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

NOVEMBER 27, 2007

1. CALL TO ORDER

A. Roll Call

Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Via were Commissioners John Penny, Rick Glass, Mark Reed and Liz Towsley.

Also attending were the following staff members: City Manager Joe Forte, Assistant City Attorney Scott Simpson, Public Safety Director Don Shinnamon, Public Works Director/City Engineer Chris Hurst, Finance Director Kurt Swartzlander, Financial Technical Advisor Brenda Gubernator, Assistant Finance Director Susan Worde, Community Development Director/City Planner Doug Gutierrez, Public Works Director/City Engineer Chris Hurst, Community Redevelopment Area Coordinator Marsha Radulovich, and City Clerk Valerie Manning.

B. Invocation

Mayor Via delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PROCLAMATIONS AND PRESENTATIONS

None.

3. CONSENT AGENDA

1. Minutes from the Regular City Commission meeting / Organizational meeting – November 13, 2007
2. Minutes from the Community Redevelopment Agency – November 13, 2007
3. Flomich Street Right-of-way Survey
4. **Report of Purchases over $5,000**
   *****Body Armor– $5,880 (fourteen vests have been purchased at a cost of $420 each)

Commissioner Reed moved ***APPROVAL*** *for the Consent Agenda, seconded by Commissioner Glass.*

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Glass – Yes, Towsley – Yes, Penny – Yes, Mayor Via – Yes

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Robert Dodt, 1151 Bender Avenue, shared his concerns with the Mayor and Commissioners about various properties located on Bender Avenue which he feels are in violation with the City's Codes.

Mr. Forte mentioned that he would like to have a mediation with Mr. Dodt and some of the neighbors that are involved. There are some valid Code Enforcement complaints and there are some not valid complaints on both sides. This is also a neighborhood dispute of personalities that are involved that eventually will resolve themselves given enough time.

5. RESOLUTION 2007-R-52, WASTEWATER TREATMENT PLANT REFURBISHING AND EXPANSION

Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-52

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MEADORS CONSTRUCTION FOR THE REFURBISHMENT AND EXPANSION TO THE WASTEWATER TREATMENT FACILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte informed the Mayor and Commissioners that there is one change to the Resolution which is a contingency approval and Mr. Hurst will read that portion into the record.

Chris Hurst, Public Works Director/City Engineer, read into the record the following: "***SECTION 1.*** *That the City Commission does hereby authorize the City Manager to execute, contingent upon the FDEP Water Facilities Funding approval, a contract to Meadors Construction in the amount of $4,619,500.00 to construct the Wastewater Treatment Plant Expansion and Improvements project in accordance with bid documents prepared by Quentin L. Hampton Associates, Inc".*

Mayor Via opened public participation.

Maureen Monahan, 215 – 5th Street, spoke briefly and wanted to know how about the prior loans that have to be paid off and how much longer do they have on those.

Mr. Forte informed Ms. Monahan that as long as the WWTP is run by the City it will always need repair and replacement to certain degrees. The equipment that is in there now is 17 or 18 years old.

Mayor Via closed public participation.

Commissioner Glass made a motion to ***APPROVE*** *Resolution 2007-R-52, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 on roll call: Glass – Yes, Penny – Yes, Towsley – Yes, Reed – Yes, Mayor Via – Yes

6. CONSTRUCTION SUPERVISION SERVICES, WASTEWATER TREATMENT PLANT REFURBISHING AND EXPANSION

Mr. Forte mentioned that the project that they approved will be overseen by Quentin L. Hampton & Associates, Inc. in the amount of $269,576 for the construction phase services and the services will be funded by $477,000 from the State Revolving Fund Loan (SRF) for the construction of the Wastewater Treatment Plant. This will be approximately a one year project; 13 month project.

Commissioner Reed made a motion to ***APPROVE*** *the construction supervision services for the WWTP refurbishing and expansion in the amount of $269,576 which will be funded by $477,000 from the SRF loan, seconded by Commissioner Glass.*

Mayor Via opened public participation. No one spoke.

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Glass – Yes, Towsley – Yes, Penny – Yes, Mayor Via – Yes

7. RESOLUTION 2007-R-54, WRECKER SERVICE AGREEMENT

Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-54

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE AWARD OF THE WRECKER CONTRACT TO FRYER'S TOWING SERVICE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE WRECKER AGREEMENT WITH SAID COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Penny made a motion to ***APPROVE*** *Resolution 2007-R-54, seconded by Commissioner Reed.*

Mayor Via opened public participation.

Ray Joy, Port Orange, one of the owners of Universal Towing, spoke briefly and shared his concerns about the bid award to Fryer's Towing Services and the bid specs overall which includes the fees for the various services offered by the towing companies in the bids as well as response times.

There was some discussion amongst the Mayor, City Commissioners, staff and Attorney Simpson at this time. There was some discussion about the performance of the towing companies which was part of the bid process. The Mayor informed the Commission that they are not bound to take the highest bid; they can reject all bids if that is the wish of the Commission.

Bruce Sewell, Manager of Universal Towing, spoke about the half prices in the bid for the vehicles and asked the Commission to look at the price list for the vehicles. The City would have to pay half that price for their vehicles.

Mark DeAngelo, Extreme Recovery, asked about sending a letter out to the towing companies to be placed on a bid list; he never got notice about the bid.

Mayor Via closed public participation.

Mayor Via asked if the Commission wants to vote the main motion down or withdraw it if it's going to be the pleasure of changing it.

Commissioner Reed withdrew his second. Mayor Via asked if there was another second at this time – hearing none, that motion ***FAILED*** for lack of a second.

*Commissioner Reed made a motion to **ACCEPT** Universal Towing bid in the amount of $31,345, seconded by Commissioner Towsley.*

There was some further discussion amongst the Mayor and Commissioners at this time. There was a suggestion by Commissioner Penny to table this item and put it out for bid again because he feels it's irresponsible to accept any less money when the gentleman said that he would pay approximately three times the amount that was bid.

Mr. Forte mentioned that the Commission can throw out all these bids and ask staff to re-advertise it with the number of vehicles towed in the previous year; go out for new bids.

Mayor Via asked about the motion to accept Universal Towing's bid. Commissioners Reed and Towsley withdrew their motion to accept Universal Towing's bid.

*Commissioner Glass made a motion to **REJECT ALL BIDS** and **GO OUT FOR RE-BIDS**, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 on roll call: Glass – Yes, Penny – Yes, Towsley – Yes, Reed – Yes, Mayor Via – Yes

8. PUBLIC HEARING – SECOND READING OF ORDINANCE 2820, POLICE PENSION AMENDMENTS

Mr. Forte mentioned that he submitted a memo requesting that this item be tabled to December 11, 2007 because of the clarification in the language.

There was consensus from the Mayor and City Commission to table this item to December 11, 2007 at 7:00 p.m.

9. PUBLIC HEARING – SECOND READING OF ORDINANCE 2821, BOARD MEMBER TERMS

Attorney Simpson read by short title:

ORDINANCE NO. 2821

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE NECESSARY SECTIONS OF THE CODE OF ORDINANCES TO PROVIDE THAT BOARD MEMBERS OF THE PAL/RECREATION BOARD, BEAUTIFICATION ADVISORY BOARD, COMMUNITY REDEVELOPMENT ADVISORY (CRA) BOARD AND THE BOARD OF PLANNING AND APPEALS SHALL SERVE TWO YEAR TERMS COMMENCING FEBRUARY 1, 2008; ELIMINATING STAGGERED TERMS OF BOARD MEMBERS; ELIMINATING ALTERNATE MEMBER POSITIONS TO THESE BOARDS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Reed made a motion to **APPROVE** the Second Reading of Ordinance 2821, seconded by Commissioner Penny.*

Mayor Via opened public participation.

Arthur Byrnes, 294 Jeffrey Avenue, spoke about the alternate positions on the Planning and Appeals Board and how important it is to have the alternates for that Board because there are applicants that have to pay fees before they come before the Planning and Appeals Board and if there are not enough regular board members, the alternates are used so the meeting can be carried out; if the Board cannot make a quorum there is no meeting.

Mayor Via closed public participation.

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Penny – Yes, Towsley – Yes, Glass – Yes, Mayor Via – Yes

10. FIRST READING OF ORDINANCE 2822, CHARGES FOR FIRE PROTECTION SYSTEMS

Attorney Simpson read by short title:

ORDINANCE NO. 2822

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 70-129 (CHARGES FOR FIRE PROTECTION SYSTEMS) TO PROVIDE THAT THE RATES WILL BE ESTABLISHED BY RESOLUTION, TO PROVIDE FOR AUTOMATIC CPI ADJUSTMENTS TO THESE RATES AND CLARIFYING THAT RATES ARE CHARGED WHEN FIRE PROTECTION SYSTEM ARE CONNECTED TO THE WATER SYSTEM; DELETING SECTION 70-130 (ANNUAL RATE ADJUSTMENT) AND INCORPORATING THE LANGUAGE INTO SECTION 70-125 (USAGE CHARGES GENERALLY); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Glass made a motion to **APPROVE** the First Reading of Ordinance 2822, seconded by Commissioner Penny.*

Mayor Via opened public participation. No one spoke.

The motion **CARRIED** 5-0 on roll call: Glass – Yes, Penny – Yes, Reed – Yes, Towsley – Yes, Mayor Via – Yes

11. RESOLUTION 2007-R-51, CITIZENS ADVISORY COMMITTEE TO THE METROPOLITAN PLANNING ORGANIZATION (MPO) – APPOINTMENT

Attorney Simpson read by short title:

RESOLUTION NO. 2007-R-51

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE CITIZENS ADVISORY COMMITTEE TO THE METROPOLITAN PLANNING ORGANIZATION (MPO); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Glass made a motion to **APPROVE** Resolution 2007-R-51, seconded by Commissioner Towsley.*

The motion **CARRIED** 5-0 on roll call: Glass – Yes, Towsley – Yes, Reed – Yes, Penny – Yes, Mayor Via – Yes

12. COMMITTEE REPORTS
Members of the Commission are encouraged to give a brief report from the various committees on which they serve.

Commissioner Glass gave a brief report on the MPO meeting from this morning; Smart Growth was discussed and various speakers were there and Commissioner Glass mentioned the letters sent to Sgt. Aldrich and Sgt. Curry and wanted to let them know that they are appreciated.

Mayor Via gave a brief report on VCOG; Volusia Tax Reform; meeting in DeLand with the Holly Hill Middle School Principal; Florida League of Cities dinner in DeBary this Thursday night; Florida League of Counties presentation by the School Board; January 29th referendum; MPO; How Shall We Grow issues; Smart Growth Implementation for Map "B"; land issues first.

13. COMMUNICATIONS
A. City Manager

Mr. Forte mentioned the e-mail that he sent to the Mayor and City Commissioners in regards to the City's investment in the State Board of Administration (SBA). Mr. Forte has spoken with Mr. Swartzlander, the Finance Director and Attorney Simpson and the City's Financial Advisor about this last week about removing the City's money from the SBA. There was a big report on the news last week on how many jurisdictions are pulling out of the SBA. The money that was sitting in the SBA account is now in a checking account at SunTrust Bank and what the City plans on doing with that money is transferring it to a SEC fund, a government securities fund, there it will earn approximately 4.6% interest; in the SBA it was earning about 5% interest. The risk in the SBA, in staff's opinion, was very high; too much risk for the public's money to be sitting in there, especially with the billions of dollars that was being taken out of that SBA.

Kurt Swartzlander, Finance Director, spoke briefly about the SBA and the reasons why staff decided to make that change and transfer the money to a checking account with SunTrust Bank. Mr. Swartzlander mentioned that staff gets a monthly SBA statement and the last one they received was on October 31st and the interest rate on that one was 5.62%. He has been in contact with other Finance Directors in the area and they have been discussing this as a potential issue and looking at what everybody else is doing. Apparently, across the State of Florida, everybody was doing it; pulling from the SBA to protect the City's principle with the decision that staff made to move the money.

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Towsley thanked staff for putting the Organizational Chart on the back wall; it looks very nice.

Mayor Via encouraged Commissioners Glass and Towsley to attend the VLC training sessions for newly elected officials; if they are interested in going to contact Mary Swiderski at VCOG as soon as possible. Reminded them about the VLC dinner in DeBary Thursday night.

12. ADJOURNMENT

The meeting officially adjourned at approximately 8:25 p.m.

Attest:	City of Holly Hill, Florida
______________________________	______________________________
Valerie Manning City Clerk	Roland D. Via Mayor

<u>Florida Statutes 286.011 and Government-In-The-Sunshine Manual</u>

"*The minutes of Sunshine Law meetings need not be verbatim transcripts of the meetings; rather the use of the term "minutes" as stated in F.S. 286.011, contemplates a brief summary or series of brief notes or memoranda reflecting the events of the meeting."*

A verbatim copy of Sunshine Law meetings (e.g. City Commission meetings/workshops/Agency meetings and CRA meetings) are available upon request to the City Clerk during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.