# M I N U T E S
# REGULAR COMMISSION MEETING
# CITY OF HOLLY HILL, FLORIDA
# September 10, 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 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson (arriving at approximately 7:20 p.m.), Assistant to the City Manager Greg Wood, Finance Director Brenda Gubernator, Emergency Services Director Don Shinnamon, 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

None.

## 3. CONSENT AGENDA
**Minutes of Regular Commission Meeting – August 27, 2002**
**Minutes of Commission Workshop – August 27, 2002**

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

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

## 4. Committee Reports
**Volusian Water Alliance**

Commissioner Via advised that they had not had a meeting since the last Commission meeting. He mentioned the question on the ballot today and explained how this ballot initiative came forward.

**Volusia League of Cities**

Commissioner Byrnes advised there was no update from this board. Mayor Arthur asked that he bring up the FEC railroad issue to the League.

**Volusia Council of Governments**

Commissioner Lockeby stated that the draft of the Fire/EMS study should be done by next week. Mayor Arthur asked that he bring up the FEC railroad issue to VCOG.

**Metropolitan Planning Organization**

Mayor Arthur advised that there was no update from this board.

**5. AUDIENCE PARTICIPATION**
**Regarding items not on the agenda.**

Mayor Arthur teased the City Manager by asking each member of the audience if they would like to say anything about Mr. Forte's birthday.

**6. RESOLUTION 2002-R-53, APPOINTING AN ALTERNATE MEMBER TO THE BOARD OF PLANNING AND APPEALS**

Mr. Forte read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING AN ALTERNATE MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE. (Robert Gerald – May 2003)**

*Commissioner Schmitt moved to **APPROVE** Resolution 2002-R-53, seconded by Commissioner Lockeby.*

The Commission expressed how pleased they were that Mr. Gerald had applied for this position.

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

**7. RESOLUTION 2002-R-54, AUTHORIZING THE ANNUAL CPI INCREASE AND A DISPOSAL FEE INCREASE TO THE SOLID WASTE CONTRACT**

Mr. Forte read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING THE ANNUAL CPI ADJUSTMENT TO THE CONTRACT FOR SOLID WASTE SERVICES WITH WASTE MANAGEMENT, INC.; AUTHORIZING AN ADJUSTMENT FOR INCREASED DISPOSAL COSTS; PROVIDING FOR**

**SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Lockeby moved to **APPROVE** Resolution 2002-R-54, seconded by Commissioner Schmitt.*

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

**8. RESOLUTION 2002-R-55, AUTHORIZING AN INCREASE TO THE WATER AND SEWER SERVICE CHARGE**

Mr. Forte read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING THE WATER AND SEWER RATES FOR THE CITY OF HOLLY HILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2002; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

*Commissioner Schmitt moved to **APPROVE** Resolution 2002-R-55, seconded by Commissioner Via.*

Commissioner Byrnes confirmed that our rates provide an incentive to conserve – the larger user's pay a higher rate. Mayor Arthur stated that he felt that the infrastructure should have a pay-off point to where those residences were no longer paying debt service on infrastructure, which is located in other areas of the City. The Commission would like to have another workshop on these rates. This can be part of their Goals Setting Session. Mr. Forte stated that the new water meters may provide better them with a better data source to review – this will be in about a year from now.

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

**9. RESOLUTION 2002-R-56, AUTHORIZING AN INCREASE TO THE SOLID WASTE SERVICE CHARGE**

Mr. Forte read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING SERVICE FEES TO BE CHARGED FOR COLLECTION AND DISPOSAL OF SOLID WASTE, PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2002-R-56, seconded by Commissioner Schmitt.*
The tipping fees are going up by more than the rates to the consumers. With this being an Enterprise Fund, the Commission expressed concern that this would be short. Ms. Gubernator explained that they have a $550,000 (30%) cash reserve in the Fund and there is no equipment to be purchased and no loans to repay. Expenses for this fund consist of personnel and office items. This reserve fund balance can easily absorb the difference and they don't have to put the whole increase on the customer. The Commission was pleased to see Staff thinking along those lines.

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

**10. RESOLUTION 2002-R-57, AUTHORIZING AN APPLICATION FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE ACCEPTANCE OF AND THE DESIGNATING THE USE FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2002-R-57, seconded by Commissioner Lockeby.*

Commissioner Via passed along some compliments that he had heard from both Ormond Beach Police Department and Daytona Beach Police Department about our Holly Hill Police Department.

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

**11. SECOND READING OF ORDINANCE 2640, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES**

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES OF THE CITY OF HOLLY HILL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Byrnes moved to **APPROVE** the Second Reading of Ordinance 2640, seconded by Commissioner Schmitt.*

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

## 12. PURCHASE OF A COMPLETE T.V. INSPECTION PACKAGE FOR UNDERGROUND T.V. INSPECTION AND VIDEO TAPING OF WASTEWATER AND STORMWATER SYSTEMS

Mr. Forte explained that this request is to replace the old equipment and vehicle that hasn't been operational in a year. They need this to properly inspect the lines that they believe there are problems with. They did not bid this out in accordance with the traditional method because it is specialized equipment. They negotiated three quotes with different manufacturers. Mr. Hallman explained that this equipment would inspect lines as small as eight inches. There is an optional attachment for six-inch lines at a cost of about $4,500. The Commission stated that they would like to see that purchase made as well. The life expectancy of this equipment is five to ten years. Commissioner Via asked if this was the type of equipment that would be better purchased with an interlocal agreement to share with other cities? Mr. Hallman advised that we will use it enough to justify the cost and the life expectancy would likely decrease if it didn't have a primary owner. Mayor Arthur asked that Staff maintain records of how often it is used.

*Commissioner Via moved to **APPROVE** the purchase of a complete Aries Color Sewer Television Inspection System mounted in a one-ton van per specifications from Aries Industries, Inc. for a cost not to exceed $78,000, seconded by Commissioner Schmitt.*

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

## 13. SIDEWALK CONSTRUCTION PROJECT – FY 2001-2002 FUNDING

Mr. Forte explained that this is the amount they budgeted for next year's sidewalks and the list of the areas that are to be done. The Commission discussed the bid differentiation and confirmed the company is credible. Mr. Hallman advised they are doing jobs for both the County and Ormond Beach and come highly recommended. The price variation is due to some companies over-bidding because their schedules are already full.

*Commissioner Via moved to **APPROVE** the bid tabulation and award the bid for the Sidewalk Construction Project budgeted for FY 2001-2002 funding to Built Rite Construction from Deland in the amount of $59,900, seconded by Commissioner Schmitt.*

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

## 14. COMMUNICATIONS

### A. City Manager

Mr. Forte advised that they have three union contracts that will expire October 2003. He would like to begin negotiations next month, in the hopes that they will be entirely completed by that time. He will send a letter to the unions on this and then schedule an Executive Session so that the Commission can give him their direction. Mr. Forte advised that the Zone Gallery Art Store would like to donate a piece of computerized artwork to the City for the blue archway area at the gym. They Commission thought this sounded very nice. The Commission, prior to placement, will approve the artwork. Mr. Forte reminded the Commission that tomorrow is the one-year anniversary of the tragic September 11, 2002. The City will hold a ceremony at 9:45 a.m. in front of City Hall.

### B. City Attorney

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

### C. Mayor and Commissioner

Commissioner Byrnes stated that as we sit here on the eve of this solemn occasion, he will be happy to see our police and fire personnel safe tomorrow while we honor those who have died at the hands of our enemy. His hopes are that someday this will all end and we'll get back to normal.

Commissioner Lockeby indicated that he had nothing further to report but thanked everyone for coming.

Commissioner Schmitt thanked everyone for coming tonight. He recalled a year ago when he was in San Francisco with the Commission. It was the first time in his life when he felt like a hostage in his own country, because they could not get back home. The White House is on full alert for tomorrow and he prays nothing happens. He visited the Dog Park and was quite impressed.

Commissioner Via stated that the polls are open until 9:00 p.m. tonight. Now that the Gym project is almost complete, he'd like the Commission to consider a sign facing Ridgewood for it. He recalled the trip to San Francisco a year ago and the beautiful cabin they were at in Lake Tahoe, when they saw the tragedies on that September 11th. The only primary concern of the Mayor's was for Holly Hill. Commissioner Via stated that he is looking forward to attending this year's RailVolution Conference in Washington D.C. He thanked Public Works for the nice job they did getting the front ready for tomorrow's ceremony. He advised that his broadcasting job requires that he attend the ceremony in Ormond Beach, where they will have the Bridge of Hope – which is an event that has grown immeasurably.

Mayor Arthur opened the topic of the meeting time to see if a majority of the Commission members wanted to change it. Commissioner Via and Commissioner Byrnes stated that they would like to move back it to 7:30 p.m. Commissioner Lockeby stated that he would like to move it up to 6:30 p.m. Commissioner Schmitt felt that it would run too late if they went to 7:30 p.m. Mayor Arthur indicated he was comfortable with the present time (7:00 p.m.). No changes were made. Mayor Arthur jokingly referred to the newspaper article from Detroit that stated that whenever a police officer sees the Mayor, he must get out of his vehicle with his hat on and salute. Mayor Arthur stated that after seeing so many emails from George Fries, he drove to his home to look into the problem that he is complaining about. What he actually found is that Mr. Fries has many violations of his own that need to be corrected. Our surveyors confirmed that Mr. Fries has extended his fence beyond his property lines on to property that belongs to either the City or the County. A question was raised as to whether any previous agreements that Mr. Fries claims he had with the former City Manager are binding. Mr. Simpson advised that first of all it would have to be in writing, secondly it would have to have been something within the manager's scope of authority, and thirdly it could not have been something that would have effected any County property. The Commission agreed that everything of his that is on either City or County right-of-way should be removed. The laws need to be enforced here as they would anyplace else in the City. Commissioner Byrnes asked that it be placed in the record that he has played no part in this discussion nor has he spoken to the City Manager about the conversation he had with Mr. Fries, other than about the lower area they are working on.

**18. ADJOURNMENT**

The meeting officially adjourned at approximately 8:38 p.m.

City of Holly Hill

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William D. Arthur, Mayor

Attest:

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Jeaneen P. Clauss, City Clerk