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

November 14, 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 7:05 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 Chris Hurst, Human Resources Director Diane Cole, Finance Director Brenda Gubernator, 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

None.

3. CONSENT AGENDA

- Minutes from the regular City Commission meeting – October 24, 2006
- Minutes from the City Commission Workshop – October 24, 2006
- Donation to ACT Corporation – $6,648
- Creation of a temporary position – Financial Technical Advisor

Report of Purchase Orders over $5,000

- ♦ Volusia County – $8,814.17

Commissioner Reed asked to pull the Donation to ACT Corporation and the Creation of a temporary position – Financial Technical Advisor items from the Consent Agenda 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, Anderson – Yes, Blais – Yes, Mayor Via – Yes.

Discussion on the Donation to ACT Corporation item:

Mr. Forte mentioned that at the last City Commission meeting, Attorney Simpson gave the Commission a summary of the issues that were going on with the ACT Corporation. Since that time, Janet Miller who is the Executive Director, came to a Managers meeting and further expanded on what Attorney Simpson had talked with the Commission about. What the ACT Corporation is requesting is $400,000 that will get them out of the hole at this point. The Managers raised the issue as to whether or not they would have a funding stream beyond this $400,000 to keep their operation sustained and while Ms. Miller was putting together the plan for that, the immediate need was this $400,000. The County Council came to the table and said they will match the cities contributions up to the $400,000. In their packets is the letter from Ms. Miller and also the list of what the per capita contributions from each of the cities would be and it's basically a $0.50 per capita contribution and that would get them over their financial struggles at this point to keep their programs running. The City would be contributing a one time donation of $6,648.

Attorney Simpson mentioned that the Department of Children and Families (DCF) did contact ACT Corporation last Friday and said they were going to contract with ACT Corporation through the remainder of the fiscal year which would carry them through June 30, 2007.

Commissioner Reed moved ***APPROVAL*** *of the one time donation to the ACT Corporation in the amount of $6,648, seconded by Commissioner Anderson.*

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

Discussion on the Creation of a temporary position – Financial Technical Advisor item:

Mr. Forte stated that the City has a long-term Finance Director that's been with the City well over 30 years and Mrs. Gubernator's scheduled retirement date is January 2009. If things go well for her, Mrs. Gubernator is considering retiring slightly earlier than that. The concern that he has is having somebody in the Finance Department as a Director for over 30 years, there's certain things that person knows that nobody else knows and it's not a bad thing it's just a work habit thing. Mr. Forte mentioned that he is concerned that with the pending retirement there and the possibility of retirement of the Assistant Finance Director somewhere in the same neighborhood, he is going to lose two key long-time employees out of the Finance Department. What his thoughts and his plans are, and he has spoken with Mrs. Gubernator about this, is that they would go out now and hire a Finance Director to replace her. In the meantime, Mrs. Gubernator would stay on, everything would be the same as far as salary and benefits, but she would be re-titled as the Financial Technical Advisor this way he can hire somebody to the Finance Director's position where they would have that title. The fear is that he would hire somebody to become a Finance Director and then anything could happen to him and then that promise is lost. So, they would come on board as the Finance Director and then Mrs. Gubernator would remain as long as she wants up to that January 2009 deadline to get the City through that transition process. There is also a lot of contracts that are coming due that she has intimate knowledge of that the City has to start working on between now and the next year or so. In no way is this a move to force her out of her position. He has talked with her about it and she understands and knows it. This is not a problem employee; this is a looking into the future; it's a very wise decision on her part to be willing to do this in advance to go through a transition and get somebody on board to protect the integrity of the Finance Department in the future.

Commissioner Reed stated he just wanted to address the Commission and let them know that the only reason he requested that this be pulled for discussion, this is simple for him. He fully supports anything to help Mrs. Gubernator in her retirement because she has done such a great job for the City. He thinks her job is very important that this needs to come out in front of the public so that the public fully understands what is going on and that's the only reason he asked for a short discussion. Commissioner Reed thanked Mrs. Gubernator for everything she has done and he looks forward to continue working with her for the rest of the time she is here.

*Commissioner Reed moved **APPROVAL** of the Creation of a temporary position – Financial Technical Advisor, seconded by Commissioner Penny.*

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

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Ross Coslow, Friends of the Library, Holly Hill Public Library, came before the City Commission to ask permission to use the digital sign for their annual Book and Bake Sale during the Christmas Parade on December 2, 2006.

*Commissioner Reed moved **APPROVAL** for the usage of the digital sign to advertise the Book and Bake Sale over at the Library during the Christmas Parade - December 2nd, seconded by Commissioner Anderson.*

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

Mike Hull, 12 Stuart Drive, mentioned that he was present during one of the workshops regarding the rental of converted sheds; it was about the setbacks and that there was discussion about how many family members are allowed to live there.

Mr. Forte stated the City's Code allows for five (5) non-related people to live in any single-family home. Is that what you are asking about?

Mr. Hull stated, yes. He is trying to get something straight. Is there a requirement that the homeowner live on this property himself?

Mr. Forte stated, no.

Liz Towsley, 1615 Selma Avenue, mentioned her letter of resignation to the City Commission. She mentioned that she loves her job as the CSO and the City. On October 6th she had a get together for her son who is back from Iraq…she has a chance, she is a citizen.

Mr. Forte stated she may but Mayor, I'm going to caution that if this relates to the operations of the City, this should be stopped immediately. If this is a citizen issue about the citizenry that's fine but if it deals with the operations of the City, it should be stopped immediately.

Ms. Towsley stated this is a citizen issue that was brought to the Mayor out of the context of work and because of this issue she was asked for her resignation letter today. "I was also told that they would go after you, Mayor". She just thinks they all need to know what's going on.

5. FIRST READING OF ORDINANCE 2786, PROPORTIONATE FAIR-SHARE

Mr. Simpson read by short title:

ORDINANCE NO. 2786

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; PROVIDING FOR CONFLICTING ORDINANCES; PROPORTIONATE FAIR-SHARE TRANSPORTATION REGULATIONS, AS PER STATE MANDATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Blais moved ***APPROVAL*** *of First Reading for Ordinance 2786, seconded by Commissioner Penny.*

Attorney Simpson had a brief discussion regarding the Proportionate Fair-share and mentioned that this is something that came out of State Law, Senate Bill 360. This is something that the City has to adopt and it's something that is required by State Law and it mirrors the Florida Department of Transportation (FDOT). State Law required FDOT to come out with some model ordinance regulations; this ordinance mirrors it, it's not identical to it. The City got this model from Palm Bay; it seemed a little more understandable. This has to be on the books before December. The purpose of this is to be in compliance with State Law. The City Managers and the Planners are going to sit down and figure out how they need to tweak this Ordinance to address intergovernmental issues as roads go between one jurisdiction to the other and there may be modifications just from an application standpoint as they go forward. This is something that's new in the Law.

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

6. RESOLUTION 2006-R-43, COMMUNITY REDEVELOPMENT ADVISORY (CRA) BOARD APPOINTMENTS

Mr. Forte stated Alan Riegner, who is here this evening, missed two consecutive meetings so he has been removed from the Board and is the first to go through this process to appear before the City Commission requesting his position back on the Board. That's why there is a regular board member position available. The alternate board member that they see in the Resolution is not an actual position that's available; that is a position that is just there precautionary should the Commission decide to do something different that would create an alternate spot. Mr. Riegner is here tonight to request to be reappointed to his position on the Board but in the meantime, Mr. Forte is obligated to present the other applications as presented in their packets.

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-43

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE COMMUNITY REDEVELOPMENT ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

Alan Riegner, 955 Lynn Circle, Ormond Beach, mentioned that he was here tonight to seek reappointment to the CRA Board and the reason for the absences have been resolved. He has served on the Board for over seven years. The reason for his absences recently is because he had to attend industry related conferences and markets related to his furniture business. Those four major markets that he attends each year, for the next two years, have modified their dates and would no longer conflict with his ability to serve on the Board.

Commissioner Penny made a motion to ***APPROVE*** *Alan Riegner's reappointment to the CRA Board as a regular member and Resolution 2006-R-43, seconded by Commissioner Blais.*

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

7. RESOLUTION 2006-R-44, POLICE ATHLETIC LEAGUE (PAL) / RECREATION BOARD APPOINTMENT

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-44

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING AN ALTERNATE MEMBER TO THE PAL/RECREATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Reed made a motion to ***APPROVE*** *Janet Fuller to the PAL / Recreation Board as an alternate member and Resolution 2006-R-44, seconded by Commissioner Blais.*

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

8. COMMITTEE REPORTS

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

Mayor Via spoke briefly about VCOG and the regular meeting is coming up on November 27th; WAV is meeting tomorrow.

Commissioner Reed mentioned the Master Plan Committee had met today and it's moving along and Mr. Forte presented the final draft of the wording and it will be going out at the end of this week.

Mr. Forte stated just to follow up on that, when they get through the selection committee, staff will bring forward the top three candidates, (top three firms) for this Commission to sit as the Redevelopment Agency to pick the final one; staff will not be picking the candidate. There will be three presentations from each candidate.

9. COMMUNICATIONS

A. City Manager

Mr. Forte stated he has given Attorney Simpson some paperwork regarding the property on Magnolia Avenue. He wants to make sure that he is still on the right path of negotiating an exchange of the six or so parcels for two homes that the City would own to try and create this affordable housing property. These are the contracts for the homes that would be built. Attorney Simpson will review them and get back to him on that. This afternoon Mr. Forte signed an agreement with the PBA to work on a modified 12-hour shift for the Police Department. They will try it out for three months to see how it works and if it works they will continue it. Mr. Forte informed the Commission that the Real McCoy property has gone up for sale. He is working to try and make some contacts at different levels of the government to try and get some acquisition funds to purchase that property. If they can find some dollars to purchase that, he thinks it would work well in the City's plans for a historic museum. As he gets more information, he will inform the Commission. They are asking $600,000 for the house. Mr. Forte mentioned that he signed a minor change to the PUD agreement for Marina Grande. This afternoon he signed two more documents; one was a more formal version of what he had already given the Commission and the other document was related to the PUD agreement. In essence, it's changing the exit from the garage through the park; they are now closing that off and putting in a "t" turnaround. The other was changing the value of the park land because…the City gained a little bit of property and they lost a little bit of property so the value of the park land changed by less than $2,000. In addition to that, he will have to go up to Tallahassee in December to battle for the ownership rights of 2nd and 3rd Street. The last statement Mr. Forte wanted to make was to help inform the Commission on and that is the Commission, as they know, serves as a policy making board and does not get involved in the operations of the City. It's very important that the Commission sticks to that line because anything can come up that can jeopardize their being in violation of the City's Charter and that's a serious violation. He just wants to remind everybody that if it comes to an operational issue, refer those issues to him so that he can take care of it. Mr. Forte mentioned that he met with Jim Phillips who is a big player in Habitat For Humanity and he introduced him to the property on Cave Avenue which is owned by the Krallinger's and Jim Phillips went over there and said that he thinks it is usable and Mr. Forte referred him to the Public Works Director to get all the fact about the low lying lands over there and they said that they are still interested in the property so he will contact the Krallinger's tomorrow to see if they would be willing to swap that land which would probably be the equivalent of three homes, maybe for two parcels that the City has that are of equal value so that he knows that property on Cave Avenue will be built affordable through Habitat For Humanity and maybe these two young fellows can do something with other properties in the City.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Blais mentioned the Veterans Day Ceremony in front of City Hall last Sunday. Commissioner Blais mentioned the article in the paper about Mason Avenue in Daytona Beach.

Commissioner Penny mentioned that he attended the SAC meeting at the Middle School the other day and he wanted to publicly thank the Police Department, there were some issues that were brought up and were handled in a swift manner and the Principal is very happy with the way the Chief handled that.

Mayor Via briefly mentioned Builders Care. He mentioned that Veterans Day was celebrated at the Bennett Nursing Home and he was there to read a proclamation and also there was a great turnout in front of City Hall on Sunday to honor the Veterans. He thanked those who attended the Breakfast with the Mayor.

Commissioner Penny mentioned that he will be having a forum over at Sica Hall, Saturday, January 13th from 9:00 a.m. to 11:00 a.m.

10. ADJOURNMENT

The meeting officially adjourned at approximately 8:25 p.m.

Attest:	City of Holly Hill, Florida
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Valerie Manning City Clerk	Roland D. Via Mayor