M I N U T E S
REGULAR COMMISSION MEETING
COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING
CITY OF HOLLY HILL, FLORIDA

October 8, 2013

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, Penny Currie, Donnie Moore and Elizabeth Albert.

Also attending were the following staff members: City Attorney Scott Simpson, City Manager James A. McCroskey, Finance Director Kurt Swartzlander, Police Chief Mark Barker, Fire Chief Jim Bland, Community Services Director Jacki Maswary, Economic Development Director Lynn Dehlinger, Human Resources Manager Sandy Fenwick, Sergeant Toby Wall, and City Clerk Valerie Manning.

B. Invocation

Mayor Johnson led invocation.

C. Pledge of Allegiance to the Flag

Mayor Johnson led the Pledge of Allegiance.

2. PRESENTATION

James Kenney – Recognition for 25 years of service to the City of Holly Hill *(Community Services Director)*

3. MINUTES

Minutes from the Regular City Commission, Budget and Community Redevelopment Agency (CRA) meeting – September 24, 2013 *(City Clerk)*

*Commissioner Moore moved **APPROVAL** for the **MINUTES**, seconded by Commissioner Albert.*

The motion CARRIED 5-0 by roll call vote: Moore – Yes, Albert – Yes, Currie – 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 address the City Commission on various issues: Michele Zimbler, Commander of DAV 84; Scott Baker, 1010 Riverside Drive, Holly Hill; Gilles Blais, 710 Magnolia Avenue, Holly Hill; Eddie Colosimo, Holly Hill; Patrick Stanton, 637 Yaupon Avenue, NSB; Wes Douglas, President of Fraternal Eagles of Holly Hill.

Mayor Johnson closed public participation.

Attorney Simpson shared some historical definitions on the slot machines and/or gaming devices that the public raised issues on during public participation. What the State makes illegal, the City cannot make legal. This is a State level issue and people need to contact their local State Representatives.

Commissioner Penny handed out some pictures pertaining to the bus benches that were mentioned during public participation and shared the same concerns as the citizen. There was some discussion amongst the Mayor, Commissioners, Attorney Simpson and staff. There was consensus from the Commission to have staff get with Attorney Simpson to draft a letter to DOT and ask for clarification on the current design of the bus benches and share their concerns about them being placed in the middle of the sidewalks.

5. REVIEW OF COMMISSIONER DONNIE MOORE'S RESIDENTIAL REQUIREMENTS *(Commissioner Moore)*

Mayor Johnson opened public participation.

The following individuals came forward to address the City Commission: Mike Chuvan, 407 Miriam Avenue, Holly Hill; Gilles Blais, 710 Magnolia Avenue, Holly Hill; Nick Mostert, 715 Marlene Drive, Holly Hill.

Mayor Johnson closed public participation.

Commissioner Currie ***made a motion to have a special meeting to further hear the situation on Commissioner Moore violating the Charter of the City of Holly Hill with a date certain of the next City Commission meeting on October 22, 2013, DIED FOR A LACKE OF SECOND.***

6. CONSENT AGENDA

Florida League of Cities Transmittal of Resolutions Adopted at the 2013 Annual FLC Conference *(City Manager)*

*Commissioner Currie moved **APPROVAL** for the **CONSENT AGENDA**, seconded by Commissioner Albert.*

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

7. BUSINESS AGENDA

A. PUBLIC HEARING – SECOND READING OF ORDINANCE 2943, FIRE PENSION ORDINANCE CHANGE *(Finance Director)*

Attorney Simpson read by title only:

ORDINANCE NO. 2943

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, RESTATING CHAPTER 42, PENSIONS AND RETIREMENT; ARTICLE III, FIREFIGHTERS' PENSION; DIVISION 1. GENERALLY OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-61, DEFINITIONS BY AMENDING THE DEFINITIONS OF "ACTUARIAL EQUIVALENT" AND "CREDITED SERVICE"; AMENDING SECTION 42-75, MAXIMUM PENSION; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Moore moved **APPROVAL** for Second Reading of Ordinance 2943, seconded by Commissioner Albert.*

Mayor Johnson opened public participation. No one spoke.

The motion CARRIED 5-0 by roll call vote: Moore – Yes, Albert – Yes, Penny – Yes, Currie – Yes, and Mayor – Yes

B. PUBLIC HEARING – SECOND READING OF EMERGENCY ORDINANCE 2944, SAVE OUR SENIORS HOMESTEAD EXEMPTION *(Finance Director)*

Attorney Simpson read by title only:

EMERGENCY ORDINANCE NO. 2944

AN EMERGENCY ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 62-3 (ENTITLEMENT TO ADDITIONAL HOMESTEAD EXEMPTION) OF THE HOLLY HILL CODE OF ORDINANCES TO ADOPT AN ADDITIONAL HOMESTEAD EXEMPTION OF UP TO $250,000 OF ASSESSED VALUATION FOR QUALIFIED PERSONS AGE 65 OR OLDER WHO HAVE MAINTAINED PERMANENT RESIDENCY ON THE PROPERTY FOR A PERIOD OF AT LEAST 25 YEARS AND WHOSE HOUSEHOLD INCOME DOES NOT EXCEED A SPECIFIED AMOUNT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Moore moved **APPROVAL** for Second Reading of Ordinance 2944 and for the Ordinance to sun set in five years, September 30, 2018, seconded by Commissioner Penny.*

Mayor Johnson opened public participation.

The following individual came forward to address the City Commission: Gilles Blais, 710 Magnolia Avenue, Holly Hill.

Mayor Johnson closed public participation.

The motion **CARRIED** 5-0 by roll call vote on the amendment to sun set the Ordinance in five years: Moore – Yes, Penny – Yes, Currie – Yes, Albert – Yes, and Mayor – Yes.

The motion **CARRIED** 5-0 by roll call vote on the main motion: Moore – Yes, Penny – Yes, Albert – Yes, Currie – Yes, and Mayor – Yes.

C. RESOLUTION 2013-R-69, INTERLOCAL OPERATING AGREEMENT FOR RIVIERA OAKS CANINE FACILITY *(Community Services Director)*

Attorney Simpson read by title only:

RESOLUTION NO. 2013-R-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN INTERLCAL AGREEMENT WITH THE COUNTY OF VOLUSIA FOR THE OPERATION OF THE RIVIERA OAKS CANINE FACILITY; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Moore moved **APPROVAL** for Resolution 2013-R-69, 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, Albert – Yes, Currie – Yes, and Mayor – Yes

D. RESOLUTION 2013-R-70, VELIE APPRAISAL SERVICES *(Community Services Director)*

Attorney Simpson read by title only:

RESOLUTION 2013-R-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT(S) WITH VELIE APPRAISAL SERVICES; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Penny moved **APPROVAL** for Resolution 2013-R-70, seconded by Commissioner Moore.*

Mayor Johnson opened public participation.

The following individual came forward to address the City Commission: Jim Legary, 342 Burleigh Avenue, Holly Hill.

Mayor Johnson closed public participation.

Mr. McCroskey stated staff has identified approximately fifteen properties on Riverside Drive, individual parcels that the City ended up with. During the goal setting session staff indicated that the City would try to get appraisal prices and offer those pieces of property to the adjacent property owners. Those funds would be used to go back into the City's paving contracts to try and make up for some of the loss paving that the City had to delay because of the budget crisis. The City would be offering those properties for sale that will still have to come before this City Commission and the City Commission will have to approve the sale of that property. That will be a public notification. The second thing is part of these appraisal funds will come out of the CRA because it's part of the underground process to get easements. It's in the CRA fund for the underground.

Commissioner Currie stated she understands the usage of the eminent domain for the easement acquisitions for the undergrounding of the utilities, she understands the purpose in that. However, the storm water mitigation strategies and then the liquidation of various city-owned properties on Riverside Drive, she understands Mr. McCroskey gave Mr. Legary an explanation, she would like a better one. Does the stormwater mitigation have anything to do, outside of the explanation Mr. McCroskey just gave Mr. Legary, with the trailer park on Riverside and does the city-owned properties, does it have anything to do with The Market.

Mr. McCroskey stated the appraisal services can be used for all the things that were outlined. The appraisal works this way – if the City wants to purchase a piece of property, and that would come from the City Manager to the City Commission, he would need to get an appraisal price on that piece of property. If that appraisal price met the requirements of an arms-length purchase then the City could approve or disapprove the purchase of a mobile home park but all of that has to come before the City Commission. There is no condemnation, there is no selling of property, there is nothing at all done, without three votes from this City Commission. The thoughts about hypothetical sale, is totally not valid. He can't sell one piece of property in the City without this City Commission's approval. Now, if the City Commission says they don't want to get an appraisal on any piece of property on Riverside Drive that might alleviate flooding, direct him to do so and he won't get an appraisal on any property along Riverside Drive that would alleviate flooding. It's the direction of the Commission. The reason he put it on there is because if there is some reason that he doesn't purchase a piece of property on Riverside Drive, which may or may not be a mobile home park, then he can't purchase a piece of property to help the flooding on Riverside Drive.

Commissioner Currie stated so then the answer is yes, there's a possibility this could include the mobile home park.

Mr. McCroskey stated, for an appraisal.

Commissioner Currie stated, okay.

The motion **CARRIED** 4-1 by roll call vote: Penny – Yes, Moore – Yes, Currie – No, Albert – Yes, and Mayor – Yes

E. RESOLUTION 2013-R-71, ACCOUNTS RECEIVABLE WRITE OFF – UTILITY SERVICES *(Finance Director)*

Attorney Simpson read by title only:

RESOLUTION 2013-R-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR THE WRITE OFF OF OUTSTANDING ACCOUNTS RECEVIABLE AMOUNTS; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Penny moved **APPROVAL** for Resolution 2013-R-71, seconded by Commissioner Moore.*

Mayor Johnson opened public participation.

The following individual came forward to address the City Commission: Nick Mostert, 715 Marlene Drive, Holly Hill.

Mayor Johnson closed public participation.

Mr. Swartzlander spoke briefly. Informed the Mayor and Commissioners that this is just an accounting function for auditing purposes; these amounts still go to the collection agency.

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

F. RESOLUTION 2013-R-72, AGENT OF RECORD INSURANCE SERVICES – CONTRACT EXTENSION *(Finance Director)*

Attorney Simpson read by title only:

RESOLUTION 2013-R-72

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT WITH BROWN & BROWN, INC., FOR AGENT OF RECORD INSURANCE SERVICES

FOR THE TIMEFRAME OCTOBER 1, 2013 TO NOVEMBER 30, 2015; PROVIDING FOR RENEWALS; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Moore moved **APPROVAL** for Resolution 2013-R-72, seconded by Commissioner Albert.*

Commissioner Penny abstained from voting on this item. Commissioner Penny completed and filed with the City Clerk FORM 8A Conflict for Local Public Officers. *(see attached with these minutes.)*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 4-0 by roll call vote: Moore – Yes, Albert – Yes, Currie - Yes, Penny – Abstain, and Mayor – Yes

G. REVIEW OF PUBLIC PARTICIPATION *(City Manager)*

Mr. McCroskey stated at the last meeting he was directed to look at the public participation policies and look at the possibility of allowing people that come up to the podium to exchange information with the Commission, with staff and with the Mayor. Mr. McCroskey had the Mayor and Commissioners refer to the handout that was in their agenda packets referring to public participation proposals and agenda item proposals. In summary, it allows a person to come to the podium under both the agenda items and the public participation items and have exchanges with either the Mayor, the City Manager or individual City Commissioners and staff for five minutes as
its being proposed.

*Commissioner Currie moved for **DISCUSSION** on **Review of Public Participation**, seconded by Commissioner Penny.*

There was discussion amongst the Mayor, Commissioners and Mr. McCroskey on the clarity of what staff is proposing for public participation and agenda items.

Mayor Johnson opened public participation.

The following individuals came forward to address the City Commission: Jim Legary, 342 Burleigh Avenue, Holly Hill; Arthur Morris, 397 Silver Beach, Holly Hill; Mike Chuvan, 407 Miriam Avenue, Holly Hill; Sgt. Forrest Currie, Holly Hill; Nick Mostert, 715 Marlene Drive, Holly Hill; Gilles Blais, 710 Magnolia Avenue, Holly Hill.

Mayor Johnson closed public participation.

*Commissioner Currie made a motion to **AMEND** the **Review of Public Participation as described below**, seconded by Commissioner Penny.*

Public Participation Resolution *

~~1. Members of the public who wish to approach the Commission will fill out a speaker's card and outline the question. This will be completed prior to Public Participation process starting.~~
~~2. The cards will be then presented to the Mayor by the City Clerk with the number the cards were presented and the Mayor will call the person to the podium.~~

1. Members of the public who wish to approach the Commission will raise their hand. The Mayor will recognize each one person for a single trip to the podium.

2. Each person will be given 5 minutes to outline their questions or concerns.
3. During the 5 minute period the person may wish to have an answer to the question or statement. At that time the Mayor may direct the question to a member of the Commission or the Manager or a member of the Commission may wish to be recognized to answer the question.
4. At that point the Mayor will allow the Commissioner or Manager to answer the question.
5. Should the citizen have an additional question the Mayor will again recognize the Commissioner or Manager to answer the question.
6. The City Clerk will ring a bell and the end of the 5 minute period which ends a debate and the Mayor will request the speaker to return to their seat. The clock will continue during the discussion.
7. Limit to 45 minutes for public participation. *(added after discussion amongst the Mayor and Commissioners during the meeting).*

Agenda Items *

1. Members of the public who wish to approach the Commission will raise their hand. The Mayor will recognize each one person for a single trip to the podium.

2. Each person will be given 5 minutes to outline their questions or concerns.

4. During the 5 minute period the person may wish to have an answer to the question or statement. At that time the Mayor may direct the question to a member of the Commission or the Manager or a member of the Commission may wish to be recognized to answer the question.

5. At that point the Mayor will allow the Commissioner or Manager to answer the question.

6. Should the citizen have an additional question the Mayor will again recognize the Commissioner or Manager to answer the question.

7. The City Clerk will ring a bell and the end of the 5 minute period which ends a debate and the Mayor will request the speaker to return to their seat. The clock will continue during the discussion.

8. At any point a Commissioner feels he or she has enough information to make a decision they may call for question. If a majority of the Commission agrees, then the Mayor will call for a vote on the issue.

*** Both Issues will sunset in 90 day and will be placed on the agenda for final action.**

The motion **CARRIED** 3-0 by roll call vote on the main motion: Currie – Yes, Penny – Yes, Albert – No, Moore – No, and Mayor – Yes

8. RECESS THE REGULAR CITY COMMISSION MEETING

9. CONVENE THE COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING

BUSINESS AGENDA

A. RESOLUTION 2013-R-73, VELIE APPRAISAL SERVICES
(Community Services Director)

Attorney Simpson read by title only:

RESOLUTION 2013-R-73

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT(S) WITH VELIE APPRAISAL SERVICES; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Moore moved **APPROVAL** for Resolution 2013-R-73, seconded by Commissioner Penny.*

Mayor Johnson opened public participation. No one spoke.

The motion **CARRIED** 4-1 by roll call vote: Moore – Yes, Penny – Yes, Albert – Yes, Currie – No, and Mayor – Yes

10. CONTINUATION OF PUBLIC PARTICIPATION
Regarding items not on the agenda.

No one spoke.

11. COMMUNICATIONS

A. City Manager

Mr. McCroskey asked the Mayor and Commissioners if they would like to have a workshop on the parks pertaining to hours of operation, change fees to rent facilities and ways to manage the parks. There was ***consensus*** to have a workshop on Tuesday, October 22, 2013 at 6:00 PM.

B. City Attorney

None.

C. City Clerk

None.

D. Mayor & Commissioners

Commissioner Albert mentioned the VLC dinner in Pierson last week she attended and how they spoke on the Affordable Health Care Act; asked to keep the teenage boy that was beaten by other teenagers in their prayers.

Commissioner Currie thanked James Kenney for his 25 years of service to the City; asked about trophies for the Christmas parade; mentioned the Senior Expo was a success and thanked everyone who was able to help.

Commissioner Penny mentioned he went to the Holly Hill School and talked to the first grade teachers and students; Freedom Cycles looks great; Saturday at the old middle there will be a soccer league; asked if staff can find out where the fence issue is at that he brought up a couple of meetings ago.

Mayor Johnson stated on October 18th he will be attending the second VLC Policy Legislative Committee meeting in Orlando; the VLC dinner in Pierson was a good business meeting; speaker spoke on flood insurance.

12. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 9:50 pm.

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Valerie Manning
City Clerk