M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
SEPTEMBER 28, 2004

1. CALL TO ORDER
A. Roll Call

Mayor Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:05 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Public Safety Director Don Shinnamon, Community Redevelopment Coordinator Marsha Radulovich, Finance Director Brenda Gubernator, Building Official Tim Harbuck, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS
Proclamation Declaring November 2004 as Family Month

Mayor Arthur asked Ms. Clauss to read the proclamation, which he presented to Janet Miller and Eric Hill. Ms. Miller presented each member of the Commission and Ms. Clauss with a gift reminding them that "the most important work you ever do will be within the walls of your own home."

3. CONSENT AGENDA
Minutes of Special Commission Meeting – September 13, 2004
Minutes of Joint Workshop – September 13, 2004
Minutes Regular Commission Meeting – September 14, 2004

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

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – Yes, Blais – yes, Byrnes – yes, Arthur – yes.

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

Commissioner Schmitt indicated that there was no report from the Chamber of Commerce.

Commissioner Via stated that the Water Authority of Volusia will meet tomorrow at 8:30 a.m. at the Votran building. Items on the agenda include 1) the consultant ranking, 2) the feasibility study with Deltona, and 3) the submittal of application for a WAV consumptive use permit for five million gallons. Regarding item one, he stated that the results have come out the same and staff got what they wanted. Item two, he indicated that he didn't see the need for the directed at one city when the master plan is being developed for all. Item three, he felt this was premature because WAV has no water system and no one to deliver water to at this time. On a side note, with all the flooding problems, this is a really bad time to try to pursue funding for a "water shortage."

Commissioner Byrnes stated that the Volusia League of Cities meeting has not had a meeting.

Commissioner Blais stated that the Collegiate Events Task Force has not had a meeting.

Mayor Arthur stated that the Metropolitan Planning Organization had a meeting today. Volusia County was awarded the *Walkable Community* award.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Melissa Witherite, 1502 Linda Avenue, asked the Commission for another extension as they worked to correct the size of their retention pond. They only have the side sloping left to complete and to remove the dirt. It has been very hard to complete this with the hurricanes dumping the amount of water they have. They are almost done and the surveyor is ready to confirm the correctness of it right away.

Commissioner Byrnes moved to ***APPROVE*** *authorizing an extension of two weeks from today, seconded by Commissioner Schmitt.*

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

Maureen Monahan, 215 5th Street, asked that they extend the same courtesy letter to every residence that they sent to her regarding the Swerdlow development. The Commission asked Mr. Forte to ask the developer if they would do this. This would be a request, not a requirement. This is not feasible to do prior to the Board of Planning and Appeals meeting because that is six days from now (October 4th). No other dates are set in stone at this point.

Jim Legary, 342 Burgleigh Avenue, asked the Commission to slow down this project because people just don't know about this project.

6. VARIANCE REQUEST – MEDIA PHOTO GRAPHICS, 1625 RIDGEWOOD AVENUE

*Commissioner Via moved to **APPROVE** granting the variance request from 1625 Ridgewood Avenue for a relief of twenty-one feet on the breezeway and twenty-five feet on the porch, seconded by Commissioner Schmitt.*

Mr. Forte explained that the applicant seeks a variance to construct a front breezeway with a four foot set back, in lieu of the required twenty-five foot and a porch over the steps with a zero foot set back. The Board of Planning and Appeal recommended approval of this request. The City Planner had sent a recommendation of denial because he felt our City Code did not provide for this. He recommended making a revision to the Code if this is the direction the Commission would like to go in. The Commission discussed this and the requirements for a variance and indicated that they felt these were highly subjective and could be met within this request. However, they would like Staff to work on an ordinance that would be clearer in allowing for this request because the bottom line is that it looks nice and it makes sense. Gene Gibbs, applicant, stated that he plans to apply for the Community Redevelopment Property Improvement Grant to assist with funding this project.

*Commissioner Via **AMENDED** his motion to include that they accept the recommendation of the Board of Planning and Appeals and find that the conditions set forth in Section 82-317 of the City Code are satisfied, second amended by Commissioner Schmitt.*

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

7. PUBLIC HEARINGS

A. RESOLUTION 2004-R-59, ADOPTING THE FINAL MILLAGE RATE FOR FY 04/05

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 2004; PROVIDING FOR CONFLICTING RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

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, 2004 is 4.08002 ($4.08002 per $1,000.00); said millage rate is 8.75% above the rolled back rate.

*Commissioner Schmitt moved to **APPROVE** Resolution 2004-R-59, seconded by Commissioner Byrnes.*

Commissioner Byrnes pointed out that this is the same rate as last year, so your City taxes only went up if your property value went up. Commissioner Via stated that we have the third lowest millage rate in the County.

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

B. SECOND READING OF ORDINANCE 2708, ADOPTING THE APPROPRIATIONS BUDGET FOR FY 04/05

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING THE APPROPRIATIONS BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2005, PROVIDING FOR CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** the Second Reading of Ordinance 2708, seconded by Commissioner Byrnes.*

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

8. FIRST READING OF ORDINANCE 2711, INCORPORATING CHARTER AMENDMENTS APPROVED BY THE ELECTORS

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA INCORPORATING INTO THE CHARTER AMENDMENTS APPROVED BY THE ELECTORS AT THE AUGUST 31ST, 2004 SPECIAL ELECTION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2711, seconded by Commissioner Blais.*

Commissioner Byrnes asked if they needed to ratify the appointment of the vice-mayor at this time or wait until their next organizational meeting. The organizational meeting is fine and Staff will prepare a resolution for Commission consideration, which will clarify when this meeting is to occur.

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

9. FIRST READING OF ORDINANCE 2712, ANNEXING PROPERTY LOCATED ADJACENT TO 1732 RIDGE AVENUE

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 to **APPROVE** the Second Reading of Ordinance 2712, seconded by Commissioner Schmitt.*

Mr. Forte showed an overhead of the area proposed.

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

10. RESOLUTION 2004-R-49, INCREASING THE STORMWATER UTILITY FEE

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, INCREASING THE STORMWATER UTILITY FEE TO $4.75 PER EQUIVALENT RESIDENTIAL UNIT; ESTABLISHING THE EQUIVALENT RESIDENTIAL UNIT FOR NON-RESIDENTIAL AND MULTI-FAMILY PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Blais moved to **APPROVE** Resolution 2004-R-49, seconded by Commissioner Byrnes.*

This item had been tabled twice before because they hoped to compile information on customers who have undergone the expense of adding their own retention areas, so that the Commission could consider freezing their rates. Mr. Forte explained that Staff has found this information is not readily available and with three hurricanes no one has had the time to devote to determining the number of customers this would be applicable to. He asked that they pass this resolution for the coming year because they need the funding as part of their repayment schedule for the state revolving loan they took out for stormwater improvements. The Commission agreed for now but would like to have the cost analysis for discussion at a workshop before they consider it in a meeting for next fiscal year.

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

11. SUNRISE PARK SEAWALL & DOCK RESTORATION

Mr. Forte and Mr. Hallman explained that portions of the seawall and docks at Sunrise Park began were destroyed as a result of Hurricane Francis. This past weekend, Hurricane Jeanne did considerably more damage to the seawall so the original estimate of $258,500 will increase by at least $100,000. The cost proposed tonight is only for the engineers to perform their services in preparation of bidding the project and overseeing its completion – it is not for doing the actual restoration work. There was discussion about the poor design of this seawall. Joe Glasgoe, 1252 Charter Oaks Circle, stated that he has seen City trucks having to replace sand there many times over the years in an effort to try to maintain it despite its poor design. The Commission inquired if a marine engineer would be better for this work than the company they generally use. Staff indicated that they felt Quentin Hampton would tap the expertise of those within their firm who specialize in this area and they already have experience in seawall design locally.

*Commissioner Via moved to **APPROVE** authorizing Quentin L. Hampton Associates to provide professional service for the restoration of the seawall & docks located at Sunrise Park on Riverside Drive for a lump sum contract of $43,315, seconded by Commissioner Schmitt.*

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

12. REPLACE POLYMER SYSTEM AT WASTEWATER TREATMENT PLANT

Mr. Hallman stated that they determined what they needed to do, engineered it in-house, and found the sole source distributor of what they need.

*Commissioner Via moved to **APPROVE** awarding the bid to Wallace & Tiernan Polymer System as a sole source for a budget price of $32,950 + $5,000 installation for a total cost of <u>$37,950</u>, seconded by Commissioner Byrnes.*

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

13. PIGGY BACK DAYTONA BEACH CHEMICAL BID FOR FY 2004/2005

Mr. Forte stated that this is the list of chemicals that they buy each year for their water and wastewater plant. They generally piggy back with the City of Daytona Beach because they get the benefit of the larger bulk price.

*Commissioner Via moved to **APPROVE** piggy back with City of Daytona Beach for Carbon Dioxide from Airgas Carbonic at $185.00 per ton, Chlorine from JCI Jones Chemical, Inc. at $339.00 per 1-ton cylinders, Quicklime from Global Stone Tenn Luttrell Company at $106.46 per ton and Liquid Sulphur Dioxide from JCI Jones Chemicals, Inc. at $330.00 per 1-ton cyclinders and Liquid Alum from National Alum Corp at $119.00 per 1-ton cylinders for a total cost estimate of <u>$110,526</u>, seconded by Commissioner Schmitt.*

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

14. RESOLUTION 2004-R-58, DECLARING A STATE OF LOCAL EMERGENCY

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY FOR HURRICANE JEANNE, SEPTEMBER 26TH, 2004; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved to ***APPROVE*** *Resolution 2004-R-58, seconded by Commissioner Schmitt.*

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

15. COMMUNICATIONS

A. City Manager

Mr. Forte indicated he had nothing further to report.

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Schmitt thanked everyone for coming to the meeting tonight. Once again, he's glad we made it through the latest hurricane. He then expressed his concern about Ms. Clauss leaving to accept a position in Titusville. He felt she had been a good employee and friend and he would miss her.

Commissioner Via stated that the Emergency Operations Center staff did a great job. He would however like to discuss the shelter situation in the near future. He thanked the Commission for sending him to the Redevelopment Conference and gave them a short report of it. In particular he found a group of streetscape engineers that had been successful in fighting FDOT and promoting the type of walkable community that they have hoped Holly Hill would become. Commissioner Via then gave a written and verbal disclosure of some contact he had with the Swerdlow Group while in that area and desiring to see some of their completed projects. This disclosure is attached hereto.

Commissioner Byrnes thanked staff for the tremendous job during all three hurricanes. Due to the stormwater improvements they have been working towards these past several years, flooding issues are improving (unlike some other cities to the west.) Commissioner Byrnes then asked Mr. Simpson for clarification of when a disclosure is warranted and how best to do so. Mr. Simpson explained the ex parte communications concerns and that the best remedy for that is a full disclosure of the conversations which transpired. Written disclosure is best and should be turned in to the City Clerk. A tape is acceptable if it is agreeable to all parties. Maureen Monahan spoke on behalf of the Concerned Citizens meetings and stated that they have only discussed slowing down this project. Commissioner Blais and Commissioner Byrnes have attended their meetings so far.

Commissioner Blais thanked Ms. Clauss for her work with the City and with him during his two campaigns – he will miss her. Commissioner Blais stated that he has attended a Concerned Citizens meeting and found that some citizens think this project is all done. Commissioner Blais mentioned that part of the problems they have had with downed power lines and lengthy restoration have been caused by FPL's neglect of tree trimming. He also mentioned that he has some concerns for damage to their drainage flow design because of the heavy equipment being used for debris pick-up, etc… that has changed the slope. Mention of cracked sidewalks was made as well. There is also a debris collection problem in some of the ditches, particularly the one on 4th Street by the News Journal.

Mayor Arthur expressed his appreciation of Ms. Clauss. He then referred to a verbal threat made through her towards him, which she reported to the Mr. Forte. The executive director of the Holly Hill Chamber of Commerce (George Zoller) told her that he needed a copy of the letter the Mayor wrote to their president (Gena Plante) because Cobb & Cole want to see it. She informed the City Manager and made a copy of the letter for Mr. Zoller. Upon her stating that, Commissioner Via prompted her to disclose a conversation he had heard part of while in her office that day. Mr. Zoller called to thank her for the letter and tell her that he had sent it to a State Chamber newsletter where they planned to publish something on it with a headline of "Anybody looking for a mayor?" Commissioner Via had read the Mayor's letter and felt the rest of the Commission should also. The Mayor asked for the support of the Commission on this because this entire issue came as a result of wrongful allegations made about him, which led to his invitation to serve as a judge in a children's talent show being withdrawn. The Commission as a whole did not want to get involved in Chamber politics but did not feel they should be funding an agency that would work to harm the image of the City. Until they could verify where the Chamber Board of Directors stand on this issue, the Commission directed staff to withhold funding. Debbie Gutierrez, member of the Chamber Board of Directors, stated that this has never been formally approved by the Board and they would need to address it at one of their Board meetings to get full participation. They hope to have a workshop with the Chamber Board October 26th.

Mayor Arthur also disclosed that he played golf last Friday with Brett Dill of the Swerdlow Group. There was no discussion of condominiums but it was a pre-paid gold tournament – so there was a monetary value to the "gift" which may require State financial disclosure.

16. ADJOURNMENT

The meeting officially adjourned at approximately 10:43 p.m.

Attest: City of Holly Hill, Florida

Jeaneen P. Clauss, CMC
City Clerk

William D. Arthur
Mayor