M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
March 11, 2003

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 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Assistant to the City Manager Greg Wood, Public Works Director Milt Hallman, Emergency Services Director Don Shinnamon, Development Administrator Tim Harbuck, Finance Director Brenda Gubernator, Accountant Kurt Swartzlander, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Harbuck delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS
City Auditors, Brent Millikan & Company Present the Comprehensive Annual Financial Report for Fiscal Year Ending September 30, 2002

Alex Kish and Brad Douglas, City Auditors, presented their report for Fiscal Year 01/02. The City has continued to maintain a strong financial position while reducing its millage rate again. We have had a slight decrease in the reserve fund – equivalent to one day (153 now instead of 154). They issued an audit opinion giving the City a clean bill of health.

Mayor Arthur welcomed the Mainland High School students from Mrs. Nielson's American Government class.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – February 11, 2003
Minutes of Commission Goals Workshop – February 25, 2003
Change Order for Gymnasium, Phase III - $1,948.61

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, Lockeby – yes, Byrnes – yes, Arthur - yes.

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

5. RESOLUTION 2003-R-07, ACCEPTING ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT GRANT FOR STORMWATER IMPROVEMENTS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ACCEPTING THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT GRANT FOR STORMWATER IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Lockeby moved to ***APPROVE*** *Resolution 2003-R-07, seconded by Commissioner Byrnes.*

The motion **CARRIED** 5-0 on roll call: Lockeby – yes, Byrnes – yes, Schmitt - yes, Via – yes, Arthur - yes.

Nancy Christman and Paul Haight, representatives from SJRWMD attended the meeting to present a ceremonial check and provide information on their agency.

6. RESOLUTION 2003-R-08, AGREEMENT WITH VOLUSIA COUNTY SCHOOL DISTRICT ADDRESSING THE COORDINATION OF PLANS AND PROCESSES

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE VOLUSIA COUNTY SCHOOL DISTRICT IN RESPONSE TO SENATE BILL 1906; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *Resolution 2003-R-08, seconded by Commissioner Byrnes.*

The motion **CARRIED** 5-0 on roll call: Lockeby – yes, Byrnes – yes, Schmitt - yes, Via – yes, Arthur - yes.

7. SECOND READING OF ORDINANCE 2653, REZONING 1.375 ACRES AT 1184 SOUTH NOVA ROAD FROM COUNTY B-5 TO CITY BPUD

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 1.375 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NOVA ROAD (SR 5A) AND ALABAMA AVENUE FROM B-5 HEAVY COMMERCIAL CLASSIFICATION (VOLUSIA COUNTY), TO BPUD, BUSINESS PLANNED UNIT DEVELOPMENT DISTRICT; APPROVING A MASTER DEVELOPMENT PLAN AND INCORPORATING IT INTO THIS ORDINANCE FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THE PROPERTY; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Byrnes moved to **APPROVE** the Second Reading of Ordinance 2653, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Byrnes – yes, Via – yes, Lockeby – yes, Schmitt - yes, Arthur - yes.

8. SECOND READING OF ORDINANCE 2654, REZONING 2.17 ACRES 250 FEET NORTH OF GOLF AVENUE ON NOVA ROAD FROM COUNTY I-1 TO CITY BPUD

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 2.17 ACRES LOCATED ON THE WEST SIDE OF NOVA ROAD (SR 5A) APPROXIMATELY 250 FEET NORTH OF GOLF AVENUE FROM I-1, LIGHT INDUSTRIAL CLASSIFICATION (VOLUSIA COUNTY), TO BPUD, BUSINESS PLANNED UNIT DEVELOPMENT DISTRICT; APPROVING A MASTER DEVELOPMENT PLAN AND INCORPORATING IT INTO THIS ORDINANCE FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THE PROPERTY; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2654, seconded by Commissioner Byrnes.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Byrnes – yes, Schmitt - yes, Lockeby – yes, Arthur - yes.

9. RESOLUTION 2003-R-09, ADOPTING UPDATED CITY GOALS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING UPDATED GOALS FOR THE CITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2003-R-09, seconded by Commissioner Schmitt.*

Commissioner Via stated that he did not like the wording used in Goal 4, item 4. The Commission discussed this and felt that it expressed their intent but agreed to change it the wording to state "Eliminate property eyesores utilizing various means."

*Commissioner Via **MODIFIED** his motion to include this revision, second modified by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt - yes, Lockeby – yes, Byrnes – yes, Arthur - yes.

10. RESOLUTION 2003-R-10, AUTHORIZING A TRAFFIC SIGNAL MAINTENANCE AGREEMENT WITH FDOT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-10, seconded by Commissioner Via.*

This item was previously approved by the Commission but FDOT requests it be formally done by resolution. This is an agreement accepting their payment to the City.

The motion **CARRIED** 5-0 on roll call: Schmitt - yes, Via – yes, Byrnes – yes, Lockeby – yes, Arthur - yes.

11. RESOLUTION 2003-R-11, OPPOSING THE GOVERNOR'S PLAN TO REDUCE FUNDING OF SERVICES TO THE NEEDY

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, OPPOSING THE REDUCTION OF FUNDING TO THE CHILDREN IN NEED OF SERVICES AND FAMILIES IN NEED OF SERVICES (CINS/FINS) AS PROPOSED IN THE GOVERNOR'S BUDGET; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-11, seconded by Commissioner Lockeby.*

This resolution was brought forth by Assistant City Attorney Scott Simpson. The Commission discussed how well utilized these programs are as an alternative to jail. This is especially needed when dealing with troubled youth. This is a budget cut that will actually expand the budget in other areas because jail is a more costly option.

The motion **CARRIED** 5-0 on roll call: Schmitt - yes, Lockeby – yes, Byrnes – yes, Via – yes, Arthur - yes.

12. RESOLUTION 2003-R-12, AUTHORIZING AN AGREEMENT WITH FPL FOR UTILITY POLE ATTACHMENTS (BANNERS)

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FLORIDA POWER AND LIGHT (FPL) FOR PLACEMENT OF ATTACHMENTS ON UTILITY POLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2003-R-12, seconded by Commissioner Byrnes.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Byrnes – yes, Lockeby – yes, Schmitt - yes, Arthur - yes.

13. COMMUNICATIONS & COMMITTEE REPORTS

A. City Manager

Mr. Forte requested authorization from the Commission to negotiate a price for the following items: 1) mural for Recreation wall, 2) digital sign for Recreation center, and 3) water main extension (replacement of two inch line with six inch for fire hydrant installation). The Commission indicated they felt the sign should be sent out for bid, once they determine exactly what they wish to purchase.

Commissioner Via moved to ***APPROVE*** *foregoing the normal bid process and negotiating a price for a mural and water main extension, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt - yes, Lockeby – yes, Byrnes – yes, Arthur - yes.

Mr. Forte stated that they have made major drainage improvements throughout the City and with the rains they have experienced recently, they are pleased to report that only one house was flooded. The complaints about "flooding" that they are now getting are puddles in the driveway. Basically, they have three options for where the water can go – the home, the street, the yard / driveway. Clearly the yard is the best alternative and it usually drains off quickly. Commissioner Lockeby stated he received another complaint about a home flooding; he will forward this information to Mr. Forte.

B. City Attorney

Mr. Simpson stated that he had a nice trip to the Keys for spear fishing.

C. Mayor and Commissioners

Commissioner Schmitt stated that he attended the Planning & Appeals Board Meeting last night and was disturbed that some of their members do not read their packets or go to the property before the meeting at which they are to render a decision. In seeking a means to communicate their expectations to the boards, Commissioner Byrnes recommended they hold a policy meeting with each board. Further discussion showed that this is really only applicable to the P&A Board. Staff currently provides a statement in each of their packets reminding them to visit the site. The Commission decided they would attend the P&A Board meeting and have a joint meeting with them either before or after their regular meeting.

Commission Schmitt brought-up the topic of civil service protection and stated that every employee has that except for the City Clerk. He felt that should be changed or that they should provide a contract for that position. The Charter prohibits the positions of City Clerk and City Manager from civil service protection. The City Manager has a contract and all other department heads have civil service protection - the issue of either of these for the City Clerk was not something that anyone else expressed support for.

Commissioner Via stated that he felt it was very good for the Mayor and Commissioners to attend board meetings but he didn't want to see decisions of the board swayed by any Commission input. The Redevelopment Board in particular was mentioned. Commissioner Byrnes agreed that he wanted a *pure* recommendation from the boards. This led to a request for Mr. Simpson to clarify when Commission discussion with a property owner prior to quasi-judicial public hearing constitutes a violation of Florida law. Mr. Simpson explained that the basis of this law is to ensure that all members have the same information available to them. Therefore, if such discussion occurs between a property owner and a member of the Commission, the best attempt to remedy it is for the Commission member to disclose the conversation at the public hearing.

Commissioner Via stated that he felt they needed a nice lighted sign facing Ridgewood on the Recreation Building. If the mural will be incorporating this, than that will be great but otherwise he felt they should pursue this first. Commissioner Byrnes agreed.

Commissioner Via thanked everyone for coming tonight and referred to yesterday as the one-year anniversary of former Commissioner Keith Tarrer's death.

Commissioner Via reminded everyone of the Birthplace of Speed Centennial celebration, which begins March 26th.

Commissioner Via advised that the Mayor is going to attend the Water Entity Transition Team meeting tomorrow.

Commissioner Byrnes thanked everyone for coming tonight. He stated that he was very pleased with how the Emergency Management Award Ceremony went and thanked Chief Shinnamon for bringing that idea with him.

Commissioner Lockeby jokingly advised that the mini-convention center with a yacht basin should be coming soon.

Referring to the anniversary of former Commissioner Tarrer's death, Mayor Arthur stated that he misses him.

Mayor Arthur added that he does not like the plaque they placed on the front of the building because it has no meaning of accomplishment – merely presence during the Centennial year.

Mayor Arthur reminded everyone of the FDOT meeting this Thursday for median discussion.

Mayor Arthur then asked that the Commission focus on fixing ridiculous rules – like the boat size restriction. They should focus on ridding the City of eyesore boats not yachts. They will workshop this and any other items of this nature that other Commissioners find.

14. ADJOURNMENT

The meeting officially adjourned at approximately 9:37 p.m.

City of Holly Hill, Florida

____
William D. Arthur, Mayor

Attest:

____
Jeaneen P. Clauss, City Clerk