# M I N U T E S
# REGULAR COMMISSION MEETING
# CITY OF HOLLY HILL, FLORIDA
# JUNE 10, 2003

## 1. CALL TO ORDER
### A. Roll Call

Mayor Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:05 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, Lou Schmitt and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Assistant to the City Manager Greg Wood, Police Commander Mark Barker, and City Clerk Jeaneen Clauss.

### B. Invocation

Mr. Wood delivered the invocation.

### C. Pledge of Allegiance to the Flag

Mayor Arthur reminded everyone about the Flag Disposal ceremony that the American Legion will hold on Saturday, June 14$^{th}$ at dusk.

## 2. PRESENTATIONS & PROCLAMATIONS

**Certificate of Completion of Advanced Elected Municipal Officials Training**

Mayor Arthur presented a Certificate of Completion to Commissioner Schmitt for completing the advanced EMO training offered by the Florida Institute of Governement.

## 3. CONSENT AGENDA
**Minutes of Regular Commission Meeting – May 27, 2003**
**Minutes of Commission Workshop – May 29, 2003**

*Commissioner Via moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Byrnes – yes, Lockeby – yes, Arthur - yes.

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

Commissioner Schmitt indicated that he had nothing to report from the Chamber of Commerce.

Commissioner Via advised that tomorrow the Water Entity will vote on the interlocal agreement, the member assessments, and the name of the Entity. This meeting will begin at 8:00 a.m. at the Votran Building in South Daytona.

Commissioner Byrnes reminded everyone that the next Volusia League of Cities meeting will be here in Holly Hill – June 26th. Mayor Arthur stated that he would like to see the League consider a resolution passed at the Conference of Mayor's, which he attended earlier this month. This resolution supports more responsive State Departments of Transportation.

Commissioner Lockeby indicated that he had nothing to report from the Volusia Council of Governments.

Mayor Arthur advised that the Metropolitan Planning Organization will be considering that same resolution he hoped the League (above) would support.

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

None.

**6. RESOLUTION 2003-R-31, COMMUNITY REDEVELOPMENT ADVISORY BOARD APPOINTMENTS**

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, REAPPOINTING TWO REGULAR MEMBERS TO THE COMMUNITY REDEVELOPMENT ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to* ***APPROVE*** *Resolution 2003-R-31 re-appointing Alan Riegner and Rose Schuhmacher, seconded by Commissioner Schmitt.*

Mayor Arthur stated that he would like to see a procedure instituted which provides for an annual organizational meeting to select the officers of each Board. The Commission agreed and asked that Mr. Forte request this by memo to each.

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt - yes, Byrnes – yes, Lockeby - yes, Arthur - yes.

**7. RESOLUTION 2003-R-32, FDOT LIGHTING, MAINTENANCE, AND COMPENSATION AGREEMENT**

Mr. Simpson read by short title:

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR LIGHTING, MAINTENANCE, AND COMPENSATION WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.**

*Commissioner Via moved to **APPROVE** Resolution 2003-R-32, seconded by Commissioner Schmitt.*

Mr. Forte explained that this agreement has been proposed by FDOT to defer responsibility for the maintenance and repair of 114 streetlights to the City in exchange for compensation in the amount of $4,275. This is the first time this particular agreement has been offered. At this point, they do not know if their insurance would cover repair or if they would face a rate increase to add it. The Commission discussed this at length, with concerns that the risk is too great for the compensation offered. Mr. Simpson stated that clearly FDOT has done a study and determined that this agreement will benefit them – indicating it may not benefit the cities.

The motion **FAILED** 0-5 on roll call: Via – no, Schmitt - no, Lockeby – no, Byrnes – no, Arthur - no.

## 8. CONTRACT FOR STORMWATER IMPROVEMENTS

Mr. Forte explained that though the low bidder is Schuller, the work will be subcontracted to Municipal – which is the company currently doing phase I of this project. They have been very pleased with Municipal's performance. Andrew Giannini, engineer with Quentin L. Hampton & Associates, responded to questions regarding the improvements made so far in water retention capability / flood reduction.

*Commissioner Via moved to **APPROVE** awarding the contract to Schuller Contractors, 8046A Presidents Drive, Orlando, FL for $2,590,029.02 for the Stormwater Improvements, Phase II Project – subject to the approval of the Florida Department of Environmental Regulation State Revolving Loan Division, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Schmitt - yes, Lockeby – yes, Byrnes – yes, Via – yes, Arthur - yes.

## 9. CONTRACT FOR ROOF REPLACEMENTS OF WASTEWATER AND WATER TREATMENT PLANTS

Mr. Forte advised that the public works department had originally thought these projects would come in under the amount requiring formal bid and they had negotiated a price considerably lower than the one bid received for each of these projects. The negotiated price was still above the amount they could authorize without a formal bid, so they went through the bid process as required by City ordinance. They only received one bid and it is considerably above the amount that was budgeted for this. Mr. Forte recommended that the Commission reject the bid and authorize Staff to negotiate for these two roof replacements. Mr. Simpson advised that would be legally acceptable if as long as Staff brought this back to the Commission for final approval.

*Commissioner Byrnes moved to **REJECT** the one bid received for the roof replacements of the Wastewater and Water Treatment Plants, seconded by Commissioner Lockeby.*

The motion **CARRIED** 5-0 on roll call: Byrnes – yes, Lockeby – yes, Via – yes, Schmitt - yes, Arthur - yes.

*Commissioner Byrnes moved to **APPROVE** authorizing Staff to negotiate with a local roofing contractor for the roof replacements of the Wastewater and Water Treatment Plants and bring this back to the Commission for final approval, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Byrnes – yes, Schmitt - yes, Lockeby – yes, Via – yes, Arthur - yes.

## 10. FLORIDA EAST COAST RAILROAD CROSSING REHABILITATION AT 2ND STREET

Mr. Forte advised that this is the third crossing repair they have received this year and they were not notified in a timely fashion so any of them could be budgeted for. The Commission has long felt that the responsibility of these repairs should fall on the Railroad, not the City, but agreements created through very tight legislative incentives and signed in the nineteen sixties have bound them to pay for all of these repairs or face potential closure of the crossing. They discussed the fact that this particular crossing is of far greater benefit to the City of Daytona Beach than to the City of Holly Hill and lies within our City boundaries by a mere fifty feet. At the request of one commissioner, Mr. Forte placed a call this afternoon to the Daytona Beach City Manger to inquire if they would be willing to share this cost. No return call was received as of yet.

*Commissioner Via moved to **TABLE** the consideration of authorizing the estimated payment of $50,960 for rebuilding the crossing of the FEC Railroad at 2ND Street until we find out if the City of Daytona Beach will pay half, seconded by Commissioner Schmitt.*

*Commissioner Byrnes moved to **AMEND THE MOTION** by including a statement in a letter to be sent to the City of Daytona Beach that FEC may elect to close this crossing if the bill is not paid, seconded by Commissioner Schmitt.*

Mr. Simpson stated that it may not be as simple as pay or face closure. Due to the fact that we have a current agreement in place obligating us to this payment, the Railroad may elect to sue us for the money instead of closing the crossing.

The motion on the amendment **CARRIED** 4-1 on roll call: Byrnes – yes, Schmitt - yes, Lockeby – yes, Via – no, Arthur - yes.

The main motion **CARRIED** 4-1 on roll call: Via – no, Schmitt - yes, Lockeby – yes, Byrnes – yes, Arthur - yes.

## 11. COMMUNICATIONS

### A. City Manager

Mr. Forte indicated he had nothing further to report.

### B. City Attorney

Mr. Simpson shared a picture of a forty-two pound fish that his son-in-law caught.

### C. Mayor and Commissioners

Commissioner Byrnes thanked everyone for coming tonight.

Commissioner Lockeby thanked everyone for coming tonight and expressed concern that the railroad should take some fencing precautions to increase security and decrease their exposure to terrorist threat.

Commissioner Schmitt indicated he had nothing further to report.

Commissioner Via thanked everyone for coming tonight.

Mayor Arthur presented some gifts to the commissioners from the Conference of Mayor's.

## 14. ADJOURNMENT

The meeting officially adjourned at approximately 8:05 p.m.

City of Holly Hill, Florida

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William D. Arthur
Mayor

Attest:

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Jeaneen P. Clauss, CMC
City Clerk