

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

February 26, 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 Manager James McCroskey, City Attorney Scott Simpson, Finance Director Kurt Swartzlander, Captain Steve Aldrich, Officer Seth Green, Fire Chief Ron Spencer, Community Services Director Jacki Maswary, Deputy Public Works Director Mark Juliano, Assistant Finance Director Catherine Coldwell, City Planner Tom Harowski, Human Resources Manager Sandy Fenwick 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 12, 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, Penny – Yes, Currie –Yes, and Mayor – Yes

3. PRESENTATION

Volusia County Chairman Jason Davis ~ Presentation of the Trophy to City of Holly Hill for Food Drive 2012

4. PUBLIC PARTICIPATION

Regarding items not on the agenda

The following individuals came forward to speak:

- Gilles Blais, 710 Magnolia Avenue, Holly Hill – Addressed the City Commission by sharing his concerns about how important it is to have a records department.
- Melissa Martin, Alta Drive, Holly Hill – Addressed the City Commission by sharing her concerns about the Cub Scouts using the facility at Hollyland Park; upset that they were asked to pay a fee to use it.
- Lewis Catana(?), Cub Scout from Pack 54, Holly Hill – Addressed the City Commission by stating that he is proud to be in the Cub Scouts and enjoys it.
- Jeff Martin, 934 Jasmine, Holly Hill – Addressed the City Commission by sharing the same concerns the Cub Scouts Pack 54 share and that the City shouldn't be asking them to pay for the usage of the facility; thanked staff for a quick response on repairing the sidewalks on the 900 block.
- Eddie Colosimo, Bikers for First Amendment Rights (B.F.F.A.R.), Holly Hill – Addressed the City Commission by sharing the same concerns other have about the Cub Scouts; City shouldn't be charging them to use the facility.
- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission about the article in the newspaper pertaining to Mr. Parks, suggested the City recognize him for serving the country.
- Tammy Bratcher, Bikers for First Amendment Rights (B.F.F.A.R.), Holly Hill – Addressed the City Commission by sharing the same concerns the other have about the Cub Scouts and encouraged the Mayor and Commissioners not to charge them for the usage of the facility, that the City should be more supportive of them.

Mayor Johnson closed public participation.

Mr. McCroskey responded to the concerns regarding the Cub Scouts Pack 54; informed the Mayor and City Commissioners that he is preparing a lease agreement for the next meeting.

Commissioner Albert stated she would caution the citizens not to paint with a broad stroke yet because this item has not come before the Commission.

Commission Currie wanted to make it clear that she is not happy with any amount that the Cub Scouts would be asked to pay, that facility was donated to them many years ago.

5. CONSENT AGENDA

- A. 2013 Relay for Life – Use of Gymnasium at 1200 Center Avenue
(Community Services Director)
- B. Law Enforcement Trust Fund (LETF) Request – Uniform Patrol Division (Police Chief)
- C. Budgeted Expenditure Request – CRA Police Vehicle (Police Chief)

Commissioner Moore moved **APPROVAL** for **CONSENT AGENDA**, seconded by Commissioner Penny.

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

6. BUSINESS AGENDA

- A. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2929, OPEN BURNING ORDINANCE REVISION ~ MEMORANDUM OF UNDERSTANDING FOR MUTUAL COOPERATION (Fire Chief)

Attorney Simpson read by title only:

ORDINANCE NO. 2929

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 34-10 (OPEN BURNING REGULATIONS) OF THE CODE OF ORDINANCE TO AMEND THE CITY OPEN BURNING REGULATIONS TO COMPLY WITH NEW STATE LAW; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Albert made a motion for **ARROVAL** for **SECOND READING OF ORDINANCE 2929**, seconded by Commissioner Moore.

Mayor Johnson opened public participation. No one spoke.

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

B. SPECIAL EXCEPTION – 1640 STATE AVENUE – COMMUNICATIONS TOWER (City Planner)

Attorney Simpson gave a summary of where this item stands now; briefly discussed the staff report that was given to them from the City Planner which was in their agenda packet.

Mr. Harowski spoke briefly pertaining to the staff report and mentioned that there is an attorney present to speak about his clients intentions.

Attorney Gary Hunter, on behalf of the applicant, 52 Eighty gave an overview of the communications tower located at 1640 State Avenue. Gerald A. Muldowney and Jim Lucotas (?) spoke briefly.

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Michelle Vallance, 91.5 WAPN FM Radio Station, Holly Hill – Addressed the City Commission by sharing her concerns that the applicant did not come to speak to her about renting any space on her tower.
- Gilles Blais, 710 Magnolia Avenue, Holly Hill – Addressed the City Commission by asking what happens if there is a disaster or medical problems? Who would the individual go to?
- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by stating that it looks like these guys are trying to spend money to stay in business.

Mayor Johnson closed public participation.

There was some discussion amongst the Mayor, City Commission, Attorney Simpson, and staff pertaining to 1640 State Avenue.

*Commissioner Moore made a motion for **ARROVAL** for **1640 STATE AVENUE – COMMUNICATIONS TOWER AND TO INCLUDE IN THE MOTION THAT THE OWNER GIVES FORMAL CONSENT TO BE A PART OF THE APPLICATION**, seconded by Commissioner Penny.*

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

**C. FIRST READING OF ORDINANCE 2930, CODE ENFORCEMENT CITATION –
2013 UPDATE (*Police Chief*)**

Attorney Simpson read by title only:

ORDINANCE NO. 2930

**AN ORDINANCE OF THE CITY OF HOLLY HILL,
FLORIDA, RELATING TO CODE ENFORCEMENT
CITATIONS; AMENDING PART II CODE OF
ORDINANCES, CHAPTER 2 (ADMINISTRATION),
ARTICLE III (BOARDS, COMMISSIONS, COMMITTEES),
DIVISION 3 (CODE ENFORCEMENT), SECTION 2-119
(ENFORCEMENT PROCEDURE) AND SECTION 2-120
(CONTENT OF CITATION); AUTHORIZING LAW
ENFORCEMENT AND CODE ENFORCEMENT OFFICERS
TO ISSUE A CIVIL CITATION TO ANY PERSONS FOR
VIOLATING ANY CODE OR ORDINANCE; PROVIDING
FOR CIVIL PENALTIES; PROVIDING FOR COLLECTION
AND RECOVERY OF CIVIL PENALTIES; PROVIDING
FOR APPEALS; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Moore made a motion for ARROVAL for FIRST READING OF ORDINANCE 2930, seconded by Commissioner Currie.

Attorney Simpson gave a brief report on the citation fees.

Mayor Johnson opened public participation. No one spoke.

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

**D. FIRST READING OF ORDINANCE 2931, PURCHASING PROCEDURES
ORDINANCE REVISION (*Finance Director*)**

Attorney Simpson read by title only:

ORDINANCE NO. 2931

**AN ORDINANCE OF THE CITY OF HOLLY HILL,
FLORIDA, RELATING TO PURCHASING PROCEDURES;
AMENDING SEC. 30-56 DEFINITIONS; AMENDING SEC.
30-62 PROVISIONS FOR BINDING ARBITRATION
PROHIBITED; AMENDING SEC. 30-63 – FORMAL
CONTRACT PROCEDURE; AMENDING SEC. 30-64 –
REJECTION OF BIDS AND NEGOTIATION; AMENDING**

**SEC. 30-67 – AWARD TO OTHER THAN LOW BIDDER;
DELETING SEC. 30-68 – CITY COMMISSION;
AMENDING SEC. 30-70 – OPEN MARKET PROCEDURES;
AMENDING SEC. 30-73 – SURPLUS PROPERTY;
DELETING SEC. 30-75 – STANDARDIZATION,
COOPERATIVE PURCHASING, AND GOVERNMENTAL
CONTRACTS; CREATING SEC. 30-78 – CONTRACTING
FOR PROFESSIONAL SERVICES GOVERNED BY THE
CONSULTANTS COMPETITIVE NEGOTIATIONS ACT;
CREATING SEC. 30-79 – PURCHASES OF REAL
PROPERTY; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Moore made a motion for ARROVAL for FIRST READING OF ORDINANCE 2931, seconded by Commissioner Penny.

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by asking about the \$25,000, how many times can the City Manager approve that amount?
Mr. McCroskey explained how the \$25,000 is approved; he can approve in increments leading up to the \$25,000 or the whole amount.

Mayor Johnson closed public participation.

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

**E. RESOLUTION 2013-R-15, DEPARTMENT OF CORRECTIONS WORK SQUAD
CONTRACT – RENEWAL** (*Community Services Director*)

Attorney Simpson read by title only:

RESOLUTION 2013-R-15

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY
MANAGER TO EXECUTE DOC CONTRACT NUMBER WS801
ALLOWING FLORIDA DEPARTMENT OF CORRECTIONS TO
PROVIDE AN INMATE LABOR WORK SQUAD(S) FOR THE
ONE YEAR CONTRACT PERIOD; AND PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.**

Commissioner Penny made a motion for ARROVAL for RESOLUTION 2013-R-15, seconded by Commissioner Moore.

Mayor Johnson opened public participation. No one spoke.

Commissioner Albert shared her concerns about how the medians are looking along US1 and asked if there was something better the inmates can do to improve how they are looking.

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

F. RESOLUTION 2013-R-16, CDBG FIRE HYDRANT REPLACEMENT PROJECT
(Community Services Director)

Attorney Simpson read by title only:

RESOLUTION 2013-R-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THADCON, LLC FOR THE PROJECT CDBG FIRE HYDRANT REPLACEMENT 2013 AND EXECUTE CHANGE ORDER ONE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Moore made a motion for ARROVAL for RESOLUTION 2013-R-16, 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

G. RESOLUTION 2013-R-17, FY 2013 STREET RESURFACING PROGRAM
(Community Services Director)

Attorney Simpson read by title only:

RESOLUTION 2013-R-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH P&S PAVING INC., FOR FY 2013 STREET RESURFACING; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Commissioner Albert made a motion for **ARROVAL** for **RESOLUTION 2013-R-17**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation. No one spoke.

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

7. COMMUNICATIONS

a. City Manager

None.

b. City Attorney

None.

c. City Clerk

None.

d. Mayor & Commissioners

Commissioner Currie would like to see Public Participation revisited; gave staff report on TPO meeting; reminded the citizens about the upcoming public workshops for 1200 Center Avenue.

Commissioner Moore thanked the officers for taking care of the speeders on Bender Avenue.

Commissioner Albert mentioned that the K-8 kids are doing a fundraiser so they can go to Washington, D.C. and they are selling a coupon book which is \$20.00.

Mayor Johnson gave a staff report about the VCOG meeting he attended.

8. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 9:45 pm.

Valerie Manning
City Clerk