

MINUTES

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
AUGUST 26, 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 Acting City Manager / Assistant to the City Manager Greg Wood, City Attorney Edward Simpson, Building Official Tim Harbuck, Public Works Director Milt Hallman, Public Safety Director Don Shinnamon, Community Redevelopment Coordinator Marsha Radulovich, and City Clerk Jeaneen Clauss. Assistant City Attorney Scott Simpson arrived at approximately 8:15 p.m. City Manager Joe Forte was absent due to surgery.

B. Invocation

Matt McKewon delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Recognition of the Selections for the 2003 Awards Recipients:

Employee of the Year

Raymond Beltrami, Public Works Utilities Supervisor

Citizen of the Year

Matthew McKewon

Corporate Citizen of the Year

William Jones, Jr., Metra Electronics

Mayor Arthur announced the names of this year's award recipients. Gratitude and congratulations were expressed towards each of them. Mr. McKewon was present.

3. CONSENT AGENDA

Minutes of Regular Commission Meeting – August 12, 2003

Report of Purchase Orders Issued between \$5,000 and \$10,000

- **Utility Service Co., Inc. - \$9,100**

*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, Lockeby – yes, Byrnes – yes, Arthur - yes.

MINUTES

4. COMMITTEE REPORTS

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

Commissioner Schmitt reported that the Chamber of Commerce Golf Tournament successfully netted \$6,600 last weekend. They had a little scare last week, health-wise, for Executive Director George Zoller but he is doing fine now.

Commissioner Via stated that the first Water Authority of Volusia (WAV) Meeting is tomorrow at 8:30 a.m. It will be an organizational meeting.

Commissioner Byrnes stated that the Executive Board of the Volusia League of Cities met last Thursday and at that meeting he received some information from the City of Daytona Beach Shores regarding how they handle the sale of fireworks. He forwarded that information to Staff. He also stated that he really enjoyed the Florida League of Cities conference. They learned a lot and met with other government representatives.

Commissioner Lockeby stated that the EMS / Fire Study is now coming to a dollar figure for first response but it looks like a bookkeeping nightmare. They are looking at a three-year implementation plan. The good news is that the County is bringing up its standards closer to ours, so that will make first response more equitable. Roy Schleicher has announced that he is resigning and they are thinking of having Karl Welzenbach head-up both VCOG and MPO.

Mayor Arthur stated that they discussed the possibilities of the cities accepting responsibility of US1. A cohesion of cities must want this for FDOT to do it. It would give the cities the opportunity to design their city they way they want to but it will be at their own expense, maybe with the help of grants. The small cities won a weighted vote today on the twenty-five member MPO proposal, which will now be sent to the state.

5. AUDIENCE PARTICIPATION

Regarding items not on the agenda.

Laverne Martinic, 1716 Ridgewood Avenue, Century 21 realtor, requested permission to hold a yard sale at the Board of Realtors property. This sale is a benefit for the American Heart Association. The Commission supported the idea of having this sale and instructed Staff to issue a permit for it the next day. When speaking of the potential permit fee,

*Commissioner Via moved to **WAIVE** the permit fee, seconded by Commissioner Lockeby.*

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

MINUTES

Virginia Morris, 112 San Robar, referred to an article in the U.S. News and World Report which showed that a man had put a little door on a tree and children began leaving notes for what they called “the little guy” in the tree. He answered the notes, acting as “the little guy”. She suggested that an oak tree at the corner of San Robar and Riverside would be perfect for just such a door and her husband had already made the door – which she displayed. She asked for permission to put the door on the tree and perhaps a small amount of concrete on the bottom. She wants to name this “The Holly Hill Home of the Gnome”. She also thought that any notes that might be left could be answered by the City Manager. The Commission indicated that they thought this was a cute idea but want to make sure that this does not damage the tree in any way – particular concern about the concrete. Staff will check with the County horticultural department on this.

Ms. Radulovich advised the Commission that the Community Redevelopment Advisory Board and the Chamber of Commerce are planning to work together to hold a *Halloween in the Park Event*. This would be held on October 31st from 5:30-7:30 p.m. They have room for sixty area merchants to set-up displays. Candy would be provided for children twelve and under. This will be a nice community / family event and a way to provide a safe Halloween activity. The Commission was very supportive of this.

6. FIRST READING OF ORDINANCE 2670, PROVIDING FOR BOARD MEMBERS TO SERVE AT THE PLEASURE OF THE COMMISSION

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 2-71 (APPOINTMENT OF BOARDS) AND SECTION 82-74 (REMOVAL OF MEMBERS FROM OFFICE; VACANCIES) OF THE CODE OF ORDINANCES PROVIDING THAT ALL BOARD MEMBERS SERVE AT THE PLEASURE OF THE CITY COMMISSION AND CAN BE REMOVED AT ANY TIME WITH OR WITHOUT CAUSE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to APPROVE First Reading of Ordinance 2670, seconded by Commissioner Lockeby.

Steve Correia, 707 Caroline Avenue, inquired as to the motive for this ordinance. Mayor Arthur explained that this is something that the Commission had always thought was in place. Mr. Schmitt explained that the City Manager had discovered this and was bringing it to the Commission to consider. Commissioner Via expressed some initial hesitance regarding this because he didn’t want to see people removed for “political” reasons but he added that he knew that ultimately the Commission will un-seat any board member (as they would the city manager) once a majority of them deem it appropriate, so this stream-lines that process for board members. Mr. Correia inferred that this was directed towards his removal because of a disagreement that he had with a fellow member of the Board of Planning and Appeals. He asked the Commission not

MINUTES

to bow down to a threat to quit from a member. He stated that he plans to serve out his entire term. Commissioner Schmitt indicated that he felt there were members of other boards that were not very committed and he wanted to be able to more easily replace them with the volunteers-in-waiting. Commissioner Byrnes stated that he felt that most of their board members were highly dedicated, so he indicated this would only be minimally utilized. Mayor Arthur stated that he felt it was imperative that the boards run smoothly and any problems should be dealt with quickly.

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

7. FIRST READING OF ORDINANCE 2671, PROVIDING FOR PARKING OF BOATS ON ANY ZONED PROPERTY IN THE CITY

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 114-791 (BOATS AND RECREATIONAL VEHICLES AND EQUIPMENT) OF THE CODE OF ORDINANCE TO ALLOW THE PARKING OF ANY SIZE OPERABLE BOAT IN THE FRONT YARD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** First Reading of Ordinance 2671, seconded by Commissioner Via.*

Commissioner Byrnes indicated that he felt this is unnecessary and could be visually unappealing. Commissioner Schmitt stated that he counted seventeen boats with size violations, indicating he felt a look at this ordinance is warranted. Commissioner Via suggested they might increase the size requirement instead of eliminating it entirely – maybe to twenty-five feet. Mayor Arthur stated that the size of a boat is not an issue in a boating community and indicated that the more important issues are the appearance of it and the rest of what you see when you look at the front of a house.

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

8. FIRST READING OF ORDINANCE 2672, RESTRICTING THE STORAGE USE OF CARPORTS TO VEHICLES

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING SECTION 114-813 (STORAGE IN CARPORTS PROHIBITED) PROHIBITING THE STORAGE OF ALL ITEMS IN A CARPORT EXCEPT FOR AUTOMOBILES, MOTORCYCLES OR BOATS; PROVIDING FOR

MINUTES

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

*Commissioner Schmitt moved to **APPROVE** First Reading of Ordinance 2672, seconded by Commissioner Lockeby.*

Commissioner Schmitt asked Mr. Wood if Code Enforcement would proactively enforce this, stating that he did not want to see another law on the books that wasn't being enforced. Mr. Wood indicated that it would help if they had an additional officer in that department. Commissioner Via suggested that they hold a workshop on the "proactive" determination because they need to decide together what direction they want to send to Staff – it has changed over the years. Mayor Arthur stated that he felt we could use an entire front yard ordinance but this is a good starting point. There was some discussion about the Code Enforcement process. The Commission would like to be made aware of the Special Master hearings so they can have the opportunity to attend. Both Commissioner Byrnes and Commissioner Via indicated that they felt this ordinance is too restrictive because some people use carports as porches with a table and chairs and a grill on them or for storage of bicycles, etc... They did not feel those uses were aesthetically unappealing. Commissioner Via added that there are too many other code enforcement issues that should be prioritized first.

The motion **CARRIED** 3-2 on roll call: Schmitt – yes, Lockeby - yes, Via – no, Byrnes – no, Arthur - yes.

9. RESOLUTION 2003-R-48, ACCEPTING AND DESIGNATING THE USE OF THE LAW ENFORCEMENT BLOCK GRANT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE ACCEPTANCE OF AND DESIGNATING THE USE FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved to **APPROVE** Resolution 2003-R-48, seconded by Commissioner Schmitt.*

Chief Shinnamon explained that this grant would be used to pay the cost of leasing two vehicles (one for the narcotics task force, and one for the VIPs), five Nextel telephones and service with two-way radio capability, five glock handguns, and a drug awareness donation to the Holly Hill Middle School.

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

10. FINAL PAYMENT FOR FLORIDA EAST COAST RAILROAD CROSSING REHABILITATION

MINUTES

This item was removed from the agenda because the price was lowered below the amount previously approved. Commissioner Byrnes had previously inquired about specific items and Mr. Hallman spent a lot of time discussing these and others with FEC staff.

11. PIGGYBACK BID FOR UNIFORM PURCHASE

Mr. Hallman explained that the Volusia County Bid for uniforms with the company we are currently using has expired. The County's new bid results split the bid to three different companies, depending on the items needed. We can piggyback on the City of Orlando's SICOP bid with one company for all of our uniform items, which is overall the lowest bid. Bid comparison sheets were provided in the commission packet.

*Commissioner Via moved to **APPROVE** the piggyback of the City of Orlando's SICOP Bid for uniforms for City employees, seconded by Commissioner Schmitt.*

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

12. COMMUNICATIONS

A. City Manager

Mayor Arthur complimented Mr. Wood on his prep work for this meeting.

Mr. Wood advised that the Legislative Delegation meeting has been re-scheduled to September 24th from 2-4pm in DeLand and 6-8p.m. in Port Orange. Mayor Arthur expressed concern about this because he was told that the cut-off date for these issues is September 9th. Mr. Wood will follow-up on that.

Mr. Wood advised that the Historic Preservation Board is planning to host a Tea at the Call's house soon. The Commission will be invited.

Mr. Wood advised that LIUNA has agreed to all contract negotiations. Commissioner Byrnes suggested that they be rewarded for their cooperation by authorizing their raises to begin on the next pay period. Mr. Wood stated that this would be the September 12th pay period and the cost to the City for this would be \$3,745.

*Commissioner Byrnes moved to **APPROVE** authorizing the pay raises for LIUNA employees begin on the next pay period, seconded by Commissioner Via.*

A letter from Mayor Arthur on behalf of the City Commission will be included in each of the paychecks for these employees.

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

MINUTES

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Lockeby expressed a need for Staff to keep him well informed and voiced his appreciation for this.

Commissioner Schmitt stated that the Special Master Hearing scheduled for August 28th will determine to the case against the man with the “yard art”. Commissioner Schmitt indicated that he plans to attend this. He thanked everyone from the bottom of his heart for acting as a family to him following his surgery – not having family locally made this very special to him.

Commissioner Via welcomed Commissioner Schmitt back. He then expressed his disappointment in the County Fire Service vote because it is inequitable. He is all for first response but it should be administratively fair. Commissioner Via referred to the carport ordinance and asked that everyone take a drive around the City and really do an inventory of the ones they need to address, before they pass second reading of this ordinance, because he did not feel there were very many and he felt this ordinance was too strong. Commissioner Via advised everyone that he qualified Monday at eleven o’clock for his third term.

Commissioner Byrnes stated that it is good to see Commissioner Schmitt back and looking good. He referred to the County Fire Service vote and how inequitable it is, stating this is the type of action that could push them towards contracting this service – as he’d previously mentioned. Commissioner Byrnes stated that when his wife renewed her driver’s license by mail, it returned to her with the City of Daytona Beach, in place of the City of Holly Hill. He stated that it is bad enough that the federal government refuses to recognize them as a separated city by allowing Daytona Beach to use the same zip code but now the State is guilty of this offense. He requested a letter be written to the State to remind them that 32117 is predominately a Holly Hill zip code. Mr. Wood indicated that he would take care of this.

Mayor Arthur stated that it is nice to have Commissioner Schmitt back.

13. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:25 p.m.

Attest:

City of Holly Hill, Florida

Jeaneen P. Clauss, CMC
City Clerk

William D. Arthur
Mayor