

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
SEPTEMBER 26, 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 7:00 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, Finance Director Brenda Gubernator, Economic Development Coordinator Ira Corliss, Code Development Administrator Tim Harbuck, City Planner Bob Keeth, Acting Police Chief Mark Barker, Recreation Director Chuck Beach, Human Resources Director Diane England, and City Clerk Jeaneen Clauss.

2. INVOCATION

Mr. Corliss delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Fire Prevention Week, October 8th-14th

Mayor Arthur presented a proclamation to Firefighter Donny Moore declaring October 8th-14th, 2000 as Fire Prevention Week.

B. Certificates of Appreciation for VIP Captain "Snake" Andress and Lieutenant Leonard Laws

Mayor Arthur presented certificates of appreciation to VIP Capt. "Snake" Andress and Lt. Leonard Laws for their hard work and dedication in the Volunteers in Police Service program.

C. Congratulations Daytona Cubs!

Mayor Arthur presented a proclamation of congratulations for the team winning a second Florida State League Championship to Jordan and Debbie Kobritz, who were the owners of the Daytona Cubs at the time of these successes. Cubby the mascot was in attendance and special recognition was given to Chuck Murphy, Florida State League President, who was also in the audience.

5. CONSENT AGENDA

A. Minutes of Regular Commission Meeting – September 12, 2000

B. Minutes of Commission Workshop – September 12, 2000

C. Minutes of Special Commission Meeting – September 13, 2000

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

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Commissioner Via requested that an addition be made to the minutes of September 12th Regular Commission Meeting to show reference to the award, which the Mayor received, as coming from Wal-Mart and the National Center for Small Communities. The correction will be made.

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

6. AUDIENCE PARTICIPATION

John Williams, 717 North Peninsula Drive in Daytona Beach, complimented the City on their friendly atmosphere and inquired as to when the Publix, which is presently located in the Halifax Shopping Center, will move. Mr. Forte responded that Publix still has about a two-year lease and that the City has not received any specific date at this time.

7. CONTINUATION OF PUBLIC HEARING FINDING A PUBLIC NUISANCE AT 721 RIDGEWOOD AVENUE

Mr. Harbuck reported that he has been checking this property on a daily basis and work is progressing according to schedule with the property being maintained in safe and sanitary condition. He would like to see things continue as they are going. Reference was made to the first part of the public hearing on this, when the City Commission decided to grant Mr. Loggins 120 days to finish and to continue the hearing in 30 days, in order to monitor his progress. The Commission determined that this was still the best way to proceed with this property and the following motion was made:

Commissioner Byrnes moved to **CONTINUE THE HEARING at the second meeting of next month to receive a progress report**, seconded by Commissioner Tarrer.

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

8. RESOLUTION 2000-R-50, ADOPTING A FINAL MILLAGE RATE

Mr. Simpson read this resolution into the record:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA,
ADOPTING A FINAL MILLAGE RATE FOR THE YEAR BEGINNING
OCTOBER 1, 2000; 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, 2000; and

WHEREAS, the City Commission of the City of Holly Hill, Florida, pursuant to Florida

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Statute 200.065, the TRIM BILL, is required to adopt a tentative budget and a proposed millage rate, said proposed millage rate exceeding the rolled back rate by 6.72%; 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 6.72% tax increase and the public hearing held with respect to same.

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

Section 1. That the final millage rate adopted by the City Commission of the City of Holly Hill, Florida, for the tax year beginning October 1, 2000 is 5.09007 (\$5.09007 per \$1,000.00); said tentative millage rate exceeding the rolled back rate by 6.72% which shall be the percentage increase in property taxes.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-50, seconded by Commissioner Byrnes.*

Mr. Forte explained the reasons for the tax increase, as follows:

1. additional equipment operator and maintenance worker position - \$23,000
2. increase in fuel costs - \$20,000
3. increase in maintenance and utilities for the medians and recreational facilities - \$16,000
4. implementation of step plan for employee wage adjustments -\$43,000
5. increase in code enforcement demolitions - \$10,000
6. increase in property and liability insurance - \$10,000.

Frank Safar, citizen, complained that his taxes were going up by \$106 this year and the house hadn't changed any. Discussion ensued regarding the increase in the assessed value of the home, which is done by the property appraiser's office. Homeowners have the right to appeal this assessment and the procedure for doing this is on the tax bill. Mr. Safar will call Ms. Clauss tomorrow to find out how to contact the property appraiser's office for the information he needs.

Ruthie Sager, 208 LPGA, inquired if the rental housing revenue would offset some of the tax burden. The Commission indicated that it really doesn't as it takes that revenue (or more) to support that function.

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

9. SECOND READING OF ORDINANCE 2592, ADOPTING THE APPROPRIATIONS BUDGET FOR FY 00/01

Mr. Forte read by short title:

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AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING THE APPROPRIATIONS BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2000, THROUGH SEPTEMBER 30, 2001, PROVIDING FOR CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

*Commissioner Tarrer moved to **APPROVE** the second reading of Ordinance 2592, seconded by Commissioner Byrnes.*

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

10. RESOLUTION 2000-R-51, AUTHORIZING THE CPI ADJUSTMENT TO THE SOLID WASTE CONTRACT WITH WASTE MANAGEMENT, INC.

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.

Section 1. The City Commission of the City of Holly Hill hereby authorizes the annual CPI adjustment increase of 1.80% to the contract for solid waste services with Waste Management, Inc.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-51, seconded by Commissioner Byrnes.*

Mr. Forte explained that per their contract, this is sixty percent of the CPI, which was actually set at three percent. For the past two years, the City was able to absorb that increase but this year they must pass that through to the consumer. John McGrath, from Waste Management, was present to answer any questions.

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

11. RESOLUTION 2000-R-52, ESTABLISHING SOLID WASTE SERVICE FEES

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING SERVICE FEES TO BE CHARGED FOR COLLECTION AND DISPOSAL OF SOLID WASTE, PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HERewith, AND PROVIDING FOR AN EFFECTIVE DATE

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*Commissioner Tarrer moved to **APPROVE** the Resolution 2000-R-52, seconded by Commissioner Via.*

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

12. SECOND 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; 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 second reading of Ordinance 2588, seconded by Commissioner Lockeby.*

A question was raised regarding notification to residents of this new city law. Mention of it will be placed in the next issue of the Heartbeat.

A concern was raised over the penalty for violating this ordinance as being too small and Mr. Forte reiterated his statement from the last meeting that presently this 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 Mr. Keeth and he 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. Mr. Keeth added that he would also like to see a provision more specifically requiring the offender to replace the trees they destroyed, as that should be an effective deterrent. They would also prepare a resolution establishing permit costs, which Mayor Arthur expressed a desire to have no higher than four dollars.

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Ruthie Sager, 208 LPGA, inquired as to the need for a permit if a tree falls on your house. She was informed that one would be needed.

Jim Wilson, 3391 North Ocean Shore Boulevard in Flagler County, asked that the Commission include more trees within their exemption clause. He recommended the Cedar tree be listed, especially. The Commission indicated that the six-inch or less measurement from breast height would already provide the exemption he was seeking, under most cases.

Nikki Whinton, 600 10th Street, referred to the recent removal of a large number of trees in her area and encouraged the Commission to protect all the trees.

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

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

13. SECOND 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 Tarrer moved **APPROVAL** of the second reading of Ordinance 2589, seconded by Commissioner Lockeby.*

Clarification of the intent of this ordinance was made. We are not combining the police and the fire departments, just considering the reorganization of the top positions within each department. Mr. Forte stated that he is considering a position which will be entitled Director of Emergency Services, to whom the Captain within each of these departments will report to. Details of this structure will be reviewed in the workshop to follow this meeting.

Gratitude was expressed to Penny Currie for bringing an open mind and taking the time to hear Mr. Forte's plan (after which, she changed her opinion and supported this).

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

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

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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 Via moved **APPROVAL** of the second reading of Ordinance 2591, seconded by Commissioner Lockeby.*

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

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

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A PLAN REVIEW FEE EQUAL TO FIFTY PERCENT (50%) OF THE BUILDING PERMIT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-47, seconded by Commissioner Via.*

After discussing this, a majority of the Commission determined that a plans review fee equal to twenty-five percent of the building permit fee was more appropriate than the proposed fifty percent.

*Commissioner Via moved to **AMEND** the motion to twenty-five percent (25%) instead of fifty percent (50%), seconded by Commissioner Byrnes.*

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

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

16. FIRST READING OF ORDINANCE 2593, REZONING PROPERTY LOCATED AT 124 HIGHLAND AVENUE FROM R-5 TO B-1

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY

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REZONING APPROXIMATELY 0.26 ACRE LOCATED ON THE WEST SIDE OF HIGHLAND AVENUE APPROXIMATELY 240 FEET NORTH OF MASON AVENUE (S.R. 430) FROM R-5 TWO-FAMILY RESIDENTIAL DEVELOPMENT, TO B-1, PROFESSIONAL OFFICE / HOSPITAL - MEDICAL DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Via moved **APPROVAL** of the first reading of Ordinance 2593, seconded by Commissioner Lockeby.*

The Planning and Appeals Board recommended approval of this ordinance. Mr. Forte expressed mild concern regarding commercial property encroaching into residential neighborhoods, but these neighbors seem to want it because it should clean-up the troubled area and allow only a professional office building, with some acceptable special exceptions.

Vikki McDowel, 133 Highland Avenue, asked the Commission to support this action.

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

17. FIRST READING OF ORDINANCE 2594, REGARDING POLICE PENSION

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE II (POLICE OFFICERS), SECTION 42-31 (PENSION BENEFITS), SUBSECTION (G) TO CHANGE THE EFFECTIVE DATE OF THE \$100.00 PER MONTH MEDICAL BENEFIT FOR ANY POLICE OFFICER WHO RETIRES WITH 20 YEARS OF SERVICE FROM OCTOBER 1, 1998 TO OCTOBER 1, 1997 AND PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved to **APPROVE** the second reading of Ordinance 2594, seconded by Commissioner Via.*

Mr. Forte explained that this is part of a settlement agreement between the City and former police chief Pat Finn – allowing him to receive a one hundred dollar medical stipend until age sixty-five. There was discussion regarding the necessity of an actuarial study. This information has been sent to Foster & Foster and if anything comes back against this, they will know by the second reading. Moving forward now is a necessary step in order to close the settlement case.

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

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18. RESOLUTION 2000-R-53, ADOPTING A STEP PLAN AND PROVIDING A WAGE ADJUSTMENT FOR EMPLOYEES ENTERING SAID PLAN

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A STEP PLAN TO ADMINISTER THE PAY AND CLASSIFICATION PLAN; PROVIDING FOR A WAGE ADJUSTMENT FOR EMPLOYEES ENTERING SAID PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-53, seconded by Commissioner Via.*

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

19. RESOLUTION 2000-R-54, RATIFYING AND AMENDING THE IAFF CONTRACT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RATIFYING AND AUTHORIZING AN AMENDMENT TO ARTICLE 18 (WAGES) OF THE THREE-YEAR CONTRACT WITH THE IAFF, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 3470; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved to **APPROVE** Resolution 2000-R-54, seconded by Commissioner Via.*

Confirmation was made that only unions that have accepted the step plan by October 1st will receive pay raises effective October 1st. The two other unions still have to vote on this.

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

20. LIBRARY RE-ROOF BID RESULTS

The Commission expressed concern over the cost and type (flat roof) and asked that staff look into doing a truss type of roof over the top of the one currently in place. Prior to considering this alternative, they will have to have an engineer determine if the roof could support this additional weight. Staff will examine several options and bring this back to the Commission.

*Commissioner Via moved to **TABLE** this item, seconded by Commissioner Byrnes.*

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

21. FINAL SETTLEMENT AGREEMENT WITH PATRICK FINN

Mr. Forte explained that this provides the one hundred dollar medical stipend, which was discussed earlier, and a cash settlement of \$27,500. The insurance company has agreed upon this amount.

*Commissioner Via moved to **APPROVE** the final settlement agreement with Patrick Finn, seconded by Commissioner Tarrer.*

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

22. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte announced that the City was awarded the tax credits for the Gatehouse Group to move forward with the affordable housing development on Nova Road. He expressed gratitude to Charlie Lydecker and to the City Staff for doing all they could to make this happen. This will be called Charleston Place Apartments.

23. CITY ATTORNEY

Attorney Simpson stated that his new grandson was named Evan Charles and he weighed 8 pounds and 10 ounces at birth.

24. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Via commended the Commission on the bold step they took with the employee step plan, which lets the employees know how important they are to them and that they fit within their future plans and hopefully this is visa-versa. He then commended Mr. Forte for his work on the Affordable Housing Development. Commissioner Via asked for approval to attend the advanced EMO institute. The cost would be \$150 and a hotel room for the Friday night. The Commission indicated approval of this and expressed a desire to have a line item within their portion of the budget for these types of educational trips.

Commissioner Byrnes also commended Mr. Forte for his work on the Gatehouse Project.

Commissioner Lockeby commended the employees who worked on the dinner they had at Bishop's Glenn.

Commissioner Tarrer thanked Mr. Forte for his successful efforts on the Gatehouse Development. He thanked Lt. Barker for the job he is doing in the police department. He then wished Harriett Damesek good luck in her County race.

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Mayor Arthur stated that VCOG has asked for nominations of different companies within the City for an award. He then mentioned the interlocal agreement being proposed by Ormond Beach, for which they are requesting VCOG's support. Mixed feelings were expressed on this. Mayor Arthur advised the Commission of the Volusia Echo proposal, which would require a 1/5 mill increase in order to get matching funds for ecological efforts. Ms. Damesek approached the podium to solicit their support on this and elaborated on its function. This item will be on the County ballot in November.

25. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 9:28 p.m.

City of Holly Hill

William D. Arthur, Mayor

Attest:

Jeaneen P. Clauss, City Clerk