

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

**August 23, 2011**

**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, Police Chief Mark Barker, Officer Ivan Robinson, Fire Chief Ron Spencer, Community Services Director Jackie Maswary, Human Resources Technician Sandy Fenwick, City Planner/Consultant Tom Harowski, and City Clerk/Administrative Assistant 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 – August 9, 2011

*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.

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

**Mayor Johnson opened public participation.**

The following individuals came forward to speak:

- Joe, Riverside Drive, Holly Hill – Addressed the City Commission regarding the sidewalk issue on Riverside Drive; opposes it being on his side of the street; prefers to see it on the Westside if they are going to have a sidewalk. Does not want to give up any of his property for the sidewalk.
- Alan Sanford, Riverside Drive, Holly Hill – Addressed the City Commission regarding several of the items on the agenda but was asked by the City Commission to wait until those items were available for discussion from the public. Mr. Sanford informed the City Commission about the deplorable situations over at Sunrise Park and the trash that was all over the park and how it is being maintained.
- Art Cappuccio, Riverside Drive, Holly Hill – Addressed the City Commission regarding the bus benches/signs. Mr. Cappuccio handed out a picture of the bench at the corner of LPGA Blvd. and US 1 and asked if it can be removed because there is not bus stop there and its blocking the “Welcome to Holly Hill” sign.
- Gilles Blais, Holly Hill – Addressed the City Commission regarding public safety; the Daytona Avenue bridge; mentioned that the public is not aware of what is going on with the bridge and something should be posted about it.
- Jack Myers – Addressed the City Commission regarding his mother’s house on LPGA Blvd. and a code violation notice that was put his mother’s door about her grass. Mr. Myers shared his concerns about the weeds and grass over at Sunrise Park and wanted to know who was going to cut that grass?
- Steve Smith, Riverside Drive, Holly Hill – Addressed the City Commission regarding items on the Consent Agenda but the City Commission asked if he could wait until those items were brought up for discussion.
- Jim Legary, Burleigh Ave., Holly Hill – Addressed the City Commission regarding finding the agendas and minutes on the Website.

**Mayor Johnson closed public participation.**

#### 4. CONSENT AGENDA

- A. Three Minutes for Public Participation for items not on the agenda (*City Manager*)
- B. Rules and Regulations Modifications (*Police Chief Mark Barker*)
- C. City Manager Employment Agreement (*City Manager*)

Mayor Johnson **PULLED** Item “A” on the Consent Agenda. Mayor Johnson stated that he doesn’t see a problem with allowing the public to speak for five minutes.

#### **Mayor Johnson opened public participation.**

The following individuals came forward to speak:

- Jim Legary, Burleigh Avenue, Holly Hill – Addressed the City Commission regarding being more transparent to the public; objects the Employment Agreement for the City Manager; public participation discussion.
- Alan Sanford, Riverside Drive, Holly Hill – Addressed the City Commission regarding items on the Consent Agenda; objects to the Employment Agreement for the City Manager; maintain infrastructure within the City; parks pavilions trashed and not being kept up at Sunrise Park.
- Steve Smith, Riverside Drive, Holly Hill – Addressed the City Commission regarding items on the Consent Agenda; claims that the agreement is extortion; is opposed to the Employment Agreement.
- Jay Crandle, Ormond Beach – Addressed the City Commission by stating that anything that increases the City’s Budget should be told, “no”.
- Mike Gleason, Holly Hill – Addressed the City Commission by stating that there’s not enough money to support the City Manager’s Agreement.

#### **Mayor Johnson closed public participation.**

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

Commissioner Glass stated is comfortable with the housing allowance.

Commissioner Patton stated she was the one that suggested the housing allowance instead of giving the City Manager a raise.

Commissioner Moore stated no Union members were present to complain about the Employment Agreement for the City Manager and he is comfortable with the housing allowance.

Mayor Johnson stated the City will get what they pay for; comparing the last City Manager to the present City Manager, he is comfortable with the housing allowance. Mayor Johnson stated that Mr. McCroskey is doing a good job and is good for Holly Hill.

Mr. McCroskey thanked the Mayor and City Commission for the approval of his contract and is proud to be here in Holly Hill. Mr. McCroskey stated the City has a great staff and is looking forward to moving here.

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

## 5. PUBLIC HEARINGS

### A. **PUBLIC HEARING** – SECOND READING OF ORDINANCE 2900, CHARTER REVIEW COMMITTEE – RECOMMENDATIONS TO THE CITY COMMISSION (*City Manager*)

Attorney Simpson read by short title only:

#### **ORDINANCE NO. 2900**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTED PURSUANT TO FLORIDA STATUTE SECTIONS 101.161 AND 166.031 SETTING FORTH PROPOSED AMENDMENTS TO THE CITY'S CHARTER TO BE SUBMITTED TO THE VOTERS OF THE CITY AT A SPECIAL ELECTION; PROVIDING FOR A BALLOT SUMMARY AND TITLE FOR EACH PROPOSED AMENDMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commission Patton moved APPROVAL for Second Reading of Ordinance 2900, seconded by Commissioner Glass.*

Attorney Simpson stated for clarification, the law requires one ordinance to be presented for adoption for ballot questions but on the ballot itself, there will be separate questions to be voted on.

**Mayor Johnson opened public participation.**

The following individuals came forward to speak:

- Alan Sanford, Riverside Drive, Holly Hill – Addressed the City Commission regarding two-year terms that were voted on nine months ago and doesn't agree that they should have to be asked to vote on the same thing again so soon; opposes having a special election for this.
- Renee M., Holly Hill – Addressed the City Commission regarding the Charter Amendment for the two-year term; no need for a special election.
- Bill Arthur, Riverside Drive, Holly Hill – Addressed the City Commission stating that he was the Chairman for the Charter Review Committee and doesn't remember the Committee agreeing to having a special election. Mr. Arthur stated that he never believed in term limits.
- Steve Smith, Riverside Drive, Holly Hill – Addressed the City Commission stating that there is no need for a special election, they should have it in 2012 when the City is scheduled for an election. Mr. Smith mentioned district voting and campaign financing.
- Margaret Lawson, Holly Hill – Addressed the City Commission and stated that when she moved to Holly Hill, nobody had to pay her to move here; opposes the City Manager's employment agreement.
- Alan Sanford, Riverside Drive, Holly Hill – Addressed the City Commission regarding the term limits. Mr. Sanford stated that the four-year and two-year has its ups and downs. Mr. Sanford stated that he believes a lot can get done in two years.
- Jim Legary, Burleigh Avenue, Holly Hill – Addressed the City Commission stating that the City Manager's Employment Agreement shouldn't have been placed on the Consent Agenda. Mr. Legary stated that he was present at all the Charter Review Committee meetings; remembers the mayor-form of government discussions and two-year terms for office.
- Ed Johnson – Addressed the City Commission regarding the US House of Representatives and stated that they only run for two years and if the elected officials of the City are doing a good job then the citizens can vote to keep them for another two years.
- Matthew Hudson, Holly Hill – Addressed the City Commission stating a special election is not needed, have it during the scheduled 2012 election instead.
- Mike Gleason, Holly Hill – Addressed the City Commission stating that two years is long enough and that a special election is not needed.

**Mayor Johnson closed public participation.**

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

**B. PUBLIC HEARING – FIRST READING OF ORDINANCE 2901, PERMITTING TEMPORARY OFF-SITE STORAGE OF CONSTRUCTION MATERIAL AS A SPECIAL EXCEPTION USE** (*City Planner*)

Attorney Simpson read by short title only:

**ORDINANCE NO. 2901**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY ADDING A NEW SECTION 114-704 ALLOWING TEMPORARY OFF-SITE STORAGE OF CONSTRUCTION MATERIAL AS A SPECIAL EXCEPTION USE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Commission Penny moved APPROVAL for First Reading of Ordinance 2901, seconded by Commissioner Glass.*

Tom Harowski, City Planner gave a brief staff report regarding the temporary off-site storage of construction material as a special exception use.

**Mayor Johnson opened public participation. No one spoke.**

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

C. **PUBLIC HEARING** – FIRST READING OF ORDINANCE 2902, AMENDING THE LAND DEVELOPMENT REGULATION REQUIREMENTS FOR MINIMUM OFF-STREET PARKING (*City Planner*)

Attorney Simpson read by short title only:

**ORDINANCE NO. 2902**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2352, THE LAND DEVELOPMENT REGULATIONS, BY AMENDING DIVISION 6 OFF-STREET PARKING AND LOADING FACILITIES TO AMEND THE MINIMUM NUMBER OF PARKING SPACES REQUIRED FOR OFFICE USE AND RETAIL; TO ADD PROVISIONS FOR JOINT USE OF PARKING SPACES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commission Penny moved APPROVAL for First Reading of Ordinance 2902, seconded by Commissioner Moore.*

Tom Harowski, City Planner gave a brief staff report regarding the Holly Station Shopping Center, LDR by amending Division 6 off-street parking and loading facilities to amend the minimum number of parking spaces required for office use and retail.

**Mayor Johnson opened public participation. No one spoke.**

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

**D. PUBLIC HEARING – FIRST READING OF ORDINANCE 2903, REPEAL OF FIREARMS AND AMMUNITION ORDINANCES, REGULATIONS AND RESOLUTIONS** (*Police Chief Barker*)

Attorney Simpson read by short title only:

**ORDINANCE NO. 2903**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, REPEALING SECTION 38-2 OF THE CODE OF ORDINANCES; AND RESOLUTION 2011-R-05; THEREBY DECLARING NULL AND VOID ANY AND ALL CITY ORDINANCES, RULES, AND REGULATIONS, GOVERNING FIREARMS AND AMMUNITION; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

*Commission Moore moved APPROVAL for First Reading of Ordinance 2903, 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

**6. BUSINESS AGENDA**

**RESOLUTION 2011-R-59, LIEN ABATEMENT REQUEST – 903 MAGNOLIA AVENUE** (*Police Chief Barker*)

Attorney Simpson read by short title only:

**RESOLUTION NO. 2011-R-59**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CONDITIONAL RELEASE AND ABATEMENT OF ALL LIENS, FINES, AND JUDGMENTS LEVIED BY THE CITY OF HOLLY HILL SPECIAL MASTER PURSUANT TO AN ORDER OF NON-COMPLIANCE ISSUED JUNE 26, 2002 AND MAY 25, 2005; EXCLUDING A \$250.00 ADMINISTRATIVE FINE; FOR THE PROPERTY AT 903 MAGNOLIA AVENUE, TO FACILITATE THE SALE OF THE PROPERTY; AND SPECIFYING**

**CONDITIONS THAT SHOULD THE PENDING SALE OF THE PROPERTY NOT PROCEED, OR FINES REQUIRED OF JEREMY JIMENEZ NOT BE RECEIVED, THAT ALL LIENS, FINES, AND JUDGMENTS CURRENTLY ACCRUING AGAINST THE PROPERTY PURSUANT TO THE SPECIAL MASTER'S ORDER REMAIN IN EFFECT AND FULLY ENFORCEABLE FROM JUNE 26, 2002 AND MAY 25, 2005; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

*Commission Glass moved **APPROVAL** for **Resolution 2011-R-59**, seconded by Commissioner Moore.*

Police Chief Barker gave a brief staff report regarding the lien abatement request for 903 Magnolia Avenue.

**Mayor Johnson opened public participation. No one spoke.**

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

## **7. COMMUNICATIONS**

### **A. City Manager**

Mr. McCroskey reminded the Mayor and City Commission that the next regular meeting will be held on Monday, September 12<sup>th</sup> and that will be the Budget meeting as well.

### **B. City Attorney**

Attorney Simpson clarified some information to the Mayor and City Commission as it pertains to the Sunshine Law and the public's right to speak at City Commission meetings. Attorney Simpson stated that the public does not have the right to speak according to the Sunshine Law at public meetings. They do not have the right to participate during a meeting; the first readings are just for business, the second readings are where the public can participate.

### **C. City Clerk**

None.

### **D. Commissioners**

Commissioner Patton apologized for the way the meeting was conducted tonight; reminded everyone about the Take Your Prescription Drugs back program; spoke briefly about the Volusia League of Cities Annual Conference; the National League of Cities has a prescription drug program out there and asked if the City Manager can look further into that for the Commission.

Commissioner Moore stated he is ashamed at how the meeting was run tonight and how the Boy Scouts left the meeting.

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Commissioner Glass stated that he keeps getting calls for 611 Gladiola about the grass being overgrown on that property; agrees with Commissioner Moore in regards to how the meeting was conducted. Commissioner Glass stated that he is enjoying his term of office with the Commission this time around.

Commissioner Penny apologized to the Boy Scouts; asked about the Resource Center and Market Place.

Mayor Johnson stated he is happy the citizens are coming out to the meetings; reminded and invited the public to the Human Services Advisory meeting tomorrow at 3:00 pm at City Hall.

**8. ADJOURNMENT**

Mayor Johnson officially adjourned the meeting at approximately 9:15 pm.

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Valerie Manning  
City Clerk/Administrative Assistant