

MINUTES

**MINUTES
REGULAR COMMISSION MEETING
AND
ORGANIZATIONAL MEETING
CITY OF HOLLY HILL, FLORIDA**

NOVEMBER 22, 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 approximately 7:08 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 Butch Simpson, Public Works Director Milton Hallman, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, PAL/Recreation Executive Director Chuck Beach, Human Resources Director Diane Cole, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning.

B. Invocation

Pastor Chuck McKeown delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

A. Presentation by Frank Bruno, Volusia County Chairman

County Chairman, Frank Bruno introduced Vice-County Chair, Joie Alexander who read and presented a proclamation to Mayor Arthur for serving the City for the past ten years.

Mayor Arthur gave some closing remarks to staff and to the citizens at this time.

Commissioner Via presented Mayor Arthur with a plaque for serving the City for the past ten years.

Mayor Arthur then invited Mayor-elect Roland D. Via to the Mayor seat and handed him the gavel.

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B. Introduction and swearing in of Mayor and new Commissioners

Mr. Bruno did the introduction and the swearing in of Mayor Roland D. Via, Commissioner John Penny, District 1, Commissioner Mark Reed, District 3, and Commissioner Traci A. Anderson, District 4.

3. CALL TO ORDER

A. Roll Call of Mayor and new Commissioners

4. PRESENTATIONS AND PROCLAMATIONS

- **Award Presentations**

Mayor Via presented plaques to Commissioner Arthur Byrnes for serving the City for the past eighteen years and to Commissioner Lou Schmitt for serving the City for the past three years.

- **Break**

Mayor Via called for recess at approximately 7:40 p.m.

Mayor Via reconvened the meeting at approximately 8:00 p.m.

Mayor Via stated that he would like to move the Committee Reports to the end of the agenda from now on. There was *consensus* from the Commission to do that.

5. CONSENT AGENDA

Minutes of the Canvassing Board – October 11, 2005

Minutes of the Canvassing Board – November 8, 2005

Minutes of the Regular City Commission meeting – November 8, 2005

October 11, 2005 Municipal Certificate of Election

November 8, 2005 Municipal Certificate of Election

Surplus Property – Bicycles

Water Quality Sampling for Cyanide, Zinc and Copper Intra-coastal waterway

Report of Purchase Orders over \$5,000

- **X-Treme Cycles – \$4,999.50**
- **Volusia County – \$11,978.19**
- **Stern Design Group – \$6,500**

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

Commissioner Anderson wanted to discuss the surplus property – bicycles at this time. She was wondering if there was a possibility of selling them on Ebay and take the money they make off of the bikes and put the money back in surplus. Her concern was that the bikes were very expensive.

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Mr. Forte stated these bikes are somewhat more expensive because of the type of bikes that they are. Staff can certainly, because the City has an ebay account, try to sell them over the next 30 days through Ebay and if they don't sell, staff can surplus them or sell them or get rid of them how they would the other bikes. Maybe this time of year they may get a reasonable price for them.

There was *consensus* from the Commission to try selling the police bicycles on ebay.

PASSED by unanimous vote, 5-0.

6. APPOINTMENT OF VICE-MAYOR

*Commissioner Blais moved to **APPOINT** Commissioner John Penny as the Vice-Mayor, seconded by Commissioner Penny.*

PASSED by unanimous vote, 5-0.

Mayor Via then appointed the following Commissioners to the following committee boards:

METROPOLITAN PLANNING ORGANIZATION

Roland D. Via, Mayor	Commission Representative
Gilles Blais, Comm. Dist. 2	Alternate Commission Representative

VOLUSIA COUNCIL OF GOVERNMENTS

Roland D. Via, Mayor	Commission Representative
John Penny, Comm. Dist. 1	Alternate Commission Representative

WATER AUTHORITY OF VOLUSIA

Roland D. Via	Commission Representative
Mark Reed, Comm. Dist. 3	Alt. Commission Representative

7. AUDIENCE PARTICIPATION Regarding items not on the agenda.

Herbert Zischkau, 2760 Pine Grove Avenue, Deltona, asked if Mayor Via could fill the citizens in on the status of WAV since this is an item of importance from here to Deltona.

Mayor Via gave a brief description of the WAV at this time.

Diana Tatroe Flag, 1115 Powers Avenue, stated she wanted to introduce herself to them because her father, Larry Tatroe was very active in the community and he has passed away and that she is going to be an active citizen within the community as well and she welcomed the new Commissioners and Mayor Via. She then stated she would be their best public supporters for all the things the Commission does in the future.

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**8. PUBLIC HEARING – SECOND READING OF ORDINANCE 2748,
VOLUNTARY ANNEXATION – 1104 SOUTH NOVA ROAD**

Mr. Simpson read by short title:

ORDINANCE NO. 2748

**AN ORDINANCE OF THE CITY OF HOLLY HILL,
FLORIDA ANNEXING BY VOLUNTARY PETITION
PROPERTY LOCATED CONTIGUOUS TO THE
CITY OF HOLLY HILL; REDEFINING
BOUNDARIES OF THE CITY OF HOLLY HILL TO
INCLUDE SAID PROPERTY; DIRECTING THE
CITY CLERK TO FILE THE ORDINANCE WITH
THE CLERK OF THE CIRCUIT COURT, WITH
THE CHIEF ADMINISTRATIVE OFFICER OF
VOLUSIA COUNTY AND WITH THE
DEPARTMENT OF STATE; PROVIDING FOR
CONFLICTING ORDINANCES; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

*Commissioner Blais moved to **APPROVE** Second Reading of Ordinance 2748, seconded by
Commissioner Penny.*

PASSED by unanimous vote, 5-0.

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9. PUBLIC HEARING – SECOND READING OF ORDINANCE 2749,
VOLUNTARY ANNEXATION – 1745 and 1747 MARYLAND AVENUE

Mr. Simpson read by short title:

ORDINANCE NO. 2749

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Anderson moved to **APPROVE** Second Reading of Ordinance 2749, seconded by Commissioner Blais.*

PASSED by unanimous vote, 5-0.

10. RESOLUTION 2005-R-53, COMMUNITY REDEVELOPMENT ADVISORY
(CRA) BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-53

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

*Commissioner Penny moved to **APPROVE** Resolution 2005-R-53, seconded by Commissioner Reed.*

PASSED by unanimous vote, 5-0.

11. PURCHASE OF STORMWATER PROPERTY – 2ND STREET

Mr. Forte stated this is a piece of property located on the North side of 2nd Street and he did have the opportunity to bring each Commissioner there individually to see the property. This is a multiple fold benefit that they can take advantage of. First, St. Johns River Water Management District (SJRWMD) would like to see the City do some pre-treatment stormwater retention on the Eastside of U.S. 1 and this would fit that criteria and start to help the City do some pre-treatment before the stormwater gets back out to the river. Because it's within the CRA district, the City can use redevelopment funds to purchase the property because the City has also put that into a policy, into the plan that they can buy parcels of land for the purpose of putting in stormwater that they can provide the additional capacity for businesses to go ahead and utilize providing it's within the CRA district. This is going to be a 45-day soft contract. After the 45 days, staff will go to a hard contract. During that 45-day due diligence period, one of the things he is going to try to do is because staff has been in discussions with the district, is to see if they will go ahead and compensate the City for half the price of the purchase of that piece of property. Also, during that 45-day due diligence period, he has to get with Mr. Hallman and the engineers to make sure that it will comply with our needs and actually serve a purpose. He then said he doesn't want to put a hole in the ground that's not going to take on any of the stormwater. What the Commission is approving tonight is allowing the City Manager to take 45 days to do a due diligence period on this piece of property which is \$89,900 and should everything go successful during that 45 day period, this will just continue and this item will not come back to the Commission. In essence, this will approve the contract.

*Commissioner Blais moved for **DISCUSSION** the purchase of stormwater property – 2nd Street, seconded by Commissioner Anderson.*

Commissioner Anderson asked who owns this property right now?

Mr. Forte stated Mr. and Mrs. Bell.

Commissioner Anderson asked how much flooding happens there right now?

Mr. Hallman stated on 2nd Street and Ridgewood is where the City has much of their flooding and this would relieve most of that. This is a piece of property that has become available and it's in the right place. This would be a move in the right direction to start getting some properties such as this for retention ponds in that area.

Mayor Via asked if there will be excess from water from U.S. 1 going through a right-of-way from the commercial properties that are on U.S. 1 now?

Mr. Hallman stated not necessarily. There is a large collector that runs down 2nd Street and staff would probably be ciphering off of that.

Mayor Via asked *if* they find that the elevations are not proper, do we have the ability to get out of the soft contract of 45 days?

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Mr. Forte stated, yes. That's why it's called a soft contract. Within 45 days the City can back out and there's no financial loss to the City. Once it becomes a hard contract, they can continue a due diligence period until the closing but we have to put down some hard money.

Commissioner Blais mentioned how there used to be a lot of trespassing on that piece of property. The City Manager informed the Commissioners should it become a retention pond, it should reduce the amount of trespassing.

Commissioner Reed asked if the surrounding property owners have been contacted about this?

Mr. Forte stated, no.

Commissioner Reed asked is there any requirement to contact them?

Mr. Forte stated, no. Technically, it's a regular, legitimate single-family dwelling piece of property that somebody could build a home on. A retention pond meets the zoning requirements so there's no special requirement to notify neighborhoods. If someone was to build a house there, there would be no notification required.

Commissioner Penny asked how did the City find out about this property? Did they approach the City?

Mr. Forte stated there's a For Sale sign on it. It's not there now because of the soft contract. This is an element within the CRA plan that allows the City to purchase property for the sake of stormwater retention.

Annette Moore, 313 Daytona Avenue, had some concerns about the retention pond regarding an easement or a driveway coming from Daytona Avenue and strongly expressed her feelings that the neighbors should be notified regarding this. She then suggested that the City could possibly turn it into a park-like atmosphere where it is not just a hole in the ground.

Maureen Monahan asked if this property was two lots?

Mr. Forte stated it's a ½ acre.

Ms. Monahan asked what is going to be done to maintain this on a regular basis to keep the street people out?

Mr. Forte stated the same thing the City does with all of their retention ponds. Staff cuts the grass and trims the trees; they do whatever is needed and it would be on a regularly rotating basis as all of the other ponds. Right now, that piece of property is a haven for homeless people; when it becomes a retention area that goes away.

Ms. Monahan suggested a workshop on this because it involves a neighborhood.

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Commissioner Anderson asked if it's possible to wait on this item and get something in writing from SJRWMD telling the City exactly what they want the City to do?

Mr. Forte stated, no. He would say that if they don't act on this tonight, they will lose the contract and the property will end up being sold.

Beth Legary, 342 Burleigh Avenue, stated she thought the Swerdlow project was going to bring retention ponds to help alleviate the flooding?

Mr. Forte stated that's going to be an onsite retention pond that's going to probably alleviate any flooding on the Riverside Drive area next to Marina Grande.

Lori Ann Legary, 342 Burleigh Avenue, asked when has there been flooding there on 2nd Street and Ridgewood Avenue?

Mr. Forte stated every time it rains for more than a half hour.

*Commissioner Penny moved to **APPROVE** authorizing the City Manager to purchase the property for stormwater treatment in the amount of \$89,900. These funds are budgeted in the Community Redevelopment Agency (CRA) for this purpose, seconded by Commissioner Blais.*

PASSED by a vote, 4-1 with Commissioner Anderson opposing.

12. COMMUNICATIONS

A. City Manager

Mr. Forte took a moment to introduce the Department Heads that were present to the new Commissioners.

B. City Attorney

Welcomed the new Commissioners and stated that he looks forward to working with them.

C. Mayor & Commissioners

Commissioner Blais mentioned the appointment for the Boys and Girls Club and the Mayor suggested to him that he check with the Boys and Girls Club to see what they want to do in regards to Mayor Arthur attending being they are the ones who do the appointing for that board.

Commissioner Penny thanked everyone for coming out and thanked them for putting their faith and trust in them and that they will work together to be as accessible as possible to the citizens.

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Mayor Via stated he is excited about this Commission. At this time he asked the Commissioners if they would like to cancel the last meeting of December due to the holiday.

*Commissioner Reed made a motion to **CANCEL** the City Commission meeting on December 27, 2005 due to the holiday, seconded by Commissioner Anderson.*

PASSED by unanimous vote, 5-0.

13. ADJOURNMENT

The meeting officially adjourned at approximately 9:00 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor