M I N U T E S
REGULAR COMMISSION MEETING
COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING
CITY OF HOLLY HILL, FLORIDA

January 22, 2013

1. CALL TO ORDER

A. Roll Call

Mayor Johnson called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue, at approximately 7:00 pm. Attending with Mayor Johnson were Commissioners John Penny, Penny Currie, Donnie Moore and Elizabeth Albert.

Also attending were the following staff members: City Manager James McCroskey, City Attorney Scott Simpson, Finance Director Kurt Swartzlander, City Planner Tom Harowski, CRA Coordinator Grace Galiano, Police Chief Mark Barker, Officer Jason Weiss, Fire Chief Ron Spencer, Economic Development Director Lynn Dehlinger, and Human Resources Manager Sandy Fenwick.

B. Invocation

Mayor Johnson led invocation.

C. Pledge of Allegiance to the Flag

Mayor Johnson led the Pledge of Allegiance.

2. MINUTES

Minutes from the Regular City Commission and Community Redevelopment Agency (CRA) meeting – January 8, 2013 *(City Clerk)*

*Commissioner Albert moved **APPROVAL** for the **MINUTES**, seconded by Commissioner Moore.*

The motion **CARRIED** 5-0 by roll call vote: Albert – Yes, Moore – Yes, Penny – Yes, Currie –Yes, and Mayor – Yes

3. PRESENTATIONS

A. 2012 Christmas Parade Winners ~ Mayor to do presentations *(City Clerk)*

1. Holly Hill School K-8 ~ **First** Place
2. Girl Scouts – Celebrating 100th Birthday ~ **Second** Place
3. Mainland High School Buccaneer Marching Band ~ **Third** Place

B. Florida Planning and Zoning Association (FPZA) Award ~ Board of Directors *(City Planner)*

4. RESOLUTION 2013-R-11, PUBLIC PARTICIPATION PROCEDURES *(City Manager)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-11

RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ACCEPTING THE PROCEDURES FOR PUBLIC PARTICIPATION; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Penny moved **APPROVAL** for **RESOLUTION 2013-R-11**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Steve Smith, 1410 Riverside Drive, Holly Hill – Addressed the City Commission by suggesting that the Commission leave the public participation alone and let people speak for five minutes if they want to.

Mayor Johnson closed public participation.

The motion **FAILED** 2-3 by roll call vote: Penny – Yes, Moore – No, Albert – No, Currie –Yes, and Mayor – No

5. PUBLIC PARTICIPATION

Regarding items not on the agenda

The following individuals came forward to speak:

- Jeremiah Hansen, Woody's BBQ, Holly Hill – Addressed the City Commission by asking questions about the YMCA – are the citizens of Holly Hill now members of the YMCA since the City is fronting the money for the building? If not, what type of membership fee will be arranged for the citizens?
- Daniel Fisher, 1125 Riverside Drive, Images by Fisher, Holly Hill – Addressed the City Commission by thanking the Police Department for keeping him updated with the burglaries that have been taking place; his car got stolen and the Police Department were able to apprehend the suspect and took care of a lot of the crimes in the area.
- Steve Smith, 1410 Riverside Drive, Holly Hill – Addressed the City Commission by sharing his concerns about the bathrooms at the Riverside Park next to Marina Grande; spoke about the locks on the restrooms and that they need to be accessible like the other restrooms at the other parks. Was concerned about the 13 *No Trespassing* signs that are on Marina Grande's property right next to the park; that seems a little bit excessive.
- Bill Arthur, Riverside Drive, Holly Hill – Addressed the City Commission regarding the YMCA; appreciates Commissioner Moore's enthusiasm regarding the YMCA and his intentions for the use of that facility; informed the Commission that the recent *HEARTBEAT* flyer that was sent out was very impressive, great job.
- Gilles Blais, 710 Magnolia Avenue, Holly Hill – Addressed the City Commission about the nice article in the newsletter pertaining to the historical district; he would like to see Riverside Drive a continued historical district, there's beauty all along there – north to south.
- Jeff DeLanoy, 211 15th Street, Holly Hill – Addressed the City Commission by informing them that he coached at recreation center, which is now the YMCA, for 15 years and the City did have a successful program. Mr. DeLanoy believes the City can rebuild a recreation program here.

Mayor Johnson closed public participation.

Mr. McCroskey responded to any questions that were asked during public participation. The City of Holly Hill and the YMCA have a contract; the contract does not call for any discounts to Holly Hill citizens; the contract is in effect until January 1, 2014. The YMCA has many participants that don't meet the income level and they have a policy that no person shall be turned away. If the City wishes to change the YMCA contract, it will have to be done before October 1, 2013. Either party has until that date to say what they intend to do. If the YMCA has no subsidy in the City's budget when the Commission passes it that gives the City one answer. If the YMCA has a subsidy in the budget and the budget passes, that's another answer. On the issue regarding the people that did the car break-in's and the house break-in's, thanks to the Police Chief and the Police Department who caught the suspects within 24 hours. Bathrooms at the park in Riverside Park, those bathrooms were kept open for almost four or five months and every morning staff went in, citizens from another city came down and took a bath in the bathroom sink and used the hand soap to wash themselves off and then they used all the paper towels to dry themselves. It was becoming a home for the homeless. Unfortunately, the City closed it because we couldn't continue to have that happen. The bathroom will be open during events. As the City gets more people in that area and the pier open, there will be more people down there to watch what's going on. That's a dark area and it's on the end of the city and a large vacant piece of property to the south of the park and there's nothing going on presently, across the street. It's also become a meeting place for activities that the City doesn't support.

6. CONSENT AGENDA

A. Riverside Park Fishing Pier ~ SEA Diversified Inc., Professional Services *(CRA Coordinator)*

B. Law Enforcement Trust Fund (LETF) Request ~ Electric Vehicle Lease *(Police Chief)*

*Commissioner Penny moved **APPROVAL** for **CONSENT AGENDA**, seconded by Commissioner Currie.*

The motion **CARRIED** 5-0 by roll call vote: Penny – Yes, Currie – Yes, Moore – Yes, Albert –Yes, and Mayor – Yes

7. <u>BUSINESS AGENDA</u>

A. LEGAL SERVICES AGREEMENT ~ CITY ATTORNEY CONTRACT *(City Manager)*

*Commissioner Moore made a motion to **APPROVE** the **LEGAL SERVICES AGREEMENT WITH THE CITY ATTORNEY**, seconded by Commissioner Albert.*

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Albert – Yes, Penny – Yes, Currie –Yes, and Mayor – Yes

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by asking about the liability insurance in the agreement and asked about Oel Wingo.

  Attorney Simpson stated that liability insurance is a non-practice insurance; it would have to be a non-practice claim.

  Mr. McCroskey stated the case against Oel Wingo is under litigation and staff shouldn't comment on that.

Mayor Johnson closed public participation.

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Albert – Yes, Penny – Yes, Currie –No, and Mayor – Yes

B. PUBLIC HEARING – SECOND READING OF ORDINANCE 2925, TENT SALE REGULATIONS *(City Planner)*

Attorney Simpson read by title only:

ORDINANCE NO. 2925

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, THE LAND DEVELOPMENT REGULATIONS, BY AMENDING SECTION 114-764 "TENTS" TO ALLOW ONE TENT SALE OF UP TO THREE DAYS EVERY SIX MONTHS; TO ESTABLISH RULES FOR OPERATING A TENT SALE; TO SET A FEE FOR A TENT SALE PREMIT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Moore moved **APPROVAL** for **SECOND READING OF ORDINANCE 2925**, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Penny – Yes, Currie – Yes, Albert –Yes, and Mayor – Yes

C. PUBLIC HEARING – SECOND READING OF ORDINANCE 2926, CAPITAL IMPROVEMENT ELEMENT ANNUAL UPDATE *(City Planner)*

Attorney Simpson read by title only:

ORDINANCE NO. 2926

AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; ADOPTING THE COMPREHENSIVE PLAN AMENDMENTS TO THE CAPITAL IMPROVEMENTS ELEMENT IN ACCORDANCE WITH FLORIDA LAW; PROVIDING FOR REPEAL OF ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Albert made a motion for **ARROVAL** for **SECOND READING OF ORDINANCE 2926**, seconded by Commissioner Currie.*

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by stating that the work for the gazebo is still listed on the plan and suggested that it be removed since the City isn't going to be building one at Ross Point.

Mayor Johnson closed public participation.

The motion **CARRIED** 5-0 by roll call vote: Albert – Yes, Currie – Yes, Penny – Yes, Moore – Yes, and Mayor – Yes

D. PUBLIC HEARING – SECOND READING OF ORDINANCE 2927, FLOOD PLAIN MANAGEMENT *(City Planner)*

Attorney Simpson read by title only:

ORDINANCE NO. 2927

AN ORDINANCE BY THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CITY OF HOLLY HILL CODE OF ORDINANCES TO REPEAL CHAPTER 94 ARTICLE II FLOOD HAZARD MITIGATION; TO ADOPT A NEW CHAPTER 94 ARTICLE II FLOOD HAZARD MITIGATION; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

*Commissioner Penny made a motion for **ARROVAL** for **SECOND READING OF ORDINANCE 2927**, seconded by Commissioner Currie.*

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by asking how is the City going to find a flood plain administrator?

Mr. McCroskey stated the Building Official and the City Planner both administer the flood plain ordinance.

Mayor Johnson closed public participation.

The motion **CARRIED** 5-0 by roll call vote: Penny – Yes, Currie – Yes, Moore – Yes, Albert – Yes, and Mayor – Yes

E. PUBLIC HEARING – SECOND READING OF ORDINANCE 2928, INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION *(Building Official)*

Attorney Simpson read by title only:

ORDINANCE NO. 2928

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Moore made a motion for ***ARROVAL*** *for* ***SECOND READING OF ORDINANCE 2928****, seconded by Commissioner Albert.*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Albert – Yes, Penny – Yes, Currie – Yes, and Mayor – Yes

F. RESOLUTION 2013-R-04, STREET SWEEPING CONTRACT *(Community Development Director)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH USA SERVICES OF FLORIDA; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Penny made a motion for **ARROVAL** for **RESOLUTION 2013-R-04 WITH THE DIRECTION TO STAFF THAT THEY DO NOT DISPOSE OF THE CITY'S STREET SWEEPER UNTIL IT COMES BACK TO THE COMMISSION**, seconded by Commissioner Currie.*

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Jeremiah Hansen, Woody's BBQ, Holly Hill – Addressed the City Commission by stating if the City already has one, why would the City be contracting out for one, seems pointless to spend money on something that the City already has.
- Richard Murdock, 520 Peacock Road, Holly Hill – Addressed the City Commission by stating that he has spoken to some of the public works crew and knows that the roof was refurbished on the sweeper the City has; why not pay them a little more an hour to sweep than pay someone from the outside to do the work. It's a waste of money to get another sweeper when the City already has one.
- Bill Redman, Redman Consulting Group Representative for USA Services of Florida – Addressed the City Commission by stating that he represents USA Services and came by and did a demonstration for staff; the current street sweeper that the City has isn't working properly. The maintenance bills on that have been exorbitant. This is a piggyback off of a contract that was bid out last year so it's a competitive rate.

Mayor Johnson closed public participation.

The motion **CARRIED** 5-0 by roll call vote: Penny – Yes, Currie – Yes, Moore – Yes, Albert – Yes, and Mayor – Yes

G. RESOLUTION 2013-R-05, SOLID WASTE RATE ADJUSTMENTS *(Finance Director)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-05

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING FEES TO BE PAID TO WASTE MANAGEMENT INC., OF 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 FOR AN EFFECTIVE DATE.

*Commissioner Penny made a motion for **ARROVAL** for **RESOLUTION 2013-R-05**, seconded by Commissioner Moore.*

The motion **CARRIED** 5-0 by roll call vote: Penny – Yes, Moore – Yes, Currie – Yes, Albert – Yes, and Mayor – Yes

H. RESOLUTION 2013-R-06, FLOOD PLAIN MANAGEMENT STUDY *(City Planner)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-06

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, IN SUPPORT OF THE PLANNING PROCESS FOR THE DEVELOPMENT OF THE REVISED "VOLUSIA COUNTY & MUNICIPALITY FLOODPLAIN MANAGEMENT PLAN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Moore made a motion for **ARROVAL** for **RESOLUTION 2013-R-06**, seconded by Commissioner Penny.*

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by mentioning that some time back when Chris Hurst was here, he suggested that they were going to attempt to run the water back to the wells at the recharge areas by I92, is this part of the Volusia County plan?

  Mr. Harowski stated they don't have a specific list of recommendations that will come out of this plan at this point. All that's being asked here is that the City support the process that is being used to do the study. The funding for the study is a Federal Grant that is issued through the State.

Mayor Johnson closed public participation.

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Penny – Yes, Currie – Yes, Albert – Yes, and Mayor – Yes

I. RESOLUTION 2013-R-07, AMENDING THE FACILITY & FIELD FEE SCHEDULE *(CRA Coordinator)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-07

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE FACILITY AND FIELD RENTAL RATES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Albert made a motion for **ARROVAL** for **RESOLUTION 2013-R-07**, seconded by Commissioner Penny.*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 5-0 by roll call vote: Albert – Yes, Penny – Yes, Currie – Yes, Moore – Yes, and Mayor – Yes

8. RECESS THE REGULAR CITY COMMISSION MEETING

9. CONVENE THE COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING

BUSINESS AGENDA

A. RESOLUTION 2013-R-08, 1200 CENTER AVENUE (FORMER MIDDLE SCHOOL PROPERTY) FEASIBILITY STUDY PROPOSAL *(Community Development Director / CRA Coordinator)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-08

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SMITH + MURRAY DESIGN STUIDIOS, INC., TO COMPLETE A FEASIBILITY ANALYSIS OF THE PROPERTY LOCATED AT 1200 CENTER AVENUE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Moore made a motion for **ARROVAL** for **RESOLUTION 2013-R-08**, seconded by Commissioner Currie.*

Mr. McCroskey stated he wanted to explain what they were going to do first before the Mayor asked for public participation. This is the outgrowth of the purchase of the middle school property, 25 acres on Center Avenue. Tonight, the consulting firm that staff chose to recommend to the City Commission has a presentation that they want to give the City Commission on how they plan to approach the issue of getting public input for recreation, public input for development, public input for all the issues that relate to the development of the middle school. This was a requirement by Volusia County; Volusia County wanted to see some kind of study on what the City plans on doing with the middle school. At this point, the City has no authority to do anything at the middle school. The City plans to use this consultant to try and get input from the public at several meetings. At this moment, they can have the consultant give them a PowerPoint on how they plan to approach this problem or the City can step back and take public comments. It's whatever the City Commission would like to see. The consultant is setup for a PowerPoint presentation on how they plan to approach the problem. It may bring more questions out from the public or the Commission may want to take questions from the public first.

There was ***consensus*** from the Mayor and City Commission to see the PowerPoint presentation and hear from the consultant first then take questions from the public.

Ramon V. Murray, Principal Consultant from Smith + Murray studios, Inc., and Ruth Hamberg with Ruth Hamberg Urban and Design, Orlando, FL, showed a PowerPoint Presentation to the Mayor and City Commission. The following are the key points that were discussed:

- Balanced Approach – financial return / community aspirations
- A redevelopment that can be brought to market: concept plans, alternatives analysis, preferred plan, implementation
- Feasibility analysis process: community infrastructure, economic infrastructure, green infrastructure.
- Methodology chart / timeline discussion
- Community engagement equals participation: community meetings, citizen advisory committees, breakout sessions, charrettes, visual preference surveys, web-based surveys
- A plan for Holly Hill: <u>Phase 1</u>: orientation / inventory / analysis (workshops 1 & 2)
  <u>Phase 2</u>: development options (public presentation 3)
  <u>Phase 3</u>: final development options (public presentation 4)
  <u>Phase 4</u>: development plan and implementation strategy (final report)

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by stating that his previous experience with these kinds of workshops was the Master Plan. Mr. Legary stated he was wondering about the meetings, they are going to have one in the evening and one the following morning, this doesn't seem to be going out of the way to get the public involved. How are they going to get the word out to the citizens of the community?

- Jeff DeLany, 211 15th Street, Holly Hill – Addressed the City Commission by agreeing that the study needs to be done on the middle school, he just doesn't want to see what's been done in the past where it goes into a study and the next thing you know they never take a suggestion passed what the consultants give.

Mayor Johnson closed public participation.

Mr. McCroskey stated they are going to make every effort they can to notify people; they have a mailing list for the newsletter. The City also has a process that Chief Barker has in place which is called NIXEL. That is a notification blast to all emails informing them of different events. Between NIXEL and direct mail, they hope to notify everybody of these events so they can come and participate.

Attorney Simpson stated he has a question about the contract. They broke the compensation out in phases but it doesn't say in there when they will be paid the total compensation. Is the intent that they will be paid the dollar amount for each phase when each phase is completed? The City needs to incorporate that into this agreement how that is to be paid.

Commissioner Currie stated she has great concern over public participation. She has made that very clear from the time she ran for office. She will make sure that they get as much notification out there for public participation as possible. The fact that staff will be using NIXEL, the mailing list and possibly, the electronic sign and utilize the website.

Commissioner Penny stated he was the descending vote about purchasing the middle school property; $100,000 on a feasibility study is a lot of money. Commissioner Penny feels they are doing everything backwards. You do your feasibility study before you buy the land. City now owns the land, we have to move forward, he trusts this company will listen to the citizens but he doesn't want a consultant to tell him what he wants to hear. He doesn't want anyone to come in with any preconceived notions. He wants the process to be genuine. He supports this, he just wishes they could have done it another way but they are going to make the best out of it and trust that they are going to come out with something good at the end of the process.

Commissioner Moore stated he wants to remind the citizens that $100,000 is a lot and the City didn't spend that because they wanted to, they were required to do that by the County.

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Currie – Yes, Penny – Yes, Albert – Yes, and Mayor – Yes

10. RECONVENE THE REGULAR CITY COMMISSION MEETING

BUSINESS AGENDA

A. RESOLUTION 2013-R-09, 1200 CENTER AVENUE (FORMER MIDDLE SCHOOL PROPERTY) FEASIBILITY STUDY PROPOSAL *(Community Development Director / CRA Coordinator)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SMITH + MURRAY DESIGN STUIDIOS, INC., TO COMPLETE A FEASIBILITY ANALYSIS OF THE PROPERTY LOCATED AT 1200 CENTER AVENUE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Moore made a motion for **ARROVAL** for **RESOLUTION 2013-R-09**, seconded by Commissioner Currie.*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Currie – Yes, Albert – Yes, Penny – Yes, and Mayor – Yes

B. RESOLUTION 2013-R-10, BOARD OF PLANNING AND APPEALS ~ APPOINTMENTS *(City Clerk)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-10

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

*Commissioner Penny made a motion for **ARROVAL** for **RESOLUTION 2013-R-10 WITH THE FOLLOWING NAMES INSERTED TO THE RESOLUTION: NICK MOSTERT, MICHAEL MYER, AND JOHN STERLING WITH THE ADDITION THAT THE COMMISSION DIRECT STAFF TO COME BACK WITH A RESOLUTION IN THE FUTURE THAT ALL BOARD MEMBERS ON THIS BOARD OF PLANNING AND APPEALS BE EITHHER A HOLLY HILL RESIDENT OR BUSINESS OWNER WITHIN THE CITY**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 5-0 by roll call vote: Penny – Yes, Moore – Yes, Currie – Yes, Albert – Yes, and Mayor – Yes

C. RESOLUTION 2013-R-12, WRECKER SERVICES AGREEMENT ~ FRYER'S TOWING SERVICES *(Police Chief)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-12

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE AWARD OF THE WRECKER SERVICES CONTRACT TO FRYER'S TOWING SERVICES.; 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 Moore made a motion for **ARROVAL** for **RESOLUTION 2013-R-12**, seconded by Commissioner Currie.*

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Ann Murray, Universal Towing, Holly Hill – Addressed the City Commission by shared her concerns about the bidding process and would like to see it rebid. Never received an email or notice about the bid; doesn't feel it was done properly.
- Mark DeAngelo, Extreme Recovery, 345 8th Street, Holly Hill – Addressed the City Commission by sharing his concerns about the bid; stated that he called the city six or seven months ago and was told that they gave Universal Towing an extension for a year. Never received an email about the bid. He doesn't read the newspaper, he was expecting it to come through email. Didn't get the opportunity to bid for the contract.

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by stating that the city has several towing companies and he thought they got extra consideration.
- Zion with Lucky's Towing – Addressed the City Commission by stating they were never notified about the bid for Holly Hill. It would have been nice to be notified.
- Gentleman (owner) from Fryer's Towing Services – Addressed the City Commission by stating that he attended the pre-bid meeting and the legal ad spelled it all out.
- Nick Mostert, 715 Marlene Drive, Holly Hill – Addressed the City Commission by suggesting to the Commission maybe have a rotating bid list similar to Ormond Beach.

Mayor Johnson closed public participation.

Mayor Johnson asked if the City followed the legal process for the bid.

Attorney Simpson stated under the City's Code, staff followed the bidding requirements according to Code. He looked at the ad and it was a very large ad, in detail to what the City was looking for. The Code requires that the ad be placed at least five days before the bid is due; the ad went out on December 10, 2012, the pre-bid meeting was January 3, 2013, bids were due January 11, 2013. The City exceeded the five days required for the bid advertisement under the Code. In to getting emails, in addition to what's required in the Code with the public advertisement in the newspaper, the City also posts it on the City's Website. There's a way that contractors can sign up and they get a notice every time a bid gets placed on the City's website by email. That is not part of the requirement for noticing the public, that's just an extra notification that the City can do. This bid wasn't required to be on the City's website page. The Commission has discretion in rejecting all bids but they need to have a good reason. The purpose of public bidding is so that the City gets the best contract or best service for the best money. Fryer's Towing Company fully complied with all the criteria.

Chief Barker stated for many years the City did a rotation list as like many of the other counties did, it's very cumbersome for various levels of service the City receives and the City relies a lot on the wrecker companies for storage of vehicles and for some other things for a long-term basis. Doing the individual contract seems to work better.

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Currie – Yes, Penny – Yes, Albert – Yes, and Mayor – Yes

11. COMMUNICATIONS

a. City Manager

Mr. McCroskey asked if the Fire Chief can give the Mayor, City Commission and public an update on the flu season; showed a PowerPoint presentation. Mr. McCroskey informed the Mayor and Commission that on Thursday at 10:30 am there will be a ground-breaking ceremony for the bridge. Informed Commissioner Currie that they need an alternate member to serve on the Transportation Planning Organization (TPO) Board – Commissioner Albert was appointed as the alternate. Sergeant Jim Patton's retirement party will be on February 1st from 5:00 pm to 8:00 pm at Woody's BBQ.

b. City Attorney

Attorney Simpson gave an update about a boat issue in City Riveria Beach.

c. City Clerk

None.

d. Mayor & Commissioners

Commissioner Albert thanked Chief Spencer about the flu information he presented and hand sanitizer. Thanked the City for recognizing the winners from the Christmas parade. Reminded everyone about the Dogs on The Hill, Feb. 7th at The Market from 4:00 pm to 8:00 pm. Wanted to suggest having something called, "Kids on The Hill", do something to celebrate the kids in the community; possibly at Hollyland Park.

Commissioner Moore thanked Chief Barker for helping him in an incident that happened today, he appreciates it.

Commissioner Currie stated the first part of February the TPO is planning on a retreat to update the board members. The dental program at the Baptist church turned out well, they were able to help 70 people.

Commissioner Penny asked Attorney Simpson if the City has any authority on Code enforcements on a neighboring city that abuts the City of Holly Hill. He is talking about the parks, the bathrooms down at Riverside Park. The problem is coming out of that vacant lot with the bathroom and he thinks that's why the No Trespassing signs are there.

Attorney Simpson stated, no. The City's Code doesn't have any jurisdiction of an adjoining city.

Commissioner Penny asked can the City do anything if they are not enforcing their codes.

Attorney Simpson stated they can complain to the City. Commissioner Penny asked about the golf cart ordinance.

Mr. McCroskey stated they are required to do a feasibility study first. The City Planner will be looking into that.

Mayor Johnson thanked everyone for coming out tonight.

12. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 9:15 pm.

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Valerie Manning
City Clerk