M I N U T E S
SPECIAL COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
September 21, 1999

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:32 p.m. Attending with Mayor Arthur were Commissioners J.D. Mellette, Arthur Byrnes, Shirley Heyman, and Roland Via.

Also attending were Acting City Manager Joe Forte, Assistant City Attorney Scott Simpson, Public Works Director Milt Hallman, Police Chief Larry Walker, Finance Director Brenda Gubernator, Personnel Director Diane England, City Economic Development Administrator Ira Corliss, Code Development Administrator Tim Harbuck, City Planner Bob Keeth, and City Clerk Jeaneen Clauss.

2. INVOCATION

Economic Development Administrator Ira Corliss delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

None.

5. CONSENT AGENDA

A. Minutes of Regular Commission Meeting held on August 24, 1999;
B. Minutes of Commission Workshop – August 24, 1999;
C. Minutes of Special Commission Meeting – September 8, 1999;
B. Report of Purchase Orders Issued between $5,000 & $10,000.

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

The motion **CARRIED** 5-0 on roll call: Via – Yes, Mellette – yes, Heyman – yes, Byrnes – yes, and Arthur – yes.

6. AUDIENCE PARTICIPATION

Jack Schwartz, 436/43 South Nova Road (Ormond Beach) asked the Commission to consider making a Dog Park somewhere in the City. Mr. Schwartz cited specific reasons why he felt that a Dog Park would be beneficial. He stated that Sarasota made one recently and it has been so successful that they are making another one. Mayor Arthur requested this item be placed on a workshop for Commission discussion.

7. SPECIAL EVENT PERMIT REQUEST – CIVIL WAR BATTLE RE-ENACTMENT

Acting City Manager Joe Forte advised that Police Officer Pizzimenti had applied for this permit, as he is a member of a national Civil War re-enactment group, and he would like to host one of these re-enactments here near the Bishop's property on Flomich Avenue. The insurance requirements are met and he is requesting a waiver of the $200 permit fee; all the proceeds are going to the police explorers. Commissioner Byrnes confirmed that the whole gait would be going to our police explorers and Mr. Forte stated "yes".

*Commissioner Via moved **APPROVAL** of the Special Event Permit Request, seconded by Commissioner Mellette.*

Commissioner Mellette inquired as to the precedent that they were setting and Assistant City Attorney Scott Simpson advised that the precedent was that any one who is willing to donate all their proceeds to the City can have the permit fee waived.

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

8. SECOND READING OF ORDINANCE 2566, AMENDING THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED ON THE EAST SIDE OF ESPANOLA AVENUE, SOUTH OF FLOMICH

Assistant City Attorney Scott Simpson read Ordinance 2566 by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE NO. 2565, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING FIGURE II-6, THE FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 100 FEET SOUTH OF FLOMICH STREET FROM MEDIUM DENSITY RESIDENTIAL TO GENERAL RETAIL COMMERCIAL; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Mellette moved **APPROVAL** of the second reading of Ordinance 2566, seconded by Commissioner Via.*

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

9. FIRST READING OF ORDINANCE 2568, ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED ON THE WEST SIDE OF US

HIGHWAY #1 BETWEEN CALLE GRANDE AND ARRAGON STREET OWNED BY PAUL HOLUB, JR.

*Commissioner Mellette moved to **TABLE** the first reading of Ordinance 2568, no second made. Motion DIED.*

Acting City Manager Joe Forte gave the current status of this property, stating that Mr. Holub did receive the DEP permit to go ahead and put the sewer system in and the engineer drawings meet the proper specifications, according to Public Works Director Milt Hallman. Mr. Forte stated that they propose reducing the impact fee by fifty percent because he is expanding the system – not because of the proposed annexation. He stated that most of the public / press attention that has been focused on this property is due to code violations that deal with the individual units and general maintenance of the property. The sewer system seems to be fine, but the City will confirm this with inspections prior to them tying on to the City system. Mr. Forte stated that the agreement allows for individual meters and that at the last meeting they seemed to disfavor this approach and it is now before them for discussion. Commissioner Byrnes expressed concern over the work that was done without a permit and the effect this could have on our system. Mr. Hallman assured him that they would be doing full inspections to insure the quality of the work performed prior to tying onto the City system. There was discussion as to the location of the lines in relation to where cars drive and the City will not be responsible for any line problems, as a result of this (private property). Mr. Holub will be dedicating a construction / maintenance easement to the City. Assistant City Attorney Scott Simpson stated that Mr. Holub is requesting the credit, which the Commission has the authority to grant, because he is building an oversized system – but he has to make this request before he begins work in order to comply with the City code. He advised that there are actually two issues here before them: 1) annexation issue and 2) credit for the expansion of the sewer system. Commissioner Byrnes expressed concern about annexing a major problem area that the City's current taxpayers could have to pay to correct. He also reiterated his concern about going to individual meters, as opposed to having one master meter. Mr. Forte recommended separating these issues and resolving the sewer credit tonight and creating a punch list of things that need to be corrected prior to annexing this property into the City. Commissioner Via confirmed with Mr. Hallman what an impact fee is. Mr. Hallman stated that an impact fee is a fee that is assessed against all connections for the treatment facilities and the transmission facilities that are common to the entire system. Commissioner Via then confirmed that properties north of this property and Riviera and the insurance building property would be paying the impact fee and make up the difference – Mr. Hallman advised that they would be paying an impact fee based on the number of connections that they would be delivering to our system. Commissioner Via confirmed that there was not a history of problems with the master water meter at the Holub property and Mr. Hallman advised that there had not been in the five years that he has been here. Commissioner Via inquired about the cost of the individual meters and who would pay for that. Mr. Hallman advised that Mr. Holub would pay the installation cost and it would be done to the City's specifications. Commissioner Via indicated that he was concerned that the individual residents at this property were not fully aware of the meter installation cost, hook-up fees, and the

monthly bills that they would be responsible for. There was discussion of the higher water and sewer charges, if they were not annexed into the City. Commissioner Mellette expressed concern over the history of this property not correcting their problems and he wanted some assurance that the job was going to get done and get done right. He reminded them that they turned down annexing the salvage yard on Golf Avenue, until they corrected their problems and he felt this should be handled in the same way. Mr. Holub, 675 North Beach Street, Ormond Beach, addressed the Commission and expressed a strong desire for individual meters and added that he is willing to pay the deposits for the every resident's meter. This is a very important component to him, as he stated he is paying very high water bills for wasted water and he wants the individual residents to be held accountable for their own usage. There was considerable discussion on this and Commissioner Via gave a perspective from the Volusia Water Alliance, which was to support measures to reduce water usage through individual accountability. Mr. Holub advised that all of their work was awaiting approval of the credit agreement with the City, but that he had ordered the lift station about six weeks ago out of a company in Orlando and it was awaiting delivery. He understood that the City would like part of the agreement for the credit to be that they annex into the City and he agrees to do that, at the City's discretion. He advised that he would be spending in excess of about sixty thousand dollars to bring this sewer system on line and he was willing to dedicate the lift station to the City so that they have gotten something for their credit. There was discussion of whether it required Commission approval to go from a master meter to individual meters and Mr. Simpson advised that the code is not clear on that, he would have to do some research. The final opinion of Mayor Arthur, Commissioner Mellette, and Commissioner Via seemed to not be in opposition to Mr. Holub putting in individual meters. Though they would be approving the credit tonight, he wouldn't actually receive it until he comes on to the system – because impact fees are not accessed until then. Commissioner Via asked why Mr. Holub wanted to annex into the City and Mr. Holub stated that it was mainly for the utilities. Commissioner Via also asked Mr. Holub why he waited until now, when a year ago this annexation agreement was discussed. Mr. Holub stated that the previous city manager had told him that as mobile homes moved out of the park, he could not replace them – so he did not want to make a capital investment of about sixty thousand dollars and possibly have no rental income to pay off the system. He found out that this was not true because his lots are vested, not the individual mobile homes. If he had known this a year ago, he would have made this annexation / credit agreement request then. Commissioner Mellette confirmed that Mr. Holub would be putting in a new water line system and he advised that he was.

Public Discussion:

Pat Shang, trailer #4, expressed concern about the rent they pay, which includes water and now they will have to pay for water too – this is not a City issue, but Mr. Holub offered the information that he is lowering their lot rent a bit but they will feel a slight overall increase.

Sandra Johnson, inquired about the impact fee – which Mr. Holub has offered to pay.
Randy Moody, trailer #5, advised that the high water bill is due to outside leaky faucets

and asked their assistance to take care of the sewage problem.

*Commissioner Mellette moved **APPROVAL** of the credit agreement (with the dedication of the lift station and the easement) and individual meters with the applicant paying individual meter deposits and inspection fees and a City approved permitted installation of the new water distribution system before going to individual meters, and that the applicant petitions for annexation to be performed at the City's discretion, seconded by Commissioner Heyman.*

The motion **CARRIED** 5-0 on roll call: Mellette – yes, Heyman – yes, Via – yes, Byrnes – yes (only because of the deposit coverage), Arthur - yes.

10. RESOLUTION 99-R-32, REGARDING THE ADOPTION OF A FINAL MILLAGE RATE

Assistant City Attorney Scott Simpson read Resolution 99-R-32 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING A FINAL MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 1999; PROVIDING FOR CONFLICTING RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE; THE MILLAGE RATE AS PROPOSED IS 5.09007 PER $1,000; THE MILLAGE RATE DOES NOT EXCEED THE ROLLED-BACK RATE SO THERE IS NO INCREASE IN PROPERTY TAXES.

Commissioner Via stated that it was wonderful to see them be able to lower taxes three years in a row.

*Commissioner Heyman moved **APPROVAL** of Resolution 99-R-32, seconded by Commissioner Via.*

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

11. SECOND READING OF ORDINANCE 2569, ADOPTING THE APPROPRIATIONS BUDGET FOR FY 99/00

Assistant City Attorney Scott Simpson read Resolution Ordinance 2569 by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING THE APPROPRIATIONS BUDGET FOR THE FISCAL YEAR OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved **APPROVAL** of the second reading of Ordinance 2569, seconded by Commissioner Heyman.*

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

12. SECOND READING OF ORDINANCE 2570, AMENDING THE APPROPRIATIONS BUDGET FOR FY 98/99

Assistant City Attorney Scott Simpson read Ordinance 2570 by short title:

AN ORDINANCE AMENDING ORDINANCE 2533 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1998, THROUGH SEPTEMBER 30, 1999; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Mellette moved **APPROVAL** of Ordinance 2570, seconded by Commissioner Heyman.*

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

13. RESOLUTION 99-R-33, APPOINTING A CANVASSING BOARD FOR THE GENERAL ELECTION TO BE HELD OCTOBER 5TH, 1999

Assistant City Attorney Scott Simpson read Resolution 99-R-33 by short title:

A RESOLUTION OF THE CITY OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A CANVASSING BOARD FOR THE GENERAL ELECTION TO BE HELD ON OCTOBER 5, 1999 IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Resolution 99-R-33, seconded by Commissioner Heyman.*

Acting City Manager Joe Forte read the first "whereas" from the resolution, which was taken from the Holly Hill code. It allows for the use of the Volusia County Canvassing Board or for the Commissioners who are not on the ballot to serve on this board and as many citizens as necessary to create a five member board. Commissioner Byrnes and Mayor Arthur offered to serve and three other citizens will be placed in the resolution for consideration at the next meeting.

*Commissioner Via moved to **TABLE** Resolution 99-R-33, seconded by Commissioner Mellette.*

The motion to table **CARRIED** 5-0 on roll call: Via – yes, Mellette – yes, Heyman – yes, Byrnes – yes, Arthur - yes.

14. RESOLUTION 99-R-34, AUTHORIZING A LEASE AGREEMENT WITH THE BOYS AND GIRLS CLUB

Assistant City Attorney Scott Simpson read Resolution 99-R-34 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE BOYS AND GIRLS CLUB OF VOLUSIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Resolution 99-R-34, seconded by Commissioner Heyman.*

Acting City Manager Joe Forte stated that item number three refers to the lessor being responsible for the water and sewer payments, actually the lessee will be responsible for these payments. Mr. Forte asked that the Commission surplus the three computers which they had purchased for the Boys & Girls Club to use, so that they could actually become the property of the Club (this is included in the agreement). Commissioner Byrnes stated that number 12B should end with "or" instead of "and" so that it was all inclusive of the Holly Hill children. Commissioner Via confirmed the insurance coverage.

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

15. RESOLUTION 99-R-35, AUTHORIZING A RATE ADJUSTMENT, IN ACCORDANCE WITH THE CONTRACT FOR SOLID WASTE SERVICES WITH JENNINGS ENVIRONMENTAL

Assistant City Attorney Scott Simpson read Resolution 99-R-35 by short title:

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

*Commissioner Mellette moved **APPROVAL** of Resolution 99-R-35, seconded by Commissioner Heyman.*

Acting City Manager Joe Forte advised that this is a contractual increase representing about +1.36%, about $12,000 per year – which will be absorbed by the City and not cost the residents anything additional. Commissioner Via stated that he has had several calls from residents who are not happy with the yard waste pick-up service, since the hurricane. Commissioner Heyman stated that she is sure they are working just as hard as they can after that storm. Mr. Forte stated that the City is somewhat dissatisfied and they

have been talking to Jennings to get this situation corrected and they expect to see improvement quickly. Commissioner Byrnes asked if it would be better that they withhold this increase and Mr. Forte stated that it is already provided for in the contract.

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

16. RESOLUTION 99-R-36, ESTABLISHING THE WATER AND SEWER RATES FOR FY 99/00

Assistant City Attorney Scott Simpson read Resolution 99-R-36 by short title:

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, 1999; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved **APPROVAL** of Resolution 99-R-36, seconded by Commissioner Heyman.*

Commissioner Via stated that this is an increase to residents of about two cents per day - which is paying for the three percent labor increase, new equipment, the prices of chemicals going up, and the two million dollar sewer upgrade. Commissioner Byrnes stated that when good customers pay their bills, these rates stay low for everyone – but when people fail to pay, everyone pays. Commissioner Byrnes also clarified the charges for higher water use.

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

17. RESOLUTION 99-R-37, RATIFYING AND AMENDING THE LUINA, PUBLIC EMPLOYEES, CONTRACT

Assistant City Attorney Scott Simpson read Resolution 99-R-37 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RATIFYING AND AUTHORIZING AMENDMENTS TO ARTICLE 26 (WAGES) AND ARTICLE 30 (ENTIRE AGREEMENT) OF THE THREE-YEAR CONTRACT WITH THE LIUNA, PUBLIC EMPLOYEES, LOCAL 678-AFL-CIO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Heyman moved **APPROVAL** of Resolution 99-R-37, seconded by Commissioner Mellette.*

Acting City Manager Joe Forte stated that one of the provisions of this agreement is that the City may not privatize any existing positions until the year 2002. Mr. Forte also confirmed that the Commission wanted him to continue efforts to develop a sick leave incentive program and conduct a salary survey. They so desire.

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

18. RESOLUTION 99-R-38, ADJUSTING THE WAGES OF NON-UNION PERSONNEL FOR FY 99/00

Assistant City Attorney Scott Simpson read Resolution 99-R-38 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AGREEING TO ADJUST THE WAGES OF NON-UNION PERSONNEL FOR THE FISCAL YEAR 1999-2000, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved **APPROVAL** of Resolution 99-R-38, seconded by Commissioner Via.*

Acting City Manager Joe Forte stated that this is for the 17 or 18 non-union employees. Commissioner Byrnes stated that there was one other group of employees who have not done their contract and he wants to make sure they remember that this Commission has not done retroactivity.

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

19. RESOLUTION 99-R-39, APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD

Assistant City Attorney Scott Simpson read Resolution 99-R-39 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING ONE MEMBER TO THE CIVIL SERVICE BOARD; SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE; MEMBERS NAME IS BETTY KUHNS.

*Commissioner Via moved **APPROVAL** of Resolution 99-R-39, seconded by Commissioner Heyman.*

Commissioner Via thanked former member Mr. Smith for the many years he served.

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

20. EMERGENCY REPAIR OF DAMAGED STORM SEWER ON RIDGEWOOD AVENUE

Acting City Manager Joe Forte stated that this was being brought to them because of the amount that the City had to put forth for this. You and Me Gardens (the contractor for the medians) did some damage at the south end of the City and they had given them a time period in which to fix it, or the City would do it and withhold the money out of their balance. They did not fix it, so the City called in P & S Paving to do the work and this is the cost – though it will be reimbursed to the City by way of withholding the funds from You and Me Gardens.

*Commissioner Mellette moved **APPROVAL** of **payment to P & S Paving, Inc. in the amount of $19,400**, seconded by Commissioner Heyman.*

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

21. COMMUNICATIONS FROM CITY MANAGER

A. Census 2000 Committee

Acting City Manager Joe Forte stated that each City has been asked to put together their own Census 2000 Committee to work on the counting of the residents. There will be a meeting on October 12th that will elaborate on the details of it. Mayor Arthur and Commissioner Via volunteered for this. Commissioner Byrnes asked if there would be a Sunshine Issue with two members on this. Assistant City Attorney Scott Simpson stated that only if they discuss an issue that is to come back before this Commission.

B. Traffic Light At Flomich Avenue & Center Avenue

Mr. Forte invited Public Works Director Milt Hallman to elaborate on this. Commissioner Via stated that he had personal experience with the light problem here because it is on a timer and frequently makes traffic wait a long time, when there is no traffic going by. Mr. Hallman explained the different options he had looked into, the best being an expense of $2,000 to add a loop system.

*Commissioner Via moved for **APPROVAL of the purchase for an intelligent light**, seconded by Commissioner Heyman.*

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

C. Request For Proposal For Landscaping

Mr. Forte advised that the Code Administration Department would like to expedite the process of getting a lawn mowed after notification of a code violation. They would like to have a contract with one lawn service company to cut the grass within forty-eight hours of notification, instead of having to solicit bids from three companies for each occurrence. They would be billing the owner of the property the cost of this.

Commissioner Byrnes confirmed that this was legal to bill the owner without getting bids each time and Mr. Simpson advised that it was because they would be soliciting bids now.

*Commissioner Via moved for **APPROVAL of going out for bid for a lawn service contract**, seconded by Commissioner Mellette.*

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

D. Mr. Forte stated that he had one other item, which is that they need to pick colors for the tile of the pool. Staff recommends going with the dark green (City color), they need to choose a dark contrasting color. The majority of the Commission selected dark green.

E. Mr. Forte stated that we currently have about 108 employees (w/ guests) attending the Christmas Party.

22. CITY ATTORNEY

Assistant City Attorney Scott Simpson indicated he had nothing further to report.

23. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Via distributed and relayed information from the Volusia Water Alliance meeting and advised that they would be asking the City to adopt some water restriction enforcement measures soon. He also thanked the City for their work during the hurricane.

Commissioner Byrnes praised the staff for there work during Hurricane Floyd. He stated that he disagrees with the water restrictions proposed because their method is to save it for the developers. Commissioner Byrnes stated that he got to have a day and a half of electricity appreciation and some of his neighbors went a lot longer. He stated that he felt there was socio-economic discrimination by FPL because the poorer areas were without power for a lot longer that the others. Commissioner Byrnes stated that he had seen election signs in our City limits for people running in other cities. Commissioner Byrnes stated that he had received a letter from TWC concerning their cable rates and he asked that the attorney send them a letter back stating that we understand that their rates are no longer regulated by the City but you are still under the obligation that you signed that you must have a hearing when you go to increase rates, to tell us why and when they are raising rates.

Commissioner Mellette thanked Public Works and all City employees for their work during and after the storm. He was fortunate to only be without power for five hours.

Commissioner Heyman stated that the employees did a super job. She added that she had a neighbor that had lost power and felt that City Commissioners wouldn't suffer from the same power outages; Commissioner Heyman is going to tell this neighbor about Commissioner Byrnes.

Mayor Arthur thanked Public Works for the great job. He then stated that the City has spent a lot of money lately and they really needed to be careful. He found out yesterday that the locker room and showers outside the gym were unnecessary, which was about a $400,000 expense. He stated that the former city manager's statement that this is a HUD requirement was untrue.

17. ADJOURNMENT TO EXECUTIVE SESSION.

The meeting officially adjourned at approximately 10:55 p. m.

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WILLIAM D. ARTHUR, MAYOR

ATTEST:

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JEANEEN P. CLAUSS, CITY CLERK