M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
JUNE 13, 2000

1. CALL TO ORDER

Vice-Mayor Arthur Byrnes called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:04 p.m. Attending with Vice-Mayor Byrnes were Commissioners Paul Lockeby, Keith Tarrer and Roland Via. Mayor Arthur arrived at approximately 7:40 p.m., upon returning from an out-of-state funeral. He was present beginning with item number eight.

Also attending were Acting City Manager Joe Forte, City Attorney Edward Simpson, Public Works Director Milt Hallman, Public Works Manager Tim Miller, Finance Director Brenda Gubernator, Economic Development Coordinator Ira Corliss, Human Resources Director Diane England, and City Clerk Jeaneen Clauss.

2. INVOCATION

Mr. Hallman delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Service Awards

Michael Skiver	**Utilities Mechanic**	**15 years**
Daniel McIlrath	**Senior Mechanic**	**5 years**

Vice-Mayor Byrnes presented a five-year service award to Mr. McIlrath, Senior Mechanic. Mr. Skiver was not present at the meeting.

Vice-Mayor Byrnes recognized some members of the audience, Joe Jaynes, County Council Member and the Holly Hill Police Explorers.

5. CONSENT AGENDA

A. Minutes of Commission Day – May 23, 2000
B. Minutes of Regular Commission Meeting – May 23, 2000
C. Minutes of Commission Workshop – May 23, 2000
D. Minutes of Commission Pre-Budget Workshop – May 24, 2000
E. Purchase over $5,000

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

Mr. Forte explained that item "E" was for fuel purchase. It had been the practice in the past for fuel purchases not to be brought to the Commission, but he cannot find any documentation to support authorization of that practice. Also, with fuel rates going up so high, they are now exceeding the City Manager's purchasing authority of ten thousand dollars and will require a formal bid unless exempted from this by the Commission. City Attorney Simpson explained that the Commission's granting of an exemption must be done prior to the purchase, in order to be in compliance with the City Code - one of the purchases on the consent agenda violated this. For future fuel purchases,

Commissioner Via moved ***APPROVAL*** *of an exception for fuel purchases from the formal bid process, authorizing the City Manager to utilize a documented informal bid process for fuel purchases, but having them reported on the Consent Agenda, seconded by Commissioner Tarrer.*

There was discussion as to the fuel price comparison process they currently use. Public Works Administration calls anywhere from two to five different wholesale companies and they purchase an entire truckload to get the lowest price possible. This price is good for twenty-four hours. There was discussion as to the cost difference versus the mileage obtained with the 87 and the 89 fuel types. Fleet Managers throughout the County agree that 89 is more economical.

Commissioner Lockeby expressed concern about monitoring and conservation mechanisms. He may request this for a Workshop under Commission Communications.

Motion on Fuel Purchase Exception **CARRIED** 3-1 on the following roll call: Via – yes, Tarrer – yes, Lockeby – no, Byrnes – yes.

Motion on Consent Agenda **CARRIED** 3-1 on the following roll call: Via – yes, Lockeby – no, Tarrer – yes, Byrnes – yes.

6. AUDIENCE PARTICIPATION

Gordon Williamson, 1400 Moravia, addressed the Commission regarding stricter standards for a City tree ordinance. He advised that he had spoken with Commissioner Tarrer recently and Commissioner Via before and that he hoped the Commission would tighten their regulations regarding tree protection. He outlined the environmental benefits that trees provide. Commissioner Tarrer thanked Mr. Williamson for coming and stated that they were planning to discuss this topic at their next workshop on June 27th.

Commissioner Via, upon seeing Corporal Currie (from the Holly Hill Police Department) in the audience, took a moment to recognize him for his efforts in affecting the arrest of Michael Cummings on May 25th, 2000. The Police Chief had received a letter of appreciation, which was forwarded to the Commission, from the U.S. Department of Justice for Corporal Currie's work on this case.

Corporal Forrest Currie, Director of the Police Explorers, (along with several Police Explorers) thanked the Commission for loaning them the money for the Civil War ReEnactment and presented them with a re-payment check. He advised that they had a profit of $4,600, which permits twelve of their Explorers to attend the Nationals in Atlanta, Georgia. This is the most of any city in the area.

7. RESOLUTION 2000-R-26, AUTHORIZING A SERVICE AGREEMENT WITH THE HALIFAX HUMANE SOCIETY, INC.

Attorney Simpson read Resolution 2000-R-26 by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE MAYOR OF THE CITY OF HOLLY HILL, FLORIDA, TO ENTER INTO AND EXECUTE A SERVICE AGREEMENT WITH HALIFAX HUMANE SOCIETY, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Tarrer moved **APPROVAL** of Resolution 2000-R-26, seconded by Commissioner Lockeby.*

Mr. Forte stated that he had researched other avenues, as requested by the Commission, and found there to be none. He added that none of the other counties' humane societies are funded in the same way as this one is – through the municipalities and with the Cities paying for animals that citizens bring in on their own. He stated that he plans to work with the other City Managers within Volusia County to negotiate a contract with the Humane Society in the future, but asked that they approve this contract for the remainder of this year. Commissioner Via stated that he felt this was a good issue for VCOG to undertake and that he wanted to know more about how other counties handle the funding issues. Commissioner Lockeby made reference to the fact that we are the customer here - we should have negotiations and the contract should be based on our budget year, not theirs. Commissioner Tarrer and Vice-Mayor Byrnes expressed the same opinions. Vice-Mayor Byrnes gave further explanation of this issue to the audience. Upon further consideration of this,

*Commissioner Tarrer **WITHDREW** his motion, second withdrawn by Commissioner Lockeby.*

Mayor Arthur arrived at the meeting and there was some discussion as to whether he could allow Vice-Mayor Byrnes to continue in the role of chairman. A five-minute recess was called.

Upon resuming the meeting, Attorney Simpson asked Mayor Arthur if he felt that he was unable to serve as Mayor tonight. Mayor Arthur advised that he felt he was unable to serve it properly (due to just returning from the funeral of his closest friend and business partner). Vice-Mayor Byrnes continued as chairman for this meeting.

Commissioner Via stated that he had further reflected on the proposed Humane Society Contract and pointed out that they will be opening themselves to higher rates if they don't sign this contract. Also, not signing this puts the City Manager in a renegade position and may make it more difficult for him to work with the other city managers on future negotiations. Due to this,

*Commissioner Via moved **APPROVAL** of Resolution 2000-R-26, no Second was made.*

The motion **DIED** for lack of a second.

8. RESOLUTION 2000-R-29, APPROVING A CITY MANAGER EMPLOYMENT AGREEMENT WITH JOSEPH FORTE

Attorney Simpson read Resolution 2000-R-29 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPROVING AN EMPLOYMENT AGREEMENT WITH JOSEPH A. FORTE AS CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Tarrer moved **APPROVAL** of Resolution 2000-R-29, seconded by Commissioner Via.*

The Commission teased Mr. Forte about needing to get this signed in a hurry, given the other vacancies within the area that might allure him. Mr. Forte thanked the Commission for the negotiation process and stated that he felt they had arrived at a contract that was good for both parties.

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

9. RESOLUTION 2000-R-30, SUPPORTING A SINGLE AREA CODE FOR VOLUSIA COUNTY

Attorney Simpson read Resolution 2000-R-30 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA EXPRESSING A DESIRE FOR THE FLORIDA PUBLIC SERVICE COMMISSION TO APPROVE A SINGLE AREA CODE FOR ALL OF VOLUSIA COUNTY; SUPPORTING THE DESIGNATION OF 386 (FUN) AS THE NEW AREA CODE TO REPLACE 904 AND 407 IN VOLUSIA COUNTY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of Resolution 2000-R-30, seconded by Commissioner Tarrer.*

Mr. Forte stated that this came to us as a request from the area Chambers of Commerce and Holly Hill’s Chamber will be addressing it tomorrow.

Commissioner Byrnes stated that this is coming about due to a failure of technological planning because if years ago cellular phones had been given a separate area code we wouldn’t be having to have an area code change now.

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

10. RESOLUTION 2000-R-31, CONCERNING THE VOLUSIA 2020 HAZARD MITIGATION STRATEGY

Attorney Simpson read Resolution 2000-R-31 by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA CONCERNING THE VOLUSIA 2020 MITIGATION STRATEGY; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte referred to his appointment a few years ago as the City's representative for the Volusia 2020 Hazard Mitigation Strategy Committee – then on the Risk Management SubCommittee. Things the subcommittee determined were needed in Holly Hill were storm shutters for the City buildings, upgrade of lift stations. This resolution basically supports the findings of the Committee, as a whole.

*Commissioner Lockeby moved **APPROVAL** of Resolution 2000-R-31, seconded by Commissioner Via.*

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

11. RESOLUTION 2000-R-32, ADOPTING AN EQUAL EMPLOYMENT OPPORTUNITY PROGRAM PLAN

Attorney Simpson read Resolution 2000-R-32 by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING AN EQUAL EMPLOYMENT OPPORTUNITY PROGRAM PLAN FOR THE HOLLY HILL POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte explained that as part of the PAL grant (which we have received) we are required to have an EEO plan aimed specifically at our police department. Ms. England has worked very hard on this plan, which meets all the criteria specified – to include the seven step hiring procedure.

*Commissioner Lockeby moved **APPROVAL** of Resolution 2000-R-32, seconded by Commissioner Tarrer.*

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

12. RESOLUTION 2000-R-33, REGARDING THE COUNTY EASEMENT ON RIVERSIDE DRIVE

Attorney Simpson read Resolution 2000-R-33 by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA SUPPORTING THE PROPOSAL BEFORE VOLUSIA COUNTY RESERVING THE LESSOR OF 40 FEET EAST OF THE CENTERLINE OF THE PAVED PORTION OF RIVERSIDE DRIVE OR ONE FOOT WEST OF THE MEAN HIGH WATER MARK AND VACATING THAT PORTION OF RIVERSIDE DRIVE LYING EAST OF THE ABOVE DESCRIBED PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Tarrer moved ***APPROVAL*** *of Resolution 2000-R-33, seconded by Commissioner Lockeby.*

Mr. Forte stated that there is no new information to be added, as this resolution reflects exactly what they have discussed in previous meetings. It came as the request of both County Councilmen Big John and Joe Jaynes.

Commissioner Lockeby inquired as to the bike path in relation to the area they were supporting the vacation of. It won’t be a problem.

Commissioner Tarrer thanked residents George and Becky Fries for all their hard work on this. They helped him to fully understand the issue.

Ed Perkins, Holly Hill Riverside Drive resident, stated that he felt that 40 feet was excessive and would have preferred 25. The County Council is unwilling to talk about 25 feet though, so 40 will be better than nothing.

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

13. RESOLUTION 2000-R-34, APPOINTING A VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES CONFERENCE

Attorney Simpson read Resolution 2000-R-34 by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Via moved ***APPROVAL*** *of Resolution 2000-R-34 nominating Commissioner Keith Tarrer, seconded by Mayor Arthur.*

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

14. RESOLUTION 2000-R-35, AUTHORIZING CHECK SIGNERS FOR THE CITY

Attorney Simpson read Resolution 2000-R-35 by short title, adding that a correction would need to be made:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE MAYOR AND THE CITY MANAGER TO SIGN CHECKS ON BEHALF OF THE CITY; AUTHORIZING THE VICE-MAYOR TO SIGN CHECKS ON BEHALF OF THE CITY, IN THE ABSENCE OF THE MAYOR; AUTHORIZING THE USE OF FACSIMILE SIGNATURES FOR CHECK SIGNING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Simpson referred to Section 2, stating that it needs to be revised to read as follows, "In the absence of the Mayor, the City Commission hereby authorizes the Vice-Mayor at the time and the City Manager to sign all checks on behalf of the City of Holly Hill." This would resolve any confusion as to whether the vice-mayor could sign checks by himself.

Commissioner Via moved ***APPROVAL*** *of Resolution 2000-R-35 with the correction, seconded by Commissioner Tarrer.*

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

15. RESOLUTION 2000-R-36, AUTHORIZING A PBA CONTRACT AMENDMENT

Attorney Simpson read Resolution 2000-R-36 by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA RATIFYING THE NEW UNION CONTRACT FOR THE POLICE BENEVOLENT ASSOCIATION (PBA); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Tarrer moved ***APPROVAL*** *of Resolution 2000-R-36, seconded by Commissioner Via.*

Mr. Forte stated that the PBA vote passed today with the wording that they had discussed – no changes made. The letter for re-negotiations (for next year's contract) was received by them today.

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

16. FIRST READING OF ORDINANCE 2580, REGARDING POLICE PENSION

Attorney Simpson read Ordinance 2580 by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 42 (PENSION AND RETIREMENT) ARTICLE II (POLICE OFFICERS) SECTION 42-31 (PENSION BENEFITS.) TO INCREASE THE ACCRUED BENEFIT RATE FROM 2½% TO 3%; INCREASING THE EMPLOYEE CONTRIBUTON FROM 9.2% TO 11.2%; REDUCING THE CITY'S CONTRIBUTION FROM 10.6% TO 8%; PROVIDING THAT 10.6% WILL BE ADDED TO THE FINAL AVERAGE COMPENSATION FOR ALL EMPLOYEES EMPLOYED AS OF OCTOBER 1, 1999; ESTABLISHING A PRORATA SCALE BY WHICH EMPLOYEES HIRED AFTER OCTOBER 1, 1999 WILL BE ENTITLED TO A RETURN OF 10% OF THE CITY'S CONTRIBUTION FOR EACH COMPLETED YEAR OF SERVICE; AND ESTABLISHING THE MEDICAL STIPEND BENEFIT SUPPLEMENT OF $150.00 PER MONTH; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved **APPROVAL** of the first reading of Ordinance 2580, seconded by Commissioner Tarrer.*

Mr. Forte stated that the previous item was for the PBA contract, this item is for the pension change.

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

17. REUSE WATER AGREEMENT WITH THE VOLUSIA COUNTY SCHOOL BOARD

*Commissioner Lockeby moved **APPROVAL** of authorizing the City Attorney to proceed with an agreement between the City of Holly Hill and the Volusia County School Board for reuse water based on a current rate of $0.10 per one thousand (1,000) gallons, seconded by Commissioner Tarrer.*

Mr. Forte stated that the City currently provides reuse water for the following three areas: the Riviera Golf Course, the schools on Center Street, and the Public Works property. The schools are on a meter and the proposed amount of ten cents per gallon is the actually cost. It is also the standard rate charged by other cities. The pumps for this have to be running anyway, so this does not cause the City additional electric expense.

There was discussion as to whether this agreement prevented the City from raising the rate later, if needed. Attorney Simpson stated that this is an open use agreement, not a contract, which gives the City the prerogative to change the rate or discontinue service any time they determine it is appropriate to do so.

Commissioner Via inquired as to the City's responsibility to ensure the public knows not to drink the water. Mr. Hallman explained that once it crossed into the schools property, it is their responsibility to put up notification signs. Also, it will only be used for watering between the hours of midnight and six o'clock in the morning.

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

18. CONTRACT AGREEMENT FOR WATER MANAGEMENT TREATMENT AT SHIRLEY HEYMAN MEMORIAL PARK

Mr. Forte stated that this is a one-year contract renewal with the Lake Doctors for treatment of the pond at this park. It reflects a three-dollar per month increase.

Commissioner Via moved ***APPROVAL*** *of the extension of the Agreement with Lake Doctor's, Incorporated for maintenance treatment of the retention pond at the Shirley Heyman Memorial Park, seconded by Commissioner Lockeby.*

Commissioner Lockeby inquired as to whether the City needed this to be done. Mr. Forte explained the work that is performed, which keeps the pond from turning into a pretty bad looking swamp. He also inquired as to the depth, which Mr. Hallman stated is about eight feet in some areas.

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

19. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte stated that County Councilman Joe Jaynes had approached him this week to let him know that the County has on their agenda for this Thursday the purchase of the building at 719 Walker Street - the old senior citizens complex, behind which are two portables which are the Head Start facilities. They plan for this to be a large Head Start Program and may want the City to work together with them for these programs. This property is being purchased for just under three hundred thousand dollars.

Mr. Forte stated that he has ID cards for the Mayor and Commissioners and asked that they take them down to the Police Department and have their photo taken.

20. CITY ATTORNEY

Attorney Simpson indicated that he had nothing further to report.

21. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Lockeby congratulated Mr. Forte on his new position and stated that he is ready to help him in anyway that he can. He then asked for the monitoring and conservation of fuel usage to be placed on a Workshop for discussion.

Commissioner Tarrer complemented Vice-Mayor Byrnes on the fine job he did chairing the meeting tonight. He expressed sympathy to Mayor Arthur for the loss of his dear friend, offering to do anything he could. Commissioner Tarrer stated that he felt everything was going well for the City and that Code Enforcement was the only area needing attention. This could come up during their Goal Setting Workshop, though they have made an initial step with their aim towards rental housing inspections. The City is currently reactive and becoming proactive will require more labor force. Commissioner Tarrer inquired about the clipboards they had next to them. These are for the poster contest, which they will be judging after the meeting. Commissioner Tarrer also inquired about the letter of appreciation they had requested to be sent to the employees for Commission Day. This letter has been prepared for distribution with this week's paychecks and will appear in the Employee Newsletter.

Commissioner Via stated that he agreed that Code Enforcement was an area they were still lacking in, but he indicated that he felt that they should continue at the pace they were proceeding with this because they have made a lot of progress and will continue to make more. He felt that if they came down too hard, too quickly that they would undo some of the good things they had accomplished and will accomplish in the future. Commissioner Via complimented Vice-Mayor Byrnes as chairman tonight. He then suggested that each Commissioner sit down with Mr. Forte and discuss the Humane Society issue and give him the tools he needs to accomplish their goal. He congratulated Mr. Forte on his new position and pointed to a few of the circumstances they got to see him excel in before they made the decision to offer him the position.

Mayor Arthur complimented Vice-Mayor Byrnes as well for his performance as chairman and stated that it was nice to see the Commission work so well with him too. He then profoundly thanked the Commission for the sympathy wreath that they sent to Virginia.

Vice-Mayor Byrnes empathized with Mayor Arthur's grief, reflecting on his loss of a best friend a year and a half ago - of whom he still thinks about every day. He then congratulated Mr. Forte on his contract. Vice-Mayor Byrnes indicated that it was more difficult than it may appear presiding over a meeting and thanked everyone for the support.

22. ADJOURNMENT

The meeting officially adjourned at approximately 8:38 p.m.

City of Holly Hill

____

William D. Arthur, Mayor

Attest:

____

Jeaneen P. Clauss, City Clerk