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

MAY 24, 2005

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 7:01 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Butch Simpson, Community Development Director Stuart Buchanan, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning. Public Works Director Milton Hallman arrived approximately 7:20 p.m.

B. Invocation

City Clerk delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

- Shadow Day Presentations

Mayor Arthur presented the Certificates of Recognition to the students from Holly Hill Middle School who attended Shadow Day on May 11, 2005.

Lynn Perkins presented Cheryl Manning a plaque of appreciation on behalf of the Kiwanis Club of Holly Hill and Builders Club.

3. CONSENT AGENDA

Minutes of the Regular City Commission meeting – May 10, 2005
Sanitary Sewer Mains Smoke Testing
Report of Purchase Orders over $5,000

- Ringpower Systems – $8,229.28

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

The motion **CARRIED** 5-0 on roll call: Via – Yes, Blais – Yes, Schmitt – Yes, Byrnes – Yes, Mayor 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 stated they had a good WAV meeting the other day. The next meeting will be June 15 at 8:30 a.m. and there will be four questions that Daytona Beach brought forward that they wanted to have answered about the Water Authority. On Saturday, June 25 there will be a special workshop having to do with mid-term funding.

Commissioner Byrnes stated they all had a good time Saturday for Safety Day at Ormond Beach City Hall for the joint sponsorship with the City of Ormond Beach, the City of Holly Hill and the Metropolitan Planning Organization (MPO). This Friday is the Walkable Audit at SICA Hall starting at 8:00 a.m. until 12:00 p.m.

Commissioner Blais stated he attended the 23rd Annual Breakfast meeting for the Volusia Delegation at the LPGA Club House last Friday. He then stated the NASCAR Museum is not a dead issue. This would be a good thing for the surrounding cities. The City of Holly Hill does support it.

Commissioner Schmitt had no report.

Mayor Arthur stated there is a lot of controversy with what the City will do with the CRA money and how everybody benefits by it. He was talking to the Assistant City Attorney Scott Simpson and how the City would like to put extra police on U.S. 1 and how everybody would benefit from that and the CRA pays for it. They first have to take care of all the homeless and transients and the crime before they start to see any good changes. He then stated he wants to bring to the VCOG Board is why don't all the cities chip in a certain amount of money to support ACT programs and programs already in place that will take care of the homeless before they start redeveloping.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Jeff and Sherry Delanoy, 211 – 15th Street, stated they had some concerns and issues about Commissioner Via being a Commissioner and also being a Coach for the Recreation Department. Mr. and Mrs. Delanoy stated that this has to do with their son Jessie being told by Commissioner Via that he was going to be playing in the All-Star baseball games and that is not so. She stated that she has tried to call Commissioner Via several times before the meeting but received no return phone calls until an hour before this Commission meeting. She has problems with Jessie being an alternate and the possibility of him not being able to play but her son was led to believe that he was going to be playing. Mr. Delanoy believes there was no reason for his son not to play on the All-Star games. He had some concerns in the way that the kids were being picked to play in the All-Stars game as well. For the record he wanted to let everyone know that Chuck

Beach has nothing to do with this. Some of the pressure is being a councilman and being a coach. Some of it, regardless of how they look at it, there is pressure involved coming from within. That's how it's worked. He wouldn't be here complaining or trying to state a point if this didn't have something to do with why his son is not playing. He has had problems with All-Star games for the same reason with the same coach. This has gone on for a couple of years. Why tell the kids that they are going to play and then not play them? He is here to direct this situation to the City Commission that if the influence of a council member is going to be a coach for the Recreation Department and it's going to be handled in this manner, this is not in the best interest for the City of Holly Hill or for the kids that have to play here. All this comes from Councilman Roland Via being a Coach in this league and putting pressure on other situations throughout the City in order to get where he is and the status to be the Coach for All-Stars. He would like for the Commissioners to take this in foresight. He wants them to understand that the influence of Councilman and the baseball recreation is not good and healthy for the City of Holly Hill and it hasn't been for the last four years. It has caused problems that they haven't heard about or been brought up because people are scared to bring them up in order that their kids won't get the right recognition through baseball.

Commissioner Via stated he thinks it's appropriate if he had a rebuttal because everyone has made an assumption about specific things. About what the rules are, what the criteria is for doing this. First of all he has coached for 30 years and he has coached 12 years in this league. He coached *before* he was a Commissioner. Chuck Beach can verify that during the time that he has been a sports coach, he has *never* used the influence or power of this office to influence what goes on in baseball or decisions being made *except* for getting those fields improved, the gymnasium and stuff like that, that he really wanted to be involved in back in 1993 when this Chamber was the gym. He got elected and he fought hard to get another gymnasium and they all did a very good job doing that. The choice of All-Stars each year comes down denominations by the individual coaches on the teams and they all turn in four, five or six names of what they consider to be the top players on the team. The current fifteen and under All-Star team has played together for about ten years; eight steady years for the steady core of seven players on a team, including Jessie Delanoy. Without embarrassing anyone or getting into past experiences, there were four years of five that there were direct confrontations within these tournaments which caused a great deal of concern and caused the Recreation Director to have to make decisions about certain people. When it came time to choose this year, he made sure since the boys are fifteen and under, play high school ball, they play AAU ball, and they play legion. He starts asking ahead of time of the boys that have played before and have been All-Stars before, if they are going to be available during that particular time. The last conversation that he had with Mr. Delanoy was is Jessie going to be available and will he be able to play? Mr. Delanoy said, "The *key* word to that is *play*." They have a difference of opinion of his son's talent. Because of the past problems, and we represent a City, and because of Mr. Delanoy's statement saying that if his son wasn't going to play it was going to be a waste of their time; he has other things to do. "No, I did not put Jessie on the list except as an alternate." There were fourteen kids on there. One cannot come and that left thirteen. He spoke to Chuck Beach and they agreed to let him be on the team as an alternate.

6. RESOLUTION 2005-R-22, HISTORIC PRESERVATION BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-22

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

Commissioner Byrnes moved to ***APPROVE*** *Resolution 2005-R-22, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Byrnes – Yes, Schmitt – Yes, Blais – Yes, Via – Yes, Mayor Arthur – Yes.

7. RESOLUTION 2005-R-23, FLORIDA RETIREMENT SYSTEM (FRS)

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-23

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, TERMINATING PARTICIPATION IN THE FLORIDA MUNICIPAL PENSION TRUST FUND FOR ALL GENERAL EMPLOYEES HIRED ON OR AFTER OCTOBER 1, 2005; PROVIDING PARTICIPANTS IN THE FLORIDA MUNICIPAL PENSION TRUST FUND THE CHOICE TO CONTINUE PARTICIPATING IN SAID PLAN, JOIN THE FLORIDA RETIREMENT SYSTEM WITH NO PAST SERVICE PURCHASED, OR JOIN THE FLORIDA RETIREMENT SYSTEM WITH PAST SERVICE CREDIT FUNDED BY FORFEITING ALL FUNDS IN CURRENT PLAN; REINSTATING MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM FOR ALL GENERAL EMPLOYEES HIRED ON OR AFTER OCTOBER 1, 2005 AND FOR GENERAL EMPLOYEES HIRED BEFORE OCTOBER 1, 2005 IF ELECTED BY SAID EMPLOYEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-23, seconded by Commissioner Blais.*

Mr. Forte stated anybody that is hired between now and October 1, 2005 would go under the existing plan and then when the time comes to switch over, then the contributions made on their behalf would then come back to the City and they would buy back those number of months that are there. The part that they have to understand they have to opt out of their existing municipal retirement trust fund and the City has to give them a minimum of 60 days notice no more than 12 months notice. So even with this Resolution, he is going to ask that Section 7 be changed to read that the Resolution becomes effective July 31, 2005 which would give the City enough time that Scott Simpson is looking into how the Commission would fall under the FRS. If the Commission would be declared employees, this Resolution would be fine. There may be a need to do a separate Resolution for Commissioners to fall under FRS.

Commissioner Byrnes stated he has had some employees ask that if they have time in the existing retirement system, can they start *fresh* in FRS?

Mr. Forte stated, yes.

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Via – Yes, Byrnes – Yes, Mayor Arthur – Yes.

8. RESOLUTION 2005-R-24, FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM (FRDAP)

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-24

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, EXPRESSING THE INTENT TO APPLY FOR GRANT FUNDS TO THE FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM FOR THE DEVELOPMENT OF SUNRISE PARK; AMENDING THE ADOPTED CAPITAL IMPROVEMENTS PROGRAM TO INCLUDE THE PROJECT; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Resolution 2005-R-24, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Byrnes – Yes, Schmitt – Yes, Via – Yes, Blais – Yes, Mayor Arthur – Yes.

9. RESOLUTION 2005-R-25, SUPPORTING THE ADOPTION OF THE VOLUSIA COUNTY MANATEE PLAN

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-25

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ENDORSING THE PROPOSED 2005 FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION'S MANATEE PROTECTION PLAN FOR VOLUSIA COUNTY, INCLUDING MUNICIPAL OPTIONS FOR SLIP AGGREGATION, THE ESTABLISHMENT OF A MANATEE CONSERVATION TRUST FUND, AND OTHER MEASURES DESIGNED TO PROTECT MANATEES, WHILE ALLOWING COMPATIBLE BOAT FACILITY SITING ; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *Resolution 2005-R-25, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Via – Yes, Mayor Arthur – Yes.

10. SECOND READING, RESOLUTION 2005-R-14, AMENDING THE COMMUNITY REDEVELOPMENT PLAN

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-14

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved to ***APPROVE*** *the Second Reading of Resolution 2005-R-14, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Schmitt – Yes, Blais – Yes, Byrnes – Yes, Mayor Arthur – Yes.

11. FIRST READING OF ORDINANCE 2725, AMENDMENT TO THE FUTURE LAND USE MAP – 1452 NOVA ROAD

Mr. Simpson read by short title:

ORDINANCE NO. 2725

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING FIGURE II-6, THE FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY .5 ACRES LOCATED AT 1452 NOVA ROAD WITH TAX PARCEL ID 5237-19-01-0050 FROM "LOW DENSITY SINGLE FAMILY RESIDENTIAL" TO "GENERAL RETAIL COMMERCIAL"; 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** the First Reading of Ordinance 2725, seconded by Commissioner Blais.*

Mr. Buchanan briefly discussed and showed a map of the amendment to the future land use map on the overhead to the Commissioners and Mayor. On the map here there is an existing DOT retention pond that was recently turned over in ownership to the City. This first Ordinance changes the future land use from residential to commercial.

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Via – Yes, Byrnes – Yes, Mayor Arthur – Yes.

12. FIRST READING OF ORDINANCE 2726, AMENDMENT TO THE ZONING MAP – 1452 NOVA ROAD

Mr. Simpson read by short title:

ORDINANCE NO. 2726

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY .5 ACRES LOCATED AT 1452 NOVA ROAD TAX PARCEL ID 5237-19-01-0050 FROM R-2 (LOW-MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT) TO CC-1 (COMMERCIAL CORRIDOR DISTRICT); 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** the First Reading of Ordinance 2726, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Via – Yes, Mayor Arthur – Yes.

13. FIRST READING OF ORDINANCE 2727, VOLUNTARY ANNEXATION – 1211 GOLF AVENUE

Mr. Simpson read by short title:

ORDINANCE NO. 2727

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 Schmitt moved to **APPROVE** the First Reading of Ordinance 2727, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Via – Yes, Byrnes – Yes, Mayor Arthur – Yes.

14. HOLLYLAND PARK RESTROOMS AND CONCESSION STAND

Mr. Hallman stated as they know the original cost came in at $292,659 as part of their ECHO grant. Staff had advertised and sought bids and only received one bid from one particular contractor and staff had talked with him and he wasn't interested. He said there was no way he could lower the price enough to get staff anywhere close to the budget figure which was $111,000. The final contractor that staff negotiated with was Betnr Construction, Inc., who is a resident here in the City and he also has coached on the baseball team and has been active in the Recreation Department and he knows how badly the City needs this and he went out and assisted staff in getting some other people to come in and do it at a rock bottom price so he can put a total price together of $141,000 and this is for the construction for both restrooms, as designed.

*Commissioner Schmitt moved to **APPROVE** the award of the two restroom buildings and concession stand to Betnr Construction Corporation, Inc., for a lump sum price in the amount of $141,000 as proposed in their submittal to the City dated April 29, 2005, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Via – Yes, Byrnes – Yes, Blais – Yes, Mayor Arthur – Yes.

15. VARIANCE REQUEST – 1112 RIVERSIDE DRIVE – KNELLER DEVELOPMENT COMPANY, INC.

Mr. Buchanan stated this is a variance request on an existing building for an encroachment and the setbacks and also for parking. The additions to the building are actually porches and the building itself is an existing building. The property is located along Riverside Drive. The proposed additions do not go beyond the plan of the existing building.

*Commissioner Schmitt moved to **APPROVE** the variance request from Doug Kneller for the property located at 1112 Riverside Drive, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Via – Yes, Mayor Arthur – Yes.

16. VARIANCE REQUEST – 1612 FOLSOM LANE – COUNTY OF VOLUSIA/VICTORIA PRIDEAU

Mr. Buchanan stated this is an existing residential house that was built over 50 years ago. The owner, Mrs. Prideau is a widow in the City with four children and Volusia County would like to build her a new house. The existing house doesn't meet any of the required setbacks. The Board of Planning and Appeals recommends approval.

*Commissioner Schmitt moved to **APPROVE** the variance request from Victoria Prideau for the property located at 1612 Folsom Lane, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Via – Yes, Mayor Arthur – Yes.

17. SUNSET LANE WATER MAIN EXTENSION ENGINEERING SERVICES

Mr. Forte stated this is a water main extension that's going to go down Sunset Lane and it's going to change from a 2 inch to a 6 inch water line that's going to eventually tie into the water line Charleston Place.

*Commissioner Via moved to **APPROVE** Quentin L. Hampton Associates, Inc. to proceed with the Engineering Services for a total amount of $14,260, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Blais – Yes, Schmitt – Yes, Byrnes – Yes, Mayor Arthur – Yes.

18. COMMUNICATIONS

A. City Manager

Mr. Forte stated this Friday is the Walkable Audit over at SICA Hall starting at 8:00 a.m. until 12:00 p.m. The outside of SICA Hall has been completed and they are working on the landscaping now. It's looking good.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Via stated Safety Awareness Day was very enlightening this past Saturday. This Monday on Memorial Day they will have a ceremony at 11:00 a.m. and American Legion Post 120 is going to host it out front of City Hall and everyone is invited to come. Congratulations to the Bethune Cookman Lady Wild Cats Softball team. All-Stars are practicing three days a week and two weeks from now they appear in Winter Springs for the District Tournament which qualifies them for State in Sarasota.

Commissioner Byrnes thanked the Mayor from St. Augustine Beach visiting them tonight. He then stated he applauds Commissioner Via for his steadiness. He enjoyed the pancake breakfast last Saturday with the Police Explorers.

Commissioner Blais stated the news from the men and women overseas is that Florida and Tampa is going to be the largest hospital for Veterans or people in the service for rehabilitation. Twenty-five percent of the wounds accepted at that hospital are gun shot wounds. The other ones, 75% are the victims from explosions. The State might as well get ready to comply with the Americans Disabilities Act (ADA). He enjoyed the pancake breakfast last Saturday.

Commissioner Schmitt stated last Saturday at Holly Forest Estates the Kiwanis Club along with the Police Explorers had a charitable pancake breakfast. They served 258 people and each club netted approximately $820. It was very successful. At this time he asked the Commissioners if they were interested in having another workshop in revisiting the water deposits for the residents of Holly Hill. There was consensus from the rest of the Commissioners to revisit the water deposits at a workshop.

Mayor Arthur stated the Commissioners need to give the City Manager a little more leniency on working with the Fire and Police Pension.

Mr. Forte stated they may be treading on an executive session item. "The point the Mayor is getting at, the Commissioners hired the City Manager to negotiate your contracts, let the City Manager negotiate the contracts."

19. ADJOURNMENT

The meeting officially adjourned at approximately 8:35 p.m.

Attest:	City of Holly Hill, Florida
______________________________	______________________________
Valerie Manning City Clerk	Roland Via Vice-Mayor