M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
April 11, 2000

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:34 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, Assistant City Attorney Scott Simpson, Public Works Director Milt Hallman, Public Works Manager Tim Miller, Finance Director Brenda Gubernator, Code Enforcement Officer Ed Lee, Police Chief Larry Walker, and Human Resource Director / Deputy City Clerk Diane England. Code Development Administrator Tim Harbuck arrived at approximately 9:10 p.m., after serving on the Elections Canvassing Board in Deland.

2. INVOCATION

Public Works Director Milt Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Employee Service Awards

Barbara McFall	**Accounting Clerk III**	**20 Years**
Donald Moore	**Fire Driver Engineer**	**5 Years**

Mayor Arthur presented the Employee Service Awards to Barbara McFall and Donald Moore. Both were present to receive their awards.

B. Annual Financial Report from Alex Kish, Audit Director with Brent Millikan & Company, P.A.

Mr. Alex Kish presented the Fiscal Year 98/99 Audit Report. He told them they had a great year and the City is in great financial conditions. He began by explaining the layout of the Report Book. They have issued an unqualified audit opinion that the City has a clean bill of health in accordance with general and governmental auditing standards. The City reduced liabilities by almost one million dollars last year, increasing their net worth by two million dollars. Undesignated revenue grew by $375,000+, giving them a reserve equal to about 118 days of operation even if revenues stopped. The City has fourteen million dollars in cashable investments. All of their trends are very positive. Mr. Kish explained the upcoming accounting conversion – GASBY 34. The fact that the City has capitalized things that other cities have not should make this conversion easier. Commissioner Byrnes stated that he would like to see a chart showing how their City compares to others of the same size. There was mention also of the preference for the percentage of undesignated revenue, instead of the number of days – because that is what they are used to and can compare with. The City now has approximately 32%. This led to discussion that they no longer need to emphasize building their reserve fund, as they have more than sufficient now. Commissioner Byrnes asked for page numbers as well, stating that it was hard to follow.

C. Thermal Imaging Camera Demonstration

Mr. Forte stated that they had to send this item out for repair / upgrade of the mother board. They will bring it to the next meeting, along with a few other items.

Mayor Arthur recognized County Councilman Joe Jaynes and Diane LaPorta, who is running for school board. The City is still waiting for the results of their own Election, while the absentee ballots are counted. Candidate Ron Fussell was present and Candidate Keith Tarrer had just left because he wasn't feeling well.

5. CONSENT AGENDA
Minutes of Regular Commission Meeting – March 28, 2000
Minutes of Commission Workshop – March 28, 2000

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

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

6. AUDIENCE PARTICIPATION

George Fries, 1000 Riverside Drive, stated that the concern of the Riverside Drive residents is on the County agenda for this Thursday to determine a new easement designation for Riverside Drive. He expressed his displeasure with proposed forty foot easement, stating that in his opinion a twenty-five foot is all that is necessary.

Joe Jaynes, County Councilman, indicated that he supported Mr. Fries position. He encouraged the Riverside Drive residents to attend the County meeting. Mr. Forte stated that he would be at the meeting.

Councilman Jaynes also stated that he is the Chair of the County's Complete Count Committee and encouraged everyone to complete their census forms.

Mayor Arthur announced the results of the City's Election as follows:

Ron Fussell	365
Keith Tarrer	372

- The Commission took a recess at 8:35 p.m., resuming again at 8:45 p.m. -

7. CONTINUANCE OF PUBLIC HEARING FINDING A PUBLIC NUISANCE AT 542 8TH STREET

Mayor Arthur opened the Public Hearing.

Mr. Forte and Mr. Lee advised the Commission that this property had not improved, but actually had more violations than those reported two weeks previously. They recommended proceeding with the condemnation of this property. Mr. Scott Simpson recommended that they separate the issue into two separate motions, one for making a finding on the present condition of the property and then one on whether to condemn the property or allow for corrective action.

David Forgas, owner of property at 542 8th Street, presented some paperwork, which he said showed that he did not do any illegal work on the house. Mr. Forgas complained that he was not permitted by the Code Administration Department to pull a permit in his name to do the work between these two Commission meetings. He then added that he thought he had to wait until after this meeting to get a permit and do the work.

Mr. Lee presented photographs of the present condition of the house and listed its numerous violations. Confirmation was made that the house is structurally unsound and nowhere close to being brought up to code.

The Commission decided to wait until Mr. Harbuck arrives to complete this hearing. The Hearing was closed for now.

Commissioner Byrnes moved to ***CONTINUE*** *the Public Hearing when Mr. Harbuck arrives, seconded by Commissioner Via.*

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

At approximately 9:10 p.m., Mr. Harbuck arrived and later Mayor Arthur reopened the Public Hearing on this issue, as follows.

Mr. Harbuck disputed Mr. Forgas' claim that he had been denied a building permit, as he had never requested one. Mr. Forgas had come in to get a copy of a stipulation for condemnation that Mr. Harbuck had drawn up and discussed with him. He indicated that he would probably sign this but he did not and told him today that he would come to the meeting tonight. Mr. Harbuck stated that he would not have issued him a permit during this interim time if one had been requested because so many things were done without one and not done according to Code. There is a lot of concern about the quality of repairs that have gone on so far. Mr. Harbuck stated his professional opinion was that the structure is unsound and unfit, after three years of his efforts with Mr. Forgas. Mr. Harbuck elaborated on the specifics of the state of disrepair. Mr. Harbuck stated that any abandoned structure is a fire hazard / attractive nuisance and this one certainly is. He stated that currently there are no sewage problems there.

When asked if he could have issued a permit, he advised that Mayor Arthur was correct because State Law states that you may do your own construction on one house per year and not be construed as contracting.

Larry Thighberg, May Avenue, stated that Mr. Forgas had a guy living in a camper in the backyard of this property, working on the roof and when his camper waste tank got full he emptied it in Mr. Thighberg's backyard. He approached Mr. Forgas about this and nothing got done.

*Commissioner Lockeby moved **APPROVAL** of finding the property a public nuisance that needs to be condemned, seconded by Commissioner Via.*

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

*Commissioner Via moved **APPROVAL** of demolishing the structure, allowing Mr. Forgas 20 days to recover his building materials, seconded by Commissioner Byrnes.*

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

Mr. Forte stated that he would instruct the Police Chief to step up the law enforcement in that area, as they had two arrests at the location of their last condemnation.

8. SECOND READING OF ORDINANCE 2577, ADMINISTRATIVE REZONING OF THE EAST SIDE OF RIVERSIDE DRIVE, BETWEEN 2ND AND 3RD STREETS, ABUTTING THE HALIFAX RIVER

Assistant City Attorney Scott Simpson read Ordinance 2577 by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REZONING A 13 ACRE +/- PARCEL COMMONLY KNOWN AS THE HALIFAX SHOPPING CENTER, LOCATED ON THE EAST SIDE OF RIVERSIDE DRIVE BETWEEN SECOND AND THIRD STREETS, FROM CC-1, COMMERCIAL CORRIDOR DISTRICT, TO B-2, SHOPPING CENTER DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved **APPROVAL** of the Second Reading of Ordinance 2577, seconded by Commissioner Byrnes.*

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

9. FIRST READING OF ORDINANCE 2578, VACATING A PORTION OF GRANADA STREET RIGHT-OF-WAY

Assistant City Attorney Scott Simpson read Ordinance 2578 by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA VACATING THAT PORTION OF GRANADA STREET RIGHT-OF-WAY AS MORE**

SPECIFICALLY DESCRIBED BELOW; RETAINING A DRAINAGE AND PUBLIC UTILITY EASEMENT OF SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved ***APPROVAL*** *of the First Reading of Ordinance 2577, seconded by Commissioner Lockeby.*

There was discussion because the Commission felt that they had already done this. Mr. Hallman indicated that they approved the concept of vacating it, but it wasn't done formally by ordinance. This is to allow the property to be maintained by the business owners there, while the City maintains the easement for the water and sewer lines that are in there. The City would like to see them maintain the retention area because it was put in for the benefit of these two properties – otherwise these properties will experience the flooding that they once did. There was discussion as to what would happen if the retention pond were filled in. Mr. Scott Simpson advised that they could re-write this between now and the second reading to make their vacation of this property contingent upon the property owners maintaining the retention pond. Mr. Hallman recommended that they follow the attorney's suggestion. There was mention of the effect that completely stopping traffic around this would have on the businesses there.

Mike Markovics, 1518 State Avenue, spoke about the deteriorated condition of this area and their desire for the City to vacate it so that they can maintain it.

Commissioner Via ***AMENDED*** *his motion to preserve the retention area.*

Mr. Forte explained that option two was to extend the guard rail, stop the traffic from going through, and have the City put it on its maintenance rotation list.

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

10. RESOLUTION 2000-R-17, REGARDING AN AGREEMENT WITH MBIA FOR REVENUE ENHANCEMENT SERVICES

Assistant City Attorney Scott Simpson read Resolution 2000-R-17 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR REVENUE ENHANCEMENT SERVICES, PUBLIC SERVICE TAX COMPLIANCE REVIEW AND ASSOCIATED CONSULTING SERVICES WITH MBIA MUNISERVICES COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS AND AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte referred to the workshop they had on this, when David Dougherty explained how their company works to retrieve new monies for the cities in the form of franchise fees. A concern that was raised on what defined "new" so that the City was only billed a percentage of what they believed was owed to them and what they receive. Mr. Dougherty was present to answer any questions. Mr. Scott Simpson stated that he made a lot of changes to this contract to insure they don't have the same problems they experienced previously.

*Commissioner Byrnes moved **APPROVAL** of Resolution 2000-R-17, seconded by Commissioner Lockeby.*

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

11. RESOLUTION 2000-R-18, REGARDING AN AGREEMENT FOR STREET LIGHTS

Assistant City Attorney Scott Simpson read Resolution 2000-R-18 by short title:

> **A RESOLUTION APPROVING A STREET LIGHTING SYSTEM REGARDING THE NOVA ROAD WIDIENING PROJECT; AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") RELATIVE THERETO; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Lockeby moved **APPROVAL** of Resolution 2000-R-18, seconded by Commissioner Byrnes.*

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

12. RESOLUTION 2000-R-19, SUPPORTING VCOG'S FUNDING REQUEST FOR A STUDY ON EMERGENCY MEDICAL SERVICE

Assistant City Attorney Scott Simpson read Resolution 2000-R-19 by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA SUPPORTING VCOG, INC. IN ITS APPLICATION FOR FUNDING FROM THE EMERGENCY MEDICAL SERVICES AWARD TRUST FUND, FOR THE PURPOSE OF STUDYING THE FIRE/RESCUE AND THE EMERGENCY MEDICAL SERVICES DELIVERY SYSTEM ON BEHALF OF THE COUNTY OF VOLUSIA AND ITS MUNICIPALITIES; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved **APPROVAL** of Resolution 2000-R-19, seconded by Commissioner Lockeby.*

Mayor Arthur indicated that this may not come to pass, because VCOG is discussing whether this is a worthwhile study. Mr. Forte stated that this is the EMS state grant money, which is what the City purchased their ALS upgrades with two years ago. VCOG is asking that the Cities not put in for any upgrades and use the money for this purpose. He indicated that he supports this because it picks-up where they left off with the Local Government Study Commission – which he was involved in. Commissioner Byrnes initially expressed strong disapproval of this because of the transport issue. Mr. Forte clarified that transport was not part of what they would be supporting with this resolution. This is to look into establishing some form of first tier reimbursement so that fire departments can receive some form of reimbursement for the time they spend on a call. This is what the City Managers in this County are recommending.

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

(Prior to Moving On to Item No. 13, the Commission returned to Item No. 7 because Code Development Administrator Tim Harbuck had arrived)

13. RESOLUTION 2000-R-20, AUTHORIZING AN AGREEMENT WITH THE FLORIDA FINANCE COMMISSION COMMERCIAL LOAN PROGRAM REGARDING SEWER SYSTEM REHABILITATION

Assistant City Attorney Scott Simpson read Resolution 2000-R-20 by short title:

> **A RESOLUTION A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AGREEING TO PARTICIPATION IN THE COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA FINANCE COMMISSION; AUTHORIZING AND DIRECTING EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE FLORIDA FINANCE COMMISSION; AUTHORIZING THE BORROWING OF NOT EXCEEDING TWO MILLION DOLLARS PURSUANT TO THE TERMS OF THE LOAN AGREEMENT IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF THE CAPITAL IMPROVEMENT TO THE WATER AND SEWER SYSTEM OWNED AND OPERATED BY THE PUBLIC AGENCY; AUTHORIZING THE EXECUTION OF A LOAN NOTE OR LOAN NOTES TO EVIDENCE SUCH BORROWING AND AGREEING TO SECURE SUCH BORROWING WITH A PLEDGE OF DESIGNATED REVENUES AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH OTHER DOCUMENTS AS MAYBE NECESSARY TO EFFECT SUCH BORROWING; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved **APPROVAL** of Resolution 2000-R-20, seconded by Commissioner Byrnes.*

Mr. Forte stated that John White, Vice-President in Public Finance from First Union brought this program to the City as a way of making money for the City involving their SRF loan. Mr. White explained that he had worked with local government for twenty plus years. This program, which is called the Florida Finance Commission, was begun to assist Cities in the funding process specifics for the SRF loan for sewer projects. The benefit to the Cities is interest accrual through reinvestments between payments to the SRF. Mr. White elaborated on the details of this.

Local Banker Larry McDermott, Vice-President with SunTrust Bank, stated that he had received calls from both Commissioner Lockeby and Ms. Gubernator. He commended First Union on the efficiency of this program but stated that they can do the same thing and maybe even more. He requested the opportunity to put something together for them, asking that they delay a decision on this. Mr. Forte stated that he felt obligated to give their regular banker to opportunity to propose an offer of this sort.

Commissioner Byrnes withdrew his second. (The first motion died.)

Mr. Hallman spoke about the time sensitivity of this and how quickly the project is coming along. Ms. Gubernator indicated that she felt SunTrust should have an opportunity to submit a proposal, though she like First Union's proposal.

Commissioner Via stated that he felt that First Union had put two years of work into their proposal and indicated that SunTrust's rush to put something similar together would not cover the details or track record of First Union's. Mr. White agreed because they have specialized in this area. Mr. Forte advised that Don Berryhill with SRF loan administration told him that First Union has the only program of this type.

Mr. Scott Simpson stated that the "Commission" referred to in the Florida Finance Commission is Deerfield Beach and South Daytona, with the respective City Managers as their representatives.

Commissioner Byrnes moved to ***TABLE*** *Resolution 2000-R-20 until the next meeting, seconded by Commissioner Lockeby.*

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

14. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte advised that there are three seats available on the airplane for the trip to Tallahassee for Volusia Day. Mayor Arthur, Commissioner Byrnes, and Commissioner Lockeby will be going.

15. CITY ATTORNEY

Mr. Scott Simpson responded to inquiries about his wife's pregnancy.

16. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Byrnes stated that he was saddened to read the obituary notice of William Cornelius, former Zoning Board member. His wife completed his term when he was no longer able – their family served this City well. Commissioner Byrnes also advised that his mother is doing much better.

Commissioner Lockeby indicated that he had nothing further to report, desiring to get to the workshop.

Commissioner Via stated that he was very proud of the Audit. He then congratulated Keith Tarrer on a hard fought campaign. Commissioner Via thanked Bobby Thomas and Chris Baker for the courteous attention they have shown this City, through their radio show – giving the City visibility.

Mayor Arthur inquired about the relocation of some trees from the medians. Mr. Hallman gave a status report on that.

17. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 10:35 p. m.

City of Holly Hill

____

William D. Arthur, Mayor

Attest:

____

Jeaneen P. Clauss, City Clerk