M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
May 27, 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, and Lou Schmitt. Commissioner Roland Via arrived at approximately 7:05 p.m.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Assistant to the City Manager Greg Wood, Finance Director Brenda Gubernator, Police Commander Mark Barker, Development Administrator Tim Harbuck, City Planner Bob Keeth, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Wood delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Proclamation for DBCC Lady Falcons Golf Team Championship

Mayor Arthur asked Ms. Clauss to read the proclamation, which he presented to Coach Laura Brown and team members Jessica Trein and Ulrika Ljungman for winning their first NJCAA Women's National Golf Championship on May 22nd.

Certificate of Appreciation for Finance Director Brenda Gubernator

Mayor Arthur presented a Certificate of Appreciation to Ms. Gubernator for earning the certificate of excellence in finance reporting from the Government Finance Officers Association for twenty-five consecutive years.

Mayor Arthur told another point of interest that occurred last week. The man they selected as their citizen of the year this year ("Snake" Andress) profoundly demonstrated why he was their choice when by chance he was at the restaurant that a crying little girl ran into after her bike was stolen. Mr. Andress took it upon himself to buy her a new bike – a very generous gesture to someone in need.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – May 13, 2003
Report of Purchase Orders over $5,000

- **Volusia County (Fuel) $5,855.32**

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

The motion **CARRIED** 5-0 on roll call: Via – yes, Byrnes – yes, Schmitt – yes, Lockeby – 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 Schmitt advised that the Chamber of Commerce is working diligently to get their website updated.

Commissioner Via advised that the second un-abridged version of the Water Entity interlocal agreement is ready. He, Mr. Forte, and Mr. Hallman are reviewing it. They will probably hold a regional meeting on this at Sica Hall. Commissioner Via encouraged them all to attend and listen to everything with a long-term view.

Commissioner Byrnes reminded everyone that the next Volusia League of Cities meeting will be here in Holly Hill – June 26th.

Commissioner Lockeby advised that their VCOG meeting consisted of the budget, which is about the same as last year. Mention was made of their director planning to run for County Council.

Mayor Arthur advised they had a terrific MPO meeting with a lot of discussion about FDOT's exertion of power in municipal areas. No one seemed to be able to pinpoint who in FDOT makes the final decision regarding their plans.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

6. SECOND READING OF ORDINANCE 2658, AMENDING THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE MAP BY CHANGING THE DESIGNATION OF APPROXIMATELY 7.35 ACRES LOCATED ON THE SOUTHWEST CORNER OF 8TH STREET AND HOLLY STREET FROM URBAN MEDIUM DENSITY TO WHOLESALE COMMERCIAL AND INDUSTRIAL

Mr. Simpson read by short title:

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 7.35 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF EIGHTH STREET AND HOLLY STREET FROM URBAN MEDIUM DENSITY (VOLUSIA COUNTY) TO "WHOLESALE COMMERCIAL AND INDUSTRIAL"; 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 Second Reading of Ordinance 2658, seconded by Commissioner Byrnes.*

Mr. Keeth advised that adoption of this ordinance would set forth the plan review process and the thirty day appeal period for the State and the Volusia Growth Management Commission. This may be considered controversial and he will keep the Commission advised. The applicant has changed his zoning request to an IPUD with the covenants and restrictions requested by Jim Morris (attorney for the objectors to this original proposal) incorporated into the development agreement. The Planning and Appeals Board will review this and make their recommendation on June 9th. First reading of the rezoning ordinance will be June 24th and second reading will be July 8th – completing the Severino property rezoning unless there is a hearing by the Growth Management Commission, which will delay this process. If the VGMC turns this down, it is final other than court appeal. They usually do not turn something down though, but they may require alterations to it.

Mayor Arthur asked for any public input. There was none.

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

7. SECOND READING OF ORDINANCE 2661, VACATING PARK STREET RIGHT-OF-WAY

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA VACATING PARK STREET RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Byrnes moved to ***APPROVE*** *Second Reading of Ordinance 2661, seconded by Commissioner Via.*

Commissioner Byrnes inquired as to who would be obtaining this property. It is mostly to Metra but some of it will go to Bob's Space Racers. Whoever is bordering it will get a portion.

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

8. RESOLUTION 2003-R-29, AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THE BYRNE STATE AND LOCAL LAW ENFORCEMENT GRANT

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE ACCEPTANCE OF THE BYRNE STATE AND LOCAL LAW ENFORCEMENT GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-29, seconded by Commissioner Lockeby.*

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

9. RESOLUTION 2003-R-30, APPROVING THE REAPPORTIONMENT OF THE VOTING MEMBERSHIP OF THE VOLUSIA COUNTY METROPOLITAN PLANNING ORGANIZATION

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, SUPPORTING THE REAPPORTIONMENT OF THE VOTING MEMBERSHIP OF THE VOLUSIA COUNTY METROPOLITAN PLANNING ORGANIZATION; AGREEING TO THE REAPPORTIONMENT PLAN BASED ON A WEIGHTED VOTE; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-30, seconded by Commissioner Byrnes.*

Commissioner Byrnes stated that he believes this reapportionment is a travesty to the cities involved because each of them should have some constant percentage of the vote, not a tri-annual percentage of the vote (as many do). Unfortunately, this appears to be the best they can do with current legislation being as it is. The County is entitled to one-third of the total vote and after that population determines the rest with a limit on the total number of voting members.

The motion **CARRIED** 4-1 on roll call: Schmitt - yes, Byrnes – no, Via – yes, Lockeby – yes, Arthur - yes.

10. LAW ENFORCEMENT TRUST FUND EXPENDITURE REQUEST

Mr. Forte explained that there are two items that the police department would like to spend some of these funds on. The first is interceptor consoles for three of the vehicles. The second is for signage for the Police Department entrance. There will be external lighting on this sign. There was some discussion about the planned location and Commissioner Lockeby did not feel the location was visible enough to make it a worthwhile expenditure. A photo of this proposal was passed around.

*Commissioner Via moved to **APPROVE** the expenditure of <u>$2,711.59</u> from the City's Law Enforcement Trust Fund for the purchase of signage for the police department entrance and vehicle consoles, seconded by Commissioner Schmitt.*

The motion **CARRIED** 4-1 on roll call: Via – yes, Schmitt - yes, Byrnes – yes, Lockeby – no, Arthur - yes.

11. FLORIDA EAST COAST RAILROAD CROSSING REHABILITATION AT 8TH STREET

Mr. Forte advised that we were notified earlier this year that FEC planned to rehabilitate three crossings at our expense, in accordance with our contract with them. He had asked them to delay as many as possible to allow for budgeting next year. This one cannot be delayed and the work will commence June 9th. Commissioner Lockeby suggested eliminating this crossing because we have crossings at 6th Street and 10th Street. The other members of the Commission indicated they felt this crossing was too important to consider that. Commissioner Byrnes asked that they inquire as to the charge for lining and surfacing the track ($3,400) because he felt that was more of a train cost than one the City should bear. The response is likely to be that that vehicular crossing necessitates this repair but the City will inquire about it.

*Commissioner Via moved to **APPROVE** the estimated amount of <u>$50,648</u> for rebuilding the crossing of the FEC Railroad at 8th Street, seconded by Commissioner Schmitt.*

The motion **CARRIED** 4-1 on roll call: Via – yes, Schmitt - yes, Byrnes – yes, Lockeby – no, Arthur - yes.

12. STREET RESURFACING

Mr. Forte stated that when they did some add-ons to the street resurfacing project they went over-budget by $7,565.61 and he recommends paying this out of the gas tax revenue fund. This will be the first time they have utilized this fund and it is not allocated for anything else. Commissioner Via inquired further as to the bituminous gutter on Sixth Street. This repair was the cause of the additional cost.

*Commissioner Via moved to **APPROVE** an additional amount of $7,565.61 for a resurfacing project, seconded by Commissioner Byrnes.*

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

13. COMMUNICATIONS

A. City Manager

Mr. Forte advised the Commission that he is attempting to secure Chris Baker's Barber Shop Quartet for the Volusia League of Cities Dinner, which the City is hosting this month. He asked them if they had any other ideas of what they would like to do for this dinner. Mayor Arthur suggested using the Real McCoy as a theme for the party and having slides of things of historic significance. Commissioner Lockeby suggested a boat ride on one of the trolley boats being manufactured in town. They could do this either on the river or down Riverside Drive. Commissioner Via thought the boat was a neat idea but that this dinner is better kept short and sweet. The others agreed that it would be nice to display a trolley boat and have a nice slide show presentation. Commissioner Via stated that he knew the Mayor traditionally spoke at these events but that he would defer any of his own speaking opportunities to Commissioner Byrnes as the vice-president of the Volusia League of Cities – to allow him to rise and shine as our representative.

B. City Attorney

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

C. Mayor and Commissioners

Commissioner Via referred to the Universal Tag issue and the separate feral cat issue, mentioning last Monday's newspaper article on these. He felt the City will need to have additional discussions and follow-through with expressing their desire to ensure the funds for these programs do not mix. He also thanked everyone for coming tonight.

Commissioner Byrnes agreed that there will be more hurdles before the Universal Tag issue is settled. He reiterated his concern about the MPO reapportionment, which was approved tonight without his favorable vote.

Commissioner Lockeby expressed his frustration over the two issues above, expressing a desire for government to get it right the first time. He also thanked everyone for coming tonight.

Commissioner Schmitt indicated he had nothing further to report.

Mayor Arthur expressed the City's sympathy to Ms. Clauss for the loss of her step-father. He then wished everyone a good night.

14. ADJOURNMENT

The meeting officially adjourned at approximately 8:05 p.m.

City of Holly Hill, Florida

____
William D. Arthur
Mayor

Attest:

____
Jeaneen P. Clauss, CMC
City Clerk