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

AUGUST 23, 2005

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 7:03 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Butch Simpson, Public Works Director Milton Hallman, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, Community Development Director Stuart Buchanan, Community Redevelopment Coordinator Marsha Radulovich and City Clerk Valerie Manning.

B. Invocation

Milt Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

None.

3. CONSENT AGENDA

Minutes of the Regular City Commission meeting – August 9, 2005
Minutes of the City Commission Workshop – August 9, 2005

*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, Blais – Yes, Mayor 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 Via stated the WAV met on August 17, 2005. Under new business there was a very interesting proposition for the County to show their support of the WAV by surrendering their water services not the retail side of it but the wells and everything to let WAV have that and they said that would be an example for everybody else to follow and to move forward. He briefly discussed the Master Facilities update which is a presentation of the alternative water supply systems and there were four different projects brought forward.

Commissioner Byrnes stated they had their State Conference for the Florida League of Cities in Orlando and it was very interesting to see how other cities handle things. There was a lot of interesting displays.

Commissioner Blais stated the Collegiate Task Force meets again in September.

Commissioner Schmitt had no report.

Mayor Arthur at this time asked if Commissioner Blais would like to be the representative for some of the other meetings that he regularly attends during the months being he has a short time left as Mayor. He encouraged the candidates that were present to try to attend some of the meetings as well. As soon as the new Mayor takes office, it will be their choice to pick whoever they want to attend.

At this time Commissioner Blais stated that he wouldn't mind being the representative for the meetings.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Matthew Hudson, 131 Daytona Avenue, stated he is coming before the City Commission to request that they hold a workshop and review the Codes about changing three ordinances. All three of these ordinances concern water and water related activities.

There was ***CONSENSUS*** *from the City Commission to hold a workshop on September 27, 2005 regarding this.*

6. RESOLUTION 2005-R-34, FIRE PENSION BOARD APPOINTMENT

Mr. Simpson read by short title:

RESOLUTION NO. 2005-R-34

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

*Commissioner Byrnes moved to **APPROVE** Resolution 2005-R-34, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Byrnes – Yes, Blais – Yes, Via – Yes, Schmitt – Yes, Mayor Arthur – Yes.

7. SECOND READING OF ORDINANCE 2734, MULTI-FAMILY MINIMUM AVERAGE UNIT SIZE AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR)

Mr. Simpson read by short title:

ORDINANCE NO. 2734

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CHAPTER 114, ZONING REGULATIONS, ADDING MINIMUM AVERAGE FLOOR AREA FOR MULTI-FAMILY DWELLINGS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Second Reading of Ordinance 2734, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Schmitt – Yes, Blais – Yes, Via – Yes, Byrnes – Yes, Mayor Arthur – Yes.

8. SECOND READING OF ORDINANCE 2735, FEEDING OF FERAL OR STRAY ANIMALS, TAMPERING WITH ANIMAL TRAPS – AMENDMENT TO CODE OF ORDINANCES CHAPTER 10, ANIMALS

Mr. Simpson read by short title:

ORDINANCE NO. 2735

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CHAPTER 10, ANIMALS, ADDING SECTION 10-48 FEEDING OF FERAL OR STRAY ANIMALS; SECTION 10-49 TRAPS SET BY ANIMAL CONTROL OFFICERS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Second Reading of Ordinance 2735, seconded by Commissioner Blais.*

Matthew Hudson, 131 Daytona Avenue, stated he agrees with tripping the traps but he disagrees with keeping people from feeding the cats.

The motion **CARRIED** 4-1 on roll call: Schmitt – Yes, Blais – Yes, Byrnes – Yes, Via – Yes, Mayor Arthur – No.

9. SECOND READING OF ORDINANCE 2736, TAMPERING WITH RECYCLE CONTAINERS AND DUMPSTERS – AMENDMENT TO CODE OF ORDINANCES CHAPTER 54, SOLID WASTE

Mr. Simpson read by short title:

ORDINANCE NO. 2736

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CHAPTER 54, SOLID WASTE, AMENDING SECTION 54-4 UNLAWFUL TAMPERING WITH OR MOVING GARBAGE, RUBBISH, YARD WASTE OR WASTE CONTAINERS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved for **APPROVAL** Second Reading of Ordinance 2736, seconded by Commissioner Via.*

The motion **CARRIED** 4-1 on roll call: Schmitt – Yes, Via – Yes, Byrnes – Yes, Blais – Yes, Mayor Arthur – No.

10. REVIEW OF SPECIAL EXCEPTION – 1105 RIDGEWOOD AVENUE – HAMID ZOMORODIAR – USED CAR LOT

Mr. Forte stated this is the property that's located at LPGA Boulevard and Ridgewood Avenue. It is the LPGA Auto. Three year's ago Mr. Zomorodiar was given a special exception to be able to sell cars at his facility. It is supposed to be reviewed annually and that hasn't been done since 2003. A couple of complaints have prompted it to come before the Commission tonight. The owner of the business is present tonight. There have been occasions when Mr. Zomorodiar has fallen out of compliance and generally either Mr. Harbuck or I will go and visit Mr. Zomorodiar and ask him to put the property back into compliance.

Commissioner Byrnes asked if it has taken Mr. Zomorodiar a long time to come into compliance? His understanding is that it is usually right away.

Mr. Forte stated yes, typically that's how it works if either Mr. Harbuck or I go over there and leave him a copy of the layout of the property or speak with him personally, Mr. Zomorodiar generally brings it back into compliance.

*Commissioner Via moved to **APPROVE** another year's extension until August, 2006 for improvements to the property located on 1105 Ridgewood Avenue owned by Hamid Zomorodiar, seconded by Commissioner Blais.*

The motion **CARRIED** 4-1 on roll call: Via – Yes, Blais – Yes, Schmitt – Yes, Byrnes – Yes, Mayor Arthur – No.

Hamid Zomorodiar, 1105 Ridgewood Avenue, spoke briefly about his property and thanked the Commission for another year's extension.

11. SPECIAL EXCEPTION REQUEST FOR FLAG LOT – 1506 & 1508 RIVERSIDE DRIVE

Mr. Buchanan stated the applicant Valli J. Logan is being represented by Jerome Mitchell. (The property owner lives out of State). The City's Code of Ordinances has five criteria's to approve a flag lot and those five are outlined under the review analysis. This was reviewed by Mr. Harbuck and I and it does meet all five of the criteria for approval of a flag lot and that's included in the staff report for the Commission's review. It's very simple. It's very straight forward. It has an existing house in the front and they would like to build a new house in the back.

Mayor Arthur asked if all the adjoining neighbors have been notified?

Mr. Buchanan stated, yes sir.

*Commissioner Via moved to **APPROVE** the applicant, Valli J. Logan's request for a flag lot located at 1506 and 1508 Riverside Drive, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Schmitt – Yes, Byrnes – Yes, Blais – Yes, Mayor Arthur – Yes.

12. 2004-2005 STREET RESURFACING PROGRAM

Mr. Forte stated this is a request to enter into a contract with P & S Paving to do road resurfacing for $75,000. There is a list of the roads to be resurfaced in their packets. The $75,000 is what staff has budgeted this year.

*Commissioner Via moved to **APPROVE** the FY 2004-2005 Street Resurfacing Contract to P & S Paving in an amount not to exceed $75,000, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Blais – Yes, Schmitt – Yes, Byrnes – Yes, Mayor Arthur – Yes.

13. 2004-2005 SIDEWALK PROGRAM

Mr. Forte stated they want to piggyback off of a Port Orange agreement with Municipal Contracting, Inc., for the $75,000 worth of sidewalk improvements.

*Commissioner Via moved to **APPROVE** the FY 2004-2005 Sidewalk Contract to Municipal Contracting, Inc., in an amount not to exceed $75,000, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Schmitt – Yes, Byrnes – Yes, Blais – Yes, Mayor Arthur – Yes.

14. JIM WILSON – AMENDMENT TO PUD

Mr. Buchanan stated the applicant, Jim Wilson, prepared an amendment to his existing PUD. He wishes to build two buildings. One is a winery and the other is an equipment shed. His farm is doing extremely well and he is looking forward to expanding that and continuing on with his winery.

*Commissioner Via moved to **APPROVE** the applicant, Jim Wilson's amendment to the existing preliminary site plan for construction of two (2) new buildings, seconded by Commissioner Blais.*

The motion **CARRIED** 5-0 on roll call: Via – Yes, Blais – Yes, Byrnes – Yes, Schmitt – Yes, Mayor Arthur – Yes.

15. DIGITAL DISPLAY SIGN

Mr. Forte stated several weeks ago he went out for a Request for Proposals (RFP) for a digital sign for the Recreation Department. One way of doing it was to create the sign or have someone create the sign and then they would put that out for bids and they would generally select the lowest bidder. He tried to do something a little different this time and asked in the RFP for the sign companies to submit designs and specifications with their bid this way staff could have an idea of what their talents are and what the designs were. Staff had some options to choose from which the City Commission workshoped at the last meeting, August 9th. (*Southeastern Neon & Lighting Group, Inc., was awarded the bid by consensus from the City Commission at the August 9, 2005 workshop*). Several of these signs were in the same price range but the one that the City Commission had selected was a little higher than the others. He recently received a call from one of the other bidders, Ray Webb from KENCO Signs and Outdoor Lighting, Inc., and he is suggesting that these signs can be built for less than what the bid was for. The unique thing here is that the way he went about doing it, he was hoping that all of the prices were going to come in, in the same ballpark. In essence, he verbally notified Southeastern Neon & Lighting Group, Inc., that they would be awarded this bid after tonight's meeting approval of the expenditure. Mr. Webb is the one who had contacted him with the concern that the City could possibly save approximately $10,000, $12,000, $15,000.

Ray Webb, KENCO Signs and Outdoor Lighting, Inc., stated with all due respect, he brought it up based on the fact that he just called to *check* on it to find out where it stood. At that point, Mr. Forte and I talked about the fact that the Commission had discussed a much higher cost factor for a sign with coquina. That was not discussed and predicated in the language that was asked of the bidders prior to. Also, there are a lot of differences and he thinks they need education values here with respect to LEDs. The components that he manufactures and Don Bell manufactures, and he is not going to speak badly of his competition, are more readily available. Thereby, servicing the sign they would be a more simplified process rather than have the experience of having to wait until something ships from China if it ever gets here. He has done this for 25 years. He has dealt with Chinese LED technology. Simply put, it's a nightmare! Plus this company that the Commission is contemplating has not been researched. This situation is real simple. The LEDs need researched a little bit more because quite honestly they are going to find that they can save an exorbitant amount of money for the taxpayers. And based on the fact that his company is located in Holly Hill and he owns five parcels of land, he wants to see the taxpayers save by virtue the same way that all of these people in here would want to see $10,000 to $15,000 saved on a sign. It's an unfair condition. Whether he lost or not is not the issue. That's not why he is here. It's the fact that there was a lot of money left on the table by virtue of the other two companies and himself, that were right in the same ballpark. Then they get another company that jacks the number up and the salesman is going to walk with $10,000 to $12,000 in his pocket and who pays for that? The taxpayers. He just wants the Commission to look at all the options.

At this time Mr. Forte read the bid description to the Commissioners and Mayor which was advertised in *The Daytona Beach News-Journal*.

Commissioner Byrnes made a motion to approve the bid award to Southeastern Neon & Lighting Group, Inc., due to a Commission workshop that was held on August 9, 2005. All the digital display signs were presented for the Commission to review. After much discussion the Commission, by consensus agreed Southeastern Neon & Lighting Group, Inc., had the better design and requested to bring this back to a Commission meeting for approval to pay for the digital display sign for the full color reader board in a total cost of $61,000 but it ***DIED FOR LACK OF A SECOND VOTE****.*

Mr. Forte stated he is going to go under the impression that the City Commission still wants a digital display sign out there so he is going to go out of the County and ask for someone to design a sign that he could then bid for folks that are within the County. He will go to a professional sign company, maybe in Jacksonville and ask them to draw something and set some criteria. He will consult with Mr. Webb, Don Bell, and with whoever he can. He will have someone else who is *not* going to bid on the sign, draw the specs and then they will send it out for a traditional bid.

16. COMMUNICATIONS

A. City Manager

None.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Schmitt thanked everyone for coming to the Commission meeting.

Commissioner Via thanked Mr. Simpson for his hospitality during the Annual Florida League of Cities Conference.

Commissioner Byrnes stated he enjoyed the Conference as well. He thought it was very interesting to see how other cities do things.

Commissioner Blais stated he enjoyed the courses that he attended during the Conference and one that really impressed him was the New Urbanism, "*A Vision For Your Town Design*."

Commissioner Via stated in October the school board is going to have a meeting regarding the Middle school and the new construction that is going to take place and asked if staff could see about getting involved with the meeting and/or be able to have some sort of input.

17. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:00 p.m.

Attest:	City of Holly Hill, Florida
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Valerie Manning City Clerk	William D. Arthur Mayor