

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

September 13, 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: City Manager Oel Wingo, Ph.D., City Attorney Scott Simpson, Administrative Services Director Kurt Swartzlander, Public Works Director Brad Johnson, Police Chief Mark Barker, Fire Chief Ron Spencer, City Planner Thomas Harowski, 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.

2. PUBLIC HEARING

- A. RESOLUTION NO. 2010-R-67, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2010-2011; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Scott Simpson read Resolution No. 2010-R-67 into the record.

Mayor Via opened public participation. No one spoke.

*Commissioner Penny moved **APPROVAL** for **RESOLUTION NO. 2010-R-67**, adopting the tentative millage rate of 6.5595 mills and setting the final public hearing date of September 28, 2010 at 7:00pm, seconded by Commissioner Glass.*

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

- B. RESOLUTION NO. 2010-R-68, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2010-2011; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Scott Simpson read Resolution No. 2010-R-68 into the record.

Mayor Via opened public participation. No one spoke.

*Commissioner Glass moved **APPROVAL** for **RESOLUTION NO. 2010-R-68**, adopting the tentative budget and setting the final public hearing for September 28, 2010 at 7:00pm, seconded by Commissioner Penny.*

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

3. MINUTES

- A. Minutes from the Regular City Commission meeting – August 24, 2010
- B. Minutes from the City Commission workshop – September 1, 2010
- C. Minutes from the City Commission workshop – September 2, 2010

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

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

4. PUBLIC PARTICIPATION

Regarding items not on the agenda.

Mayor Via opened public participation. No one spoke.

5. BUSINESS AGENDA

- A. SECOND READING OF ORDINANCE 2880

City Attorney Scott Simpson read by short title:

SECOND READING OF ORDINANCE 2880, AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING AND RESTATING, CHAPTER 42, PENSIONS AND RETIREMENT; ARTICLE III, FIREFIGHTERS' PENSION PLAN, SECTIONS 42-60 THROUGH 42-93, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP;

PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT ; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS; EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR FIRE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed moved **APPROVAL** for **ORDINANCE NO. 2880**, seconded by Commissioner Penny.*

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

B. SECOND READING OF ORDINANCE 2878

City Attorney Scott Simpson read by short title:

SECOND READING OF ORDINANCE 2878, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING CERTAIN AMENDMENTS TO THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE FINAL EVALUATION AND APPRAISAL REPORT; AUTHORIZING TRANSMITTAL; PROVIDING WHEN SUCH AMENDMENTS SHALL TAKE EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Glass moved **APPROVAL** for **ORDINANCE NO. 2878**, seconded by Commissioner Towsley.*

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

C. SECOND READING OF ORDINANCE 2879

City Attorney Scott Simpson read by short title:

SECOND READING OF ORDINANCE 2879, AN ORDINANCE ADOPTING THE AMENDMENT TO THE FUTURE LAND USE MAP FOR A 25 ACRE PARCEL LOCATED AT 1200 CENTER STREET, HOLLY HILL, FLORIDA TO CHANGE THE FUTURE LAND USE DESIGNATION FROM “CHURCHES, SCHOOLS AND INSTITUTIONS” TO “MIXED USE III” AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Reed moved **APPROVAL** for **ORDINANCE NO. 2879**, seconded by Commissioner Glass.*

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

D. RESOLUTION NO. 2010-R-69

City Attorney Scott Simpson read by short title:

RESOLUTION NO. 2010-R-69, A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AFFIRMING THE CERTIFICATION OF THE VOLUSIA COUNTY CANVASSING BOARD REGARDING THE RESULTS OF THE GENERAL ELECTION HELD TUESDAY, AUGUST 24, 2010; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The results of the said Election are as follows:

CITY OF HOLLY HILL
General Election

For Holly Hill City Mayor the whole number of votes cast was 1556 of which number

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Arthur J. Byrnes 117 votes

Jeanne Cullen 62 votes

Roy Johnson 368 votes

Maureen Monahan 67 votes

Rene "Rocky" Rivera 39 votes

Steve Smith 271 votes

Roland Via 632 votes

For Holly Hill city Commission District 3 the whole number of votes cast was 1436 of which number

Donald "Donnie" Moore 731 votes

Mark Reed 705 votes

City of Holly Hill Referendum

Reduction to Two Year Terms and Elimination of Staggered Terms of Office

Shall the term of office for all elected officials be reduced from 4 years to 2 years commencing with officials elected in 2010 and staggered terms of office be eliminated?

YES 813 votes

NO 699 votes

Mayor Via opened public participation. No one spoke.

*Commissioner Glass moved **APPROVAL** for **RESOLUTION NO. 2010-R-68**, seconded by Commissioner Towsley.*

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

6. CONSENT AGENDA

A. RESOLUTION NO. 2010-R-70, A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, REAPPOINTING DONALD W. MOUSSEAU TO THE BEAUTIFICATION ADVISORY BOARD AND SETTING FORTH THE TERM EXPIRATION DATES; AND PROVIDING AN EFFECTIVE DATE.

B. RESOLUTION NO. 2010-R-71, A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING LATONYA M. ELMORE TO THE HOLLY HILL YOUTH

ADVISORY COUNCIL AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

- C. RESOLUTION NO. 2010-R-72, A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF HOLLY HILL AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE ROAD RIGHTS-OF-WAY BY THE CITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

7. COMMUNICATIONS

A. City Manager

City Manager Oel Wingo had no comments

B. City Attorney

City Attorney Scott Simpson had no comments.

C. Mayor & Commissioners

Commissioner Towsley

Commissioner Towsley asked City Manager Oel Wingo about the cost of the new City newsletter. Dr. Wingo informed Commissioner Towsley that even with new newsletter being glossy and full color that the cost of the newsletter was significantly less.

Commissioner Reed

Commissioner Reed asked that the contact information for the City Commission be included in the city newsletter in the future.

Commissioner Glass

Commissioner Glass had no comments.

Commissioner Penny

Commissioner Penny announced that the Chamber of Commerce would be having the 14th Annual Golf Scramble on Saturday, September 18, 2010 at the Riviera Country Club.

Mayor Via

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Mayor Via thanked everyone for attending, and informed the public that the final public hearing to adopt the millage rate and budget would be on September 28, 2010 at 7:00pm.

D. City Clerk

City Clerk Joshua Fruecht had no comments.

8. ADJOURNMENT

The meeting officially adjourned at approximately 7:49 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.