

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

January 10, 2012

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(arrived approximately 7:20 pm), Finance Director Kurt Swartzlander, Captain Steve Aldrich, Fire Chief Ron Spencer, City Planner/Consultant Tom Harowski, Community Services Director Jacki Maswary, Economic Development Director Lynn Dehlinger, Officer Seth Green, 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. PRESENTATIONS / PROCLAMATIONS

Volusia County Chairman, Frank Bruno was present to recognize the city employees who donated to the Volusia County Food Drive and won throughout the County. Mr. Bruno presented the City with a trophy.

A. Military Service Record ~ Honoring Officer Kris Azevedo ~ Proclamation

B. Military Service Record ~ Honoring Officer Keith Pendleton ~ Proclamation

Mr. McCroskey publicly thanked all those who are currently serving and have served in the military and overseas.

Police Chief Barker presented Officers Azevedo and Pendleton with a proclamation in honor of their military service record and thanked them for their continued services and with the City of Holly Hill.

C. Recognition for 20 years of service ~ Captain Tom Maccio, Holly Hill Fire Department

Fire Chief Spencer presented Captain Maccio with a plaque and thanked him for his many years of service with the City of Holly Hill.

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Daytona Beach Executive Chamber of Commerce, Jim Cameron presented the Mayor and City Commissioners with an updated directory and reminded them about the upcoming Volusia Day, scheduled for Wednesday, February 15th; the bus will be leaving at 6:00 AM and will return that evening around 8:00 PM; he looks forward to them participating again this year.

3. APPROVAL OF MINUTES

Minutes from the Regular City Commission meeting – December 13, 2011 (*City Clerk*)

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

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

- Jeremiah Hansen, 1593 N. Nova Road, Woody's BBQ, Holly Hill – Addressed the City Commission by asking them what they have done since the last meeting about encouraging the residents to be better partners with the local businesses; he will keep coming forward with this concern until he feels something has been done.
- Ken Gardner, Custom Lighting, Holly Hill – Addressed the City Commission by stating he is one of the businesses in Holly Hill and enjoys being here; and encouraged Mr. Hansen that he does sponsor the local businesses when he is out talking to other businesses and has been at his restaurant a few times.
- Mary Williams, Holly Hill – Addressed the City Commission about her rental and business properties in Holly Hill; spoke to Mr. Harowski in Building and Zoning about converting her business property into a residential property and needed to know what had to be done to do that.
- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by suggesting that the city do more activities for the citizens; concerts in the park; save some money by not going to the FLC conferences and put that in the community for different activities; change the way the accounting is being done for Sica Hall and the CRA district.

Mayor Johnson closed public participation.

5. CONSENT AGENDA

Hogs on the Hill

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, Patton – Yes, Penny – Yes, and Mayor – Yes

6. BUSINESS AGENDA

A. PUBLIC HEARING – SECOND READING OF ORDINANCE 2908, COUNTY TIRE PROPERTY ANNEXATION (City Planner)

Mr. McCroskey informed the Mayor and City Commission that this item needs to be pulled until January 24, 2012 because it needed to be advertised twice before second reading because it is an annexation.

Commissioner Moore moved APPROVAL for PULLING ORDINANCE 2908 UNTIL JANUARY 24, 2012 CITY COMMISSION MEETING, seconded by Commissioner Glass.

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

B. PUBLIC HEARING – SECOND READING OF ORDINANCE 2911, REDEVELOPMENT DISTRICT OVERLAY USE LIMITATIONS (City Planner)

Attorney Simpson read by short title only:

ORDINANCE NO. 2911

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING SECTION 78-14 TO ADD DEFINITIONS FOR CONGREGATE MEAL FACILITY, FOOD PANTRY AND HOMELESS SERVICE; BY AMENDING SECTIONS 114-635 AND 114-636 OF THE REDEVELOPMENT DISTRICT OVERLAY TO ADD SELECTED USES AS PROHIBITED USES; BY AMENDING SECTION 114-634 OF THE REDEVELOPMENT DISTRICT OVERLAY TO ADD SPECIAL EXCEPTION USES; BY AMENDING ARTICLE III SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2 SPECIAL EXCEPTIONS TO

**ADD CRITERIA FOR SPECIAL EXCEPTION APPROVALS
FOR SELECTED USES IN THE REDEVELOPMENT
DISTRICT OVERLAY ZONE; PROVIDING FOR
CONFLICTING ORDINANCES; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

There was some discussion amongst the Mayor, City Commissioners, staff and Attorney Simpson about the redevelopment district overlay use limitations. Commissioner Patton handed out some information that pertains to thrift stores around the country.

The Mayor and City Commissioners made several amendments to the second reading of Ordinance 2911 as follows:

SECTION 3. Section 114-635 Prohibited Uses in the Redevelopment District Overlay is hereby amended to add the following uses to the list of uses prohibited for any properties adjacent to Ridgewood Avenue or LPGA Boulevard:

~~Single family residences
Pawn shops
Used clothing sales
Used furniture sales
Check cashing services
Thrift store
Consignment store
Multi family residential development unless the residential units are constructed as part of a mixed use development approved through a planned unit development zoning~~

SECTION 5. Section 114-636 Prohibited Uses in the Redevelopment District Overlay is hereby amended to add the following use to the list of uses prohibited for all properties within the overlay district:

Outdoor flea markets
Community residential homes
Congregate meal facilities
Food pantries and feeding programs
Homeless services
Homeless shelters
Recovery homes/treatment facilities
Internet gambling facilities including any sweepstakes operations that use internet gaming systems for the promotion of a product
Sweepstakes centers

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Steve Unatin, a business owner at LPGA Blvd. Business Park, Holly Hill – Addressed the City Commission stated he appreciates what the city is doing because he has 30% vacant properties that he would like to see filled with businesses.

- Jeremiah Hansen, 1593 N. Nova Road, Woody's BBQ, Holly Hill – Addressed the City Commission by stating that the Police Department/Code Enforcement can continue to help with the violations of the businesses that aren't keeping up their properties.
- Penny Currie, 779 Lakewood Drive, Holly Hill – Addressed the City Commission by stating that she is glad they didn't have to go and workshop this tonight and that they were able to come to an agreement but suggested that perhaps more workshops are needed before they come here to vote on the item; she informed the Commission that since the last meeting she has noticed that some thrift stores have cleaned up their properties.
- John McQuery, 1181 Manette Circle, owner of Angel Thrift Store in Holly Hill – Addressed the City Commission by sharing his concerns about still limiting businesses in to coming to the city; suggested that the Commissioners stop by the businesses and speak to the owners and see what the problem is.
- Kathy Walker, Bender Avenue, Holly Hill – Addressed the City Commission by sharing her concerns about the adult businesses that are allowed to have bikini washes during special events but thrift stores are a problem in the city. Ms. Walker shared her concern about reading this problem in the paper.

Mayor Johnson closed public participation.

*Commissioner Penny moved **APPROVAL** for **Second Reading of Ordinance 2911 with the amendments**, seconded by Commissioner Glass.*

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

C. PUBLIC HEARING – SECOND READING OF ORDINANCE 2912, SPECIAL EXCEPTION TO ALLOW SWEEPSTAKES CENTERS (City Planner)

Attorney Simpson read by short title only:

ORDINANCE NO. 2912

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY ADDING A NEW SECTION 114-706 ALLOWING SWEEPSTAKES CENTERS AS A SPECIAL EXCEPTION USE; AMENDING SECTION 78-14 TO ADD A DEFINITION OF SWEEPSTAKES CENTERS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Attorney Simpson updated the Mayor and City Commission regarding a meeting that he attended last week pertaining to sweepstakes centers and ways to regulate them. There was some discussion amongst the Mayor, City Commissioners and staff.

*Commissioner Penny moved **APPROVAL** for **Second Reading of Ordinance 2912**, seconded by Commissioner Glass.*

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Frank Mirabella, DAV Chapter 84, Holly Hill – Addressed the City Commission by sharing his concerns about their Chapter and if sweepstakes centers will be allowed in the city and how they will end up making the Chapter close.
- Gilles Blais, 710 Magnolia Avenue, Holly Hill – Addressed the City Commission about his concerns about sweepstakes centers and discussed the van that is being used to transport disabled veterans every day and funds needed to get a newer van.
- John McQuery, 1181 Manette Circle, owner of Angel Thrift Store in Holly Hill – Addressed the City Commission shared his concerns about limiting businesses and regulating where they can go; they are discouraging businesses from coming here to the city.
- Gilbert Brown, DAV Chapter 84, Holly Hill – Addressed the City Commission by sharing his concerns about fundraising for the van; he has been a driver for the disabled Vets since 1985; they need money to keep the vans going; at the Chapter there are all volunteers, no one gets paid for doing what they do there.
- Steve, Holly Hill – Addressed the City Commission by informing them he is one of the disabled Vets that gets transported to Orlando each week for therapy and appreciates the availability he has with the van because he wouldn't have any other way to get there.

Mayor Johnson closed public participation.

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

D. RESOLUTION 2012-R-01, EASTERN VOLUSIA REGIONAL WATER AUTHORITY (EVRWA) INTERLOCAL AGREEMENT *(City Manager)*

Attorney Simpson read by short title only:

RESOLUTION NO. 2012-R-01

**A RESOLUTION OF THE MEMBERS OF THE EASTERN
VOLUSIA REGIONAL WATER AUTHORITY ACCEPTING**

**THE INTERLOCAL AGREEMENT CREATING THE
EASTERN VOLUSIA REGIONAL WATER AUTHORITY
TO BE MODIFIED TO FOLLOW THE AUDIT
REQUIREMENTS OF THE AUDITOR GENERAL RULE.**

*Commissioner Glass moved **APPROVAL** for **Resolution 2012-R-01**, 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, Penny – Yes, Patton – Yes, and Mayor – Yes

**E. RESOLUTION 2012-R-02, POLICE PENSION FUND BOARD OF TRUSTEES -
APPOINTMENT (City Clerk/Police Department)**

Attorney Simpson read by short title only:

RESOLUTION NO. 2012-R-02

**A RESOLUTION OF THE CITY OF HOLLY HILL,
FLORIDA, APPOINTING A MEMBER TO THE POLICE
PENSION BOARD OF TRUSTEES; SETTING FORTH THE
TERM EXPIRATION DATES FOR SAID MEMBER; AND
PROVIDING AN EFFECTIVE DATE.**

City Clerk informed the Mayor and City Commission that two people need to be appointed to the Police Pension Board and the only application received was from Charlie Sharp; the Commission needs to appoint one more board member. There was **consensus** from the Commission to appoint Gilles Blais as the other board member.

*Commissioner Penny moved **APPROVAL** for **Resolution 2012-R-02**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation. No one spoke.

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

F. RESOLUTION 2012-R-03, THE MARKET ALCOHOL BEVERAGE LICENSE
(Economic Development Director)

Attorney Simpson read by short title only:

RESOLUTION NO. 2012-R-03

**A RESOLUTION OF THE CITY OF HOLLY HILL,
FLORIDA, AUTHORIZING THE CITY MANAGER TO
SECURE A LICENSE TO SELL AND CONSUME
ALCOHOLIC BEVERAGES AT THE MARKET AND SET
RATES FOR THE USE OF THIS LICENSE; AND
PROVIDING AN EFFECTIVE DATE.**

There was some discussion amongst the Mayor, City Commission, staff and Attorney Simpson. Commissioner Patton handed out some information that pertains to alcohol licenses that some cities have and do not have.

Mrs. Dehlinger came forward and gave an update regarding the license at The Market, designated as a Civic Center since the last meeting.

*Commissioner Glass moved **APPROVAL** for **Resolution 2012-R-03**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Penny Currie, 779 Lakewood Drive, Holly Hill – Addressed the City Commission by sharing her concerns about the liability issues regarding the license.
- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by asking if anybody other than Vanguard Omni Media Group has applied to rent out space at The Market.
- Richard Murddock, Peacock Street, Holly Hill – Addressed the City Commission by asking about the distance from the bar to The Market and selling the alcohol; if there are any restrictions.

Mayor Johnson closed public participation.

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

7. COMMUNICATIONS

A. City Manager

Mr. McCroskey thanked all the employees who participated in the Volusia County Food Drive.

B. City Attorney

None.

C. City Clerk

None.

D. Mayor & Commissioners

Commissioner Glass thanked everyone that participated and donated to the Marie Pope Poker Run and thanked Public Works for their donations and winning the Volusia County Food Drive.

Commissioner Penny thanked Commissioner Patton for the handouts in tonight's meeting; mentioned how the city has been able to "recycle" the Resource Center and The Market; encouraged the local businesses to join the Chamber of Commerce and get to know other businesses within the community.

Commissioner Patton is glad that once they leave the dais, that they don't take disagreements to heart, they all represent different parts of the city and it's okay to disagree.

Commissioner Moore thanked the employees for the food drive; appreciates the recognitions of the Police and Fire Departments.

Mayor Johnson informed the Commission that wrecker Dave had passed away on January 5th.

8. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 9:30 pm.