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

April 24, 2007

1. CALL TO ORDER

A. Roll Call

Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:05 p.m. Attending with Mayor Via were Commissioners John Penny, Gilles Blais, Mark Reed and Traci A. Anderson.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson, Public Safety Director Don Shinnamon, Finance Director Kurt Swartzlander, Public Works Director/City Engineer Chris Hurst, Community Development Director/City Planner Doug Gutierrez, Community Redevelopment Coordinator Marsha Radulovich, and City Clerk Valerie Manning.

B. Invocation

Mayor Via delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PROCLAMATIONS – Signed by the Mayor

- Proclamation for Municipal Clerks Week – April 29th through May 5, 2007
- Proclamation for Arbor Day – April 27, 2007
- Proclamation for Day of Prayer – May 3, 2007

PRESENTATIONS

- Presentation for Holly Hill Heat PAL Girls Basketball 14 & Under

Mayor Via asked Chuck Beach, PAL Executive Director to come forward and introduce the Holly Heat PAL Girls Basketball team. The following girls and coaches were presented with a Certificate of Achievement by the Mayor: Asst. Coach LaShawn Troutman, Asst. Coach Ron Bullard, Head Coach Dave Hinson, LaQuitta Baker, Joanie Starkes, Brandy Bullard, Jasmine Bullard, Shaneice Peters, Mercedes Clarke, Terrica Engram, Chakera McCloud, Alyssa Brown, Alisha Grange, Shaquella Weston, Cassie Peoples, and Chelsea Harris.

3. CONSENT AGENDA

1. Minutes from the Joint Workshop with the City Commission and the Historic Preservation Board – April 10, 2007
2. Minutes from the Regular City Commission meeting – April 10, 2007
3. U.S. 1 & Nova Road North & South Landscape & Irrigation Project – Low Bid Award – Treasure Coast Irrigation & Landscape, Inc. – $493,258.37
4. Change in Permanent Positions in the Fire and Police Departments
5. **Report of Purchases over $5,000**
   ***Volusia County – $9,792.66 – (unleaded and diesel fuel)

Commissioner Reed pulled Items #3 and #4 from the Consent Agenda, for further discussion.

*Commissioner Reed moved **APPROVAL** for the rest of the Consent Agenda items, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Anderson – Yes, Penny – Yes, Blais – Yes, Mayor Via – Yes.

Commissioner Reed wanted to discuss the U.S. 1 & Nova Road North & South Landscape & Irrigation Project – Low Bid Award – Treasure Coast Irrigation & Landscape, Inc. – $493,258.37. Commissioner Reed asked is this coming in less than what they had granted for?

Mr. Forte stated, correct.

Commissioner Reed asked if they had an opportunity to make some upgrades?

Mr. Forte stated no, not yet. They are just approving this as what's been submitted. Staff received an award of $800,000 from the Department of Transportation (DOT); this project came in at $493,258.37 but staff had also taken some things out of the project and staff really anticipated this bid coming in closer to a million dollars. He thinks with the change in the environment in the building industry and the landscape industry that the bids came in substantially lower than what staff anticipated. The City has approximately $207,000 left in that money. It's not the City's, it's not budgeted, its reimbursement. Mr. Hurst and I are going to re-evaluate what's been taken off those plans and we will be able to do a Change Order for that. Right now, the Commission is approving this and if staff comes back to do a Change Order, it will come back to the Commission.

Commissioner Reed mentioned that's what he was curious about.

*Commissioner Reed moved **APPROVAL** Consent Agenda item #3, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Anderson – Yes, Penny – Yes, Blais – Yes, Mayor Via – Yes.

Commissioner Reed wanted to discuss the change in permanent positions in the Fire and Police Departments. Is there anything that Mr. Forte can tell him? Do they really need this position?

Mr. Forte stated what they have is not a creation of a new position but the net elimination of a part-time position. They have three records clerks that are working in the Police Department and they were originally working a six day schedule, Monday through Saturday. What staff found over time is that the Saturday schedule is really not necessary so then they had three ladies working Monday through Friday, 8:00 a.m. to 5:00 p.m. as records clerks in the lobby of the Police Department. The City lost a part-time secretary at the Fire Department so they switched one of the ladies to work part-time in the Police and Fire Department. With some of the expanded duties that have gone on over in the Fire Department, with the addition of Station No. 11 and the increase of the call volume and the amount of reports that have to go into the computer and the purchasing and so on, staff wanted to shift one of the records clerks to the Fire Department on a full-time basis. When he says full-time basis, she will still be required to come back to the Police Department in the records area for things like vacations, sick time, days off so she is not going to be 100% in the Fire Department but the majority of her work will be there and as they need to pull her back into the Police Department to fill-in for vacancies, she will be available to do that. The net result is the elimination of one part-time position.

Commissioner Reed stated the reason he brings this up is because Chief Shinnamon has tried to get this in the budget in the past and has never been able to so if they didn't see fit to do it in the past, why are they doing it now?

Mr. Forte stated because they have three positions that they have the ability to move *one*. He doesn't need three people there Monday through Friday. They needed somebody there to do the six day schedule and always have two people there during the week so that required three people to juggle that schedule around. The thing is he doesn't need three people in the Police Department Monday through Friday.

Commissioner Anderson moved ***APPROVAL*** *Consent Agenda item #4, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Anderson – Yes, Blais – Yes, Reed – Yes, Penny – Yes, Mayor Via – Yes.

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

5. PUBLIC HEARING – SECOND READING OF ORDINANCE 2796, REGULATING NON-CONFORMITIES AS IT RELATES TO EMINENT DOMAIN

Attorney Simpson read by short title:

ORDINANCE NO. 2796

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; ALLOWING CERTAIN NON-CONFORMING STRUCTURES TO BE REPAIRED OR REBUILT IN THE SAME LOCATION IF THE NON-CONFORMITY IS THE SOLE RESULT OF A EMINENT DOMAIN OF PROPERTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** the Second Reading of Ordinance 2796, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Penny – Yes, Anderson – Yes, Reed – Yes Mayor Via – Yes

6. PUBLIC HEARING – SECOND READING OF ORDINANCE 2797, AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR) – PERMITTED USES AND STRUCTURES – APPLICANT: ADMINISTRATIVE

Attorney Simpson read by short title:

ORDINANCE NO. 2797

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CHAPTER 114. ZONING REGULATIONS, AMENDING THE PERMITTED USES IN THE (I-2) HEAVY INDUSTRIAL ZONING DISTRICT TO PERMIT TOWING/WRECKER SERVICES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation.

Jim Legary, 342 Burleigh Avenue, asked if he could get a definition of where this I-2 Heavy Industrial is located.

Mr. Forte stated it's mostly located either along the railroad tracks or there may be a section on Nova Road and he thinks that's all there is within the City.

Mr. Legary asked if this is related to Star Towing.

Mr. Forte and Mayor Via stated, no. Mayor Via mentioned because they did this item prior to the Star Towing situation.

Mr. Forte stated actually, it was almost concurrent but one has nothing to do with the other.

Mayor Via closed public participation.

*Commissioner Penny made a motion to **APPROVE** the Second Reading of Ordinance 2797, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Penny – Yes, Blais – Yes, Reed – Yes, Anderson – Yes Mayor Via – Yes

7. PUBLIC HEARING – SECOND READING OF ORDINANCE 2798, SURPLUS REAL PROPERTY

Attorney Simpson read by short title:

ORDINANCE NO. 2798

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 30-73 (SURPLUS PERSONAL PROPERTY) TO INCLUDE REAL PROPERTY AND TO ALLOW THE CITY COMMISSION TO APPROVE THE SALE OR TRANSFER OF SURPLUS PROPERTY, REGARDLESS OF VALUE, WITHOUT COMPETITIVE BIDDING WHEN DETERMINED TO BE IN THE BEST INTEREST OF THE CITY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Penny made a motion to **APPROVE** the Second Reading of Ordinance 2798, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Penny – Yes, Blais – Yes, Reed – Yes, Anderson – Yes Mayor Via – Yes

8. RESOLUTION 2007-R-15, STATE REVOLVING LOAN FUND APPLICATION – WASTEWATER TREATMENT PLANT EXPANSION

Attorney Simpson read by short title:

RESOLUTION 2007-R-15

A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR FINANCIAL ASSISTANCE UNDER THE STATE REVOLVING FUND LOAN PROGRAM FOR WASTEWATER TREATMENT PLANT EXPANSION AND IMPROVEMENTS; IDENTIFYING REVENUES PLEDGED FOR REPAYMENT OF LOAN FUNDS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte mentioned that the Commission had a workshop on this as part of the City's Capital Improvements; the expansion of the Wastewater Treatment Plant and one of the methods is that the City was going to fund that program is through the State Revolving Fund Loan. Staff did a Resolution a couple of months back authorizing the consulting engineers to move forward with the application process. This is the application and this is the requirement of the application that the City have a Resolution from the Commission authorizing staff to actually submit for the funds.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed made a motion to **APPROVE** Resolution 2007-R-15, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Blais – Yes, Penny – Yes, Anderson – Yes Mayor Via – Yes

9. DISCUSSION ITEM ONLY – PROPERTY LOCATED ON 14TH STREET

Mr. Forte stated the Commission had a workshop on March 27th and part of that discussion was meeting with Mid-Florida Housing Partnership, Inc., and with Habitat for Humanity and the Commission and staff talked about a couple of properties and one of those properties was on 14th Street at the end of Hiawatha. One consideration was that the City could donate that property to Habitat for Humanity to apply for a variance to build a small house on that property. The Commission asked him to take consideration from the neighbors to see how they felt, number one about it being donated to Habitat for Humanity and number two, if they had any interest in the properties. Mr. Forte mentioned that he sent a letter to the three surrounding property owners, the one on the east and west side and the property owner to the rear of that on the north side and he did hear back from each of them and each of them are here tonight. Everyone agrees that they would not like to see a Habitat for Humanity home on the property. The neighbor to the rear would like to purchase the property to build a garage on it to put his boat and/or car in it; the property owners to the east and west don't want to see anything on the property. There are three large oak trees that are on the property and they want to preserve those trees; the property owner to the east, Ms. Parker, her property is lower than the property in consideration and she is afraid if anything is built on that property it will actually force the stormwater onto her property into her garage and home. Mr. Hurst and myself did go out and walk the property and it is substantially higher than the neighbor to the east. The neighbors also expressed interest in purchasing the property but again, for a reasonable price, and that's for any of the properties. Mr. Forte informed the Commission it's not a buildable lot. If it were to be sold it would have to be reappraised for what its true value would be worth and if it's not a buildable lot, it's certainly going to be worth less, price per square foot than if it were a buildable lot. Mr. Forte stated he is bringing it forward to the Commission for official action to either have staff go forward on something. It's basically to give him direction on what the Commission wants to do with this. One option is to have the property appraised and see if it can be sold but then they open up the option to the neighbor to the rear to buy it and build a shed on it and another option is that the City just maintain possession of it as it is. Ms. Grill, the property owner to the west, has actually been maintaining the property.

Commissioner Anderson stated it sounds rather cut and dry. You either make people mad or make people happy. She thinks they should leave well enough alone; leave it the way it is that way they won't have any problems with the people there and they are saving the oak trees. She thinks they should leave it alone. She would tell Mr. Forte not to go forward with anything.

Commissioner Blais agreed with Commissioner Anderson. The people are willing to maintain the property.

Commissioner Penny agreed with Commissioners Anderson and Blais. The only thing he would like to add is, has Mr. Forte identified any other lot that would be suitable for Habitat for Humanity?

Mr. Forte stated not yet.

Commissioner Penny agreed to do nothing with this property and try to find Habitat for Humanity another lot.

Commissioner Reed mentioned that he was rather surprised that it was even on the agenda but he understands why Mr. Forte wanted to discuss it and he understands the neighbor's concerns as well. He thinks it should be left alone. His only direction to Ms. Grill, if she is ever unable to maintain that property, she should contact the City so that the City can do what they have to do over there.

Mr. Forte stated staff will kind of keep it on their list as a neighborhood pocket park and staff will actually inventory it as a park.

There was consensus from the City Commission to do nothing with the property located on 14th Street.

Attorney Simpson mentioned that they have an add-on agenda item. They have a proposed contract to sell land to Mid-Florida Housing Partnership, Inc. The terms of the contract state that the land is going to be sold for $165,000 which there are three lots and the closing would be on or before September 7, 2007. Attorney Simpson went over the standard typical provisions with the Mayor and Commission. Mid-Florida has a 60-day inspection period but they already got the Phase 1 so the inspection period is basically over but Mid-Florida still has 60-days to do some more with it. Typically, a buyer is responsible for getting a survey but because the City has to subdivide this land and create three lots, the City's obligation as a condition at closing, the City has to create three 75 x 100 buildable lots, the City is going to pay for it and the City has to get a survey to do that. The City is going to survey the land, which he thinks is already underway. The only other condition is a financing condition contingency where Mid-Florida has to get approval to receive full purchase price, in what's called Federal Home Dollars, where it's through the County where they get their money. Attorney Simpson mentioned that staff had talked about just doing a Memorandum of Agreement (MOA) but that's an agreement to make an agreement which really means nothing so he put together a real estate contract and sent it to Mid-Florida and went over it with them and they didn't seem to have any problems with it and staff told Mid-Florida they would try to get it on tonight's agenda for approval.

Mayor Via opened public participation. No one spoke.

Attorney Simpson stated what staff is going to do, he was just thinking that was an Ordinance they just passed…if the Commission passes it, staff will bring back a Resolution to adopt and in the meantime, Mid-Florida can be told that this has been blessed.

Mayor Via asked Attorney Simpson if he needs it in a motion or a consensus.

Mr. Forte stated they need to allow Fran Gordon, Executive Director of Mid-Florida Housing Partnership, Inc., to use this to make application for Home Dollars.

Mayor Via suggested they do it by vote.

Attorney Simpson stated that would be fine and at the next City Commission meeting staff will bring back a Resolution.

Commissioner Penny made a motion to ***APPROVE*** *the contract with Mid-Florida Housing Partnership, Inc., to sell the land in the amount of $165,000 and the terms and conditions stated within the contract, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Penny – Yes, Blais – Yes, Anderson – Yes, Reed – Yes Mayor Via – Yes

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

Commissioner Blais gave a committee report for the MPO meeting he attended this morning and went over the different things they discussed; received a certificate from the City of Daytona Beach's Leisure Services Department for volunteering for Special Events.

Mayor Via gave a committee report from WAV which met last Wednesday and mentioned that they eliminated the Executive Director, Bruce Mowery; VCOG was reported on; How Shall We Live flyer was mentioned – growth summit; tax reform; Emergency Operations Center (EOC) – surrounding cities will be meeting Thursday from 4:00 p.m. to 9:00 p.m. to make phone calls to Tallahassee for the tax concerns; School Concurrency; and briefly discussed his meeting with Pat Drago, from the School Board pertaining to the new Holly Hill Middle School that is supposed to be being built – there are some concerns and issues there that the Mayor discussed with the Commission.

Mr. Forte suggested that they offer a letter to the School Board now or the City monitors the situation because this may not have come up at their school board meeting today, monitor what the School Board is doing and then offer a letter once they start heading in a direction.

11. COMMUNICATIONS
A. City Manager

Mr. Forte mentioned that staff has been working on meter change outs for a number of years now, probably since 2002. There are a number of meters that are left and they have a budget to complete them. The contractor did a lot of the meters but the meters are done in electronic books and each book was not complete. Staff got the price down to $25.00 a meter which is not bad considering the City started this 5 years ago at $21.50 and what's left of the meters are the more difficult ones that are deeper. There is no deadline date to extend the contract but instead of going out for bid to complete the rest of the meters because this company, U.S. Water has been doing it for the last four years, he wants to get the Commissions permission to go ahead and renegotiate to the $25.00 per meter and authorize them to proceed. There is almost 1,000 meters left to be changed out; 251 of the meters are in Holly Forest and Attorney Simpson and I are working on a Memorandum of Understanding (MOU) because Holly Forest are individually privately owned and they will have to pay for those themselves so that will be deducted. This agreement will come back to the Commission for approval where they will have one year to pay the City back for that change out. In the meantime, the total cost for this is just under $63,000; there is over $100,000 in the budget for this project but the City is not going to do 90 or so meters that are too big.

Mr. Hurst stated the meters on U.S. 1 are included within the 1,000 meters that have to be changed out.

*Commissioner Reed made a motion to **APPROVE** the contract with U.S. Water to continue with changing out the meters and to waive the competitive bidding process and not exceed the amount of $63,000, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Anderson – Yes, Penny – Yes, Blais – Yes Mayor Via – Yes

B. City Attorney

Attorney Simpson briefly mentioned the School Concurrency and informed the Commission that the goal is to allow the City to have input in the decisions that are now being placed upon the City.

C. Mayor & Commissioners

Commissioner Blais mentioned in the Obituary section of the newspaper last week there was a former Holly Hill Police Officer who died in the Philippines and his name was E. A. Anderson.

Commissioner Anderson appreciated the community meeting last week with The Mirage Group over at Sica Hall.

Commissioner Penny thanked Ms. Radulovich for a successful *Antiques on the Avenue* last weekend; thanked the Chamber of Commerce for the quarterly breakfast this morning.

Mr. Forte spoke briefly about *Antiques on the Avenue* for next year and made a recommendation to the Committee to possibly have a three day event instead of two and hold it at Sica Hall in case there ever was bad weather and/or wind like they had this past weekend.

Commissioner Penny mentioned that he wanted to follow up on something that Commissioner Anderson said about the meeting with The Mirage Group. The Mirage Group is planning a wonderful community out there and they were questioned about their community standards and their parking of recreational vehicles and automobiles and The Mirage Group said they were going to elevate that level of expectations which differs from some of the workshop items that the Commission talked about two weeks ago and he would like to challenge the Commission to reconsider some of their ideas about raising their level of expectation for parking of recreational vehicles and parking of automobiles in peoples front lawns.

Mayor Via mentioned the seminar for the budget issues is coming up on May 30th and 31st; GPS system; recognized Rex Stearns who was a former City Commissioner; introduced and welcomed Roy Johnson who is a candidate for District 4 for this year's election; and thanked everybody who came to the State of the City Address at the Chamber breakfast this morning.

12. ADJOURNMENT

The meeting officially adjourned at approximately 8:20 p.m.

Attest:	City of Holly Hill, Florida
______________________________	______________________________
Valerie Manning City Clerk	Roland D. Via Mayor