

MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
January 25, 2000

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:30 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby and Roland Via.

Also attending were Acting City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Public Works Manager Tim Miller; Finance Director Brenda Gubernator, Police Chief Larry Walker, and City Clerk Jeaneen Clauss.

2. INVOCATION

Reverend Ron Fussell delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Service Awards:

Carolyn Sue Connerly, Accounting Clerk III	20 years
Milt Hallman, Public Works Director	5 years

Mayor Arthur congratulated both of the Service Award recipients, though Ms. Connerly was unable to attend. He presented Mr. Hallman with his award package.

Mayor Arthur welcomed the students from Spruce Creek High School who attended tonight as part of their government class – Brian, Brittany, Brian, and Jonathon.

Mayor Arthur introduced the two candidates for District 3's Commission Seat, who were present – Ron Fussell and Keith Tarrer.

5. CONSENT AGENDA

- A. Minutes of Regular Commission Meeting – Jan. 11, 2000**
- B. Report of Purchase over \$5,000**

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

Motion **CARRIED** 4-0 on the following roll call: Via – yes, Byrnes – yes, Lockeby – yes, Arthur – yes.

6. AUDIENCE PARTICIPATION

None.

7. PUBLIC HEARING ON RISK MANAGEMENT

Acting City Manager Joe Forte explained that some time ago the State had asked the City to do a Risk Management Plan, dealing with the thresholds of chlorine, carbon dioxide, ammonia, propane, etc at the Public Works site. Mr. Forte had worked on this with Public Works Director Milt Hallman and Utilities Supervisor Ray Beltrami. Threats of terrorism prohibit them from being able to post this information on the internet, so they are required to hold a public hearing. Commissioner Byrnes inquired further as to what terrorist threats could result from internet posting. Mr. Forte stated that for our particular situation, it probably wouldn't cause real harm, but it shows the locations and quantities of these chemicals and so for some larger companies it could.

The public was given an opportunity to be heard. No comments were brought forth.

8. SECOND READING OF ORDINANCE 2574, ADOPTING CERTAIN FLORIDA STATUTE CRIMES AS MUNICIPAL VIOLATIONS

City Attorney Edward Simpson read Ordinance 2574 by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING SECTION 1-16 (STATE LAWS ADOPTED AS MUNICIPAL REGULATIONS) ADOPTING CERTAIN CRIMES PURSUANT TO STATE LAW AS MUNICIPAL VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved **APPROVAL** of the Second Reading of Ordinance 2574, seconded by Commissioner Lockeby.*

Commissioner Via asked if the collection of these fines placed any additional clerical burden on our police department. Acting City Manager Joe Forte and Police Chief Larry Walker advised that the Clerk of the Courts Office collects the fines and mails the City a check. Mayor Arthur asked why something as positive as this had not been done before. Chief Walker and City Attorney Edward Simpson indicated that it was done before by other cities and this one as well, but required updating as changes were made in the law. Mr. Simpson stated that there is no reason not to do this, as it insures the City receives it's appropriate share of State established fines. Commissioner Byrnes noted the fine differences in several of the violations listed.

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Lockeby – yes, Via – yes, Arthur – yes.

9. RESOLUTION 2000-R-06, AUTHORIZING AN EXTENSION TO THE AGREEMENT WITH ASSOCIATED MARKETING, INC.

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City Attorney Edward Simpson read Resolution 2000-R-06 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A FIVE-YEAR EXTENSION TO THE AGREEMENT AND ADDENDUM WITH ASSOCIATED MARKETING, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Resolution 2000-R-06, seconded by Commissioner Lockeby.*

Acting City Manager Joe Forte stated that Associated Marketing is the company that handles the benches on Ridgewood Avenue. Mr. Forte stated that the City had received its semi-annual check for \$548. Harold Gallup, new owner of Associated Marketing was present to answer any questions. Mr. Gallup has spoken with the County Manager's Office and will be providing the City free advertising for the Census 2000. Commissioner Byrnes asked if this contract would stop the City if they wanted a Lamar Bus Shelter in a place where one of these benches was located. He did not want to see the City in the role of mediator between the two companies. Commissioner Byrnes stated that he had gotten a lot of good feedback from citizens about the Shelters, after he explained to them that it was State guidelines that required they be located on the sidewalk – instead of behind the sidewalk. Mr. Gallop advised that the current locations of these shelters is definitely not a problem and any problems that arose in the future would be easily worked out between these two companies, as they have co-existed in many other cities for years. City Attorney Edward Simpson referred to section five of the contract, where the City has the right to order the removal of any bench for public benefit. There was mention of the termination clause, as well. Commissioner Via inquired about the potential up-grading of the benches. Mr. Gallup advised they are evaluating some material now – that if you can find material that will survive here, it will survive anywhere. There was discussion of the types of material being looked at. Commissioner Via referred to the father-daughter previous ownership of the company and the responsive service they had received. Mr. Gallup indicated that same responsive service would continue, citing an example of the pride they take in assuring their product is maintained.

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby – yes, Byrnes – yes, Arthur – yes.

10. RESOLUTION 2000-R-07, REAPPOINTING ROSETTA GADSON, PATRICIA WELLS, AND MADELINE DALY TO THE BEAUTIFICATION BOARD

City Attorney Edward Simpson read Resolution 2000-R-07 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA REAPPOINTING THREE MEMBERS TO THE BEAUTIFICATION ADVISORY BOARD; SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE. (Members names are as follows: Patricia Wells, Madeline Daly, and Rosetta Gadson. Terms expire January 2002).

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Commissioner Byrnes moved **APPROVAL** of Resolution 2000-R-07, seconded by Commissioner Via.

Commissioner Via stated that these members have served for some time on the Board and they've done a great job.

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Via – yes, Lockeby – yes, Arthur – yes.

11. KEN SCHADOW VETERAN'S PARK IMPROVEMENTS

Acting City Manager Joe Forte referred to a recent past Commission Meeting when Staff had brought forth the one bid they had received on this project and asked the Commission to decline that bid and to allow Staff to negotiate with certain contractors for individual parts of this project. The Commission had agreed and Public Works Director Milt Hallman has done that. Reductions for parts of this project have been reached with contractors TYL and Village Builders. The amount now requested for approval is within the budget of \$108,000. Mayor Arthur expressed concern about the price for the bathrooms. Commissioner Byrnes inquired as to the contractors that were solicited and Mr. Hallman advised that several attempts showed contractors that were too busy for this right now and other attempts showed little or no reduction in cost. Commissioner Byrnes stated that he would rather have a Holly Hill business do the job but Mr. Hallman advised that there was a \$40,000 difference in price. Commissioner Lockeby asked if the project had been re-bid after it was scaled down and Mr. Hallman advised that it had not, as they negotiated with the contractors before they scaled it down to meet their budget. Commissioner Via confirmed that both of the mentioned contractors were on common ground when negotiations were occurring and then inquired as to whether they were aware of the workshop discussion on the budget amount. Mr. Hallman stated that by the time they had reached the negotiation point, both companies were aware of the amount budgeted. He added that at the original bid opening the bidder stated that he thought his bid was within budget and Mr. Hallman stated that it was within the original budget request to the Commission but not the final approved budget. Mr. Hallman stated that the six lights that were to be in the parking area (\$1,012/pole), the flag pole (\$1,500), and the picnic shelters would have to either be budgeted later or sponsored by other businesses or organizations. Commissioner Lockeby asked if it wouldn't be more cost-effective to add another \$10,000 to the budget and get these things done now. Mr. Hallman indicated that it probably would but the funds were not available. However, if funds are located prior to completion of the project, these items can be added. Commissioner Lockeby asked about how long before this project would be completed and Mr. Hallman advised that it would be about 6 months, mid to late summer. The foot bridge takes the most time. Commissioner Via reiterated a statement he had made previously concerning this project, that he would like to see Veteran's Organizations help by sponsoring things in this park and that he would be glad to head up a committee on that. Commissioner Byrnes and Mayor Arthur supported this idea as well. Discussion on this was deferred to the workshop.

Commissioner Via moved **APPROVAL** of awarding the Ken Schadow Veteran's Park Improvements Project to Village Builders, Inc. for a total of \$107,102 in accordance with the Public Works Directors recommendations and Village Builders, Inc letter of January 12, 2000, seconded by Commissioner Lockeby.

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The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby – yes, Byrnes – yes, Arthur – yes.

12. COMMUNICATIONS FROM CITY MANAGER

A. Acting City Manager Joe Forte explained the difficulty they have had in trying to fill the part-time meter reader position. This has required three employees from much higher paid positions to try to do this job, negatively impacting the performance of their own positions. Mr. Forte asked that the Commission approve the hiring of a temporary full-time utility service worker, who would do the turn-on and turn-offs, and meter pulls, installation, and maintenance assistance. With unemployment at a low, they have had a lot of difficulty filling part-time positions. This position would be temporary for the rest of the fiscal year, at which time it would be evaluated for determining if it should be permanent. Commissioner Byrnes and Mayor Arthur mentioned the Wand Meters and they would like to see this conversion, which they felt would be cost-effective over the long term. They indicated that they desired this be looked into for next year's budget. The Commission gave the hiring of a temporary full-time person their blessing.

B. Mr. Forte stated that there had been an increase in the City Attorneys' Fee and explained that in May 1999 Assistant City Attorney Scott Simpson, Former City Manager Don Lusk, and South Daytona City Manager Joe Yarborough re-negotiated this fee – to be effective October 1, 1999. The increase is still within budget, as they over-budgeted within that line item. Another slight increase will be effective October 2000. Mr. Forte will forward a copy of a memo outlining these changes to the Commission.

13. CITY ATTORNEY

City Attorney Edward Simpson stated that he was grateful that the Commission had approved this increase and that it had probably been somewhere around ten years since it had last been increased.

14. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Lockeby indicated that he had nothing further to report.

Commissioner Via gave an update on the Volusia Water Alliance. They continue with their push towards water conservation and have modeled a new ordinance to be proposed to the County outlining penalties for violations of the water restrictions. Commissioner Via stated that he had objected to this, asking that there be a warning, scaled fine, or the option of taking a class instead of paying the fine. He made these suggestions and the option to take a water conservation class was accepted. He has given copies of this model ordinance to Acting City Manager Joe Forte and Public Works Director Milt Hallman. Commissioner Via indicated that he did not like this obtrusive type of government, but preferred the home rule where they could manage their own backyards. He advised that Mr. Hallman always has information on the Florida Aquifer well depth, which is updated on a monthly basis. Commissioner Via stated that there is a Rain Sensor Program that the Alliance has started and it plans to give away 1,084 Rain Sensor Devices which connect to sprinkler systems and prevent sprinklers from coming on during or after a rain. These devices are already a requirement by the Holly Hill City Code. Commissioner Via also referred

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to a News Journal article from December 14, 1999 titled "Separate Meters Best to Build Tenant Water Use". It talks about apartment complexes operating as unregulated utilities and states that when people pay for what they use they tend to use less. This echoes one of the thoughts they had when they discussed the annexation of the Riviera Trailer Park. Commissioner Via referred to the Executive Director's Report with updated information on the Alliance. Commissioner Via also touched on the Alliance's concern for a surface water plant by the year 2020, stating that this would be a one hundred million dollar plant preceded by a ten million dollar study. He added that the City of Holly Hill is in good shape and will be instrumental in providing interconnects to the cities to the north and south of us. Commissioner Via stated that in his opinion this all goes back to development and as development grows the existing people will have to pay higher water bills – the price of development, which he felt an impact fee should help absorb. There are two parts to the VWA: 1) the technical advisory committee (TAC) and 2) the managers advisory committee (MAC). Acting City Manager Joe Forte stated that he had recently become a member of the MAC and that Public Works Director Milt Hallman was the chairman of the TAC. Last Thursday they met to discuss some of the issues of PBS&J. He will be sending the Commission a memo, which outlines these. Mayor Arthur stated some of the problems he has with the train of thought of the Alliance and cited a direction he would like to see them aim (desalination). Commissioner Byrnes reiterated his opinion of the unfairness for the present populous to have to pay for the water for growth, which results from development for which they reap no benefit. He then asked City Attorney Edward Simpson what his due process would be if he were cited for violating water restrictions by using water that he has paid for and uses in conservative quantities, but uses on the "wrong" day. Mr. Forte indicated that the local authorities are responsible for their local enforcement, though it would be a County regulation. Mr. Simpson responded that Commissioner Byrnes could challenge the constitutionality of the regulation, but that he would probably lose because governmental entities have the right to impose reasonable regulations, which effect the health, safety, and welfare of the community.

Public Participation:

Brian Minski, Spruce Creek High School, inquired about why the water issue would be a constitutional issue. City Attorney Edward Simpson stated that this was a constitutional issue because Commissioner Byrnes viewed it as the taking away of something in an unreasonable way, without affording him recourse. Mr. Simpson stated that his view on this was that governmental entities have the right to impose reasonable regulations, which effect the health, safety, and welfare of the community. He then cited examples in which this is done. Commissioner Byrnes reiterated his point being that this type of regulation should be imposed from a consumption point of view, not arbitrarily choosing days.

Britanny Clark, Spruce Creek High School, asked how a challenge of this type would hold up. City Attorney Edward Simpson stated that a judge would determine if the regulation were constitutional. It could be appealed to the highest court that was willing to hear it, as the courts have the right to decline the hearing of a case.

Commissioner Via read a joke about the difficulty Noah would have had in building an arc in these times of regulations, codes, and building permits...

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Commissioner Byrnes complimented the Spruce Creek High School students on their participation and stated that they seem to have a pretty good handle on how government works, especially on the local end and its limitations.

Mayor Arthur stated that he and Commissioner Lockeby attended the VCOG meeting last night and this City is way ahead on the Census 2000 project. Many other cities are complimenting their work.

15. ADJOURNMENT

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

City of Holly Hill

William D. Arthur, Mayor

Attest:

Jeaneen P. Clauss, City Clerk