M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
MAY 9, 2000

1. CALL TO ORDER

Mayor William Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:38 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Keith Tarrer and Roland Via.

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, Police Chief Larry Walker, and City Clerk Jeaneen Clauss.

2. INVOCATION

Mr. Corliss delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation and Certificates for Builders Club Week

B. Charlie Lydacker – Chairman of Florida Affordable Housing

Neither the school coordinator nor the students were able to attend the meeting to receive the proclamation and certificates for Builders Club Week, so Mr. Corliss (who served as the City's coordinator) will deliver these items to them.

<u>Later in the meeting</u>

Charlie Lydacker, Chairman of Florida Affordable Housing, attended this meeting to advise the Commission on the status of their grant application effort to bring an affordable family housing development to the City. Mr. Lydacker congratulated them on being in the top 3 out of 125 applicants. He explained that, due to the highly competitive nature of this grant, there is a stringent appeals process that will begin. It is very possible that the City could be bumped down on the list, due to others having applied for this many times - compared to our first try, even though we received a perfect score. Mr. Lydacker made it very clear that Holly Hill is shining brighter on the map, as various government entities have become aware of the City's presence. He complimented the Commission on their commitment and praised the Staff on the work they did to bring this all together, especially Mr. Forte. The City has been working with Gatehouse Corporation as the developer for this project. They are a very highly rated company. Gatehouse Corporation has stated that they have never worked with a government that was more efficient and cooperative than this one. Now we wait for the results of the appeals process.

5. CONSENT AGENDA

A. Minutes of Regular Commission Meeting – April 25, 2000

B. Report of Purchases over $5,000

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

Commissioner Via noted that on page three TJ's Auto Sales should actually be DJ's Auto Sales. This was a verbal error, not a transcription error.

Motion **CARRIED** 5-0 on the following roll call: Via – yes, Lockeby – yes, Tarrer – yes, Byrnes – yes, Arthur – yes.

6. AUDIENCE PARTICIPATION

Harriett Demesack, 4 Sand Point Circle (Ormond Beach), inquired as to the progress on the construction behind Holly Forest. Mr. Forte stated the developer is pulling back on the pavement area by about five feet, giving them room to put a meandering burm about three feet high on the back of the property. They will put in Florida Magnolias, Wax Myrtles, and a six foot high chain-link fence with Confederate Jasmine.

Larry Tatroe, 1115 Powers Avenue, asked the Commission to look into fixing the cracks at the tennis courts – stating that it is a very dangerous situation for the older citizens that play there regularly.

Ruthie Sager, 208 LPGA Boulevard, concurred with Mr. Tatroe's comments and requested the repair of the tennis courts be prioritized. She referred to the full recreation plan, which included addressing the tennis courts. Commissioner Via explained that was to be done in phase III. Phases I and II have just now been completed.

Ms. Sager also asked the Commission to look into traffic light issues at the corner of US 1 and LPGA Blvd, which she stated cause great difficulty when you are attempting to make certain turns. Mayor Arthur stated that whole intersection was about to undergo improvements.

7. SECOND READING OF ORDINANCE 2579, ANNEXING PROPERTY LOCATED AT NOVA ROAD AND ALABAMA AVENUE

Attorney Simpson read Ordinance 2579 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

PUBLICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved **APPROVAL** of the Second Reading of Ordinance 2579, seconded by Commissioner Byrnes.*

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

8. RESOLUTION 2000-R-25, RE-APPOINTING MEMBERS TO THE FIRE PENSION BOARD OF TRUSTEES

Attorney Simpson read Resolution 2000-R-25 by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA RE-APPOINTING TWO MEMBERS TO THE FIRE PENSION BOARD OF TRUSTEES; SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE. The names inserted in the resolution are Paul E. Lockeby and John Starr. Terms are set to expire in two years, March 2002.

Commissioner Lockeby stated that he would have to step down from this pension board, so they would only be re-appointing one of these members. Mr. Forte explained that there is a case pending that will determine whether there is a conflict with dual office holding. If this case is upheld, one must step down from their first position. This would require him to have to give up his Commission seat.

*Commissioner Via moved **APPROVAL** of Resolution 2000-R-25 to include only the name John Starr, seconded by Commissioner Tarrer.*

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

9. 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.

Mr. Forte began by stating that the City is being billed at these new rates, whether they sign this contract or not. All of the other cities have already signed the contract, which they originally disagreed with the rate increase and hoped to negotiate. There was some discussion on what need there was for them to sign a contract, when the City was already being billed the new rates. Mr. Simpson stated that without a contract, the Humane Society could actually charge them more; with a contract, they were guaranteed these rates at least through December 2000. Mr. Simpson also clarified the second change in this contract, from the previous one of 1997, which is that the City will be responsible for collecting the fees from the owner(s) of the animal(s). Mr. Forte stated that they were exploring the option of housing the animals here and the City collecting the fees for next budget year, instead of sending animals out to the humane society. There was discussion as to the City having to pay for animals that individual residents take to the Humane Society and say are from Holly Hill. They had been told by a previous City Manager that this was resolved and they would not be billed for this. Apparently, the only thing that had been resolved was that the Humane Society would make an effort to determine which animals should actually be billed to the County, instead of the City. There was also mention that other humane societies may charge lower fees than this particular one (ie: Deland or New Smyrna Beach). The Commission inquired as to the number of animals we send out there, the number that individual citizens take there which we are charged for, the number of animals which are picked-up and we are refunded our costs, and the record keeping system they use to track all of this. Information will be gathered on all of these items for further discussion.

Commissioner Lockeby moved ***APPROVAL*** *of moving this to discuss the entire issue (contract and shelter issue) at a Workshop, seconded by Commissioner Byrnes.*

Mr. Forte confirmed that this was not necessarily for the workshop at the end of this month, but for one as soon as the information could be attained and compiled. That was fine.

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

10. RESOLUTION 2000-R-27, AUTHORIZING THE CITY'S PURCHASE AND INSTALLATION OF A TRAFFIC LIGHT AT THE INTERSECTION OF RIDGEWOOD AND CALLE GRANDE

Attorney Simpson read Resolution 2000-R-27 by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE CITY TO PAY FOR THE COST OF PURCHASING AND INSTALLING A TRAFFIC LIGHT AT THE INTERSECTION OF RIDGEWOOD AVENUE AND CALLE GRANDE AND SETTING FORTH CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte stated that they had been very recently discussing this issue with Charles Wayne Properties. They had anticipated the cost being no higher than $100,000 at the time this resolution was prepared. Now it seems that it could possibly be higher ($127,800). Mr. Forte added that he needed to remind the Commission of where the money was coming from and what it was designated for, referring to gas tax money for road improvements. He also stated that they certainly recognize the value of this project and want to do everything they can to keep Publix within our City. The Commission later confirmed that they anticipate receiving about $106,000 in gas tax revenue. Mr. Hallman has been putting together a five-year road-paving plan, to be done with the money from this fund. The stoplight qualifies as an eligible use of this money.

Charles Lichtigman, Charles Wayne Properties, gave the Commission a brief update on the status of the property purchase for the Publix relocation project. This store will be approximately one-third bigger than the current store and include approximately 13,600 square feet of tenant space. It should create about 150 new jobs (one million five to two million in additional payroll). The total value of the project added to the tax roles would be approximately six million dollars. Mr. Corliss stated that this would be an additional $30,000/year in various taxes received by the City. They are exploring different architectural themes to blend with City Hall and the old Riviera Hotel. He explained that this has not been an easy deal to put together and they had originally approached the City for assistance with the right-of-way, the storm drainage, and the traffic light. The City's response was that they could only talk about the traffic light. He added that the traffic light may not cost as much as they are currently projecting and the City could be paying less, even if they agree to the full amount requested. They are in the final stages of negotiations and now have two deal-breaking concerns. The first of which is the traffic light, which will be needed at Calle Grande and Ridgewood and the second is coming in within budget. If these are met, construction is anticipated to begin sometime between September 30th, 2000 and January 31st, 2001.

The Commission expressed concern over the amount continuing to inch up. They originally discussed $40,000 to $75,000, then it went up to $100,000, and now $127,800. The majority of the Commission felt that $100,000 was as much as they could do – equaling about one year's gas tax revenue. However, Commissioner Via indicated that he felt the additional amount was a worthwhile investment and expressed concern about losing Publix over $27,800. It was mentioned that the City is also showing support for this project by vacating Castilla.

There was discussion as to who would require the light and who would have to pay for it. Mr. Simpson indicated that the State normally would have to pay for a light on a State Road. Mr. Hallman stated (per the DOT engineer) that if the light is determined to be needed during the construction of the road, the State pays for it; after the construction, the City pays. Either way, the City maintains it.

Ruthie Sager, 208 LPGA Boulevard, referred to the fact that most people felt the Publix at the Halifax Shopping Center was permanent, yet it isn't. She expressed the same concern for this proposed Publix, after the City makes such a sizeable investment.

*Commissioner Byrnes moved **APPROVAL** of Resolution 2000-R-27, seconded by Commissioner Lockeby.*

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

11. SURPLUS CITY PROPERTY

Mr. Forte explained that as he has made changes within the City, they have come up with a large number of surplus items and are due to hold an auction. They have selected June 3rd. Some of these items have minimum bids and are noted as such. There will probably be more items to add to the list at the next meeting.

He also asked the Commission if they would be interested in trying an idea that has been successful in Gainesville. This involves refurbishing bicycles and then having them at different locations along Riverside Drive at their parks / walks – allowing people to use them and then drop them off at another location. Mayor Arthur and Commissioner Byrnes advised that this works very well in Portland, Oregon. This was not so successful in Miami. There was discussion about welding something to it, in an attempt to permanently identify it as City property. Bikes without speed controls would be best. The liability factor will be explored before they commit to this idea.

Commissioner Lockeby moved ***APPROVAL*** *of the surplus of City property for an auction to be held June 3rd, 2000 at 9:00 a.m., seconded by Commissioner Tarrer.*

Commissioner Byrnes inquired as to why there were no guns on the list (from the Police Department). They are no longer allowed to sell them.

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

12. COMMUNICATIONS FROM CITY MANAGER

Mr. Forte stated that he would like to schedule Commission Day for the morning of their next Commission Meeting. This would be from about 7:30 a.m. to noon. That night’s Commission Meeting would then be followed by a Pre-Budget Workshop. There was mention of needing a Goals Session. All agreed that these would be done together on a separate night.

Mr. Forte stated that his contract is written and being reviewed by Assistant City Attorney Scott Simpson. He has met with both Mr. Simpson and Ms. Gubernator on this. Once it is returned to him, it will be reviewed again by his attorney. He anticipated Mr. Simpson would be calling each of them to discuss this.

Mr. Forte asked the Commission if they would support the City donating $500 to the Spruce Creek band for the tournament of roses. Some of their residents attend the school, as well. All agreed.

Mr. Forte inquired about the Commission’s position on the Nova Road medians, if Ormond doesn’t approve it in their City. The Commission indicated that they would support them either way.

Mr. Forte referred to their discussion on the State Revolving Fund Loan investment proposals, stating that the project has moved along so fast that they have lost the time they would have needed to have any real profit margin. He recommended they view this entire thing as a learning experience and asked that they be permitted to bid for a Financial Advisor for piecework, as situations arise. This is what other cities generally do. There would not be any upfront costs for this, it would just be an effort to keep expertise on the back burner. For a fee, a Financial Advisor could also review their current investment procedures to determine if they are doing the best they can now. All agreed to advertise for this.

13. CITY ATTORNEY

Attorney Simpson recommended a Workshop to discuss the City Manager contract. This was agreeable to all. Mr. Forte mentioned that it would not take effect until August 1st, after he is vested. It was decided that they would review the contract at the May 23rd Workshop, and possibly the animal issue – if the data is collected in time.

14. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Tarrer made a suggestion that they begin their workshops at 5:45 p.m. on the day of the Commission meeting and if they are not done by 7:15 p.m. they could continue it after the Commission meeting is over. That way they would get most of it done at an earlier time, preventing them from being here and keeping Staff here until 1:00 a.m. This will be discussed and considered at their next workshop.

Commissioner Tarrer inquired as to the attire they wear to Commission meetings during the summer, suggesting that they wear their City shirts. Basically, the custom is to wear what they as individuals want to wear – jacket, no-jacket, etc…

Commissioner Tarrer inquired as to the legality of a citizen obtaining the employment application of another – even when they weren't hired. He referred to the Civil Service Act in the City Code, which refers to the confidentiality of employee records. Attorney Simpson explained that the Civil Service Act predates the Public Records Law and that when the Public Records Law was enacted it superceded all other conflicting articles, except those for which it provided an exemption. An argument could be made to protect certain confidential files, as determined by the Civil Service Board - but up to now they have not deemed any as such. He then referred to a case that had addressed this area, stating that the Public Records Law is a very strong law. The fact that it is not an employee has no bearing on the documents classification as a public record.

Commissioner Via thanked Commissioner Lockeby for his service on the Pension Board.

Commissioner Via referred to Commissioner Byrnes comment at the last meeting when he included him in the vote on granting Staff site plan approval authority for large commercial buildings, such as the one recently being developed near Holly Forest. Commissioner Via clarified that he was not a Commissioner at the time of that vote (May 97) but he remembered the issue because he was here at the meeting as part of the Charter Review Committee.

Commissioner Via complimented the Concert at the Park production this past Sunday from 6:30 p.m. to 8:00 p.m. Some citizens approached him with ideas of expanding this (ie: bandshell, parking assistance). Mayor Arthur mentioned the double booking of the Pavilion and asked Mr. Forte to look into that. Both the Concert members and the Church group thought they had it reserved.

Commissioner Via stated that he would be interviewing Officer Joe Pizzimenti on his radio show about the Civil War Re-Enactment and Mr. Forte about Charlie Lydacker's presentation. The show will be from 7:00 am to 9:00 am on WELE, 1380 a.m.

Commissioner Byrnes stated that his mother was home and doing fine. He then thanked Staff for the good job that they do, stating that he receives compliments all the time and tells the citizens that it is not him but Staff really makes them look good.

Commissioner Lockeby echoed Commissioner Byrnes compliment to Staff, especially for Mr. Forte on the affordable housing project.

Mayor Arthur agreed about Staff's good work and joked that he tells the citizens that it's the Commission who is getting everything done. He then reminded everyone of the Steak & Steak tomorrow night, where they will receive an award from the Boys & Girls Club.

15. ADJOURNMENT

The meeting officially adjourned at approximately 9:58 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk