

MINUTES

**MINUTES  
REGULAR COMMISSION MEETING  
CITY OF HOLLY HILL, FLORIDA**

**MARCH 10, 2009**

**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 Tim Harbuck, Assistant City Attorney Scott Simpson, Public Works Director/City Engineer Chris Hurst, Finance Director Kurt Swartzlander, Assistant Finance Director Susan Worde, Audit Specialist/Analyst Catherine Colwell, Community Development Director Doug Gutierrez, Police Chief Mark Barker, Sgt. Joe Borelli, Human Resources Director Diane Cole, Building Inspector Mark Ballard, 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**

- Minutes from the Regular City Commission meeting – February 24, 2009
- Minutes from the City Commission workshop – February 24, 2009
- Low Bid Award – U.S. 1 Transit Shelters – Bean Construction, Inc., Holly Hill, FL – \$231,900
- Architectural Services for Library / Chamber Services – DJDesign, Inc., Holly Hill, FL – \$105,200
- Low Bid Award – Police Department Holding Area Renovations – Bean Construction, Inc., Holly Hill, FL – \$22,310
- Air Conditioning Repairs for City Hall – Von-Aire – \$15,861 – **PULLED FROM AGENDA**
- Law Enforcement Trust Fund (LETf) Expenditure – \$500 (*for a one-time donation to Volusia County Schools Take Stock in Children Program*)

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Commissioner Reed requested that the **Transit Shelters** and **Architectural Services** be pulled from the Consent Agenda for further discussion.

Mr. Harbuck informed the Commission that the **Air Conditioning Repairs for City Hall** will be pulled from the Agenda tonight because new information has been brought forth.

Commissioner Reed suggested that there isn't a need for the transit planters and there was consensus from the Commission not to have them.

### **TRANSIT SHELTERS:**

*Commissioner Glass moved **APPROVAL** for the transit shelters award to Bean Construction in the amount of \$231,900, seconded by Commissioner Penny.*

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

### **ARCHITECTURAL SERVICES:**

Mr. Dana Smith, from DJDesign, Inc., the architect spoke to the Mayor and Commission.

*Commissioner Reed moved **APPROVAL** for the architectural services for the Library and Chamber facilities in the amount of \$105,200, seconded by Commissioner Glass.*

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

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

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

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

The following individuals came forward to speak to the Mayor and City Commission: Steve Smith, 1410 Riverside Drive; Roger Healey, Charter Oaks Circle; David Rowe, 900 May Avenue; Jim Legary, 342 Burleigh Avenue; Dana Smith, DJDesigns, Inc., the architect for the Chamber and Library facilities.

**5. FIRST READING OF ORDINANCE 2848, AMENDMENT TO THE POLICE PENSION AND RETIREMENT**

Attorney Simpson read by short title:

**ORDINANCE NO. 2848**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING, CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE II, POLICE OFFICERS, OF THE CODE OF ORDINANCES FOR THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-31(A)(2) TO CLARIFY SIX YEAR VESTING FOR ENTITLEMENT TO A RETIREMENT BENEFIT; ADDING SECTION 42-31(i) TO CLARIFY OPTIONS AVAILABLE TO PARTICIPANTS THAT TERMINATE EMPLOYMENT PRIOR TO BECOMING ELIGIBLE FOR ANY RETIREMENT BENEFIT; AMENDING SECTION 42-31(c)(8) PENSION BENEFITS TO PROVIDE THAT THE MAXIMUM PARTICIPATION IN THE DEFERRED RETIREMENT OPTION PROGRAM TO INCREASE FROM 3 TO 5 YEARS; AMENDING SECTION 42-32(a), CONDITIONS OF ELIGIBILITY FOR EMPLOYMENT, PROVIDING THAT THE CHIEF OF POLICE SHALL HAVE AN OPTION TO PARTICIPATE IN THE RETIREMENT PLAN; ADDING SECTION 42-36 TO PROVIDE THAT RETIREES MAY AUTHORIZE DIRECT THIRD PARTY PAYMENTS AS A DEDUCTION FROM NET BENEFITS FOR SPECIFIC PURPOSES; ADDING SECTION 42-37 OPTIONAL FORMS OF RETIREMENT INCOME, TO CLARIFY THAT JOINT PENSIONER BENEFITS SHALL ONLY BE REDUCED ON DEATH OF PLAN PARTICIPANT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING OF POSTING OF THIS ORDINANCE.**

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**Mayor Via opened public participation.**

The following individual came forward to speak to the Mayor and City Commission: Jim Legary, 342 Burleigh Avenue.

Sgt. Joe Borelli, Chairman of the Police Pension Board responded to Mr. Legary's concerns.

**Mayor Via closed public participation.**

*Commissioner Penny moved **APPROVAL** of the First Reading of Ordinance 2848, seconded by Commissioner Towsley.*

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

**6. RESOLUTION 2009-R-09, TRANSMIT THE WATER SUPPLY PLAN AND COMPREHENSIVE PLAN AMENDMENTS TO DEPARTMENT OF COMMUNITY AFFAIRS (DCA)**

Attorney Simpson read by short title:

**RESOLUTION NO. 2009-R-09**

**A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AUTHORIZING THE TRANSMITTAL OF AMENDMENTS TO THE FUTURE LAND USE, CAPITAL IMPROVEMENTS, CONSERVATION/COASTAL MANAGEMENT AND UTILITIES ELEMENTS OF THE CITY OF HOLLY HILL COMPREHENSIVE PLAN TO THE STATE LAND PLANNING AGENCY FOR REVIEW; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Gutierrez spoke briefly about the water supply plan and the Comp Plan amendments to DCA to the Mayor and Commissioners.

**Mayor Via opened public participation. No one spoke.**

*Commissioner Reed moved **APPROVAL** of Resolution 2009-R-09, seconded by Commissioner Glass.*

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

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### 7. COMMITTEE REPORTS

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

None.

### 8. COMMUNICATIONS

#### A. City Manager

None.

#### B. City Attorney

None.

#### C. Mayor & Commissioners

Commissioner Towsley mentioned that earlier in the day she had filed suit against the City but on her way back decided to contact her attorney and rescind her request; she will not be suing the City. Commissioner Towsley mentioned that she meant what she said when Chief Barker was getting sworn in that she would like thing to move forward and that's what she wants to do.

Commissioner Reed asked the Mayor and Commission how they felt about having the City Manager's position reviewed once a year and the Commission agreed that it wouldn't be a bad idea; staff will gather some information on how to do that and get back to the Commission.

Commissioner Glass mentioned the memorial the City held last Friday for Cliff Camara over at Sunrise Park; it was very nice and thanked the City for doing that.

Ms. Radulovich came forward and reminded the Mayor and Commissioners about the upcoming special events: the Easter Egg Hunt on the front lawn of City Hall on Saturday, March 28<sup>th</sup>; the first weekend in April will be the Antiques on the Avenue event held at the Recreation Department in the gym; appraisals will be given on items at Sica Hall; Saturday, June 20<sup>th</sup> is the Car Show which will end up in Hollyland Park.

Mayor Via informed the Commission that tonight is Bethany Chambers last meeting; she is moving to Ohio. Mayor Via thanked her for attending the meetings and events while she was here and wished her all the best in Ohio.

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**9. ADJOURNMENT**

The meeting officially adjourned at approximately 8:15 p.m.

Attest:

City of Holly Hill, Florida

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Valerie Manning  
City Clerk

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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.*