

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

JULY 27, 2010

1. CALL TO ORDER

A. Roll Call

Mayor Via called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Via were Commissioners John Penny, Rick Glass, Mark Reed and Liz Towsley.

Also attending were the following staff members: Also attending were the following staff members: City Manager Oel Wingo, Ph.D., Attorney Abraham McKinnon, Fire Chief Ron Spencer, Captain Steve Aldrich, Administrative Services Director Kurt Swartzlander, Public Works Director Brad Johnson, City Planner Doug Gutierrez, Economic Development Director Lynn Dehlinger, Accounting Manager Susan Worde, Audit Specialist Catherine Colwell, and City Clerk Joshua Fruecht.

B. Invocation

Mayor Via delivered the Invocation.

C. Pledge of Allegiance to the Flag

Mayor Via led the Pledge of Allegiance.

Introduction of Candidates - Per the majority **consensus** of the City Commission on July 13, 2010 to introduce any Candidates that attend City Commission meetings at the beginning of the meetings from now until the day of the Election.

Mayor Via introduced the following Municipal Election Candidates that were in attendance:

- Rene “Rocky” Rivera, Mayor
- Roy Johnson, Mayor
- Jeanne Cullen, Mayor
- Donald “Donnie” Moore, District 3
- Steve Smith, Mayor
- Roland D. Via, Mayor
- Mark Reed, District 3

2. MINUTES

Correction(s): Words which are underlined (underlined) are additions to the text and words with strike through (~~strike through~~) the characters are deletions to the text.

Page 5, Agenda Item 5C “Communications”: Commissioner Towsley asked City Manager Oel Wingo if she was willing to take a pay cut in an effort to balance the budget. Dr. Wingo informed her that she had already taken a salary cut when she came to Holly Hill.

✓ Minutes from the Regular City Commission meeting – July 13, 2010

*Commissioner Reed moved **APPROVAL** for the **MINUTES** with corrections, seconded by Commissioner Penny.*

The motion **CARRIED** 5-0 unanimously: Glass – Yes, Penny – Yes, Reed – Yes, Towsley – Yes, Mayor Via – Yes.

3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA

The following individuals came forward to speak to the Mayor and City Commission:

- Roxanne Horne (708 North Flamingo Drive, Holly Hill, FL 32117) – Addressed the City Commission to speak about her property and a Code Enforcement issue she would like to see resolved.
- Christine Fox (727 North Flamingo Drive, Holly Hill, FL 32117) – Addressed the City Commission to speak about Transients and Trespassing on property.
- Kyle Stickney (1490 Graham Ave, Holly Hill, FL 32117) – Addressed the City Commission to speak about the United States Constitution.
- Mark Zimmerman (1287 Moravia Avenue, Holly Hill, FL 32117) – Addressed the City Commission to speak about City Manager Oel Wingo’s comments at the City Commission Meeting on July 13, 2010 regarding her not willing to take a pay cut.
- Donnie Moore (1585 Riverside Drive, Holly Hill, FL 32117) – Addressed the City Commission to speak about current changes going on in the City, and advised the City Commission to not fire City Manager Oel Wingo, however they needed to micromanage her actions.
- Diane Flag (1115 Powers Avenue, Holly Hill, FL 32117) – Addressed the City Commission to speak about her past experience with such economic times.
- Tina Lynch (500 Peacock Road, Holly Hill, FL 32117) – Addressed the City Commission to speak about her past employment with the City of Holly Hill during the Don Lusk years and the level of mural amongst staff.
- Rocky Little (399 Edgewood Drive NE, Palm Bay, Florida 32905) – Addressed the City Commission to speak about Unfair Labor Practices and the amount of jobs that have been lost.
- Rena “Rocky” Rivera (1614 Birmingham Avenue, Holly Hill, FL 32117) – Addressed the City Commission to speak about long-term contracts and his willingness to take a pay cut if he is elected Mayor.

There was a majority **consensus** of the City Commission that there are to be no layoffs, downsizing, changes in titles or any other operational issues related to City employees prior to the end of Fiscal Year 2009-2010.

4. BUSINESS AGENDA

A. SECOND READING OF ORDINANCE NO. 2873

City Attorney read by short title: **SECOND READING OF ORDINANCE NO. 2873**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 78-14 DEFINITIONS, OF THE CITY OF HOLLY HILL'S LAND DEVELOPMENT REGULATIONS PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

Commissioner Glass moved APPROVAL for ORDINANCE NO. 2873, seconded by Commissioner Reed.

The motion **CARRIED** 5-0 unanimously: Glass – Yes, Reed – Yes, Penny– Yes, Towsley – Yes, Mayor Via – Yes.

B. SECOND READING OF ORDINANCE NO. 2874

Attorney Abraham McKinnon read by short title: **SECOND READING OF ORDINANCE NO. 2874**

SECOND READING OF ORDINANCE NO. 2874, AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, AS PREVIOUSLY AMENDED, BY REZONING APPROXIMATELY 1.21 ACRES LOCATED AT 1711/1713 N. NOVA ROAD TAX PARCEL ID 4242-04-34-0091 FROM B-4 (HIGHWAY BUSINESS DISTRICT) TO CC-1 (COMMERCIAL CORRIDOR DISTRICT) FOR THE PURPOSE OF REGULATING THE USE AND DEVELOPMENT OF THIS PROPERTY; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mayor Via opened public participation. No one spoke.

Commissioner Glass moved APPROVAL for ORDINANCE NO. 2874, seconded by Commissioner Reed.

The motion **CARRIED** 5-0 unanimously: Glass – Yes, Reed – Yes, Penny – Yes, Towsley – Yes, Mayor Via – Yes.

C. FIRST READING OF ORDINANCE NO. 2875

Attorney Abraham McKinnon read by short title: **FIRST READING OF ORDINANCE NO. 2875**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 70 (UTILITIES), ARTICLE VI “WATER CONSERVATION”, DELETING SECTIONS 70-301 THROUGH 70-310, AMENDING CHAPTER 106 (RESOURCE PROTECTION), ARTICLE V (WATER CONSERVATION) CREATING SECTION 106-124 (INTENT AND PURPOSE), AMENDING SECTIONS 106-125 (DEFINITIONS), 106-126 (GENERAL RESTRICTIONS ON WATER USE), 106-127 (LEVELS OF WATER CONSERVATION AND WATER SHORTAGE), 106-129 (EXEMPTIONS), 106-130 (VARIANCES), DELETING SECTIONS 106-128 (DECLARATION OF WATER SHORTAGE) AND 106-133 (VIOLATIONS). PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE, PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. The following individuals came forward to speak to the Mayor and City Commissioners: Jim Legary, Richard Murdock, and Evelyn Dean.

*Commissioner Reed moved **APPROVAL** for **ORDINANCE NO. 2876**, seconded by Commissioner Towsley.*

The motion **CARRIED** 5-0 unanimously: Reed – Yes, Towsley– Yes, Penny – Yes, Glass – Yes, Mayor Via – Yes.

D. FIRST READING OF ORDINANCE NO. 2876

Attorney Abraham McKinnon read by short title: **FIRST READING OF ORDINANCE NO. 2876**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING CHAPTER 66 (TRAFFIC AND VEHICLES), ARTICLE VI (THE CITY OF HOLLY HILL TRAFFIC LIGHT SAFETY ACT) TO AMEND THE CITY’S REGULATIONS TO BE CONSISTENT WITH THE RECENTLY ADOPTED STATE REGULATIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. The following individuals came forward to speak to the Mayor and City Commissioners: Mathew Hudson, and Tom Hudson and Captain Steve Aldrich.

*Commissioner Reed moved **APPROVAL** for **ORDINANCE NO. 2876**, seconded by Commissioner Towsley.*

The motion **CARRIED** 4-1: Glass – Yes, Penny – Yes, Reed – No, Towsley – Yes, Mayor Via – Yes.

E. FIRST READING OF ORDINANCE NO. 2877

Attorney Abraham McKinnon read by short title: **FIRST READING OF ORDINANCE NO. 2877**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 2-30 (SALARY, HEALTH AND LIFE INSURANCE; EXPENSE) DELETING THE PROVISION THAT INCREASES THE MAYOR'S AND COMMISSIONERS' SALARY BY THE AMOUNT OF HEALTH INSURANCE PREMIUMS IF THE MAYOR OR COMMISSIONER ELECTS NOT TO BE COVERED BY THE CITY'S HEALTH INSURANCE PLAN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed moved **APPROVAL** for **ORDINANCE NO. 2877**, seconded by Commissioner Glass.*

The motion **CARRIED** 4-1: Reed – Yes, Glass – No, Penny – Yes, Towsley – Yes, Mayor Via – Yes.

F. RESOLUTION 2010-R-60

Attorney Abraham McKinnon read by short title: **RESOLUTION 2010-R-60**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COUNTY OF VOLUSIA TO PROVIDE LIMITED LIBRARY SERVICES AT A PARTNER LIBRARY LOCATION; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Via opened public participation. The following individuals came forward to speak to the Mayor and City Commissioners: Arthur Byrnes, Jim Legary, Linda Dean, Dave Rowe and Lucinda Cole.

*Commissioner Penny moved **APPROVAL** for **RESOLUTION 2010-R-60**, seconded by Commissioner Glass.*

The motion **CARRIED** 5-0 unanimously: Penny – Yes, Glass – Yes, Reed – Yes, Towsley – Yes, Mayor Via – Yes.

G. RESOLUTION 2010-R-61

Attorney Abraham McKinnon read by short title: **RESOLUTION 2010-R-61**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE SPECIAL MASTER TO RETAIN JURISDICTION OVER FINES, JUDGMENTS AND LIENS LEVIED DURING THE CODE ENFORCEMENT PROCESS FOR THE PURPOSE OF SETTLING, VACATING, AND ABATING LIENS DEEMED UNENFORCEABLE; AND AUTHORIZING THE SPECIAL MASTER TO IMPOSE ADMINISTRATIVE FEES RELATED TO THE INVESTIGATION, HEARING, AND RELEASE OF LIENS; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Via opened public participation. The following individuals came forward to speak to the Mayor and City Commissioners: Arthur Byrnes, Kevin Moore.

Commissioner Glass moved to TABLE for RESOLUTION 2010-R-60, seconded by Commissioner Reed.

The motion **CARRIED** 5-0 unanimously: Glass – Yes, Reed – Yes, Penny – Yes, Towsley – Yes, Mayor Via – Yes.

5. CONSENT AGENDA

- A. RESOLUTION 2010-R-62, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHINCHOR ELECTRIC FOR THE PURPOSES OF ELECTRICAL SERVICES; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Via opened public participation. No one spoke.

Commissioner Reed moved APPROVAL for RESOLUTION 2010-R-62, seconded by Commissioner Glass.

The motion **CARRIED** 5-0 unanimously: Reed – Yes, Glass – Yes, Penny – Yes, Towsley – Yes, Mayor Via – Yes.

6. COMMUNICATIONS

A. City Manager

City Manager Oel Wingo informed the City Commission that the City had received a proposal from the City of Daytona Beach for their Water Utility. However, the proposal did not include pipes, other infrastructure, or debt. Dr. Wingo stated that the offer was laughable.

B. City Attorney

Attorney Abraham McKinnon thanked the City Commission for the privilege of filling in for Assistant City Attorney Scott Simpson.

C. Mayor & Commissioners

Commissioner Towsley

Commissioner Towsley had no comments.

Commissioner Reed

Commissioner Reed had no comments.

Commissioner Glass

Commissioner Glass stated that is unfair for anything that is politically driven to be brought forth to the City Commission, specifically the Health Insurance. Mr. Glass asked that a proposed Ordinance on the Agenda next meeting to eliminate the both the Health and Life Insurance for the City Commission.

Mr. Glass then asked Commissioner Reed where he was currently living. Mr. Reed informed Mr. Glass that he addressed this with legal staff, and that his legal residence is 140 15th Place, Holly Hill, FL 32117 until his Divorce is final.

City Manager Oel Wingo informed the City Commission that there would be come changes under the "Health Care Reform Act", effective October 1, 2010 that will not allow insurance companies to disallow preexisting conditions, and that she preferred it if the Commission would hold off on any discussion of what the City might be able to give or not give employees until they have an expert here to discuss it.

Mr. Glass stated that he will bring up the Health Insurance issue each meeting in hopes that it will be addressed after the Election.

Commissioner Penny

Commissioner Penny stated that he thinks the City Commission is setting a great example, because there is no other employee of the City of Holly Hill that cannot take the Health Insurance and receive the monetary compensation for it. He then stated that is has been a bone of contention with Union negotiations, with previous City Managers. All three of the Unions have brought this up in the past, asking why City Commissioner should be treated any differently than other City Employees.

Mr. Penny informed the public that the Holly Hill Chamber of Commerce is hosting a Candidates Forum on August 9, 2010 at 6pm located at Bishops Glen. He also stated that on September 18th the Holly Hill Chamber of Commerce has there Golf Tournament at the Rivera Country Club.

MINUTES

Mayor Via

Mayor Via thanked everyone for attending. He also stated that it was a good Grand Opening of the YMCA, and encouraged the public to sign-up.

Mr. Via also informed the public that the next Regular City Commission meeting would be August 10, 2010 and that the General Election would be on August 24, 2010.

D. City Clerk

City Clerk Joshua Fruecht had no comments.

7. ADJOURNMENT

The meeting officially adjourned at approximately 10:40 p.m.

Attest:

City of Holly Hill, Florida

Joshua Fruecht
City Clerk

Roland D. Via
Mayor

Florida Statutes 286.011 and Government-In-The-Sunshine Manual

“The minutes of Sunshine Law meetings need not be verbatim transcripts of the meetings; rather the use of the term “minutes” as stated in F.S. 286.011, contemplates a brief summary or series of brief notes or memoranda reflecting the events of the meeting.”

An audio recording of Sunshine Law meetings (e.g. City Commission meetings/workshops and CRA meetings) are available upon request from the Office of the City Clerk during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk’s Office, (386) 248-9441 no later than three (3) days prior to the proceedings.