M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
NOVEMBER 28, 2000

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Keith Tarrer and Roland Via.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson, Finance Director Brenda Gubernator, Economic Development Coordinator Ira Corliss, Code Development Administrator Tim Harbuck, Acting Police Chief Mark Barker, Recreation Director Chuck Beach, Acting Fire Chief Randy Ast, IT Director Scott Gutauckis, and City Clerk Jeaneen Clauss.

2. INVOCATION

Mr. Corliss delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

5. CONSENT AGENDA
Minutes of Regular Commission Meeting – November 14, 2000

Commissioner Tarrer moved ***APPROVAL*** *of the items on the consent agenda, seconded by Commissioner Lockeby.*

Motion **CARRIED** 5-0 on the following roll call: Tarrer – yes, Lockeby – yes, Via – yes, Byrnes – yes, Arthur – yes.

6. AUDIENCE PARTICIPATION

Mayor Arthur referred to his Commission appointment recommendations at the last Commission meeting and stated that our legal staff has cautioned them about the potential opportunity for an unintentional violation of the Sunshine Law, if they have another commissioner serve as the Chamber of Commerce Liaison when Commissioner Lockeby is already a member of the Chamber. This could happen if something is discussed at a Chamber meeting and that item, or a related one, later comes before the Commission.

Commissioner Tarrer moved ***APPROVAL*** *of having the City Manager serve as the Chamber of Commerce Liaison, seconded by Commissioner Byrnes.*

Motion **CARRIED** 5-0 on the following roll call: Tarrer – yes, Byrnes – yes, Lockeby – yes, Via – yes, Arthur – yes.

7. CONTINUATION OF PUBLIC HEARING
FINDING A PUBLIC NUISANCE AT 721 RIDGEWOOD AVENUE

Mr. Harbuck reported that this project is now ninety-five percent complete and recommended dropping the nuisance charge and allowing the owner (Greg Loggins) to complete his work through normal procedures. They hope to have twelve new businesses forthcoming. Mr. Loggins stated that there would be either businesses there or individually owned condominiums. All will be done in compliance with all applicable regulations.

*Commissioner Tarrer moved to **DROP** the nuisance charge on this property and allow them to carry on**,** seconded by Commissioner Lockeby*.

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

8. PLAT APPROVAL – PUBLIX SUPERMARKET PROJECT AT 1850 RIDGEWOOD AVENUE

Mr. Forte explained that this plat must be approved prior to being sent to the County to be platted. The drawing shows the subdivision of the properties and the vacating of the roads.

*Commissioner Tarrer moved **APPROVAL** of the plat proposed by Publix Supermarket, contingent upon the rezoning becoming effective, seconded by Commissioner Lockeby.*

There was discussion that everything that has been done for these properties, from the annexations to this plat approval is contingent upon the property being purchased by Publix. This has been an effort to streamline the process to promote this business here in Holly Hill.

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

9. SECOND READING OF ORDINANCE 2599, ANNEXING THE GILL PROPERTY LOCATED AT 1190 ALABAMA AVENUE

Mr. Simpson read by short title:

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 Via moved to **APPROVE** the second reading of Ordinance 2599, seconded by Commissioner Tarrer.*

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

10. SECOND READING OF ORDINANCE 2600, ANNEXING THE GILL PROPERTY LOCATED AT 760 ORCHARD AVENUE

Mr. Simpson read by short title:

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 Tarrer moved to **APPROVE** the second reading of Ordinance 2600, seconded by Commissioner Byrnes.*

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

11. SECOND READING OF ORDINANCE 2601, REGARDING THE FIREFIGHTERS PENSION PLAN

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE III (FIREFIGHTERS' PENSION), DIVISION 2 (PENSION PLAN), OF THE CODE OF ORDINANCES FOR THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-81 (DEFINITIONS), TO PROVIDE THAT MILITARY SERVICE CREDIT SHALL COMPLY WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT; AND AMENDING SECTION 42-82 (MEMBERSHIP), TO PROVIDE FOR COMPLIANCE WITH STATE LAW AND TO PROVIDE THAT THE FIRE CHIEF MAY OPT NOT TO PARTICIPATE IN THIS RETIREMENT PLAN; AND AMENDING SECTION 42-83 (BENEFITS AMOUNTS AND ELIGIBILITY) TO PROVIDE FOR

COMPLIANCE WITH STATE LAW CONCERNING RECOVERY AND REEMPLOYMENT AFTER DISABILITY AND CONTINUATION OF SPOUSAL BENEFITS AFTER REMARRIAGE; AND AMENDING SECTION 42-84 (OPTIONAL BENEFITS) TO PROVIDE COMPLIANCE WITH STATE LAW CONCERNING OPTIONAL BENEFITS; AND AMENDING SECTION 42-85 (CONTRIBUTIONS) TO PROVIDE FOR COMPLIANCE WITH STATE LAW CONCERNING DEPOSIT OF EMPLOYEE AND STATE CONTRIBUTIONS INTO THE PLAN; AND AMENDING SECTION 42-86 (BOARD OF TRUSTEES) DELETING UNNECESSARY BOARD PROVISIONS; AND AMENDING SECTION 42-87 (FINANCES AND FUND MANAGEMENT) TO PROVIDE FOR GENDER NEUTRAL LANGUAGE; AND AMENDING SECTION 42-88 (REPEAL OR TERMINATION OF THE SYSTEM) TO PROVIDE FOR CLARIFICATION OF VESTING AT TERMINATION OF THE PLAN; AND AMENDING SECTION 42-89 (PENSION MEDICAL EXAMINER) TO PROVIDE FOR A MEDICAL BOARD TO REPLACE THE MEDICAL EXAMINER; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING OF POSTING OF THIS ORDINANCE.

Commissioner Tarrer moved to ***APPROVE*** *the second reading of Ordinance 2601, seconded by Commissioner Via.*

Mr. Forte responded to the question asked at the last meeting in regards to removal of members of the board. That article was removed from this ordinance and we now fall back to Chapters 175-185, Florida Statutes. These show the two Commission appointed seats serve at the will of the Commission. Mr. Forte also stated that the fifth position on the Board must be ratified by the Commission, though purely ministerial in duty.

Clarification of the opt-out provision for the Fire Chief was made. It is the City's option to offer this.

Confirmation was made that the letter from Foster and Foster would suffice, which stated that an actuarial report was not necessary for these statutorily required changes. Mr. Simpson explained in detail why an actuarial report was determined unnecessary.

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

12. RESOLUTION 2000-R-64, ACCEPTING THE PAL GRANT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE ACCEPTANCE OF THE BYRNE STATE AND LOCAL LAW ENFORCEMENT GRANT; PROVIDING FOR SEVERABILITY; PROVIDING

FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-64, seconded by Commissioner Lockeby.*

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

13. RESOLUTION 2000-R-65, AUTHORIZING A HIGHWAY LANDSCAPING MAINTENANCE AGREEMENT WITH FDOT

Mr. Simpson read by short title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE CITY MANAGER AND HIS STAFF TO ENTER INTO A HIGHWAY LANDSCAPING MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Mr. Forte asked that the motion for approval be contingent upon review by the attorney because there seem to be a few errors.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-65 contingent upon attorney review, seconded by Commissioner Via.*

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

14. RESOLUTION 2000-R-66, ACCEPTING AND DESIGNATING THE USE OF THE LOCAL LAW ENFORCEMENT BLOCK GRANT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE ACCEPTANCE OF AND DESIGNATING THE USE FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-66, seconded by Commissioner Lockeby.*

Mr. Forte stated that this is to purchase equipment that would replace their current lease. It is an overall cost savings to the City. There is an annual service charge, which they would pay to the

Volusia County Sheriff's Office. Commissioner Byrnes felt this was already being paid for through County taxes.

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

15. RESOLUTION 2000-R-67, ACCEPTING AND DESIGNATING THE USE OF THE FDOT HIGHWAY SAFETY GRANT

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE ACCEPTANCE OF AND DESIGNATING THE USE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION SAFETY GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-67, seconded by Commissioner Lockeby.*

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

16. RESOLUTION 2000-R-68, DESIGNATING THE USE OF THE FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM GRANT

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, DESIGNATING THE USE FOR THE FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-68, seconded by Commissioner Byrnes.*

Mr. Forte explained that this is for phase two of the Schadow Park project, the north end of the park. This grant has to be used totally and separately from the first phase of the project.

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

17. PURCHASE OF A NEW FIRE ENGINE

Mr. Forte explained this agenda item, along with the bid process and staff recommendation procedure that transpired. He and Captain Ast responded to various mechanical questions from the Commission. The three trucks that they plan to sell will be sold independently to attain a better price.

*Commissioner Tarrer moved to **APPROVE** the purchase of the Pierce Fire Engine from Ten-Eight Fire Equipment for a total amount of $204,204, seconded by Commissioner Byrnes.*

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

18. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte referred to the decorations that have been placed out front and will be ready for Friday's lighting ceremony. He advised the Commission that the bricks are now being laid in front of the Chamber of Commerce. The Chamber building has been painted and new windows are coming soon.

19. CITY ATTORNEY

Mr. Simpson indicated that he had nothing further to report.

20. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Lockeby clarified to the audience that the things being done at the Chamber are from volunteers, not the City's tax money. He wished everyone Happy Holidays.

Commissioner Tarrer thanked members of the audience for attending. He then complimented the new heads of the police and fire departments and noted the increase in the morale of their employees. He then complimented Staff on the decorating job they have done for Christmas.

Commissioner Via welcomed Scott Gutauckis back after his accident. He thanked the members of the Local Government Block Grant Committee for their time and effort to make this successful for us.

Commissioner Byrnes suggested that now that it is darker earlier than usual, they have an employee check the street lights and list the ones that are out, dim, or flashing. This led to a suggestion by Commissioner Via that they review streetlight placement and determine where additional lights may be needed. Commissioner Byrnes stated that his family had a great Thanksgiving and they are looking forward to the Christmas Holidays. Holly Hill always does it right for Christmas. Many events forthcoming. Commissioner Byrnes confirmed that you can purchase bricks from either the Chamber or Kiwanis and they will be placed as soon as enough are sold to begin a second phase.

Mayor Arthur referred to one of VCOG's priorities, which is very important – bringing the whole County under the same area code. He inquired as to the status of Mr. Vern's property, after the last meeting. Mr. Harbuck has been trying unsuccessfully to contact him and will try once again as a courtesy before moving forward with the demolition. Mr. Vern's attorney has indicated that he is more interested in selling at this point.

21. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 7:57 p.m.

City of Holly Hill

____
William D. Arthur, Mayor

Attest:

____
Jeaneen P. Clauss, City Clerk