M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
March 12, 2002

1. CALL TO ORDER
A. Roll Call

Mayor William 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 and Roland Via. District Three Commissioner Keith Tarrer had passed away a few days prior to this meeting. Mayor Arthur expressed their great sadness over this loss. Commissioner Via placed a rose in front of the District 3 seat. Commissioner Paul Lockeby was absent due to illness.

Commissioner Byrnes moved to ***EXCUSE*** *the absence of Commissioner Lockeby due to illness, seconded by Commissioner Via.*

The motion **CARRIED** 3-0 on roll call: Byrnes – yes, Via – yes, Arthur - yes.

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

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – February 26, 2002
Minutes of Commission Workshop - February 26, 2002
Report of Purchases over $5,000 (Fuel-$8,599.12 and 800MHz portable radios-$9,317.50)

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

The motion **CARRIED** 3-0 on roll call: Byrnes – yes, Via – yes, Arthur - yes.

4. Committee Reports
Volusia Water Alliance

Commissioner Via advised that they had met with Jake Varn, who is responsible for putting together an implementation plan from the VWA. He was very impressed with Mr. Varn and felt he would produce a very good, equitable plan by the end of April.

Volusia League of Cities

Commissioner Byrnes advised that they had endorsed a candidate for State Directorship.

Volusia Council of Governments

None.

Metropolitan Planning Organization

Mayor Arthur directed his update to former mayor, Virginia Wine, and advised that that he is still pushing for the four-laning LPGA - which she had pushed for years ago.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Douglas Fox, 48 Circle Drive, spoke to the Commission regarding businesses that sell amplified speakers and aerial fireworks. He considered the sale of these products to be a fraud because you cannot use them without violating the law. He cited several cases in which the purchasers of either of these products committed harm to others.

6. SPECIAL EXCEPTION REQUEST FROM MEDIA STAR COMMUNICATIONS FOR 230 CARSWELL AVENUE

Mr. Forte explained that this item is before them tonight because they have an ordinance that does not permit a tower to be placed within 1/4 mile of another tower. Even though this ordinance was adopted for aesthetic reasons, Mr. Simpson advised them that due to the fact that this is a Special Exception request they have the authority to place any requirements they deem appropriate to serve the City's best interest.

The City contacted the County's Emergency Communications Division to get their input on whether the granting of this request would inhibit their system. County Radio Systems Manager George Cawood submitted a letter outlining his concerns. These concerns were as follows: 1) if this tower were to be used for transmitting, an Intermode Study should be conducted, 2) that the tower remains outside of the 13 foot, line-of-site area between the tower on Carswell and the tower on North Orchard in Ormond Beach (to ensure it stays out of the microwave line), and 3) they informed Media Starr that they may experience static and ghosting due to the power that the County puts out.

Media Starr Representative Jay Arnold spoke to each of these concerns and was willing to do whatever was necessary to work for an amicable arrangement with the County. They have a site crew that they will have come out for $7,500 to examine all the aerial harmonics, but they wanted this Special Exception approved before they invested in that. They are not broadcasting anything on 800 MHz - everything is 2.4 GHz to 5.8 GHz. Although this tower (150 ft) is significantly shorter than the two County towers, the satellite dishes on them that have to see each other are located at 125 feet. This line of site concern can be worked around as long as the location of the new tower remains flexible. The actual placement of the tower is flexible, so as to not cause problems with the County or to meet setback requirements - Mr. Arnold stated that they are agreeable to moving it 10 feet or so in any direction.

Upon learning of the 2.4 GHz use, Mr. Cawood expressed additional concern because that is the frequency that the County will soon be using to hook-up the City's Police Department consoles to their system. Mayor Arthur asked Mr. Cawood if he felt the problems could be worked-out on this site. He responded that he believed they could be but requested that the motion made be worded to make this approval subject to this. Mr. Arnold reiterated that he was willing to do whatever was necessary to work for an amicable arrangement with the County. He added that the County's 6 GHz system was a licensed frequency that they couldn't break that link and that the 2.4 GHz system has eleven different frequencies in it, so they can run opposite of the County's.

Commissioner Byrnes inquired as to specifically what Media Starr's business intent was. Mr. Arnold stated that they are going to compete with Time Warner Communications. They have submitted franchise agreements to Holly Hill and await their approval. They already have franchise agreements in place with a few other cities. They are ready to bury all new fiber optic cable (some aerial and some underground). The tower is primarily for an off-air antenna (picking up 2, 6, and 9). However they also own a wireless internet company and have nine towers spanning twenty-two miles from New Smyrna Beach to Flagler Beach. They broadcast wireless high speed internet to different businesses, including some police departments. They are trying to offer telephone service, cable service, and high speed internet all down the same tube.

Mr. Arnold advised that he has a contract to purchase the building at this site that will expire after tonight, so he is under a tight schedule. They are leaving their current site in South Daytona because, after working extensively with them, they were informed that the City's Regulations prohibited them from having a cable television company in a commercially zoned area - it must be industrial. They will leave their tower there as a repeater.

*Commissioner Byrnes moved to **APPROVE** the special exception request - provided the placement of the tower be done in such a way as to not cause interference with the County Emergency Communications System, seconded by Commissioner Via.*

The motion **CARRIED** 3-0 on roll call: Byrnes – yes, Via – yes, Arthur - yes.

7. FIRST READING OF ORDINANCE 2629, ANNEXING PROPERTY LOCATED ON PARQUE AVENUE

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** the First Reading of Ordinance 2629, seconded by Commissioner Via.*

The motion **CARRIED** 3-0 on roll call: Byrnes – yes, Via – yes, Arthur - yes.

8. RESOLUTION 2002-R-11, BOND INTEREST RATE LOCK

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO ENTER INTO AN INTEREST RATE LOCK TRANSACTION WITH RESPECT TO THE FUTURE ISSUANCE OF REFUNDING REVENUE BONDS BY THE CITY; DELEGATING TO THE CITY MANAGER THE AUTHORITY TO DETERMINE THE INTEREST RATE LOCK PROVIDER AND TO AWARD THE INTEREST RATE LOCK TRANSACTION TO SUCH PROVIDER CONDITIONED UPON SUCH TRANSACTION PRODUCING THE MINIMUM SAVINGS DESCRIBED HEREIN; PROVIDING CERTAIN OTHER DETAILS WITH RESPECT TO SUCH INTEREST RATE LOCK TRANSACTION; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-11, seconded by Commissioner Byrnes.*

The motion **CARRIED** 3-0 on roll call: Via – yes, Byrnes – yes, Arthur – yes.

9. RESOLUTION 2002-R-12, INTERLOCAL AGREEMENT WITH VOLUSIA COUNCIL OF GOVERNMENTS - UNIFIED CODE COMMITTEE

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE VOLUSIA COUNCIL OF GOVERNMENTS UNIFIED CODE COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Byrnes moved to ***APPROVE*** *Resolution 2002-R-12, seconded by Commissioner Via.*

The motion **CARRIED** 3-0 on roll call: Byrnes – yes, Via – yes, Arthur – yes.

10. RESOLUTION 2002-R-13, INTERLOCAL AGREEMENT WITH VOLUSIA COUNCIL OF GOVERNMENTS - CODE COMPLIANCE REVIEW BOARD

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE VOLUSIA COUNCIL OF GOVERNMENTS CODE COMPLIANCE REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved to ***APPROVE*** *Resolution 2002-R-13, seconded by Commissioner Byrnes.*

The motion **CARRIED** 3-0 on roll call: Via – yes, Byrnes – yes, Arthur – yes.

11. RESOLUTION 2002-R-14, LIBRARY LEASE AGREEMENT WITH VOLUSIA COUNTY

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF A LIBRARY LEASE AGREEMENT WITH VOLUSIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Byrnes moved to ***APPROVE*** *Resolution 2002-R-14, seconded by Commissioner Via.*

The motion **CARRIED** 3-0 on roll call: Byrnes – yes, Via – yes, Arthur – yes.

12. RESOLUTION 2002-R-15, EQUAL OPPORTUNITY PROGRAM PLAN UPDATE

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING AN UPDATE TO THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM PLAN FOR THE HOLLY HILL POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-15, seconded by Commissioner Byrnes.*

The motion **CARRIED** 3-0 on roll call: Via – yes, Byrnes – yes, Arthur – yes.

13. RESOLUTION 2002-R-16, AUTHORIZATION TO NEGOTIATE AN INTERLOCAL AGREEMENT BETWEEN HOLLY HILL AND OTHER CITIES WITH COMMUNITY REDEVELOPMENT AREAS AS IT RELATES TO RECENT COUNTY COUNCIL ACTION

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPROVING THE NEGOTIATION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HOLLY HILL, THE CITY OF DAYTONA BEACH, THE CITY OF NEW SYMRNA BEACH, THE CITY OF ORMOND BEACH, THE CITY OF PORT ORANGE, AND THE CITY OF SOUTH DAYTONA, EACH A FLORIDA MUNICIPAL CORPORATION (COLLECTIVELY THE "CITIES" AND EACH INDIVIDUAL, THE "CITY"), WHO AGREE TO UNDERTAKE LEGAL ACTION FOR THE PURPOSES OF SEEKING A MUTUALLY ACCEPTABLE FRAMEWORK AND RELATIONSHIP THAT WILL PROVIDE A FAIR, EQUITABLE, AND CERTAIN METHOD BY WHICH FUTURE COMMUNITY REDEVELOPMENT AREA EXPANSIONS AND COMMUNITY REDEVELOPMENT PLAN AMENDMENTS MAY BE ADOPTED; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-16 with an amendment that the cost to the City shall not exceed two thousand dollars, seconded by Commissioner Byrnes.*

The motion **CARRIED** 3-0 on roll call: Via – yes, Byrnes – yes, Arthur – yes.

14. COMMUNICATIONS

Mayor Arthur placed his tie music for everyone.

A. City Manager

Mr. Forte expressed to Commissioner Tarrer's family on behalf of all the employees of this City how greatly he will be missed.

B. City Attorney

Mr. Simpson stated that it is always a pleasure to work with a Commissioner who will ask what the lawyer thinks - which he did a lot.

C. Mayor and Commissioner

Commissioner Byrnes stated how lonely it felt tonight with a chair empty. He then shared a story about Commissioner Tarrer coming to his son's 10th birthday party a couple months ago. His son, A.J., invited Commissioner Tarrer, despite his Dad telling him he'd probably be busy. Commissioner Tarrer attended, as he had promised. A.J. observed and informed his Dad later that Commissioner Tarrer was the only adult who came that didn't have to be there for another reason. The unselfish effort he put forth in this situation was typical of the way he lived his life. He will be missed.

Mayor Arthur spoke for Commissioner Lockeby who was very ill or would never have missed this meeting. Commissioner Lockeby loved Commissioner Tarrer.

Commissioner Via stated that there was a big spot left for someone to fill on this Commission. He then read a beautiful poem on the Light of Integrity, which he dedicated to Commissioner Tarrer.

Mayor Arthur spoke of how Commissioner Tarrer always called him either "Mayor" or "Buddy" appropriately. He used "Mayor" out of respect in business and "Buddy" when being a friend. He was an incredible person with conviction, which the Mayor admired him for - even when their opinions on issues were different. He referred to when Commissioner Tarrer saved his life by getting him to the hospital when he kept delaying going and how he was there for Marci during that difficult time. He acted as Vice-Mayor then as well, which he enjoyed immensely. Mayor Arthur referred to their trip to San Francisco, which coincided with the tragic events of September 11th and how Commissioner Tarrer and his brother Lou Schmitt helped make the whole ordeal more pleasant. The open invitation to Mr. Schmitt from the Mayor's California friends remains. Lastly, Mayor Arthur teased and called Commissioner Tarrer by his nickname "Kissing Keith", offering his assistance for those missing Keith's demonstrations of affection. He will be missed.

15. ADJOURNMENT

The meeting officially adjourned at approximately 8:07 p.m.

City of Holly Hill

____

William D. Arthur, Mayor

Attest:

____

Jeaneen P. Clauss, City Clerk