

MINUTES

**MINUTES  
REGULAR COMMISSION MEETING  
CITY OF HOLLY HILL, FLORIDA  
SEPTEMBER 25, 2001**

**1. CALL TO ORDER**

**A. Roll Call**

Mayor William 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, Keith Tarrer and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Assistant to the City Manager Greg Wood, Development Code Administrator Tim Harbuck, City Planning Director Bob Keeth, Emergency Services Director Don Shinnamon, Finance Director Brenda Gubernator, and City Clerk Jeaneen Clauss.

**B. Invocation**

Milt Hallman delivered the invocation.

**C. Pledge of Allegiance to the Flag**

**2. PRESENTATIONS & PROCLAMATIONS**

Mayor Arthur recognized Mr. Ron Fussell and Mr. Jeff DeLanoy - candidates for District 3 Commissioner. He also welcomed the Mainland High School Government Class. Later in the meeting, he recognized Gillis Blais – candidate for Mayor, who arrived at about 7:30 p.m.

**A. Certificates of Appreciation to Civil Service Board Members:**

**Kimberly Canup  
Kenneth Bay  
Phil Sommerlad**

**Betty Jo Kuhn  
Arthur Desautels**

Mayor Arthur presented Certificates of Appreciation to the above board members, except that Ms. Kuhn was unable to be present tonight to receive her certificate.

**B. Proclamation Declaring the Week of October 7<sup>th</sup>-13<sup>th</sup>, 2001 as Fire Prevention Week**

Mayor Arthur asked Ms. Clauss to read this proclamation. Mayor Arthur then presented it to Chief Shinnamon.

**3. CONSENT AGENDA**

- A. Minutes of Regular Commission Meeting – August 28, 2001**
- B. Minutes of Commission Workshop – August 28, 2001**
- C. Minutes of Community Redevelopment Agency – September 4, 2001**
- D. Minutes of Special Commission Meeting – September 4, 2001**
- E. Minutes of Special Commission Meeting – September 18, 2001**

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**F. Report of Fuel Purchase - \$10,101.91, Clay Oil Corporation**

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

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

**4. AUDIENCE PARTICIPATION  
Regarding items not on the agenda.**

Mr. Wood complimented Mr. Hallman on the job he did for the City in handling the flooding concerns of Tropical Storm Gabriel. Mayor Arthur complimented Mr. Wood for acting in the City Manager's place and all the department heads.

**5. SECOND READING OF ORDINANCE 2618, AMENDING THE LAND DEVELOPMENT REGULATIONS TO CREATE AN AGRICULTURAL PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATION**

Mr. Simpson read by short title:

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, HOLLY HILL LAND USE AND DEVELOPMENT REGULATIONS, CREATING AN AGRICULTURE PLANNED UNIT DEVELOPMENT (APUD) CLASSIFICATION AS A NEW DIVISION OF THE PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

*Commissioner Tarrer moved to **APPROVE** the second reading of Ordinance 2618, seconded by Commissioner Lockeby.*

Mr. Keeth explained the recommendation of the Board of Planning and Appeals to emphasize the point that the written development agreement shall include what goods can be sold and in what amounts. The Commission must approve a development agreement and a site plan for each APUD. The Commission clarified some of the animal prohibitions. Enforcement provisions were discussed - this would be handled through the Code Enforcement Office.

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

**6. FIRST READING OF ORDINANCE 2619, AMENDING THE FUTURE LAND USE MAP DESIGNATION OF PROPERTIES ANNEXED AT NOVA ROAD, ALABAMA AVENUE, & GOLF AVENUE FROM MIXED USE (VOLUSIA COUNTY) TO GENERAL RETAIL COMMERCIAL (CITY)**

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Mr. Simpson read by short title:

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, 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 9.7 ACRES LOCATED ON THE EAST AND WEST SIDES OF NOVA ROAD (S.R. 5A) IN THE VICINITY OF ALABAMA AVENUE AND GOLF AVENUE FROM MIXED USE (VOLUSIA COUNTY) 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 Tarrer moved to **APPROVE** the First Reading of Ordinance 2619, seconded by Commissioner Lockeby.*

Mr. Forte explained that these are properties that have been recently annexed. They currently are under County zoning and we want to convert them to City zoning. This is in cooperation with the property owners. Confirmation was made that the residential setback buffers are still honored whether the property is in the City or County.

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

**7. FIRST READING OF ORDINANCE 2620, REZONING PROPERTIES ANNEXED AT NOVA ROAD, ALABAMA AVENUE, & GOLF AVENUE FROM I-1 AND B-5 (VOLUSIA COUNTY) TO CC-1, COMMERCIAL CORRIDOR ZONING DISTRICT (CITY)**

Mr. Simpson read by short title:

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 9.7 ACRES LOCATED ON THE EAST AND WEST SIDES OF NOVA ROAD (S.R. 5A) IN THE VICINITY OF ALABAMA AVENUE AND GOLF AVENUE FROM I-1 (VOLUSIA COUNTY) AND B-5 (VOLUSIA COUNTY) TO CC-1, COMMERCIAL CORRIDOR ZONING DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

*Commissioner Tarrer moved to **APPROVE** the First Reading of Ordinance 2620, seconded by Commissioner Byrnes.*

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A question was raised as to whether CC-1 property had to be contiguous with other CC-1 property – it does not.

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

**8. FIRST READING OF ORDINANCE 2621, REZONING PROPERTIES LOCATED AT UNABELLE & ALICE AVENUES FROM R-4 TO R-3**

Mr. Simpson read by short title:

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 12.5 ACRES LOCATED WEST OF CENTER AVENUE ON WALKER STREET, UNABELLE AVENUE, ALICE AVENUE AND 15<sup>TH</sup> STREET FROM R-4, CLUSTER SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-3, MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

*Commissioner Tarrer moved to **APPROVE** the First Reading of Ordinance 2621, seconded by Commissioner Via.*

Mr. Harbuck explained that the R-3 zoning classification is much more practical for this area and will make it easier to clean up the area. This cleans-up the zoning map and encourages redevelopment.

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

**9. FIRST READING OF ORDINANCE 2622, INCREASING THE ADDITIONAL HOMESTEAD EXEMPTION FOR SENIOR CITIZENS FROM \$10,000 TO \$25,000**

Mr. Simpson read by short title:

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 62 (TAXATION) OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, ARTICLE I (ADDITIONAL HOMESTEAD EXEMPTION FOR SENIOR CITIZENS), SECTION 62-3 (ENTITLEMENT TO ADDITIONAL HOMESTEAD EXEMPTION), DIRECTING THE CITY CLERK TO NOTIFY THE VOLUSIA COUNTY PROPERTY APPRAISER; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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*Commissioner Tarrer moved to **APPROVE** the Second Reading of Ordinance 2622, seconded by Commissioner Via.*

Beverly Krause, 1354 Daytona Avenue, advised that her neighbor received the additional ten thousand dollar exemption and it only amounted to a savings of about thirty dollars on her total tax bill.

Mayor Arthur raised a question about whether there are any homes valued at fifty thousand dollars or less, in which the owners qualify for this and then pay nothing in taxes to the City for the services they receive – that information was not readily available. There was some discussion on how well this was monitored for abuse because the City of Deland has reported experiencing some abuse. Commissioner Tarrer stated that the seniors really need this break and that is why he fought for the full twenty-five thousand dollar exemption last year, as did Commissioner Via. All agreed that the seniors that qualify for this deserve any help the City can give them - however, some members of the Commission were equally concerned with the poor young families who also could use the additional help, yet will bear the burden of granting this exemption. Commissioner Byrnes stated that the reason for implementing this exemption slowly was to ensure they were good and careful stewards of the taxpayers money. The repeal method was addressed, in the event that the City experiences problems with this ordinance. Commissioner Via made reference to the original statewide vote to allow municipalities to offer this.

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

### **10. RESOLUTION 2001-R-59, AUTHORIZING THE ANNUAL CPI ADJUSTMENT TO THE SOLID WASTER SERVICE CONTRACT**

Mr. Simpson read 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 WASTE MANAGEMENT, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-59, seconded by Commissioner Byrnes.*

Mr. Forte explained that this is an annual adjustment written into their contract. For this year, the amount of increase is two percent. The City is able to absorb the increase this year and will not be passing it along to the citizens. It was noted that when the City privatized solid waste service, they lowered the price by one dollar and it has come back up only twenty-five cents.

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

**11. RESOLUTION 2001-R-60, ESTABLISHING THE WATER AND SEWER RATES FOR FISCAL YEAR 01/02**

Mr. Simpson read 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, 2001; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2001-R-60, seconded by Commissioner Byrnes.*

Commissioner Tarrer stated that he felt the City's water rates were too high, as compared to other cities and suggested they either lower the rates or decrease the billing minimum from its present two thousand gallons. Mr. Forte stated that you have to examine all charging factors to make a full cost comparison between cities because some cities have additional charges that we don't, etc... The Commission discussed this and recalled past studies, which showed the rates would have to be significantly increased to generate the same amount of revenue if the minimum were lowered. Clarification was made that this is an Enterprise Fund, which must be self-supporting. As the City's Volusia Water Alliance representative, Commissioner Via stated that having their own water supply is critical for our future and that even though the City's rates may seem high to some now, they will be low compared to other cities in the future because of this type of careful planning. The City currently has an ordinance in place, which requires them to increase the rates in accordance with the Consumer Price Index by October 1<sup>st</sup> of each year. Therefore, this resolution must be passed tonight and they can hold a workshop later to determine if they would like to have another water rate study conducted.

Rose Ellen Biggers, Vice-President of the local chapter of AARP, encouraged the billing minimum to be lowered to one thousand gallons. She cited her conservation efforts, yet being billed for more than her use is not a conservation incentive.

Bernadette Miller, 1000 Walker #189, expressed support for the current billing minimum – stating that her bill is lower than her friends in surrounding areas.

The motion **CARRIED** 4-1 on roll call: Via – yes, Byrnes – yes, Lockeby – yes, Tarrer – no, Arthur - yes.

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| Mayor Arthur called a RECESS from approximately 8:05 p.m. until 8:15 p.m. |
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**12. RESOLUTION 2001-R-61, AUTHORIZING AN AGREEMENT WITH FEC RAILROAD**

Mr. Simpson read by short title:

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**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE FEC RAILROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-61, seconded by Commissioner Lockeby.*

The Commission unanimously disagreed with the basis of this agreement, in which the FEC Railroad is granting the City permission to cross over its property. The City's view is that the Railroad runs through its property. Past experience has shown that this is a hard battle and should not be by cities individually but would be better with the assistance of VCOG unifying all eastern Florida cities. If we don't execute this agreement than we do not have a license to cross their property and they will uphold their property rights, using armed guards if necessary.

Daniel Lockeby, 615 Magnolia Avenue – Mainland High School student, complained about how long traffic is backed-up due to trains. This is due primarily to the fact that we have a switching point here.

Gillis Blais, mayoral candidate, stated that this is a private railroad and they became interstate and are now eligible for Federal funding too. They came here first, the City came second, so they get paid by everyone.

The motion **CARRIED** 4-1 on roll call: Tarrer – yes, Lockeby – no, Byrnes – yes, Via – yes, Arthur - yes.

**13. RESOLUTION 2001-R-62, ACCEPTING THE BYRNE STATE AND LOCAL LAW ENFORCEMENT GRANT FOR PAL PROGRAMS**

Mr. Simpson read by short title:

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

*Commissioner Via moved to **APPROVE** Resolution 2001-R-62, seconded by Commissioner Byrnes.*

Mr. Forte explained that this grant is a slight reduction over what they received last year as a result of Deltona coming on board as a PAL organization. It was noted that some of the students present tonight from Mainland had benefited from this program.

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

**14. RESOLUTION 2001-R-63, AUTHORIZING AN AGREEMENT FOR A DEFINED CONTRIBUTION PLAN**

Mr. Simpson read by short title:

**A RESOLUTION OF CITY OF HOLLY HILL, FLORIDA ESTABLISHING A DEFINED CONTRIBUTION PLAN; PROVIDING FOR EXECUTION OF TRUST JOINDER AGREEMENT; PROVIDING FOR ADOPTION OF DEFINED CONTRIBUTION PLAN; PROVIDING FOR ACKNOWLEDGEMENT OF MASTER TRUSTEES; PROVIDING FOR EXECUTION OF AN ADOPTION AGREEMENT; PROVIDING FOR ABIDING BY TERMS AND ACCEPTANCE OF SERVICES; PROVIDING FOR TERMINATION OF PARTICIPATION; PROVIDING FOR ACKNOWLEDGEMENT REGARDING ASSETS; PROVIDING FOR APPROVAL BY MASTER TRUSTEES; PROVIDING FOR FULL FORCE AND EFFECTIVENESS; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-63, seconded by Commissioner Lockeby.*

Mr. Forte stated that this is to comply with changes in the tax law and changes with our plan coordinator. There are no major changes to the plan but the fees have changed to include a participation cost.

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

**15. RESOLUTION 2001-R-64, AUTHORIZING AN AGREEMENT FOR A DEFERRED COMPENSATION PLAN**

Mr. Simpson read by short title:

**A RESOLUTION OF CITY OF HOLLY HILL, FLORIDA ESTABLISHING A DEFERRED COMPENSATION PLAN; PROVIDING FOR EXECUTION OF TRUST JOINDER AGREEMENT; PROVIDING FOR ADOPTION OF DEFERRED COMPENSATION PLAN; PROVIDING FOR ACKNOWLEDGEMENT OF MASTER TRUSTEES; PROVIDING FOR EXECUTION OF AN ADOPTION AGREEMENT; PROVIDING FOR ABIDING BY TERMS AND ACCEPTANCE OF SERVICES; PROVIDING FOR TERMINATION OF PARTICIPATION; PROVIDING FOR ACKNOWLEDGEMENT REGARDING ASSETS; PROVIDING FOR APPROVAL BY MASTER TRUSTEES; PROVIDING FOR FULL FORCE AND EFFECTIVENESS; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

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*Commissioner Tarrer moved to **APPROVE** Resolution 2001-R-64, seconded by Commissioner Via.*

Mr. Forte stated that this is before them for the same reason, but it is the deferred compensation plan. Fees increase by thirty basis points. Employees will be allowed to interact with the fund manager and make selections themselves.

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

### **16. PIGGY-BACK WITH DAYTONA BEACH FOR A CHEMICAL BID**

Mr. Forte stated that this is the same piggy-back that they went with last year and Staff recommends the lowest bidder for all bids except the Quicklime because the low bidder gave such poor quality last year that they had equipment problems. The second low bidder is recommended. Commissioner Via pointed out that these chemicals are for their water and sewer treatment plants.

*Commissioner Via moved to **APPROVE** a piggy-back with Daytona Beach for Carbon Dioxide from Airgas Carbonic at \$130.00 per ton, Chlorine from Allied Universal Corporation at \$208.10 per one-ton cylinders, Quicklime from Global Stone at \$90.20 per ton, Liquid Sulfur Dioxide from Jones Chemical at \$318.00 per one-ton cylinders, and Liquid Aluminum from General Chemical at \$141.95 per one-ton cylinders, seconded by Commissioner Tarrer.*

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

### **17. COMMUNICATIONS**

#### **A. City Manager**

Mr. Forte stated that he had the opportunity to review the names of the three hundred forty-three fire fighters that were killed on September 11<sup>th</sup>. Though he is from that area and was a fire-fighter for many years, he did not know any of them.

#### **B. City Attorney**

None.

#### **C. Mayor and Commissioners**

Commissioner Byrnes stated that it has been a tough couple of weeks. The City has many nice things going on, yet it is tough to talk about them now. For instance, the contract was done so well that we were able to give our vendor their increase without having to increase rates to our citizens. He expressed his sadness over the events on September 11<sup>th</sup> and hoped no-one here had any family or friends that were lost. 6,400 people died, which equals half of our City.

Commission Lockeby stated that we need to keep a closer eye on what is going on around us. Water security improvements are a start but communities need to come together and

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communicate. These terrorists were living right among us and we didn't pay attention to what was going on. His prayers go out to those who are suffering.

Commissioner Tarrer agreed that we need to be more aware of our surroundings and stated that one of the people who trained at Embry Riddle was working at a car wash that he frequents and he was thought to be involved in this. Mayor Arthur stated that his understanding was that this particular individual was later found not to be involved but to have had his identification stolen and used. His prayers go out for the suffering. He thanked Mr. Forte and Chief Shinnamon for increasing security procedures. He thanked everyone for being here, but especially the students from Mainland.

Mayor Arthur referred to Commissioner Byrnes reference to their initial hesitation to privatize solid waster service and stated that this Company still jokes about how in the beginning the Holly Hill City Commission refused to even hear their presentation. They were very tough to win over.

Commissioner Via stated his opposition to the proposed school tax because buildings do not teach students, teachers do. He recognized Joe Dockerty, Ormond Beach candidate for zone two. Holly Hill and Ormond Beach enjoy a very cooperative relationship. He stated that he was pleased we took the bold step of granting the seniors additional homestead exemption. He is happy that we have increased our water security measures. He is also happy that the Apopka Little League has agreed to be in our Christmas parade – the United States Little League Champions. On a somber note, 6,400 people lost their lives but we have come together as never before. The blood of patriots was not shed in vain. The pledge of allegiance means a lot! He hoped that the Christmas parade could be geared to an American / Patriotic theme. He encouraged people to vote October 9<sup>th</sup> and remember the 6,400 people who won't be able to this time.

Mayor Arthur showed everyone an article in a magazine about one of our firefighters, Donnie Moore, who made some nice references to Holly Hill.

### **18. ADJOURNMENT TO WORKSHOP**

The meeting officially adjourned at approximately 8:45 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk