

MINUTES
REGULAR COMMISSION MEETING
COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING
CITY OF HOLLY HILL, FLORIDA

June 12, 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 Elizabeth Towsley-Patton.

Also attending were the following staff members: City Manager James McCroskey, City Attorney Scott Simpson, Finance Director Kurt Swartzlander, Police Chief Mark Barker, Fire Chief Ron Spencer, Community Services Director Jacki Maswary, CRA Coordinator Grace Galiano, Human Resources Manager Sandy Fenwick, Economic Development Director Lynn Dehlinger, City Planner Tom Harowski, Building Official Greg France, Corporal Robert Culver.

B. Invocation

Mayor Johnson led invocation.

C. Pledge of Allegiance to the Flag

Mayor Johnson led the Pledge of Allegiance.

2. MINUTES

A. Minutes from the City Commission workshop – May 21, 2012 (*City Clerk*)

B. Minutes from the Regular City Commission meeting & CRA meeting – May 21, 2012 (*City Clerk*)

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

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

3. PUBLIC PARTICIPATION – Regarding items not on the agenda.

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Jim Schultz, 117 Herbert Drive – Addressed the City Commission by updating them about fluoridation.
- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission about awards going to the employees for longevity in the public service area and he was thinking what a great thing it would be to reach out to some of the people who pay the salaries of those folks, who are doing good things in the community.

Mayor Johnson closed public participation.

4. CONSENT AGENDA

- A. Law Enforcement Trust Fund (LETF) Request – Mobile Command Post Outfitting (*Police Chief*)
- B. Payment from Marina Grande for Pier (*City Manager*)

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

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

B. *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, Penny – Yes, Patton – Yes, and Mayor – Yes

Mr. McCroskey mentioned that there are some people here tonight for the Special Exception item on the agenda, staff is in discussion with the proposer of that internet café and staff would like, without objection, to move that item to the June 26th meeting.

Mayor Johnson stated he has no problem with moving it to the June 26th meeting.

*Commissioner Penny moved **ITEM “E”, SPECIAL EXCEPTION FOR 1027 N. NOVA ROAD, UNIT 106 TO A DATE CERTAIN OF JUNE 26, 2012 CITY COMMISSION MEETING**, seconded by Commissioner Glass.*

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

5. **BUSINESS AGENDA**

A. GEORGE AND REBECCA FRIES – 1000 RIVERSIDE DRIVE *(City Manager)*

Mr. McCroskey stated the Mayor had asked him to work with the Fries' family to try and clear up some of the code enforcement violations. The Code Enforcement Department and the City's Building Department have met several times with the Fries'. Mr. McCroskey stated it appears at this point that their property is in code compliance. The issue of the outstanding lien is outlined in their packets. Staff is making a recommendation that the interest only be paid and the balance be forgiven at this point.

*Commissioner Glass made a motion for **DISCUSSION**, seconded by Commissioner Penny.*

Commissioner Glass stated he has talked to the Fries' for quite a while, when this all started to happen. They were fully aware of the lien and they have tried to rectify it but its been a little slow but they're back up to code now.

Commissioner Penny commended the Fries' for coming into compliance. Commissioner Penny stated he has visited the Fries' plenty of times and discussed the situation. Commissioner Penny thinks staff's recommendation is a bit high, but he's not comfortable with there not being any fine at all. There is attorney time, court fees, staff time and the Commission is supposed to be fiscally responsible to the taxpayers' money and there has been money that has been expended. Commissioner Penny would like the Commission to come up with what that dollar figure should be because he's not comfortable with \$23,085 and he's even less comfortable with \$0.00. He would like to know what would be fair and equitable.

Commissioner Patton stated the City has forgiven a lot of money over the years, for the time that she's been Commissioner, and agrees with Commissioner Penny, the Fries' shouldn't pay the \$23,000 when the City has let people get by with a lot less. If the Commission can come up with a dollar amount that maybe covers the attorney's cost and the administration, that's a lot more workable.

Commissioner Glass stated he thinks that puts them right up there with the \$23,000.

Mayor Johnson stated they have to come up with a reasonable figure. They're not going anywhere. They're going to be citizens of the community who will be paying taxes.

Commissioner Penny stated he has a problem if the City has rules and regulations and they go to the Special Master, that's an additional expense. By the time they have reached the Special Master, the individual has been given chance after chance. There may have been some miscommunication going back and forth but if the Commission doesn't stick to their guns with some type of punishment, they may as well close the Code Enforcement Department because then the City has no authority, no teeth to get anyone else in compliance.

Commissioner Patton referenced Ben's Coin and Gun Shop, how that has been let go for a long time as an example.

Commissioner Penny stated that really bothered him that it was let go for so long.

Commissioner Glass stated Ben's Coin and Gun shop guy hasn't been trying. The Fries' have been trying.

Commissioner Moore stated the problem that he has with the whole issue is "let it be a lesson to you". There's a lot of ownership here, on the City's part. He has raised those issues with Mr. McCroskey and it was way before Mr. McCroskey was hired the City had a couple of things going on here with a contracted inspection company from Ormond Beach doing inspections within Holly Hill. This situation was a disaster from the get-go. Far worse than the house the Fries' tore down. Commissioner Moore agrees with Commissioner Penny that the City is in the business of administering fines to generate revenue. The City administers fines to generate action, to get property cleaned up. The lien is extremely high and it's a multitude of fault between the Fries' and the City of Holly Hill. Commissioner Moore stated he believes the Code Enforcement Department currently needs to run a little more efficiently. He has had complaints lately on "timely" manners, in his opinion, as a builder, were unquestionably too long. How much should the fine be? He suggested whatever the cost to the City is but they can't figure it out because of how the inspections were done previously. Commissioner Moore stated he is not comfortable with no fine. He is comfortable with \$23,000 or whatever the Commission feels is reasonable. Commissioner Moore mentioned he would like better figures from staff because the City owns some of this fault.

Mr. McCroskey stated this situation goes back to August 2007. There have been three City Managers and several Code Enforcement folks working on it.

Commissioner Glass stated how about \$11,500.

*Commissioner Glass moved **APPROVAL** for **\$11,500**, seconded by Commissioner Moore.*

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission by supporting George and Rebecca on this situation. Someone should have spoken to the Fries' before it got to \$400,000.
- Rebecca Fries, 1000 Riverside Drive, Holly Hill – Addressed the City Commission by asking for complete and total forgiveness for the lien that was placed on their demolished home back in 2010. A lien of approximately \$500,000 with a lien of \$250.00 a day with 18% interest.
- George Fries, 1000 Riverside Drive, Holly Hill – Addressed the City Commission by stating he thought they were going to be able to see their accuser or at the very least read what they have been accused of. Where's the citation? He hasn't received it. Officer Weiss couldn't find, City administration couldn't find it. On the back of that citation, has all of Sue Meeks notes delineating that they were in compliance.

Mayor Johnson closed public participation.

Commissioner Glass withdrew his motion.

*Commissioner Moore made a motion to **REMOVE ALL THE FINES at 1000 RIVERSIDE DRIVE – GEORGE AND REBECCA FRIES**, seconded by Commissioner Glass.*

Commissioner Moore stated in business, when he's in business and he makes a mistake it costs him money. He can sit down and look at all the mistakes that the City has made prior to a lot of them being up here as Commissioners. From the get-go, this has been a fiasco. The City has wiped out other fines before; he has seen large fines wiped out before. This particular incident has way too many mitigating circumstances for him to levy any type of fine on it.

Commissioner Penny stated his problem stems back to the Special Master hearing and he thinks the only two people that were at that meeting was him and Mrs. Fries. Commissioner Penny agrees that there is a combination of errors but he is still strongly opposed to the fine being dropped.

Commissioner Patton agrees with Commissioners Glass and Moore. It clearly states in the documents that its impossible to track it. Was Mr. Fries' in compliance all the time? Probably not but at the same time, the City has forgiven so many fines of businesses, of people with mega corporations who have money and these are citizens who are struggling just like everybody else. Commissioner Patton believes the City should wipe the slate and start over.

Commissioner Penny stated if they fine Mr. Fries' \$300 just to cover the cost of the filing fee, he would feel more fiscally responsible to the other residents of this City that are represented. Commissioner Penny stated he appreciates all the hard work Mr. Fries' does.

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

B. RESOLUTION 2012-R-24, BEAUTIFICATION ADVISORY BOARD – APPOINTMENT *(City Clerk)*

Attorney Simpson read by title only:

RESOLUTION NO. 2012-R-24

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BEAUTIFICATION ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Moore moved **APPROVAL** for **Resolution 2012-R-24**, seconded by Commissioner Glass.*

There was some discussion as to whether or not Loretta Arthur would have to resign from the Board if she was elected during the 2012 Election. Attorney Simpson stated he will look into it to see if it applies to the resign to run law. Attorney Simpson suggested they postpone this and come back to it so he can research the law.

C. RESOLUTION 2012-R-25, SUPPORT THE VOLUSIA COUNCIL OF GOVERNMENT, INC., (VCOG) GOVERNING BOARD – URGING TOBACCO RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS WITHIN THE CITY *(City Clerk/City Manager)*

Attorney Simpson read by title only:

RESOLUTION NO. 2012-R-25

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, SUPPORTING THE VCOG, INC., GOVERNING BOARD URGING TOBACCO RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS WITHIN THE CITY OF HOLLY HILL AND VOLUSIA COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Moore moved APPROVAL for Resolution 2012-R-25, seconded by Commissioner Penny.

Mayor Johnson stated so there's no confusion, the City is not stopping people from selling candy flavored tobacco products, the City is doing a Resolution stating that the City doesn't want it and that the City is supporting VCOG on their Resolution to not have it in Volusia County.

Attorney Simpson stated the City is not adopting any law prohibiting it.

Mayor Johnson opened public participation. No one spoke.

Commissioner Patton stated the City talks about layers of government and when they should step in and when they shouldn't, and she has a problem with this. As a past smoker, she doesn't like the smell of smoke, she doesn't like certain things but she doesn't think it's the City's rule, as government, when there's already a rule out there that the people aren't supposed to sell to underage people. Commissioner Patton stated she thinks the City is overstepping its bounds.

Mayor Johnson stated its not about tobacco products, its about targeting kids with the candy flavored tobacco products.

Commissioner Patton stated there are laws that say they can't sell to them anyway. Why should the adults be penalized for a law that's already out there where they're not supposed to sell to them anyway? "When does it stop? When do we start taking control ourselves and not the government"?

Mayor Johnson stated the main thing this is saying is that the City is supporting the VCOG for the candy flavored tobacco products only that target the kids.

Commissioner Patton stated its not just candy; it's everything. It shouldn't be the City's role to stop a retailer from selling when there is already a law saying that they can't sell it to underage kids.

Commissioner Penny stated Commissioner Patton has a very valid point that there are laws prohibiting this. Commissioner Penny if you go to the ABC and walk down the liquor isle, they sell Cotton flavored vodka, whipped cream flavored vodka, orange sickle flavored vodka, who do you think the big liquor companies are targeting? They are targeting underage, minor drinking but ABC can't sell it to them. Commissioner Penny stated he doesn't want to encourage the candy flavored tobacco but he thinks it's a harmless, feel good Resolution.

Commissioner Glass stated he hates interfering with people's Civil Rights. It's their choice who they sell it to and who buys it.

Dr. Bonnie Sorenson, Volusia County Health Department came forward to speak in regards to the Resolution. Ms. Sorenson stated they are the advocates of the candy flavored tobacco products. Tobacco companies are prohibited from marketing cigarettes to youth but they are not prohibited from marketing these candy flavored tobacco products. The market is really for the youth and that's really the objection. It's not about the adults making choices.

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

D. RESOLUTION 2012-R-26, REQUEST FOR QUALIFICATIONS (RFQ) – AGENT OF RECORD INSURANCE SERVICES (*Finance Director*)

Attorney Simpson read by title only:

RESOLUTION NO. 2012-R-26

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROWN & BROWN, INC. FOR AGENT OF RECORD INSURANCE SERVICES FOR THE FISCAL YEAR OCTOBER 1, 2012 TO SEPTEMBER 30, 2013; PROVIDING FOR RENEWALS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Glass moved APPROVAL for Resolution 2012-R-26, seconded by Commissioner Patton.

Commissioner Penny stated he filed FORM 8B, Conflict of Interest for Public Officers with the City Clerk, he will be abstaining from the vote on this item.

The motion **CARRIED** 4-1 by roll call vote: Glass – Yes, Patton – Yes, Moore – Yes, Penny – Abstain, and Mayor – Yes

6. RECESS THE REGULAR CITY COMMISSION MEETING

**7. CONVENE THE COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING
BUSINESS AGENDA**

**A. RESOLUTION 2012-R-27, MARKET ALTERATIONS – PHASE IV – BID
AWARD (*Community Services Director*)**

Attorney Simpson read by title only:

RESOLUTION NO. 2012-R-27

**A RESOLUTION OF THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF HOLLY HILL, FLORIDA,
AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH HALL CONSTRUCTION CO., INC FOR THE
PROJECT “MARKET ALTERATIONS – PHASE IV”; AND
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

Commissioner Glass moved APPROVAL for Resolution 2012-R-27, seconded by Commissioner Moore.

Mr. McCroskey stated this completes The Market, this is the final phase to put in the final improvements and then the City can start leasing the spaces.

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 if they are going to do some signage that was already voted on to do?

Commissioner Glass stated they decided not to do the signs for now, they were too expensive. Commissioner Glass stated Mr. Legary is referring to the way-finding signs and the City Limits signs.

Mayor Johnson closed public participation.

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

8. RECONVENE THE REGULAR CITY COMMISSION MEETING

A. RESOLUTION 2012-R-28, MARKET ALTERATIONS – PHASE IV – BID AWARD (*Community Services Director*)

Attorney Simpson read by title only:

RESOLUTION NO. 2012-R-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HALL CONSTRUCTION CO., INC FOR THE PROJECT “MARKET ALTERATIONS – PHASE IV”; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Moore moved APPROVAL for Resolution 2012-R-28, seconded by Commissioner Glass.

Mayor Johnson opened public participation. No one spoke.

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

B. GREEN TASK FORCE (*City Manager*)

Mr. McCroskey stated it was his understanding at the last meeting to come up with some type of task force which would only meet for a certain period of time and come back with a recommendation and staff’s recommendations are enclosed. Staff envisioned this is the way the task force could work. Staff will have meetings with the task force and write down all their recommendations and bring it back in October. In October, this Commission can make a recommendation to the next Commission as to whether or not they would like to forward these on to be considered in next year’s budget.

Mayor Johnson stated each Commissioner would recommend someone to the task force. It can be a business owner or a citizen in Holly Hill.

Mr. McCroskey stated yes sir.

Commissioner Penny stated he thinks they need to have some qualifications. For example, do they own a business in the City of Holly Hill or be a Holly Hill resident. Commissioner Penny stated he doesn’t want to vote someone in from Pensacola.

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Mr. McCroskey stated the discussion he had with all of the Commissioners individually was there may be an expert in Daytona Beach that knows a lot about something green and because they don't live in Holly Hill, you don't get the input from the expert in Daytona Beach or Ormond Beach or wherever. That was the reason they didn't require them to be a citizen of Holly Hill. He doesn't know that they have five experts in Holly Hill, they may have twenty. But each Commissioner may know an expert in the field of green and it may be in town and it may be in Daytona, it may be in Ormond.

Commissioner Penny stated that's the valid point he had. That's fine.

Commissioner Patton stated until they know what's in the budget and what is allotted, why have anybody do anything? It was recommended that staff would do the research, not an advisory board or task force; it's in the previous minutes.

Commissioner Glass asked what would be the first meeting, if this goes through.

Commissioner Penny stated it looks like July. The task force will just be bringing ideas and how much its going to cost and then the Commission can place them in the budget.

*Commissioner Moore moved **APPROVAL** for the **Green Task Force** and ask that the Mayor and Commissioners to bring back a name of their candidate at the next City Commission meeting for the Task Force, seconded by Commissioner Penny.*

Commissioner Patton stated she thinks they are putting the cart before the horse because they don't know what the budget is going to be.

Mayor Johnson opened public participation. No one spoke.

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

C. RESOLUTION 2012-R-24, BEAUTIFICATION ADVISORY BOARD – APPOINTMENT *(City Clerk)*

Attorney Simpson read by title only:

RESOLUTION NO. 2012-R-24

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BEAUTIFICATION ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Glass moved **APPROVAL** for **Resolution 2012-R-24**, seconded by Commissioner Moore.*

Attorney Simpson stated that if Loretta Arthur gets elected as City Commissioner, she would have to resign. As of right now, she is not in violation of the law by applying because it's not a salary paid position.

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

9. COMMUNICATIONS

A. City Manager

Mr. McCroskey thanked Pastor Chuck at United Brethren, he is the recipient of all the food that was raised by staff and Pastor Chuck and his family are going around feeding the different departments with hotdog lunches. Pastor Chuck was very appreciative of all the food that the City employees raised and its helping a lot of needy families. Mr. McCroskey stated on the Real McCoy Rum Festival, staff had one person who showed up at the mandatory pre-bid meeting but they didn't pre-qualify and that is part of the bid process. With time being a problem and staff having to focus on Hot Rods On The Hill, staff would like to move the Real McCoy Rum Festival to the end of October. That will give staff enough time to plan it out and get it done right and not throw it together. Mr. McCroskey thanked Officer Weiss, Chief Barker and Greg France who did an excellent job resolving the Fries' situation. Hot Rods On The Hill is June 16th at 7:30 AM for the parade then heading to Hollyland Park. There will also be a fundraiser for Alan Espy at Bishop's Dairy Farm at 4:00 and tickets are available in the Police Department and you can purchase them at the farm as well.

B. City Attorney

None.

C. City Clerk

None.

D. Mayor & Commissioners

Commissioner Patton wished all the candidates the best of luck and would also like to say we all don't have the same opinions of people, we don't all have the same likes but one thing that we should have for everybody is the same rules and the upmost respect. While they are still up here, we all still have to get along, we may have different opinions and may support different candidates but at the same time, we have to have that open communication, trust, and complete honesty and not exaggeration of facts. There was an incident that happened over the weekend and she is thoroughly upset but won't go into specifics but we can't have over exaggeration, can't have untruths. She hopes that they have that during this election. In regards to the banner, if it had happened to anybody else, you can guarantee that banner would have been taken down. It's not fair and it's not right.

Commissioner Moore congratulated all the candidates who qualified in Holly Hill and throughout the County.

Commissioner Penny congratulated all the candidates who qualified; asked the Mayor if starting at the next City Commission meeting, until the election, if they could take a moment at the

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beginning of the meeting and introduce the candidates that are here at that time. Commissioner Penny asked about the clothing boxes.

Mr. McCroskey stated he counted three that are left. Apparently, Code Enforcement is getting rid of them. The three left are owned by the same company and must be slow in reacting.

Mayor Johnson stated the controversy over the banner that Commissioner Patton was referring to, he didn't even know the banner existed until he went and took it down.

10. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 8:32 pm.

Valerie Manning
City Clerk