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

October 25, 2011

1. CALL TO ORDER

A. Roll Call

Mayor Johnson called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue, at approximately 7:00 pm. Attending with Mayor Johnson were Commissioners John Penny, Rick Glass, Donnie Moore and Liz Towsley-Patton.

Also attending were the following staff members: City Manager James McCroskey, City Attorney Scott Simpson, Finance Director Kurt Swartzlander, Police Chief Mark Barker, Captain Stephen Aldrich, Officer Matthew Spence, Fire Chief Ron Spencer, Deputy Community Services Director Mark Juliano, Economic Development Director Lynn Dehlinger, Executive Director Rose Schuhmacher, City Planner/Consultant Tom Harowski, Assistant Finance Director Catherine Coldwell, and City Clerk/Administrative Assistant Valerie Manning.

Also attending: Court Reporter Leslie Stilwell from Volusia Reporting Company (VRC).

B. Invocation

Mayor Johnson led invocation.

C. Pledge of Allegiance to the Flag

Mayor Johnson led the Pledge of Allegiance.

2. PRESENTATION

- Swearing-In of Officer Sarah Casey *(Police Chief)*

3. APPROVAL OF MINUTES

A. Minutes from the Special City Commission meeting – October 7, 2011 *(City Clerk)*

B. Minutes from the Regular City Commission and Community Redevelopment Agency meeting – October 11, 2011 *(City Clerk)*

*Commissioner Patton moved **APPROVAL** for the **MINUTES**, seconded by Commissioner Glass.*

The motion **CARRIED** 5-0 by roll call vote: Patton – Yes, Glass – Yes, Moore – Yes, Penny – Yes, and Mayor – Yes

4. PUBLIC PARTICIPATION – Regarding items not on the agenda.

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Rose Schuhmacher, Executive Director Holly Hill Chamber – Addressed the City Commission reminding them about Trunk or Treat on Monday, October 31st at 5:30 PM in Hollyland Park.
- Steve Smith, 1410 Riverside Drive, Holly Hill – Addressed the City Commission by sharing his concerns regarding Commissioner Rick Glass and asked that he be fired and start calling him "former" Commissioner Glass; mentioned the upcoming special election; bathrooms at Marina Grande; shared his concerns about the City Manager; informed the public that he has a Political Action Committee and encouraged them to vote "no" on election day.
- Luann Catanio, 929 May Avenue, Holly Hill – Addressed the City Commission by stating that any action against Commissioner Glass be shelved until the outcome of any investigation is completed; he is an American, and is innocent until proven guilty.
- Karen Wheatley, 364 Dorothy Avenue, Holly Hill – Address the City Commission by stating that she is here tonight to fire Commissioner Glass. Ms. Wheatley shared her concerns about how Commissioner Glass has made the paper recently and mentioned that she doesn't have a City Commission that can represent her and suggested that he resign immediately.

Commissioner Patton stated she was the one who put the American flags out tonight. "At the start of this meeting as well with previous meetings, the Commission starts with the Pledge of Allegiance. This is what you, the public and the Commission just pledged with liberty and justice for all. There have been many lives given for the right to fly our flag, pledge our allegiance and have our Constitution. The First Amendment assures freedom of religious choice and freedom of speech but those things are not without limit. You cannot create a religion that allows you to kill someone without punishment and you cannot use libelous or slanderous words without recourse. The Fifth Amendment reads in part, "No person shall be deprived of life, liberty, or property without due process of law; innocent until proven guilty; presumption of innocence is a legal right that we all are granted. No person shall be considered guilty until finally convicted by court. Our Constitution is a wonderful thing. A newspaper article, nor an investigative report is a guilty charge and so far there have been no charges against Commissioner Glass. This is a right to work State and we can be fired from a job for any reason; it's not criminal to be fired from a job. Let it be stated, if Commissioner Glass is guilty, he will be found guilty by court of law not us. Our system presumes innocence until they are proven otherwise".

Mayor Johnson closed public participation.

5. CONSENT AGENDA

Waiver of Application Fees *(City Planner)*

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

The motion **CARRIED** 5-0 by roll call vote: Glass – Yes, Moore – Yes, Penny – Yes, Patton – Yes, and Mayor – Yes

6. BUSINESS AGENDA

A. FIRST READING OF ORDINANCE 2904, 1050 NOVA ROAD – BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) AGREEMENT *(City Planner)*

Attorney Simpson read by short title only:

ORDINANCE NO. 2904

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE 2654, THE DOUGLAS BELL BPUD DEVELOPMENT AGREEMENT, BY AMENDING THE EXISTING DEVELOPMENT AGREEMENT FOR APPROXIMATELY 2.17 ACRES LOCATED ON THE WEST SIDE OF NOVA APPROXIMATELY 250 FEET NORTH OF GOLF AVENUE; APPROVING A REVISED MASTER DEVELOPMENT PLAN AND INCORPORATING IT INTO THIS ORDINANCE FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THE PROPERTY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Harowski gave a brief staff report regarding the BPUD agreement for 1050 Nova Road.

Mr. McCroskey thanked staff for bringing this business into the City.

*Commissioner Moore moved **APPROVAL** for **First Reading of Ordinance 2904**, seconded by Commissioner Penny.*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 5-0 by roll call vote: Moore – Yes, Penny – Yes, Glass – Yes, Patton – Yes, and Mayor – Yes

B. RESOLUTION 2011-R-75, VARIANCE REQUEST – 700 RIDGEWOOD AVENUE ~ APPLICANT: MARK DOWST & ASSOCIATES, INC. *(City Planner)*

Attorney Simpson read by short title only:

RESOLUTION 2011-R-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A VARIANCE FOR 700 RIDGEWOOD AVENUE, HOLLY HILL FLORIDA. THE VARIANCE IS TO PERMIT AN ELEVEN FOOT RELIEF FROM THE REQUIRED THIRTY-FIVE FOOT REAR LOT SETBACK; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Harowski gave a brief staff report regarding the variance request for 700 Ridgewood Avenue.

Mark Dowst of Mark Dowst & Associates, Inc., spoke briefly and is looking forward to doing this project in the City.

Mr. McCroskey thanked staff for working with Mr. Dowst on this project.

*Commissioner Glass moved **APPROVAL** for **Resolution 2011-R-75**, seconded by Commissioner Penny.*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 5-0 by roll call vote: Glass – Yes, Penny – Yes, Moore – Yes, Patton – Yes, and Mayor – Yes

C. RESOLUTION 2011-R-76, DEPARTMENT OF CORRECTIONS INMATE WORK SQUAD – CONTRACT RENEWAL *(Community Services Director)*

Attorney Simpson read by short title only:

RESOLUTION 2011-R-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXERCISE THE RENEWAL OPTION TO THE EXISTING DEPARTMENT OF CORRECTIONS CONTRACT NUMBER WS661; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Penny moved **APPROVAL** for **Resolution 2011-R-76**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by sharing his concerns about the inmates/slavery.

Mayor Johnson closed public participation.

The motion **CARRIED** 5-0 by roll call vote: Penny – Yes, Moore – Yes, Glass – Yes, Patton – Yes, and Mayor – Yes

D. RESOLUTION 2011-R-77, WATER TREATMENT CHEMICALS *(Community Services Director)*

Attorney Simpson read by short title only:

RESOLUTION 2011-R-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING PRICE AGREEMENTS FOR THE PURCHASE OF THE FISCAL YEAR 2012 SUPPLY OF WATER TREATMENT CHEMICALS FOR THE PUBLIC WORKS DEPARTMENT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Glass moved **APPROVAL** for **Resolution 2011-R-77**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 5-0 by roll call vote: Glass – Yes, Moore – Yes, Patton – Yes, Penny – Yes, and Mayor – Yes

7. COMMUNICATIONS

a. City Manager

Mr. McCroskey informed the Mayor and Commissioners that on November 11th at 3:00 pm The Market will be having a ribbon cutting; the Citizens Academy will be held on November 21st and 22nd and information about it is on the Website; City received a letter of approval from the Department of Transportation Secretary for the bridge on Daytona Avenue.

b. City Attorney

None.

c. City Clerk

None.

d. Commissioners

Commissioner Penny reminded everyone about Trunk or Treat on Monday, October 31st at 5:30 pm in Hollyland Park.

Commissioner Glass thanked those who are supporting him during this tough time.

Commissioner Moore reminded everyone about October being Breast Cancer Awareness Month.

Commissioner Patton gave a brief update on the TPO meeting and the prescription drug plan program taking place on Thursday.

Mayor Johnson asked if Lynn Dehlinger could introduce John Keiser who will be opening the Florida Gun Exchange on Nova Road where the old Carl's Speed Shop was. Mr. Keiser stated he is looking forward to doing business in Holly Hill. Mayor Johnson briefly discussed the Mayors and City Managers meeting and stated it went well.

8. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 7:40 pm.

Valerie Manning
City Clerk/Administrative Assistant