M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JULY 10, 2001

1. CALL TO ORDER

A. Roll Call

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, City Attorney Edward Simpson, Finance Director Brenda Gubernator, Public Works Director Milt Hallman, Assistant to the City Manager Greg Wood, Human Resources Director Diane England, Information Technology Manager Scott Gutauckis, and City Clerk Jeaneen Clauss.

B. Invocation

Milt Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Palette and Brush Club Presentation

Pat Workman of the Palette and Brush Club stated that they would like to make a donation to the City for allowing them to display their work here at City Hall. Shirley Myers, presented her painting of City Hall, which the Commission had voted "Best of Show" in a recent contest. The Commission thanked them for this special donation.

3. CONSENT AGENDA

A. Minutes of Regular Commission Meeting – June 26, 2001

B. Minutes of Commission Workshop – June 26, 2001

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

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

4. AUDIENCE PARTICIPATION

Regarding items not on the agenda.

5. RESOLUTION 2001-R-37, EXCUSING THE MEDICALLY RELATED ABSENCES OF THE MAYOR FROM CITY COMMISSION MEETINGS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA EXCUSING THE MEDICALLY RELATED ABSENCES OF THE MAYOR FROM CITY COMMISSION MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Resolution 2001-R-37, seconded by Commissioner Lockeby.*

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

6. RESOLUTION 2001-R-38, RE-APPOINTING MEMBERS TO THE COMMUNITY REDEVELOPMENT ADVISORY BOARD

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA RE-APPOINTING TWO REGULAR MEMBERS AND ONE ALTERNATE TO THE COMMUNITY REDEVELOPMENT ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE. (Big John – 2004, Albert Marzilli – 2004, and Jeffrey Delanoy – 2002)

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-33, seconded by Commissioner Lockeby.*

Mr. Delanoy was present for his appointment. Compliments were extended to Big John for his longevity with this Board.

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

7. PUBLIC HEARING, RESOLUTION 2001-R-39, ADOPTING PROPOSED STORMWATER FACILITY PLAN

Mayor Arthur opened the Public Hearing on the Proposed Stormwater Facility Plan. Quentin Hampton Engineering Firm Representatives, Rick Fernandez and Andrew Giannini, gave a presentation on the Plan – dated June 2001. This plan outlines nine priority areas for stormwater improvements. Mr. Hallman responded to inquiries regarding the drainage flow in a few areas. Mayor Arthur solicited participation from the Public, but none elected to do so. Mayor Arthur closed the Public Hearing.

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING THE 2001 STORMWATER FACILITY PLAN AS THE MASTER STORMWATER

UTILITY REPORT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Tarrer moved to ***APPROVE*** *Resolution 2001-R-39, seconded by Commissioner Via.*

The Commission expressed pride over the City being at the point where they could tackle problems of this magnitude.

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

8. PROPERTY ACQUISITION FOR STORMWATER FACILITY PLAN

A. RESOLUTION 2001-R-40, LAND PURCHASE CONTRACT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE ACQUISITION OF PROPERTY FOR STORMWATER SYSTEM IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Tarrer moved to ***APPROVE*** *Resolution 2001-R-40, seconded by Commissioner Via.*

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

B. RESOLUTION 2001-R-41, LAND PURCHASE CONTRACT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE ACQUISITION OF PROPERTY FOR STORMWATER SYSTEM IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Tarrer moved to ***APPROVE*** *Resolution 2001-R-41, seconded by Commissioner Byrnes.*

Commissioner Byrnes inquired about the testing that needs to be done for this property. The contract includes a provision for this. The State has now determined that the Facility Plan review must be done prior to closing on the property. This will require a later closing date in order to retain their eligibility for the loan. In an attempt to make this slight inconvenience up to the City, the State is prepared to place the whole project on the fundable portion of their priority list at their August 22nd meeting. This would give them a commitment for construction money six months earlier than anticipated. It also negates the need to go through a bank loan process.

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

9. SECOND READING OF ORDINANCE 2612, CREATING AN INTERLOCAL CANINE RECREATION CLUB

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ESTABLISHING AN INTERLOCAL CANINE RECREATION CLUB; PROVIDING FOR MEMBERS, TERMS, AND RESPONSIBILITIES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** the Second Reading of Ordinance 2612, seconded by Commissioner Lockeby.*

Mr. Forte advised that they are currently working on an interlocal agreement between Holly Hill, Daytona Beach, Ormond Beach, and Volusia County for the construction of this park. An on-going maintenance agreement is being put together for Holly Hill and Volusia County to share in this cost. Construction should start by August 1st.

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

10. RESOLUTION 2001-R-42, AMENDING THE DEFINITION OF AN EQUIVALENT RESIDENTIAL UNIT AND INCREASING THE STORMWATER UTILITY FEE

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, INCREASING THE STORMWATER UTILITY FEE TO $3.00 PER EQUIVALENT RESIDENTIAL UNIT; ESTABLISHING THE EQUIVALENT RESIDENTIAL UNIT FOR NON-RESIDENTIAL AND MULTI-FAMILY PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-42, seconded by Commissioner Via.*

It was noted for the Public that they did the best they could to keep the rates as low as possible for as long as possible, while still getting the funding necessary to accomplish this essential project. Reference was made to the expense that newer businesses undertake in order to handle their own stormwater run-off and Mayor Arthur hoped that they could adjust their calculations to allow for some sort of credit to be given to them at some point.

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

11. RESOLUTION 2001-R-43, AUTHORIZING A LOCAL COMMUNICATION SERVICES TAX RATE INCREASE ABOVE THE STATE PROJECTED ALLOCATION

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA RELATING TO INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR INCREASED LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Mr. Forte and Ms. Gubernator explained that the State recently passed the "Communications Services Tax Simplification Law" which combines seven different state and local taxes or fees and replaces these revenues with a two tiered tax composed of a State tax and a Local Option tax on communications services. The State provided us with conversion rates based on estimated numbers from 1999 that could potentially be low and severely impact the City Budget. The 2000 numbers tripled over those of 1999. Due to this, staff recommends that we increase our rate to the maximum allowed, which is 5.4% during the conversion year (01/02) and 5.1% thereafter. They still believe this will fall below otherwise anticipated revenues. The Commission expressed concern about this being a tax to the citizens but it was explained that this is the percentage share we claim of taxes collected by the State – not a tax to be placed on the individual's bill.

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-43, seconded by Commissioner Lockeby.*

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

12. RESOLUTION 2001-R-44, AUTHORIZING THE COLLECTION OF LOCAL COMMUNICATION SERVICE TAX IN LIEU OF PERMIT FEES FROM COMMUNICATION SERVICE PROVIDERS

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RELATING TO REQUIRING AND COLLECTING PERMIT FEES FROM**

PROVIDERS OF COMMUNICATIONS SERVICES AND INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Forte explained that this would allow them to increase the total rate for the Local Communications Services Tax by 0.12%, in lieu of charging a permit fee. Due to existing franchise agreements, they are currently unable to collect permit fees from most of the communications providers. This additional percentage will help recoup some of the anticipated loss due to the likely underestimated State revenue share. The Commission expressed concern about companies being able to proceed with installation of their lines, etc… without the City being advised, if they did away with collecting permit fees. Ms. Gubernator assured the Commission that this resolution only eliminated the requirement for them to pay a fee – they would still have to get a permit.

Commissioner Tarrer moved to ***APPROVE*** *Resolution 2001-R-44, seconded by Commissioner Byrnes.*

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

13. RESOLUTION 2001-R-45, ADDING NEWLY CREATED POSITIONS TO THE CIVIL SERVICE SYSTEM

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA DETERMINING THE CIVIL SERVICE SYSTEM PLACEMENT OF NEWLY CREATED OFFICES AND POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte explained that this resolution follows the workshop on the Civil Service Board recommendation that all non-bargaining employees be covered under the Civil Service Act. The positions to be added would be Emergency Services Director, Human Resources Director, and Assistant to the City Manager. The Emergency Services Director position was not an issue of discussion because both the Police and Fire Chief positions had been under Civil Service. Concern was aired over the Human Resource Director position because it is part of the Civil Service Board appeal process. Mr. Forte explained that this position is no different than that of any other department head because any of them would have to go straight to the Civil Service Board. Most other cities, however, do not include their department heads under Civil Service but if they do it is all of them, not selectively. Discussion also transpired regarding the Assistant to the City Manager position. This position was originally created simply as an executive assistant and therefore would be subject to change with any change in the executive position. The position was expanded to incorporate the duties of Economic Development Director and Code Enforcement Director, which are more stable positions. There is currently no regular position for Assistant City Manager, but if there were it would not be covered under the Civil Service Act.

*Commissioner Byrnes moved to **APPROVE** Resolution 2001-R-45, seconded by Commissioner Lockeby.*

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

14. RESOLUTION 2001-R-46, AMENDING THE PERSONNEL RULES AND REGULATIONS

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING AMENDMENTS TO THE CITY OF HOLLY HILL PERSONNEL RULES AND REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.**

There was discussion as to whether sneakers should be prohibited and Mr. Forte explained that the supervisors had latitude to allow them when appropriate but that they were most often not appropriate and actually could be dangerous to the wearer in some work fields.

*Commissioner Via moved to **APPROVE** Resolution 2001-R-46, seconded by Commissioner Lockeby.*

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

15. RESOLUTION 2001-R-47, AUTHORIZING AN EVENT SPECIFIC MUTUAL AID AGREEMENT WITH THE DAYTONA BEACH POLICE DEPARTMENT AND THE VOLUSIA COUNTY SHERIFF'S OFFICE

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE EXECUTION OF AN EVENT SPECIFIC MUTUAL AID AGREEMENT WITH THE DAYTONA BEACH POLICE DEPARTMENT AND THE VOLUSIA COUNTY SHERIFF'S OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte explained that this is an agreement to allow our police officers to perform details with Volusia County and Daytona Beach during special events. This does not effect any of our other mutual aid, first response, or interlocal agreements.

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-47, seconded by Commissioner Via.*

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

16. SURPLUS TELECOMMUNICATION EQUIPMENT

Mr. Forte advised that, now that they have converted to a unified phone system, they have three old systems that they would like to get rid of. He added that the Chamber of Commerce has lost its system (due to a lightning strike last week) and he recommended they donate one of these systems to them. Mr. Gutauckis advised that he had located several companies on the internet that bid on these types of items and he felt this would be the best way to sell them. The Commission suggested that they also contact neighboring small local governments as well to see if one needed a new system.

*Commissioner Byrnes moved to **APPROVE** the surplus of phone equipment and to request bids for the purpose of sale for two of the three sets and donating one set to the Chamber of Commerce, seconded by Commissioner Lockeby.*

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

17. COMMUNICATIONS

A. City Manager

1. Parade Committee

Mr. Forte stated that they have had their first parade committee meeting. Some of the suggestions for improvements are 1) consider shortening the route – begin at 5th Street, instead of 2nd Street, 2) keep the parade flowing, longer demonstrations can go up around McArthur Circle, 3) everyone throws candy. The Commission would like to have a workshop on this item.

2. Designate December 24, 2001 as Annual Floating Holiday

Mr. Forte stated that they generally designate the Floating Holiday about this time of year and usually correlate it to the Christmas Holiday. December 24th (Christmas Eve) falls on a Monday this year.

*Commissioner Tarrer moved to **APPROVE** designating December 24, 2001 as Annual Floating Holiday, seconded by Commissioner Via.*

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

3. Update on Florida League of Cities Conference and the Rail-Volution Conference

Mr. Forte asked that anyone who'd like to attend these conferences get with Ms. Clauss to finalize their trip arrangements.

B. City Attorney

Mr. Simpson stated that he would be out of town the date of their next Regular Commission Meeting and asked if the Commission felt they needed a substitute attorney present or if his availability by phone would be sufficient. They indicated that availability by phone should be sufficient.

C. Mayor and Commissioners

Commissioner Byrnes stated that he was very pleased with the City's budget and tax reduction. He expressed his appreciation for everyone's hard work for the Centennial Celebration. It was a great event. He took a number of photos and he will make them available on line soon.

Commissioner Lockeby indicated that he had nothing further to report.

Commissioner Tarrer stated that he is glad the Mayor is back. He referred to the Budget Workshop the night before and how well it went.

Commissioner Via agreed that it is good to see the Mayor here again. He referred to a statement that Mayor Arthur had said concerning the Centennial Celebration, "we put everything into motion – if the public didn't come out, it's not our fault." Commissioner Via noted that this is the first meeting of the second 100 years. He was pleased with the small stormwater increase that will fund incredible improvements and that they were going to lower taxes the same year.

Mayor Arthur stated that it's good to be back. He thanked everyone for their support and concern after his surgery. He stated that he is proud of the City Employees and the Cit Commission. They put on a First Class Centennial Celebration with the best fireworks display. He offered condolences to Commissioner Via in the loss of his sister.

18. ADJOURNMENT TO BUDGET WORKSHOP

The meeting officially adjourned at approximately 9:07 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk