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

JULY 26, 2005

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 7:25 p.m. Attending with Vice-Mayor Via were Commissioners Arthur Byrnes, Gilles Blais, and Lou Schmitt.

Absent: Mayor William D. Arthur.

Also attending were City Manager Joe Forte, City Attorney Butch Simpson, Community Development Director Stuart Buchanan, Commander Mark Barker, Finance Director Brenda Gubernator, PAL Executive Director Chuck Beach, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning.

B. Invocation

Vice-Mayor Via delivered the invocation.

C. Pledge of Allegiance to the Flag

Lieutenant Michael Angel from the Police Explorers delivered the Pledge of Allegiance to the Flag at this time.

2. PRESENTATIONS & PROCLAMATIONS

Sergeant Forrest Currie stated they are here tonight to make a presentation to the City Commission for the Police Explorers from their State Competition and at this time he called his wife, Advisor Penny Currie who had helped him as well during the training and competitions to present the presentations to the Police Explorers.

Mrs. Currie stated they attended the Florida Association of Police Explorers State competition on June 11-18, 2005. They competed against 39 other posts across the State of Florida. They competed in eight different events in law enforcement. These competitions were in several different events that were very demanding. They were much more demanding than the events they were normally used to at the Nationals. The following Police Explorers were the ones who attended the State competition were: Lieutenant Michael Angel, Captain Steven Binz, Lieutenant Anthony Binz, Sergeant Brianna Plante, Sergeant Anthony Bandorf, and Police Explorer Kelly Currie. At this time Mrs. Currie then showed and briefly discussed what each trophy meant for the events that they competed in to the City Commissioners and staff.

3. CONSENT AGENDA

Minutes of the Regular City Commission meeting – July 12, 2005
Minutes of the City Commission Workshop – July 12, 2005

Report of Purchase Orders over $5,000
- Volusia County – $9,065.47
- Florida Armature Works – $6,934.15
- Municipal Contracting Corp – $6,265

*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, Vice-Mayor 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 Byrnes stated the next Volusia League of Cities dinner will be July 28, 2005 in DeLand.

Commissioner Blais stated for the Special Event Task Force, they do not meet for the summer months.

Vice-Mayor Via handed out a memorandum from WAV from the meeting held on July 20, 2005. On the memorandum is a summary of action items that took place.

Commissioner Schmitt had no report.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

6. RESOLUTION 2005-R-28, REFERENDUM FOR THE 2005 ELECTION FOR THE RENEWAL OF THE AD VALOREM TAX ABATEMENT FOR NEW OR EXPANDING BUSINESSES

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-28

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD DURING THE REGULARLY SCHEDULED 2005 MUNICIPAL ELECTION ON OCTOBER 11, 2005; CREATING A BALLOT TITLE AND BALLOT QUESTION FOR THE ELECTION FOR CONTINUING TO AUTHORIZE THE CITY COMMISSION OF THE CITY OF HOLLY HILL TO GRANT, PURSUANT TO SECTION 3, ARTICLE VII, STATE CONSTITUTION, AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION FOR NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES EFFECTIVE OCTOBER 1, 2006; PROVIDING FOR NOTICE OF SAID REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Resolution 2005-R-28, seconded by Commissioner Schmitt.*

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

7. RESOLUTION 2005-R-29, INTERLOCAL AGREEMENT WITH THE METROPOLITAN PLANNING ORGANIZATION

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-29

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE VOLUSIA COUNTY METROPOLITAN PLANNING ORGANIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-29, seconded by Commissioner Byrnes.*

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

8. RESOLUTION 2005-R-30, PROPOSED MILLAGE RATE FOR FY 2005-2006

Mr. Simpson read the body of said Resolution:

RESOLUTION NO. 2005-R-30

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A PROPOSED MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 2005; PROVIDING FOR A PUBLIC HEARING ON MILLAGE RATE; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-30, seconded by Commissioner Blais.*

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

9. RESOLUTION 2005-R-31, COMMUNITY REDEVELOPMENT ADVISORY (CRA) BOARD APPOINTMENTS

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-31

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE COMMUNITY REDEVELOPMENT ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Resolution 2005-R-31, seconded by Commissioner Blais.*

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

10. RESOLUTION 2005-R-32, VACATE A PORTION OF 3RD STREET

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-32

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, VACATING A PORTION OF THIRD STREET LYING EAST OF RIVERSIDE DRIVE AS MORE PARTICULARLY DESCRIBED HEREIN AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED AND SUCH OTHER DOCUMENTS AS ARE NECESSARY TO TRANSFER SAID PROPERTY TO HOLLY HILL ASSOCIATES, LTD; PROVIDING FOR CONTINGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *Resolution 2005-R-32, seconded by Commissioner Blais.*

Mr. Forte stated although the Resolution does have the legal description of the property, the agreement is not in here. He spoke with Assistant City Attorney Scott Simpson and he said that's okay because this Resolution is authorizing the City Manager and the Mayor to execute an agreement pursuant to the terms and conditions in the PUD and the development agreement.

Vice-Mayor Via stated this has nothing to do with the extra property that the City is obtaining from Boca Developers, correct?

Mr. Forte stated Holly Hill Associates Limited purchased for a sum of $250,000 from the State of Florida, that right-of-way we know is 3rd Street, in exchange for the City losing 3rd Street, they have donated an equal size portion of their property to the City at 2nd Street for the expansion of the park.

Vice-Mayor Via stated he spoke to Randy Foltz before the meeting tonight and he notified him that the park setting is going to be about $1.5 million additional through EDSA, the landscape contractor.

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

11. SECOND READING OF ORDINANCE 2732, AMENDMENT TO THE ZONING MAP – RIVIERA ESTATES

Mr. Simpson read by short title:

ORDINANCE NO. 2732

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY APPLYING ZONING TO APPROXIMATELY 19.3 ACRES LOCATED IN RIVIERA ESTATES TO R-4A (LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT); 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*** *Second Reading of Ordinance 2732, seconded by Commissioner Blais.*

Mr. Forte stated when this property was annexed into the City, it maintained the County's zoning. Bob Keeth always felt that the City didn't have to rezone these properties until the property owner made a request to the City. They would still operate under the County's zoning. Mr. Buchanan feels that's it's probably more appropriate that the City rezone them to the City's zoning as soon as possible after annexation.

Vice-Mayor Via asked if they were due for any updated maps?

Mr. Forte stated the City updates the map each time they do a rezoning.

Mr. Buchanan stated what had happened is the maps were maintained by Bob Keeth and his staff. They put them on CD for the City and they were given to the City about three weeks ago and now staff is working with the local reproduction company so the City has the ability to maintain the maps themselves. Yes, the maps are available and they can print them off the CD in color should someone make a request.

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

12. FIRST READING OF ORDINANCE 2733, RETURN OF UTILITY DEPOSITS

Mr. Simpson read by short title:

ORDINANCE NO. 2733

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 70-124 (DEPOSIT) BY ADDING SUBSECTION (J) TO PROVIDE FOR THE RETURN OF UTILITY DEPOSIT UNDER CERTAIN TERMS AND CONDITIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *First Reading of Ordinance 2733, seconded by Commissioner Blais.*

Commissioner Byrnes stated he still believes that they have a fiscal concern here that if he looks at his own circumstances, the deposit that he has on file is $20. If he missed a water payment and had to put up a new deposit because of this Ordinance the new deposit that he would have to put up would be five times what he has on file now. This could cause some spiraling financial problems for some of the City's older long-term residents.

Commissioner Schmitt stated they have to have their water turned off three times in one year to have to repay their deposit.

Commissioner Byrnes stated he understands that but he sees this as causing more fiscal problems for their older long-term residents than it will for other residents.

Mr. Forte stated he wants to clarify what Commissioner Schmitt just said. Yes, they have to have their water turned off three times in a 12 month period or if they are so delinquent that the City turns their water off for non-payment that would also trigger the deposit.

Commissioner Schmitt stated, correct.

Mr. Forte stated so it's either three delinquent payments or one (1) turn off. The residents are given a late notice of ten days and then they are told they will be turned off two or three days after that. They have about 33 days from the date of the bill. Keep in mind, to receive their return of their utility deposit it is by *request only*.

The motion **CARRIED** 3-1 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – No, Vice-Mayor Via – Yes.

13. LAW ENFORCEMENT TRUST FUND (LETF) EXPENDITURE

Mr. Forte stated this is a request that came from the Police Department from the Law Enforcement Trust Fund (LETF) and they would like to spend $309.40 to add a fingerprinting station to the front lobby of the Police Department. The reason for this is that they often get citizens that will come in and request fingerprinting for either job applications or things of that nature and they currently have to take the citizens to the back area where the cells used to be and without a dispatcher that area is no longer monitored. If they have a female records clerk out front by herself and she has to take a male back there by herself to be fingerprinted it presents an uncomfortable situation.

*Commissioner Schmitt moved to **APPROVE** the expenditure in the amount of $309.40 from the Law Enforcement Trust Fund (LETF) to purchase fingerprint equipment, seconded by Commissioner Blais.*

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

14. COMMUNICATIONS

A. City Manager

Mr. Forte went over the floating holiday schedule for FY 2005-2006 with the Commissioners and they were in agreement with it.

B. City Attorney

Congratulated the Holly Hill Heat All-Star baseball team for a job well done during the season.

C. Mayor & Commissioners

Commissioner Byrnes stated he had the opportunity to see the Discovery launch this morning and got a picture of it. He also got a chance to see the guys from the Orange County Choppers who were there also for the Discovery launch.

Commissioner Blais stated it was great to see the Holly Hill Heat All-Star team leave for the State finals. It was a great send-off. He works with Volusia County in regards to the Environmental Management and that is replanting spartena grass on the 800 block Riverside Drive that was eroded by last years hurricanes.

Commissioner Schmitt thanked those who attended the memorial service last Saturday for Roger Lynch.

Vice-Mayor Via stated the $4.08 millage rate is the third lowest ad valorem rate that's in the County that the City has maintained a very level tax rate that's both good for the residents and the business community with 53% of the City's taxes being paid by businesses. He is glad that they came out with a balanced budget.

15. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 8:10 p.m.

Attest:	City of Holly Hill, Florida
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Valerie Manning City Clerk	Roland Via Vice-Mayor