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

AUGUST 14, 2007

1. CALL TO ORDER

A. Roll Call

Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:10 p.m. Attending with Mayor Via were Commissioners John Penny, Gilles Blais, Mark Reed and Traci A. Anderson.

Also attending were the following staff members: City Manager Joe Forte, Assistant City Attorney Scott Simpson, Public Works Director/City Engineer Chris Hurst, Information Technology Director Scott Gutauckis, Public Safety Director Don Shinnamon, Lt. Ed Brown, Fire Department, Community Development Director/City Planner Doug Gutierrez, Human Resources Director Diane Cole, Building Official Tim Harbuck, Finance Director Kurt Swartzlander, Financial Technical Advisor Brenda Gubernator, Assistant Finance Director Susan Worde, Accounting Clerk III Cindy Mitchell, Community Redevelopment Area Coordinator Marsha Radulovich, PAL/Recreation Executive Director Chuck Beach, and City Clerk Valerie Manning.

B. Invocation

David Transeau, Bethel Baptist Church, delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PROCLAMATION – Signed by the Mayor

- 2007 Municipal Election Proclamation

3. CONSENT AGENDA

1. Minutes from the Community Redevelopment Agency meeting – July 24, 2007
2. Minutes from the Regular City Commission meeting – July 24, 2007
3. Minutes from the Budget Workshop – July 24, 2007
4. Potable Water Treatment Plant Upgrades – Phase II – Low Bid Award – McMahan Construction, DeLand, Florida. – $879,000
5. Lift Station 24 Upgrade – $13,295
6. Public Works Department – Camera Truck Sale
7. Service Agreement between the Community Redevelopment Area (CRA) and the City of Holly Hill
8. Underground Storage Tank Removal – Single Bid Award – Coastal Construction & Petroleum Services – $17,272.60

Commissioner Reed asked the City Clerk if she could transcribe the comment about the north side of Hollyland Park, along LPGA corridor, into the minutes of the Redevelopment Agency held on July 24th.

Commissioner Reed moved ***APPROVAL*** *for the Consent Agenda, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Anderson – Yes, Blais – Yes, Penny – Yes, Mayor Via – Yes

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Doyle "Snake" Andress, Snake's Welding, Walker Street, shared his concerns about the dumpster pad Ordinance that was passed on June 26th. Mr. Andress mentioned that he has a situation at his business that it doesn't fit really well. Mr. Andress asked the Commission if they can put some people together to address the individual situations about enclosing the dumpsters. He has studied it and there is hardly any way to comply with what the City is asking for that's going to work physically and the expense of it. Can they look at each situation and maybe not so much an amendment but an alteration? He needs somebody with authority that can say "yes, you can do this" or "no, that won't work".

Mr. Forte stated when the Commission passed that Ordinance, they allowed for unusual conditions where some dumpsters, by their location on the property, just simply can't be accommodating to what the standard is and that would be handled through both the Public Works Director and the Building Official that would go out and say that this dumpster is exempt because of certain unique circumstances and that's going to be done on a case-by-case basis.

Commissioner Reed stated he wasn't here the evening that it was passed but he wants to thank the Commission for adding to his matrimonial bliss in that when his wife opened up that statement that they are now going to have to be required to build an enclosure for a dumpster behind the fence, he really felt that he let the citizens down by not being here that night. What he would ask is that the Commission not have so much a special exception but that the Commission go back and fix something they didn't do really good the first time. There is a lot of discussion about new construction/old businesses. They have just put a big hit on every existing business.

Lou Schmitt, 1000 Walker Street, shared his concerns about the possibility having this Country being attacked and was wondering about the Community Emergency Response Team (CERT) team that he founded and if the City has any plans if the City was attacked? Are there plans for the people of this City? What would be done? Where would they go?

Mr. Forte asked Mr. Schmitt what level of attack is he talking about.

Mr. Schmitt stated nerve gas explosions and stuff like that.

Mr. Forte stated they don't have a plan for that. They have the regular emergency response plans that they do for any typical disaster that they may have.

Mr. Schmitt stated he would like to see the CERT team reinstituted. It's gone by the way side since he stepped down. They don't have any more meetings or anything.

Chief Shinnamon informed Mr. Schmitt that the City is prepared, in many ways, for many different kinds of attacks. The Police Department has tried diligently to get meetings of their CERT team as recently in the last couple of months and managing volunteer organizations is very difficult. The City is prepared and they do have emergency plans and there are shelter plans in place.

James Robinson, II, 1332 Riverside Drive, mentioned that he has a brief presentation that he would like to share with the Commission and asked if they would allow it at the end of the meeting. Mr. Robinson mentioned that he wants to speak about the things he doesn't like about the Master Development Plan for the CRA.

Mr. Forte suggested if Mr. Robinson has something, he may want to forward that to the consultant's and that might be the most expedient way to go about it.

Mr. Robinson stated his problem is with the consultant's or with the actual documents themselves as far as what they say, the conclusions that they've reached, and the data that it's based on.

Mr. Forte stated the other option that Mr. Robinson has is to bring his concerns known to the Redevelopment Advisory Board tomorrow at noon; there is an audience participation at that meeting and that might be a public forum for Mr. Robinson to present it at that time.

Mr. Robinson stated he can do that. Can he do something here? The tail end and summation?

Mr. Forte stated he wouldn't say here because this body sits as a City Commission. Mr. Forte informed Mr. Robinson that he can come back on August 28th at 6:00 PM when they sit as the Agency.

Mayor Via mentioned that he can have three minutes.

Mr. Robinson shared his concerns and dislikes with the Master Plan, the many discussions that took place about Hollyland Park and the consultant's at this time with the Mayor and City Commission. Mr. Robinson was displeased with the way that the information was presented during the last workshop setting with HHI. The HHI made a quick presentation, he couldn't read half the information that was presented to him at the meeting and the brief time that they requested to have the survey filled out and where the consultant's got their data from. Mr. Robinson mentioned his concerns about Hollyland Park and the development of it.

Dan Davis, 3039 Burleigh Avenue, mentioned that he is one of the people that were laid off today. Mr. Davis was wondering why the City didn't get rid of the inmates? Why did they get rid of employees before they get rid of the inmates?

Mr. Forte stated the inmates are where they will be placing the burden of the workload onto. The inmates cost approximately $50,000.

Mr. Davis stated the inmates start at 9:00 AM and leave at 1:00 PM. The City is getting four hours of work out of them plus they get their breaks.

Jim Legary, 342 Burleigh Avenue, mentioned that he wanted to address the same concerns that Mr. Robinson did. Mr. Legary had some concerns about the survey as well. Mr. Legary doesn't see any depth to what it is they are proposing other than they are going to have more signs in various different places. Mr. Legary mentioned that the sees that they are revisiting the situation with Hollyland Park. He sees mention of green but just some kind of lip service. He can't understand how they can have the discussion, the emphasis that they do, they want to get rid of the older motor lodges, they want to get rid of the car lots but they are going to start with Hollyland Park. Mr. Legary doesn't understand what they are proposing to do here over the next 50 years is going to, in any way, enhance the citizens that vote and pay the taxes for this.

5. PUBLIC HEARING – 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Mr. Forte mentioned this is a public hearing because it's an Edward Byrne Memorial Justice Assistant Grant and staff has applied for this grant and they will be receiving $11,552. Chief Shinnamon would like to match that with $2,222 and purchase a cargo van for the Community Service Officer.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed made a motion to **APPROVE** the 2007 Edward Byrne Memorial Justice Assistance Grant to receive $11,552 with a match of $2,222 to purchase a cargo van for the Community Service Officer, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Blais – Yes, Penny – Yes, Anderson – Yes, Mayor Via – Yes

6. PUBLIC HEARING – SECOND READING OF ORDINANCE 2806, AMENDMENT TO AN EXISTING INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) – 975 GOLF AVENUE – APPLICANT: STEVE TYLER

City Attorney Simpson read by short title:

ORDINANCE NO. 2806

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 5 ACRES, LOCATED ON THE SOUTH SIDE OF GOLF AVENUE NEAR ITS INTERSECTION WITH FIESTA CIRCLE, AMENDING ORDINANCE 2779, IPUD, INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT; APPROVING A THIRD AMENDMENT TO THE 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.

Mayor Via opened public participation.

James Robinson, II, 1332 Riverside Drive, mentioned that he had some procedural concerns. Was notice given again to the neighbors?

Mr. Forte stated this was noticed prior to the Planning and Appeals Board meeting. This change was noticed to the neighbors.

Mayor Via closed public participation.

*Commissioner Penny made a motion to **APPROVE** the Second Reading of Ordinance 2806, seconded by Commissioner Blais.*

Commissioner Reed asked how are many storages operated. Are they 8:00 am to 5:00 pm or are they 24 hours?

Steve Tyler, Tyler Properties, the applicant, stated 24 hours a day.

Commissioner Reed stated a lot of the ones he has checked out, there are certain restrictions and they can't go there at 2:00 am in the morning.

Mr. Tyler stated the ones that he has planned have retinal admission and they also had recognition to where they paid their bills or not and they have 24/7 access. There are 600 units planned in there.

Commissioner Reed stated Mr. Tyler has reassured this Commission that this is going to be…he does like the idea because he thinks this is a business incubator sort of project which is going to be better than storage but do they have any way to guarantee that these won't be operating at 2^{nd} and 3^{rd} shift light manufacturing?

Mr. Tyler stated the City has Code Enforcement.

Commissioner Reed asked it's not illegal to operate a light manufacturing, is it?

Mr. Tyler stated these are condos that will be sold to individual people.

Commissioner Reed stated once those individuals…is there any covenants in their Condo Association rules that restricts them from 3^{rd} shift operations?

Mr. Tyler stated the covenants will require the individuals to abide by City Ordinances.

Commissioner Reed asked if he can tell him what Ordinance it is that restricts a manufacturer or somebody that was in the business. Attorney Simpson, is there a law that restricts a business from operating 24/7?

Attorney Simpson stated not that he is aware of but he would have to look through the Codes.

Mr. Tyler asked if he was referring to noise and interference.

Commissioner Reed stated noise is one thing but just lights, activity and the coming and going, is the activity that he is talking about but there is no provision for restricting this in their covenants for their Condo Association.

Mr. Tyler stated they will be restricted to whatever the Ordinances and Code Enforcement allows; anything beyond that they will be subject to arrest just like anybody else.

Doug Gutierrez, Community Development Director/City Planner, stated this is addressed in the Development Agreement, under hours of operation. When Mr. Tyler has a site plan, that's when staff will establish the approved hours of operation. Basically, the Development Agreement says, "Access to facility shall not be allowed except during approved hours of operation. Hours of operation shall be noted on the site plan submittals."

Mr. Forte stated but in all do fairness, other storage units run 24/7 and he doesn't want to give a false impression.

Commissioner Reed asked what are the hours of operation listed on the site plan.

Mr. Gutierrez stated they can establish it from 8:00 am to 5:00 pm.

Mr. Tyler stated, no.

Mr. Gutierrez stated his is just throwing that out. They can prohibit 3rd shift hours.

Commissioner Reed asked Mr. Tyler if he would be willing to work with some hours on that site plan.

Mr. Tyler stated no sir. These are going to be individually owned units.

Commissioner Reed stated, and Mr. Tyler doesn't want to tie the hands of the people who buy those individually owned units. It's not a good sales tool is it?

Mr. Tyler stated he can't do that. Once a person owns something, they can't restrict them…

Commissioner Reed stated but you can restrict them in a Condo Association.

Mr. Tyler stated the Association can restrict them; that's up to the Association.

Commissioner Reed stated that he has already indicated to Mr. Tyler that he thinks it's a good thing but there are some concerns about the neighborhood and he just wants everybody to know about it. If the Commission wants to put restrictions in, now is the time.

The motion **CARRIED** 4-1 on roll call: Penny – Yes, Blais – Yes, Anderson – Yes, Reed – No, Mayor Via – Yes

7. FIRST READING OF ORDINANCE 2807, TAMPERING WITH UTILITY SYSTEMS – WATER METERS

City Attorney Simpson read by short title:

ORDINANCE NO. 2807

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; CREATING SECTION 70-99 (BLOCKING ACCESS, TAMPERING WITH UTILITY SYSTEMS; DAMAGING UTILITY SYSTEMS) PROHIBITING THE BLOCKING OF ACCESS TO, TAMPER WITH, OR DAMAGING ANY PART OF THE CITY WATER, SEWER, STORMWATER OR REUSE WATER SYSTEMS AND SECTION 70-100 (UNAUTHORIZED USE OF PUBLIC UTILITY SYSTEM) PROHIBITING THE UNAUTHORIZED USE OF THE CITY'S WATER, SEWER STORMWATER OR REUSE SYSTEM; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated this was brought about because the City has had issues where they have to disconnect a water service for nonpayment and the property owner will park a vehicle over the meter and the City can't get access to it, thereby, the customer is in essence stealing water. This Ordinance will give the City the ability to do something about somebody who is either blocking the access or in other situations where they break the seal that is put on the water to then steal the water. There will be a Resolution coming forward that will establish fines as well.

*Commissioner Reed made a motion to **APPROVE** the First Reading of Ordinance 2807, seconded by Commissioner Anderson.*

Mayor Via opened public participation. No one spoke.

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Anderson – Yes, Penny – Yes, Blais – Yes, Mayor Via – Yes

8. FIRST READING OF ORDINANCE 2808, PUBLIC SERVICE TAX

City Attorney Simpson read by short title:

ORDINANCE NO. 2808

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING CHAPTER 62 (TAXATION), ARTICLE III (PUBLIC SERVICE TAX), SECTION 62-66 (LEVIED) TO INCLUDE WATER SERVICE AND REUSE WATER SERVICE AS BEING SUBJECT TO THE PUBLIC SERVICE TAX; CREATING SECTION 62-71 (EXEMPTIONS) PROVIDING FOR EXEMPTIONS TO THE PUBLIC SERVICE TAX; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated this is a tax solely on the water side of the water side of the bill not on the wastewater or solid waste side of the bill. This represents roughly approximately from $2.25 to $2.75 on an increase on that portion of the bill. They are using this as a methodology to help balance the budget this year. This is a practice that is used by several other cities in the County throughout the State.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** the First Reading of Ordinance 2808, seconded by Commissioner Reed.*

Commissioner Reed stated the Ordinance says including reuse water and then in Section 62-71, it says *they are not going to charge the United States Government, the State and its political subdivisions*, does that include Ormond Beach?

Attorney Simpson stated those exemptions are actually Statutory.

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Reed – Yes, Anderson – Yes, Penny – Yes, Mayor Via – Yes

9. RESOLUTION 2007-R-33, SUPPORTING A PROPOSAL FOR BACHELOR OF SCIENCE IN EDUCATION DEGREES AT DAYTONA BEACH COMMUNITY COLLEGE (DBCC)

City Attorney Simpson read by short title:

RESOLUTION 2007-R-33

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, SUPPORTING A PROPOSAL FOR BACHELOR OF SCIENCE IN EDUCATION DEGREES AT DAYTONA BEACH COMMUNITY COLLEGE (DBCC); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via mentioned that this Resolution endorses four year degrees.

Mayor Via opened public participation. No one spoke.

Commissioner Anderson made a motion to ***APPROVE*** *Resolution 2007-R-33, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 on roll call: Anderson – Yes, Penny – Yes, Reed – Yes, Blais – Yes, Mayor Via – Yes

10. RESOLUTION 2007-R-34, WASTE MANAGEMENT – SOLID WASTE CONTRACT

City Attorney Simpson read by short title:

RESOLUTION 2007-R-34

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE ANNUAL CPI ADJUSTMENT TO THE CONTRACT FOR SOLID WASTE SERVICES WITH WASTE MANAGEMENT, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated this is an increase from Waste Management to the City in an amount of $1.542%. This is a formula that is established in the contract.

Mayor Via opened public participation. No one spoke.

Commissioner Blais made a motion to ***APPROVE*** *Resolution 2007-R-34, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Anderson – Yes, Penny – Yes, Reed – Yes, Mayor Via – Yes

11. RESOLUTION 2007-R-35, SOLID WASTE RATE INCREASE

City Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-35

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING SERVICE FEES TO BE CHARGED FOR COLLECTION AND DISPOSAL OF SOLID WASTE, PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Forte stated this is an increase that they now roll on to the customer; the same percentage of 1.542% and it basically increases the rate $0.20 from $12.82 to $13.02 for a single family toter.

Mayor Via opened public participation. No one spoke.

Commissioner Penny made a motion to ***APPROVE*** *Resolution 2007-R-35, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Penny – Yes, Blais – Yes, Anderson – Yes, Reed – Yes, Mayor Via – Yes

12. RESOLUTION 2007-R-36, WATER AND SEWER RATE INCREASE

City Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-36

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING THE WATER AND SEWER RATES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte stated this was established by Ordinance several years ago and it goes to help pay down their bond issue. What this reflects is on a minimum bill of 2,000 gallons it would increase that bill by approximately $0.56 a month. Each additional 1,000 gallons of water will increase $0.26 up to 15,000 gallons and above 15,000 gallons for additional 1,000 would be $0.29. The sewer rate is calculated at 115% of the water rate and that's normal.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** Resolution 2007-R-36, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Anderson – Yes, Reed – Yes, Penny – Yes, Mayor Via – Yes

13. RESOLUTION 2007-R-37, STORMWATER EQUIVALENT RESIDENTIAL UNIT (ERU) RATE INCREASE

City Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-37

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, INCREASING THE STORMWATER UTILITY FEE TO $6.00 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.

Mr. Forte stated this is an increase from $4.75 up $1.25 to $6.00 which is about average of what the stormwater rates are in Volusia County. An equivalent residential unit (ERU) is an amount of impervious area that a typical single-family home would occupy. That rate is then applied to commercial properties who exceed what would be the one ERU.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** Resolution 2007-R-37, seconded by Commissioner Reed.*

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Reed – Yes, Penny – Yes, Anderson – Yes, Mayor Via – Yes

14. RESOLUTION 2007-R-38 FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MAINTENANCE AGREEMENT

City Attorney Simpson read by short title:

RESOLUTION 2007-R-38

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MAINTENANCE AGREEMENT BETWEEN HOLLY HILL AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE MAINTENANCE OF STREET LIGHTS ON U.S. 1 AND NOVA ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte mentioned that he has somewhat of a problem with this agreement but he is bringing it to the Commission because of a time crunch that has been placed upon the City. This actually probably started a little over two years ago when they completed the work on Nova Road and they put street lights up to Flomich Avenue coming south from Ormond Beach. The Commission at that time wanted staff to look into extending the street light program south of Flomich Avenue to the City limits or where it picks up again at the Daytona Beach city limit line. What happened at that time, Florida Department of Transportation (FDOT) said they would put in the street lights but the City would have to enter into a maintenance and repair agreement for all of the street lights. When Attorney Simpson reviewed that agreement, part of that agreement included that if a single pole was hit by a car the City would have to replace that pole and that's roughly $2,000; that's one sense of liability. If a hurricane came through and bent all the poles over, the City would then be responsible to upright those poles. The City would also be responsible for the ongoing maintenance of those poles which includes changing out the bulb should the bulbs burn out. The City doesn't have the equipment to do that in-house so the City would have to contract that work out. The City would take on an extensive amount of liability for entering into a contract like this in exchange for the lighting on Nova Road south of Flomich. It's a policy decision but he doesn't think it's in the City's best interest to enter into that agreement to take on that much liability for the amount of lighting that they would get on Nova Road.

Mayor Via opened public participation. No one spoke.

Mayor Via stated let's say a car did knock down a pole or let's say a storm did bend or knock down the poles, could the City temporarily eliminate those poles or do they have an obligation to replace and fix those poles as they are?

Mr. Forte stated they would be placed into a safe condition but he thinks the repair and maintenance portion of that agreement says that the City is obligated to put the pole back.

Mayor Via stated within a reasonable amount of time.

Mr. Forte stated, yes.

Mayor Via stated he is sort of skittish in doing this in tight times.

Commissioner Penny stated he doesn't travel Nova Road that much at night so he is not aware that there is a lighting problem. Are there any safety issues there that the City needs to be concerned with?

Mr. Forte stated the intersections are lit. If anybody that is crossing Nova Road, which is a six lane highway at a relatively high speed, should be doing it at an intersection that is controlled by a traffic light and is lit. Crossing between those intersections, which they shouldn't do anyway, is probably the hazardous point.

Chief Shinnamon agreed with Mr. Forte. The accidents that they have had is pedestrian error. The street lights would, perhaps, illuminate someone who is in the roadway and shouldn't be to begin with.

Commissioner Penny asked Mr. Hurst how many lights is FDOT talking about. What is the monetary exposure to this much equipment?

Chris Hurst, Public Works Director/City Engineer, stated he thinks the total lights is somewhere around 176 lights on Nova Road and U.S. 1. The City maintains some of the lights on U.S. 1 now. He thinks it's an addition of about 80 lights once they add these lights in on south Nova Road.

Commissioner Reed stated the lights that the City is under contract now with, during the 2004 storms, were any of those poles blown over?

Mr. Hurst stated no, he doesn't think so.

Mr. Forte stated the ones on Riverside Drive were affected but not the ones on U.S. 1.

Mr. Hurst stated, and they also have the north section of Nova Road; they actually lost one of those to a traffic accident.

Commissioner Reed asked how often do these lights need to be changed. How much does that cost the City for the existing ones?

Mr. Forte stated they don't need change very often. Staff's concern is not the individual changing of bulbs or if a car hits a pole, their concern is the disaster that could be non-reimbursable for something larger than a single…

Commissioner Reed stated he is talking about a direct hit hurricane if it wipes it out.

Mr. Forte stated not necessarily wipe it out but at least damages the pole to some degree or another.

Mayor Via asked who pays for the pole and the light and the wiring.

Mr. Forte stated FDOT will pay for the original installation.

Attorney Simpson mentioned that part of the CRA plan, in all likelihood, the City is going to upgrade the street lights and instead of putting lights somewhere else, ask FDOT to put $240,000 towards the City's upgraded lights along Ridgewood Avenue.

Mr. Forte stated he would rather table this item until August 28th and he will answer some of the Commissioners questions about the number of poles and the maintenance and the cost and get some exact figures.

*Commissioner Anderson made a motion to **TABLE** Resolution 2007-R-37 to the August 28, 2007 City Commission agenda, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Anderson – Yes, Blais – Yes, Reed – Yes, Penny – Yes, Mayor Via – Yes

15. RESOLUTION 2007-R-39, STANDARD CODE ENFORCEMENT CITATIONS

City Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-39

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A FORM CODE ENFORCEMENT CITATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte handed out a copy of the citation form that Code Enforcement will use if this item is approved. This Resolution also includes the cost of what could be up to a $250 day fines. The purpose of this form is to try and get more compliance and they have a lot of people that have Code violations that by the time they get to Special Master it takes several months. As an incentive and an encouragement for them to come into compliance, after a warning staff will issue them a citation which could be up to a $250 fine that would be payable directly to the City and then if the violator doesn't agree with that, they can appeal that to the Special Master.

Tim Harbuck, Building Official, stated this will also improve tracking and accountability and more efficiency before the Special Master.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed made a motion to **APPROVE** Resolution 2007-R-39, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Anderson – Yes, Penny – Yes, Blais – Yes, Mayor Via – Yes

16. AMENDMENTS TO THE PERSONNEL RULES AND REGULATIONS

Mr. Forte stated each year staff makes amendments to the Rules and Regulations which is done through the Human Resources Department. Many of the changes are administrative or grammatical changes, others are State Law changes, and business for the City. For example, they tightened up and improved their workplace violence, sexual harassment policy, and some of the other things are just operational items. This all goes before the three Unions for approval, objection or comments.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** the amendments to the Personnel Rules and Regulations, seconded by Commissioner Anderson.*

The motion **CARRIED** 5-0 on roll call: Blais – Yes, Anderson – Yes, Reed – Yes, Penny – Yes, Mayor Via – Yes

17. COMMITTEE REPORTS
Members of the Commission are encouraged to give a brief report from the various committees on which they serve.

Mayor Via mentioned that WAV is meeting tomorrow; How Shall We Grow? book; Florida League of Cities this Thursday through Friday; spoke briefly about the budget and it’s cuts; explained to Mr. Robinson why he was suggesting to speak with HHI because the Commission wasn’t sitting as the Agency tonight.

18. COMMUNICATIONS

A. City Manager

Mr. Forte asked if Chief Shinnamon would come forward and address the issue about speeding on Daytona Avenue and the bike parade.

Chief Shinnamon gave a report about the speeding on Daytona Avenue and mentioned that the speed trailer was placed at Mr. Hudson's property and went over the reports that the speed trailer recorded. Chief Shinnamon spoke briefly about the upcoming bike parade that Mr. Eddie Colosimo wants to put on for this year's Biketoberfest. Mr. Colosimo is looking for traffic support from the Police Department. Chief Shinnamon was looking for direction from the Commission so he can get back with Mr. Colosimo. Chief Shinnamon mentioned that it would cost the City $800 to staff the parade with police officers, per event. There was some discussion amongst the Mayor, City Commissioner, Chief Shinnamon and Mr. Forte at this time.

Mr. Forte mentioned that he would like for the Commission to consider that if the City does something like a parade policy that the City does make some kind of a profit off of it. It shouldn't be just a breakeven; it should be a $500 or $1,000 profit to the City for allowing it to happen.

Chief Shinnamon informed the Commission that Mr. Colosimo would be hiring the City; they will not be hiring the individual officers; they will be hiring the resources of the City. He will have to assign people to come in and pay them overtime to do that; Mr. Colosimo will have to reimburse the City.

Mr. Forte stated if $800 is the amount, he would suggest that the City does a $1,000 deposit and then the City would reimburse Mr. Colosimo the balance should it be over or under the $800.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Blais spoke briefly about laying some employees off today.

Commissioner Anderson thanked all the Department Heads in giving them some answers for the budget and appreciates their hard work and for helping out.

Commissioner Penny mentioned that he knows that this hasn't been easy for anyone or have they taken it lightly. The people that work at the City are his extended family and he knows everyone here, extended family and he knows that there have been tough decisions made by Department Heads and by Mr. Forte that were not easy. He wants to give a vote of confidence to the Recreation Department. Mr. Beach is doing a great job over there with the summer camp. Commissioner Penny mentioned that his kids participate in that and Mr. Beach has those kids doing things that he never thought PAL would ever do.

Commissioner Reed mentioned that he is not as enamored with the whole process as maybe some people are. He thinks the sacrifice should have been equally shared from top to bottom when they have people who have been four, five, six years they're part of the family too. They are just as important. The people that don't have jobs tomorrow and everybody else has all their full wages and benefits and they haven't made any sacrifices, don't jive with his live experience in the real world. Commissioner Reed mentioned that he feels there should have been more done to protect the people. This City Commission sat up here during their last budget workshop and said they didn't want to loose employees and now they are just letting those thirteen or whatever go. He knows it hasn't been easy on Mr. Forte and he told him it isn't personal; not with one person in this City. He has respect for everybody that works here. If he didn't have respect for them he wouldn't be here. Commissioner Reed mentioned that he doesn't think the sacrifice was shared. The people on the tail end got it. He is not happy about it. He doesn't really support it; he doesn't think its right. He thinks those people should try to be brought back. He hopes every effort will be made to bring those people back. Commissioner Reed stated he wants this Commission to consider their spending habits because somebody in the past has made mistakes or these people wouldn't be gone.

Mayor Via mentioned that the City made a mistake in the past by, perhaps, operating too frugally by always looking at the bottom line of how much they can reduce taxes and then to have the State…they have to remember, they didn't do this to themselves. Volusia Tax Reform, their Legislatures, and people that brought this forward because there are wasteful cities out there that spend and unfortunately the City got caught in the storm and the City is being forced to reduce monies; there's no question to it and he thinks that's the most frustrating thing he has been through in ten years is the fact that the City absolutely had no choices and that's extremely frustrating. Folks, it's just beginning. January 29th with the passage of a super exemption is going to be devastating even to a greater degree for what they are as a City. With that, they have also packed in there, so they get the seniors out, $100,000 Homestead Exemption. Mayor Via spoke briefly about Morgan Gilreath's and his calculations; Save Our Homes; January 29th vote; next year will be even a greater reduction that the City will have to face; the City has to become a revenue generating City; and the City is a victim of the State's actions not it's own actions. Mayor Via mentioned that he has had multiple conversations with Mr. Forte and he has physically and mentally agonized over this. Mayor Via mentioned that Volusia County is going to celebrate Jackie Robinson Ball Park Heritage Day and he has some tickets for Saturday, August 25th if anyone is interested.

Commissioner Penny asked the Mayor and Commission if it would be okay to allow Mr. Robinson to come back up and hear what he has to say about his concerns about the Master Plan.

Mayor Via brought the dumpster issue up before Mr. Robinson came back up and there was consensus from the Commission to bring the dumpster ordinance back to revisit it at the August 28th meeting. Mayor Via brought back up Mr. Robinson to share his concerns and issues about the Master Plan and Mr. Robinson reiterated his concerns about Hollyland Park and the Master Plan and with HHI and Mr. Legary came back up to further stress his concerns and was in agreement with Mr. Robinson's comments and concerns.

19. ADJOURNMENT

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

Attest:	City of Holly Hill, Florida
__________________________	__________________________
Valerie Manning City Clerk	Roland D. Via Mayor