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

JANUARY 25, 2005

1. CALL TO ORDER

A. Roll Call

Vice-Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:10 p.m. Attending with Vice-Mayor Via were Commissioners Arthur Byrnes, Gilles Blais, and Lou Schmitt.

Also attending were City Manager Joe Forte, City Attorney Butch Simpson, Community Redevelopment Coordinator Marsha Radulovich, Finance Director Brenda Gubernator, and City Clerk Valerie Manning. Mayor Arthur arrived at 7:13 p.m. and the Public Safety Director Don Shinnamon arrived at 7:30 p.m.

B. Invocation

City Clerk delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA

Minutes of Regular Commission Meeting – January 11, 2005
Minutes of the Workshop – January 11, 2005
Report of Purchase Orders over $5,000

- **Volusia County – $7,408.49**

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

The motion **CARRIED** 4-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Vice-Mayor Via – Yes. Mayor Arthur not present for vote at this time.

Vice-Mayor Via turned the City Commission meeting over to Mayor Arthur at this time.

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 on the Water Authority of Volusia (WAV) agenda there was a pay raise for the Executive Director who has been there for a year and he renegotiated his Pension Plan. He received an 8.1% raise. He pointed out that none of their City Managers got that kind of raise so he voted against it along with another Mayor. They had a presentation from CDM which talks about the future alternative water sources.

Mayor Arthur stated they have some good charts from Joe Bourassa from the St. Johns River Water Management District (SJRWMD). The same amount of water is being used today as it was 30 years ago. He has done some incredible studies.

Commissioner Via stated yes, he is challenging them and they are starting to legally answer him.

Commissioner Byrnes stated the next Volusia League of Cities meeting is this Thursday night. The meeting location has changed and it is out at the Speedway. The meeting is going to be in the Nextel Tower. If they want to go on the Speedway Tour they have to be there at 5:00 p.m. He mentioned that his mother was in a car accident last week and the accident was covered in Thursday's *Neighbors* section of the newspaper. He wanted to thank everyone that called to check on her.

Commissioner Blais stated last Wednesday night, Mayor Yvonne Scarlett-Golden invited members of the Collegiate Task Force to the Daytona Beach City Council meeting and she read a proclamation for the next five years for special events. The ones that did show up, Mayor Scarlett-Golden did appreciate it.

Mayor Arthur stated he missed the MPO meeting today. He went to VCOG yesterday and they did a presentation on hurricanes.

Commissioner Via stated at the VCOG meeting there was discussion on uniform codes throughout the County.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

6. RESOLUTION 2005-01, BEAUTIFICATION ADVISORY BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-01

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RE-APPOINTING MEMBERS TO THE BEAUTIFICATION ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Phyllis Bashaw's Board appointment to the Beautification Advisory Board, seconded by Commissioner Schmitt.*

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

*Commissioner Via moved to **APPROVE** Bernadette Miller's Board appointment to the Beautification Advisory Board, seconded by Commissioner Blais.*

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

*Commissioner Via moved to **APPROVE** Brenda Carter's Board appointment to the Beautification Advisory Board, seconded by Commissioner Blais.*

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

Mr. Forte stated now a motion needs to be made with the names inserted into the Resolution.

*Commissioner Via moved to **APPROVE** Resolution 2005-R-01, seconded by Commissioner Blais.*

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

7. RESOLUTION 2005-02, POLICE PENSION BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-02

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

*Commissioner Via moved to **APPROVE** Russell Lathrope's Board appointment for the Police Pension Board of Trustees, seconded by Commissioner Schmitt.*

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

*Commissioner Byrnes moved to **APPROVE** Gena Plante's Board appointment for the Police Pension Board of Trustees, seconded by Commissioner Blais.*

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

*Commissioner Via moved to **APPROVE** Resolution 2005-R-02, seconded by Commissioner Byrnes.*

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

8. RESOLUTION 2005-03, PAL / RECREATION BOARD APPOINTMENT

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-03

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RE-APPOINTING A MEMBER TO THE PAL/RECREATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Donald Moore's Board appointment to the Pal/Recreation Board, and to **APPROVE** Resolution 2005-R-03, seconded by Commissioner Blais.*

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

9. RESOLUTION 2005-04, FLORIDA LEAGUE OF CITIES, INC.

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-04

A RESOLUTION OF THE CITY OF CITY OF HOLLY HILL, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING GROWTH MANAGEMENT ISSUES DURING THE 2005 LEGISLATIVE SESSION.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-04, seconded by Commissioner Byrnes.*

Commissioner Byrnes stated the State League is really concerned because the trend at the State level is to have less and less funding for local municipalities at the same time giving the municipalities more tasks that they mandate for them to do.

Commissioner Blais stated as their delegate, last August in Miami these issues in the Resolution were brought up to bring it in front of the Florida Legislation for 2005. They are looking out for the municipalities interests so the cities can exercise home rule.

Commissioner Byrnes stated the Executive Board is going to be bringing that at the next League meeting. He wasn't able to do anything with the cell phone issue because nobody up there seems to be interested in the cell phones.

Mayor Arthur stated at the Conference of Mayors their main topic this year was non-funded mandates for all the cities. It's something that the municipalities have asked for, for years but they did it.

Mr. Forte stated that he is not overly sold on this Resolution because there are some things in here that he is just not sure about. For example, the State Comprehensive Plan and what impact that is going to have on the City in the future.

Commissioner Via stated what he also heard about the Comp Plan is that it also binds the State within parameters, whereas the State is not under any parameters at all.

Commissioner Byrnes stated, right. That's why the cities want it. What the League is looking for, is something to bind the State to the same standards as the cities are. He doesn't think that is the major issue here.

Mr. Forte stated if the Volusia League of Cities is backing this Resolution then that raises his comfort level.

Commissioner Byrnes stated, yes. This came through the Volusia League to the cities so they are supporting it.

Mr. Simpson stated it's extremely difficult to judge these issues without seeing the legislation itself. All of these things may be appropriate on their face but when they see the actual legislation and what it *actually* does they may or may not want to support it at that point but at this point, it's probably okay to support legislation; they are kind of supporting legislation that addresses general areas without knowing the details of the legislation and that's always a little bit dangerous.

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

10. SECOND 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 Byrnes moved to ***APPROVE*** *the Second Reading of Ordinance 2716, seconded by Commissioner Schmitt.*

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

Commissioner Byrnes stated he wanted to clarify, the year starts in October, 2003. If somebody has been here already for five years, they don't get the 50%?

Mr. Forte stated this goes back to October 1, 2003 only.

Commissioner Byrnes stated they have to have five years from that time.

Mr. Forte stated, right. Only the people who were hired after October, 2003. Anyone hired before October, 2003 gets that 10% regardless and they will learn more about that at the workshop on March 8.

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

11. SURPLUS VEHICLE – FIRE ENGINE 396

Mr. Forte stated this is a 1985 GMC pumper that only holds two people in the cab and nobody can ride in the back. They have held it as a backup engine for a number years and now that they have gone over to this new response system there is no need to have it in the surplus anymore. They are looking to surplus this engine and auction it off the same way they did the other engine in the past and then take the proceeds from that and hold it in reserves in anticipation for budgeting for a new engine in this upcoming fiscal year.

*Commissioner Schmitt moved to **APPROVE** declaring Fire Engine 396 surplus and authorizing the City Manager to dispose of the vehicle in a manner that yields the highest return to the City, seconded by Commissioner Byrnes.*

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

12. ANTIQUES ON THE AVENUE AGREEMENT WITH THE DAYTONA BEACH NEWS-JOURNAL

Mr. Forte stated last year they contracted with Tom Cellie to produce the "*Antiques on the Avenue"* and they couldn't come to an agreement with him. This year they would like to work with *The Daytona Beach News-Journal* to produce this event. This did go before the Community Redevelopment Board (CRA) and they supported this and make a recommendation to the City Commission to approve it.

*Commissioner Schmitt moved to **APPROVE** the agreement with The Daytona Beach News-Journal to be the exclusive publisher and producer of "Antiques on the Avenue" on April 2-3, 2005, seconded by Commissioner Blais.*

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

13. AMENDMENT TO THE POLICY – TRAINING EXPENSE

Mr. Forte stated under the training and travel policy, Citywide and the Commission falls under this, this is how they reimburse people for their training and travel expenses. This provides the paperwork needed to fill out for reimbursement and it also talks about when that reimbursement should be put in on a time frame of 10 days to submit for their reimbursements. This also talks about per diem and the per diem for meals shows an increase of $8.00, $12.00, and $20.00 for breakfast, lunch, and dinner. They would also be adopting the IRS figures for mileage and currently that's at $0.40½. Anytime an employee is sent on City business and uses their personal vehicle they are entitled to mileage reimbursement. They make available a City vehicle for them to use. If the City vehicle is available, that's what they will use. If not, then they will take their personal vehicle.

Commissioner Schmitt asked does this go for the Commissioners too.

Mr. Forte stated, yes.

Commissioner Byrnes stated he assumes that’s why they get a paycheck every month, to cover their expenses.

Commissioner Via stated it’s not actually a paycheck with expenses. Whatever is left over is honorarium.

Mrs. Gubernator stated it’s to cover their expenses and whatever is left over is honorarium.

Commissioner Byrnes stated he has concerns where it talks about the mileage measurement using Map Quest driving directions because that’s not always accurate.

Mr. Forte stated they usually use that as the base figure for when somebody goes they get their money in advance but if they find that they have traveled fifteen or twenty miles more they will come back and get reimbursed for that.

*Commissioner Via moved to **APPROVE** the amendment to the Training Expenses policy, seconded by Commissioner Byrnes.*

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

14. COMMUNICATIONS

A. City Manager

Mr. Forte stated just to give them an idea about the upcoming workshops that he has scheduled. On February 8 they are going to be talking about the water deposit refunds and hurricane operations and the roles of the Commissioners and the Mayor during emergencies. On March 8 they are going to have a police pension workshop. On March 22 they will have a redevelopment agency meeting and at that point hopefully they will be bringing the goals of the Redevelopment Advisory Board which the Commissioners and Mayor will get in advance for review. On April 12 they would like to talk about the surplus land that’s associated with the stormwater projects and holding the stormwater fees for commercial properties that have their own onsite stormwater retention. There are two things that are still outstanding and that is their budget workshops and the FRS Retirement system. The City opted out in ’95 or ’96 because the rates were very high and it really is a hiring tool that they can no longer use and it hurts them in their hiring. This is an avenue that the elected officials could opt into. He will make arrangements to workshop it.

Ms. Gubernator stated they would need an accountant to work on the figures for the FRS.

Mr. Forte stated the fellow had called him about selling sneakers. They will need to put on the next agenda a special event calendar for the next two years. During a special event is when somebody can have an outside sales tent unrelated to the business and that gives an opportunity for the sneaker guy to come in here and sell sneakers and they don't want that type of sales within the City and they would prefer to keep it on the corner of Mason Avenue as it has always been. The sneaker guy can only do it during Bike Week and Biketoberfest and those are the two holidays the City has recognized as special events for the City.

Commissioner Byrnes asked about the fireworks folks. The City made an exception for them last time.

Mr. Forte stated fireworks are no longer permitted because those holidays are not special events and the City did that intentionally because the fireworks displays have gotten out of control. On April 13-15 is Volusia Days and he asked if the Commissioners had any interest in attending up in Tallahassee. Commissioners Via, Schmitt, Blais, and Byrnes stated that they would like to go. He then stated that he has eliminated the Assistant to the City Manager position and in doing so he is asking the Commission to allow him to establish a new position that he would title the Community Development Director and that would include such tasks as not only grant writing in economic development issues but also planning abilities as well. He thinks that's the direction they will need to go in with some of the changes that they are anticipating in the near future. It's a position that doesn't exist right now so he will need a motion for it.

*Commissioner Via moved to **APPROVE** opening a new position called Community Development Director, seconded by Commissioner Blais.*

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

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Blais stated he attended the Florida Institute of Government Conference and he learned some new words with their abbreviations. The curriculum was Structure and Function of Municipal Government in Florida; How to be an active council member; Taxes and other sources of revenue; Budget and Accounting; Understanding the relationship among governments in Florida; Florida Ethics Law; and Understanding Government in the Sunshine.

Commissioner Schmitt stated the other day he brought in a complaint about a fence on LPGA and Ridgewood Avenue where the guy had the aluminum siding and it's very generic, the definition of fence and he thinks they need to give direction to staff to tighten this up. The definition fit what the guy had up but he thinks they should put some verbiage in there to tighten it up.

Commissioner Via stated congratulations to Commissioner Blais from graduating from EMO. This weekend on Friday and Saturday is the 2005 birthplace of Speeds Centennial Celebration. There is a Saturday night dinner and its $20 per person. The races will be on the beach at 2:30 p.m. Their Police Explorers will be there and Motor Racing Heritage and the City of Ormond Beach are giving $250 to the Police Explorers for some work that they did last year and this year. He mentioned that he woke up Sunday morning being told that a house behind him on Birmingham was on fire and he wanted to let everyone know that the City's Fire Department as well as Daytona Beach and Ormond Beach did a really good job in helping out with the fire. Last Friday he had the opportunity of representing the City at the Box Car Ceremony out front. It was interesting seeing and hearing the history of why it is there. He went to the Clear Wire Ribbon Cutting. That is a new wireless service in town over on State Avenue and they service 45,000 people now and soon to be 65,000 people and they have partnered with Daytona Beach Community College (DBCC) and they gave $2,500 to the PACE girls club. He mentioned that his step son, his wife's former mother-in-law passed away down on State Avenue and the Police Department came and showed a lot of compassion and a lot of expertise and he really appreciates that.

Mayor Arthur stated there is a new grant out for damage due to the hurricanes and asked Mr. Forte if he could call Mary at VCOG and ask her about it. There are a couple of cases where the City may qualify. He wanted to know if the Commissioners would like another Commission car?

Commissioner Byrnes stated he would rather be in his own car and get paid the mileage if he is going out of town.

Commissioner Blais stated his feeling on that is if they could use it as a car pool in case something happens to their privately owned vehicle. At least they will have transportation at the last minute in case something happens.

Mayor Arthur stated some are complaining that he uses the car now more than anybody but he has a lot of meetings and does a lot of things all day long but it was available for the Commissioners at any given time. So the question is, do they want another car?

Mr. Forte asked a car made available at City Hall or do they want a car that is going to be issued to someone?

Mayor Arthur stated he thinks it should be available at City Hall but he doesn't think it should be a big deal about them keeping it at their house either.

Mr. Forte stated that's two different things and that's where the confusion comes in.

Mayor Arthur stated he doesn't think getting another car is not a bad idea and it can be used for Commissioners whenever they need it. The question is, do they want a car *available*?

Commissioners Schmitt and Via stated they can get a surplus car.

Mr. Forte stated the problem is there's nothing in the book that tells him he should provide a vehicle for any individual to take home. If someone wants to put in a form of a motion what to do and how to do it, find a surplus car and leave it at a certain spot here and anybody can come back and take it or if the Mayor should take it home. He thinks they should be as specific as possible and it takes him out of being in the middle. The more specific they are, the less problems that he will have.

Commissioner Via stated he has no problem bringing a surplus car here and letting it be used as the Crown Victoria is being used. If it has to go home occasionally because somebody's car is out, that should be understood too. He would support a car that way.

Mayor Arthur stated it's not a bad idea to get another car. It's not a bad idea either to have a *presentable* car.

Mr. Forte stated he needs to know if the car is going to stay here or if they are going to allow someone like the Mayor to take it home seven days a week or a Commissioner to take it home.

Commissioner Schmitt moved to ***APPROVE*** *a presentable surplus car that the elected officials use at their discretion with no restrictions for the Mayor or the Commissioners to take it home and the Commissioner is to call the Mayor and not the City Manager if they are in need of the car, seconded by Commissioner Via.*

The motion **CARRIED** 4-1 on roll call: Schmitt – Yes, Via – Yes, Blais – Yes, Byrnes – No, Mayor Arthur – Yes.

Mayor Arthur stated he would like to do something that he thinks everyone can benefit by and that is in the new park that they have put over by Public Works.

Mr. Forte stated he spoke to Milt and there's a possibility that with the wastewater treatment plant expansion not all of that but some of that may be utilized.

Commissioner Byrnes stated the park that he worked very hard to get when they took away play area by putting in ball fields, is not going to be available now? Is that what he is saying?

Mr. Forte stated at some point in the future when the treatment plant needs to be expanded, that's the direction that it will expand.

Mayor Arthur stated he thinks the park should be named, *The Byrnes Park*. That's what he feels. He thinks it should be called *The Byrnes Park* or *Byrnes Field* and he thinks within that park or field there is something that could be moved into a special monument. He thinks even a statue of Mr. Byrnes because he has been here for sixteen years and he can see him lying down and then A.J. with a kite right next to him. He thinks it would be cool. He doesn't know how much they cost but a nice passive little park and also, the park having a Commissioners Wall. Not anything expensive but a wall of all past Commissioners with the dates they have served for the City and it will be a memorial for all the Commissioners going as far back as they can find. It would be a nice tribute to everybody that ever served in this City and it would continue to go on. He thinks that would be real nice. He doesn't know exactly how to do it but he would like the Commissioners wishes to do that.

Mr. Forte stated that could be one of the goals for them next year because this year's budget is done.

Mayor Arthur stated Centennial Park would be a good place for that.

Commissioner Byrnes stated the wall to honor people who have served the City is a good idea but the rest of it was joke.

Mayor Arthur stated, "What are you talking about, a joke? Do you think I was kidding? I am not kidding! I am very serious about that Mr. Byrnes. The reason I said that is because you had fought for that park so much."

15. ADJOURNMENT

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

Attest:	City of Holly Hill, Florida
______________________________	______________________________
Valerie Manning City Clerk	William D. Arthur Mayor