

MINUTES

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA**

SEPTEMBER 10, 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 7:00 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, City Attorney Butch Simpson, Information Technology Director Scott Gutauckis, Commander Mark Barker, Finance Director Kurt Swartzlander, Assistant Finance Director Susan Worde, Public Works Director/City Engineer Chris Hurst, Community Redevelopment Area Coordinator Marsha Radulovich, PAL Executive Director Chuck Beach, and City Clerk Valerie Manning.

B. Invocation

Matthew Reed, from Orange County, New York delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PROCLAMATIONS AND PRESENTATIONS

- Randall Brown – Department of Financial Services

Mr. Brown gave a brief update to the Mayor and City Commissioners on My Safe Florida Home program. If anyone is interested in visiting the Website they may go to www.mysafefloridahome.org for further information.

- Colleen Caporelli, Director of Sica Hall Senior Center Program, along with many of the seniors came before the Mayor and City Commission to thank them, Mr. Forte, and Mr. Lemerand for his generous donation to keep the Senior Center open for another five years. The seniors will be having a party on Friday, September 28th to celebrate keeping the Senior Center open and everyone is invited to come. Ms. Caporelli turned in 102 signatures that were collected from the seniors who wanted to keep the Center open.

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3. CONSENT AGENDA

1. Sunrise Park South – Parking Lot Construction – Low Bid Award – Militello Contracting, Inc. – \$33,480

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

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

Commissioner Penny asked if they can move Item #6 to the end of the meeting for those who may be attending the Planning and Appeals meeting and someone who had to attend an Open House meeting would like to speak.

There was consensus from the Commission to do that.

4. AUDIENCE PARTICIPATION Regarding items not on the agenda.

Gary Osteen, Gary's Drive Line, State Avenue, came before the Commission to share his concerns about being charged for two licenses. He has been in the City for 32 years and he is not running two businesses out of his business, just one.

Mayor Via informed Mr. Osteen that this was brought up at the last Commission meeting and staff was going to take a look at all the businesses that this is happening to and that the Commission was going to do a workshop on all the fees.

Lou Schmitt, 1000 Walker Street, #328, asked if the Commission could workshop parking on front lawns again.

Irene Tadora, 340 Cumberland Avenue, Ormond Beach, spoke about her rental properties in Holly Hill and when you rent to people right now, with the economy the way it is, they are having sometimes two and three families living in that home which makes it impossible for one or two vehicles in an old home that has one driveway. She is just trying to stick up for her renters right now. They don't own one vehicle; most of them have two, three vehicles or they have more than two families living in the home to make the rent right now.

Rose Schumacher, Director of the Chamber of Commerce, 1056 Ridgewood Avenue, invited everyone to the Candidates Forum on Monday, September 17th starting at 6:30 p.m. at Sica Hall to meet and greet the candidates and then questions and answers will begin at 7:00 p.m.

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5. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2809, VOLUNTARY ANNEXATION – 1580 & 1570 NOVA ROAD – APPLICANTS: CHRISTOPHER CHAVEZ and T.F. STRICKLAND

Attorney Simpson read by short title:

ORDINANCE NO. 2809

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED AT 1580 NOVA ROAD (Tax Parcel Number 5237-02-00-0420) AND 1570 NOVA ROAD (Tax Parcel Number 5237-02-00-0410) CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** the Second Reading of Ordinance 2809, seconded by Commissioner Reed.*

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

6. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2811, TERM LIMITS FOR BOARDS

Moved to the end of the agenda by consensus from the City Commission.

7. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2812, MUNICIPAL PARADE PERMIT

Attorney Simpson read by short title:

ORDINANCE NO. 2812

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, PROVIDING REGULATIONS FOR ISSUANCE OF A PARADE PERMIT; REVOCATION OF PARADE PERMITS; DENIAL OF PARADE PERMITS; APPEAL PROCESS; PROVIDE A REPEALING CLAUSE; PROVIDING A PENALTY OF; AND PROVIDING A SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte handed out a revised version of Ordinance 2812. Mr. Forte stated that Attorney Scott Simpson had made some additional corrections or changes to the Ordinance and the changes are underlined so that the Commission can immediately see what those changes are.

Mayor Via mentioned that he is very uncomfortable with this process right now because in a public hearing, the public should have the opportunity to be able to read the new amended version of this and they haven't been able to read this. Mayor Via mentioned that he would rather take this back to another meeting if not a workshop situation. Did someone want to make a motion to table this?

*Commissioner Blais made a motion to **TABLE** Ordinance 2812, seconded by Commissioner Reed.*

Mayor Via opened public participation.

Eddie Colosimo, Bikers for First Amendment Rights (B.F.F.A.R.), mentioned that he had a prepared statement to ask for them to table this but since they did that already, he will get with Chief Shinnamon and work out a parade route for this coming Biketoberfest and discuss this after Biketoberfest, is that what he is understanding?

Mayor Via stated in a discussion he had with Mr. Colosimo, he mentioned that he was going to use Riverside Drive, perhaps as an option.

Mr. Colosimo stated, yes. He had made the option that if this item was tabled tonight, that he would agree with the City's position to move the parade to Riverside Drive and that the City would then temporarily forgo parking regulations for that day for the parade so that people weren't forced to park on the residents yards.

Mayor Via stated he doesn't know anything about parking regulations. People will have to find a place to park. They can park in the right-of-way.

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Commissioner Reed stated they can park in the park like all of the Parks Seafood customers do.

Mayor Via stated, yes. There are several parks they can park in.

Mr. Colosimo stated if this is going to be tabled until after Biketoberfest then he will agree to work with Chief Shinnamon and run it down Riverside Drive and they will have a successful parade. The parade will be October 21st.

Mayor Via closed public participation.

Commissioner Penny stated it's clear that there have been discussions outside of this Commission, especially with the Mayor and Mr. Colosimo, is that correct?

Mayor Via stated, yes.

Commissioner Penny stated he recalls approximately six or eight months ago this Commission, at Commissioner Reed's direction, giving a little chastising about going around and cutting deals...he would just like to know how many conversations has Mr. Forte had on this matter with B.F.F.A.R.?

Mayor Via stated he is sure they have had a few. "Are you asserting that I cut a deal?"

Commissioner Penny stated it appears to him that the Mayor is going beyond his scope of duties as the Mayor; since the City has a strong City-Manager form of government and not a strong Mayoral form of government.

Mayor Via stated there's nothing that...Mr. Colosimo told him today that if this was tabled, he was planning on doing a Riverside Drive thing. There was *no deal* made on this at all. Mayor Via mentioned that he called Mr. Forte today and interrupted him during a meeting that he thinks he was having with Commissioner Penny.

Commissioner Penny stated he would like to know how many other Commissioners have had discussions with B.F.F.A.R. about this issue?

Commissioner Reed stated he has not.

Commissioner Anderson stated she has not.

Commissioner Penny stated it makes him question what has changed between the support that this Commission had for this permit at the last meeting to now, other than these conversations because he hasn't been privy to any of these conversations.

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Commissioner Reed stated if he may answer Commissioner Penny's question. From where he sits, this City needs a parade permit process like they need a hole in the head. They do not have a demand for parades. He does not know why they have this in front of them. He thinks it is the biggest waste of legal money that this City has spent since he has been up on the dais as Commissioner. They have this one parade that wants to be done; he is not so sure how long this parade will last as far as continuity. The first year it lasted twelve minutes; last year it lasted approximately fifteen minutes. They are talking about fifteen minutes of this sort of activity. Commissioner Reed mentioned that he doesn't like to be handed information at the last minute and there seems to be a lot of things in this permit to be directed at one particular person in this City which he doesn't feel is right. Commissioner Reed stated he doesn't think that they need the parade permit; he wouldn't have voted for any parade permit under any guides. He spent twenty minutes at the last meeting trying to beat up the specifics of it because it was so ridiculous. And the sheet that has all of the administrative costs, that he feels is highly trumped up and he talked about it today with Mr. Forte. These people that say they are charging for this administrative costs, they work here on salary anyway and they are expecting the citizen to pay for them to be here when they are already here working? There's nobody in the City...this is not a slap on any of the employees because it's human nature, nobody not even at Penny All State work eight hours every day; they have a few minutes, they can fit this kind of stuff into their very pressing schedule. "To charge somebody for this is ridiculous so there is where your support is."

Commissioner Penny stated they will agree to disagree on this because he does work as an All State agent and they live in a litigious society. He thinks it's their *obligation* to pass this permit because they have a responsibility to protect the City. The insurance liability portion of this permit is the most important, in his opinion. Commissioner Penny asked Attorney Simpson if elected officials can be sued for negligence.

Attorney Simpson stated it depends on the activity that they engage in. In general, policy making, such as passing of ordinances, does not carry with it...it's a governmental activity that they generally cannot be sued for in negligence; that sort of thing.

Commissioner Reed stated he thinks they should save the rest of their discussion for the time when they have the vote.

Commissioner Penny stated he would hate to table this for some un-time certain. If their concern is that they are getting blindsided by these changes, let's table it until the next meeting.

Mayor Via stated the reason he asked if they wanted to table it was because they were just given the new amended ordinance and there is a lot of changes in there and it has to be digested. They should have done this in a workshop setting. The Commission did ask Mr. Forte to bring this forward in a quickly, more timely manner.

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Commissioner Anderson stated first of all, the City was going to have the parade and they had no problem with it and all the Commission asked for was that there be no colors in the parade; that was the only thing the Commission asked for and then Mr. Colosimo said he didn't want to go with that; he refused. Every time Mr. Colosimo has come up before the Commission, the last statement he made to the Commission was that he was going to do it anyway. Commissioner Anderson mentioned that she doesn't want to have a parade permit but the point being is this could have been handled months ago. The Commission has workshopped this and it has been workshopped to death but apparently they are going to workshop it until it comes out the way it did the first time. Commissioner Anderson stated she doesn't feel the Commission is at fault for bringing this all up.

Mr. Forte asked if there is a date certain for tabling this item. Do they want to workshop it first?

Mayor Via stated they can put it on the agenda but he wants to talk about it before the meeting starts. They can workshop it on October 9th and bring it back on the agenda October 23rd.

The motion **CARRIED** 3-2 on roll call: Blais – Yes, Reed – Yes, Penny – No, Anderson – No, Mayor Via – Yes

8. **PUBLIC HEARING** – RESOLUTION 2007-R-41, TENTATIVE MILLAGE RATE

Attorney Simpson read the body of the Resolution for the record:

RESOLUTION NO. 2007-R-41

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 2007; PROVIDING FOR CONFLICTING RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Florida is required by Florida Statute 200.011 to certify to the County Property Appraiser the general municipal millage rate established by said Commission for the tax year beginning October 1, 2007; and

WHEREAS, the City Commission of the City of Holly Hill, Florida, pursuant to Florida Statute 200.065, the TRIM BILL, is required to adopt a tentative budget and a tentative millage rate, said proposed millage rate is 5.00% below the rolled-back rate; and

WHEREAS, the City Commission of the City of Holly Hill, Florida, is desirous of adopting a tentative millage rate, having given proper notice of both a proposed 5.00% tax decrease and the public hearing held with respect to same.

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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION
OF THE CITY OF HOLLY HILL, FLORIDA:**

SECTION 1. That the tentative millage rate adopted by the City Commission of the City of Holly Hill, Florida, for the tax year beginning October 1, 2007 is 3.68177 (\$3.68177 per \$1,000.00); said tentative millage rate is 5% below the rolled back rate of 3.87555, which shall be the proposed percentage decrease in property taxes.

SECTION 2. That all resolutions made in conflict with this Resolution are hereby repealed.

SECTION 3. That this Resolution shall become effective immediately upon its adoption.

The within and foregoing Resolution was read before the City Commission of the City of Holly Hill, Florida, at its Special Meeting held in Commission Chambers at City Hall, 1065 Ridgewood Avenue, Holly Hill, Florida, on the 10th day of September, 2007.

Mayor Via opened public participation. No one spoke.

*Commissioner Blais made a motion to **APPROVE** Resolution 2007-R-41, seconded by Commissioner Penny.*

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

9. PUBLIC HEARING – FIRST READING OF ORDINANCE 2813, ANNUAL BUDGET FY 2007-2008

Attorney Simpson read by short title:

ORDINANCE NO. 2813

**AN ORDINANCE OF THE CITY OF HOLLY HILL,
FLORIDA ADOPTING THE APPROPRIATIONS BUDGET
FOR THE FISCAL YEAR OCTOBER 1, 2007, THROUGH
SEPTEMBER 30, 2008, PROVIDING FOR CONFLICTING
ORDINANCES; AND ESTABLISHING AN EFFECTIVE
DATE.**

Mr. Forte informed the Mayor and Commission that the budget presented to them tonight is balanced.

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Mayor Via opened public participation.

Roger Heaphy, Charter Oaks Circle, asked if he could get a copy of the budget here at City Hall to read.

Mr. Forte stated, yes. Once this budget is approved it will be on the Internet but there are copies that are available here at City Hall that can be viewed either at the back table or at the City Clerk's office.

Mayor Via closed public participation.

*Commissioner Reed made a motion to **APPROVE** First Reading of Ordinance 2813 with the language change, seconded by Commissioner Blais.*

Commissioner Penny stated he has something he would like to bring up which talks about the City Commission budget. On page 9 of the budget for the City Commission, line item for Training and Travel and then the line item for Subscriptions and Memberships; \$3,600 and \$6,900. Commissioner Penny mentioned that he was looking at the City's Charter and seeing how they are compensated as Commissioners and the Mayor and the actual Charter says "expense allowance, health and life insurance and honorarium". Commissioner Penny read for the record the Administration portion of the Charter: "Sec. 2-30. Expense allowance, health and life insurance, and honorarium: (a) The annual expense allowance for the city commission, except for the mayor, shall be \$8,000.00, payable in 12 equal monthly installments. The annual expense allowance for the mayor shall be \$12,000.00, payable in 12 equal monthly installments. If actual expenses are less than the expense allowance, any excess funds over actual expenses shall constitute an honorarium." Commissioner Penny mentioned that he would like to pull not to change the budget but to change the line item Training and Travel, \$3,600 and the \$6,900 for Subscriptions and Memberships and title that as "Commission Discretionary Fund" which would allow the Commission to address things that come before them like the DAV van that came before them which was \$603. Commissioner Penny believes that, although there is nothing in the budget this year for things like the Boys and Girls Club Annual Steak and Steak dinner, meal allowances and mileage, he truly believes that all of these expenses the Commission is compensated for in their honorarium and if their expenses exceed these then they can apply for reimbursement. He believes it would give them more discretion. He thinks to do what the Charter charges them to do is to pull these line items out and consider any of these trips, training and travel to be already compensated under their honorarium. Commissioner Penny mentioned it's not changing the budget, he just thinks that they should pre-approve some of these things. He believes that they should still be a member of the Florida League of Cities, member of the MPO, VCOG but he just doesn't know if all the travel and training is necessary.

Commissioners Reed and Anderson agreed that it's a good comment and a good idea.

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Mayor Via stated there are specific times that things cost extra money above and beyond. For instance, him going to the FL League of Cities Conference, he represented the City there. There are expenses that are involved there. When they have a conference, they do it at the hotels. Typically, because of everything being closer in, they have more money that those rooms cost. It's better to be there on conference when they're in classes seven or eight hours a day. The reason why these are line items as they were is because this Commission, over the last ten years, did a great deal of travel going out and finding out about grants and bringing information back to the City and they used to okay these trips on a trip-by-trip basis and after a while it was easier to put in a line item for that so they can plan or budget ahead of time; it doesn't mean that it has to be paid.

Commissioner Anderson mentioned that she agrees with Commissioner Penny and asked if they could put this to a vote.

Commissioner Penny asked if he has to make a motion to amend this ordinance if he wants this to be on the table.

Mayor Via stated, yes.

Commissioner Penny asked does he make a motion to amend the budget to move the Travel and Training and Subscriptions and Memberships and combining those and making those Discretionary Fund line items.

Mayor Via stated Commissioner Penny can make the motion but he is the one that gets...“tag, you're it” and he is the one that ends up going to these things.

Commissioner Penny stated, right but you are already paid to go to them.

Mayor Via stated, no sir, he accepted this job for the money and the expenses that were involved and that's a direct deduction out of his pocket. He is trying to do the best job he can here; he doesn't do another job like that. He does this full-time for \$12,000 and all he is asking Commissioner Penny to do, he will donate his time, his efforts on behalf of this City and on behalf of the Commission, but he is asking for them to pay the fair expenses.

Commissioner Penny stated that's his point. That's what the Charter says; you're getting expenses already.

Mayor Via stated there are expenses above and beyond.

Commissioner Penny stated if the Mayor adds up all his expenses, he challenges him to...

Mayor Via stated the Charter also says that...

Commissioner Penny stated he challenges him to add them all up and see if they equal \$12,000.

Mayor Via stated the Charter also says that all he has to do is show up for two meetings.

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Commissioner Penny asked, why do you go to all these other meetings then?

Mayor Via stated because it's valuable, it brings back a emirate of expenses and everything else. But if Commissioner Penny wants to make it a motion, he can.

*Commissioner Penny made a motion to **AMEND** the line item for Training and Travel, \$3,600 and line item for Subscriptions and Memberships, \$6,900 in the budget to combine them and change the line item to Commission Discretionary Funds, seconded by Commissioner Anderson.*

The motion **CARRIED** 3-2 on roll call: Penny – Yes, Anderson – Yes, Reed – Yes, Blais – No, Mayor Via – No

Mayor Via stated that they are going to the main motion of the body of the Ordinance which is approving the budget.

*Commissioner Reed made a motion to **APPROVE** the First Reading of Ordinance 2813, seconded by Commissioner Blais.*

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

10. RESOLUTION 2007-R-40, FISCAL INTEGRITY PRINCIPLES

Attorney Simpson read by short title:

RESOLUTION 2007-R-40

A RESOLUTION OF THE CITY OF HOLLY HILL, RELATING TO FINANCIAL INTEGRITY PRINCIPLES; RELATING TO APPROPRIATION OF FUND BALANCES; RELATING TO REQUEST FOR NEW PERSONNEL; RELATING TO SALARY WAGE AND ADJUSTMENTS; RELATING TO FIVE-YEAR CAPITAL PROGRAM; RELATING TO OPERATING IMPACT OF CAPITAL PROJECTS OR OTHER LONG RANGE PROJECTS OPERATING COSTS; RELATING TO AD VALOREM TAXES; RELATING TO USER FEES; RELATING TO PAYMENT IN LIEU OF TAXES (PILOT) PROGRAM; RELATING TO INTERFUND LOANS (ADVANCES); RELATING TO FINANCIAL MONITORING AND REPORTING; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Mr. Forte stated there is one thing that he would like to add in Section 1.3, Salary wage and adjustments, under the Policy section the following language was added: *“This policy does not apply to non-union positions. All non-union positions increases in compensation are reviewed and determined by the City Manager on an annual basis”*. Mr. Forte informed the Mayor and Commission that is how it is done now and he just wanted to include that in there.

Mayor Via opened public participation. No one spoke.

*Commissioner Anderson made a motion to **APPROVE** Resolution 2007-R-40, seconded by Commissioner Penny.*

Commissioner Reed stated this is a Resolution and that’s great because they are not bound to it but the next step is an Ordinance where they will be bound to it. The third step is they are going to be forced to raise taxes so that staff can go ahead and do what they want. Commissioner Reed stated that he is not for this Resolution.

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

6. PUBLIC HEARING – SECOND READING OF ORDINANCE 2811, TERM LIMITS FOR BOARDS

City Attorney Simpson read by short title:

ORDINANCE NO. 2811

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 2-71 (APPOINTMENT TO BOARDS) TO PROVIDE FOR A MAXIMUM OF A TWO YEAR CONSECUTIVE TERMS LIMIT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation.

Beth Legary, 342 Burleigh Avenue, Board member of the Beautification Advisory Board, read a letter from Chairperson, Joie Richeson of the Beautification Advisory Board to the Mayor and Commissioners. Ms. Richeson shared her concerns in the letter to the Commission about the term limits for Board members and she is not in favor of this. Mrs. Legary shared her thoughts with the Commission and stated that she is in favor of the term limits.

Roy Phipps, Chairperson of the Planning and Appeals Board, shared his concerns with the Mayor and Commission and mentioned that he is not in favor of the term limits for the Boards.

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Charlie Sharp, Chairperson of the PAL and Recreation Board, shared his concerns with the Mayor and Commission and mentioned that he is not in favor of the term limits for the Boards.

Mike Myers, Board member of the Planning and Appeals Board, shared his concerns with the Mayor and Commission and mentioned that he is not in favor of the term limits for the Boards.

Gena Plante, Police Pension Board and Planning and Appeals Board member shared her concerns with the Mayor and Commission and mentioned that she is not in favor of the term limits for the Boards.

Jim Legary, 342 Burleigh Avenue, shared his concerns and expressed his appreciation to the folks that have spoken before him and are feeling somewhat slighted by this. Mr. Legary mentioned that so far he has been rejected for Boards four times so he doesn't see where they are having a real shortage, except perhaps on some boards there are. Mr. Legary mentioned that he is in favor of the term limits for Boards.

Sheila Hancock, 130 – 8th Street, shared her concerns and thoughts about the term limits for Boards. Ms. Hancock mentioned that she was recently appointed to the Civil Service Board and is proud to be on the Board. Ms. Hancock opposes this Ordinance for term limits to the Boards.

Phillip Wiggins, Planning and Appeals Board member, shared his concerns and thought to the Mayor and Commission about the term limits for the Boards and mentioned that he is not in favor of this Ordinance.

Mayor Via closed public participation.

*Commissioner Reed made a motion to **APPROVE** the First Reading of Ordinance 2811 with the following language to be added to the Ordinance under Section 1(b), “unless otherwise approved by a super majority of the City Commission”, seconded by Commissioner Anderson.*

Attorney Simpson stated he would like to bring something to their attention. Because of the error in the body of the Ordinance, using the word “year” which is also in the title of the Ordinance, he thinks it would be prudent to re-advertise this Ordinance and read it two more times, two public hearings, with the correct title.

Commissioner Reed stated, then he withdraws his motion along with Commissioner Anderson.

Attorney Simpson mentioned that the Commission should vote on the language that Commissioner Reed would like to amend to see if the majority of the Commission would like the new Ordinance to contain that provision.

Commissioner Reed stated also, after reviewing the structure of these Boards with the City Clerk, does the Commission want to look at making them a little more uniform in that some of them are one year terms, three year terms, or four year terms. Do they want to look at these and workshop this and look at how those Boards are set up?

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Attorney Simpson asked do they want it to apply to alternates. Because it says “board member” and a board member could be construed to be an alternate as well as a full-time board member. They will need to clarify that.

Commissioner Penny stated he thinks they should table this whole thing and do what Commissioner Reed suggested and workshop it and discuss the makeup of the Boards, the terms and the alternates. It does deserve a workshop before it comes back to the Commission again.

Commissioner Reed stated he wanted to let all the Board members who have been insulted by this as they expressed, it was not meant to be an insult to anybody. The difficulty in getting new people on any of the Boards is what prompted this whole thing to come about.

There was consensus from the City Commission to workshop it on October 9th and then bring it back on October 23rd agenda, depending upon the outcome of the workshop.

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

Mayor Via recessed the meeting approximately 8:55 p.m.

Mayor Via reconvened the meeting approximately 9:00 p.m.

11. RESOLUTION 2007-R-42, COMMUNITY REDEVELOPMENT ADVISORY (CRA) BOARD – APPOINTMENT

Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-42

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

*Commissioner Penny made a motion to **APPROVE** Resolution 2007-R-42 and insert Bruce Greenbaum into the Resolution as a board member, seconded by Commissioner Blais.*

The motion **CARRIED** 3-2 on roll call: Penny – Yes, Blais – Yes, Reed – No, Anderson – No, Mayor Via – Yes

12. RESOLUTION 2007-R-43, FIREFIGHTERS PENSION BOARD OF TRUSTEES – APPOINTMENT

Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-43

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 Blais made a motion to **APPROVE** Resolution 2007-R-43 and insert Phil Sommerlad into the Resolution as a board member, seconded by Commissioner Penny.*

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

13. RESOLUTION 2007-R-44, BOARD OF PLANNING AND APPEALS – APPOINTMENT

Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-44

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

*Commissioner Penny made a motion to **APPROVE** Resolution 2007-R-44 and insert Gena Plante into the Resolution as a board member, seconded by Commissioner Blais.*

The motion **CARRIED** 3-2 on roll call: Penny – Yes, Blais – Yes, Anderson – No, Reed – No, Mayor Via – Yes

14. COMMITTEE REPORTS

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

Mayor Via gave brief committee report on the Smart Growth Committee regarding Map “A”; mentioned the FL League of Cities dinner for Thursday in South Daytona.

15. COMMUNICATIONS

A. City Manager

None.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Reed asked about the mechanism for the Homestead Exemption where the citizens can vote for this and then start it next year or does it have to wait until right before...there was a deadline and they missed it; it wasn't brought up and he takes responsibility for that; he thinks that was something they should have at least discussed. They haven't looked at how many seniors it would apply to but people in those conditions should have that extra exemption. He knows that this was a budget crunch this year but he is sure this City could make way while maybe some elderly, poor person may not be able to make their way.

Mayor Via stated originally they had 149 seniors that would have qualified and then the number grew. Mayor Via informed Commissioner Reed that was a one time double exemption now; on the ballot for January 29th is \$100,000 senior homestead exemption that they are asking the question of. So, whether it's going to come back next year or not is unknown. It wouldn't have cost the City any money at all. What it would have done is transferred it to all the other homesteaded and non-homesteaded properties.

Commissioner Reed asked Attorney Simpson if there is some mechanism that they can vote on that next year.

Attorney Simpson stated he would have to research it. He is not as familiar with this as the Commission is.

Mayor Via stated there is no next year until the Legislature gets together. On January 29th it will be before the voters for \$100,000.

MINUTES

16. ADJOURNMENT

The meeting officially adjourned at approximately 9:10 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor