

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

February 25, 2014

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, Assistant Finance Director Catherine Coldwell, Captain Steve Aldrich, Fire Chief Jim Bland, Community Services Director Jacki Maswary, Economic Development Consultant Lynn Dehlinger, Officer Keith Pendleton, 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. MINUTES

Minutes from the Regular City Commission meeting – February 11, 2014 (*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

3. PUBLIC PARTICIPATION

Regarding items not on the agenda.

Mayor Johnson opened public participation.

The following individuals addressed the Mayor and City Commission: Mike Chuvan, 407 Miriam Avenue, Holly Hill; Ed Perkins, 920 Riverside Drive, Holly Hill; Mary Nichols, President of Friends of the Dog Park, 980 Alabama Avenue, Holly Hill; William Arthur, 1140 Riverside Drive, Holly Hill.

Mayor Johnson closed public participation.

There was some discussion amongst the Mayor, Commissioners, City Manager, and Attorney Simpson pertaining to the vacant properties on Riverside Drive that the City is going to purchase and discussed the concerns that Ed Perkins and William Arthur brought up during Public Participation.

*Commissioner Albert made a motion to have a **WORKSHOP** on the vacant properties along Riverside Drive and default to the Mayor's authority during the workshop to allow public participation on the item; after workshop the item will be brought back to the City Commission for further consideration as to determine what to do with those properties, seconded by Commissioner Penny.*

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

4. CONSENT AGENDA

None.

5. BUSINESS AGENDA

A. RESOLUTION 2014-R-05, CITY OF HOLLY HILL PROPOSED TRAP/NEUTER/RETURN PROGRAM (Captain Miller)

Attorney Simpson read by title only:

**RESOLUTION 2014-R-05
A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF HOLLY HILL, FLORIDA, AUTHORIZING A SIX
(6) MONTH MEMORANDUM OF UNDERSTANDING BY
AND BETWEEN THE CITY OF HOLLY HILL, FLORIDA,
AND CONCERNED CITIZENS FOR ANIMAL WELFARE
ESTABLISHING A TRAP/NEUTER/RETURN PROGRAM
FOR THE CONTROL OF THE FREE ROAMING CAT
POPULATION; AND PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

*Commissioner Penny moved **APPROVAL** for Resolution 2014-R-05 and put a \$10,000 cap after six (6) months, seconded by Commissioner Moore.*

Mayor Johnson opened public participation.

The following individual came forward to address the Mayor and City Commission:
Ms. Pat Mihalic.

Mayor Johnson closed public participation.

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

B. APPROVAL OF BUDGETED EXPENDITURE ~ WATER VALVE EXERCISING MACHINE (*Community Services Director*)

Commissioner Penny moved APPROVAL for the Budgeted Expenditure for the water valve exercising machine, 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, Albert – Yes, Currie – Yes, and Mayor – Yes

C. REJECTION OF BIDS ~ CDBG FIRE HYDRANT REPLACEMENT 2014 (*Community Services Director*)

Commissioner Moore moved APPROVAL for the Rejection of Bids for the CDBG Fire Hydrant Replacement 2014, seconded by Commissioner Albert.

Mayor Johnson opened public participation.

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

Mayor Johnson closed public participation.

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

D. 90-DAY REVIEW ON PUBLIC PARTICIPATION (*City Manager*)

There was some discussion amongst the Mayor, Commissioners and the City Manager. There was agreement amongst the Mayor and Commissioners that the way Public Participation is going has been working well and that there is no need to change it at this time.

Commissioner Currie moved APPROVAL to KEEP PUBLIC PARTICIPATION AS IT IS, seconded by Commissioner Penny.

Mayor Johnson opened public participation.

The following individuals came forward to address the Mayor and City Commission:
Jim Legary, 342 Burleigh Avenue, Holly Hill; Nick Mostert, 715 Marlene Drive, Holly Hill.

Mayor Johnson closed public participation.

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

6. CONTINUATION OF PUBLIC PARTICIPATION

Regarding items not on the agenda.

None.

7. COMMUNICATIONS

A. City Manager

Mr. McCroskey stated several meetings ago, the City Commission directed staff to contact Morgan Gilreath the Attorney Simpson and request Morgan Gilreath to put on the ad valorem tax bill those charges when the City mows the properties....for example, the foreclosed houses. As the foreclosed house system works, the bank doesn't actually take possession of it until there is realty is ready to sell it. So it stays in the name of the property owner and you fine the property owner thousands and thousands of dollars for not mowing their lawn or leaving their house to run down and it does no good. That property owner is not going to pay it. There's no way to collect it. When the bank finally decides to sell the house they go to auction their mortgage is paid first, you'll never get to the city loan so in essence what happens are the properties go unmowed. Then the citizens call the Commissioners asking for it to get mowed. Attorney Simpson has recommended that the city uses a system that's used in many other counties in the State of Florida and that is when the city mows these yards, the city puts that charge on the tax bill like the city does the stormwater fee and these folks and the banks will have to pay it or they will lose their property by defaulting or not paying their taxes, which comes first. Mr. Gilreath has taken, several years ago when the city attempted this, he took the position that that's not a fair use of taxes. Attorney Simpson doesn't feel that that's a proper discretion that the property assessor has. Mr. Gilreath has the duty to tell the people what their property is worth in equalization of everybody else's but he doesn't have the right, under law, to determine what is or what isn't allowed to be put on the tax bill by the citizens of Holly Hill through their City Commissioners. Mr. McCroskey stated he gave Mr. Gilreath a courtesy call because he hasn't responded to Attorney Simpson's letter. If Mr. Gilreath doesn't respond to Attorney Simpson's letter by June 1, 2014, the City loses the ability to tax these properties for another year. The City is in a situation where Mr. Gilreath won't respond. Mr. McCroskey stated he called Mr. Gilreath and asked him what his position was and Mr. Gilreath said, "I don't need to send a letter, my position is still the same; I won't put it on the tax bill". Mr. McCroskey stated so it leaves the City to this position, if Attorney Simpson feels like Mr. Gilreath has overstepped his bounds, staff would need approval from the City Commission to go forth, the City Commission needs to direct Attorney Simpson to get a writ of mandamus which would require the court to mandamus or in another words, to man Mr. Gilreath to put it on the tax bill and the courts will decide whether Mr. Gilreath does have this discretion or the authority. Right now, Mr. Gilreath is not going to put it on there. The City isn't either to get the property mowed and put on the tax bill or the city will have to set aside taxpayers money to mow the properties at-will.

Commissioner Albert asked if there is any idea what it would cost if the City had to move forward with the legal avenue.

Attorney Simpson stated its very hard to estimate because a lot depends on what either Mr. Gilreath's attorney does and what the court requires, in addition to what he knows the City needs to do. The filing fee is over \$400 but the City would be looking at several thousands of dollars to move forward with the litigation. The research is largely done because it was done back when the City tried to address the issue with Mr. Gilreath two years ago. So, just making sure the law hasn't changed and he's done that already, earlier or late last year when the City started the notification process to adopt a Resolution. A lot of the research is done. It's just a matter of drafting the complaint and drafting the legal memorandums to go with that but it won't be a cheap process. There really isn't any other option if the City wants to utilize the non-ad valorem assessment process, the same that the City uses for stormwater. If Mr. Gilreath is refusing to do it, there's really no other way to get it on the tax bill to challenge his determination that the City can't do it other than going through this route. There may be other options the City Manager talked about some of them. The only other thing the City Manager and he has discussed, if the property is in bad enough shape, the City can always bring them here under the threat of condemnation, that the City is going to tear down the house. That would be spending a lot more money and the lean would still have the same problem because the City wouldn't get paid. The "thought" would be the threat in the City doing that would prompt the bank to do something. That would also cost money because the way that the City would go through that process is that a title search would have to be completed and notify all lean holders.

*Commissioner Moore made a motion to **instruct the City Manager to move forward with the writ of mandamus**, seconded by Commissioner Penny.*

Commissioner Currie stated she would like more information, more data if the City Manager can email it to her.

Mr. McCroskey stated it's more of a legal issue.

Commissioner Currie stated yes but as far as the dollars and cents issue, if she could have that emailed.

Attorney Simpson stated a lot of these people go before the Special Magistrate and he sets the fine and it just sits.

Commissioner Albert stated she thinks this is an issue where the Commission has to decide if they are willing to take the risk to invest in themselves. And it's an investment in the City's image as a city and it's an investment in the residents that currently live here, in how the City wants to support them in maintaining their properties and our neighborhoods. When you invest in yourself, I don't think that you go wrong.

Commissioner Currie stated she would like to see this as an agenda item.

Commissioner Penny stated procedurally, they have to make a motion and a second to put it on the agenda. If it carries by 4/5ths they can take action on it tonight. If it doesn't carry by 4/5ths and carries by 3/5ths, it will be on the next agenda.

*Commissioner Penny made a motion to **take action tonight**, seconded by Commissioner Moore.*

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

Attorney Simpson stated the direction should be to pursue legal action to force Mr. Gilreath to move in this manner.

*Commissioner Moore made a motion to **direct the City Attorney to pursue legal action against Morgan Gilreath**, seconded by Commissioner Penny.*

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

B. City Attorney

None.

C. City Clerk

None.

D. Mayor & Commissioners

Commissioner Penny asked about the bus benches and the letter that was sent out by the City Manager; reminded the Mayor and Commissioners about the Boys and Girls Club dinner event at the Bill France Room on Wednesday at 4:00 PM.

Commissioner Moore mentioned inquiry to the Florida Department of Ethics and the State Attorney's office pertaining to Commissioner Currie; asked that everyone keep the Sommerland Family in their prayers.

Commissioner Currie mentioned she did nothing wrong pertaining to Commissioner Moore's inquiry, she just sent out an email.

Commissioner Albert thanked everyone who has helped the 8th Grade field trip, greatly appreciated.

Mayor Johnson apologized for allowing William Arthur to speak as long as he did; gave an update on the VCOG meeting; Teacher of the Year is tomorrow at the school; Boys and Girls Club gathering at 4:00 PM tomorrow; asked if the Civil War Reenactment can be advertised in the newsletter.

8. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 8:20 pm.

Valerie Manning
City Clerk