M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
April 22, 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, Emergency Services Director Don Shinnamon, Development Administrator Tim Harbuck, and City Clerk Jeaneen Clauss.

B. Invocation

Ms. Clauss delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Boys & Girls Club Presentation

Boys and Girls Club representatives Ron Nowviskie, President and Joe Sullivan, Executive Director presented Mayor Arthur with an award of appreciation for his outstanding service as Vice-President of Government Relations. Mayor Arthur and the B&G representatives expounded on how highly successful this program has been for every city that has opened a space for them.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – April 8, 2003

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. COMMITTEE REPORTS
Members of the Commission are encouraged to give a brief report from the various committees on which they serve.

Commissioner Via advised that they divided the New Water Entity interlocal agreement into three parts. They have reviewed two parts of this so far and there is more to come. Commissioner Via stated that he had relayed the Mayor's question regarding how they arrived at their baseline water table measurement and he has not received a response on this yet.

Commissioner Byrnes reminded everyone that there is a Volusia League of Cities meeting this Thursday in Edgewater.

Commissioner Lockeby stated that VCOG meets on Monday. He also attended an EMS Fire Workshop.

Mayor Arthur was sent to Chicago by the MPO as Volusia County's representative for a Rail Study Conference. It was very interesting but we don't currently have anything like this in our area. There will be a resolution coming from the MPO to accept the proposed expansion to take in Flagler Beach and Beverly Beach. These areas are within our geographical district and we must bring them in, in accordance with certain legislative guidelines. There will be certain people removed from the MPO to make room for this expansion. Some of the smaller cities will have to rotate positions amongst themselves. So far, we have not lost our permanent spot. We have made a request to the State for more positions so that all cities will be represented, but we have not received a response to date.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

6. RESOLUTION 2003-R-17, APPOINTING MEMBERS TO THE HISTORIC PRESERVATION BOARD

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE HISTORIC PRESERVATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Schmitt moved to ***APPROVE*** *Resolution 2003-R-17 appointing Darlene Nolan-Call and Melissa Gleeson as Regular Members and Brian Rich and Gilles Blais as Alternates, respectively, seconded by Commissioner Via.*

Commissioner Via complimented Ms. Gleeson on her contribution during her time as an alternate on this board.

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

7. RESOLUTION 2003-R-18, APPOINTING MEMBERS TO THE BOARD OF PLANNING AND APPEALS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt stated that he did not want to see Francis Mobley reappointed to this Board because he felt she was ineffective – she clearly does not read her packet before the meeting and she votes according to the audience. Commissioner Schmitt stated that he would like to see one of the current alternates J.D. Mellette appointed in her place. He added that he felt this Board was too important to rely on decisions from people who did not adequately prepare themselves for their meeting. Mayor Arthur inquired as to whether she had rectified her attendance problems. Ms. Clauss advised that she had not received any negative reports on her attendance. Mayor Arthur referred this to Commissioner Byrnes for his input because this slot is designated as his appointment recommendation. Commissioner Byrnes stated that this is a Commission appointment, with merely his recommendation, and he felt this should be a Commission decision. He noted though that she had served on the Board for a long time and she had corrected her attendance problems. Commissioner Via complimented the wealth of knowledge that Mr. Mellette has in this City and suggested they keep Ms. Mobley as an alternate, thus swapping their positions around. Commissioner Byrnes stated that in that light he did not have as much of a problem with this because he had supported rotating alternates into regular positions before and wanted to see them pursue this practice more. Commissioner Schmitt agreed and stated that this would allow her a chance to stay involved and give her a chance to correct these areas. There was some discussion as to whether these members were formally made aware of the expectations of them. Staff always puts a notice in each of their packets to remind them to inspect the properties they will be asked to render a decision on prior to their Board meeting. The Commission will have a meeting with this Board at 6:30 p.m. on May 19th.

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-18 appointing J.D. Mellette and Jack Vanderwiere as Regular Members and Francis Mobley and Robert Gerald as Alternates, seconded by Commissioner Lockeby.*

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

8. RESOLUTION 2003-R-19, ENDORSING LEGISLATION TO CLOSE THE LOOPHOLES ON ANIMAL FIGHTING IN FLORIDA

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ENDORSING LEGISLATION CLOSING THE LOOPHOLES ON ANIMAL FIGHTING IN FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved to ***APPROVE*** *Resolution 2003-R-19, seconded by Commissioner Schmitt.*

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

9. SECOND READING OF ORDINANCE 2660, ADDRESSING OUTSIDE SALES BY NONLICENSED OPERATORS

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE HOLLY HILL CODE OF ORDINANCES, CHAPTER 114, ARTICLE III, DIVISION 11, SECTION 114, "OUTSIDE SALES BY NONLICENSED OPERATORS", PRESCRIBING WHEN OUTSIDE DISPLAY AND SALES SHALL BE PERMITTED; PRESCRIBING TERMS AND CONDITIONS FOR THE CONDUCT OF OUTSIDE DISPLAY AND SALES; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commissioner Schmitt moved to ***APPROVE*** *Second Reading of Ordinance 2660, seconded by Commissioner Lockeby.*

Mayor Arthur stated that he did not feel that this ordinance adequately accomplished their goals. Ultimately, the City wants to be in the role of designating it's own Special Events, not following the schedule set by Daytona Beach. This could be accomplished by amending Section 114-902(2) to read as follows: *Special Use Permits may authorize the regulated activity only during the specific event periods established by the City Commission of the City of Holly Hill.* Each year, the Commission will designate the events they wish to authorize by resolution. The Commission re-addressed the fireworks vendor provision and decided that it should remain.

Commissioner Schmitt ***MODIFIED*** *his motion to include the rewording of Section114-902(2) as above and to re-insert the fireworks vendor provision. Second modified by Commissioner Lockeby.*

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

10. RESOLUTION 2003-R-20, ESTABLISHING A PERMIT FEE FOR OUTSIDE SALES BY NONLICENSED OPERATORS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ESTABLISHING A PERMIT FEE FOR OUTSIDE SALES BY NON-LICENSED OPERATORS; AND PROVIDING AN EFFECTIVE DATE.

The Commission discussed this item extensively in an effort to determine whether this fee should be charged *per-site* or *per-vendor*. All of the other cities use a *per-vendor* charge but Holly Hill has always charged one fee *per-site*. Commissioner Schmitt expressed concern about the City's level of responsibility to ensure that each of the vendors has a sales tax number. The City can only monitor this if they charge per-vendor. Mr. Simpson advised that the City is not responsible for insuring this compliance unless it makes such compliance a part of its own criteria. As for the fee, at two hundred dollars, our site fee has been as low or lower than the vendor fee of the other cities. The Commission indicated they did not see a need to change this fee or the method through which it is charged and the following motion was made:

*Commissioner Via moved to **APPROVE** Resolution 2003-R-20 with a fee of $200 per site, seconded by Commissioner Schmitt.*

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

11. SECOND READING OF ORDINANCE 2662, ESTABLISHING NEW RULES AND REGULATIONS FOR WRECKER SERVICE

Mr. Simpson read by short title:

AN ORDINANCE REPEALING CHAPTER 74 (VEHICLES FOR HIRE), ARTICLE III (WRECKERS), DIVISION 2 (REMOVAL OF VEHICLES FROM PRIVATE PROPERTY) OF THE HOLLY HILL CODE OF ORDINANCES; ADOPTING A NEW DIVISION II (TOWING AND STORAGE REGULATIONS) ESTABLISHING RULES AND REGULATIONS FOR THE TOWING AND/OR STORAGE OF VEHICLE WITHIN THE CITY LIMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Lockeby moved to **APPROVE** Second Reading of Ordinance 2662, seconded by Commissioner Schmitt.*

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

12. RESOLUTION 2003-R-21, ESTABLISHING MAXIMUM RATES FOR NON-CONSENSUAL TOWS

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING MAXIMUM CHARGES FOR NONCONSENSUAL TOWS, INCLUDING TRESPASS TOWS AND STORAGE RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-21, seconded by Commissioner Lockeby.*

The Commission discussed the specific maximum rates listed in the resolution and clarified with Mr. Simpson that they could set these at whatever they determined appropriate. Mr. Simpson indicated that as long as the rate is considered reasonable that it would withstand a challenge. He cautioned the Commission about setting the rate so low that they would prevent a business from getting a tow truck to respond to a tow call from them for violations on their property.

Commissioner Lockeby **MODIFIED** his motion to decrease the maximum rate for Class A vehicle towing from $100 to $75. Second modified by Commissioner Schmitt.

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

13. RESOLUTION 2003-R-22, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR FIRE DEPARTMENT CLOSEST UNIT RESPONSE PLAN

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING TO CREATE THE EAST VOLUSIA MUNICIPAL FIRE-RESCUE COOPERATIVE CLOSEST UNIT RESPONSE PLAN; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2003-R-22, seconded by Commissioner Schmitt.*

Commissioner Byrnes confirmed that this referred to the closest firehouse, not the closest unit. Commissioner Via confirmed that this does not involve the County fire services

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

Mayor Arthur indicated that he was trying very hard to run the meeting efficiently and in accordance with Roberts Rules of Order. He expressed displeasure at the repeated expounding on specifics he felt were clear in items that were before them tonight. The Commissioners commonly expressed the sentiment that this was the only place they could legally state their inquiries and attain feedback from each other.

14. RESOLUTION 2003-R-23, EXTENDING THE MUTUAL AID AGREEMENT WITH THE CITY OF ORMOND BEACH FOR FIRST RESPONSE TO STRUCTURAL FIRES

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN INTER-LOCAL AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BY AND BETWEEN THE CITY OF HOLLY HILL AND THE CITY OF ORMOND BEACH TO ESTABLISH A FIRST RESPONSE AID AGREEMENT IN THE EVENT OF A STRUCTURAL FIRE OR DISASTER THAT ENDANGERS LIFE OR PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2003-R-23, seconded by Commissioner Schmitt.*

Mr. Forte referred the Commission to the amended agenda item placed in front of them, which showed changes made by the Ormond Beach city attorney. These changes focused on the termination capability of each City so that this agreement would not run concurrently with the upcoming Intercity Fire Department Closest Unit Response Plan.

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

15. AWARD OF CONTRACT FOR STORMWATER IMPROVEMENTS, PHASE II

Mr. Forte stated that this bid process has been tainted with several problems. The initial low bidder is not certified by the State. The second low bidder made several tabulation errors and when asked to correct them he made more tabulation errors. On the recommendation of our City Engineering Firm and Public Works Director, Mr. Forte requested the Commission reject all bids and authorize Staff to re-bid this project.

*Commissioner Via moved to **DENY** award of the construction bid for Stormwater Improvements, Phase II and re-bid this project, seconded by Commissioner Lockeby.*

Bill Chandler, President of Florida Contracting – the second low-bidder, attempted to explain the mathematical errors and expressed some upset that this very minor difference would cause them to delay the completion of a multi-million dollar project and go through the expense of re-bidding it. The Commission indicated they did not feel comfortable acting against the recommendation from Staff on something a technical as this.

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

16. WASTEWATER TREATMENT PLANT BTU DRIVES AND MOTORS REPLACEMENT

Mr. Forte advised that this is to pay the installation cost for the drives they authorized the purchase of last month.

*Commissioner Byrnes moved to **APPROVE** authorizing the City Manager to approve the purchase order to authorize the firm of Florida Environmental Construction, Inc. to install the drives and motors supplied by the City of Holly Hill for the firm quotes of $31,290 as an emergency expense from the Renewal and Replacement Account, seconded by Commissioner Schmitt.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Schmitt - yes, Lockeby – yes, Arthur - yes. (Commissioner Via had stepped out of the room at the time of the vote but indicated agreement upon his return.)

17. RESURFACING 3RD STREET FROM CENTER AVENUE TO NOVA ROAD

Mr. Forte explained that they have some excess funding available and they are trying to capitalize on the price of asphalt they obtained several years ago.

*Commissioner Byrnes moved to **APPROVE** authorizing Halifax Paving, Inc. to proceed with resurfacing 3rd Street from Center Avenue to Nova Road at a total cost of $17,799, seconded by Commissioner Schmitt.*

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

18. COMMUNICATIONS

A. City Manager

Referring to the Dangerous Dog ordinance and consideration of the City imposing a liability insurance requirement on the owners of dogs declared as such, Mr. Forte stated that he spoke with a local insurance representative and was advised that there are certain types of dogs that companies will not insure and they absolutely will not insure a dog that has bitten. Therefore, a requirement of insurance would imposition of a requirement that is impossible to obtain.

Mr. Forte advised that Personnel Specialist Bo Brewer will be back to work with the Commission on team building.

B. City Attorney

Mr. Simpson indicated that he had nothing further to report.

C. Mayor and Commissioners

Commissioner Lockeby thanked everyone for coming tonight.

Commissioner Schmitt thanked everyone for coming tonight, especially his friends from the Dog Park. He also thanked everyone who participated in the PAL Golf Tournament.

Commissioner Via thanked everyone for coming and thanked everyone who participated in the PAL Golf Tournament, especially the Staff who worked so hard to put it together. He is looking forward to seeing the event double in its success next year.

Commissioner Byrnes thanked the dog-lovers in the audience for coming tonight and everyone who participated in the PAL Golf Tournament.

Mayor Arthur reminded everyone of the Dog Walk scheduled for this weekend. He advised that he will not be able to be there in the morning to greet everyone and asked Commissioner Lockeby to do this for him. Mayor Arthur stated that he should be able to get there by about 2:00 p.m.

19. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:00 p.m.

City of Holly Hill, Florida

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William D. Arthur
Mayor

Attest:

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Jeneen P. Clauss, CMC
City Clerk