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

FEBRUARY 26, 2008

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: Interim City Manager/Chief Building Official Tim Harbuck, Assistant City Attorney Scott Simpson, PAL/Recreation Executive Director Chuck Beach, Public Safety Director Don Shinnamon, Public Works Director/City Engineer Chris Hurst, Finance Director Kurt Swartzlander, Human Resources Director Diane Cole, Community Development Director/City Planner Doug Gutierrez, 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

- Supervisor of Elections, Ann McFall – Election 2009 issues & Chapter 95-462 update

Ann McFall, Supervisor of Elections, gave a brief power-point presentation to the Mayor and City Commission regarding the Election 2009 issues and Chapter 95-462.

There was some discussion amongst the Mayor and City Commission with Ms. McFall and the City Commission decided to discuss this further during a workshop on March 11th and get back to Ms. McFall for further direction.

3. CONSENT AGENDA

- Minutes from the Joint Workshop with the Community Redevelopment Agency & CRA Advisory Board – February 12, 2008
- Minutes from the Regular City Commission meeting – February 12, 2008
- Waste Management Contract Negotiations – authorization for the City Manager to negotiate an addendum to the existing contract

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

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

4. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

No one spoke.

5. PUBLIC HEARING – SECOND READING OF ORDINANCE 2825, AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR) - NOTIFICATION REQUIREMENTS

Attorney Simpson read by short title:

ORDINANCE NO. 2825

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, AMENDING CHAPTER 82, ARTICLE V, DIVISIONS 3, 4 AND 5 – NOTIFICATION REQUIREMENTS, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Doug Gutierrez, Community Development Director/City Planner, briefly went over his staff report. Mr. Gutierrez mentioned since the first reading there were some recommendations on the amendment to the LDR and he made note of that in his revised staff report.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed made a motion to **APPROVE** the Second Reading of Ordinance 2825, seconded by Commissioner Glass.*

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

6. PUBLIC HEARING – SECOND READING OF ORDINANCE 2826, OPEN BURNING

Attorney Simpson read by short title:

ORDINANCE NO. 2826

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REPEALING SECTION 34-101 (PROHIBITED: TERMS AND CONDITIONS) OF ARTICLE IV (OPEN BURNING); ADOPTING A NEW SECTION 34-101 (OPEN BURNING REGULATIONS); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Towsley made a motion to **APPROVE** the Second Reading of Ordinance 2826, seconded by Commissioner Reed.*

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

7. RESOLUTION 2008-R-11, CITY MANAGER AGREEMENT

Attorney Simpson read by short title:

RESOLUTION NO. 2008-R-11

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPROVING AN EMPLOYMENT AGREEMENT WITH TIMOTHY E. HARBUCK AS CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Attorney Simpson informed the Mayor and City Commission that he tried to respond to everyone that commented. This agreement may not have the last change in it but he has drafted that change and if there are any changes tonight, he will have a final version. He added the six months that Commissioner Reed had commented on *(referring to the termination and severance section).*

Mayor Via opened public participation. No one spoke.

*Commissioner Glass made a motion to **APPROVE** Resolution 2008-R-11, seconded by Commissioner Reed.*

Commissioner Towsley spoke about the term section of the contract. Commissioner Towsley would like to see that the contract be opened for review *every year* instead of *every two years* do to any budgetary issues that may come up in the future; asked if Mr. Harbuck's salary still at $98,500 and Mayor Via said yes. Is Mr. Harbuck going to still accept the $400 car allowance?

Mr. Harbuck stated, yes.

The motion **CARRIED** 4-1 on roll call: Glass – Yes, Reed – Yes, Penny – Yes, Towsley – No, Mayor Via – Yes

8. U.S. 1/RIDGEWOOD AVENUE SIDEWALKS – COMMUNITY REDEVELOPMENT AREA (CRA)

Mayor Via asked if there is a figure of the money that has already be spent on the sidewalks.

Chris Hurst, Public Works Director/City Engineer, stated they are pretty solid that if they remove the amount of sidewalk that they have already put in, they would be $8,000 to $10,000 in the hole.

Steve Hazen, Contractor for the sidewalks project, spoke briefly to the Mayor and City Commission. Mr. Hazen mentioned that it would cost approximately $4,500 to tear it up and pour the concrete back.

Doug Gutierrez, Community Development Director/City Planner, informed the Mayor and City Commission that FDOT are clipping the intersection of Mason Avenue and Ridgewood Avenue; they are clipping the corners; it is suppose to be done this summer but he knows they are doing the surveys; they are going to be moving signage, landscaping, and sidewalks so it might be a good thing that the City isn't doing the sidewalks on Mason Avenue right now.

Mayor Via opened public participation. No one spoke.

*Commissioner Glass made a motion to **APPROVE** U.S. 1/Ridgewood Avenue Sidewalks – Community Redevelopment Area (CRA) for colored concrete, seconded by Commissioner Penny.*

Commissioner Towsley informed the Mayor and Commissioners that back in December the Commission voted on a different type of stamped colored concrete and wanted to inform them tonight that what is currently there is not what they picked out. Commissioner Towsley handed out a letter from Tricia Smith who is the Orientation and Mobility Specialist for the Conklin Center for the Blind and briefly went over that letter with the Mayor and Commissioners and shared her concerns.

There was some discussion amongst the Mayor, City Commissioners, Mr. Hazen and staff at this time; Commissioner Reed informed the Mayor and Commissioners that he is opposed of spending the extra money *($200,000)* because he doesn't think it's going to have the impact that some people may desire; there are going to be some other things that will be coming down the pike for the CRA to do that the City is going to need every bit of that money bonded to do the work.

The motion **DENIED** 3-2 on roll call: Glass – Yes, Penny – Yes, Reed – No, Towsley –No, Mayor Via – No

Commissioner Penny made a motion that the Commission consider stamped colored concrete 20 feet from each intersection, seconded by Commissioner Glass.

There was some discussion amongst the Mayor, City Commission, and Mr. Hazen at this time.

Commissioner Penny amended his original motion to do the intersections 20 feet from each intersection not to exceed $50,000 and give staff direction to execute that, seconded by Commissioner Glass.

Mayor Via mentioned that he was not comfortable with that because what that does is write a blank check to the contractor for that; he is not comfortable with that. He would like to know what the amount is before he votes on it. That's what he is asking for.

Commissioner Penny withdrew his amendment to the original motion.

Commissioner Reed suggested that they bring it back in two weeks with the amount.

Commissioner Penny made a motion to put this item on the March 11, 2008 agenda with the amount, seconded by Commissioner Glass.

The motion **CARRIED** 3-2 on roll call: Penny – Yes, Glass – Yes, Reed – No, Towsley –No, Mayor Via – Yes

9. RESOLUTION 2008-R-12, POLICE ATHLETIC LEAGUE (PAL) / RECREATION BOARD – APPOINTMENT

Attorney Simpson read by short title:

RESOLUTION NO. 2008-R-12

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE PAL/RECREATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Glass made a motion to **APPROVE** Resolution 2008-R-12, seconded by Commissioner Towsley.*

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

10. RESOLUTION 2008-R-13, BEAUTIFICATION ADVISORY BOARD - APPOINTMENT

Attorney Simpson read by short title:

RESOLUTION NO. 2008-R-13

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BEAUTIFICATION ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

City Clerk advised the Mayor and City Commission about a letter that was turned in from Dean Wiggins, who is a Board member of this Board which states that those left on the Board have turned in their resignations for various reasons.

There was consensus from the City Commission to postpone this agenda item until they are able to discuss it further during the workshop that is scheduled tonight with all the advisory Boards; the Beautification Board included. They will bring this forward on March 11th and see if anyone has turned in any applications to continue the Board.

11. COMMITTEE REPORTS

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

Mayor Via gave a committee report on VCOG; gas taxes – Amendment 1; school board meeting pertaining to the schools that are being suggested for closure; EVWA.

12. COMMUNICATIONS

A. City Manager

Mr. Harbuck mentioned the FLC is sponsoring an educational seminar put on by the Florida Institute of Government on April 25th and 26th in Tampa; if anyone wants to go let him know; April 3rd is Volusia Days in Tallahassee and the registrations have to be in by March 7th; if anyone is they would have to let him know and if so, he needs consensus to fund that.

Commissioner Penny made a motion to pay for Volusia Days out of their Discretionary Fund, seconded by Commissioner Glass.

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

B. City Attorney

None.

C. Mayor & Commissioners

Commissioner Glass spoke briefly about a letter that he received regarding Steve Smith who is a Board member on the Planning and Appeals.

Mayor Via and Commissioner Penny spoke briefly about the school board meeting in Deltona and gave a brief update about Holly Hill Middle school closing and the K-8 Program for the elementary school.

13. ADJOURNMENT

The meeting officially adjourned at approximately 9:20 p.m.

Attest: City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor

Florida Statutes 286.011 and Government-In-The-Sunshine Manual

"*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.