M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
February 12, 2002

1. CALL TO ORDER

A. Roll Call

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, Development Code Administrator Tim Harbuck, Emergency Services Director Don Shinnamon, Assistant to the City Manager Greg Wood, Finance Director Brenda Gubernator, Public Works Director Milt Hallman, Recreation Director Chuck Beach, City Planner Bob Keeth, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

A. Public Works Week, May 19-25, 2002

Mayor Arthur asked Ms. Clauss to read this proclamation, which he presented to Mr. Hallman.

B. Certificate of Completion of Elected Municipal Officials Training

Mayor Arthur presented this Certificate to Commissioner Tarrer for attending a training conference sponsored by the Florida Institute of Government.

3. CONSENT AGENDA

A. Minutes of Regular Commission Meeting – January 22, 2002

B. Purchase Orders Issued between Five and Ten Thousand Dollars

– Rocha Adding Equilization Pump Controllers to Wastewater Treatment Plan Scada System $6480

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

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

4. Committee Reports

Volusia Water Alliance

Mr. Forte advised that there is a MAC and TAC meeting scheduled for this Friday at 9:00 a.m. at the Votran building. They plan to discuss the Water Supply Plan and what that plan means to the individual cities and their comprehensive plans and the St. John's Water Management District. They also plan to discuss the status of the consultant. He will give them each a form listing the various issues and asked that they look it over and let him know how they feel individually about these. The VWA meeting scheduled for Monday will have the same agenda, but he also anticipates discussion of the participation level of all the cities. He would like to see them put a hold on everything to allow the cities who have dropped-out to come back and work to resolve the issues that drove them away. Commissioner Via added that we need the County to come back, too. Commissioner Byrnes stated that we have some of the same concerns as the cities who have dropped-out, yet we continue as a member. Mr. Forte advised that we would be obligated to go along with whatever the VWA does for five years after dropping-out so he has felt it was better to stay and try to sway the majority.

Volusia League of Cities

No meeting.

Volusia Council of Governments

Commissioner Lockeby advised that they are trying to develop a countywide animal registration process. There are still details to be worked-out and then it will be presented to each of the cities for their consideration. This will probably not work unless it receives unanimous approval. Later, he suggested the City push for unified animal control as part of this plan.

Metropolitan Planning Organization

Mayor Arthur advised that they are planning a red turn arrow at LPGA and Nova because of the large number of accidents that continue to occur. Commissioner Byrnes stated that he felt they also needed is a right turn lane on the west side of that intersection. Commissioner Tarrer stated that they need a left turn signal at the intersection of Walker and Nova.

Karl Welzenbach, Executive Director of Volusia County MPO, came tonight to promote the household travel survey that they are currently undertaking. He advised that this County has never had a traffic survey calibrated here. The computer models they have used are the State models, which were developed from the national models, which were from calibrated in places like Detroit and Chicago – these probably are not an accurate reflection of Volusia County. They are seeking data to get a statistically valid sample. Six thousand surveys have been sent out to households and you can contact the MPO office if you would like to participate. They have some nice prizes they are giving away as incentives for completing this survey.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Kevin Brown, 650 6th Street, attended this meeting with his attorney, Robert Riggio. Mr. Riggio asked that the Commission consider a stipulation providing the time frames for repair of the structure located at 654 6th Street. They had ordered it demolished at their last Commission Meeting, January 22nd, 2002 and that process was now in place. Mr. Riggio presented a letter from a structural engineer who found the home to be structurally sound and in no danger of collapsing or falling down. Mr. Brown advised the Commission that he has adequate resources to complete this project within the proposed time frames, having the home ready for review for the purposes of issuance of a Certificate of Occupancy by September 1, 2002.

Commissioner Tarrer moved to ***RECONSIDER*** *this item and moved* ***APPROVAL*** *of the stipulation dated February 12, 2002 with the following additions: the grounds maintained throughout this process, the premises secured to ensure no entry to structure at the end of each day, the electricity hooked-up, the agreement binding upon heirs and assigns - this approval is subject to City Attorney review with any additional modifications recommended, seconded by Commissioner Lockeby.*

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

Lou Schmitt, 1000 Walker Street #328, advised the Commission of the financial needs of the CERT team. While performing a mock drill in January with South Daytona, they learned that South Daytona has received funding from grants and drug seizures. He advised that he has been using his own money to support CERT and would like some help. He asked for one thousand dollars but would accept anything offered. The Commission asked Mr. Forte to check for any extra money in the police and fire budget.

Mayor Arthur recognized Commissioner Costello from the City of Ormond Beach.

Karen McDonald, 104 Palm Terrace, complained about what she felt was an inappropriate action by Commissioner Tarrer on Election Day. She had parked in a handicap parking spot at a church, under the misconception that it was only reserved for handicap parking during church hours. She was holding a sign for Commissioner Tarrer's opponent when allegedly Commissioner Tarrer reported her illegally parked vehicle to one of the VIP's, who subsequently wrote her a citation. This is now in the hands of the Clerk of the Circuit Court and she stated that she is protesting this citation and referred to her otherwise perfect driving history.

6. RESOLUTION 2002-R-06, COMMUNITY REDEVELOPMENT ADVISORY BOARD APPOINTMENTS

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A REGULAR MEMBER AND AN ALTERNATE MEMBER TO THE COMMUNITY REDEVELOPMENT ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE (Rose Schuhmacher and Gary Lewis)**

Commissioner Tarrer moved to ***APPROVE*** *Resolution 2002-R-06, seconded by Commissioner Via.*

Mr. Forte introduced Mr. Lewis from SunTrust Bank.

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

7. BOND REFUNDING UNDERWRITERS

Mr. Forte advised that our Financial Advisor received proposals from various underwriting firms and has made a recommendation for this selection. Mr. Forte advised that they can anticipate contracts at their next meeting as we undertake the sale of the bonds.

Commissioner Tarrer moved to ***APPROVE*** *the underwriting firms of A.G. Edwards & Sons, Inc. as Senior Manager, and William R. Hough & Co. and Jackson Securities Incorporated as Co-Managers for the City, seconded by Commissioner Byrnes.*

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

8. SECOND READING OF ORDINANCE 2626, CREATING THE POSITION OF SPECIAL MASTER FOR JUDICIAL REVIEW OF CODE ENFORCEMENT APPEALS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING CHAPTER 2 (ADMINISTRATION), ARTICLE III. (BOARDS, COMMISSIONES, COMMITTEES), DIVISION 3. CODE ENFORCEMENT BOARD); CREATING A NEW DIVISION 3 (CODE ENFORCEMENT) TO ESTABLISH A CODE ENFORCEMENT SYSTEM THAT UTILIZES A SPECIAL MASTER; PROVIDING FOR DEFINITIONS, PROCEDURES, NOTICES, CITATIONS AND FINES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Tarrer inquired about the preference stated within this ordinance for someone who does not own a business or residence in the City. - this can be waived by the Commission. Commissioner Byrnes did not like the wording of the sentence authorizing the Commission to waive this. There was also discussion of the last sentence in Sec. 2-118(b)(6) because it seemed vague by including both the City Manager and City Commission. This is necessary because of the spending threshold.

Commissioner Tarrer moved to ***APPROVE*** *the second reading of Ordinance 2626 with this amendment to the sentence in Sec. 2-118(a)* "This requirement can be waived by the City

Commission~~, if there are no other qualified candidates to be appointed~~.", *seconded by Commissioner Byrnes.*

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

9. RESOLUTION 2001-R-07, INTERLOCAL AGREEMENT WITH VOLUSIA COUNTY SCHOOL DISTRICT FOR JOINT USE OF REAL PROPERTY

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE VOLUSIA COUNTY SCHOOL DISTRICT FOR JOINT USE OF REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte advised that at the end of this agreement is a section 705, which is not part of this agreement. It is a County policy which deals with the structures; we are only referring to the outside open-play areas (track, courts, fields). Commissioner Via inquired as to whether we still wanted to move forward with the multi-purpose field, now that we will have use of this area. Commissioner Byrnes indicated he did not feel this called for any change to those plans. Commissioner Via also asked whether they might need to put in bathroom facilities there. Mr. Forte responded that the County already has port-o-potties in place and Mayor Arthur advised that this school was to be torn down before long anyway. Overall, the Commission was very pleased with this agreement. Mr. Forte asked that they approve this with the inclusion of the City Attorney's comments, which he had in hand.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-07 with inclusion of the City Attorney comments, seconded by Commissioner Tarrer.*

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

10. STREET RESURFACING FOR FY 2001-2002

Mr. Forte advised that it has been determined that Cordova Avenue is not in too bad of shape so they anticipate being able to do Flomich Avenue all the way to Riverside Drive. Mayor Arthur mentioned that State Street, off of Flomich, is probably the worst street in our City. Mr. Forte advised that will be repaired as part of one of their stormwater retention projects. Commissioner Via asked if this resurfacing project would cover sidewalks. It will not, however, one of the sidewalks most in need of repair is near Charleston Place and that will be done by their developers. Mayor Arthur advised that there is a manhole on Riverside Drive near Flomich that is too high and presently a road hazard. This is the City's responsibility even though Riverside Drive is a County road because we use the manhole. Mr. Hallman will see that this repair is handled.

*Commissioner Tarrer moved to **APPROVE** the piggy back contract with P & S Paving in the amount of $98,600, seconded by Commissioner Via.*

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

11. REZONING REQUEST FOR 326 15TH STREET

Mr. Keeth advised that the applicant was unable to attend tonight due to illness. The Board of Planning and Appeals reviewed this application and recommended 4-1 to deny the request. Mr. Keeth gave his reasons for also recommending the denial of this request - it is inconsistent with their Comprehensive Plan and could lead to blight.

Thomas Schillings, 1440 State Avenue, advised that he has never minded the little lawn mower business that they have operated but that he would he would not want to see the zoning changed to allow any number of businesses right into their neighborhood.

The Commission unanimously expressed the concern that any further encroachment of business upon this residential area would be very detrimental to those currently residing their.

*Commissioner Tarrer moved to **DENY** the rezoning request for 326 15th Street, seconded by Commissioner Lockeby.*

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

12. COMMUNICATIONS

A. City Manager

Mr. Forte advised the Commission that several of the other cities are planning to file a lawsuit against Volusia County for the action they took in regard to the Community Redevelopment Areas. He asked if the Commission would like to join in this lawsuit. The Commission was unanimously in agreement that they should stick with the rest of the cities and oppose the County's action, which passed with a mere 4-3 vote. Mr. Forte proposed the following: 1) continue to work with other CRA cities in examining the legal basis for the County's actions, 2) maintain our association with other CRA cities regarding legal advice and guidance, 3) work with other CRA cities to develop a cost-sharing program for the legal expenses anticipated, 4) gather information from various sources related to the impact of the CRA (information can be obtained from the County Appraiser's Office with more detailed data which is necessary to respond to the questions of the County Council because the County Council may not be supported with accurate information), and 5) continue to review the County Council resolution to determine at what point the CRA plan must go before the County Council if amendments to the plan are proposed.

*Commissioner Tarrer moved to **APPROVE** authorizing the City Manager to move forward with the five points of action he cited, seconded by Commissioner Via.*

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

Mr. Forte also asked that they keep his Dad in their prayers, with his upcoming heart surgery.

B. City Attorney

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

C. Mayor and Commissioners

Commissioner Tarrer welcomed the members of the audience. Referring to Ms. McDonald's statements during Audience Participation, he stated that he would not respond to any ridiculous accusations that were made. He stated that when he became a City Commissioner one of his greatest pet-peeves in this City was the lack of code enforcement. He is very proud of the progress that has been made in Code Enforcement by the City Manager and his officers. However, he would like for them to be able to devote their full attention to this and not have to split it fifty-fifty with animal control. He suggested that segment return to the police department. He also felt they need better vehicles that what they are currently driving.

Commissioner Via complimented the effort and success of the Dog Park. He mentioned Ormond Beach's annexation concerns and stated that he hoped that would be resolved to Ormond's favor. He referred to the Living Legends of Auto Racing Museum, which is about to celebrate their 1st anniversary and now has their non-profit designation of 501C3. They recently put on a display of race cars at the Publix parking lot, which was free to all, and were charged for a Special Event permit. He requested that we waive the $200 permit fee that we charged them and refund the money. The Commission discussed this while Mr. Simpson researched the Code. Mr. Simpson then advised that the Special Event permit is for businesses with items for sale. Mr. Forte will review re-examine this and refund the permit if appropriate. Commissioner Via welcomed Commissioner Fred Costello from the City of Ormond Beach.

Commissioner Byrnes took an opposing view from that of Commissioner Tarrer's on the structure of the Code Enforcement department. He felt it was working better now than ever. He did not feel either animal control or code enforcement worked well as police functions. As for Ormond Beach's annexation concerns, he referred to agreements from the 1960's in which rightfully it should be Holly Hill's land all the way out to I-95. He mentioned the many pictures he has on his website palmhat.com and encouraged those interested to view the pictures from the centennial celebration. He thanked everyone for keeping him informed on what was going on with the City while he was ill. Happy Valentine's Day!

Commissioner Lockeby referred to his VCOG report and suggested that we only agree to the County's animal registration agreement if they take the entire animal control responsibility.

Mayor Arthur wished Joe's Dad well in his upcoming surgery. As far as the annexation issue, he thanked Ormond and Daytona for taking all the land around them because he felt the only cities that really prosper are those that are land-locked. If we had annexed the westerly properties, we would be spending all our money trying to bring them up to our standards. As for animal control, he was in favor of the method of spaying/neutering and release that other counties use – instead of locking them up or killing them. Mayor Arthur asked Commissioner Via if he were going to be able to attend the Volusia Water Alliance meetings or if they needed to appoint someone else – Commissioner Via will attend the meetings.

14. ADJOURNMENT

The meeting officially adjourned at approximately 8:55 p.m.

City of Holly Hill

____
William D. Arthur, Mayor

Attest:

____
Jeaneen P. Clauss, City Clerk