

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

February 28, 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, Finance Director Kurt Swartzlander, Fire Chief Ron Spencer, Police Chief Mark Barker, Community Services Director Jacki Maswary, Human Resources Manager Sandy Fenwick, City Planner Tom Harowski, Assistant Finance Director Catherine Coldwell, Economic Development Director Lynn Dehlinger, Holly Hill Chamber of Commerce Director Rose Schuhmacher, and City Clerk Valerie Manning.

B. Invocation

Snake Andress led invocation.

C. Pledge of Allegiance to the Flag

Snake Andress led the Pledge of Allegiance.

Mayor Johnson asked if Mr. Andress had something he wanted to present to the City. Mr. Andress asked the “4 Nouns”, Perry, Bill, and Chris to come forward and sing a song for the Mayor and Commissioners.

Mr. Tony Corn came forward and briefly discussed the upcoming 150th birthday of the Battle of Gettysburg that was fought in July 1-3, 1863 and asked the Mayor and Commissioners if they could have permission to do a re-enactment of the Battle of Gettysburg in July 2013 in honor of its 150th birthday at Mr. Bishop’s property. Mr. Corn asked he would like to have permission to move forward by August because of the planning.

The Mayor and Commissioners gave permission to pursue the event but would have to determine in the future where the money would come from to help if needed.

Mr. Andress came forward to thank the Mayor, Commissioners and staff for working on the upcoming Hogs on the Hill/Bike Week event. Mr. Andress is hoping that this event will continue and grow every year and make it larger.

2. PRESENTATION

Promotional Ceremony ~ Police Chief Barker

Chief Barker asked for Walter Melton, Denise Marquez and Gina Baker to come forward. Chief Barker presented them with their promotions as follows: Walter Melton, promoted to Corporal; Denise Marquez, promoted to Sergeant; and Gina Baker, promoted to Lieutenant. Chief Barker thanked them for their hard work and dedication to the City as well as to the citizens.

3. APPROVAL OF MINUTES

Minutes from the Regular City Commission meeting – February 14, 2012 (*City Clerk*)

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

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

- Nick Mostert, 715 Marlene Drive, Holly Hill – Addressed the City Commission by stating the benefits of riding a bicycle on the trails and appreciated the sidewalks along Riverside Drive. Mr. Mostert stated that the 2nd Street Market is a positive venue and asked the Mayor and Commissioners to keep the vision.
- Ms. Tony Blankenship, 1036 Riverside Drive, Holly Hill – Addressed the City Commission about three “No Parking” signs that are across from her house and shared her concerns about them. Ms. Blankenship asked if they could be removed.
Mr. McCroskey informed the Mayor, Commissioners and Ms. Blankenship that side of Riverside Drive is the County’s road and easement. One of those signs belong to the County, the other two are the City’s. There is a parking lot just a few feet away if someone wants to stay and park.
Commissioner Moore agreed with Ms. Blankenship’s concerns and asked if at least two of the City’s signs can come down and there was consensus to remove them.
- Forrest Currie, 779 Lakewood Drive, Holly Hill – Addressed the City Commission regarding the re-enactment of the Battle of Gettysburg and said that it was done several years ago and it was a huge success. The Police Explorers helped and thinks its a great idea.

- Steve Smith, 1410 Riverside Drive, Holly Hill – Addressed the City Commission by reminding them about a workshop they had over a year ago regarding cigarette smoking being bad for you. Mr. Smith would like to see that as an agenda item to not allow smoking or any tobacco products at the parks because of the playgrounds and kids.
- Snake Andress, Snake's Welding, Holly Hill – Addressed the City Commission by making sure it was okay to pursue the Battle of Gettysburg for July 2013 because of the planning that it will take. The Mayor and Commissioners agreed to pursue it; funding, if needed, would have to be discussed at another time.
- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by asking how much has been spent on 3rd Street and Ridgewood.
Mr. McCroskey stated approximately \$18,000.

Mayor Johnson closed public participation.

5. CONSENT AGENDA

None.

6. BUSINESS AGENDA

- A. **PUBLIC HEARING** - SECOND READING OF ORDINANCE 2909, COUNTY TIRE – 1130 S. NOVA ROAD – COMP PLAN (*City Planner*)
- B. **PUBLIC HEARING** - SECOND READING OF ORDINANCE 2910, COUNTY TIRE – 1130 S. NOVA ROAD – ZONING (*City Planner*)

Attorney Simpson read by short title for both Ordinance 2909 and 2910 for 1130 S. Nova Road:

ORDINANCE NO. 2909

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE FUTURE LAND USE MAP TO ADD PARCELS IDENTIFIED AS 4242-04-21-0135 and 4242-04-21-0144 AND DESIGNATE THESE PARCELS AS GENERAL RETAIL COMMERCIAL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2910

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO ADD PARCELS IDENTIFIED AS 4242-04-21-0135 and 4242-04-21-0144 AND DESIGNATE THESE PARCELS AS CC-1 COMMERCIAL CORRIDOR; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Penny moved **APPROVAL** for **Second Reading of Ordinances 2909 and 2910**, seconded by Commissioner Glass.*

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by asking what benefit does the applicant have for joining into the city; is the zoning lighter or more flexible?

The applicant came forward and gave his reasons for wanting to annex into the City. He mentioned the public safety and the city being easier to work with.

Mayor Johnson closed public participation.

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

C. PUBLIC HEARING – SECOND READING OF ORDINANCE 2913, BUSINESS TAX RATE FOR SWEEPSTAKES CENTERS (City Planner)

Attorney Simpson read by short title only:

ORDINANCE NO. 2913

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING SECTION 62-42 SCHEDULE OF TAX RATES TO ADD A BUSINESS TAX RECEIPT FEE FOR SWEEPSTAKES CENTERS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Glass moved APPROVAL for Second Reading of Ordinance 2913, seconded by Commissioner Penny.

Mayor Johnson opened public participation. No one spoke.

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

D. PUBLIC HEARING – SECOND READING OF ORDINANCE 2917, POLICE PENSION CHANGES (*Finance Director*)

Attorney Simpson ready by title only:

ORDINANCE NO. 2917

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE II (POLICE OFFICERS), TO AMEND THE CITY OF HOLLY HILL POLICE OFFICERS PENSION PLAN CONTRIBUTION RATES AND VESTING PERIOD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Moore moved APPROVAL for Second Reading of Ordinance 2917, seconded by Commissioner Penny.

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission about the actuarial; and asked why is it there?

Attorney Simpson clarified it for Mr. Legary. Informed Mr. Legary that the State directs it to be done.

Mayor Johnson closed public participation.

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

E. FIRST READING OF ORDINANCES 2914, 2915, AND 2916, ACTION AUTOMOTIVE – 1850 N. NOVA ROAD FOR ANNEXATION, COMP PLAN AMENDMENT, AND ZONING (*City Planner*)

- 1. FIRST READING OF ORDINANCE 2914, PROPERTY ANNEXATION (*City Planner*)**
- 2. FIRST READING OF ORDINANCE 2915, COMPREHENSIVE PLAN AMENDMENT (*City Planner*)**
- 3. FIRST READING OF ORDINANCE 2916, AMENDING THE OFFICIAL ZONING MAP (*City Planner*)**

Attorney Simpson read short titles for all three (3) Ordinances 2914, 2915, and 2916 for 1850 N. Nova Road:

ORDINANCE NO. 2914

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ANNEXING APPROXIMATELY 0.48 ACRES IDENTIFIED AS PARCEL NUMBER 4242-31-01-0090; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2915

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE FUTURE LAND USE MAP TO ADD A PARCEL IDENTIFIED AS 4242-31-01-0090 AND DESIGNATE THESE PARCELS AS GENERAL RETAIL COMMERCIAL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2916

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO ADD THE PARCEL IDENTIFIED AS 4242-31-01-0090 AND DESIGNATE THIS PARCEL AS CC-1 COMMERCIAL CORRIDOR; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR

SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Glass moved **APPROVAL** for **First Readings of Ordinances 2914, 2915, and 2916**, seconded by Commissioner Penny.*

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Patrick Mitchell – property owner – Addressed the City Commission by giving his reasons for wanting to come into the City; mentioned that the City has been easy to work with, business friendly.

Mayor Johnson closed public participation.

The motion **CARRIED** 5-0 for all three (3) Ordinances 2914, 2915, and 2916 by roll call vote: Glass – Yes, Penny – Yes, Moore – Yes, Patton – Yes, and Mayor – Yes

- F. **SPECIAL EXCEPTION** – APPLICATION – 400 FLOMICH STREET – TEMPORARY STORAGE OF CONSTRUCTION MATERIAL – APPLICANT: G. ROBERT BISHOP (*City Planner*)

*Commissioner Glass moved **APPROVAL** for the **Special Exception – 400 Flomich Street, for a time period of three (3) years.** **DIED FOR LACK OF SECOND.***

*Commissioner Glass moved **APPROVAL** for the **Special Exception – 400 Flomich Street, for a time period of two (2) years.** **DIED FOR LACK OF SECOND.***

*Commissioner Glass moved **APPROVAL** for the **Special Exception – 400 Flomich Street, for a time period of six (6) months**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Attorney Brian Seeber, 6 Flow Streamway, Ormond Beach (representing Mr. Nore from *Tropical Seas*) – Addressed the City Commission by sharing his clients concerns about the dirt piles and the dust that constantly comes over to his property.
- Richard Murrdock, 520 Peacock Road, Holly Hill – Addressed the City Commission by sharing his concerns about the mounds of dirt and them not being watered down to help control the dust.

- Bob Bishop, 490 Eagle Drive, Holly Hill (owner of 400 Flomich Street) – Addressed the City Commission by giving some history of how he obtained the property and mentioned that, until recently, he wasn't aware of the problems over at the property. Mr. Bishop assured the Mayor and Commissioners that he will do whatever he can to help control the dust; he will attempt to water them down to help *Tropical Seas* business and planned on going over to speak to Mr. Nore to discuss what he plans on doing to help the situation.
- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by letting them know that he feels the Bishop property owners and renters have been good neighbors.

Commissioner Penny stated that the height limit is an issue and perhaps daily watering could help keep the dust down.
- Mr. Andress, Snake's Welding, Holly Hill – Addressed the City Commission by stating that they will need some time to do what the Commission and staff are recommending but they will do what they have to, to fix it.

Mayor Johnson closed public participation.

*Commissioner Glass WITHDREW his motion for APPROVAL for the **Special Exception – 400 Flomich Street, for a time period of six (6) months, AND made another motion for APPROVAL for the Special Exception – 400 Flomich Street, for a time period of 1 year and 6 months, including the property owner reduces the height limit on the sand to 20 feet, water sand piles as needed, and put a fence up to help with the dust, seconded by Commissioner Moore.***

There was some discussion amongst the Mayor, Commissioners, staff, and Attorney Simpson. Attorney Simpson stated that if the owner doesn't come into compliance within the timeframe they are giving him, the Commission can revoke the Special Exception request.

The motion **CARRIED** 3-2 by roll call vote: Glass – Yes, Moore – Yes, Penny – No, Patton – No, and Mayor – Yes

Mr. McCroskey suggested that the Mayor and Commissioners discuss these next two agenda items together.

G. SPECIAL EXCEPTION – APPLICATION – SWEEPSTAKES CENTER – 1585 NOVA ROAD – APPLICANT: PHILLIPS EDISON & CO., ON BEHALF OF BRANDON WEAVER (City Planner)

H. SPECIAL EXCEPTION – APPLICATION – SWEEPSTAKES CENTER – 1607 N. NOVA ROAD – APPLICANT: STEVE SATHER (City Planner)

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There was discussion amongst the Mayor, Commissioners, staff and Attorney Simpson on both applications for a special exception for a sweepstakes center. Commissioner Penny suggested the second special exception application from Mr. Sather be postponed to a date certain, March 27th City Commission meeting. Commissioner Glass recommended to amend the ordinance to 500 feet instead of 1,000 feet. Commissioner Penny recommended Mr. Sather's request be contingent upon approval of the amended ordinance.

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Steve Sather, applicant for 1607 N. Nova Road, Holly Hill – Addressed the City Commission by stating that he would be happy to comply due to his application being turned in second and agrees to the date certain of the City Commission meeting of March 27th.
- Mr. Henry, 1001 Great Oaks Drive, Holly Hill – Addressed the City Commission by stating that he just moved here and is not in favor of the sweepstakes centers and shared his concerns about the ones he has seen around other cities.
- Brandon Weaver, applicant for 1585 Nova Road, Holly Hill – Addressed the City Commission about the wall inside the building and does have a site plan for the wall and it will be visible from the outside for any law enforcement to see inside.
- Jeremiah Hansen, owner of Woody's Bar-B-Que, Holly Hill – Addressed the City Commission by informing them that he is glad that he will have a neighbor next door to him since it has been vacant for so long; looks forward to the extra business it may bring to him.
- Mr. Jamal, owner of the HESS gas station on Nova Road, Holly Hill – Addressed the City Commission by sharing his concerns about the sweepstakes centers and the types of people and business it brings to the community; is not in favor of the sweepstakes centers.
- James Davidson, DAV Chapter 84, Holly Hill – Addressed the City Commission by stating they are looking forward to being transferred to being a sweepstakes center instead of an arcade because the sweepstakes centers are taking away their business.

Mayor Johnson closed public participation.

*Commissioner Penny moved **APPROVAL** for the **Special Exception for 1585 Nova Road**, seconded by Commissioner Glass.*

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

*Commissioner Penny moved **APPROVAL** for a date certain of March 27th City Commission meeting for a **Special Exception for 1607 N. Nova Road contingent upon approval of the amended ordinance**, seconded by Commissioner Glass.*

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

I. FIRST READING OF ORDINANCE 2919, ARCADE AMUSEMENT CENTERS AS SWEEPSTAKES CENTERS (City Planner)

Attorney Simpson read by short title only:

ORDINANCE NO. 2919

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, AMENDING ORDINANCE NO. 2912 TO REGULATE ARCADE AMUSEMENT CENTERS THE SAME AS SWEEPSTAKE CENTERS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Glass moved **APPROVAL** for the **First Reading of Ordinance 2919**, seconded by Commissioner Penny.*

Attorney Simpson stated this will allow the DAV to convert to a sweepstakes center and will limit where arcade centers can go.

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Gilles Blais, 710 Magnolia Avenue, Holly Hill – Addressed the City Commission by stating that he supports this.

Mayor Johnson closed public participation.

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

J. RESOLUTION 2012-R-07, BUDGET AMENDMENT FOR CAPITAL WATER SYSTEM IMPROVEMENT PROJECT (*Community Services Director*)

Attorney Simpson read by short title only:

RESOLUTION 2012-R-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO AMEND THE FY 2011/2012 BUDGET ALLOCATING \$500,000 OF IMPACT FEES TO CAPITAL WATER SYSTEM IMPROVEMENTS, AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Glass moved APPROVAL for the Resolution 2012-R-07, seconded by Commissioner Patton.

Mayor Johnson opened public participation.

The following individual came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by asking about the impact fee.

Mr. McCroskey stated Mariana Grande has paid for the impact fee already.

Mayor Johnson closed public participation.

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

7. COMMUNICATIONS

A. City Manager

Mr. McCroskey informed the Mayor and Commissioners that Commissioner Patton received a plaque for serving on the TPO board for four years; he would like to have a workshop on May 10th regarding renewable energy.

B. City Attorney

None.

C. City Clerk

None.

D. Mayor & Commissioners

Commissioner Penny let the Mayor and Commissioners know that he will be unable to attend the TPO meetings due to a conflict of his schedule; Commissioner Moore stated he could cover them except for one month.

Commissioner Glass thanked Officer Yates for staying at the meeting tonight.

Commissioner Moore thanked Officer Yates for staying; was glad to see the officers promoted tonight; reminded everyone about the Hope for Haiti program drive that is still going on and March 30th is the deadline for donations.

Commissioner Patton appreciated the time she had on the TPO board; stated that she received the crosswalk safety program and asked if it could be placed on the website; reminded everyone about the 3,000 homeless that are in Volusia County.

Mayor Johnson reminded everyone that he still needs 50 names for FPL so they can go in and save the homeowner money on their energy bill.

8. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 10:00 pm.

Valerie Manning
City Clerk/Administrative Assistant