



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

REVISED MINUTES • JUNE 9, 2015

City Commission Chamber

Regular City Commission Meeting

7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

A. Roll Call

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John F. Capers	District 3 - Commissioner	Present	
Elizabeth Albert	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

B. Invocation

Mayor Penny led the invocation.

C. Pledge of Allegiance to the Flag

Mayor Penny led the Pledge of Allegiance.

2. PUBLIC PARTICIPATION

The following individuals spoke to the Mayor and City Commission: Linda Savage, 1264 Charter Oaks Circle, Holly Hill, President of the Homeowners Association, and Jeff Martin, 934 Jasmine Avenue, Holly Hill.

3. APPROVAL OF MINUTES

1.

Minutes - May 26, 2015 - Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny

Enacted and approved this 9th day of June, 2015, in Holly Hill



4. CONSENT AGENDA - ITEMS (1 - 2)

1.

FDOT State Highway Lighting, Maintenance, and Compensation Agreement Fiscal Year 2015/2016 Work Order

(Requested by Jacki Maswary, Public Works)

Mayor Penny opened public participation. No one spoke.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Penny Currie, Elizabeth Albert
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny

Enacted and approved this 9th day of June, 2015, in Holly Hill

**2. Resolution**

Purchase of Replacement Forklift for Water Department

(Requested by Jacki Maswary, Public Works)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny

**5. REGULAR AGENDA****1. Resolution**

Fiscal Year 2015/2016 Community Development Block Grant Allocation Estimate and Annual Application

(Requested by Jacki Maswary, Public Works)

Mayor Penny opened public participation.

The following individual spoke to the Mayor and City Commission: Jim Legary, 342 Burleigh Avenue, Holly Hill.

Mayor Penny closed public participation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Albert, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Capers, Albert, Penny



6. PUBLIC HEARING - CHARTER - BALLOT SUMMARY QUESTIONS

Mr. Forte informed the Mayor and City Commissioners that this is going to be the first reading of the Ordinance because there needs to be a change in the title of the Ordinance as it pertains to a Special Election because this is not an election year for the city. However, there is a regular election date scheduled for Tuesday, November 3, 2015 which is when the ballot questions would be presented to the voters of Holly Hill. Another public advertisement will be placed in the newspaper and second reading will be held on June 23, 2015 at the regular City Commission meeting.

Mayor Penny opened public participation.

The following individuals spoke to the Mayor and City Commission: Jim Legary, 342 Burleigh Avenue, Holly Hill, Steve Smith, 1410 Riverside Drive, Holly Hill, Mike Gleason, 820 Riverside Drive, Holly Hill, and Jeff Martin, 934 Jasmine Avenue, Holly Hill.

Attorney Simpson clarified the ordinance title change to a special election, what occurred during the Charter Review Committee meetings, and one of the options were to present all of the changes into one question, but the concern was that there may be some people who like certain parts of what is being proposed and people who don't like other parts and the city may end up getting a no vote on something that they like. Attorney Simpson stated the other option is they can propose every single change as a separate question. The concern is, as you go down the ballot and they go to another page of the ballot, and then another page of the ballot, the city has to pay for the extra pages so there was a cost concern amongst the Charter Review Committee. Attorney Simpson stated the committee tried to group things that were of similar issues together in a single question.

Attorney Simpson stated that there was a concern during the committee meetings that if you have too many questions, you may lose everyone's interest. The Charter Review Committee did not want to just present it to the City Commission as "here it is", "here is a new Charter, vote it up or down", they did not want to propose that. There are also limitations under the law when writing up a ballot summary, you are only allowed seventy-five words. This is how they got where they are today. The Charter Review Committee was presented with an option of one question, multiple questions or do they want to try and group them so they have a limited number of questions and try to focus the questions on areas of the same type of topic, not from the same chapter, not from the same page, but the same general issue and that's how the Charter Review Committee proposed the groups together.

The Mayor opened the floor for discussion amongst the City Commissioners. The City Commission thanked and shared their appreciation to the Charter Review Committee for their work and it was mentioned by the Mayor and City Commissioners that it was all of their intentions to purposely not attend any of the meetings with the committee during the process.

There was some discussion as it pertains to separating the residency requirements from the term limits which would be six questions instead of five. There was discussion about the grouping of the issues, some were okay and understandable but there were some that needed to be separated, specifically the residency requirements and the term limits; two year term to a four year term was discussed.

Attorney Simpson spoke briefly on permanent residency requirements according to the City's Charter and Supreme Court cases that have had discussions about residency for elected officials.

Commissioner Currie amended her motion to pull out number 9, which is the four year staggered terms and make it a separate question and leave 8 and 28 together, as one question.

Attorney Simpson clarified Commissioner Currie's motion: separate the question from going to a two year term to a four year term limit as a stand alone question then have the Mayor two consecutive term limit and the proof of residency requirement and changing resident to constituent as a single question.

Commissioner Albert seconded the motion.

More discussion and clarification of the amended motion made by Commissioner Currie: to have a separate question on is the length of term for the Commissioner and the Mayor going from two to four to a staggered term. That is what would be the sixth question.

Mayor Penny opened public participation on the amended motion.

The following individuals spoke to the Mayor and City Commission: Jeff Martin, 934 Jasmine Avenue, Holly Hill, Jim Legary, 342 Burleigh Avenue, Holly Hill, and Mike Gleason, 820 Riverside Drive, Holly Hill.

Mayor Penny closed public participation.

Mayor Penny asked for a vote on the amended motion: the motion on the table is to approve the ballot summary questions with the exception of the four year staggered terms being pulled to its own, sixth question. If this amended motion passes, then they will vote on the original motion as amended. If the motion on the table fails, then they will have to vote on the original motion and if that passes, they are done. If it doesn't pass, then someone has the option to make another motion.

Attorney Simpson stated someone could make another amended motion to amend before they vote on the original motion after the vote on this particular amended motion that is currently on the table.

Voting on the amended motion: Currie, Yes, Albert, Yes, Capers, No, Byrnes, No, Mayor, No = **AMENDMENT DOES NOT PASS**

Attorney Simpson stated they can make a motion to amend at this point.

Commissioner Albert made a motion to amend the original motion as it pertains to the Mayor's term limits, the proof of residency requirements and the four year terms into individual questions, seconded by Commissioner Capers.

Mayor Penny opened public participation on the amended motion. No one spoke.

Mayor Penny stated they will now vote on the amended motion to break the election issues into three separate questions on the ballot.

Attorney Simpson stated its really breaking sections 9 and 28 into three separate questions. Section 8 deals with changing the preference from residents to constituents on district boundaries and that hasn't been discussed.

Commissioner Byrnes asked Attorney Simpson for direction on his previous vote. Commissioner Byrnes stated that his intention was to vote "yes" but he misspoke and would like to know what the procedure would be to go back to the previous amendment and vote.

Commissioner Albert stated since he was on the prevailing side, he can bring that back.

Mayor Penny stated there is an amended motion on the table and a second so they have to vote on that first. If Commissioner Albert wants to withdraw her motion then they can take action on Commissioner Byrnes motion for reconsideration of the amendment to the original motion as stated by Commissioner Currie.

Commissioner Albert withdrew her motion. Commissioner Capers shared his concerns and did not withdraw his second.

Attorney Simpson stated Commissioner Albert will then have to undo her rescission and the motion that Commissioner Albert made, stays on the table for a vote.

Voting on the amended motion to break length of term, term limits and proof of residency into three questions: Albert, Yes, Capers, Yes, Currie, No, Byrnes, No, Mayor, No =
AMENDMENT DOES NOT PASS

Mayor Penny stated if someone wants to put another amended motion on the table they can. If not, they will take action on the original motion.

Commissioner Currie stated she would like to make an amended motion to have a separate question for the four year staggered terms.

Attorney Simpson stated and to incorporate the district boundaries into the remainder.

Commissioner Albert seconded the motion.

Mayor Penny stated this will bring it back to the original motion which failed due to a procedural error.

Mayor Penny opened public participation.

The following individuals spoke to the Mayor and City Commissioners: Linda Savage, 1264 Charter Oaks Circle, Holly Hill, Mike Gleason, 820 Riverside Drive, Holly Hill, Jeff Martin, 934 Jasmine Avenue, Holly Hill, and Jim Legary, 342 Burleigh Avenue, Holly Hill.

Mayor Penny closed public participation.

Voting on the original amended motion to have a separate question for the four year staggered terms and to incorporate the district boundaries into the remainder: **ROLL CALL VOTE:** Currie, Yes, Albert, Yes, Byrnes, Yes, Capers, No, Mayor, No = **AMENDMENT PASSES, 3 - 2.**

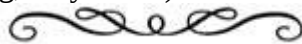
Mayor Penny stated they now have to vote on the original main motion as amended: **ROLL CALL VOTE:** Currie, Yes, Albert, Yes, Byrnes, Yes, Capers, No, Mayor, No = **AMENDMENT PASSES, 3 - 2.**

RESULT:	APPROVED [3 TO 2]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Currie, Albert
NAYS:	Capers, Penny

1. Ordinance

An Ordinance Establishing the Ballot Questions for Changes to the City Charter as Recommended by the Charter Review Committee Changes

(Requested by Valerie Manning, City Clerk)



7. **PUBLIC PARTICIPATION - AS NEEDED**

None

8. **COMMUNICATIONS**

a. City Manager & Staff Reports
None

b. City Attorney
None

c. Mayor's Report
Mayor Penny gave a brief report on the Round Table meeting.

d. District Commissioners Reports
Commissioner Albert thanked everyone who shared their concerns and spoke; thanked staff and everyone in the City and the teachers who came out to help with Kids on The Hill event, great event; we have a good team here and appreciate everyone very much.

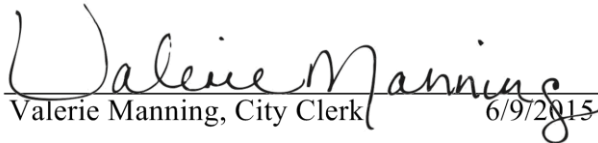
Commissioner Capers thanked everyone for coming out and watched; apologized for the way things went tonight, especially when you're passionate about certain things.

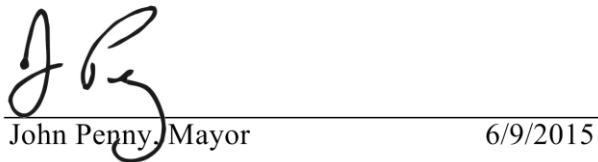
Commissioner Currie thanked everyone for coming out and appreciates seeing people come and participate and their input; thanked everyone who was involved with Kids on The Hill, very impressed, great event; thanked the Commission for working through the issues and the best interest for the City, they make a good team.

Commissioner Byrnes stated that he is passionate and he likes constituents used by Attorney Simpson; he liked some of Commissioner Capers' ideas; the compromise that Commissioner Currie came up with and he thinks they are on a good road.

9. ADJOURNMENT

The meeting adjourned at approximately 9:00 pm.


Valerie Manning, City Clerk 6/9/2015


John Penny, Mayor 6/9/2015