M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
August 13, 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 7:05 p.m. Attending with Mayor Arthur were Commissioners Byrnes, Paul Lockeby, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson (arriving later in the meeting), Assistant to the City Manager Greg Wood, Building Code Administrator Tim Harbuck, Recreation Director Chuck Beach, Emergency Services Director Don Shinnamon, Fire Division Chief Randy Ast, Fire Lieutenant Charlie Cobb, 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

A. Recognition of the Selections for the 2002 Employee, Citizen, and Corporate Citizen of the Year

Mayor Arthur announced James Patton, Police Sergeant as the Employee of the Year, Doyle “Snake” Andress as the Citizen of the Year, and Bissy Holden, Florida Health Care Plan as the Corporate Citizen of the Year. Mayor Arthur introduced Mr. Andress, who was in attendance.

B. Recognition of PAL All Star Baseball Team Members

Mayor Arthur turned this presentation over to Commissioner Via, who has been very involved in Holly Hill youth sports for many years. Commissioner Via introduced Mr. Beach, who then introduced the coaches and members of the All Star Baseball Team. Certificates were presented to the players on the twelve and under team for finishing fourth place in the State playoffs and earning the Sportsmanship Award from the tournament committee.

C. Recognition of PAL Boxing Team Members

Mr. Beach stated that the PAL Boxing Team earned two gold and one silver medal at the State Championships. He then explained that the members all had football practice tonight and could not attend this meeting.

D. Presentation of Equipment to Citizens Emergency Response Team (CERT)

Chief Shinnamon stated that they had answered Lou Schmitt’s plea for equipment for the CERT but had to wait until after the election so that they could formally present it. He introduced Lt.

Cobb as the City's coordinator for this program. Mr. Cobb explained the CERT program presented the equipment to them with their new equipment. Commissioner Schmitt introduced the CERT members.

3. CONSENT AGENDA
Minutes of Commission Budget Workshop – July 15, 2002
Minutes of Regular Commission Meeting – July 23, 2002

Ms. Clauss had provided the Commission with one correction to page 4.

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

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

4. Committee Reports

Volusian Water Alliance

Commissioner Via deferred discussion of this item until the workshop.

Volusia League of Cities

Commissioner Byrnes stated that they had a meeting last Thursday where they discussed Volusia Day 2003. It is currently planned for March 5th and will be a lobbying day. The State League is having their conference later this week.

Volusia Council of Governments

Commissioner Lockeby stated that they have a meeting on August 26th. They have received a new draft for the Fire/EMS proposal.

Metropolitan Planning Organization

Mayor Arthur joked that he went for a meeting today but had the wrong date. He wanted them to know that if there had been a meeting he would have been there.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Steve Smith, 1410 Riverside Drive, asked the Commission to give formal consideration to his previous request to place a gazebo on his property by the river. The Commission decided to have a workshop on this with the planner present and prepared to offer options about how they might go about this.

Larry Tatroe, 1115 Powers Avenue, advised the Commission of the problems that he has had with a local pool contractor. He is getting them resolved but the process necessitates removing all the water from the pool and then it will need to be refilled. Tina Lynch, Water Billing Representative, was in attendance at this meeting and explained that the City has a regulation limiting each account to one pool fill per year. He requested they make an exception because of this construction problem. The Commission indicated that they felt this was a reasonable request and asked Mr. Forte to look into this.

6. RESOLUTION 2002-R-43, APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD TO COMPLETE THE UN-EXPIRED TERM OF LOU SCHMITT; SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Schmitt recommended Marie DiGiulio for this appointment. Her application was in the Commission packet.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-43 appointing Marie DiGiulio, seconded by Commissioner Schmitt.*

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

7. RESOLUTION 2002-R-44, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS

Mr. Simpson read:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A REGULAR MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Schmitt recommended Robert Gerald for this appointment, indicating that he felt it would be good to let new people have a chance to serve on the City's Boards. His application was in the Commission packet. Commissioners spoke in appreciation of the lengthy service that Cheryl Skidmore had given the City but agreed that new people should be given the opportunity to serve. Several Commissioners were concerned about the role of Alternates and felt that they should be given first consideration. Commissioner Schmitt decided to withdraw Mr. Gerald's name and recommended alternate Steve Correia for this appointment. The Commission indicated that they hoped he would solicit Mr. Gerald's interest in the alternate vacancy. Mayor Arthur will send a thank you letter for out-going member Cheryl Skidmore.

*Commissioner Schmitt moved to **APPROVE** Resolution 2002-R-44 appointing Steve Correia, seconded by Commissioner Lockeby.*

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

8. RESOLUTION 2002-R-45, APPOINTING A MEMBER TO THE INTERLOCAL CANINE RECREATION CLUB

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A MEMBER TO THE INTERLOCAL CANINE RECREATION CLUB AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte advised that we have received two applications for this vacancy. One of the applicants is a resident and the other is not. The City of Daytona Beach has a vacancy on this Board as well and we suggest that they forward one of these to Daytona for their consideration. The Commission agreed.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-45 appointing resident Patti Shrager, seconded by Commissioner Byrnes.*

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

9. SECOND 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 Byrnes moved to **APPROVE** the second reading of Ordinance 2639, seconded by Commissioner Lockeby.*

This ordinance is being presented for the purpose of codification. The Commission had previously passed a resolution granting this exemption to the "no dogs on public property" regulation. No problems have occurred since the resolution was passed two years ago.

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

10. SELECTION OF A SURVEY COMPANY

Mr. Forte stated that we received nine responses to our request for qualification from survey companies. He established a Board to review these and they short-listed them to three. These three were then ranked after they delivered presentations to the Board. The Board is recommending the following ranking order to the City Commission: 1) Myer Land Surveyors, 2) Tomoka Engineering, and 3) Sliger and Associates. Mr. Forte asked that the Commission authorize Staff to negotiate a contract with one of these (in ranking order) and also negotiate a contract for an alternate in the event that they ever encounter a conflict of interest or any other issue that might prevent the primary company from being able to perform the work needed. The Commission confirmed with Mr. Simpson that this would be in compliance with State Law. Mr. Simpson stated that if this were done in that manner, it would be.

*Commissioner Via moved to **APPROVE** the committee's recommended ranking order for the surveyor companies as follows: 1) Myer Land Surveyors, 2) Tomoka Engineering, and 3) Sliger and Associates and to **APPROVE** authorizing the Public Works Director to negotiate a contract for an on-call surveyor and an alternate, seconded by Commissioner Byrnes.*

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

11. FLORIDA EAST COAST RAILROAD – REBUILDING OF 10TH STREET CROSSING

Mr. Forte advised that the cost of the work that FEC performed at the 10th Street Crossing was billed to the City in the amount of $44,589.70. This is in accordance with their contract. This type of uncontrollable expenditure from the railroad is why they budget extra money under that line item each year. The Commission had expressed concern about this repair at the time it was first brought up, because it is a fairly new crossing and other crossings have gone a lot longer without requiring these expensive repairs. The contract does not offer the opportunity for City input but Mr. Hallman has written a letter to FEC inquiring about a couple of the items that were quite costly and he wanted to better understand why they were needed. Mention was made of the Walker Street repair, which had to be re-done. The Commission indicated that they felt it would be reasonable to postpone approval of this until they receive a response.

*Commissioner Byrnes moved to **TABLE** this item until they receive a response to Mr. Hallman's letter of inquiry, seconded by Commissioner Lockeby.*

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

12. LAW ENFORCEMENT TRUST FUND EXPENDITURE REQUEST

Mr. Forte turned this over to Chief Shinnamon, who explained that this is a request to use L.E.T.F. monies for the purchase of six shotguns to replace ones that are damaged and four rear door window screens to protect them from being kicked-out by prisoners. They have been losing an average of two or three windows a month.

*Commissioner Byrnes moved to **APPROVE** the expenditure of $1,622 from the City's Special Law Enforcement Trust Fund for the purchase of six shotguns and four vehicle mounted security screens, seconded by Commissioner Via.*

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

13. DISPOSITION OF SURPLUS POLICE PROPERTY - SHOTGUNS

Chief Shinnamon advised that these are the six shotguns that need to be replaced. If some of them are deemed in acceptable enough condition to lower the cost of replacing them, they will be traded in. The others will be cut-up at Snake's Welding as a public event and then sent to a smelter somewhere in the state for a meltdown.

*Commissioner Via moved to **APPROVE** declaring six shotguns as surplus equipment and dispose of them in accordance with the law, seconded by Commissioner Lockeby.*

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

14. COMMUNICATIONS

A. City Manager

Mr. Forte responded to the Commission's request for an employee poll of how many of them would want to take the Friday after Christmas off as a vacation day if they determined that it would be acceptable 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. He advised them that it is practically unanimous among the various departments that the employees would like this. However, he still had concerns about closing City Hall on a day that it would normally be opened. The Commission discussed this at length. Mayor Arthur, who was absent from the last meeting when this was originally discussed, was adamantly opposed to this action. He cited an example of the type of problem that could occur during that time by referring a broken water main at his home that ran for four days a few years ago. Mr. Hallman was asked about this and he stated that the delay was caused by the power company because the City is not permitted to dig in that area without first being told where the power lines are run. Commissioner Lockeby expressed his view that no business can operate like this and the City should be open when they are supposed to be. Commissioner Schmitt cited his business experience, which led him to be inclined to agree with both Mayor Arthur and Commissioner Lockeby. Commissioner Byrnes and Commissioner Via continued to express the view they had portrayed at the last meeting, which was that they are the City with the most Christmas Spirit, they are operating smoothly, and they want to thank the employees by lifting the restriction on who can use vacation time during Christmas week – even if it means closing non-critical departments. Though this item was never voted on, it was apparent that it would fail if it were – so discussion was completed without a vote.

Mr. Forte advised that they need to make an emergency repair to the rotating disk and drive at the wastewater plant. The estimated cost is just under $22,000.

Commissioner Byrnes moved to ***APPROVE*** *the emergency repair to the rotating disk and drive at the wastewater plan, seconded by Commissioner Via.*

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

B. City Attorney

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

D. Mayor and Commissioner

Commissioner Schmitt stated that he is enjoying each meeting more. He referred to Commissioner Via's advice to him that "sometimes you have to agree to disagree" and stated that he appreciated it fully now. He is looking forward to the State conference they are attending later this week and he invited everyone to a party that the Holly Forest Homeowners Association is having for him on Sunday, when they return.

Commissioner Via thanked everyone for coming tonight. He asked if they could receive a report on the historic preservation progress. Mr. Forte stated that the plan to have the lease for space at the County building is forthcoming and that would probably be a good time to do this because the lease would be for use by the Historic Preservation Board. Commissioner Via thanked the Commission for the special recognition of the youth baseball players. He then stated how pleased he is that in light of all that is going on around us, we do not have any controversy in this City. He is looking forward to the State conference where he will wear his advanced EMO ribbon.

Commissioner Byrnes gave an early Merry Christmas, referring to his disappointment in the outcome of the holiday week proposal.

Commissioner Lockeby indicated he was ready to move on to the workshop.

Mayor Arthur stated that he felt very strongly about keeping City Hall open when it normally would be near Christmas, and he has lost on issues that he stood for before, but he still feels he works with the best Commission. He then shared a humorous story about the "qualifications" for elected officials.

15. ADJOURNMENT

The meeting officially adjourned at approximately 10:05 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk