M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA

June 26, 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, Human Resources Manager Sandy Fenwick, City Planner Tom Harowski, Officer Shannon Fountain 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. PRESENTATION

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) *(City Auditors, Brent Millikan and Company)*

Alex Kisch, from Brent Millikan and Company presented the Mayor and City Commissioners with the CAFR for Fiscal Year Ended in September 30, 2011.

3. MINUTES

Minutes from the Regular City Commission meeting – June 12, 2012 *(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:

- Elizabeth Albert, 903 Dubber Lane, Holly Hill – Addressed the City Commission by requesting they reconsider the document camera so the public can see what is being presented to the Commission. If that is not available for purchase, perhaps extra copies of presentations could be made available.
- Jim Schultz, 117 Herbert Drive, Holly Hill – Addressed the City Commission by updating them about fluoridation and share his concerns with them.
- Jim Legary, 342 Burleigh Avenue, Holly Hill – Addressed the City Commission about endorses what Ms. Albert suggested about showing information to the public; suggested the City spend some money on the citizens for extra training.
- Jeremiah Hanson, Woody's BBQ, 1593 Nova Road, Holly Hill – Addressed the City Commission about the old middle school property and suggested that a local farm be created over there; basketball courts could be used for tournaments; monthly events in Holly Hill for businesses and residents.
- Penny Currie, 779 Lakewood Drive, Holly Hill – Addressed the City Commission by agreeing with Ms. Albert in regards to sharing information with the public and suggested a Powerpoint presentation can be done as well.

Mayor Johnson closed public participation.

5. CONSENT AGENDA

None.

6. <u>BUSINESS AGENDA</u>

A. RESOLUTION 2012-R-29, WASTE MANAGEMENT CONTRACT RENEGOTIATION *(Finance Director)*

Attorney Simpson read by title only:

RESOLUTION 2012-R-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CONTRACT FOR SOLID WASTE SERVICES WITH WASTE MANAGEMENT INC., OF FLORIDA; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. McCroskey stated that staff has negotiated a good contract with Waste Management.

Commissioner Glass made a motion for ***APPROVAL*** *for* ***Resolution 2012-R-29****, 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 getting a digester and would that be feasible for the City. That could save the City some money.
- Arthur Kowitz, 1501 Ridgewood Avenue, Holly Hill – Addressed the City Commission by asking if the new contract has provisions for commercial recycling and Mr. McCroskey stated that is exempt from State Law.

Mayor Johnson closed public participation.

Bill Redman, Senior Vice President of RCG Consulting was present to answer questions regarding the Waste Management negotiations.

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

B. RESOLUTION 2012-R-30, NAMING OF SIDEWALK TRAIL – "PATRICIA NORTHEY HOLLY HILL GREENWAY TRAIL" *(City Manager)*

Attorney Simpson read by title only:

RESOLUTION NO. 2012-R-30

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, NAMING THE SIDEWALK TRAIL THAT EXTENDS FROM THE NORTHERN CITY LIMITS TO THE SOUTHERN CITY LIMITS ON RIVERSIDE DRIVE THE "PATRICIA NORTHEY HOLLY HILL GREENWAY TRAIL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Glass made a motion for ***APPROVAL*** *for* ***Resolution 2012-R-30****, seconded by Commissioner Moore.*

Mr. McCroskey gave a brief history of Ms. Northey's accomplishments and what portion of the sidewalk would be dedicated to Ms. Northey. Mr. McCroskey stated it's a great accomplishment of this City Commission to have completed such a great project; the sidewalk is being used by the community and it looks great.

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Chris Dawn, Florida Scenic Byway Project – Addressed the City Commission by asking them to postpone this dedication of the sidewalk trail and shared his concerns with the Mayor and Commissioners.
- Gilles Blais, 710 Magnolia Avenue, Holly Hill – Addressed the City Commission by suggesting the students at the school come up with a name for the sidewalk trail or perhaps a contest like they did with the City flag; get the kids involved.

Mayor Johnson closed public participation.

There was discussion amongst the Mayor and City Commissioners in regards to calling it "Patricia" or "Pat" Northey. Mr. McCroskey stated he will contact Ms. Northey and see which name she prefers.

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

C. **SPECIAL EXCEPTION – 1027 N. NOVA ROAD, UNIT 106 – SWEEPSTAKES CENTER – APPLICANT: B. PATEL as AGENT FOR TIC HOLLY HILL, LLC** *(City Planner)*

Mr. Harowski came forward and gave a staff report to the 1027 N. Nova Road sweepstakes center request from Mr. B. Patel.

*Commissioner Glass made a motion for **APPROVAL** for the **SPECIAL EXCEPTION, 1027 N. NOVA ROAD, UNIT 106**, seconded by Commissioner Patton.*

Mayor Johnson opened public participation.

The following individuals came forward to speak:

- Bruce Thompson, 308 Dubbs Drive, Holly Hill – Addressed the City Commission by speaking against this request for the sweepstakes center. Mr. Thompson shared his concerns about the location and these types of cafés.
- Maryke Guild, property manager for property for the site, Holly Hill – Addressed the City Commission reminding them that is a commercial strip and is zoned for this particular request.
- Joann Stigner, owner of Endorphins Fitness, Holly Hill – Addressed the City Commission by speaking against this request for the sweepstakes center and shared her concerns about the parking issues already there on the site. Ms. Stigner stated her business will be right next door to this business.

- Dave Bass, speaking on behalf of his neighbors, Pat and Jim Clin who are the property owners directly behind this sweepstakes center, and have asked Mr. Bass to come and share their concerns because they are out of State. Mr. and Mrs. Clin wanted to inform the Mayor and Commissioners that there was only supposed to be family-oriented businesses in that plaza and they are against having a sweepstakes center there.

- Gilles Blais, 710 Magonlia Avenue, Holly Hill – Addressed the City Commission by stating he is speaking for a friend who lives on Dubbs Drive who doesn't want this type of business there. Mr. Blais spoke on the security of the neighborhood and the people who live there and suggested the Commission consider the integrity of the neighborhood.

- Russell Hayworth, 1029 Grand Hickery Circle, Holly Hill – Addressed the City Commission speaking in opposition of this request. Mr. Hayworth stated he has a client at Endorphins Fitness and these types of businesses draw of a lot of undesirable activities. Mr. Hayworth suggested getting a memorandum to temporary ban them like other cities have done.

- Tracy Woodward, co-owner of Dale Woodward Funeral Home, 167 Ridgewood Avenue, Holly Hill – Addressed the City Commission by stating that there are several issues and concerns that come about with this particular type of business and referenced the parking issues that are currently there on site; City auditor said earlier tonight that property values are going down; City Planner has told her that if this business goes in there, the rest of that building will remain vacant because there is no parking.

- Eric Alexander, Prudential Commercial Real Estate – Addressed the City Commission by stating he has been the leasing agent for that plaza for approximately the last three years, he is not currently the leasing agent. He has listened to all the negatives on this issue but the property owner is aware of the parking issues and there are not a lot of people lining up to rent the spaces at this site; residential area behind this plaza are further back from the site and there are 1500 of these types of centers in the State of Florida; this particular owner for this request has others and has never had a problem with his centers before.

- John LaSuski – Addressed the City Commission by stating he has a sweepstakes center in Port Orange which has been open for three years and about 90% of the people that come are retirees and it's more of a social atmosphere for them. The standards that they have in Port Orange, they are trying to achieve here in Holly Hill too. This is good for the community and it will help the citizens.

- John Anderson, Beach Street, Daytona Beach – Addressed the City Commission by stating that he is a gambler and attends the internet café's and he attends the one in Port Orange and he can assure them, that more than 90% of the attendees are retirees and he sees it as an asset.

Commissioner Moore stated, call the question.

Commissioner Penny stated if he gets a second, they can.

Mr. McCroskey stated call for question cuts off all debate. Robert’s Rules of Order cuts off all debate. Mayor, the question’s been called for, under Robert’s Rules of Order…

Commissioner Penny asked doesn’t there have to be a second to call the question.

Mr. McCroskey asked what’s the will of the Commission? Do they want to debate it?

Commissioner Glass stated, call the question.

Mr. McCroskey stated that’s the second on call the question.

Commissioner Patton stated she doesn’t want to debate it but feels if the public has something to say, they should be allowed to say it. It’s their right to say what they want to say.

Mayor Johnson stated everyone that has come up has had a valid point. There’s no question about that from both sides.

Commissioner Glass stated he’ll listen to the public.

- Gail – Addressed the City Commission by stating she attends the café in Port Orange for the last two years, at least once a week, and she goes in the afternoon, sometimes at night, and everybody that is there are mostly retirees and they never, ever had a problem and she doesn’t feel unsafe there, she feels safe and she agrees, that it’s an asset to the community.
- Big John, 120 State Avenue, Holly Hill – Addressed the City Commission by sharing his concerns about internet café’s and he thinks they are a predator business and he doesn’t think they belong in Holly Hill and they should be outlawed. Gambling is not family-oriented. Property values have collapsed.

Mayor Johnson closed public participation.

Mayor Johnson asked do we have a choice here? What happens if we say we don’t want this? Are we legally obligated?

Attorney Simpson stated the Commission adopted the ordinance earlier this year amending the Code. What’s relevant now is, does this applicant meet the qualifications or requirements for a special exception. The City Planner came up and gave a staff report; the only thing he heard is the way that people feel about internet café’s and that’s not relevant to the issue here tonight. The parking question was a relevant issue because that is a criteria in the special exception. The City Planner outlined how he interpreted the façade and the transparency requirement. How people feel about internet café’s is an issue for the State of Florida, this can’t be addressed at the local level. This Commission has adopted an ordinance adopting a special exception procedure for these to go through and this applicant has applied and has met the criteria.

Commissioner Glass moved ***APPROVAL*** *for the* ***SPECIAL EXCEPTION, 1027 N. NOVA ROAD, UNIT 106****, seconded by Commissioner Patton.*

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

D. SPECIAL EXCEPTION – 1609 N. NOVA ROAD – SWEEPSTAKES CENTER – <u>APPLICANT</u>: AMERICAN CHARITABLE ALLIANCE *(City Planner)*

Mr. McCroskey stated this is just an amendment for the applicant to move east in the building.

Commissioner Glass moved ***APPROVAL*** *for the* ***SPECIAL EXCEPTION, 1609 N. NOVA ROAD,*** *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, Patton – Yes, and Penny – Yes, Mayor – Yes

E. GREEN TASK FORCE – FOLLOW UP AND APPOINTMENTS

The following people were selected to sit on the Green Task Force.
Mayor Johnson selected: Smokey Yunik
Commissioner Penny selected: Heidi Carhide
Commissioner Glass selected: Greg Blose
Commissioner Moore selected: Jeanne Fish
Commissioner Patton: decided not to appoint anyone; doesn't believe that they need to do this at this time; nothing has been discussed with the budget for this.

Mr. McCroskey stated he will get the meetings started with the members and bring back some ideas and suggestions from the Task Force in October to further discuss the green initiatives.

7. COMMUNICATIONS

A. City Manager

Mr. McCroskey stated that Mr. Swartzlander received a letter of recognition for Michelle Williams and Kristine Leston; Mr. Schultz comes to drop off fluoride information to City Hall all the time, fluoride is in the Charter and this issue has been placed before the voters earlier in the year; thanked Mr. Swartzlander and his staff for a great job on the budget.

B. City Attorney

None.

C. City Clerk

None.

D. Mayor & Commissioners

Commissioner Patton reminded everyone to get ready for hurricane season; asked about the digital sign on the front lawn of City Hall and shared her concerns with the City Manager and the Commission about the advertising for the Public Market that's on there.

Commissioner Penny asked if they could respect the five-minute time clock rule that has been put in place for all speakers that come forward and try not to make it a debate session; asked if they could possible do a quarterly newsletter for current events only; spoke about the bricks out front by the fountain that were place by the Scouts and asked if they could have former Mayor Don Wiggins name etched on one of the bricks and invite the family; the Allan Espy fundraiser was a good community get together to help Mr. Espy.

Commissioner Moore thanked those who will be on the Green Task Force for their time.

Mayor Johnson mentioned it's a real experience being involved in politics; commends everyone for running for office.

8. ADJOURNMENT

Mayor Johnson officially adjourned the meeting at approximately 9:25 pm.

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Valerie Manning
City Clerk