

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA**

November 23, 2010

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 7:10p.m. Attending with Mayor Johnson were Commissioners John Penny, Rick Glass, Donnie Moore and Liz Towsley Patton.

Also attending were the following staff members: Interim City Manager Mark D. Barker, City Attorney Scott Simpson, Administrative Services Director Kurt Swartzlander, Human Resource Manager Diane Cole, Interim Police Chief Steve Aldrich, Fire Chief Ron Spencer, IT/Customer Service Manager Scott Gutauckis, Accounting Manager Susan Worde, Audit Specialist Catherine Colwell, Economic Development Director Lynn Dehlinger, and City Clerk Joshua Fruecht.

B. Invocation

Pastor Ron Fussell delivered the Invocation.

C. Pledge of Allegiance to the Flag

Mayor Johnson led the Pledge of Allegiance.

2. MINUTES

A. Minutes from the Regular City Commission meeting – November 09, 2010

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

The motion **CARRIED** 5-0 unanimously: Glass – Yes, Moore – Yes, Penny – Yes, Patton – Yes, Mayor Johnson – Yes.

3. PUBLIC PARTICIPATION

A. Department Head / City Employee Comments

Mayor Johnson opened public participation for Department Head/ City Employee Comments. The following individuals came forward to speak to the City Commission:

- Cindy Mitchell – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.

- Henry King– Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.
- Todd Plank – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.
- Jim Patton – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.
- Todd Anderson – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.
- Steve Aldrich – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.
- Pat Zuegg – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.
- Jeff Miller – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.
- Gilles Blais – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.
- Cindy Mitchell – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo.

B. Regarding items not on the agenda.

Administrative Services Director Kurt Swartzlander made a brief presentation to the public on the new water and sewer rates for those who were not able to attend the City Commission Workshop at 5:00pm.

Mayor Johnson opened public participation for items not on the agenda. The following individuals came forward to speak to the City Commission:

- Scott Singler (640 8th Street, Holly Hill, FL 32117) – Addressed the City Commission to speak about the availability fee on multi-unit developments.
- A.J. Davis (1684 Espanola Avenue, Holly Hill, FL 32117) – Addressed the City Commission to speak about a Fire in Holly Hill, Florida.
- Micky Pedersen (39 Indian Springs Drive, Ormond Beach, FL 32117) – Addressed the City Commission to speak about the availability fee.
- Nancy Wahby (526 Ridgewood Avenue, Holly Hill, FL 32117) – Addressed the City Commission to speak about the availability fee.
- Carrie Campbell (87 Orange Avenue, Holly Hill, FL 32117) – Addressed the City Commission to speak about the termination of former City Manager Oel Wingo and water rates.
- Bill Arthur (1140 Ridgewood Avenue, Holly Hill, FL 32117) – Addressed the City Commission to speak employee morale and citizen complaints.
- Ralph Johnson (244 14th Street, Holly Hill, FL 32117) – Addressed the City Commission to speak about water and sewer rates for single family homes.
- Jim Legary (2244 14th Street, Holly Hill, FL 32117) – Addressed the City Commission to speak about the Holly Hill Library and CRA Signage.

- Penny Currie (779 Lakewood Drive, Holly Hill, FL 32117) – Addressed the City Commission to speak about termination of former City Manager Oel Wingo.
- Susan King (438 8th Street, Holly Hill, FL 32117) – Addressed the City Commission to speak about water and sewer rates.
- Susan King (438 8th Street, Holly Hill, FL 32117) – Addressed the City Commission to speak about water and sewer rates.
- Connie Christian (128 Ridgewood Avenue, Holly Hill, FL 32117) – Addressed the City Commission to speak about water and sewer rates.
- Edward Anderson (929 Hibiscus Street, Holly Hill, FL 32117) – Addressed the City Commission to speak about the lack of participation from the community in past City Commission meetings.

4. CONSENT AGENDA

A. RESOLUTION NO. 2010-R-89

City Attorney Scott Simpson read by short title:

RESOLUTION NO. 2010-R-89, A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AFFIRMING THE CERTIFICATION OF THE VOLUSIA COUNTY CANVASSING BOARD REGARDING THE RESULTS OF THE RUN-OFF ELECTION HELD TUESDAY, NOVEMBER 2, 2010; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

B. RESOLUTION NO. 2010-R-91

City Attorney Scott Simpson read by short title:

RESOLUTION NO. 2010-R-91, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A DIRECTOR TO THE EASTERN VOLUSIA REGIONAL WATER AUTHORITY (EVRWA) BOARD OF DIRECTORS; APPOINTING AN ALTERNATE DIRECTOR TO THE EASTERN VOLUSIA REGIONAL WATER AUTHORITY (EVRWA) BOARD OF DIRECTORS; APPOINTING A REPRESENTATIVE OF THE CITY TO THE WATER AUTHORITY OVERSIGHT COMMITTEE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Johnson asked for a motion to approve the Consent Agenda.

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

The motion **CARRIED** 5-0 unanimously: Glass – Yes, Patton – Yes, Penny – Yes, Moore – Yes, Mayor Johnson – Yes

5. BUSINESS AGENDA

A. SECOND READING OF ORDINANCE NO. 2884

City Attorney Scott Simpson read by short title:

ORDINANCE NO. 2884, AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; ADOPTING THE COMPREHENSIVE PLAN AMENDMENTS TO THE CAPITAL IMPROVEMENTS ELEMENT IN ACCORDANCE WITH FLORIDA LAW; PROVIDING FOR REPEAL OF ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Johnson opened public participation. No one spoke.

*Commissioner Glass moved **APPROVAL** for **ORDINANCE NO. 2884**, seconded by Commissioner Moore.*

The motion **CARRIED** 5-0 unanimously: Glass – Yes, Moore – Yes, Penny – Yes, Patton – Yes, Mayor Johnson – Yes.

B. SECOND READING OF ORDINANCE NO. 2885

City Attorney Scott Simpson read by short title:

ORDINANCE NO. 2885, AN ORDINANCE AMENDING ORDINANCE NO. 2855 THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mayor Johnson opened public participation. No one spoke.

*Commissioner Patton moved **APPROVAL** for **ORDINANCE NO. 2885**, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 unanimously: Patton – Yes , Penny – Yes, Glass – Yes, Moore – Yes, Mayor Johnson – Yes.

C. RESOLUTION NO. 2010-R-90

City Attorney Scott Simpson read by short title:

RESOLUTION NO. 2010-R-90, A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AFFIRMING THE APPOINTMENT OF MARK BARKER AS INTERIM CITY MANAGER OF THE CITY OF HOLLY HILL AND APPROVING THE EMPLOYMENT AGREEMENT WITH MARK BARKER OUTLINING THE COMPENSATION, BENEFITS, TERMS AND CONDITIONS OF THE EMPLOYMENT RELATIONSHIP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Johnson opened public participation. No one spoke.

*Commissioner Moore moved **APPROVAL** for **RESOLUTIONS 2010-R-90**, seconded by Commissioner Glass.*

The motion **CARRIED** 5-0 unanimously: Moore – Yes, Glass – Yes, Penny – Yes, Patton – Yes, Mayor Johnson – Yes.

After brief discussion amongst the Mayor and City Commissioners, there was a majority **consensus** to increase Interim City Manager Mark D. Barker's cell phone allowance above the standard \$50 a month, if needed.

D. RESOLUTION NO. 2010-R-92

City Attorney Scott Simpson read by short title:

RESOLUTION NO. 2010-R-92, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING AND

DIRECTING THE INTERIM CITY MANAGER TO FILE A FORMAL COMPLAINT AND STATEMENT OF FACTS WITH THE STATE OF FLORIDA COMMISSION ON ETHICS, BY AND ON BEHALF OF THE CITY OF HOLLY HILL, FLORIDA, WITH THE FLORIDA COMMISSION ON ETHICS, ALLEGING POSSIBLE VIOLATIONS OF FLORIDA'S PUBLIC RECORDS LAW AND/OR THE FLORIDA CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES BY FORMER CITY MANAGER OEL G. WINGO; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Johnson opened public participation. The following individuals came forward to speak to the City Commission:

- Jim Legary (342 Burley Street, Holly Hill, FL 32117)

*Commissioner Glass moved **APPROVAL** for **RESOLUTION NO. 2010-R-93**, seconded by Commissioner Moore.*

The motion **CARRIED** 5-0 unanimously: Glass – Yes, Moore – Yes, Penny – Yes, Patton – Yes, Mayor Johnson – Yes

E. RESOLUTION NO. 2010-R-93

City Attorney Scott Simpson read by short title:

RESOLUTION NO. 2010-R-93, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO FILE A FORMAL COMPLAINT AND STATEMENT OF FACTS, BY AND ON BEHALF OF THE CITY OF HOLLY HILL, FLORIDA, WITH THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION, ALLEGING POSSIBLE VIOLATIONS OF FLORIDA'S PUBLIC RECORDS LAW AND/OR THE FLORIDA CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES BY FORMER CITY MANAGER OEL G. WINGO; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Johnson opened public participation. No one spoke.

*Commissioner Moore moved **APPROVAL** for **RESOLUTION NO. 2010-R-93**, seconded by Commissioner Glass.*

The motion **CARRIED** 5-0 unanimously: Moore – Yes, Glass – Yes, Penny – Yes, Patton – Yes, Mayor Johnson – Yes

6. COMMUNICATIONS

A. City Manager:

Interim City Manager Mark Barker informed the City Commission that he forwarded them the progress report prepared by Lynn Dehlinger on the Community Resource Center renovation project. He then explained that, at the present time, several logistical issues have been presented – to include staffing requirements, the Chamber of Commerce space, and the location and security requirement for the lending library machines and computer stations.

Mr. Barker then informed the City Commission that Economic Development Director Lynn Dehlinger has been working with Mr. John Wine to produce a weekly Farmer's Market at Hollyland Park beginning Friday, December 10, 2010.

Also, the Red Light Camera Project continues with up-dated permit applications being reviewed by FDOT. He then informed the City Commission that staff will be bringing a revised contract before them in December to conform with the billing requirements set forth in the new State law.

Following the update on the Red Light Camera System, Mr. Barker informed the City Commission that he spoke with representatives from both the United States Environmental Protection Agency and the Florida Department of Environmental Protection to clarify the status of our water treatment and wastewater facilities. Mr. Barker informed the City Commission that he has been assured that the City of Holly Hill is not on the EPA Watch List.

After a brief discussion amongst the Mayor and City Commissioners, Mr. Barker asked the City Commission if there is there was a consensus to bring back the approval of the CRA Signage. After brief discussion amongst the Mayor and City Commissioners there was a majority **consensus** to bring back the approval of the CRA Signage Contract.

Mr. Barker also reminded the Commission and the public that the City would be holding its Annual Tree Lighting Ceremony on December 3, 2010 at 5:30pm in from of City Hall and the 51st Annual Christmas Parade on December 4, 2010 at 10:00 am.

B. City Attorney:

City Attorney Scott Simpson addressed the City Commission to inform them that he will be meeting with staff to go over labor issues, EPA issues, Amended Budget, Gatso Agreement and the Employment Agreements.

C. Mayor & Commissioners

Commissioner Glass

Commissioner Rick Glass thanked Police Officer Lee Buckner for his service to the City.

Commissioner Penny

Commissioner John Penny thanked everyone for coming out and invited current and former City Employees and guests to attend the City's Christmas Party at Diamond Backs on December 3, 2010, after the Tree Lighting Ceremony. Mr. Penny also thanked Officer Buckner for his service to the City.

Commissioner Moore

Commissioner Donnie Moore addressed the other members of the City Commission regarding the need for the Historic Society to stay in the former public defenders building.

Commissioner Patton

Commissioner Liz Towsley-Patton provided the City Commission with a Transportation Planning Organization (TPO) board update, and thanked Officer Buckner for his service to the City.

Mayor Johnson

Mayor Johnson provided the City Commission with a Volusia Council of Government (VCOG) board update.

D. City Clerk:

City Clerk Joshua Fruecht asked Mayor Johnson if he wished to cancel the second meeting in December.

Mayor Johnson then asked for a motion of the City Commission to cancel the Regular City Commission meeting on Tuesday, December 28, 2010.

*Commissioner Moore moved **APPROVAL** to **CANCEL THE REGULAR CITY COMMISSION MEETING ON TUESDAY, DECEMBER 28, 2010**, seconded by Commissioner Glass.*

The motion **CARRIED** 5-0 unanimously: Moore – Yes, Glass – Yes, Penny – Yes, Patton – Yes, Mayor Johnson – Yes

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7. ADJOURNMENT

The meeting officially adjourned at approximately 9:35p.m.

Attest:

City of Holly Hill, Florida

Joshua Fruecht
City Clerk

Roy Johnson
Mayor

Florida Statutes 286.011 and Government-In-The-Sunshine Manual

“The minutes of Sunshine Law meetings need not be verbatim transcripts of the meetings; rather the use of the term “minutes” as stated in F.S. 286.011, contemplates a brief summary or series of brief notes or memoranda reflecting the events of the meeting.”

An audio recording of Sunshine Law meetings (e.g. City Commission meetings/workshops and CRA meetings) are available upon request from the Office of the City Clerk during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.