M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
May 28, 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, and Roland Via.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson, Assistant to the City Manager Greg Wood, Public Works Director Milt Hallman, 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

Mayor Arthur presented a Certificate of Completion of the Advanced Institute for Elected Municipal Officials to Commissioner Via. Commissioner Via is the first Commissioner in Holly Hill to complete this training.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – May 14, 2002
Minutes of Commission Workshop - May 14, 2002

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

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur - yes.

4. Committee Reports

Volusia Water Alliance

Commissioner Via deferred this item to the Workshop because the Implementation Plan is scheduled for discussion at that time.

Volusia League of Cities

Commissioner Byrnes advised that he had nothing new to report.

Volusia Council of Governments

Commissioner Lockeby advised that they were supposed to receive the EMS Fire study draft at their last meeting and this report was not ready yet. The discussion at that meeting was primarily about why the report was not ready.

Metropolitan Planning Organization

Mayor Arthur advised that he had nothing new to report.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Mayor Arthur recognized the candidates who are running for District 3 Commissioner: Jeff DeLanoy, Ron Fussell, and Lou Schmitt.

6. SECOND READING OF ORDINANCE 2636, ADOPTING WATER CONSERVATION REGULATIONS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 106 (RESOURCE PROTECTION) OF THE CITY CODE OF ORDINANCES TO CREATE ARTICLE V (WATER CONSERVATION AND WATER SHORTAGE), RELATING TO WATER CONSERVATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL RESTRICTIONS ON WATER USE; PROVIDING FOR LEVELS OF WATER CONSERVATION AND WATER SHORTAGE; PROVIDING FOR DECLARATION OF WATER SHORTAGE; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2636, seconded by Commissioner Lockeby.*

Commissioner Via stated that Holly Hill's concern that they do not have the manpower to proactively enforce this ordinance has been expressed by other cities as well. There was some discussion regarding the fern growers extensive use of water on the west side of the County. Commissioner Byrnes referred to his comments at the last meeting for why he will vote against this ordinance.

The motion **CARRIED** 3-1 on roll call: Via – yes, Lockeby - yes, Byrnes – no, Arthur – yes.

7. FIRST AND ONLY READING OF EMERGENCY ORDINANCE 2637, ADOPTING POLITICAL SIGN REGULATIONS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA CREATING SECTION 110-13 (POLITICAL SIGNS) OF THE HOLLY HILL CODE OF ORDINANCES ESTABLISHING REGULATIONS FOR POLITICAL SIGNS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** the first and only reading of Emergency Ordinance 2637, seconded by Commissioner Via.*

Lou Schmitt, 1000 Walker Street #328, asked the Commission to table this ordinance. He felt that it was too rushed and too late in the game for this election and that some provisions still needed to be fine-tuned (i.e.: individual businesses within a strip mall).

Commissioner Via, though strongly in favor of this ordinance, stated that he was not in favor of a bond because he felt it was more effort to accept and refund than it is worth.

*Commissioner Via moved to **AMEND** the motion by removing paragraph "f" which refers to the cash bond, no second was made.* The amendment **DIED**.

Jeff DeLanoy, 211 15th Street, felt that this was not a major issue. He verified that no complaints had been filed this year (though many had been submitted by opposing candidates in the past).

The Commission discussed this at length and it was clear that there would be a tie vote on this item. Commissioner Byrnes and Commissioner Via felt that the current regulations were too restrictive for property owners because they only allow them to place one sign on a commercial piece of property and two signs on a residential piece of property. They both felt that property owners should be able to place one sign per candidate and issue on their property - whether residential or commercial. Commissioner Lockeby stated that they were moving too quickly on this and that they should workshop it again once the District 3 seat is filled. Mayor Arthur stated that attempting to regulate political signs is futile.

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

8. RESOLUTION 2002-R-29, APPOINTING A CANVASSING BOARD FOR THE UPCOMING ELECTION(S)

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A CANVASSING BOARD FOR THE CITY'S SPECIAL ELECTION SCHEDULED**

FOR JUNE 18, 2002 AND (IF NECESSARY) THE CITY'S RUNOFF ELECTION SCHEDULED FOR JULY 16, 2002; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The Commission reviewed the list of citizens who had served on their Canvassing Boards since 1998 and determined that they would appoint the citizens who had most regularly served as regular members and three of the others as alternates.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-29 appointing Gilles Blais, Doyle "Snake" Andress, Susan Burcham, George Davis, and John Wooten as regular members and Steve Correia, Tim Harbuck, and Commissioner Arthur Byrnes as alternates, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur – yes.

9. RESOLUTION 2002-R-30, APPROVING A PROFESSIONAL FEE / PER DIEM FOR THE SPECIAL MASTER

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE PROFESSIONAL FEE / PER DIEM FOR THE POSITION OF SPECIAL MASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Lockeby moved to **APPROVE** Resolution 2002-R-30, seconded by Commissioner Byrnes.*

Mr. Forte advised that this would be for one day per month. The exact amount of time they use him will depend greatly on the caseload.

The motion **CARRIED** 4-0 on roll call: Lockeby - yes, Byrnes – yes, Via – yes, Arthur – yes.

10. RESOLUTION 2002-R-31, LAWN AND SHRUB SPRAYING CONTRACT

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A LAWN AND SHRUB SPRAYING SERVICE AGREEMENT WITH TRUGREEN - CHEMLAWN LAWN CARE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-31, seconded by Commissioner Byrnes.*

Mr. Forte advised that they advertised and sent bid invitations to nine companies in the area and only three submitted bids. TruGreen-Chemlawn submitted the lowest bid and Staff recommends accepting that bid. Mayor Arthur inquired as to whether we would be better off doing this ourselves. Mr. Forte responded that they used to do this in-house and the problem they run into is maintaining certified individuals and storing the chemicals. For this price, we are better off contracting this.

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

11. RESOLUTION 2002-R-32, INTERLOCAL CANINE RECREATION CLUB BY-LAWS

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING BY-LAWS FOR THE INTERLOCAL CANINE RECREATION CLUB; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2002-R-32, seconded by Commissioner Byrnes.*

Commissioner Byrnes confirmed that it is appropriate to make the County's board member appointments for them. Mr. Forte advised that they asked us to do so. Ms. Clauss added that we have a letter from the County Council Chairman, in which they made this request. Mr. Forte advised that these by-laws are based on the ordinance which created the Board.

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

12. DOG PARK EVENT

Mr. Forte advised that the Halifax Humane Society submitted a request to the Dog Park Board asking to hold their annual Dog Walk event at this park. They normally hold this event at the Casements, but this past year they began charging them ten percent of profits. This is too large of a percentage to give up on a primary fund raiser. The event would be on April 12, 2003. If the park proves large enough for the crowd that comes, they would like to continue holding this event there. Commissioner Lockeby referred to the difficulties they have had in the past with the Humane Society increasing their rates one quarter into the fiscal year. The cities have repeatedly asked that they submit these changes when the cities budgets are being prepared (June). No response could be made on this topic because the HHS representative, Tony Sander, works in Special Events not Administration.

*Commissioner Via moved to **APPROVE** authorizing the Halifax Humane Society to hold their Dog Walk event at the Dog Park at no charge, no second was made.* Motion **DIED**.

Commissioner Byrnes stated that we have not addressed the fees for use of this park so he felt that at least the fees for their other facilities should apply. This cost would be twenty-five dollars. Ms. Sander explained the need for this fundraiser and indicated that the twenty-five dollars was a very reasonable fee.

Commissioner Via moved to ***APPROVE*** *the request by the Halifax Humane Society to hold its annual Dog Walk event at the Dog Park on April 12, 2003 for a fee of twenty-five dollars, seconded by Commissioner Byrnes.*

Commissioner Via stated that he would pay the twenty-five dollar fee this year.

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

13. COMMUNICATIONS

A. City Manager
None.

B. City Attorney
None.

C. Mayor and Commissioner
Commissioner Via reiterated his position on why he supported the political sign ordinance that was before them tonight; he feels it is a constitutional right to voice your opinion on political candidates or political issues and that a limitation of two violates that right. He thanked everyone for the condolences on his mother-in-law.

Commissioner Byrnes expressed his condolences to Commissioner Via over the loss of his mother-in-law. Commissioner Byrnes reiterated why he supported the political sign ordinance that was before them tonight; he feels they need an ordinance that makes the law equal their intention.

Commissioner Lockeby expressed condolences to both Commissioner Via's family and the Wine family. He reiterated his concern over the safety of City water in light of terrorist activity; he felt they need to move the improvement schedule up.

Mayor Arthur expressed condolences to the Via and Wine families. He thanked everyone for coming tonight and invited them to the workshop.

14. ADJOURNMENT TO WORKSHOP
The meeting officially adjourned at approximately 8:15 p.m.

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