M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
SEPTEMBER 9, 2003

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 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Scott Simpson, Assistant to the City Manager Greg Wood, Building Official Tim Harbuck, Public Works Director Milt Hallman, Public Safety Director Don Shinnamon, Recreation Director Chuck Beach, Human Resources Director Diane England, IT Manager Scott Gutauckis, Finance Director Brenda Gubernator, Community Redevelopment Coordinator Marsha Radulovich, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS
1. Proclamation Declaring September 11th, 2003 as Patriot Day
2. Appreciation of Historic Preservation Sponsorship

Volusia County Councilwoman Pat Northey, Lake Helen Mayor Mark Shuttleworth, and Volusia County Special Events Coordinator Nancy Maddox presented the Commission with commemorative artwork for their sponsorship of the Historic Preservation Conference that was held in May.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – August 26, 2003
Minutes of Commission Workshop – August 26, 2003

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

The motion **CARRIED** 5-0 on roll call: Via – yes, Lockeby – yes, Schmitt – 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 advised that the Chamber of Commerce Board Meeting is tomorrow.

Commissioner Via stated that they had the organizational meeting for the Water Authority of Volusia (WAV). The focus was on preliminary formulating for the Board.

Commissioner Byrnes stated that the Volusia League of Cities had a great meeting in Lake Helen last Thursday. He has just learned that he will be stepping up to the position of president next month because the current president is not running for office this fall.

Commissioner Lockeby advised that the Volusia Council of Governments has not had a meeting since the last Commission Meeting report. He will be heading off on an early morning flight to the RailVolution conference in Atlanta tomorrow.

Mayor Arthur advised that the Metropolitan Planning Organization will be holding their meeting later this month.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

6. SECOND READING OF ORDINANCE 2670, PROVIDING FOR BOARD MEMBERS TO SERVE AT THE PLEASURE OF THE COMMISSION

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 2-71 (APPOINTMENT OF BOARDS) AND SECTION 82-74 (REMOVAL OF MEMBERS FROM OFFICE; VACANCIES) OF THE CODE OF ORDINANCES PROVIDING THAT ALL BOARD MEMBERS SERVE AT THE PLEASURE OF THE CITY COMMISSION AND CAN BE REMOVED AT ANY TIME WITH OR WITHOUT CAUSE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Second Reading of Ordinance 2670, seconded by Commissioner Lockeby.*

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

7. SECOND READING OF ORDINANCE 2671, PROVIDING FOR PARKING OF BOATS ON ANY ZONED PROPERTY IN THE CITY

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 114-791 (BOATS AND RECREATIONAL VEHICLES AND EQUIPMENT) OF THE CODE OF ORDINANCE TO ALLOW THE PARKING OF ANY SIZE OPERABLE BOAT IN THE FRONT YARD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Second Reading of Ordinance 2671, seconded by Commissioner Lockeby.*

Commissioner Byrnes and Commissioner Via were somewhat hesitant but willing to give this a try and see how it works.

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

8. FIRST READING OF ORDINANCE 2672, RESTRICTING THE STORAGE USE OF CARPORTS TO VEHICLES

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING SECTION 114-813 (STORAGE IN CARPORTS PROHIBITED) PROHIBITING THE STORAGE OF ALL ITEMS IN A CARPORT EXCEPT FOR AUTOMOBILES, MOTORCYCLES OR BOATS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** Second Reading of Ordinance 2672, seconded by Commissioner Lockeby.*

Commissioner Byrnes stated that he felt this would be too much on Code Enforcement and indicated that he felt this ordinance was overly restrictive. Commissioner Schmitt stated that he had received more positive feedback from the public on this ordinance than on any other. He felt strongly that the majority of the public is behind them on this. Commissioner Via stated that he felt this problem has been compounded because the City no longer publicly announces a Spring Clean-Up. They provide the opportunity through the Waste Management contract for weekly clean-up all year long, though. Mention was made as to what they would do if someone took all the junk out of their carport and put it in the front yard – that would violate the *free and open space* rules. Mayor Arthur indicated that he felt they needed to start somewhere in tackling this problem and he felt this was a good ordinance to begin with.

The motion **CARRIED** 3-2 on roll call: Schmitt – yes, Lockeby - yes, Byrnes – no, Via – no, Arthur - yes.

9. FIRST READING OF ORDINANCE 2673, AMENDING THE VESTING SCHEDULE OF THE 401(A) FLORIDA MUNICIPAL TRUST RETIREMENT PLAN FOR NON-UNION EMPLOYEES

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES OF THE CITY OF HOLLY HILL; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** First Reading of Ordinance 2673, seconded by Commissioner Byrnes.*

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

10. FIRST READING OF ORDINANCE 2674, AMENDING THE APPROPRIATIONS BUDGET FOR FY 02/03

Mr. Simpson read by short title:

> **AN ORDINANCE AMENDING ORDINANCE NO. 2641 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

*Commissioner Schmitt moved to **APPROVE** First Reading of Ordinance 2674, seconded by Commissioner Via.*

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

11. RESOLUTION 2003-R-49, AUTHORIZING THE IMPLEMENTATION OF A COMPUTER PURCHASE PLAN FOR CITY EMPLOYEES

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE IMPLEMENTATION OF A COMPUTER PURCHASE PLAN FOR CITY EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** Resolution 2003-R-49, seconded by Commissioner Lockeby.*

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

12. RESOLUTION 2003-R-50, AUTHORIZING SALARY INCREASES FOR NON-UNION EMPLOYEES

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AGREEING TO ADJUST THE WAGES OF NON-UNION PERSONNEL FOR THE FISCAL YEARS BEGINNING 2003, 2004, AND 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** Resolution 2003-R-50, seconded by Commissioner Via.*

Mr. Forte advised that for the 2004 and 2005 years, if the CPI increases, the adjustment should increase as well. The Commission indicated they would be willing to make this adjustment each year.

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

13. RESOLUTION 2003-R-51, AUTHORIZING A CPI ADJUSTMENT TO THE CONTRACT WITH WASTE MANAGEMENT

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 Schmitt moved to **APPROVE** Resolution 2003-R-51, seconded by Commissioner Via.*

The City will be able to absorb this increase this year, as they have so often before. Commissioner Byrnes asked Waste Management when would be the best time of year. Charles Markley, Waste Management representative, stated that their current contract allows for unlimited bulk at all times but, if the City would like to focus in on a particular time of year, Fall would be best for them. Jon McGrath, Waste Management representative, stated that they have a limitation of one large appliance each week.

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

14. RESOLUTION 2003-R-52, AUTHORIZING A WATER RATE INCREASE

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, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2003-R-52, seconded by Commissioner Via.*

Mr. Forte explained that this is a necessary increase and the process that went into determining it.

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

15. RESOLUTION 2003-R-53, AUTHORIZING A STORMWATER RATE INCREASE

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, INCREASING THE STORMWATER UTILITY FEE TO $3.75 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 Via moved to **APPROVE** Resolution 2003-R-53, seconded by Commissioner Schmitt.*

Mr. Forte explained that this is the second phase of the three part increase necessary to pay the loan for the stormwater improvements currently being done. Mayor Arthur reiterated his thoughts that the businesses that are required to make stormwater improvements should be given a credit, not charged the same as the people causing a problem.

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

16. RESOLUTION 2003-R-54, AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE MAINTENANCE OF US-1 AND NOVA ROAD

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING AN AGREEMENT FOR LANDSCAPE MAINTENANCE OF U.S. HIGHWAY 1 AND NOVA ROAD WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *Resolution 2003-R-54, seconded by Commissioner Lockeby.*

Mr. Hallman explained that this resolution authorizes FDOT to pay the City to maintain the right-of-way.

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

17. RESOLUTION 2003-R-55, AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR UTILITY RELOCATION ON NOVA ROAD

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING AN AGREEMENT FOR UTILITY RELOCATION ON NOVA ROAD WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Lockeby moved to ***APPROVE*** *Resolution 2003-R-55, seconded by Commissioner Byrnes.*

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

18. RESOLUTION 2003-R-56, APPOINTING A CANVASSING BOARD FOR THE CITY’S FALL 2003 ELECTIONS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A CANVASSING BOARD FOR THE CITY’S GENERAL AND SPECIAL ELECTIONS SCHEDULED FOR OCTOBER 7, 2003 AND (IF NECESSARY) THE CITY'S RUNOFF ELECTION SCHEDULED FOR NOVEMBER 4, 2003;

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

Mr. Forte referred to the list of people who had previously served on this Board and suggested the Commission approve authorizing Staff to contact these members to see who would be available to serve. Commissioner Via suggested that George Davis, John Wooten, and Snake Andress be contacted first because they have been long-standing members. Commissioner Byrnes and Commissioner Schmitt both desire to serve on this Board. Commissioner Byrnes inquired as to whether this would be permissible under the Sunshine Law. Ms. Clauss referred to Mr. Simpson's previous legal advice that this Board meeting is in compliance with the Sunshine Law and therefore there is no problem with multiple Commissioners serving on it. Ms. Clauss explained that the Board would have to re-convene the day after the Election to review any provisional ballots and announce the results of the Election. A suggestion was made that Staff living in the City would be good on the Board because of this extra work day activity.

Commissioner Lockeby moved to ***APPROVE*** *authorizing Staff to put together a Canvassing Board for their consideration, made-up of previous members, Commissioners, and Staff, seconded by Commissioner Byrnes.*

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

19. STORMWATER IMPROVEMENTS

Mr. Forte explained that these improvements are coming out of the City's budget, not the SRF loan. There was some discussion regarding the capacity of the 3rd and 4th street ditches, which lead to the Nova Road canal. These ditches are owned by the City and usage of them must be approved by the City.

Commissioner Byrnes moved to ***APPROVE*** *a change order to Schuller Contracting for Stormwater Improvements totaling $66,030, seconded by Commissioner Lockeby.*

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

20. PIGGY BACK ON THE CITY OF DAYTONA BEACH CHEMICAL BID FOR FISCAL YEAR 2003

Mr. Hallman explained that they would again like to piggy back on the City of Daytona Beach's bid for chemicals with one exception. They will use Global for their lime, which is the second low bidder because they had problems before with the lime from the low-bidder.

Commissioner Via moved to ***APPROVE*** *a piggy back on the City of Daytona Beach for Carbon Dioxide from Air Liquide America L.P. at $179.50 per ton, Chlorine from JCI Jones Chemical, Inc. at $304 per 1-ton cylinder, Quicklime from Global Stone at $89.17 per ton, Liquid Sulphur*

Dioxide from JCI Jones Chemicals, Inc. at $330 per 1-ton cylinder, and Liquid Alum from National Alum Corp at $137.80 per 1-ton cylinders, seconded by Commissioner Schmitt.

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

21. EMPLOYEE VACATION LEAVE SELL-BACK POLICY

Mr. Forte explained that this would be a policy to allow employees who have at least 640 hours of vacation time to sell back up to one year's worth. This prevents them from losing their time and means the City does not have to do without them for extended periods. They have only proposed offering this to non-union employees, so there are seven of them. The cost to the City would be about thirty thousand dollars – three to six thousand per employee. The Commission indicated that they could see this as a one-time event, but not an on-going policy.

*Commissioner Byrnes moved to **APPROVE** authorizing the one-time sell-back of vacation leave of up to one year for non-union employees who have a balance of at least 640 hours, seconded by Commissioner Via.*

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

22. SANITARY SEWER SYSTEM REHABILITATION INSPECTION SERVICES

This is part of what was discussed at their last meeting regarding sewer pipe repair.

*Commissioner Lockeby moved to **APPROVE** authorizing Quentin L. Hampton Associates, Inc. to proceed with inspection services for the Sanitary Sewer System Rehabilitation project in the amount of $22,275.01, seconded by Commissioner Byrnes.*

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

23. COMMUNICATIONS

Mayor Arthur introduced the candidates running for office this Fall: Gilles Blais, Ron Fussell, and J.D. Mellette.

A. City Manager

Mr. Forte advised that he will be attending the ICMA conference September 19th-24th.

Mr. Forte gave the Commission a report on the work that Staff has been doing with the County and the City of Ormond Beach do absorb enclaves. This has been a tremendous project but has been going well. Now, with little time left to negotiate, the County has told both us and Ormond that if one of our cities does not take the Rio Way Subdivision, the whole deal is off. Rio Way has a severe flooding problem – which will be very difficult to solve. The Commission indicated that this could be a deal-breaker. Staff will do more research on this area and see if the County and Ormond would be willing to work together on this. Mr. Simpson added that the State's focus on having cities absorb enclaves could result in the Governor refusing to sign-off on this annexation, unless one of the cities accepts Rio Way.

Mr. Forte advised that they have had a very difficult time finding a company to handle lawn nuisance abatement issues. The company we were using for a couple years gave notice of their resignation, we advertised for a new contract, but no bids have been received. Staff is recommending they use the services of ACT for this at a cost of $85 per hour for a five to nine member crew. The City of Ormond Beach uses them and they have been very pleased. Our previous contract was for $45 per hour for a two member crew. Commissioner Via expressed some concern about the increase in cost, but the number of crew members should make up for that. The cost of this is billed to the property owner and a lien is placed on the property if they do not pay it.

Commissioner Byrnes moved to ***APPROVE*** *authorizing a lawn nuisance abatement contract with ACT for $85 per hour, seconded by Commissioner Schmitt.*

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

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Schmitt stated that he's happy to see so many people in the audience tonight. He wished the candidates good luck and welcomed Mr. Forte back, after his surgery.

Commissioner Via wished everyone a good evening and thanked everyone for coming. He noted that it is especially nice to see former mayor Wiggins (former mayor of eighteen years) here tonight. Commissioner Via requested they workshop the Charter and put together a Citizen's Charter Review committee. He is particularly disturbed by what he feels is an oversight regarding candidate qualifications. The current Charter removed the requirement for a candidate to reside within their respective district for any specific period of time prior to qualifying. He wished all the candidates good luck.

Commissioner Byrnes agreed they should have a workshop on the Charter regarding candidate qualifications because they have discovered too many loopholes recently and they have allowed for one possibly unqualified candidate. He inquired of the attorney what documentation they could require that could verify residence. Mr. Simpson explained that the issue of residence is broader than it might seem, based on previous court cases. Joseph Monticello, of Guatemala, spoke briefly in agreement with that. Former mayor Wiggins, 672 8th Street, referred to the 1972 Charter and cited two cases where council members had resigned when they moved. He did not feel the current intent is in the Charter. He too agreed they should move towards having it corrected through a citizens committee.

Commissioner Lockeby thanked Mr. Forte for getting back to work, in spite of discomfort. He thanked the audience and Staff for attending. He will be taking an early flight tomorrow for the RailVolution conference in Atlanta.

Mayor Arthur advised that he will be going on vacation tomorrow. He won't be here for the Budget Meeting and Vice-Mayor Lockeby won't be here either. He recommended Commissioner Via step-in and serve as the Chair.

*Commissioner Byrnes moved to **APPROVE** appointing Commissioner Roland Via to serve as Chairman of the Budget Meeting scheduled for tomorrow, seconded by Commissioner Lockeby.*

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

Mayor Arthur thanked everyone for coming.

24. ADJOURNMENT

The meeting officially adjourned at approximately 9:40 p.m.

Attest:	City of Holly Hill, Florida
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Jeaneen P. Clauss, CMC City Clerk	William D. Arthur Mayor