

MINUTES

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

DECEMBER 14, 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 approximately 7:04 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, Community Redevelopment Coordinator Marsha Radulovich, Finance Director Brenda Gubernator, and City Clerk Valerie Manning.

B. Invocation

Milt Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA

**Minutes of Regular Commission Meeting – November 23, 2004
Report of Purchase Orders over \$5,000**

- **Municipal Supply & Sign – \$5,761**
- **Morganelli & Associates – \$5,396**

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

Commissioner Schmitt asked Chief Shinnamon if these lights were the ones that go on top of the squad cars?

Chief Shinnamon stated yes sir. They are replacing two cars this year and they are going to start the take home car program so they needed two additional light bars and Bruce Hobbs from Fleet Maintenance said that they would need to replace the older ones that they can't get parts for.

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Commissioner Via stated that he had an observation of the November 23, 2004 Minutes for the City Clerk. It shows a motion and a second but it does not show the roll call vote of the Commission, which was 5-0.

The motion **CARRIED** 5-0 on roll call: Via – Yes, Blais – Yes, Byrnes – Yes, Schmitt – Yes, Mayor 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 Via stated the Water Authority of Volusia (WAV) is having a meeting tomorrow.

Commissioner Byrnes stated that the Volusia League is still looking for legislative items for discussion. He asked if the Commissioners or the Mayor have anything that they think should go to the Legislature in their next trip, please let Mary at the office know.

Commissioner Schmitt mentioned that he had a voter call him about a month ago and he was asking him how do they get something on the State Referendum in regards to cell phones being used in the vehicles while driving.

Chief Shinnamon stated that there is no prohibition against using cell phones in vehicles while driving.

Commissioner Via stated that there are some legislator's that are looking into this. Is this something that the City could do?

City Attorney Butch Simpson stated the State regulates licensure, and it regulates motor vehicles and the question is really going to be whether the State, it's a power that you have in effect, home rule powers, to address in the absence of the State regulation and it's almost a law school question. That is the kind of thing they would find on their law school exam, "can a city do that?" He knows the issues they would have to look into and they might be able to do it.

Commissioner Via stated another legislative issue for the Florida League of Cities is to have a small sticker that goes on every gas pump in the City due to the fact that there have been two episodes of children being kidnapped and high jacked as a result of people leaving their keys in the car.

Commissioner Blais stated in regards to the special events in Daytona Beach for the next six years, please mark your calendars so when we plan activities in Holly Hill, we do not interfere with these particular dates. The City Manager does have a copy of the Daytona Beach special events calendar. The Collegiate Events Task Force didn't have a meeting today because they forgot to notify Ormond Beach and Holly Hill that they canceled the meeting.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Ms. Radulovich, Community Redevelopment Area Coordinator stated that she was asked by the City Manager to bring the Commissioners and the Mayor up to date on a staff meeting that she will be attending January 25 which is a fact finding meeting with other staff people to discuss the possibility of a State Road 5/U.S.1 Collaboration to join forces with the other seven cities along State Road 5/U.S.1.

A.J. Byrnes presented a birthday present to Mayor Arthur and sang "Happy Birthday".

6. FORM 8A – MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

City Clerk Manning read the Disclosure of State Officer's Interest form in regards to Mayor Arthur not voting on Ordinances 2702, 2703, and 2714 on November 9 and 23, 2004.

7. RESOLUTION 2004-R-66 – TRAILS DESIGNATION

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, EXPRESSING THE INTENT TO SUPPORT THE DESIGNATION OF THE EAST COAST GREENWAY TRAIL OF VOLUSIA COUNTY; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-66, seconded by Commissioner Blais.*

Mr. Forte stated this is just stating that the City is agreeing to participate or be a part of that East Coast Greenway Trail. It doesn't mention Riverside Drive just in case we have to deviate from Riverside to keep the Trail going. He stated that may allow the City to participate or co-write in a grant for something.

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

8. FENCING BID FOR CITY PARKS

Mr. Forte stated they received two bids for the Dog Park, Public Works, and fencing around Hollyland Park in certain areas. They want to award the bid to Quality Fence Company to do all three of the parks in the amount of \$18,685. Some of this will be submitted to FEMA for reimbursement but not all of it.

*Commissioner Byrnes moved to **APPROVE** the bid to Quality Fence Company in the amount of \$18,685, seconded by Commissioner Via.*

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

9. JOINT PARTICIPATION AGREEMENT (JPA) WITH FDOT FOR LANDSCAPING OF MEDIANS ON U.S. 1

Mr. Forte stated this is the Joint Participation Agreement (JPA) with the FDOT for the landscaping. The City has been allotted \$400,000 for landscaping and the City has up to two years after the project to complete the landscaping. He stated that many people are confusing this money with “*parking lot*” money and what the FDOT told the City at that time is here is money for landscaping but if the City wants to use it for parking, they won’t object. The money that FDOT allotted for landscaping is barely going to make the landscaping that the City needs. He then stated that the City will probably approach the Redevelopment Board for additional funds for the landscaping.

*Commissioner Schmitt moved to **APPROVE** the acceptance of the JPA in the amount of \$400,000 from the FDOT for landscaping improvements to the medians on U.S.1 from the South City limits to the North City limits, seconded by Commissioner Blais.*

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

10. FIRST READING OF ORDINANCE 2715, FIREFIGHTER'S PENSION AMENDMENT

Mr. Simpson read by short title:

ORDINANCE NO. 2715

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 42-87, FINANCES AND FUND MANAGEMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2715, seconded by Commissioner Schmitt.*

Mr. Forte stated in the memo there are some issues they should be aware of. He stated this will result in a no impact statement from the actuary; between the first and second reading we require that to be delivered to them. At the next meeting the Finance Manager, Burgess Chambers and Associates will be present to help explain some of the details of this. This Ordinance takes the contents of the State Law and it puts it into the Ordinance which makes it easier to understand because it's in an Ordinance format but it also deviates from the State Law. They are going to increase from 50% to 70% the investments that they are going to do in stocks. He stated that one of the attorney's concern was that the stocks should be listed as part of a National Market System. The Ordinance that is in their packets tonight doesn't mention that. He stated that the State Law prohibits them from investing in anything that is not on the National Market. He mentioned that he has a copy of the Ordinance that has an additional sentence in it which reads, "*and be listed on any one or more of the recognized national stock exchanges or on the National Market System of the NASDAQ Stock Market.*" He stated another issue that came up was this Ordinance establishes the rules for which the investment policy has been written. This policy is not in front of them because they don't really have any say over the investment policy that's what the Finance Manager or the Board does. He then stated this is a no cost Ordinance.

Charlie Cobb, Firefighter, stated this allows them to go to 70% but that doesn't necessarily mean that they *will* go to 70% but it gives them the leeway if they see the opportunity. He stated that they are comfortable with adding that sentence into the Ordinance as well.

*Commissioner Via moved to **AMEND** his motion to include the additional sentence, seconded by Commissioner Schmitt.*

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

11. COMMUNICATIONS

A. City Manager

RESOLUTION 2004-R-67 – HISTORIC PRESERVATION GRANT

Mr. Forte stated this is coming to the Commission on behalf of the Historical Preservation Board and it is requesting authorization to submit for a grant. This is a Historical Resources Grant and this is to provide funding for surveying and planning in order to go forward with the accurate historic structures within the City. He then stated it's a matching fund in the amount of \$19,825.

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING APPLICATION FOR THE HISTORICAL RESOURCES GRANT; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Resolution 2004-R-67, seconded by Commissioner Via.*

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

Mr. Dr. Isaac S. Call invited everyone to come to his Christmas Open House on Sunday, December 19, 2004 from 5:30 to 7:30 p.m.

B. City Attorney

Mr. Butch Simpson stated the purpose for the City Attorney's Annual Christmas party is to raise toys for needy children who wouldn't otherwise have a Christmas and everyone who participated helped raise approximately \$5,000 worth of children's toys. It was a big success. Thank you.

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C. Mayor and Commissioners

Commissioner Byrnes stated he would like to get an update about Riverbreeze from Mr. Harbuck. Joe stated that he would follow up with Mr. Harbuck in the morning and get back to Commissioner Byrnes with some information.

Commissioner Via stated that the Mayor mentioned the blue tarps and the roofs. He would like to make a motion to extend the no-fee permit for the roofs for 60 days.

Commissioner Byrnes stated being there is a problem in getting roofers, 60 days is not enough; 180 days would be better.

*Commissioner Via made a **MOTION** to extend the no-fee permit for roof damage for 180 days, seconded by Commissioner Byrnes.*

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

Mr. Forte stated the 10th Street house has to be acted on and for the record, “*for hurricane*” is not part of the motion.

Commissioner Via asked for the “no permit fee?”

Mr. Forte stated, yes.

Commissioner Via stated he wanted that to be part of it. He then asked why shouldn’t it be?

Mr. Forte stated because it wasn’t part of the motion and it really shouldn’t be because it’s going to be too hard for Mr. Harbuck to go out and determine what’s part of the hurricane damage or what’s not part of the hurricane damage.

Commissioner Via stated okay; whatever is easiest.

At this time a motion for the 10th Street house was taken.

*Commissioner Schmitt made a **MOTION** to extend 30 days for the 10th Street house, seconded by Commissioner Blais.*

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

Commissioner Byrnes stated he has had some complaints from residents in the Riverside Drive area about speeding. Some of the residents are saying that the enforcement could be better and he would like to ask the City Manager to check on that and see if they need to put the trailer down there for a while. Mr. Forte stated he would follow up on it in the morning. He then stated, “*Happy Birthday Mayor.*”

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Commissioner Blais stated that they had a wonderful Christmas Parade. He thanked Commissioner Byrnes for taking dozens of photos and asked if he could display them so everyone could see them. He then stated he hopes the Christmas Parade goes up Mason Avenue and get back on Ridgewood like the old route and maybe that could be something they can look into because that's part of their Community Redevelopment Area (CRA). He mentioned Digmon's property, the property South of Dale Woodward's Funeral Home, and that's another blight area. They have transients roaming around there at night. He stated that the Salvation Army in January will be moving in the North end of Holly Hill. The Salvation Army is thinking about buying a motel around there so they can use it for their other project. He then stated Merry Christmas and a Happy New Year.

Commissioner Schmitt stated Merry Christmas and Happy New Year.

Commissioner Via stated Happy Holidays to everyone; to a great staff, management and to his fellow Commissioners and Mayor and also, Happy Birthday Mayor. He then stated their next meeting is on December 28, 2004. He will make a motion to skip that meeting.

*Commissioner Via made a **MOTION** to cancel the December 28, 2004 City Commission meeting, seconded by Commissioner Byrnes.*

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

Commissioner Via stated the Christmas Parade was wonderful; the tree lighting ceremony and the kids were great, the Board Christmas dinner was great, the City Attorney's Christmas party was great. They had Miss America here and what a lovely person she is. They had a great News-Journal article; very positive, very balanced from Taylor Ashley. The WAV meeting is tomorrow at 8:30 a.m. at the Votran building. He then stated this is Volusia's 150th Anniversary and specific cities have been asked to put forward historic photographs. They are making a traveling display which will be around in different areas of the County. Holly Hill will have an opportunity to have it here also because we are participating in it. He suggested to Dr. Call that they have this at one of the Volusia League meetings during this year and they would like to take it to Tallahassee for the Volusia Day as well.

Dr. Call stated that is already on their agenda.

Commissioner Via stated he was approached by some folks that have an antique car club and when the City does the Antiques on the Avenue, they were curious about putting antique cars mixed in with the show. He wants to mention this to the Redevelopment Board. He then stated that there are local radio shows and a couple of people in particular, that are pounding in the idea that the CRA monies that the City has involved in their project are only going to go to those people in the CRA district and truly that's where the money is spent but they're trying to make it like there's 278 homes in the CRA district and they're the only ones who are going to benefit and the other 5,600 homes are not going to benefit and that is just simply *not* the truth. Happy holiday and he is looking forward to the employee Christmas party on Friday night.

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12. ADJOURMENT

The meeting officially adjourned at approximately 8:15 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

William D. Arthur
Mayor