M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JULY 22, 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, Lou Schmitt and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Building Official Tim Harbuck, Police Commander Mark Barker, Finance Director Brenda Gubernator, City Planner Bob Keeth, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA
Minutes of Commission Workshop – July 8, 2003
Minutes of Regular Commission Meeting – July 8, 2003

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

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Byrnes – 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 referred to the ribbon cutting ceremony the Chamber of Commerce had for Mobility Products, stating how pleased they were to have such a successful company locate here and bring over one hundred jobs to the area.

Commissioner Via stated that they voted "no" on joining the Water Authority, as did Pierson, Lake Helen, Deltona, and Oak Hill). Deltona has since changed their mind. No other "no votes" are anticipated. St. John's Water Management District gave a recent report, which brought some new and thought-provoking information to the table. The Water Entity will hold its first organizational meeting on August 27th.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

6. RESOLUTION 2003-R-41, ESTABLISHING A PROPOSED MILLAGE RATE FOR FISCAL YEAR 03/04

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A PROPOSED MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 2003; PROVIDING FOR A PUBLIC HEARING ON MILLAGE RATE; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**
>
> **Section 1.** That the millage rate proposed by the City Commission of the City of Holly Hill, Florida, for the tax year beginning October 1, 2003 is 4.08002 ($4.08002 per $1,000.00); said proposed millage rate is 0% above the rolled back rate, which shall be the proposed percentage change in property taxes.

Commissioner Via moved to ***APPROVE*** *Resolution 2003-R-41, seconded by Commissioner Schmitt.*

Commissioner Byrnes stated that he is disturbed by the large increase in the Fire Department budget and would like to workshop this. Though he had always been against it in the past, in light of this increase he would like to consider contracting this service. Mr. Forte suggested that an appropriate workshop for this might be when they discuss co-staffing station number eleven. Commissioner Lockeby expressed concern about the City repeatedly lowering taxes and lowering the reserve. Commissioner Schmitt agreed, stating that we should build our reserve for large ticket items and noted a couple of items that were removed from this budget in order to balance it. Commissioner Via stated that he is very disturbed about Commissioner Byrnes' suggestion regarding fire service - adding that we are meeting and exceeding all of our goals with a nineteen percent reserve rate. Commissioner Via stated that Goals Setting Sessions are the time to bring this up, not after Staff brings forth a balanced budget at the rolled-back rate, though actually he preferred that they not bring this to a Workshop because he did not want to hurt the morale of the Fire Department by allowing them to think this was being considered. Commissioner Schmitt echoed those thoughts. Commissioner Byrnes stated that we are giving good raises, buying new cars, doing capital projects, and we have a solid reserve – we are close to being a perfect City but, upon noting the large percentage increase in that one area, he simply wants to make sure that this does not get out of hand. He well remembers when they couldn't do any of those things and he has always been supportive of City providing its own fire service.

Mayor Arthur stated that he is very proud of them all – the City meets its goals and only sacrifices some frills to give people a tax break. Commissioner Via noted that it is frustrating that the City's tax break will go un-noticed because of the County taxes going up again, along with those of the School Board and St. John's Water Management.

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

7. SECOND READING OF ORDINANCE 2663, AUTHORIZING CERTAIN PROPOSED CHARTER AMENDMENTS BE SUBMITTED TO THE ELECTORS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE ELECTORS AMENDING THE PROCEDURE FOR REPLACING THE MAYOR IN THE EVENT OF A PERMANENT VACANCY IN THE OFFICE OF MAYOR; AMENDING THE REPLACEMENT OF THE OFFICE OF COMMISSIONER IN THE EVENT OF A PERMANENT VACANCY OF OFFICE WITH LESS THAN ONE (1) YEAR UNTIL THE NEXT REGULAR SCHEDULED ELECTION; PROVIDING FOR THE DELETION OF CERTAIN ELECTION CANVASSING REQUIREMENTS THAT HAVE BECOME TECHNOLOGICALLY OUTDATED; PROVIDING FOR THE UPDATE OF CERTAIN AREAS OF THE CHARTER THAT CONFLICT WITH THE REVISION ENACTED BY THE VOTERS IN 1997; AMENDING THE TERM OF OFFICE OF VICE-MAYOR; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Schmitt moved to ***APPROVE*** *the Second Reading of Ordinance 2663, seconded by Commissioner Via.*

Commissioner Via expressed his concern about the proposed two-year mayoral term – stating, *"if it ain't broke, don't fix it"*. After elaborating on the reasons why he was opposed to this, detailed in a hand-out he had created and presented, Commissioner Via posed questions to Mr. Simpson regarding the actual charter revision that would take place once the referendum was held, if some questions passed and others failed. A suggestion was made that the proposed changes should be done by separate ordinances but Ms. Clauss reminded the Commission that a complete copy of the proposed changes will be available at each of the polling places and it would be very confusing to the voters to have to read more than one document. After some consideration, Mr. Simpson determined that he was not comfortable with the wording of the Effective Date provision in this ordinance because it did not take the passage of individual items into consideration. He requested the Commission table this item and allow the legal department to revise the wording in this area.

Commissioner Schmitt ***WITHDREW*** *his motion, second withdrawn by Commissioner Via.*

*Commissioner Via moved to **TABLE** ordinance 2663, ordinance 2664, and resolution 2003-R-42 until the next regular Commission meeting – August 12, 2003, seconded by Commissioner Byrnes.*

Ms. Clauss confirmed that tabling this item to a date certain would not require a new notice to be published.

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

8. SECOND READING OF ORDINANCE 2664, AUTHORIZING CERTAIN PROPOSED CHARTER AMENDMENTS BE SUBMITTED TO THE ELECTORS

Tabled – see item #7.

9. RESOLUTION 2003-R-42, CALLING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON OCTOBER 7TH, 2003 AND AUTHORIZING BALLOT QUESTIONS FOR SAID ELECTION

Tabled – see item #7.

10. SECOND READING OF ORDINANCE 2665, AUTHORIZING A CITY TAX ABATEMENT FOR METRA ELECTRONICS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA GRANTING TO METRA ELECTRONICS, INC. AND HIGHLANDER CORPORATION, AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PURSUANT TO FLORIDA STATUTE SECTION 196.1995; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Lockeby moved to **APPROVE** the Second Reading of Ordinance 2665 to include a one hundred percent tax abatement for ten years, seconded by Commissioner Schmitt.*

Commissioner Via pointed-out that our City is the proud location of the William Jones Baseball Field, which Metra donated. They have been an important part of our recreation program, a good community partner. Commissioner Lockeby jokingly suggested they might build the sign that we had to remove from next year's budget. Mayor Arthur stated that these are some of the items that they talked about at the Ormond Chamber of Commerce meeting, realizing that Holly Hill is a strong competitor in attracting businesses.

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

11. SECOND READING OF ORDINANCE 2666, REGARDING OUTSIDE SALES BY NON-LICENSED OPERATORS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE HOLLY HILL CODE OF ORDINANCES, CHAPTER 114, ARTICLE III, DIVISION 11, "OUTSIDE DISPLAY AND SALE OF GOODS", AS PREVIOUSLY AMENDED BY ORDINANCE 2660; PRESCRIBING WHEN OUTSIDE DISPLAY AND SALES SHALL BE PERMITTED; PRESCRIBING TERMS AND CONDITIONS FOR THE CONDUCT OF OUTSIDE DISPLAY AND SALES; 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 2666, seconded by Commissioner Via.*

Commissioner Byrnes stated that he wished they hadn't sold the agricultural fireworks, necessitating this action. Commissioner Via stated that since the City began this effort, he has received many e-mailed articles about children that have been hurt from fireworks.

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

12. FIRST READING OF ORDINANCE 2667, REZONING PROPERTY LOCATED AT 1825 RIDGEWOOD AVENUE (RIVIERA ALF) FROM CC-1 TO MPUD

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 4.578 ACRES, LOCATED ON THE EAST SIDE OF RIDGEWOOD AVENUE (US HIGHWAY 1/SR 5) BETWEEN CASTILLE STREET AND ARRAGON STREET, FROM CC-1 COMMERCIAL CORRIDOR CLASSIFICATION, TO MPUD, MIXED-USE PLANNED UNIT DEVELOPMENT DISTRICT; APPROVING A MASTER DEVELOPMENT PLAN AND INCORPORATING IT INTO THIS ORDINANCE FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THE PROPERTY; 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 2667, seconded by Commissioner Via.*

Commissioner Via confirmed that this would still remain in the CRA district. Commissioner Byrnes stated that he had really like all of that empty property around there but it is their property to develop accordingly. Mr. Keeth explained that the site plan will probably change prior to final adoption of this ordinance. An issue regarding the property line between the Riviera ALF and Walgreens was discovered and brought forth by the applicant's attorney today. They will work this out and either sign an agreement with Walgreens or re-design the site plan. No change is expected to the development agreement. There is one minor issue in regards to signage. The Board of Planning and Appeals recommended one hundred eighty square foot of signage and this agreement proposes two hundred square foot of signage plus forty-eight foot of signage on each of the two buildings. Mr. Keeth did not feel that this increase was warranted. The Commission did not indicate they felt this was a problem but they hesitated to approve this without a final site plan attached. Robert Abraham, 149 South Ridgewood Avenue, Daytona Beach, attorney for the applicant, explained the issue with the site plan. The Commission made it clear that everything should be in order before this comes back to them for final adoption.

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

13. CONSTRUCTION ADMINISTRATION AND PROJECT PRESENTATION ON PHASE II – STORMWATER SYSTEM IMPROVEMENTS

Mr. Hallman explained that this would authorize the City Engineers to provide project services and construction administration for the Stormwater, phase II project – as they have for the first phase. This is a necessary and budgeted item.

*Commissioner Via moved to **APPROVE** authorizing Quentin L. Hampton Associates, Inc. to furnish construction phase engineering services as outlined in their June 27, 2003 letter – not to exceed $147,140, seconded by Commissioner Byrnes.*

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

14. LAW ENFORCEMENT TRUST FUND EXPENDITURE REQUEST

Mr. Forte explained that this is an expenditure request for equipment items for the police department. These would be purchased from the Law Enforcement Trust Fund. The first item is glass doors to secure the administrative offices and evidence room from the other areas of the police department. Commissioner Lockeby did not feel this was a necessary purchase and felt that they would actually be more inconvenient than anything. The proposed purchase of the ballistic vests and the digital camera with case were not questioned.

*Commissioner Via moved to **APPROVE** authorizing an expenditure from the Law Enforcement Trust Fund in the amount of $3,690.43 for the purchase of two exterior glass doors, six ballistic vests, and one digital camera with case, seconded by Commissioner Schmitt.*

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

15. COMMUNICATIONS

A. City Manager

Mr. Forte stated that they would like to make Friday, December 26th, 2003 as the Floating Holiday. This was fine with the Commission.

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Via applauded Staff, particularly the Finance Department for the proposed budget. He stated that we are right in-line with what exemplifies a model city. All of this began in their Goals Setting Sessions and he has been very happy with their progress over the last six years. He went on to say that he is excited to see what they can accomplish in the next six years and they should really buckle down and put the dream machines on at the next Goals Setting Session. On another note, he has been very concerned about the war with Iraq and will be having someone on his show tomorrow who can provide some additional insight on this topic.

Commissioner Byrnes also thanked Staff for putting together a balanced budget. He remembered years ago when they had a much harder time doing so – spending a week of budget workshops cutting everything they could and still raising taxes to make ends meet.

Commissioner Lockeby agreed that Staff did a great job with the budget. He stated that the Chamber of Commerce is having a tough time and would like to see $2,500 more allotted to them to off-set the cost of hiring an additional part-time person to increase membership. This would require more information and discussion before authorizing – probably in a Workshop.

Commissioner Schmitt dittoed his thanks regarding the budget and referred to the record budget workshop they held (one and one-half hours). On another note, he referred to a comment made by one commissioner to another in which he disagreed with how the other voted. He felt that was wrong and counter-productive to their team building effort.

Mayor Arthur stated that he is very proud of the way this City is going – great budget with many service improvements. He thanked everyone for coming tonight.

16. ADJOURNMENT

The meeting officially adjourned at approximately 8:45 p.m.

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