

MINUTES

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

November 28, 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, Finance Director Brenda Gubernator, Information Technology Director Scott Gutauckis, 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

None.

3. CONSENT AGENDA

- Minutes from the regular City Commission meeting – November 14, 2006
- Report of Purchase Orders over \$5,000**
 - ♦ Sencilo Solutions – \$11,400

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

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

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Pastor Chuck McKeown, 1650 Center Avenue, came before the Commission to share his concerns about Bike Week activities that may be planned for next year. He was wondering what the Commission's thinking was and how far were they going to go with that.

Mayor Via informed Pastor McKeown that they recently had a workshop on this subject and the Commission decided that they would correspond the City's Bike Week calendar or special event calendar with Daytona Beach. There was some discussion during the workshop about bike washes and the Commission doesn't like them. The Commission is concerned about putting their focus on the Master Plan in the redevelopment area and they don't want the Bike Week activities to detract from that.

Commissioner Reed asked Pastor McKeown if he had any objections to the bike parade.

Pastor McKeown stated no, not really. He just would be concerned about how far the City is going to go with it. Will it eventually end up being something that will sponsor some sort of an activity at Hollyland Park or Sunrise Park? He guesses his concern is, is that they don't go too far down the road that the City ends up like the situations in Daytona Beach that would really be against what, he thinks, this community would want to stand for. He is all for business and wanting to encourage business but they are dealing with a situation that would be a couple of weeks out of the year. The City has opened the door and by actually financing something with City funds, he thinks that has made a statement.

Mayor Via mentioned that so far it's just the bike parade but the Commission has discussed *maybe* doing something in Hollyland Park the day of or the night before or something but they didn't come to any consensus on that.

Commissioner Penny stated that's something that we want to be very careful about is that we don't open Pandora's Box and allow the reputation that the City has worked so hard for over the last few years to gain credibility in the community and let that be ruined by two weeks a year. The Commission is very cautious of that.

Don Kane, 101 University Boulevard, Daytona Beach, spoke briefly about increasing business and jobs (manufacturing jobs) in the Halifax area.

Charles "Bud" R. Holbein, Sr., came before the Commission to ask if they would give him an extension on the conditions of moving his house; the anniversary date of the conditions is coming up January 24th and the other thing that he would like to ask for is the Commission put a condition on the flag lots that were approved and he would like to have a rehearing on those conditions being the facts have changed and the Commission was never presented the correct facts when it was opposed.

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There was some discussion amongst the Mayor, Commissioners, Mr. Forte, and Attorney Simpson regarding Mr. Holbein's requests. The consensus from the Commission tonight was to leave the conditions of moving the house and the flag lot as approved at the January 24, 2006 City Commission meeting.

5. APPOINTMENT OF VICE-MAYOR

Mayor Via made the recommendation that Commissioner Penny remain as the Vice-Mayor.

*Commissioner Blais made a motion to **APPROVE** Commissioner Penny as the Vice-Mayor, seconded by Commissioner Reed.*

The motion **CARRIED** 4-0 on roll call: Blais – Yes, Reed – Yes, Anderson – Yes, Mayor Via – Yes

Mayor Via mentioned that they normally do the other Board assignments at this time. Mayor Via is on the Executive Board of both VCOG and Volusia League of Cities and if it's okay, he will remain there as the City's representative. Commissioner Blais has more than effectively filled in for the MPO and instead of being the alternate, he would like to move Commissioner Blais into the regular position, if it's okay with the rest of the Commission. There was consensus to do that.

6. PUBLIC HEARING – SECOND 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 made a motion to **APPROVE** the Second Reading of Ordinance 2786, seconded by Commissioner Penny.*

Mayor Via opened public participation. No one spoke.

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

7. **FIRST READING OF ORDINANCE 2787, TEXT AMENDMENT TO THE COMPREHENSIVE PLAN – EVALUATION AND APPRAISAL REPORT (EAR)**

Mr. Simpson read by short title:

ORDINANCE NO. 2787

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; REVISING THE FUTURE LAND USE ELEMENT; TRAFFIC CIRCULATION ELEMENT; HOUSING ELEMENT; UTILITIES ELEMENT; CONSERVATION AND COASTAL MANAGEMENT ELEMENT; RECREATION AND OPEN SPACE ELEMENT; INTERGOVERNMENTAL COORDINATION ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT TO INCLUDE THE 1997 EVALUATION AND APPRIASAL REPORT (EAR) BASED AMENDMENTS. ADDING NEW OR UPDATED GOALS, OBJECTIVES AND POLICIES. PROVIDING FOR RESOLUTION OF CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Doug Gutierrez, Community Development Director/City Planner, gave a brief presentation regarding the Evaluation and Appraisal Report (EAR). This updates the City's Comprehensive Plan to be in compliance. The EAR that was done in 1997 was approved by Department of Community Affairs (DCA) and the next step would have been to amend the elements to reflect the EAR but that was never done. The DCA sent the City a letter back in July explaining that the City is not in compliance with Florida Statute, Section 163.3191, that the City needs to adopt its based amendments. The City is prohibited from small scale and large scale amendment processes until this is done. This item tonight is considered a large scale amendment. The City has two windows of opportunity to do that per year; 2006 both windows were already taken so the City had to wait until November/December so that would be considered the first cycle in 2007.

*Commissioner Blais made a motion to **APPROVE** the First Reading of Ordinance 2787, seconded by Commissioner Anderson.*

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

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**8. BENTLY OAKS FINAL PLAT – 475 / 471 – 3RD STREET – APPLICANT:
SANTEX BUILDERS, INC. (STEVE AND WAYNE MEDLIN)**

Mr. Forte mentioned that this is a similar procedure that they just went through with Mr. Viscomi and The Mirage between Flomich and Alabama. In their packets is a copy of the final plat. This is a layout of where the buildings would be and where the roads would be and where some of the infrastructure would be. This has already been approved for zoning, this is simply a request for a plat approval.

Steve Medlin, developer/property owner of Santex Builders, Inc., spoke briefly and showed a picture of what the Bently Oaks townhomes would look like.

*Commissioner Reed made a motion to **APPROVE** the Final Plat for Bentley Oaks – 475 / 471 – 3rd Street, seconded by Commissioner Blais.*

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

9. RESOLUTION 2006-R-45, POLICE PENSION FUND BOARD OF TRUSTEES – APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-45

**A RESOLUTION OF THE CITY OF HOLLY HILL,
FLORIDA, APPOINTING MEMBERS TO THE POLICE
PENSION BOARD OF TRUSTEES; SETTING FORTH THE
TERM EXPIRATION DATES FOR SAID MEMBERS; AND
PROVIDING AN EFFECTIVE DATE.**

*Commissioner Penny made a motion to **APPROVE** Resolution 2006-R-45 and inserting the names of Gena Plante and Russell D. Lathrope, Jr. into the Resolution, seconded by Commissioner Anderson.*

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

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10. RESOLUTION 2006-R-46, SPECIAL EVENTS CALENDAR

Mr. Simpson read by short title:

RESOLUTION NO. 2006-R-46

A RESOLUTION BY THE CITY OF HOLLY HILL, FLORIDA DESIGNATING THE SPECIAL EVENT DATES FOR 2007, 2008 AND 2009, AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Reed made a motion to **APPROVE** Resolution 2006-R-46, seconded by Commissioner Blais.*

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

ADDENDUM ITEM #1:

FIRST READING OF ORDINANCE 2788, FIRE PENSION PLAN UPDATE AND IMPROVEMENTS

Mr. Simpson read by short title:

ORDINANCE NO. 2788

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 42, PENSIONS AND RETIREMENT; ARTICLE III, FIREFIGHTERS' PENSION; DIVISION 1. GENERALLY OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-62, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; ADDING A NEW SECTION 42-63, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING CHAPTER 42, PENSIONS AND RETIREMENT; ARTICLE III, FIREFIGHTERS' PENSION; DIVISION 2, PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-81, DEFINITIONS BY AMENDING THE DEFINITIONS OF "CREDITED SERVICE" AND "EARNINGS"; AMENDING SECTION 42-83, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 42-84, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 42-85, CONTRIBUTIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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Mr. Forte mentioned that the majority of this Ordinance cleans up the language in the existing ordinance to what the State Law requires. It also includes what was negotiated during the Union negotiation process and it also allows for the reduction in the employees contribution from 10% to 5%. It changes the vesting period from 10 years to 6 years and it provides for a 25 and out clause. The Commission will receive for the next agenda an impact statement that comes from the actuary which details the cost of what this is. This amounts to approximately \$40,000...less than \$50,000 that the City has to either make up...it will be that much less that the Fire Department members have to pay; the City has to make it actuarially sound. It will be about that number depending upon the fluctuation of the market.

*Commissioner Blais made a motion to **APPROVE** the First Reading of Ordinance 2788, seconded by Commissioner Penny.*

Mr. Forte stated the only thing he wanted to add to this is the conditions that are in here were agreed to during the negotiation process during the Shade meetings, the reason that this is coming before the Commission at this time is because of a time delay that was created by the legal staff of the Pension Board and its not that there was any conflict, it was just time consuming to get this done. Mr. Forte stated he can't go retroactive on this back to October 1st and the members know that but if the intent is that this gets approved tonight, with the intention of approving it on the second reading, what he would like to do is make it effective in this next pay period which means they won't have to contribute 10% into the fund this pay period, it will just be the 5%.

There was consensus from the City Commission to allow it to be effective in this next pay period.

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

11. COMMITTEE REPORTS

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

Commissioner Blais mentioned that on Thursday, December 7th at 6:00 p.m. at the International Speedway there is a very important meeting in regards to FDOT work program; there will be no MPO meeting in December; there were elections for the MPO officers; spoke briefly about the legislative issues; in this particular part of the County in regards to building bridges from Ormond Beach all the way down to Oak Hill – in Daytona Beach, the Orange Avenue bridge is very old and the County has no money and the people want to have a lower bridge and there is a study being conducted; presentation by Votran – Transit Development Plan and the Transportation Disadvantage Plan and it was very complete in regards to Votran; Flagler County transportation; brief mention of the rail system and that the presentation was completed by the Engineer.

Mayor Via mentioned WAV; SB 444 funding; Volusia League of Cities dinner this Thursday night at 6:00 p.m. in Ormond Beach; awards ceremony dinner; Sue Baker letter; VCOG – Halifax Humane Society; and the Coalition for the Homeless.

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Mr. Forte asked for direction from the Commission or consensus to either sign or not sign the Halifax Humane Society agreement for this year. *There was consensus from the Commission to hold off on that for now.*

12. COMMUNICATIONS

A. City Manager

Mr. Forte stated a lady named Dolly has a large selection of clothing costumes that she would like to donate to the PAL Board. In this process, she would make a donation to the PAL Board and then it was his intent to then store these costumes over at *Laura's Boutique* where she will in essence rent them from the City and then rent them out and keep them and keep inventory on them. Mr. Forte spoke with the auditor today to find out about this non-cash charitable contribution program and the auditor is familiar with it. What the City has to do as the PAL Association is to maintain the material for two years; after the two years they can do with it what they want. If the City wants to continue leaving it at *Laura's Boutique* where she will pay the City a monthly fee to have the costumes where she uses them as part of her business or the City can sell them outright to her; after the two years the City can do what they want with the costumes. He will have Attorney Simpson write up a contract between the PAL Board and *Laura's Boutique* to complete the deal but for the near future it's just a matter of signing the non-cash charitable contribution form so that Dolly can then go ahead and file this prior to the end of this year. What Dolly gains out of this is a tax contribution deduction.

There was consensus from the Commission for Mr. Forte to move forward with this.

Mr. Forte mentioned Libby McGrath from Waste Management was selected as the 2006-2007 recipient of the Life Changer Awards; the RFQ for the redevelopment area has gone out into the street and it was put out on a Web site to over 50,000 possible vendors and staff also contacted consultants in that field directly to let them know it's on the City's Web site so they can pick it up; between Christmas and New Years he will be taking those three days off, up to January 2nd and Chief Shinnamon will also be out of town and Mr. Forte asked if Mr. Harbuck could fill in for those days; tomorrow representatives from Marina Grande will be going up to Tallahassee to speak with the Cabinet Aides in the fight over the ownership of 2nd and 3rd Street – this is something over a year ago in December that he was in Tallahassee on the same issue that was never settled; he may have to go to Tallahassee on December 5th in front of the Cabinet for the final hearing on that; there is an Institute for Elected Municipal Officials in 2007 in January, June and October if anyone is interested; Dec. 7th the City will be receiving a check from the Firemans Fund – approximate amount of \$21,000 – the City has already received the real check but the check presentation will be on Dec. 7th at noon at the Fire Station; there is a grand opening on Dec. 7th over at the *Kazzon Cleaners* at 9:00 a.m.; the City received \$12,000 for the sale of Engine 396; the Tree Lighting is Friday, Dec. 1st at 5:30 p.m. and the Christmas parade is Saturday and it's going to be coming from 15th Street, South to 10th Street and the reviewing stand will be on the West side of the road.

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Mayor Via asked if the Commission would like to make a motion to cancel the December 26th City Commission meeting due to the holiday.

*Commissioner Reed made a motion to **CANCEL** the December 26, 2006 City Commission meeting due to the holiday, seconded by Commissioner Anderson.*

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

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Penny mentioned that he attended the Holly Hill Middle School SAC meeting today and they are, again, singing the praise of the City's Police Department and Chief Shinnamon for their cooperation over at the school.

Mayor Via thanked the City staff and Mr. Forte for helping out the City's former City Commissioner Paul Lockeby in his time of need; Mayor Via mentioned a few meetings back, possibly back in August or September when they were discussing the City Manager's contract, he didn't see in the audience that there was someone here that wanted to speak to the City Manager's contract, he missed on that and people have an ability to speak to the Commission before the meeting, call them or see them but if anybody ever sees a hand in the audience, he doesn't want to miss anybody – just yell, jump up and down and bring it to his attention and they will certainly address them – there was a question that was brought forward that had to do with where the City Manager lives; it's the same question that the Commission has asked whenever they hired Mr. Forte. Mr. Forte has been a valued member of the City's staff for 17 years and it wouldn't have made a bit of difference to the Mayor to hear that he lives outside of the City; Ridgewood Avenue bus stops – Lamar Advertising, Inc.; 2006 Volusia County Delegation meeting on Dec. 14th in the Volusia County Council Chambers from 9:00 a.m. to 12:00 p.m. or 1:30 p.m. to 5:00 p.m.; referring to a zoning issue – 10-day appeal to the Commission or the 30-day appeal by Civil process, he will certainly try to remember to verbalize that to the applicant, especially when it's a negative response to the application and there was consensus from the Commission to have something in writing in the Building and Zoning Department when an applicant applies for something; VCOG Resolution which has to do with the Charter Review Committee; mentioned his concerns about the route of the parade being too short.

Commissioner Blais mentioned the Chairman of the County, Frank Bruno, at the MPO meeting mentioned Holly Hill and the Votran shelters, said that we are fortunate that the City has them because other cities don't have them. Commissioner Blais asked who is responsible for maintaining them?

Mr. Forte stated Lamar Advertising. He sent them a letter a week or two ago because the conditions of them look rather poor.

Commissioner Blais stated, okay.

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Commissioner Penny thanked the Commissioners for selecting him as the Vice-Mayor.

13. ADJOURNMENT

The meeting officially adjourned at approximately 8:45 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor