

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
SEPTEMBER 12, 2000**

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:02 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Keith Tarrer and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Finance Director Brenda Gubernator, Economic Development Coordinator Ira Corliss, Code Development Administrator Tim Harbuck, Police Lt. Mark Barker, Recreation Director Chuck Beach, Human Resources Director Diane England, and City Clerk Jeaneen Clauss.

2. INVOCATION

Mr. Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Wal-Mart Representatives Brad Bower and Wardell Godfrey presented Mayor Arthur with the 2000 American Hometown Leadership Award, sponsored by Wal-Mart in conjunction with the National Center for Small Communities. Gratitude was expressed to Executive Director George Zoller and to Mr. Corliss for assisting in the preparation of the application. The award includes a check for \$1,000 – which Mayor Arthur stated he wanted to see go to the Chamber for improvements to their façade. All agreed.

5. CONSENT AGENDA

- A. Minutes of Regular Commission Meeting – August 22, 2000**
- B. Minutes of Commission Workshop – August 22, 2000**
- C. Purchase Order over \$5,000**

*Commissioner Via moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Lockeby.*

Motion **CARRIED** 5-0 on the following roll call: Via – yes, Lockeby – yes, Tarrer – yes, Byrnes – yes, Arthur – yes.

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6. AUDIENCE PARTICIPATION

Forrest Currie, Holly Hill Police Corporal, advised the Commission on how well the Police Explorers did at the Explorer Olympics. Basically, the Holly Hill Police Explorers competed against some major cities on a national level and they more than held their own! Cpl. Currie presented a plaque to the Commission - which shows the national law enforcement explorer conference patch and the names of the advisors and teams who attended, along with the scores they obtained. Cpl. Currie and Penny Currie told the Commission about the web site that our explorers now have, which Advisor Fant greatly assisted in the creation of.

Steve Smith, 1410 Riverside Drive, thanked Commissioner Tarrer for taking the time to come over to his house and witness the traffic situation in front of his house and for taking notice of the park signs at Big Tree Park. He thanked him for the improvements there.

The following citizens addressed the Commission regarding consistent, excessive speeding on Riverside Drive and asked for better enforcement:

George Fries, 1000 Riverside Drive
Mike Gleason, 820 Riverside Drive
Melissa Gleason, 820 Riverside Drive
Ed Perkins, 920 Riverside Drive

Mr. Forte stated that they have been utilizing the SMART trailer to gather data such as the amount of traffic going by and the speed of that traffic. The trailer seems to be an effective mechanism for slowing the traffic down, as well. The Commission decided to hold a workshop on this soon, to explore options for slowing the traffic down along this historic drive.

Commissioner Tarrer thanked Mr. Smith for the effort he makes to keep his area looking nice, even taking it upon himself to pull the Big Tree Park trash container out so that it will get emptied. Commissioner Tarrer added that Mr. Smith shouldn't have to do that, and something else should be done. Mayor Arthur stated that he felt the City should sell that park to the residents.

7. SECOND READING OF ORDINANCE 2586, AMENDING THE APPROPRIATIONS BUDGET FOR FISCAL YEAR 1999/2000

Mr. Simpson read by short title:

AN ORDINANCE AMENDING ORDINANCE NO. 2533 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Tarrer moved **APPROVAL** of the Second Reading of Ordinance 2586, seconded by Commissioner Lockeby.*

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Mr. Forte listed the changes that were made within this budget, since it's first reading:

\$74,000 - Lt. Espy's and Chief Walker's retirement

\$30,000 - replacement of library roof

\$3,000 - demolition at 414 Daytona Avenue

\$900 - vests in the police department and an activity reimbursement for PAL/Recreation Board

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

8. SECOND READING OF ORDINANCE 2587, ANNEXING PROPERTY LOCATED ON ARRAGON STREET

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED 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.

*Commissioner Via moved **APPROVAL** of the Second Reading of Ordinance 2587, seconded by Commissioner Byrnes.*

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

9. FIRST READING OF ORDINANCE 2588, REVISING THE CITY'S TREE PROTECTION REQUIREMENTS

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 106, ARTICLE IV, TREES, OF THE CODE OF ORDINANCES, CITY OF HOLLY HILL, FLORIDA; REVISING SECTION 106-101 AND 106-110 BY ELIMINATING AN EXEMPTION FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL USES FROM THE REQUIREMENT TO OBTAIN A TREE REMOVAL PERMIT; REVISING SECTION 106-102 BY ELIMINATING THE SCHEDULE OF FEES FOR TREE REMOVAL PERMITS AND PROVIDING THAT THE CITY COMMISSION MAY ENACT A FEE SCHEDULE BY RESOLUTION; REVISING SECTION 106-109 BY PROVIDING A TIME LIMIT WITHIN WHICH THE DEVELOPMENT CODE ADMINISTRATOR MUST PROCESS AN APPLICATION FOR A PERMIT TO REMOVE A TREE ON A SINGLE-FAMILY, TWO-FAMILY OR MOBILE HOME RESIDENTIAL LOT;

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REVISING CERTAIN OTHER PROVISIONS OF CHAPTER 106 FOR THE PURPOSE OF CLARIFYING EXISTING REQUIREMENTS; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Tarrer moved **APPROVAL** of the first reading of Ordinance 2588, seconded by Commissioner Via.*

Commissioner Byrnes stated that he would like to see section 106-101(a)(1) removed from this ordinance, which provides an exception from the requirements of this ordinance for agricultural property. Mr. Harbuck stated that they don't presently have any agriculturally zoned property within the City but they do have someone interested in having theirs rezoned as such. Commissioner Byrnes elaborated on his concern that someone could strip a piece of property of all its trees while it is zoned agricultural and then apply to rezone it as commercial. The Commission agreed with this requested change to the ordinance.

*Commissioner Tarrer **AMENDED HIS MOTION** to delete section 106-101(a)(1) from the ordinance, second amended by Commissioner Via.*

Commissioner Via inquired as to the penalty for violating this ordinance. Mr. Forte stated that presently it would fall under the general penalties for violating City ordinances when specific penalties are not otherwise provided. This is currently a fine of up to \$500. Mr. Forte spoke with Bob Keeth, their City Planner, and he has recommended that they make a resolution assigning fees sufficient to deter violators - as presently a large company would probably not view \$500 as much of a deterrent. The Commission indicated agreement with this.

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

10. FIRST READING OF ORDINANCE 2589, DELETING THE REQUIREMENT FOR A POLICE CHIEF FROM THE CITY CODE

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA DELETING SECTION 2-241(C) (POLICE DEPARTMENT) THEREBY DELETING THE REQUIREMENT THAT THE POLICE DEPARTMENT HAVE A CHIEF OF POLICE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of the first reading of Ordinance 2589, seconded by Commissioner Byrnes.*

Commissioner Byrnes confirmed with Mr. Simpson that this, in and of itself, does not remove the position of police chief but does remove the legal requirement for them to have one. Mr. Simpson read Section 2-241(C) as it currently stands and stated that this change deletes the

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mandate “shall be a police department that consists of a chief of police and police officers”. Mr. Forte stated that policy would dictate the options, which could include either pursuing a Public Safety Director position or maintaining the Police Chief position.

George Fries, 1000 Riverside Drive, referred to his previous experience with a PSO program in Daytona Beach and how it failed. He stated that he did not agree with the intent of this ordinance nor did he feel that it was in the best interest of the City.

Penny Currie, Police Explorer Advisor, referred to her employment with a police department and her volunteer service with the Holly Hill Police Department for 14 years and stated that they currently have a department that is working fine, with the exception of a few small issues, and that passing this ordinance will damage the morale of the individuals working within the department. She encouraged the Commission to discuss this further in a workshop.

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

-----5 Minute Recess-----

11. FIRST READING OF ORDINANCE 2590, AMENDING THE CITY CODE IN REGARDS TO THE FINE FOR PERFORMING CONSTRUCTION WORK WITHOUT A PERMIT

Mr. Simpson read by short title:

AN ORDINANCE AMENDING ORDINANCE NO: 2080, CHAPTER 30, ZONING, ARTICLE II, ADMINISTRATION AND ENFORCEMENT, SECTION 30-26, PENALTIES, OF THE CITY OF HOLLY HILL, FLORIDA, BY PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Tarrer moved **APPROVAL** of the first reading of Ordinance 2590, seconded by Commissioner Lockeby.*

Mr. Forte explained the methodology in the development of this ordinance, which provides for penalties for performing construction work without a permit (15% of construction value). Mayor Arthur expressed dissatisfaction with this ordinance, referring to his recommendation during the August workshop that they provide Inspection Services for free. He stated that this ordinance did not give anything good to the citizens. Commissioner Byrnes stated that this ordinance would achieve what the majority at that workshop requested, which was a stronger deterrent for doing work without a permit. After much discussion, the Commission indicated that a second workshop on this issue was in order – in an effort to clear up areas of contention, if possible.

Commissioner Tarrer **WITHDREW** his motion, second withdrawn by Commissioner Lockeby.

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*Commissioner Tarrer moved to have the City Manager **SCHEDULE A WORKSHOP** to discuss this further in the near future, seconded by Commissioner Via.*

Mr. Forte confirmed their workshop direction and stated that he would bring information to that meeting breaking down the revenue that is generated from permit fees.

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

12. FIRST READING OF ORDINANCE 2591, AMENDING THE CITY CODE TO ESTABLISH A PROVISION FOR CHARGING A BUILDING PLAN REVIEW FEE

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING SECTION 14-107 (PLAN REVIEW FEE) ESTABLISHING A PLAN REVIEW FEE FOR BUILDING PLANS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Byrnes moved **APPROVAL** of the first reading of Ordinance 2591, seconded by Commissioner Tarrer.*

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

13. RESOLUTION 2000-R-47, SETTING THE FEE FOR BUILDING PLAN REVIEW

Mr. Forte removed this item from the agenda until the next Commission Meeting because the second reading of the agenda item number twelve really should precede it.

14. RESOLUTION 2000-R-48, SUPPORTING THE FINDINGS OF AN ENGINEERING STUDY REGARDING WATER INTERCONNECTS AND WELL MANAGEMENT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA SUPPORTING THE FINDINGS OF AN ENGINEERING STUDY TO IMPLEMENT INTERCONNECTS AMONG THE CITIES OF ORMOND BEACH, HOLLY HILL, DAYTONA BEACH, PORT ORANGE, AND NEW SMYRNA BEACH; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Resolution 2000-R-48, seconded by Commissioner Tarrer.*

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Commissioner Byrnes stated that he wanted to be sure that we are not locking ourselves into anything because our water system and wells are in good shape and he doesn't want to spend any money. Mr. Forte stated that this is the resolution that supports the study so they can pursue grant dollars with that study. The interlocal agreement for each City's participation is still being drafted by the various attorneys.

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

15. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte indicated that he had nothing further to report.

16. CITY ATTORNEY

Attorney Simpson stated that his daughter in law is in the hospital having his second grandchild tonight.

17. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Tarrer indicated that he had nothing further to report, so they could get to the workshop.

Commissioner Via extended thoughts and prayers to the Cassidy family, especially our City employee Liz. He also stated that baseball season is getting started again here – it's lovely to have *spring* in the fall.

Commissioner Byrnes indicated he too had nothing to report, so they could get to the workshop.

Commissioner Lockeby asked Mr. Forte to send some balloons or flowers to the Simpsons to celebrate their new baby. He also thanked George Zoller with the Chamber of Commerce and Mr. Corliss for their work in earning the Wal-Mart grant.

Mayor Arthur stated that even though they (the Commission) may have some arguments, they each have their good points and they are all working to see the City become better. He thanked each of them for that.

18. ADJOURNMENT TO WORKSHOP AND EXECUTIVE SESSION

The meeting officially adjourned at approximately 8:25 p.m.

City of Holly Hill

William D. Arthur, Mayor

Attest:

Jeanene P. Clauss, City Clerk

Reg CC Mtg

9/12/00