M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
July 23, 2002

1. CALL TO ORDER
A. Roll Call

Vice-Mayor Arthur Byrnes called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Vice-Mayor Byrnes were Commissioners Paul Lockeby, Lou Schmitt, and Roland Via. Mayor William Arthur was absent, due to vacation.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson (arriving later in the meeting), Assistant to the City Manager Greg Wood, Human Resources Director Diane England, Building Code Administrator Tim Harbuck, Finance Director Brenda Gubernator, Recreation Director Chuck Beach, Police Commander Mark Barker, Fire Division Chief Randy Ast, Public Works Director Milt Hallman, and City Clerk Jeaneen Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Swearing-In of District Three Commissioner-Elect Lou Schmitt

Ms. Clauss swore-in Commissioner-Elect Schmitt.

- RECESS -
Vice-Mayor Byrnes called a recess from 7:07-7:24 p.m., for a cake and coffee reception.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – July 9, 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, Schmitt - yes, Byrnes – yes.

4. Committee Reports

Volusian Water Alliance

Commissioner Via advised that the budget passed with the entity money added in - $250,000. Our participation is estimated at $6,700 - unless St John's Water Management contributes and then it would be half. This is for the transition team, which is anticipated to take twelve to eighteen months to form. Deborah Green was granted a $1,000 bonus. He expressed the Holly Hill Commission's viewpoint of wanting to get the input of the Managers Advisory Committee before they, as the Executive Committee, cast votes on these issues. This was not met with a positive reception and it failed 11-1.

Volusia League of Cities

Commissioner Byrnes stated that the next meeting is on Thursday, August 8th.

Volusia Council of Governments

Commissioner Lockeby stated that the next meeting is tomorrow.

Metropolitan Planning Organization

Mayor Arthur was absent.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

None.

6. RESOLUTION 2002-R-40, ACCEPTING THE RESULTS OF THE SPECIAL RUNOFF ELECTION HELD ON JULY 16, 2002

Mr. Forte read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ACCEPTING THE RESULTS OF THE SPECIAL RUNOFF ELECTION HELD TUESDAY, JULY 16TH, 2002; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Schmitt moved to ***APPROVE*** *Resolution 2002-R-40, seconded by Commissioner Lockeby.*

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

7. RESOLUTION 2002-R-41, APPROVING A PROPOSED MILLAGE RATE FOR FISCAL YEAR 02/03

Mr. Forte read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A PROPOSED MILLAGE RATE FOR THE YEAR BEGINNING OCTOBER 1, 2002; PROVIDING FOR A PUBLIC HEARING ON MILLAGE RATE; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Florida is required by Florida Statute 200.065, the TRIM BILL, to certify to the County Property Appraiser the general municipal millage rate proposed by said Commission for the tax year beginning October 1, 2002; and

WHEREAS, the City Commission of the City of Holly Hill, Florida, pursuant to the TRIM BILL, shall hold a public hearing adopting a tentative budget and a tentative millage rate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA THAT:

Section 1. That the millage rate proposed by the City Commission of the City of Holly Hill, Florida, for the tax year beginning October 1, 2002 is 4.50 ($4.50 per $1,000.00); said proposed millage rate is 3.07% below the rolled back rate, which shall be the proposed percentage decrease in property taxes.

Section 2. The City Commission has hereby set a public hearing on the millage rate for 7:30 p.m., on September 9th, 2002, in Commission Chambers, 1065 Ridgewood Avenue, Holly Hill, Florida.

Section 3. All resolutions made in conflict with this Resolution are hereby repealed.

Section 4. This Resolution shall become effective immediately upon its adoption.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-41, seconded by Commissioner Schmitt.*

The budget is currently balanced with a millage rate of 4.5. The Commission discussed this at length and for some time it did not appear that they would attain a majority decision for any proposed millage rate. Commissioner Schmitt favored going with the rolled-back rate of 4.64. Commissioner Via and Vice-Mayor Byrnes favored approximately a three percent reduction for a millage rate of 4.5. Commissioner Lockeby felt we should raise the millage to 5.0 because the economy is so unstable. Commissioners Schmitt and Lockeby both felt we should have a large reserve and expressed concerns over the unstable economy and the financial distress of Daytona Beach. Commissioner Via and Vice-Mayor Byrnes both referred to the auditors comments that we are in a very sound financial condition. Our reserve will be at twenty-four percent by the end of FY 02/03 with the rolled-back and twenty-two percent with the tax reduction. Ten to Fifteen percent is all that is recommended a government maintain as a prudent reserve. One of the City's goals listed has been to reduce the reserve. Commissioner Schmitt stated that he had spoken to twenty residents about this and they all indicated a strong preference to not decrease taxes at this time. Vice-Mayor Byrnes invited members of the audience to express their views on this. Ruthie Sager, 208 LPGA Boulevard, indicated that she does not want taxes any higher than necessary to balance the budget and asked why they would go above 4.5 mills, when they don't need to? Steve Corriea, 707 Carolina Avenue, stated that he felt they should accept the lower millage rate of 4.5, which the expertise of Staff has provided and they should feel comfortable with the reserve that the expertise of the Auditors has stated is sound. Steve Smith, 1410 Riverside Drive, stated that they were spending too much time on this and that they should adopt the recommended millage of 4.5. Commissioner Byrnes referred to the normal increase in property valuations and stated that without a tax reduction, the homeowners pay more taxes - even with the rolled back rate. After consideration of that, Commissioner Schmitt changed his opinion on this issue and opted for the lower millage rate of 4.5.

The motion **CARRIED** 4-0 on roll call: Via – yes, Schmitt – yes, Lockeby - no, Byrnes - yes.

8. RESOLUTION 2002-R-42, AUTHORIZING AN ADDENDUM TO THE AGREEMENT FOR THE SCADA SYSTEM

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING AN ADDENDUM TO THE CONTRACT WITH ROCHA MUNICIPAL AND INDUSTRIAL CONTROL SYSTEMS, INCORPORATED FOR MAINTENANCE OF THE CITY'S SCADA SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2002-R-42, seconded by Commissioner Lockeby.*

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

9. FIRST READING OF ORDINANCE 2639, AUTHORIZING LEASHED DOGS IN CERTAIN CITY PARKS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 10-45 OF THE CITY CODE TO GRANT AN ADDITIONAL EXEMPTION TO PERMIT ANIMALS ON MUNICIPALLY OWNED PROPERTY, WHEN CERTAIN CONDITIONS ARE MET; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Lockeby moved to **APPROVE** the first reading of Ordinance 2639, seconded by Commissioner Via.*

The Commission discussed this briefly concerning how well this had worked since they initially approved this two years ago by resolution. This ordinance is merely to codify the already existing regulation. Joan Richardson, 1000 Walker Street, stated that she believes the dogs should be allowed in the parks.

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

10. SUBDIVISION AND VARIANCE REQUEST FROM DON NIELSEN FOR PROPERTY LOCATED ON RIVIERA ESTATE BOULEVARD BETWEEN ALABAMA AVENUE AND GOLF AVENUE

*Commissioner Via moved to **APPROVE** the request for six lot subdivision with a variance on lots one and six for lot widths of 84.85 feet in lieu of the required 86.25 feet, to achieve a fifteen percent increase for corner lots, seconded by Commissioner Lockeby.*

The Commission confirmed that these lots are still larger area-wise than otherwise required but they are one and a half feet short on the width. Mr. Nielson was present and advised that there will be six homes built here in excess of $150,000 each (one million total). This request went before the Planning and Appeals Board and was approved unanimously with little discussion.

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

11. STORMWATER IMPROVEMENTS - PHASE I

*Commissioner Via moved to **APPROVE** awarding the contract to the low bidder, Schuller Contractors Incorporated of Orlando for $1,328,245, seconded by Commissioner Schmitt.*

The Commission inquired as to whether Staff had any knowledge of this company. Mr. Hallman advised that he has spoken with the Public Works Directors of other cities and they highly recommended this company. He had a three-hour meeting with the company and he feels very comfortable with how they are approaching this job. The completion time is estimated at six months, which is half of what they anticipated. The City has required a performance bond to ensure the work will be completed as specified. Mr. Forte advised that they should be aware that when they get to the State Avenue portion of this project, that they will have to shut down that street for awhile. He advised that the businesses and residents will not be able to drive there during this time. The Commission expressed concern about providing safety for the displaced vehicles from that street. They will pursue safety measures as we get nearer to that time and the people will be given plenty of notice.

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

12. STORM SEWER IMPROVEMENTS - NORTHEAST CANAL AND LPGA BOULEVARD

Mr. Forte advised that this is a box culvert project, which is proposed to be jointly funded between the County and the City. This had been previously discussed in a workshop.

Commissioner Lockeby moved to ***APPROVE*** *the "Joint-Project Agreement" with Volusia County at an estimated total project cost of $200,000 for a new stormwater structure at N.E. Canal and LPGA Boulevard of which the City would pay $100,000, seconded by Commissioner Schmitt.*

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

13. PUBLIC UTILITIES RELOCATION FOR INTERSECTION IMPROVEMENTS FOR LPGA BOULEVARD BETWEEN HOLLY AVENUE AND STATE AVENUE

Mr. Forte advised that they have been working with the County on getting improvements at LPGA and Ridgewood. Part of this includes relocation of the underground utilities, which is a shared cost. The cost is anticipated at approximately $80,000, but we do not have final figures on that.

Commissioner Via moved to ***APPROVE*** *the "Joint-Project Agreement" with Volusia County for the relocation and construction of the City's utilities in the proposed construction area, seconded by Commissioner Lockeby.*

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

14. LAW ENFORCEMENT TRUST FUND EXPENDITURE REQUEST

Mr. Forte advised that the Emergency Services Director has attached a list of the items that he is recommending be purchased through the use of this Trust Fund. These items include the Taser Gun, which is getting a lot of publicity as a great tool for subduing a combative suspect. It shoots two electrodes that emit a five-second electrical charge. Studies show that this does not do any harm to the electrical impulses of the heart. They desire to purchase one of these guns, which will be carried by the on-duty supervisor – who will be certified to use it. Commander Barker advised that this comes with computer software that tracks the number of times it is used. A question was raised as to whether this would work on a large animal. That was unknown but the animal control officer is being sent to a chemical weapons course to learn how to use something that will temporarily put the animal to sleep.

Commissioner Schmitt moved to ***APPROVE*** *the expenditure of $4,768.74 from the Law Enforcement Trust Fund to purchase an M-26 Advanced Taser, Traffic Homicide Investigation Equipment for Traffic Team, and a Video Camera for Criminal Investigations, seconded by Commissioner Lockeby.*

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

15. COMMUNICATIONS

A. City Manager

Mr. Forte referred to one of the write-ups that the Auditors had given us about a year ago - we did not have a Disaster Recovery Plan for our computer system. IT Manager Scott Gutauckis has created a plan for us, which is available for their review in the City Clerk's Office. It will be updated, as needed.

Mr. Forte asked for the Commission's support for designating the 2002 Floating Holiday as the Thursday following Christmas (December 26, 2002).

*Commissioner Via moved to **APPROVE** December 26th, 2002 as the Annual Floating Holiday, seconded by Commissioner Lockeby.*

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

The Commission continued to discuss this item and expressed a desire to allow an unlimited number of employees to take Friday, December 27th off for the holiday – even if it meant that non-critical departments would be closed. Mr. Forte will look into the feasibility of this, as well as how many employees would want to use their time to have that day off.

Mr. Forte advised that the anniversary of the September 11th tragedy is coming-up and the Florida Fire Chiefs' Association has sent a request to all of the cities for their participation in the observance thereof. Mr. Forte would like to bring the police and fire vehicles to McArthur's Circle and invite the public to this memorial service, which would be held during the time the two towers fell. It would begin at 9:30 a.m. with the lowering of the flag, bells would be rung at the time each tower fell, and reading the names of the police and firefighters that perished in the collapse, speakers (Commission & Emergency Services), and closing with the raising of the flag at 10:30 a.m. He would like to announce this in their water bills to attract the local citizenry.

Mr. Forte reminded the Commission that tomorrow at 4:00 p.m., the Boys & Girls Club will be having their kick-off ceremony with the ten computers donated by Bill Gates. Commissioner Byrnes mentioned that he won't be able to attend because his work with this program at Stetson requires him to be at the Daytona Beach Boys & Girls Club.

B. City Attorney

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

C. Mayor and Commissioner

Commissioner Lockeby welcomed Commissioner Schmitt to the Commission. He gave him advice to follow his gut. Then he thanked everyone for coming tonight.

Commissioner Via thanked everyone for coming tonight especially Commissioner Schmitt's family, who were here to see him get sworn-in. He wished him luck in his endeavors as a Commissioner. He congratulated Staff for the balanced budget they put together with greater service and a tax decrease. He bragged-on the Holly Hill All-Stars and their performance in the State competition – they finished fourth and won the sportsmanship award. He expressed his frustration at the length of time it's taken for the LPGA intersection improvements and the minimal improvement that they will receive. Commissioner Via expressed his dislike for the wording of the straw ballot question that is planned for the Fall Election, which he believes may fail.

Commissioner Schmitt thanked the Commissioners for their welcome and stated that he was looking forward to working with them and staff. He thanked everyone who attended this meeting.

Commissioner Byrnes stated that our Finance Department does a wonderful job with their award-winning budgets – they make the commission jobs easy (especially when compared to the harder times they have experienced in the past). These are good times for the City. He then welcomed Commissioner Schmitt on-board.

15. ADJOURNMENT

The meeting officially adjourned at approximately 9:35 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk