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

JANUARY 11, 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 7:03 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt, and Roland Via.

Also attending were Economic Development Coordinator/Assistant to the City Manager Greg Wood, City Attorney Butch Simpson, Public Works Director Milton Hallman, Public Safety Director Don Shinnamon, Building Official Tim Harbuck, City Planner Bob Keeth, Community Redevelopment Coordinator Marsha Radulovich, Finance Director Brenda Gubernator, Human Resources Director Diane Cole, and City Clerk Valerie Manning. City Manager Joe Forte arrived at 7:30 p.m.

B. Invocation

Milt Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Frank Bruno, County Chairman came to visit with the Mayor and Commissioners. Mr. Bruno stated that it is an honor to represent Volusia County as its first elected Chairman. He stated that Holly Hill is the first to invite him to their City council meeting. He mentioned that the County and the City of Holly Hill have a great working relationship and he pledges to them that he wants the best working relationship with *all* the cities in the County because that is the only way they are going to accomplish anything here in Volusia County. He thanked the Mayor and Commissioners for inviting him.

Mayor Arthur stated he knows how hard Mr. Bruno tries to please everyone and he has always been proud of him for that and he wants to tell Mr. Bruno, when Volusia County entrusted the CRA with the City of Holly Hill, he wants to promise Mr. Bruno that the City will do the best for the County and the City as they possibly can.

3. CONSENT AGENDA

Minutes of Regular Commission Meeting – December 14, 2004

Engineering Services for Hollyland Park & Holly Forest Neighborhood Park Improvements

- **Hollyland Park Improvement Project – $12,900**
- **Holly Forest Neighborhood Park Improvement Project – $9,400**

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

The motion **CARRIED** 5-0 on roll call: Via – Yes, Schmitt – Yes, Byrnes – Yes, Blais – 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 their next meeting on Wednesday at 8:30 a.m.

Commissioner Byrnes stated the next Volusia League of Cities meeting is January 27. He mentioned that he received an e-mail from Mary that Daytona has moved the meeting to the Speedway. Next week is the League of Cities Executive Committee meeting and they will be going through the legislative items and possibly the cell phone issues that were discussed at the last City Commission meeting.

Commissioner Blais stated the Collegiate Event Task Force had a meeting today but he was unable to attend because he was in Altamonte Springs so at the next council meeting he will talk to his Assistant Vice-Chairman, Mr. Boggs, Traffic Engineer, the City of Daytona Beach, and update the Commission on it.

Mayor Arthur stated VCOG and the MPO are just starting to get back on-line after the Christmas break so he will update them further after the next meeting.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Alberto Morais, Owner of Oakwood Apartments, 323 Clifton Avenue, stated he was concerned about his high water bill for his business. He mentioned that he has come to City Hall and made a complaint about the water bill being very high. He said that he has received a bill in the amount of $2,500 and that he came to the Finance Department to find out what's going on and found out that his meter has not been read for four (4) months. If they were to look at the previous twelve months, his average was 53,000 gallons of usage and the City is charging him 63,000 gallons or more. He stated that the City just changed his meter and since then, in December he had more people than ever over there and he has used 50,000 gallons of water.

Mrs. Gubernator stated that Mr. Morais and I have had two or three discussions in regards to this water bill and in December the City did estimate the meter. In October there was no reading. She believes the reading did not get done. This is in a radio-read area of the City but the one meter on one of the buildings did not get read that month and usually the meter reader would be sent back out to get the reading. Apparently, that did not happen that month. Mr. Morais was charged the minimum of 26,000 gallons which is for thirteen units for the month of October. In November they had another problem with the meter readings. There was a meter reading put down that showed 26,000 gallons used which is still the minimum. In December they had a reading of 178,000 gallons. Mr. Morais has been reading the meter quite often and Ray Beltrami has been out reading it every day. The meter appears to be working correctly at this time. The water that he was billed for did go through his meter. She has tried to explain that to Mr. Morais but he does not agree with her. He uses an average of 53,000 gallons a month so the 178,000 is about 40,000 more than his average for those four months. She stated that she did give him a sewer adjustment for 68,000 gallons. The City would be happy to make payment arrangements but she believes Mr. Morais is looking for a relief from some of the consumption.

Mr. Hallman stated it is a radio-read meter now so they won't have that problem anymore. They have analyzed it and the water did go through the meter. The meter does show that there is usage going up and down. They changed the meter out yesterday and they will have a radio-read meter on both units so there shouldn't be anymore problems about the meter not being read or not being able to get to them. The Utility Billing Department has been extremely helpful in even offering this reduced rate for the waste water. They figured it out on the very minimum. He feels that Mr. Morais has been given a reduced, fair and equitable rate amount for the bill.

Mr. Forte let the Commissioners know that staff has already made some concessions with Mr. Morais.

6. FIRST READING OF ORDINANCE 2716, POLICE PENSION

Mr. Simpson read by short title:

ORDINANCE NO. 2716

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 42 (PENSION AND RETIREMENT) ARTICLE II (POLICE OFFICERS) SECTION 42-31 (PENSION BENEFITS.) ADJUSTING THE PRORATA SCALE BY WHICH EMPLOYEES HIRED AFTER OCTOBER 1, 1999 ARE ENTITLED TO A RETURN OF 10% OF THE CITY'S CONTRIBUTION ON BEHALF OF THE EMPLOYEE FOR EACH COMPLETED YEAR OF SERVICE TO INCLUDE A MONTHLY CREDIT FOR PARTIAL YEARS OF SERVICE AFTER COMPLETING THE FIRST YEAR; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *the First Reading of Ordinance 2716, seconded by Commissioner Via.*

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

7. FIRST READING OF ORDINANCE 2585, NEIGHBORHOOD RESIDENTIAL STORAGE FACILITIES

Mr. Simpson read by short title:

ORDINANCE NO. 2585

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 114 (ZONING), OF THE CODE OF ORDINANCES, CITY OF HOLLY HILL, FLORIDA; REVISING ARTICLE II, DIVISION 3, SUBDIVISION X, (R-8 MULTI-FAMILY DISTRICT REGULATIONS) TO PERMIT NEIGHBORHOOD RESIDENTIAL STORAGE FACILITIES AS A PERMITTED SPECIAL EXCEPTION; REVISING ARTICLE III, DIVISION 2 (SPECIAL EXCEPTIONS) TO REQUIRE CERTAIN CONDITIONS FOR APPROVAL OF NEIGHBORHOOD RESIDENTIAL STORAGE FACILITIES; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Via moved for a ***MOTION*** *for* ***discussion*** *on the First Reading of Ordinance 2585, seconded by Commissioner Schmitt.*

Mr. Keeth gave a brief presentation on the Ordinance. He stated what they have before them is a mini warehouse that would be permitted as a special exception in the R-8 zoning districts only. There is a residential area that would be surrounding this warehouse. In this proposed special exception it would be permitted only by the border of a residential district abutting a non-residential district. It would serve as a transitional use. It can be no larger than 3 acres in size and the actual building coverage would be approximately 1/3 of that which limits it in size. The R-8 zoning district does permit 20 units per acre so on a site comparable to the one they have in mind initially for this special exception, 60 dwelling units could be permitted as a maximum. He stated no building shall be located less than twenty-five (25) feet from any property line, except that the side and rear property lines if the building had no door or window openings facing outward, it could be setback as little as 15 feet from the property boundary.

Mr. Forte stated this is just the Ordinance that is going to put in place the special exception and then the applicant will come at second reading with a special exception request.

Commissioner Byrnes stated he has had a major disconnect. He had thought that the Commission had told them that the site plan they had could not work and now they have the Ordinance here and he is rather confused.

Mr. Forte stated he has the Minutes from 2000 when Scott Singler appeared before the Commission with Bob Riggio as his attorney. At that time I talked with each of the members of the Commission and there was no support for the project that Scott had submitted. I had asked that it be pulled from the Agenda back in 2000 to bring it to a workshop. Mr. Riggio never brought it back requesting the workshop. When the Halifax Marina development came in, the City was working on a mixed PUD and Scott hired Jim Morris as his attorney and they looked to try to put a NPUD concept on that piece of property and then they came to a workshop. They did show the Commission the plans at that time and the feeling that we had gotten out of that workshop was a 4-1 vote of support to go forward with this project and they've met at least two times in trying to revise what is here.

Commissioner Byrnes stated that is different from what he remembers. He remembers they had a block wall along Center Street and there was an exit there and he remembers specifically complaining about cars coming out of that exit with the building right there and not being able to see the kids go to school. That's why he is not sure why this is here.

Mr. Forte stated there certainly needs to be revisions to the site plan and that's not at this level. This is the Ordinance that allows the special exception. When the special exception is submitted, that is the time when we make sure that they comply with everything that's within the Ordinance. In the Minutes that he has, there are two Commissioners opposing it and two Commissioners agreeing to it and one Commissioner with some doubts. This was from the workshop of February 10, 2004.

Attorney Jim Morris stated they did have a workshop and they looked at plans that demonstrated a concept that Scott Singler wanted to have put in place. Commissioner Byrnes did talk about the driveway onto Center Street and since then Mr. Singler revised that and the concerns that the Commission stated back then at the workshop. He believes that him and Mayor Arthur left the meeting with the same impression which was the majority of the Commission did support the concept but they needed to have it put through the City's process. At the time of the workshop the Commission was supportive of the concept and that's what Mr. Singler and I thought the Commission wanted to see happen. The provisions proposed to them tonight would simply create a methodology for them to review a special exception. The Ordinance is very restrictive. At the last exercising of this, he thinks the Commission did indicate support for the concept. If they think it's necessary to have another workshop, he has no problem with that.

Attorney Keith Broll stated he is here on behalf of the voters and adjacent residents and homeowners in Holly Square Condominium complex. They have asked him to publicly state to the Commission that they are in opposition to the proposed Ordinance to allow a special exception for neighborhood residential storage facilities, especially at the corner of 8th Street and Center Avenue.

Commissioner Via stated Mr. Broll opened this by saying that he is representing voters; he said it was a voting block, and he used the word "voters" again. They're citizens and taxpayers and that's the reason why he is listening to them *not* because of who they are going to vote for. Is the group that Mr. Broll is bringing forward saying, *no* or "*know*"?

Attorney Broll state, "*No*."

Commissioner Byrnes asked if Mr. Broll was against the concept entirely.

Attorney Broll stated that Holly Square is completely against the concept.

Josephine Frechette, 840 Center Avenue, #96, stated she is a resident of Holly Square and she is very proud of Holly Square. If this Ordinance is passed their property is going to go down and it is going to look horrible. The residents do not want this storage facility there! They have a lot of signatures from people who are against this and they do not want their buildings there!

Jim Damron, 840 Center Avenue, #9, stated Scott Singler and I and a Board member had a meeting back in 2000 and Scott said he needed our support on this and the Board member and I told him that he didn't have our support. They do not want the storage units in their residential area.

John A. Estes, 840 Center Avenue, #80, stated he is strongly opposed to having storage facilities next door.

Commissioner Via stated this Ordinance is designed for all R-8 zoning districts throughout the whole City. It's not just deciding whether it would be next to Holly Square or next to those apartments, this is for all R-8 zoning districts.

Mayor Arthur stated he believes there will be more people coming out at the next meeting opposing this Ordinance and he believes it will eventually be voted down because of sanity reasons. He doesn't think it is fair for Scott to continue hiring an attorney and putting him through additional work if it's going to be voted down.

At this time Commissioner Via withdrew his ***MOTION*** *to discuss Ordinance 2585 and Commissioner Schmitt withdrew his second.*

Mayor Arthur stated he needs a motion now to either DENY/APPROVE the First Reading of Ordinance 2585.

Commissioner Blais moved to ***DENY*** *the First Reading of Ordinance 2585, seconded by Commissioner Schmitt.*

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

Mayor Arthur recessed the meeting at 8:40 p.m.
Mayor Arthur reconvened the meeting at 8:55 p.m.

(City Attorney Scott Simpson is now sitting in for City Attorney Butch Simpson for the remaining of the City Commission meeting).

8. SECOND 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 Byrnes moved to **APPROVE** the Second Reading of Ordinance 2715, seconded by Commissioner Blais.*

Mr. Forte stated this was brought to the Commission at their last meeting and there were some changes that were made and they have been incorporated in this Ordinance. They do have a letter from Foster and Foster, Inc., indicating that its adoption will have no financial impact on the fund. He stated that Burgess Chambers is here to explain the Ordinance.

Burgess Chambers, 601 N. New York Avenue, Winter Park, stated the Ordinance would allow for the equities, the stocks or the pension plan to go up as high as 70% based on market value. They want to make sure that this plan will make 8% a year over rolling four year periods. They are faced with a need to be more dependent on the equity market to allow the plan to make the 8% or better and that's the main reason they stepped it up to 70%. They just wanted to allow a little bit of room if the market was to go through a nice upward period, they would want the plan to be able to take advantage of that.

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

9. LAW ENFORCEMENT TRUST FUND EXPENDITURE REQUEST

Mr. Forte stated this is an expense out of the Trust Fund for the $687.50 for fingerprinting kits and $636 for a digital voice recorder that the CID office would use.

Commissioner Byrnes asked are the fingerprint kits going to cost the City $27 to take one set of fingerprints or is that for an ongoing use?

Chief Shinnamon stated what they try to do now is try to maintain the fingerprinting kit in each patrol car and it simply doesn't work. Every officer will have their own kit that they can use. The officer will have the responsibility of maintaining their own supplies for their kit.

*Commissioner Byrnes moved to **APPROVE** the acceptance of the Law Enforcement Trust Fund Expenditure request in the amount of $1,323.50, seconded by Commissioner Via.*

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

10. EDUCATIONAL REIMBURSEMENT POLICY

Mr. Forte stated this is a change to the Training and Development portion of the policy. It says full-time, permanent, non-union employees that are employed with the City for a minimum of three years of service may receive up to 50% of reimbursement on their tuition and books up to a maximum of $5,000 per year. Upon completion of the program the employee would also commit to an additional three years of service back to the City.

*Commissioner Via moved to **APPROVE** the Educational Reimbursement Policy, seconded by Commissioner Schmitt.*

Commissioner Blais asked how much money is going to be set aside for these educational programs.

Mr. Forte stated they don't have anything line itemed in the budget. The money will come from positions that have not been filled. For example, from the first of the year until now so that's where the dollars are going to come from.

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

11. COMMUNICATIONS

A. City Manager

None.

Mrs. Manning announced that on Friday, January 21 there is going to be a Box Car Ceremony at 5:00 p.m. and the Volusia League of Cities Dinner is going to be at the Speedway.

B. City Attorney

None.

C. Mayor and Commissioners

Commissioner Byrnes asked if Mr. Forte could give him an update on the Riverbreeze property. Mr. Forte told him that they went out for bids for demolition.

Mr. Harbuck stated they awarded the bid today and they are going to start within the next 10 days. The owners are aware that the demolition is going to take place.

Commissioner Byrnes mentioned that he had a wonderful breakfast with the Chamber this morning. Bishops Glenn and the Chamber did a good job. One of our own Holly Hill businesses or former Holly Hill businesses is working to help the folks that got hit by the tsunami. They are looking for some dollars to help send some more of the portable treatment plants to those people who are suffering from the tsunami.

Commissioner Blais stated had breakfast last Thursday with a member from the DOT. It was very upsetting. They accused them of not attending the meetings and letting their thoughts be known in regards to Ridgewood's modification. They are going to have to keep an eye on DOT. They have not done a great service to Holly Hill since 1947.

Commissioner Schmitt stated he spoke with Frank Bruno tonight before the meeting started and asked if he had any influence with the School Board and said that his wife is on it. He asked Mr. Bruno about having a shelter over at the middle school. Mr. Bruno said that the City should have a shelter here in the City. He then stated as of yesterday he is now an official candidate for District 3 for the upcoming election in 2005.

Commissioner Via stated he thinks that staff did a good job this year in planning the Christmas party. Congratulations to all the new members of the Chamber. On Thursday he signed his paper for the intention to run for Mayor but its very low key and in the background. Frank Bruno will be on the radio Friday morning in case they happen to think of some other questions for him. They have been questioned before whether they will use public input or other input in their workshop meetings, Mayor it's usually at your discretion what way they do it, but do they need to set any parameters for the workshops or just keep them conducive as they have in the past?

Mayor Arthur stated he doesn't want any hard-fast rules. There's different times when there isn't any big deal to let the public give their input. A workshop is to do work and to acquire knowledge. He then stated that there are a lot of single-family homes that have rental units with it and it's legal to do that. He thinks that they should look at some of those units and check it out.

12. ADJOURNMENT

The meeting officially adjourned at approximately 9:45 p.m.

Attest: City of Holly Hill, Florida

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Valerie Manning	William D. Arthur
City Clerk	Mayor