M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JULY 13, 2004

1. CALL TO ORDER
A. Roll Call

Vice-Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Vice-Mayor Via were Commissioners Arthur Byrnes, Gilles Blais, and Lou Schmitt. Mayor Arthur was absent for vacation.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Building Official Tim Harbuck, Public Works Director Milt Hallman, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, Community Redevelopment Area Coordinator Marsha Radulovich, Interim Assistant to the City Manager Caryn Miller, and City Clerk Jeaneen Clauss.

B. Invocation

Ms. Clauss delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Presentation of Appreciation Plaque to the Holly Hill Building and Grounds Division for a great job of refurbishing Sica Hall

Vice-Mayor Via presented this appreciation plaque to Public Works Director Milt Hallman and Building and Grounds Supervisor Susan Rainey.

3. CONSENT AGENDA
Minutes:

Regular Commission Meeting – June 22, 2004

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

The motion **CARRIED** 4-0 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – yes, Via – 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 mentioned that the Chamber of Commerce meeting is tomorrow at noon and the next Chamber After Hours is this Thursday, July 15th at Cottage Row Plaza.

Commissioner Byrnes indicated that there was no update from the Volusia League of Cities.

Commissioner Blais referred to the July 4th traffic gridlock in Daytona Beach and stated that he will bring this up at their next Collegiate Events Task Force meeting on the July 20th.

Vice-Mayor Via indicated there was no update from the Water Authority of Volusia.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Ray Webb, 1539 Garden Avenue, asked the Commission to reconsider the off-site signage variance. He stated that he was not completely aware of it's consideration at their last meeting. He compared his request to plaza signs and stated that there are twenty-five individually owned businesses that want to go in together on this. Commissioner Byrnes confirmed with Mr. Simpson whether they could reconsider this item. Mr. Simpson advised that they could because it is not a zoning request. Commissioner Byrnes then asked that it be placed on the next workshop.

Vice-Mayor Via recognized candidate for County Council District 4, Elliot Gross.

6. RESOLUTION 2004-R-29, HISTORIC PRESERVATION BOARD APPOINTMENT

Mr. Simpson read by short title:

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

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-29 appointing Dennis Bates, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Schmitt– yes, Blais – yes, Byrnes – yes, Via – yes.

7. VARIANCE REQUEST FOR A TEN FOOT RELIEF FROM LOT SIZE REQUIREMENTS TO CONSTRUCT A SINGLE FAMILY RESIDENCE

*Commissioner Schmitt moved to **APPROVE** granting the variance request for a ten foot relief from lot size requirements, seconded by Commissioner Blais.*

Mr. Forte explained that the applicant is seeking a variance to build a single family residence on a 50 foot lot in lieu of the required 60 feet. A variance request by the same applicant on this same property was approved by the City Commission on February 26, 2002. However, due to a time lapse exceeding 18 months, the original approval has expired. The Board of Planning and Appeals recommended approval of this. There was no opposition from the public.

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Blais – yes, Byrnes – yes, Via – yes.

8. SECOND READING OF ORDINANCE 2681, VACATING THE GRANADA STREET RIGHT-OF-WAY

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA VACATING THAT PORTION OF GRANADA STREET RIGHT-OF-WAY AS MORE SPECIFICALLY DESCRIBED BELOW; RETAINING A DRAINAGE AND PUBLIC UTILITY EASEMENT ON SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** the Second Reading of Ordinance 2681, seconded by Commissioner Byrnes.*

Commissioner Byrnes clarified that the property owners are now willing to accept the responsibility for maintaining this area. Vice-Mayor Via clarified that there will not be any public ingress or egress off Granada.

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes.

9. SECOND READING OF ORDINANCE 2692, AMENDING THE COMP PLAN AND FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED ON THE EAST SIDE OF GRAHAM AVENUE APPROXIMATELY 630 FEET NORTH OF WALKER STREET FROM "LOW-MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL" 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 0.81 ACRES, LOCATED ON THE EAST SIDE OF GRAHAM AVENUE APPROXIMATELY 630 FEET NORTH OF WALKER STREET, FROM "LOW-MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL" 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 Byrnes moved to ***APPROVE*** *the Second Reading of Ordinance 2692, seconded by Commissioner Schmitt.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Schmitt – yes, Blais – yes, Via – yes.

10. SECOND READING OF ORDINANCE 2694, AMENDING THE COMP PLAN AND FUTURE LAND USE DESIGNATION OF APPROXIMATELY 3.5 ACRES LOCATED ON THE SOUTHWEST CORNER OF RIDGEWOOD AVENUE AND CALLE GRANDE FROM "COMMERCIAL" (VOLUSIA COUNTY) TO "GENERAL RETAIL COMMERICIAL" (CITY)

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 3.5 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF RIDGEWOOD AVENUE (U.S. 1/S.R. 5) AND CALLE GRANDE FROM "COMMERCIAL" (VOLUSIA COUNTY) TO "GENERAL RETAIL COMMERCIAL" (HOLLY HILL); 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 2694, seconded by Commissioner Byrnes.*

Dennis Bryn, President of the applicant - Sunshine Bank, was in attendance.

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes.

11. SECOND READING OF ORDINANCE 2696, PROHIBITING THE PUBLIC POSSESSION AND / OR CONSUMPTION OF ALCOHOL IN ALL PUBLIC PARKS

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 6-2(a) (PUBLIC CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES.) OF THE HOLLY HILL CODE OF ORDINANCES TO PROVIDE THAT THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN ALL PUBLIC PARKS IS PROHIBITED; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte asked that the Commission table this as Staff gathers more information from state statutes, which may lead to modifications of this ordinance.

*Commissioner Byrnes moved to **TABLE** the Second Reading of Ordinance 2696, seconded by Commissioner Schmitt.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Schmitt – yes, Blais – yes, Via – yes.

12. FIRST READING OF ORDINANCE 2697, OPTING OUT OF NEW STATE PROVISIONS RELATED TO EARLY VOTING

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA EXEMPTING ITSELF FROM THE PROVISIONS OF SECTION 101.657, F.S. SPECIFICALLY RELATED TO EARLY VOTING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** the First Reading of Ordinance 2697, seconded by Commissioner Blais.*

Ms. Clauss advised that new State regulations have been implemented which place additional requirements for providing an Early Voting location. These include: 1) min 6-day operation, 2) rental of in-office voting equipment ($1,500), 3) security procedures approved by the State Department of Elections, and 4) sufficient and trained staff to issue ballots the entire eight hours of each of the six days that we would have to be open. The City of Holly Hill is the only city in East Volusia County to have continued to make this service available to citizens for the past five years (even though we only issue between five and twenty-five ballots for any given election). However, these new requirements have effectively eliminated our ability to do this and Staff must now recommend opting-out of this new regulation and allowing the County to perform this service.

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Blais – yes, Byrnes – yes, Via – yes.

13. FIRST READING OF ORDINANCE 2698, INCREASING THE COMMISSION EXPENSE ALLOWANCE / HONORARIUM

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 2(ADMINISTRATION), SECTION 2-30 (EXPENSE ALLOWANCE AND HONORARIUM) INCREASING THE EXPENSE ALLOWED AND HONORARIUM FOR THE MAYOR FROM $12,000 TO $15,000 AND FOR CITY COMMISSIONERS FROM $8,000 TO $10,000; PROVIDING FOR**

CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **TABLE** the First Reading of Ordinance 2698 until Mayor Arthur can be present, seconded by Commissioner Schmitt.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Schmitt – yes, Blais – yes, Via – yes.

14. RESOLUTION 2004-R-30, ADOPTING A CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY PLAN

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING AN EQUAL EMPLOYMENT OPPORTUNITY PROGRAM PLAN TO INSURE FULL AND EQUAL PARTICIPATION OF MEN AND WOMEN REGARDLESS OF RACE OR NATIONAL ORIGIN IN THE CITY OF HOLLY HILL WORKFORCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-30, seconded by Commissioner Byrnes.*

Commissioner Byrnes clarified that we have long been an equal employment opportunity employer.

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes.

15. RESOLUTION 2004-R-31, AUTHORIZING AN INTERLOCAL AGREEMENT WITH FOR FIRE TRAINING WITH THE CITY OF PALM COAST

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF PALM COAST FOR THE EXCHANGE OF CITY FIRE DEPARTMENT EQUIPMENT FOR FIREFIGHTER TRAINING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Resolution 2004-R-25, seconded by Commissioner Schmitt.*

Mr. Forte explained that this is equipment they had planned to donate to any agency that had a use for it, since we do not. Palm Coast has offered to provide training services in exchange for it though, so that is an added bonus.

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Schmitt – yes, Blais – yes, Via – yes.

16. RESOLUTION 2004-R-32, AUTHORIZING AN EXTENSION TO THE CITY'S CURRENT AUDITOR AGREEMENT

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A TWO-YEAR EXTENSION TO THE CONTRACT WITH BRENT MILLIKAN AND COMPANY, PA FOR PROFESSIONAL AUDITING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-32, seconded by Commissioner Blais.*

Mr. Forte explained that he would like to extend the contract with the City's current audit firm to get a couple year's into the GASB conversion. Mention was made that the amount they are paying is still less than what they paid their previous auditors for many years.

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Blais – yes, Byrnes – yes, Via – yes.

17. GYMNASIUM AIR CONDITIONING BID

*Commissioner Blais moved to **APPROVE** authorizing award of municipal gym air conditioning bid to A.C. Goodier, Inc. for a complete contract amount of <u>$54,886</u>, seconded by Commissioner Byrnes.*

Vice-Mayor Via confirmed that they were upgrading from 10 seer to 12 seer and removing the heat pump strips.

The motion **CARRIED** 4-0 on roll call: Blais – yes, Byrnes – yes, Schmitt – yes, Via – yes.

18. REPLACEMENT OF LIME SLAKER / FEEDER FOR WATER TREATMENT PLANT

*Commissioner Byrnes moved to **APPROVE** authorizing the purchase of a Chemco 500 pound per hour Lime Slaker from Moss Kelly with Nema 4 Control Cabinet, Exhaust fan, and Loss of Weight feed system at a total cost of <u>$50,000</u> ($40,000 for rebuilding the slaker and $10,000 for the irrigation main for the Water Treatment Plant.), seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Blais – yes, Schmitt – yes, Via – yes.

19. CITY APPLICATION FOR ST. JOHNS WATER MANAGEMENT DISTRICT CONSUMPTIVE USE PERMIT

*Commissioner Schmitt moved to **APPROVE** authorizing Quentin L. Hampton Associates, Inc. to assist the City with the CUP application with the St. Johns River Water Management District for a fee of $17,500, seconded by Commissioner Blais.*

Commissioner Byrnes expressed his frustration over one government agency putting another in the position of having to hire an engineer to complete their application forms. Commissioner Schmitt asked if the new in-house engineer they plan to hire will be able to do this type of work. Mr. Hallman responded that he will be able to do many items of this nature. Questions were raised as to whether they required engineering assistance to complete forms the last time their CUP was renewed – answers not readily available.

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Blais – yes, Byrnes – yes, Via – yes.

20. LAW ENFORCEMENT TRUST FUND EXPENDITURE REQUEST

*Commissioner Schmitt moved to **APPROVE** authorizing the expenditure of $2,953 from the Law Enforcement Trust Fund for a second M-26 Taser ($588) that will be kept in the corporal/assistant shift commander's vehicle, upgrade to the facility alarm system ($550) and telephone and data system changes ($1,815), seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Blais – yes, Byrnes – yes, Via – yes.

21. RESOLUTION 2003-R-33, ECHO GRAND FUNDING FOR HOLLYLAND PARK

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE THE ECHO GRANTS-IN-AID AGREEMENTS AND RESTRICTIVE COVENANTS PERTAINING TO HOLLYLAND PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** Resolution 2004-R-33, seconded by Commissioner Blais.*

As second on the list for this funding, Mr. Forte explained that the City sent a letter to the Echo Advisory Board to express interest in the funds recently denied by the City of Daytona Beach. The Echo Board has approved the re-allocation of funds and now this must be approved by the County Council. This resolution is required as part of the Council's consideration. Vice-Mayor Via suggested the Commission lobby the County Council to approve their request. If granted, this will provide $118,736 in budget assistance.

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Blais – yes, Schmitt – yes, Via – yes.

22. COMMUNICATIONS

A. City Manager

1.) Mr. Forte asked that the Commission approve December 27th, 2004 as the annual floating holiday.

Commissioner Schmitt moved to ***APPROVE*** *December 27th, 2004 as the annual floating holiday, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes.

2.) Mr. Forte asked the Commission to set the first hearing for the millage rate and budget adoption for Monday, September 13th and to move the regular meeting scheduled for September 14th to that date also.

Commissioner Schmitt moved to ***APPROVE*** *setting the first hearing for the millage rate and budget adoption for Monday, September 13th and to move the regular meeting scheduled for September 14th to that date also, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Schmitt – yes, Byrnes – yes, Blais – yes, Via – yes.

3.) Mr. Forte presented the attorney's written response to their question regarding the US1 challenge to FDOT. Mr. Simpson said you can aggravate them but you will not likely win and he recommended they not spend any more money on attorney fees to pursue this. Mr. Simpson said that their best stand would be if they had a professional traffic engineer to give testimony as to why this is detrimental. However, it is a little late in the game to try to go that route. Commissioner Byrnes requested that Mr. Forte send a letter to the Secretary of Transportation stating that we have tried to resolve this at lower levels and yet this continues to be imposed on our downtown area – include copies of all of the letters and resolutions that the City has done over the past couple years opposing this.

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Byrnes told Vice-Mayor Via that he did a good job running the meeting. He also thanked everyone for coming and hoped they were all having a good summer.

Commissioner Blais commented on the stained tiles in the Commission Chambers and hoped for a better a/c design in the gym.

Commissioner Schmitt advised that he attended a dinner at Ormond Beach Mayor Fred Costello's Saturday night and participated in some interesting discussion regarding religions co-existing – great food.

Vice-Mayor Via thanked everyone for coming tonight.

23. ADJOURNMENT

The meeting officially adjourned at approximately 8:15 p.m.

Attest:	City of Holly Hill, Florida
______________________________	______________________________
Jeaneen P. Clauss, CMC City Clerk	William D. Arthur Mayor