

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JUNE 27, 2000**

1. CALL TO ORDER

Mayor William 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, Keith Tarrer and Roland Via.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson, Public Works Director Milt Hallman, Finance Director Brenda Gubernator, Economic Development Coordinator Ira Corliss, Recreation Director Chuck Beach, Code Development Administrator Tim Harbuck, and City Clerk Jeaneen Clauss.

2. INVOCATION

Mr. Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Foundation For The Future Award – Presented by Ron Novwiskie, Vice-President of Government Relations with the Volusia/Flagler Chapter of the Boys and Girls Club

(This item was delayed until after item number seven.)

Mr. Nowwiskie presented the First Annual Foundation For The Future Award to the City Commission. He complimented them on their focus on youth, stating that they now have over sixty needy kids in this program. Holly Hill is the Charter Club in this area (started in 1996), which now has eight Clubs.

5. CONSENT AGENDA

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

Motion **CARRIED** 5-0 on the following roll call: Via – yes, Tarrer – yes, Lockeby – yes, Byrnes – yes, Arthur – yes.

6. AUDIENCE PARTICIPATION

None.

7. **FIRST READING OF ORDINANCE 2581, ESTABLISHING RENTAL OCCUPATIONAL LICENSE REQUIREMENTS**

Attorney Simpson read Ordinance 2581 by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 62, "TAXATION" AT ARTICLE II, "OCCUPATIONAL LICENSE TAX", TO (1) REQUIRE OCCUPATIONAL LICENSES FOR RENTAL DWELLINGS OF 3 UNITS OR LESS, (2) PROVIDE AN EXCEPTION OF RENTAL UNITS AS A CONDITION OF OCCUPATIONAL LICENSE VALIDITY, (3) ESTABLISH THE FEE FOR SAID OCCUPATIONAL LICENSE, AND (4) PROVIDE THAT ENFORCEMENT SHALL BE THROUGH THE CITY'S CODE ENFORCEMENT MECHANISM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTION ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Byrnes expressed a desire for there to be an exception from inclusion in this ordinance when someone is renting a single piece of property, because they are not in the business. There was discussion about this occurring within families or close friends and whose name the water bill might be in (loophole). Mr. Forte referred to the major problem they are having with code enforcement and stated that he did not feel that this type of scenario should exempt someone from complying with the City Code. There was not too much concern about the possible loophole being utilized by landlords who are doing this as a business because it will be too risky for them to have the water in their name, instead of their tenants.

Commissioner Tarrer inquired about the frequency of inspections, if tenant turnover happens more than annually. The inspection will still be conducted annually, as it is not related to tenant turnover.

Commissioner Tarrer expressed concern about the "inspector only" clause, which prohibits anyone from accompanying the Code Inspector in the performance of his duties. Mr. Forte explained that this is to prevent opening the door to Illegal Search and Seizure complaints. This clause further states that if the resident desires someone else be present, the resident can make those arrangements. Commissioner Tarrer requested a copy of the checklist that the Inspector will be using. This will be provided.

Commissioner Via inquired about the occupational license fee. Mr. Forte and Attorney Simpson stated that they set rates by Resolution and they would do that after this is adopted – probably in October. The proposed amount is fifty dollars per year, as they discussed in their workshop.

*Commissioner Tarrer moved **APPROVAL** of the First Reading of Ordinance 2581, seconded by Commissioner Lockeby.*

Commissioner Lockeby encouraged information on upcoming inspections to be given to property owners, so they can fix things on their own before we cite them. This will be done and the "one neighborhood at a time" method will assist in providing notification.

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Mayor Arthur and Commissioner Via explained that this was being done because most of their code enforcement complaints are about the rental properties.

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

8. RESOLUTION 2000-R-37, REGARDING DOGS IN CITY PARKS

Attorney Simpson read Resolution 2000-R-37 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, GRANTING AN ADDITIONAL EXEMPTION FROM THE PROVISIONS OF SECTION 10-45 OF THE CITY CODE, WHICH PROHIBITS ANIMALS ON MUNICIPALLY OWNED PROPERTY, WHEN CERTAIN CONDITIONS ARE MET; ESTABLISHING A TRIAL PERIOD TIMETABLE FOR SAID EXEMPTION; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved **APPROVAL** of Resolution 2000-R-37, seconded by Commissioner Lockeby.*

Mr. Forte gave the results of the research that he and the City Clerk had done on the history of this prohibition in the City. There were no specifics recorded as to why this came about. Mr. Forte stated that he had checked with other cities in the area and all except Edgewater and New Smyrna Beach allow dogs in their parks, subject to the same conditions of this proposed resolution. Mr. Forte added that had checked on the status of the Dog Park they are building jointly with the County and Ormond Beach; this will be completed in about twelve to fourteen months.

Commissioner Via stated that having the only parks in the area that don't allow dogs is unique in a positive sense because there are people who count on this for various reasons. He expressed concern over the enforcement of the "defecation law", referring to the expense yet necessity of its enforcement. He mentioned the problem of urination, referring to park events when people have their blankets on the grass. He also stated that circumstances can arise that would make a dog, which is normally well-behaved, bite someone; he felt the City could be sued as a result of this. Commissioner Via noted that we are in the process of constructing a dog park at a cost of fifteen to twenty thousand dollars, so that people will have a great place to take their dogs – indicating that we don't need to allow them the use of our other parks.

The Commission agreed that Hollyland Park should be exempt from this resolution, as they did not want dogs in the ball-field park.

Commissioner Tarrer stated that he lives in a community of retirees that enjoy taking walks along the river with their pets and they have to go to Ormond to do this.

There was discussion on the six-month trial basis that was proposed in this resolution and Commissioner Via stated that he didn't support them making decisions on a trial basis.

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*Commissioner Byrnes moved to **AMEND** his motion by deleting section 2, regarding a six-month trial basis, from Resolution 2000-R-37, seconded by Commissioner Tarrer.*

Commissioner Byrnes stated that the Trial Basis clause was added only to show Commissioner Via that it would work.

Mayor Arthur referred to how smoothly this works in San Francisco where the City doesn't even have to furnish bags because people are accustomed to taking their plastic bags there for recycling.

Commissioner Tarrer thanked City resident Toni Anderson for her well-timed e-mail encouraging the Commission to change its policy regarding dogs in parks.

The motion on the amendment to Resolution 2000-R-37 **CARRIED** 5-0 on roll call: Byrnes – yes, Tarrer – yes, Via – yes, Lockeby – yes, Arthur – yes.

The motion on Resolution 2000-R-37 as amended **CARRIED** 4-1 on roll call: Tarrer – yes, Lockeby – yes, Via – no, Byrnes – yes, Arthur – yes.

9. FLAMINGO DRIVE DRAINAGE IMPROVEMENTS

Mr. Forte stated that this is a contract to award the bid to Thad Construction for the retention project on Flamingo Drive. The project came to \$212,345. This was the low bid of four. We will receive forty thousand dollars from a St. John's Water Management District Grant. The remaining money coming out of the stormwater retention fund, as budgeted. The project won't start until the permits have been pulled. There was discussion as to the price variation and Mr. Hallman explained that was due to sales on particular materials and such.

The Commission unanimously opposed the fence around this pond because it is so aesthetically displeasing. There was discussion about the liability standpoint, which Attorney Simpson advised them that the retention pond would probably be considered an attractive nuisance for which they would be sued upon incident no matter what they do. He recommended they contact the City's insurance company to check their requirements. Mr. Hallman advised that it is not a requirement of St Johns but it is a requirement when FDOT is involved (they are not this time) unless the slope is very gradual. Due to the limited space for this pond, the slope must be very steep. The water level will be between six and ten feet deep most of the time.

*Commissioner Via moved **APPROVAL** of awarding bid to Thad Construction for the low base bid of \$212,345, seconded by Commissioner Tarrer.*

There was discussion about the inclusion of a cell phone in the proposals. Mr. Hallman explained the necessity of a cell phone for the on-site inspector and that our engineer had included this in the bid specifications. The Commission indicated that they viewed this more as an office expense, which should not be reflected as an additional specification. The cost would likely be the same though, as the expense would be shifted somewhere else within the proposal. The amount was in-line with what a cell phone for about nine months should cost.

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Mr. Forte stated that they would check with their liability carrier to determine if the fence is needed. They can keep it in the contract for now and delete it later, if they desire to do so.

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

10. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte stated that he would be on vacation the week of July 3rd, but that he would have his cell phone and pager if he were needed. Also, he will be taking a couple of long weekends in the near future – to use up some time.

11. CITY ATTORNEY

Attorney Simpson indicated that he had nothing further to report.

12. COMMUNICATIONS FROM MAYOR & COMMISSION

Mayor Arthur introduced Diane LaPorta, candidate for the School Board, who regularly attends their City meetings.

Commissioner Tarrer advised everyone that Friday, August 18th at 5:00 p.m. they would be having a Fire & Police Appreciation Day. He encouraged everyone to attend. Commissioner Tarrer also thanked Commissioner Byrnes for representing the City so well at the funeral of John Carter, News Journal correspondent.

Commissioner Via thanked Mr. Beach and Mr. Delanoy (field coach) for their work with the All Stars, who took fourth place. He thanked Mayor Arthur for his letter of support to the team members. Commissioner Via expressed his condolences to the families of John Carter and Ed Dunn, stating that a lot of good people have passed on very close together. He welcomed News Journal correspondent John Bozzo. Commissioner Via stated that he was sad to see their parks go to the dogs, but thanked the Commission for leaving Hollyland Park out.

Commissioner Byrnes reiterated how pleased he was to see the Flamingo Drive drainage improvements beginning, as they have been working on this for a long time. Commissioner Byrnes referred to John Carter's funeral on Saturday. He stated that he thought very highly of Mr. Carter for his work with the City but he learned what an overall leader and example he was within the community. He then welcomed Mr. Bozzo.

Commissioner Lockeby wished everyone a Happy 4th of July!

Mayor Arthur thanked Toni Anderson for being a concerned citizen and sending the letter regarding dogs in parks. He also welcomed Mr. Bozzo.

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13. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 7:50 p.m.

City of Holly Hill

William D. Arthur, Mayor

Attest:

Jeaneen P. Clauss, City Clerk