed are check and if any address is outside of our city limits, that amount is deducted from the bill before it is paid.

Maureen Monahan, 215 5th Street, asked if the $15,000.00 that the City has been paying yearly has been consistent or fluctuated. She was informed that it has been consistent. She further stated that the City needs to be involved with the humane society and a 1 year contract would be beneficial and if it did not work the City did not have to renew the contract.

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

9. RESOLUTION 2004-R-64, AUTHORIZING A DISASTER RELIEF FUNDING AGREEMENT

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO SIGN THE DISASTER RELIEF FUNDING AGREEMENT FOR FEDERAL AND STATE ASSISTANCE FOR HURRICANES CHARLEY, FRANCES AND JEANNE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2004-R-64, seconded by Commissioner Schmitt.*

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

10. VEHICLE PURCHASE – PUBLIC WORKS DEPARTMENT

Mr. Forte explained that this is a budgeted item in which the City will be purchasing two (2) pick-up trucks, the vehicles that are being replaced with be auctioned off.

*Commissioner Via moved to **APPROVE** the purchase, seconded by Commissioner Byrnes.*

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

11. VEHICLE PURCHASE – POLICE DEPARTMENT

Mr. Forte explained that this is a budgeted item in which the City will be purchasing two (2) Police vehicles, these vehicles are part of the Cities rotation of the police fleet.

*Commissioner Schmitt moved to **APPROVE** the purchase, seconded by Commissioner Blais.*

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

12. WATER METER UPGRADE CONTRACT – TOUCH READ TO RADIO FREQUENCY WATER METER READING SYSTEM – PHASE IV

Mr. Forte explained that this is the fourth of five years of the upgrade to the meter reading system. In one more year the City's meters will have been changed to the new more accurate remote controlled meter reading system.

*Commissioner Byrnes moved to **APPROVE** the purchase, seconded by Commissioner Blais.*

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

13. WATER METER CHANGE OUT CONTRACT PURCHASE – 4TH YEAR

Mr. Forte stated that this is the contract to allow the company to install the meters referenced in the previous item (#12).

*Commissioner Via moved to **APPROVE** the purchase, seconded by Commissioner Schmitt.*

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

14. FILTER SYSTEM AND CONTROLLER PANELS FOR HOFFMAN BLOWERS REPLACEMENTS

Mr. Forte stated that this is a budgeted item to replace the filter systems on the hoffman blowers at the wastewater treatment plant.

*Commissioner Via moved to **APPROVE** the purchase, seconded by Commissioner Schmitt.*

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

15. COMMUNICATIONS

A. City Manager

Mr. Forte informed the Commission that he received a letter from Attorney Simpson that their hourly fee will be increased from $120.00 to $125.00 per hour for their services.

Mr. Forte stated that the City received property on the east side of Riverside Drive from Mr. Ed Campana some time ago which is not buildable and was donated for a park. However the upland property owner would like to buy this from the City for riparian rights for a dock. The first bid was for $5000.00, Mr. Forte informed the property owner that was very low and suggested for him to get an appraisal on the property and come back with another offer. The appraisal came back at $70,000.00; however the property owner only offered $20,000.00. Mr. Forte is looking for direction from the Commission as to whether they want to sell this property, and if they do, what price, or not sell the property at all.

After several minutes of discussion it was the consensus of the Commission to keep the property.

Maureen Monahan, 215 5th Street, Holly Hill asked what the annual property taxes are. She was informed that they are approximately $300.00 per year. With that she expressed to the Commission that the City should keep the property.

Dennis Dunn, 409 Daytona Avenue, asked if the City sold the property where would the monies go. He was informed that it would go into the City's general fund. He further commented that the discussion should be if the City is willing to sell the property, not whom they are selling it to. Further commenting that if the City is in deed going to sell the property it should be advertised and go to the highest bidder.

Commissioner Byrnes moved, seconded by Commissioner Schmitt to not sell this or any other City owned property along Riverside Drive at this time.

Commissioner Byrnes strongly expressed that he does not want to see any development on the east side of Riverside Drive, which is now vacant.

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

Joe Forte stated that this weekend there is an auction and the City would like to purchase a used DOT dump truck for up to $12,000.00, which has been budgeted for. Under the new purchasing Ordinance, this amount needs City Commission approval in advance of the purchase. Mr. Forte is asking at this time if the Commission is in favor of this purchase.

Commission Via moved, seconded by Commissioner Schmitt to APPROVE the funds of up to $12,000.00 for a truck from an auction.

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

Joe Forte referred to the meeting prior to this meeting which involved the funding to the Chamber. The City Commission was withholding monies from the Chamber until after this meeting. Mr. Forte is now asking the Commission if they want to release the funds to the Chamber.

After some discussion the Mayor and Commissioners agreed that the Chamber at this time does not want the monies. And the Commission concurs that the monies should be withheld until a business plan has been established.

Maureen Monahan, 215 5th Street, agrees that the Commission should withhold the monies until a business plan is in place and wanted to know if the City owns the building the Chamber uses. She was informed yes and they pay $1.00 per year rent as long as the building is used as the Chambers home.

The general consensus of the Commission is to withhold the funding until a business plan has been established by the Chamber.

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Byrnes commented that he hopes everyone will turn out for the “Halloween in the Park” which is Sunday, October 31, 2004 in Hollyland Park.

Commissioner Blais stated that the City will be holding its first “Veterans Parade” this November 7th beginning at 2 p.m. The parade will start at the Florida Health Care Building on Ridgewood, south to 10th street, then west into Hollyland Park.

Mayor Arthur expressed some interest in the City coming up its own City Flag. There was some consensus to the idea.

Commissioner Schmitt thanked the Police Department for their action during the recent car jacking and expressed to Chief Shinnamon that people who leave children unattended in a running vehicle should be dealt with to the fullest extent of the law. He appreciated the joint meeting with the Chamber of Commerce. Commissioner Schmitt commented on the memorial service for George Davis that was held at the American Legion Post #120, where George was the Commander, that it was a wonderful service and a packed place.

Commissioner Via also expressed his pleasure in meeting with the Chamber. He echoed Commissioner Schmitt's sentiments about children being left alone in running vehicles. He further expressed that he is against the City using eminent domain.

Mayor Arthur thanked everyone for coming to the meeting and that there is a workshop immediately following this meeting.

16. ADJOURNMENT

The meeting officially adjoined at 8:16 p.m.

Attest:	City of Holly Hill, Florida
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Elizabeth M. Cassidy Recording Secretary	William D. Arthur Mayor