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

## May 8, 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 7:06 p.m. Attending with Mayor Via were Commissioners John Penny, Gilles Blais, Mark Reed and Traci A. Anderson.

Also attending were City Manager Joe Forte, Assistant City Attorney Scott Simpson, Public Safety Director Don Shinnamon, Finance Director Kurt Swartzlander, Public Works Director/City Engineer Chris Hurst, Community Redevelopment Coordinator Marsha Radulovich, and City Clerk Valerie Manning.

### B. Invocation

Mayor Fred Costello, City of Ormond Beach, delivered the invocation.

### C. Pledge of Allegiance to the Flag

Mayor Costello was present tonight to support Mr. Forte and mentioned that he has a reputation throughout the entire Volusia County area as being an outstanding City Manager, a man of integrity and Mayor Costello wanted to be here tonight to support Mr. Forte. Mayor Costello said that it was a pleasure to bring forward the Invocation tonight at Mayor Via's request. Mayor Costello thanked Mr. Forte for all he does for the entire community and they appreciate him.

## 2. PROCLAMATIONS – Signed by the Mayor

- Proclamation for Police Week – May 15-22, 2007
- Proclamation for Public Works Week – May 20-26, 2007

## PRESENTATIONS

- Shadow Day Certificates – Student Government Day, May 2, 2007

Mayor Via asked if the kids who participated in Shadow Day to come forward and at this time he presented them with a *Certificate of Recognition* along with Lynn Perkins and Cheryl Manning. The following Middle School attended Shadow Day: Cassandra Kaiser, Rachel DeGolier, Stella Webster, Ronald Braswell, Samantha Newburn, Elizabeth Colon, Tammy Allison, Michael Holifield, Ericka Mays, Kevin Stutts, Stormey Spence and Pebbles Klarich.

## 3. CONSENT AGENDA

1. Minutes from the City Commission Workshop – April 10, 2007
2. Minutes from the Joint Workshop with the City Commission & the Beautification Advisory Board – April 24, 2007
3. Minutes from the Regular City Commission meeting – April 24, 2007
4. Emergency Debris Management Contract – Request for Proposal (RFP) – Militello Contracting
5. **Report of Purchases over $5,000**
   *Volusia County – $9,563.46 – (unleaded and diesel fuel)
   *Quentin L. Hampton Associates, Inc. – (additional geotechnical charges above original estimate) – $10,409.80
   *Discount Quality Flooring – $22,934.90 – (replacement of carpet and flooring in City Hall)
   *CEMEX – $7,903 – (concrete for Walker St. sidewalk repairs)

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

The motion **CARRIED** 5-0 on roll call: Reed – Yes, Blais – Yes, Penny – Yes, Anderson – Yes, Mayor Via – Yes.

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

Jim Legary, 342 Burleigh Avenue, spoke briefly about what happened at the Board of Planning and Appeals meeting last night regarding the appeals item. It seems to him that the citizens participation ought to be, in some way, incorporated in what goes on.

Patty Barker, 1105 Overbrook Drive, Ormond Beach, read a letter to the Mayor and Commissioners regarding Mr. Forte, Chief Shinnamon, and her husband Commander Mark Barker and the issues that have been brought forward over the past several months about them regarding false accusations and slanderous personal attacks and shared her thoughts with the Mayor and Commissioners. Mrs. Barker stated this is the time for this Commission to take definitive action to protect these good men from further attacks and to hold those who engage and support these despicable tactics, legally accountable for their actions.

Mayor Via stated if any one from the public would like to speak to Mr. Forte's issue that is under his comment section of the meeting, can come now because they will not be able to do it at that time.

No one spoke.

## 5. RESOLUTION 2007-R-16, CANVASSING BOARD MEMBERS FOR THE 2007 MUNICIPAL ELECTION

Attorney Simpson read by short title:

**RESOLUTION NO. 2007-R-16**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A CANVASSING BOARD FOR THE CITY'S GENERAL AND RUN-OFF ELECTIONS SCHEDULED FOR OCTOBER 9, 2007 AND (IF NECESSARY) THE CITY'S RUN-OFF ELECTION SCHEDULED FOR NOVEMBER 6, 2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte mentioned that there are several names within the Resolution and suggested that the Commission declare them all alternates and the Commissioners who are not on the ballot this year are automatically considered to be on the Canvassing Board and anyone who chooses to go out can do so that evening if time and schedule permits. For the remaining of the people, the City Clerk will see who is available to serve during that time.

*Commissioner Penny made a motion to **APPROVE** Resolution 2007-R-16, seconded by Commissioner Blais.*

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

## 6. RESOLUTION 2007-R-17, MID-FLORIDA HOUSING PARTNERSHIP, INC. – SURPLUS REAL PROPERTY

Attorney Simpson read by short title:

**RESOLUTION 2007-R-17**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY AS SURPLUS; FINDING THAT IT IS IN THE BEST INTEREST OF THE CITY TO WAIVE COMPETITIVE BIDDING AND TO AUTHORIZING THE SALE OF SAID PROPERTY TO MID-FLORIDA HOUSING PARTNERSHIP, INC. BY NEGOTIATED CONTRACT PRICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Reed made a motion to **APPROVE** Resolution 2007-R-17, seconded by Commissioner Blais.*

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

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

**7. RESOLUTION 2007-R-18, MAGNOLIA DEVELOPMENT LAND SWAP – HOLLY HILL TRANSFER TO MAGNOLIA AVENUE & MAGNOLIA AVENUE TRANSFER TO HOLLY HILL**

Attorney Simpson read by short title:

**RESOLUTION 2007-R-18**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY AS SURPLUS; FINDING THAT IT IS IN THE BEST INTEREST OF THE CITY TO WAIVE COMPETITIVE BIDDING AND TO AUTHORIZING THE SALE OF SAID PROPERTY TO MAGNOLIA AVENUE DEVELOPMENT GROUP, LLC BY NEGOTIATED CONTRACT PRICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

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

*Commissioner Anderson made a motion to **APPROVE** Resolution 2007-R-18, seconded by Commissioner Blais.*

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

**8. RESOLUTION 2007-R-19, SUN HOLLY FOREST ESTATES, LLC – METER REPLACEMENT**

Attorney Simpson read by short title:

**RESOLUTION 2007-R-19**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SUN HOLLY FOREST, LLC FOR THE REPLACEMENT OF WATER METERS IN HOLLY FOREST ESTATES; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Reed made a motion to* ***DENY*** *Resolution 2007-R-19, seconded by Commissioner Blais.*

The motion **CARRIED** 4-0 on roll call: Reed – Yes, Blais – Yes, Penny – Yes, Anderson – Abstain - Mayor Via – Yes *(Commissioner Anderson filed FORM 8A with the City Clerk; see attached)*

**9. RESOLUTION 2007-R-20, LAMAR BUS SHELTERS**

Attorney Simpson read by short title:

**RESOLUTION 2007-R-20**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE LAMAR CORPORATION FOR THE PURPOSE OF TAKING OWNERSHIP OF THE BUS ENCLOSURES; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Reed made a motion to* ***APPROVE*** *Resolution 2007-R-20, seconded by Commissioner Anderson.*

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

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

None.

## 11. COMMUNICATIONS
### A. City Manager

- Six month budget review – General Fund

Mr. Forte mentioned he placed that in the packets because of all the information they are getting on tax reform and staff has started coming together to discuss the budget and he wanted to give the Commission a snapshot, a six month review. The Department Heads get it quarterly and he thought he would put it in the agenda packets for them to look at it.

- Relinquishment of Law Enforcement Badge

Mr. Forte mentioned the different contents that were presented to the Mayor and Commission and placed them in their packets pertaining to the various comments that were mentioned on WELE radio on April 30th. Mr. Forte mentioned that he will turn his law enforcement badge in to the Mayor. Mr. Forte wrote a letter to FDLE requesting that his certification be placed in abeyance until this is no longer an issue and get it reactivated. Mr. Forte informed the Mayor and Commission that as of 4:30 p.m. today, he contacted the Governor's Office, his legal staff, the Citizen Service Department, the Human Relations Department, Commission on Ethics, FDLE and the State Attorneys Office and there have been no complaints officially received and no investigation started on him. Mr. Forte informed them that he is not under any criminal investigation or any investigation. Mr. Forte is asking the City Commission to authorize the City Attorney to send a letter to WELE and ask for a complete retraction of the comments that were broadcast several times on the radio. Should they not retract the comments, Mr. Forte is going to ask the Commission to support him in hiring outside legal council to not only defend him but to go after the radio station to stop them from slandering and libeling his name.

*Commissioner Penny made a motion to **APPROVE** allowing the City Attorney to write a letter to WELE radio station stating that they have to retract their comments about Mr. Forte and WELE will be given ten (10) days to retract their comments; and if the situation needs further legal relief that the City Commission authorizes the legal fees to be spent to not only defend Mr. Forte but to go after the radio station to stop them from slandering his name and those who were involved in the slandering, seconded by Commissioner Blais.*

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

Mr. Forte mentioned that at the Planning and Appeals meeting last night they upheld his position on the tow truck company on Center Street. The Board also made a recommendation to refund the $200 fee to file the appeal back to Ms. Marge Benkin.

*Commissioner Reed made a motion to **REFUND** the appeal fee in the amount of $200 to Ms. Benkin, seconded by Commissioner Anderson.*

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

**B. City Attorney**

None.

**C. Mayor & Commissioners**

Commissioner Anderson mentioned she thinks they got a lot resolved and she does want to let Mr. Forte know that she has a lot of respect for him and his integrity was never in question with her.

Commissioner Blais mentioned that Mr. Forte is also known around the State of Florida as the City Manager of Holly Hill so Holly Hill is on the map; for years nobody knew where Holly Hill was so Mr. Forte is doing a good job; Commissioner Blais complemented Mr. Forte for being certified as a Firefighter and a Police Officer; that's hard work and even to update yourself is hard and he hopes Mr. Forte does it again.

Commissioner Penny apologized to the audience if he raised his voice earlier; he tends to get passionate and when he gets passionate, he appears to be angry. He wants them to know that he is passionate about this City and his support for their City Manager, Joe Forte and it troubles Commissioner Penny deeply when anyone questions Mr. Forte's integrity. Commissioner Penny apologizes that he raised his voice, he was not angry. He thanked the Commission for rewording his motion. Commissioner Penny mentioned the Planning and Appeals meeting that he attended last night.

Mayor Via shared his concerns and thoughts about the Planning and Appeals meeting from last night; spoke about the radio station and comments that were being made about his compensation; professionalism. Mayor Via mentioned that he supports Mr. Forte all the way.

**12. ADJOURNMENT**

The meeting officially adjourned at approximately 8:30 p.m.

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