# M I N U T E S
# REGULAR COMMISSION MEETING
# CITY OF HOLLY HILL, FLORIDA
# November 26, 2002

## 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 Assistant to the City Manager Greg Wood, City Attorney Edward Simpson, Public Works Director Milt Hallman, Building Code Administrator Tim Harbuck, City Planner Bob Keeth, Emergency Services Director Don Shinnamon, and City Clerk Jeaneen Clauss.

### B. Invocation

Mr. Hallman delivered the invocation.

### C. Pledge of Allegiance to the Flag

## 2. PRESENTATIONS & PROCLAMATIONS

None.

## 3. REORGANIZATION OF CITY COMMISSION

| | |
|---|---|
| **Vice-Mayor** | **Chamber Liaison** |
| **Finance Officer** | **Personnel Officer** |

Mayor Arthur stated that he did not want to make a recommendation for the position of vice-mayor because the other commissioners are the ones who would have to work with that person, in the event something happened to him.

*Commissioner Schmitt moved **APPROVAL** of appointing Commissioner Paul Lockeby as vice-mayor, seconded by Commissioner Lockeby.*

Commissioner Via referred to the normal rotation that they had previously agreed to for this position and that it was his turn. He would however support whomever the Commission selected. Commissioner Byrnes stated that he had not anticipated any change in procedure for tonight's selection and he knew it was Commissioner Via's turn. He too would support whomever the Commission selected but he felt Commissioner Lockeby was really too busy.

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

Commissioner Schmitt expressed a desire to retain his position as Chamber Liaison and Commissioner Byrnes expressed a desire to be the Personnel Officer. That left the position of Finance Officer for Commissioner Via.

*Commissioner Via moved* ***APPROVAL*** *of appointing Commissioner Lou Schmitt as Chamber Liaison, Commissioner Arthur Byrnes as Personnel Officer, and Commissioner Roland Via as Finance Officer, seconded by Commissioner Lockeby.*

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

**4. CONSENT AGENDA**

**A. Minutes of Commission Day – November 12, 2002**
**Minutes of Regular Commission Meeting – November 12, 2002**

**B. Report of Purchase Orders between $5,000 and $10,000**
**- Central Florida Controls $9,828**

*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, Lockeby – yes, Byrnes – yes, Arthur - yes.

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

Ruthie Sager, 208 LPGA Boulevard, asked how to turn the lights on at the tennis courts? The Commission didn't appear to know exactly but the Recreation Department can definitely answer that. She also thanked the Commission for continuing the additional $25,000 homestead exemption. Ms. Sager requested the Commission add a Happy Hanukkah representation to their front lawn display. The Commission expressed a strong wish to Staff that every effort be made to do this for this year but that at the very least it must be in place for next year. Ms. Sager asked if they would have trash pick-up on Thursday? Ms. Clauss advised that the only holiday they observe is Christmas so "yes" they will have trash pick-up on Thursday.

**6. RESOLUTION 2002-R-69, APPOINTING A MEMBER TO THE PAL / RECREATION BOARD**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A MEMBER TO THE PAL/RECREATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** Resolution 2002-R-69, seconded by Commissioner Via.*

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

**7. SECOND READING OF ORDINANCE 2647, GRANTING A NON-EXCLUSIVE FRANCHISE AGREEMENT TO MEDIA STAR COMMUNICATIONS, INC. FOR A CABLE TELEVISION SYSTEM**

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA GRANTING TO MEDIA STAR COMMUNICATIONS, INC., ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A CABLE TELEVISION SYSTEM; PROVIDING FOR DEFINITIONS; TERMS OF FRANCHISE; CONDITION OF STREET OCCUPANCY; TECHNICAL SPECIFICATIONS; RATE REGULATION; FRANCHISE PAYMENTS; SYSTEM EXPANSION; INDEMNIFICATION; TERMINATION OF FRANCHISE; PROCEDURES; TRANSFER OF FRANCHISE; COMPANY REGULATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2647, seconded by Commissioner Schmitt.*

Bill Hart, President and CEO of Media Star Communications, advised that they anticipate a having a full-time office position filled within the next two weeks at 230 Carswell Avenue. Their launch date is in February, so they are right on schedule. He had hoped for telephony language within this ordinance because that will be instrumental to the long-term success of the company, but they will accept the City's wishes and do that later. Mr. Hallman stated that he had tried to contact someone from Media Star on several occasions and found the number on their letterhead to be out-of-service. Mr. Hart advised that new numbers would be provided.

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

**8. SECOND READING OF ORDINANCE 2648, REZONING VACANT LAND ON THE NORTHEAST CORNER OF 3RD STREET AND NOVA ROAD FROM B-1 TO B-5**

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 4.78 ACRES, LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF NOVA ROAD (S.R. 5A) AND THIRD STREET, FROM B-1 (PROFESSIONAL OFFICE / HOSPITAL-MEDICAL DISTRICT) TO B-5 (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

*Commissioner Byrnes moved to* ***DENY*** *the Second Reading of Ordinance 2648, no second was made. Motion* ***DIED****.*

*Commissioner Schmitt moved to* ***APPROVE*** *the Second Reading of Ordinance 2648, seconded by Commissioner Lockeby.*

Brian Davis, 357 Dubs Drive, expressed concern about semi-truck traffic on 3rd Street and about increasing the flooding problem. Carol Swain, 318 Scotland Drive, referred to the 180 people who signed the petition against this, The Planning Board's disapproval, the Planner's recommendation against – and asked how the Commission could approve this? Bruce Thompson, 308 Dubs Drive, referred to the businesses in place who were not good neighbors and expressed concern that this would allow for more businesses who would not be a good neighbors either – being open late at night, etc… Commissioner Byrnes reiterated his position. He believes the present zoning is sufficient for this area and the proposed zoning is detrimental to the residents around it. Commissioner Via changed his position and stated that he really felt this would be best done with a PUD agreement because he had concerns that if the property were sold an undesirable business could be placed there, though he did not feel that the current developer would do that to the community. He referred to the Planner's recommendation and the discussion from the Planning and Appeals Board meeting, though no formal recommendation was made by P&A for a PUD because that was not before them for consideration. The other members of the Commission indicated they felt the types of businesses that would be permitted in B-5 would be no more upsetting to the neighborhood than if it remained B-1.

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

**9. FIRST READING OF ORDINANCE 2649, ANNEXING PROPERTY LOCATED AT 1532 NOVA ROAD**

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 First Reading of Ordinance 2649, seconded by Commissioner Byrnes.*

Mr. Wood utilized the overhead projector to show the location of this annexation. Susan Fowler, an engineer with Allan Engineering Group, was present on behalf of the property owner.

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

**10. FIRST READING OF ORDINANCE 2650, ANNEXING PROPERTY LOCATED NORTH OF GOLF AVENUE ON NOVA ROAD**

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 Schmitt moved to **APPROVE** the First Reading of Ordinance 2650, seconded by Commissioner Via.*

Mr. Wood utilized the overhead projector to show the location of this annexation.

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

**11. RESOLUTION 2002-R-70, AUTHORIZING A SURVEYING CONTRACT WITH MYER LAND SURVEYING, INC.**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING A CONTRACT FOR SURVEYING SURVICES WITH MYER LAND SURVEYING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2002-R-70, seconded by Commissioner Lockeby.*

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

**12. RESOLUTION 2002-R-71, AUTHORIZING A SURVEYING CONTRACT WITH TOMOKA ENGINEERING**

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING A CONTRACT FOR SURVEYING SURVICES WITH TOMOKA ENGINEERING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** Resolution 2002-R-71, seconded by Commissioner Lockeby.*

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

**13. RESOLUTION 2002-R-72, AUTHORIZING A ONE-YEAR EXTENSION TO THE TOWING CONTRACT WITH DAYTONA WRECKER**

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A ONE-YEAR EXTENSION TO THE WRECKER SERVICE AGREEMENT WITH DAYTONA WRECKER COMPANY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2002-R-72, seconded by Commissioner Lockeby.*

Commissioner Schmitt clarified which company this is and decided he could not support renewal of this agreement because they are consistently rude. The other Commissioners indicated that charm school would be a nice feature in their next contract but this company is less disagreeable than the rest. Chief Shinnamon stated that the police department really needs this contract because without it, they would be back to a rotation list with no guidelines.

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

**14. RESOLUTION 2002-R-73, AUTHORIZING A ONE-YEAR EXTENSION TO THE NUISANCE ABATEMENT CONTRACT WITH BURKE COMPANY**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A ONE-YEAR EXTENSION TO THE NUISANCE ABATEMENT AGREEMENT WITH THE BURKE COMPANY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2002-R-73, seconded by Commissioner Schmitt.*

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

## 15. COMMUNICATIONS

### A. City Manager

Mr. Wood reminded the Commission that they should make a formal decision on whether to hold the regular Commission meeting, which is scheduled for December 24th, 2002. Some Commissioners referred to their attempt to give all the employees an opportunity for a five-day holiday through this time and it was denied so they felt that the Commission should not take that evening off either. Lightheartedly but on a serious note, the Department Heads in attendance expressed their displeasure at the idea of working in the evening on Christmas Eve - as did the reporter from the News Journal.

*Commissioner Via moved to **CANCEL** the Commission Meeting scheduled for December 24th, 2002, seconded by Commissioner Lockeby.*

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

### B. City Attorney

Mr. Simpson indicated that he had nothing further to report.

### C. Mayor and Commissioners

Commissioner Lockeby shared some information that he had learned at the conference they sent him to in Texas earlier this month. He had learned that some cities were capitalizing on bed tax revenues and he felt we should pursue something along that line. The Commission felt this could be a good workshop item.

Commissioner Schmitt asked that the Holiday Party invitation be extended to the VIPs, adult Police Explorer volunteers, the Explorer of the Year and his/her parents. The Commission agreed, acknowledged the oversight, and asked that these be sent to anyone who volunteers his or her time to the City. Chief Shinnamon will get a list of these individuals to Ms. Clauss tomorrow.

Commissioner Via thanked everyone for coming tonight and stated he was looking forward to the upcoming holiday events. He thanked Mr. Simpson, as a representative of Florida Health Care Plan, for donating the nautilus equipment to the gym. Commissioner Via then referred to the decision that was made about who should assume the role of vice-mayor and stated that he always has tried to be a statesman, not a politician and he will offer his full support to whomever is given that responsibility but there is a such a thing as protocol and his feelings were hurt that his turn was overlooked. He spoke for the record, turning to Commissioner Schmitt and stated, “In short, you screwed me!”

Commissioner Byrnes stated that this has been a very unique meeting. He feels very dismayed that the rezoning passed and he is very disturbed by the lack of protocol in consideration of who would be vice-mayor. Other than that, he wished everyone a Happy Thanksgiving.

Mayor Arthur re-explained his rezoning position. He then complimented Commissioner Via on how well he handled the vice-mayor vote tonight.

**16. ADJOURNMENT TO WORKSHOP**

The meeting officially adjourned at approximately 9:30 p.m.

City of Holly Hill, Florida

________________________________
William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk