



City of Oak Hill, Florida
City Commission Meeting Minutes
Date: January 12th, 2026
Time: 6:00 PM
Location: 234 S. U.S. Hwy 1, Oak Hill, FL 32759

City Council Meeting

Meeting minutes

A. OPENING

1. Call to Order

Mayor Ricky Taylor welcomed everyone to the City of Oak Hill Commission meeting and called the meeting to order at 6:00 PM on Monday, January 12, 2026.

2. Invocation

The invocation was led by Mayor Taylor.

3. Pledge of Allegiance

Mayor Taylor asked everyone to stand for a moment of silence followed by the Pledge of Allegiance.

4. Roll Call

City Manager John Barkley conducted roll call. Commissioner Hyatt responded "Here." Vice Mayor Catigano responded "Here." Commissioner Drollinger responded "Here." Mayor Taylor responded "Here." Commissioner Werning responded "Here." All commissioners were present.

B. AGENDA MODIFICATIONS

1. Commission's opportunity to add, move and/or remove items from the agenda.

Mayor Taylor opened the floor for agenda modifications. Commissioner Werning immediately spoke up: "I'd like to make a motion that we move G3 to the beginning of the

meeting." When asked for clarification about G3, she explained, "Which is the Garden Street issue and move it up to after citizens participation."

Mayor Taylor sought clarification: "Before consent agendas?" Commissioner Werning confirmed, "Yeah." Commissioner Hyatt added context: "After the awards and everything." Commissioner Werning agreed: "Yeah. Yeah. That's after all the awards and everything. Yeah."

Mayor Taylor called for a second, which was received. City Manager John Barkley conducted a roll call vote: Commissioner Werning voted "Yes," Mayor Taylor voted "Yes," Commissioner Drollinger voted "Yes," Vice Mayor Catigano voted "Yes," and Commissioner Hyatt voted "Yes." **The motion passed unanimously.**

Mayor Taylor confirmed: "So G3 will then move between D and E."

C. PRESENTATIONS / ANNOUNCEMENTS

1. Christmas Parade Winners

Mayor Taylor announced he would read the list of Christmas parade winners and have each group come forward for pictures. The winners were:

- Best in Show: Meyer Crab Company
- Best Float: Coastline Church
- First Place: Full Gospel Christian Church
- Second Place: Oak Hill Olive Grove
- Third Place: Lighthouse Cove
- Most Original: Daytona Beach Ghostbusters
- Best Children's Float: Oak Hill Sports Club

Each group came forward for photographs as their category was announced.

D. CITIZEN PARTICIPATION / PUBLIC INPUT (NON-AGENDA ITEMS)

Mayor Taylor explained the public participation process: "If you wish to speak during public participation, please fill out the form found at the table in the back and place it in the basket by the clerk. If the item you wish to speak about is on the agenda, please hold the input until the agenda item is up."

City Manager John Barkley announced the speakers who had signed up. Mr. John Crawford was called but deferred, saying "I don't know if that's on the agenda or not for Garden Street." When confirmed it was on the agenda, he agreed to wait. Mr. Andrews also deferred, stating "Same" for both his topics. City Manager John Barkley confirmed: "That's all I have, Mister Mayor."

G. OLD BUSINESS

3. Consideration of Filing an Objection to Motion to Intervene: Garden Street

City Attorney Michael Kelly opened the presentation: "Good evening, commissioners. The next item before the commission is whether or not the city wishes to file an objection to Commissioner Catigano's motion to intervene in Garden Street litigation." He explained he had "come armed with notes" and wanted to present the information as concisely as possible.

Kelly framed the central question: "Does the city want to pursue a mutually agreeable resolution, or does the city wanna take this case to trial?" He explained that Garden Street had come ready to negotiate but wanted assurance the city was prepared to do so by filing an objection to Commissioner Catigano's motion to intervene.

Kelly provided extensive background on the lawsuit, explaining that in February of the previous year, the city had entered into a consent judgment with plaintiffs in a Sunshine Act case, "essentially saying that a Sunshine Act violation had occurred." He clarified that the consent judgment stated the zoning ordinance for Garden Street was void as between the city and those two plaintiffs.

He then explained what a consent judgment is: "A consent judgment is essentially a contract between 2 parties that says how a lawsuit will be resolved. Those parties can agree to anything they want. However, if that contract impacts the rights of parties who are not involved in the lawsuit, there has to be a legal and factual basis in order for that consent judgment to be enforceable."

Kelly used an analogy: "I can't sue John and then enter into a consent judgment with John that says that Linda has to buy John a Ferrari. Like, that's just that's not the way that that works."

He clarified misconceptions about the consent judgment's effect: "I've heard people saying that this consent judgment has automatically returned the zoning to R1. I'd like to clear that up. What the consent judgment did was return the zoning as between the city and those 2 residents. The consent judgment does not say anything about Garden Street's rights specifically to develop the property."

Kelly explained that Garden Street had filed a declaratory action asking the court to declare that the consent judgment does not impact its rights to develop property. He outlined his recommendation: "At the 12/9 shade meeting, I was instructed that the city and the commission does not oppose development of the property in a general sense. But there is a strong disagreement about placing 50 foot lots immediately adjacent to the low density residential with the homes on North Gaines Street."

He continued: "At the 12/9 shade meeting, the commission unanimously agreed that it would consider a redesign if it addressed those concerns. If that's what the city still wants, the quickest way to get there would be to pursue settlement."

Kelly emphasized: "To be clear, opposing the motion to intervene does not mean that we are not continuing to defend this case. It just means that we're going to continue defending this case as the only party while opening the door to settlement negotiations."

He expressed his disagreement with Commissioner Catigano's approach: "Commissioner Catigano and I disagree strongly about the potential risks to the city arising from taking this case to trial. Stated in a general sense, Commissioner Catigano was of the opinion that we have a silver bullet, and I think that we have a 50/50 ball."

Kelly acknowledged Commissioner Catigano's personal investment: "I know that Commissioner Catigano has personally sacrificed a great deal with respect to this development, you know, blood, sweat, and tears. But I disagree with the choice to file the motion to intervene, although I can certainly understand wanting to take control of something that you put so much effort into."

He noted that at the most recent case management conference, "the judge stated that it was prepared to deny the motion to intervene at the case management conference. But attorney Andrews did not appear for that hearing, and so the judge did not render a ruling."

Kelly concluded his presentation: "In summary, this has been portrayed as the city commission opposing the residents, but that's false. The motion to intervene in the ensuing storm has been created by Commissioner Catigano. It's an unnecessary power grab, which is complicated and already complicated case."

Commissioner Werning made a motion: "I will make a motion that we take the advice of the city attorney." The audience erupted with voices, prompting her to explain: " We have to make a motion, and then it has to be seconded, then you have the right to speak. So I'm making a motion that we accept the attorney's advice."

Commissioner Hyatt seconded the motion. Mayor Taylor opened the floor for public comments.

Public Comments:

Attorney Tanner Andrews (DeLand) addressed the commission first, stating he was "here to talk not about legal concerns, really, but public policy, which is y'all's area of concern." He acknowledged the citizens' success: "The plan to put 130 postage stamp sized lots hasn't materialized. If you look at the zoning map, it's still R1, or at least it was last week."

Andrews reminded the commission: "You'll remember that not that long ago, at least 3 of you got elected promising transparency, promising to fight against overdevelopment, and to try to preserve our quality of life here in Oak Hill and Volusia County."

He framed the central question differently than Kelly had: "The question here tonight is whether the city commission wants to authorize the former city attorney to negotiate a backroom deal with the developer contrary to the interests of the neighbors whom he previously represented as well as contrary to the long term interests of the city and contrary to what at least 3 of you have promised during your respective election campaigns."

John Kalstad Jr. (285 North Gaines Street) asked about the lawsuit status: "What happened to the lawsuit that claimed moot that the development was denied and as moot? So ordinance 2001 dash 2 is null and void."

Kelly responded that this was "effectively what this declaratory action that we're in right now is questioning." He explained that while the consent judgment resolved the lawsuit between the city and two plaintiffs, "the question becomes whether that loss or that consent judgment impacts the rights of a nonparty."

Kalstad expressed his view: "My feeling is they should have to start all over." When asked why they were looking to "just give it to them," Kelly responded: "We're not looking to give them anything. However, if I had the opportunity to push it back to square 1, you don't think that I would have trotted in here happy as can be and said, hey. Look. We've got them pushed back to square 1. They gotta start all over."

John Crawford asked: (**N Gaines St**) "Where are we on the timeline of this development? I mean, are you all ready to vote to accept whatever they want or what? I mean, where are we?"

Kelly explained there had been no movement since the consent judgment was entered. When Crawford asked about the zoning status, Kelly explained it was complicated: "As it relates to the 2 residents that were involved in the most recent lawsuit where the consent judgment was entered, it would be R1. However, as it relates to Garden Street, it's very likely that they may have obtained some vested rights to develop the property in accordance with the RPUD zoning."

Crawford requested: "I would ask the city to consider all the citizens affected. Like, y'all tried to vote the last meeting pertaining to something to do with that, and nobody was informed." He suggested: "I would just ask the city to maybe have a town hall or a workshop to discuss all of this."

When Crawford questioned whether Kelly was "for us anymore," asking "isn't that a conflict of interest?" Kelly responded: "Absolutely not. I've agreed to remain on as the city attorney to assist in this final hearing."

Resident Laturell addressed the commission, noting: (**N Gaines st**) "The majority of you have been my front door, Ricky, Mark, Joe... And it's because you promised that you would help us manage growth."

He presented financial figures: "They pay per year \$9,789.31 on 33 acres of land. The land is assessed currently at \$502,000. If that's what they would sell it to me for, I'd buy it tomorrow."

Laturell calculated potential values: "If they did nothing else with that property except plat it and put it out to between 80 and 100 residents as an R1, that land would be worth \$5,400,000. If they chose to develop it as R1, it would be worth \$31,500,000."

He pleaded with the commission: "When is enough money enough money for the Garden Street company? When is the growth going to be managed?" He addressed each commissioner by name, asking them to "manage the growth. Please let Garden Street move forward as R1 and make a ton of money."

Chris Van Gorder (140 North Putnam Grove Road, 30-year resident) questioned the city attorney about the Sunshine Law violation and whether Garden Street was prohibited from suing after the consent judgment. Kelly clarified various points about the release and lawsuit.

Van Gorder expressed frustration: "You're on your way out here. So wouldn't it be normally, when I seek counsel, I go to 3 different people... I think it's irresponsible for you to be listening to, like, the counsel, the city, the attorney that you have right now means he's going out the door."

He urged: "These are the people that represent the city here and you're supposed to be, like, standing up against development. You came to everybody's house saying that we don't want development."

Van Gorder concluded emotionally: "I don't really like coming out. I'm really emotionally invested in a lot of this and I've seen a lot of destruction of the river lately."

Commission Discussion

After public comment, intense discussion ensued among commissioners.

Vice Mayor Catigano read into the record an **acknowledgment agreement between Garden Street and the city**, dated October 14, 2022. Catigano stated, "First thing I'd like to do is to read this acknowledgement into the record... because I don't think that the attorney over here or the ex-attorney... whose last day, according to his resignation, was December 12th. So I'm not even sure why he's sitting up here, but... I don't think any of this commission voted for that or rehired him or anything like that."

He continued, "Anyway, so this is the agreement... they were talking about... that this Garden Street entered into with the city regarding the Sunshine Law case... which he left out. And I... did wanna read this to you. On the final agreed judgment of the Sunshine Law, part number 3, the parties agree that Oak Hill Planning and Land Development Regulation Commission, PLDRC, considered aspects of the proposed development, which is the subject of this action and which was approved per Oak Hill **ordinance 2021-2** outside of the view of the public contrary to Florida statute **286.011** So the city and the plaintiffs both agreed to that. That's what that just said right there."

"And then, under the B part or... what is this? Parties agreed in consideration to avoid further litigation. Each party shall bear their own. Then it goes into a, b, and c. And the 1 that most of the people, I think, have been citing here is the court finds and declared that as between the parties, which is the city of Oak Hill, and I guess, apparently, it's narrowed now down to just the 2 people, that the zoning is that... **resolution 20 21-02** is null and void."

"And... resolution... our ordinance **2021-02** is changes the zoning from the parcel from R1 to residential plan unit development. So if it's null and void, then that obviously went backwards, back to what it was. And apparently, that also encompassed the development order that they... the previous commission had voted for. But with that in mind, Garden Street entered into this agreement... or contract or acknowledgment or whatever you wanna call it. And it says, whereas Garden Street Community Southeast LLC, the owner applicant is the owner of the property described, and it gives the parcel ID number. Whereas owner

applicant submitted an application to rezone the subject property to residential planned unit development zoning, which the city of Oak Hill approved."

Catigano further explained, "Whereas the city's approval has been appealed and is still pending, and a new lawsuit has been filed challenging that all has gone transpired. Whereas the city makes no representation or insurances about the potential outcome of either pending challenges to the zoning approval or that no additional challenges may be filed. Whereas the owner applicant desires to proceed with the development review and approval despite the pending litigations challenging the zoning approval."

"Whereas the owner applicant hereby acknowledges that the city's zoning approval could be over turned by either of the pending court proceedings... that if zoning approval is overturned, the owner applicant may not be able to complete the proposed development as approved, and all expenditures incurred by the owner applicant pursuing the development approval may be lost. Furthermore, if the ultimate approval is obtained and construction activity begins prior to final completion of all pending litigation, all construction improvements may have to be removed, excuse me, removed from the subject property if the zoning is overturned."

Catigano described, "Whereas being fully advised of the above risks of pursuing development review, approval, and construction activity prior to the final resolution of the pending litigation, the owner applicant is willing to assume the risk of proceeding prior to finalization of the pending legal challenges of the zoning approval. Whereas the owner applicant furthermore releases the city from any and all liability for damages incurred by the owner applicant in pursuing the review, approval, construction of the development in the event that the zoning approval is overturned or otherwise invalidated."

"Whereas this acknowledgment is governed by the laws of Florida and the venue for any litigation arising of this acknowledgment shall be in a state court, Volusia County, Florida. The prevailing party in any litigation arising out of or related to this acknowledgment shall be reimbursed reasonable attorney fees and costs. Whereas in reliance on the owner's applicant's representation herein, the city will proceed with review of the development and if approved, the issuance of necessary permits unless otherwise ordered by the courts. That was in 10-14 of 2022."

"So it does recognize that this case. It specifically listed in there. The city of Oak Hill is a party to the proceeding in this case. Therefore, as far as the city of Oak Hill is concerned, that's all of us, John, everybody, Garden Street should be dealing with, not him. That parcel is on r 1."

Commissioner Werning questioned, "Yeah. And that was part of the court decision that the judge put down in that lawsuit?"

Mike Kelly responded "You like to answer or you want me to answer? Vice Mayor Catigano I'll answer it. Okay. It wasn't? It was not."

Continuing, **Catigano** said, "The reason why the citizens he likes to call it Joe's motion to intervene, he knows as well as everybody else that it's not. It's the citizens of our city."

Commissioner Werning responded We know that part.

Vice Mayor Catigano continued He just does that for show because he's trying to bury me in this. But we that the reason why the citizens in this room... wanted to intervene is because he wouldn't bring this to the judge and ask for a summary judgment based on this document. It's just that simple. That is why we were intervening because we wanted attorney Andrews to bring this to the judge and give him this. Because the city, had he done this, the day after they filed, the judge could've said, nope. Here's this thing. It's all gone, and then Michael would have been out all that attorney's fees and all this, and he would have missed out on his opportunity to stab Joe and the citizens in the back, and here we are. But here's this document, and you can't deny it. I mean, I know you are awful.

Commissioner Werning I have read it

Vice Mayor Catigano continued on, here's this document.

Commissioner Werning stating I understand it. I didn't see that document though signed by any city official.

Vice Mayor Catigano responding It doesn't matter. It's the city. It it doesn't matter. Tell them, Michael, if you want to or I'll have Tanner Andrews answer. I would trust what he says a he** of a lot more than I would you. So why don't you get up and answer that question, Tanner?"

Commissioner Werning responding I would like the city attorney to answer, Mayor Taylor also stating yeah.

Mike Kelly responding so the initial question is that, you know, you state that this is undeniable, but I think that it is important to note that the operative phrase here is if the approval is overturned or otherwise invalidated. Right?

Vice Mayor Catigano Which is what it was.

Mike Kelly responded That is the question in the lawsuit that we currently have pending. This document does not overturn or invalidate it.

Vice Mayor Catigano she asked was if this document is valid. No. I mean, she asked the question and asked you to answer. Why the he** are you here how long are we going to do this? How long are we going to do you want to.

Mike Kelly responding can you let me talk.

Mayor Taylor order.

Unidentified member from the audience stated how long are we gonna do this? how long are we gonna do this?

Mayor Taylor order.

Vice Mayor Catigano stating "You're gone".

Unidentified member from the audience stated "you resigned"

Vice Mayor Catigano She asked a very specific question.

Mayor Taylor please.

Vice Mayor Catigano it doesn't matter if it's not signed. That's what she asked.

Commissioner Werning He was trying to answer the question.

Vice Mayor Catigano He wasn't answering that question.

Commissioner Werning Joe, please allow him to finish.

Vice Mayor Catigano He's not the city attorney.

Commissioner Werning Excuse me.

Mayor Taylor Mister Andrews, could you please come up and answer if you would like?

Attorney Tanner Andrews explained the lack of a signature on the document between the city and Garden Street, stating that its absence does not affect the validity of the contract. He outlined the reasoning: the city accepted the agreement, which is considered a contract or a release, through its actions rather than by signing. Andrews noted, "You can accept a contract by performing or by signing," and added that there may be other minor methods of acceptance in particular situations. He clarified that in this instance, even though the document itself lacks a signature, the key components of contract formation offer, acceptance, and consideration were still present. Specifically, Andrews explained, "Here, the lack of signature does not matter because you still had the offer, that piece of paper. You still acceptance, that is the city accepting that offer and returning in consideration the proceeding to process the application."

As Andrews elaborated further on the concept of contract acceptance, he emphasized that the city's actions to move forward with the application and permit process, as outlined in the document, constituted performance, thereby satisfying the element of acceptance. He asserted that the document was still legally enforceable, despite not being signed by the city officials, due to the acceptance being demonstrated through their actions. The city effectively agreed to the terms of the document by proceeding to consider and potentially approve the development project, regardless of ongoing litigation challenges. Andrews reinforced that this defined a contractual relationship between the city and Garden Street, beyond a mere proposal, due to measurable performance actions. To process the application. You had offer, acceptance, and consideration.

Commissioner Werning "Who wrote this agreement?"

Attorney Mike Kelly, "That is a great question. We were planning to take a corporate representative deposition to determine that. My suspicion is that this was drafted by the former city attorney, but I'm not certain."

Attorney Tanner Andrews "I have no information, so I cannot answer that question."

Attorney Mike Kelly "It actually matters quite a bit who drafted it based on how the document will be construed."

Commissioner Drollinger responded Mr. Andrews, on your motion to intervene, has there been a hearing set yet for that motion to intervene?

Mr. Andrews No. In fact, the city has not yet filed a response.

I may go ahead and file something responding to Garden Street's view, but it's still sort of pending.

Commissioner Mark Drollinger I would like to see the residents speak this matter and have their voices, but we need a hearing set.

Mr. Andrews Well, I can do that if the city thinks that would be good, I'll go ahead.

Commissioner Drollinger Would that be a better option to have that hearing?

Let the residents give the residents an opportunity and maybe tackle this subject at another time?

Commissioner Werning Well, I'm not following what you're asking.

Commissioner Drollinger Well, the motion to intervene has never had a hearing. We're just kinda out there in limbo. But if there was a hearing set, we could get this finalized?

Mr. Andrews That's correct.

Commissioner Werning You're asking for him to take it to court?

Commissioner Drollinger For the motion to intervene. Yes. For the hearing. Right. There's never been one.

Okay. And you So I think that we should get back to what the original question

Attorney Mike Kelly The original question being presented here was, does the city want to pursue a mutually agreeable resolution, or are we prepared to completely waive that opportunity and take this to trial? That is essentially what is before here. The reason I'm here is because we have until June before this goes to trial. It's not we. We. It's us.

Vice Mayor Catigano it's not we, it's us, you're gone.

Mayor Taylor Mr. Andrews still has the opportunity to file to intervene regardless of what we do up here today.

Mike Kelly He does. But, again, we are foregoing the opportunity.

Vice Mayor Catigano stabbing the citizens in the back

Commissioner Werning No. Joe, stop. Joe

Vice Mayor Catigano that's what he's doing.

Mike Kelly What is actually happening here? The city has the ability to defend this lawsuit.

without the intervention. There are no defenses that are available to mister Andrews that have not already been asserted by the city. The city has the ability by the city. Just so everybody knows that. Was raised in the

Vice Mayor Catigano This has not been asserted by the city.

Commissioner Werning Joe

Vice Mayor Catigano This has not been asserted by the city the acknowledgement that I just read.

Mike Kelly He's wrong. He's raised in an answer in affirmative defense. Right. Well, it was raised.

Vice Mayor Catigano Tell them what they said that they executed it. You left that out. I was getting ready to go to that, but you're taking up all my time here.

You you know they said that in that answer brief, and you and you're not telling these people that. That they said that they executed this agreement in their answer brief to Michael Kelly.

Garden Street Discussion continued

Mike Kelly That wasn't a question that was asked of me.

from the audience I don't believe...

Mayor Taylor Order, order.

Mike Kelly The point is, does the city want to take the risk of going to trial and potentially losing, or does the city want to use the opportunity that has been presented to us to try to come to an agreement that would be mutually agreeable to the residents? Again, the residents would have the opportunity to be involved in this. I mean, those are the options that are presented. If the city chooses not to file an opposition to the motion to intervene, the chance of settling this is gone, and you're going to have to take this to trial. That's what's been presented to me.

Commissioner Werning Okay. Question for you.

Vice Mayor Catigano This is supposed to be my time. Alright?

Commissioner Werning Finish your time and then I'll ask my questions.

Vice Mayor Catigano I just want people to know that the attorney is acting adversarially to the city or towards the citizens whom he formally represented. In the last meeting, he went out on a rant about me calling me unethical, and I'll get to that in a minute. But I want you guys to know that Florida bar rule 4-1.9 governs an attorney's duties to its former clients, and

in that bar rule, it says no adverse representation. A lawyer cannot represent someone in a matter that is the same or substantially related to a former client's matter if the new client's interests are materially adverse to the old one unless the former client gives informed consent. And have any of you people from Gaines Street given this man form consent to do what he's doing right now? He's an advocate for the developer and against you after he represented you against the city? Good. Because I just want this commission to know that. That's what he's doing right now. He's violating the bar rule. He's dismissed.

The idea that he would say that it is somehow untoward for the citizens of Gaines Street to go and seek advice from another attorney. A violation of a bar, not a rule. I'm trying to find what it's actually called. It's an opinion. Isn't that what they call it? There is nothing wrong with citizens seeking a second opinion to make sure that the city is handling this case correctly because they're not, and the idea that he would sit up here all high and mighty in this chair even though he doesn't work for the city anymore is just unsettling.

The bottom line here is that the city needs to get this document to the judge, and if the judge rules in Garden Street's favor, you know, and says that this doesn't mean anything, which they won't, I don't see how that's possible. This seems like an ironclad document. He admits that it's valid, so does Attorney Andrews who also supports that opinion. They agreed on the judgment order, and Michael even said that as far as the city is concerned, that parcel is zoned R1, and so I just don't see how Michael Kelly can negotiate anything for a city that he doesn't even work for and circumvent the procedures that are outlined in our comp plan and our own LDRs and state law because every person in this room is entitled to be involved in that zoning change decision.

It requires three hearings, one from the PLDRC board, and two from the city. And he's trying to circumvent that, you know, in order to help his friends at Garden Street. Because I don't know why else he would do that, but here we are. Because here's this document. It's real. It's right here. Nobody's arguing with that, and it's still sitting here, nine months later, and he's had all that time to bring it to the judge and hasn't done so.

Mike Kelly The acknowledgment is a great defense. I agree. However, as I have presented to you before in confidence and publicly, I don't know if it necessarily disposes of the entire lawsuit based on the way it's written. Again, it's a great defense, but if we go and do as you suggest, you know, what's, you know, Mr. Andrews' record in terms of representing residents? I think he's a smooth 0-4 right now. Okay. So if we go that route and it doesn't work, then what? Right? So we're given the opportunity to negotiate something. Why not use that to our advantage?

Vice Mayor Catigano Because it's a violation of our city ordinances. The public is required to be able to participate in that.

Mike Kelly Of course, they would.

Commissioner Werning and why wouldn't they be able to participate in a negotiation?

Vice Mayor Catigano any kind of negotiation is going to be done by somebody that doesn't even work for the city. No. No. No, Joe.

Commissioner Werning That's not what he's saying at all.

Vice Mayor Catigano All of a sudden, you're forgetting about the last meeting.

Mike Kelly The only reason I am here because of the urgency in which this needed to be presented. Okay. You can take this case to trial. And if you watch this thing blow up in your face... Okay. Have at it, man?

Audience members unidentified Yeah. Yeah. If... If you're the one who said 50/50 before... Yes. I'd rather take my chances with the citizens. So... May I make a quick comment?

Mayor Taylor I'll allow it. Please come to the podium.

Resident Mr. Laturell shared detailed financial assessments to highlight Garden Street's profit potential with R1 zoning, using data from real estate analytics. He concluded that their current \$500,000 investment in the property could soar to \$31,500,000 if sold as R1 plots. Transitioning to RPUD could yield an additional \$5 to \$10 million, potentially raising the value to over \$41,000,000. This significant increase led Laturell to question the necessity for more profit. He urged the city to facilitate Garden Street's transition to R1, arguing it would serve the company's interests and benefit Oak Hill residents, promoting balanced growth, a goal the commissioners had committed to.

Gentleman... ladies, please get them to go to R 1. They're gonna make a ton of money, and we're gonna be happy as citizens, and we're gonna have 80 to 90 new happy, happy citizens in Oak Hill. Let's get R 1 going. Do everything in your power, please, to get R 1 going. And I will be the first to welcome the first resident in that R 1 community. Thank you.

Jack Kalstad, 285 North Gaines Street, Oak Hill, raised a concern: "I see what's going on. Everybody sees what's going on. I would like to see this vote get postponed. But I know you got a motion. I know how it works. But I would like you to consider, why not have a meeting with the residents and see how they truly feel before you enter in something that you can't back out of. If you vote right now to negotiate with these people, you just shut all our voices out."

Commissioner Werning responded: "How do you feel that we shut your voices out if we were to vote that way?"

Kalstad replied "Well, maybe the citizens would wanna go to go to court with this. Against them. And you just, if you vote the way you're going to vote, we can't go to court against them because we're going to bed with them." "You're going to negotiate with them. That's what this is the motion is. Right?"

Commissioner Werning clarified We're still involved in the lawsuit. The lawsuit isn't going away. The only thing we're voting on here tonight is whether or not to allow a third party to intervene into the lawsuit."

Kalstad questioned "Then who would be the third party?"

Commissioner Werning explained "It would be Tanner representing as your representative. The neighbor. He's the party who is requesting to intervene."

Kalstad retorted "Alright. I would agree to that.

Commissioner Werning But the lawsuit doesn't go away. The lawsuit's still there.

Kalstad I think if this might happen, the residents would be able to be liking, Back his vote and back, put all our thing behind him because he's talking sense. That's what we wanted originally.

Commissioner Werning to sit down with the developer. I understand.

Member of the audience They're gonna make money.

Commissioner Werning I understand. Okay. And the only thing we're voting on tonight," Correct me if I'm wrong, but my understanding is the only thing we are voting on is not making the lawsuit go away in any way, shape, or form. The lawsuit will still be there. It is giving us the opportunity to sit down with the developer before we spend huge sums on legal bills, to sit down together, and to try to negotiate and work out something amicable with everybody. And if it doesn't work, we still end up proceeding to court. However, it strictly stays between the city of Oak Hill and the developer, no third party involved. There are a couple of misconceptions. People are under the impression that we can change a decision that the prior commission approved. We can't change the decision they made. We are now in a lawsuit and are going back to court, and it would be the court that could make that decision to make that change. It's not a matter of us saying we want to change it back to R1. None of us like the RPUDs, but we didn't vote them in. The former commission did, and we're stuck with those decisions.

Mr. Kalstad No, you're not. The judge let you off it by saying that decision was moot.

Commissioner Werning The judge partially overturned it because it was a decision where the developer was not involved in the lawsuit. It was between a citizen and the city. The developer didn't have a right to speak at that lawsuit, and he didn't agree to that. That's why he's now suing us, as he was a part of that lawsuit.

Unidentified person from the audience Actually, he was an original defendant in there.

Vice Mayor Catigano you don't know what you're talking about.

Commissioner Werning they are not named in the lawsuit.

Vice Mayor Catigano Yes. Garden street filed a motion to intervene in the sunshine law. They were there. They were at the hearing. They did not appeal the decision. They could have appealed

Court papers. All the recorded court papers I've seen did not list the developer in any way, shape, or form.

Audience They need you to go back and look at the original. Why can't I?

Commissioner Werning Because I'm looking at the recorded court documents. they do not name the developer

Mayor Taylor Thank you, Jack.

Vice Mayor Catigano They were at the hearing. They filed a motion to intervene. They didn't get that far because the judge ruled before it got that far.

Unidentified speaker It's common sense.

Vice Mayor Catigano You're wrong. Yeah.

Jeff Bracy, We've been sitting on this for 9 months. Right?

Commissioner Werning 3 years.

Mr. Bracy Okay. I know. 3 years. Have they come one time to a meeting to knock on our door and say, we're gonna sue you? We're gonna take you to court? In 9 months, they said they weren't gonna sue mister Court. No problem. Right. They have been. And what I'm getting at, I keep hearing we're gonna be sued.

Commissioner Werning We have been sued.

Mr. Bracy Who won?

Commissioner Werning It hasn't gone to court yet.

Mr. Bracy When's it gonna go to court?

Mike Kelly June.

Mr. Bracy On the docket. So they're suing us. June, they are gonna sue us. They haven't come here to negotiate in good faith with the council or the city manager.

Commissioner Werning That's what they're offering to do now.

Mr. Bracy It's been a long time. I'd have to agree with this gentleman here, I don't know him from beans. But they're gonna go from R1 to quarter acre. I'll be honest with you. I don't want a quarter acre. I want compromise. Subdivision behind there with half acre lots. But we're stuck with the governor. They put a moratorium on us, and we can't move.

Commissioner Werning Correct.

Mr. Bracy So what are they gonna do? They're gonna sue us? They're gonna take us to court?

Commissioner Werning It's a 50/50.

Mr. Bracy Do we have enough evidence to win this thing? If they turn around and come here and enforce this, it ain't gonna go well. I've been here for 48 years. Okay? I want to sit back and eat popcorn and watch this thing get developed because I don't think it'll happen. But you guys are gonna make the decision.

Commissioner Werning Alright. Well, I would like to let everybody know a few facts. I went back and did some research, and since this started back in 22, the taxpayers in this town from 22 to 24 have paid \$27,443 dollars in legal fees. The taxpayers have also paid an additional \$20,216 dollars in planning fees and \$10,917 dollars in engineering fees. So from 22 to 24, this Garden Street development has cost city taxpayers \$58,576 dollars. From 2025, when we took office, to current, this commission has incurred another \$9,999 dollars in legal bills. So the taxpayers, all 2,000 residents of this town, have paid a total of \$67,675 dollars. We are going to incur more legal fees because this is still going to court, and it is still going to cost the taxpayers money. Personally, I feel that if we can sit down with the developer, the group of Gaines Street, and the city, and try to work something out as opposed to incurring thousands of more dollars in legal fees, it is not a bad idea to sit down and try to work something out as a group and come to some kind of common issue, and if you can't, you still end up in court, and then the judge makes the final decision, But what is it hurting for the residents to sit down with the developer and try and negotiate something peacefully. It's a capital idea. I agree with you. But you know, and try and work it out. If you can't work it out you go to court. You go to. You tried that. You know that. You came to my house. And we all discussed it. Yes. We all said we're gonna try and do this with the developer. We're not opposed to this development. We're opposed to. Exactly. So let's sit down and try and do. That's why we ended up in court. We've already done it. So. But you ended up. Why don't we do it again? Why don't we do it again? To sit down and try and negotiate something. I mean, the developer doesn't. Court. The developer doesn't really wanna go to court.

Unidentified speaker We we have a potential solution on the table. R 1. Let's try to help them get r 1. And and and let's sit down and have a discussion and a negotiation

Commissioner Werning stated, "I appreciate the feelings expressed. I sat in Bonnie's house, discussed with neighbors, and understood none of us want these small developments. However, we haven't had any developments brought to this commission for decision yet."

Werning continued, "We are in the process of trying to change our comp plan and land development, but the state law has said we can't implement it for 3 years. We're getting things ready so that if a lawsuit against the state is successful, we can move forward with our new plan. If not, after 3 years, we'll have everything ready to implement."

When asked by **Resident Laturrell** whether the property is currently zoned R1, Werning confirmed, "It is one of multiple zonings in our town." Regarding the possibility of a court settlement through support for R1, she remarked, "I don't know what they will agree to, and we won't know unless we sit down and discuss it."

Werning added, "I don't like these 40-foot lots any more than anybody else; that's why the last commission, who approved those developments, got voted out. We can't change what was already approved, but this current lawsuit is challenging that. We turned around and discussed all previous plans approved by the prior commission. This was the only development that had a possibility, not a promise, of making a change. So, I ask, what is wrong with sitting down and trying to reach a reasonable agreement?"

Vice Mayor Catigano interjected, "What's wrong with the citizens pursuing intervention?"

Commissioner Werning The point is, the developer's attorney... When I'm finished, Joe, if you'd like to speak, by all means, but when I'm finished.

Vice Mayor Catigano I have been waiting and waiting.

Commissioner Werning let me finish what I'm saying, okay?

Vice Mayor Catigano Please, your majesty.

Commissioner Werning You don't need to be sarcastic either, Joe. Be professional.

Commissioner Werning Be professional.

Unidentified member of the audience "Ricky are you going to take control of the meeting?"

Mayor Taylor I have but you are speaking out too.

Unidentified member Stop us all

Mayor Taylor ok

Commissioner Werning articulated a necessity to represent the entire populace of 2,000 residents rather than a select few, emphasizing equitable consideration across the board: "We have to take everybody into consideration."

With regard to the ongoing lawsuit initiated by the developer, Speaker 3 suggested pursuing a resolution rather than a court trial to reduce adversarial positions: "We have been sued by this developer. Let's try to sit down and work something out."

While acknowledging the absence of any assurances that the zoning would revert to R1, Speaker 3 expressed the possibility of achieving a satisfactory compromise through negotiations: "There isn't a promise that it'll go back to R1. There there can't be. And it may end up going to court. But if we have an opportunity to work something out, maybe it isn't R1, maybe it ends up being a compromise somewhere in between that everybody's happy with."

Despite the uncertainty, : "It's worth an effort. It's worth a try."

Regarding the motion to intervene, **Commissioner Werning** mentioned the developer's willingness to negotiate, conditioned on not pursuing the intervention: "The developer is willing to sit down and have a conversation with us now. However, he has said if that motion to intervene is pursued, I'm not going to sit down and talk to you."

Commissioner Werning urged for common sense and reason in moving forward: "So do you want to use common sense? Do you want to turn around and be reasonable and sit down and negotiate and talk."

"There's no backroom deal going on here as it's being accused."

The goal, is to engage in dialogue with the developer to seek a mutual agreement: "The idea is to sit down and have a conversation with the developer and try and come to an agreement."

"If we don't come to an agreement, then it goes to the court. And, know, Joe's paper that he thinks is gonna be %100 percent guarantee that we've got this one %100 percent, great. If we win it, we win it, but we need to try and be reasonable and try to work something out as well."

And that's my position on it. Alright.

Vice Mayor Catigano stated, just to be clear, this is not Joe's paper. This is a contract between the city of Oak Hill and the developer.

Commissioner Werning but we don't know who wrote it.

Vice Mayor Catigano "Carrie" "Carrie" First of all, she gave a time frame and included in that legal expenses for the Sunshine Law violation that she and the rest of the PLDRC board caused. The city of Oak Hill, the citizens were defending themselves against an action that the city took adversarially against them by dismissing them in a meeting, sending them home, and then proceeding to violate their rights. That's what cost the city \$24,000 or whatever that bogus number that you tried to include in this.

Commissioner Werning Except you lost that lawsuit 2 times, Joe."

Vice Mayor Catigano, "We didn't lose that lawsuit."

Commissioner Werning insisted, "Yes. You did.

Commissioner Werning You lost the Sunshine lawsuit twice."

Vice Mayor Catigano countered, "Carrie, you're wrong. I have the actual document right here, but it's like you were saying that you do, and we did not lose the Sunshine Law violation.

Attorney Andrews responded, "We settled it.

Attorney Kelly The judge didn't rule. The judge signed an order that we wrote.

Vice Mayor Catigano That money was spent by the city defending a screw up that they made, not the citizens of Oak Hill. The citizens were defending themselves because their rights were violated by this city. And that's why the citizens filed a lawsuit to protect their own interests and their own rights and their right to be heard and participate in a civic activity.

Vice Mayor Catigano continued, "And the rest of it, where you went off the rails, is when you started listing off fees that are recoverable and should have been recovered by the city.

Commissioner Werning However, the former commission did not bill them, and therefore, they were never recovered.

Vice Mayor Catigano That doesn't mean that we can't get them. And that should be something that the city should be vigorously pursuing against Garden Street. Why aren't they? And as far as this what you say Joe's document is concerned, the reason why these

citizens here, and I'm gonna say it again, want to intervene is because Michael Kelly failed to bring this to the judge and ask him what to do about it. Why was that? Why is that harmful? It's because Garden Street doesn't want them to see this. Because that's why he's saying if we if you don't file a motion to intervene, we won't negotiate with you. Guess what? No matter what, Garden Street is gonna negotiate with us. Because if they lose, they have to reapply. That's what they should have done a year ago, and then it's gonna come back and go through the normal process like it should. This is what people are talking about with backroom deals. That's what they're talking about because if Michael Kelly, who doesn't even work for the city, negotiates some kind of a backroom deal with Garden Street, they'll be circumventing that normal process that allows the citizens to participate in this. You can scowl all you want, Carrie.

Commissioner Werning that's your opinion. It's your opinion.

Vice Mayor Catigano It's a law. It's state law. It's true. It's on paper. Right. If the city tries to circumvent that process, they're gonna be violating the citizens' laws again and our rights. This costs money. Wait. You see what happens then.

Mayor Taylor Do you wanna speak Mark?

Commissioner Hyatt Before he speaks, could I say something? Yes. I'd like to withdraw my second right now because there's, We're just gonna do the same thing again. Gonna bring everybody back. We're gonna hear what they wanna do. We're gonna have the developer here. That's what you want. That's what they want.

Commissioner Werning So you wanna make a motion that we table this until such time as the developer can meet with. Are you looking to do, like, a workshop?

Commissioner Hyatt That would be great.

Commissioner Werning That's not what I mean, is that what you're recommending?

Unidentified person from audience No. She's recommending that allow us to intervene if we want to.

Commissioner Hyatt No. We don't want him at all he is not our attorney

Mayor Taylor Go ahead, Mark.

Vice Mayor Catigano Motion's dead. Motion's dead, Ricky. Motion's dead.

Citizens Comments

Mark Cressman (205 Randall Avenue) asked about the acknowledgment document, seeking clarification about offer, acceptance, and consideration. Tanner Andrews explained the legal mechanics of the contract formation.

Cressman observed"If I understand as it's being framed, the developer Garden Street is saying if you don't oppose the motion to intervene then we're not going to negotiate. Is that what I understand?" Kelly confirmed this was correct.

Cressman noted "Whether you vote to oppose intervention or you don't oppose intervention, when it comes down one way or the other, you're gonna go to mediation, and you're gonna go negotiate with them one way or another before you ever go to trial in June."

Mike Arman asked about the percentage of lawsuits that go to trial. Kelly responded it was very case-specific but likely "better than 50/50" that this would go to trial. When Arman asked about the downside if the city loses, Kelly predicted: "I think that the city or the judge will likely find that Garden Street has vested rights to their zoning and to their development approval. However, I think that based upon this acknowledgment, I think based upon some other factors, the city has a really good defense that we don't owe damages to Garden Street for delay."

Jack Kalstad (285 North Gaines Street) expressed concern: "I would like you to consider, why not have a meeting with the residents and see how they truly feel before you enter in something that you can't back out of. If you vote right now to negotiate with these people, you just shut all our voices out."

Commissioner Werning clarified "The only thing we're voting on here tonight is whether or not to allow a third party to intervene into the lawsuit." She emphasized: "The lawsuit doesn't go away. The lawsuit's still there."

Jeff Bracy (196 Westbrook Circle) observed "We've been sitting on this for 9 months. Right?" He questioned whether Garden Street had ever come to negotiate in good faith. When told they were offering to do that now, he expressed skepticism about their intentions.

Bonnie Lindsey (223 North Gaines Street) questioned the purchase of the boom lift, asking about usage frequency and rental alternatives. Travis Allen explained past rental costs and justified the purchase.

After extensive debate, **Commissioner Hyatt** withdrew her second to the motion, effectively killing it.

Vice Mayor Catigano confirmed: "Motion's dead."

E. CONSENT AGENDA

1. Meeting Minutes

A. December 8, 2025, Commission Meeting

Mayor Taylor called for a motion to accept the meeting minutes. **Commissioner Werning** made the motion, which was seconded by Commissioner Hyatt. With no discussion from council or citizens, **City Manager John Barkley** conducted a roll call vote. All commissioners voted "Yes," and the **minutes were approved unanimously.**

F. CITY ADMINISTRATOR

City Administrator John Barkley presented his report, which was provided in writing and posted online for citizens. He opened by inviting public participation: "Please feel free to call

me or email me or come in to City Hall and involve yourself in the public process here in the city of Oak Hill. I invite that and I welcome it from everyone."

1. Forensic Audit

Barkley presented estimates for forensic audit services ranging from \$15,000 to \$100,000. He explained: "I looked around. I got some estimates based on some conversations that we had this past summer having to do with what the cost might be to do a forensic audit."

He acknowledged: "I will tell you, honestly, candidly, that I don't have a budget for this. I believe some of you even probably warned me about that when we started down this road."

Barkley recommended against proceeding: "I would not recommend that we do that at this time. One of the messages that I brought to city hall and to the city in general is we gotta move forward. We gotta look forward. We gotta stop looking back at stuff."

He explained that their regular auditor is responsible for catching financial improprieties and concluded: "I don't think it's necessary for a town of our size and scale to have a full forensic audit, and when I saw the price tag, again, as many of you forewarned me, the eyes opened a little bit."

Commissioner Drollinger suggested putting it "on the back burner" or "the no burner," adding "We could better use the money on other things."

2. City Attorney Interview Schedule

Barkley reported they had three candidates for city attorney with one pending. Mayor Taylor expressed preference for interviewing them separately. Vice Mayor Catigano agreed: "Maybe having a workshop or something"

The commission reached consensus to conduct individual interviews followed by a special meeting to make a final selection. Barkley agreed to email commissioners the names and resumes of candidates.

3. Halifax Avenue Septic to Sewer Project

Barkley reported: "We have substantially completed 100 percent of design for the Halifax Avenue septic sewer project. Runs from Oak Street all the way down around the bend at River Road."

He explained the system design: "Sewer will be collected through a pumping system at the east end of Halifax and then sent down to Oak Street, and then it'll connect into the county's wastewater facility from there."

The project timeline extends through December 2026 for construction. Barkley noted they're waiting on one more survey at Garden Street and Halifax Avenue to address drainage issues at that intersection.

Commissioner Hyatt asked about road resurfacing: "I know we had originally talked in the beginning of that, they were going to resurface that road from US 1 all the way up until where they were gonna stop construction at. Is that still on the table?" Barkley agreed to confirm this was still included.

4. Canal Avenue Stormwater/Channel Improvements Project

Barkley announced: "We're starting the surveying on Canal Avenue. As you know, the commission received a grant from the state of \$186,888."

He explained the project scope: "This was in concept for the design of a system to improve the flooding conditions along Canal Avenue, not just during hurricanes but during a regular rainstorm."

The project involves connecting the ditch on the south side of Canal in front of the country store to existing ditch lines a couple of parcels down, approximately 200 feet. Vice Mayor Catigano had recommended surveying to ensure sufficient fall to avoid needing pumps.

Barkley noted they had another approximately million-dollar request to the state legislature for 2026-27 to build the project. He mentioned the mayor would be traveling to Tallahassee over the next couple months for committee visits.

G. OLD BUSINESS

1. Amendment to Contract of Sale: Halifax Ave./US Highway 1

City Administrator Barkley presented the amended contract for property at the northwestern corner of US 1 and Halifax Avenue. He explained: "You'll recall the commission decided by vote to offer \$75,000 for these 3 parcels originally equated to about .80 acres."

He noted a complication: "One of the parcels was found by the owner that they don't own it even though they were paying taxes on it. 0.9 of that just went away."

The closing deadline was January 15th. Barkley highlighted the property's benefits: "This property not only provides us with a scenic and recreational amenity with a lot of potential for outdoor activities for folks and also increases our open space in the city and will help with the environmental implications of the drainage and the flooding issues."

He recommended using ARPA funds for the purchase "so that we don't have to finance this thing."

Commissioner Werning made a motion: "I'll make a motion that we proceed with the purchase on the property on Halifax in US 1. And hopefully, the closing is by the fifteenth." **Commissioner Hyatt** seconded. Motion passed unanimously

Jeff Bracy asked for clarification: "Northwest corner of Halifax and US 1?" Barkley confirmed and explained that two parcels face US 1, with a third parcel that was removed from the deal.

The motion passed unanimously by roll call vote.

2. Consideration of Bids: Department of Public Works - Towable Boom Lift

Travis Allen, Public Works Director, presented bids for a towable man lift. He explained: "We need the man lift for a multitude of different things. Main thing is the overhead clearance trimming issues, some other lighting issues, and then the banners that we put up Halifax Ave as well."

Three bids were presented:

1. JLG Towable Man Lift - \$35,590 (through Everglades Equipment)
2. Genie brand - \$43,000+ (from Aerial Titans, 50-foot height reach)
3. Scissor Lift - comparable pricing

Commissioner Werning noted differences in reach capabilities. Allen explained the JLG had 34-foot vertical reach and 18 feet 9 inches horizontal reach, while others reached further. He assured: "I'm very confident that it will meet every need that we have."

Mayor Taylor asked about tax implications, noting inconsistencies in the quotes. Allen confirmed the first quote from Everglades Equipment, their regular partner, properly excluded tax for government purchases.

Commissioner Hyatt confirmed all vendors offer training. **Commissioner Werning** verified the \$35,000 unit would be sufficient for their needs and noted it would leave \$9,959 in ARPA funds compared to \$2,209 if they chose the \$43,000 option.

Bonnie Lindsey questioned the purchase: "How many days out of the year are we gonna be using this? And is there a possibility to do a rental?"

Allen explained past rental costs: "Just the December one where we rented it for like 2 days, I think. That was just a daily charge, and it went up to \$450 a day. Last year, we did a more long term rental, and it was about 7 grand, but we did not get through everything that we needed."

Commissioner Werning noted this was coming from ARPA funds, not tax dollars.

Vice Mayor Catigano interjected about wanting the city to buy a backhoe for cleaning ditches, calling it his "next item that I want."

The motion to purchase the JLG lift for \$35,590 passed unanimously.

4. Comprehensive Plan Committee Appointments: David Hogan

City Administrator Barkley presented David Hogan for appointment to the Comprehensive Plan Committee. Commissioner Drollinger had introduced Barkley to Hogan at the parade.

Commissioner Hyatt commented: "Mister Hogan is, he'd be a great asset to have. He's very sharp individual. I'd love to have him."

Vice Mayor Catigano added "He's a good guy. He's good guy." He noted Hogan's construction background and that he lives in Lighthouse Cove with his wife.

The commission gave unanimous consensus to appoint David Hogan to the committee.

H. NEW BUSINESS

1. Draft Emergency Operations Plan

City Administrator Barkley presented the draft plan: "This draft is I put this on the new business so you can receive it, you can look at it, review it, and I can bring it back to the old business at the next meeting if you haven't had time to really go through it."

He explained its purpose: "This really provides us with the framework for emergency operations." He noted he had misstated it as an emergency management plan but preferred calling it an emergency operations plan.

Barkley outlined the framework: "This provides a framework for the city, Volusia County Emergency Management, Volusia Sheriff, city employees, myself. It sort of lays out the foundation for the protocols when weather or other related emergencies happen."

He emphasized: "I think the most from a practical standpoint, the biggest value of this is to have something to start with. That's where I am with this."

Mike Arman from the audience offered assistance: "I got a copy of the old city emergency response plan, which was, I think, 3 or 4 pages. I'll be very kind and say that it was absolutely pathetic. It had no defined emergencies. It had no supplies or equipment. It had no contacts, no names, no identified resources, no procedures, no responsibility areas, nothing."

Arman volunteered: "I'm perfectly willing to help with this. I'd be happy to help with this." He noted he had created an emergency response plan for the airport and understood these are "living documents" requiring regular updates. He also noted the city's emergency equipment currently consisted only of a small cell phone charger he had purchased for \$3.

2. Resolution 2026-01: Oak Hill/Volusia County Local Hazard Mitigation Strategy

Barkley presented "This is a resolution that represents the city's participation in the county wide local hazard mitigation strategy as required by FEMA for renewal. I think it's every 5 years. The last one that was done was 2020."

He explained they were signing up with the county to participate with other jurisdictions across the county. He had included an excerpt of the full document in the packet.

Barkley noted progress in emergency management coordination: "Travis and I have established a relationship with his staff up there in emergency management. We look forward to being part of communication and the protocol with the county. We're already in their portal now. We can report things. We're signing up for the sheriff's office text messaging system."

Mayor Taylor introduced the resolution: "Well, this is to approve resolution number 2026-01 concerning the Oak Hill and Volusia County local mitigation strategy."

Commissioner Werning made the motion to approve, **Commissioner Hyatt** seconded. The resolution **passed unanimously** by roll call vote.

I. CITY ATTORNEY

City Attorney **Michael Kelly** indicated he had nothing further to report.

J. BOARDS AND COMMITTEES

Mike Arman addressed the commission about citizen patrol and neighborhood watch programs. He reported: "Volusia County Sheriff's Office is not in love with neighborhood watch because they don't, I'm sorry, with citizens patrol because they are not enthusiastic about having people riding around playing officer."

He explained citizen patrol requires liability insurance and participants cannot carry weapons, "and unfortunately, in many cases, they find themselves in a situation where a weapon will be a real good idea. So, no."

However, he noted neighborhood watch was more viable: "The involvement is basically that's it." He offered to pursue it further and suggested getting Sergeant Shivers to speak at the next commission meeting.

Arman then raised another topic related to the comprehensive plan: "No permit fees on solar panels, steel roofs, heat pumps, storm shutters, impact windows, and similar, anything for energy and resilience, which I think would encourage people to do stuff like that, which we need. No decision needed. I just wanna put the word out there."

K. COMMENTS AND CONCERNS FROM THE COMMISSIONERS

No other commissioners offered comments initially.

Mayor Taylor concluded: "I would like to thank everyone that did come out here today to speak. I appreciate y'all voicing yourself, and I hope we can come to a agreement and understanding moving forward."

He added: "and I think everybody did a great job at our Christmas parade in preparing for it, executing it, it went well, Wished everyone a Happy New Year."

L. ADJOURNMENT

Commissioner Werning made a motion to adjourn, which was seconded by **Commissioner Hyatt**. Mayor Taylor concluded: "Have a good night." The meeting was adjourned.

Note: In accordance with Resolution 2006-17, a three-minute time limit per speaker is enforced. If any individual decides to appeal a decision made during this meeting, a verbatim record of the proceedings will be required as per Florida Statute 166.041(3)(A).

Attest:

X



City Manager
John Barkley

X



Ricky Taylor
Mayor

GARDEN STREET COMMUNITIES
SOUTHEAST, LLC, f/k/a Esplanade
Communities of Florida, LLC
Plaintiff

v.

CITY of OAK HILL
Defendant

IN THE CIRCUIT COURT
OF THE 7th JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA
OTHER CIVIL

case # 2025 10749 CIDL

SEVERAL NEIGHBORS MOTION TO INTERVENE

Plaintiff, Garden Street, has filed this complaint, attacking the judgment in Volusia #2022-11266-CIDL, but have not named the interested parties. Several neighbors move to intervene, relying on the contemporaneous *Notice of Civic Engagement* ("Civic Engagement Notice") and *Notice of Filing Appendices* to which reference is made as app. '1', both filed contemporaneously herewith. In support, the neighbors first identify themselves, then give a brief history of the dispute, and finally explain why their interests entitle them to intervention.

- a -

1. Some of the neighbors were involved in Volusia #2022-11266-CIDL (the "Sunshine Litigation"), and have obtained judgment binding on themselves and the City that the PUD process as implemented was carried out in the "shade", contrary to the form of Fla. Stat. § 286.011. Those neighbors are listed as numbers 01..03 in the Civic Engagement Notice.

2. Some neighbors were involved in a challenge to the preliminary approval, Volusia #2024 10648 CIDL, which was dismissed as premature. Those neighbors are listed as numbers 11..12 in the Civic Engagement Notice.

3. Other neighbors did not take a direct part in the Sunshine Litigation, preferring to remain in the background and offering support to their friends and relatives. However, all of them are affected property owners in Oak Hill. They are listed as numbers 21..31 in the Civic Engagement Notice.

- b -

4. In 2022, several of the neighbors sued the City of Oak Hill and plaintiff Garden Street, claiming that violations of Fla. Stat. §286.011 rendered the PUD approval process null and void.

5. Garden Street objected to its inclusion in the litigation, see app. 'B', asserting that as a non-government entity it could not properly be included in a Sunshine claim. The neighbors accepted this logic and dismissed Garden Street according to its request.

6. Despite its early assertion that it was not properly included in the Sunshine Litigation, Garden Street later decided that it should be included. Waiting until the judgment was due to be entered, it moved to intervene. This move was unsuccessful.

7. The judgment held that, as to Oak Hill and as to the Plaintiffs, the PUD approval process was null and void due to the Sunshine violations. See app. 'C'.

8. Neither the denial of intervention nor the final judgment were appealed.

- c -

9. Fla.R.Civ.P. 1.230 provides that anyone claiming an interest in pending litigation may at any time be permitted to assert a right by intervention.

10. All of these Several Neighbors have property which would be affected by the outcome of this litigation.

11. All of these Several Neighbors are Florida Citizens having statutory and constitutional rights to open government.

12. The complaint in this case attacks the judgment in the Sunshine Litigation. See count 2, asking for declaratory relief as to the PUD approval.

13. Despite its earlier assertion that it was not a government actor amenable to inclusion in the Sunshine Litigation, it later sought to re-enter through intervention.

14. The neighbors have obtained a judgment binding on them and the City of Oak Hill, invalidating the approval of the PUD. Obviously this would not bar a new application carried out in accord with the ordinances of Oak Hill as to giving notice to neighbors and in accord with Chapter 286 of the Florida Statutes.

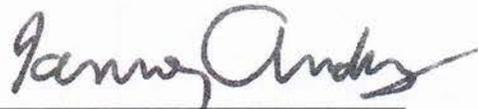
15. All of the neighbors seeking to intervene have homes in Oak Hill which would be affected by Garden Street's proposed development, giving them special interest in preserving the judgment in the Sunshine Litigation.

16. Plaintiff here seeks to invalidate the same judgment in which it earlier wanted no part. Intervention here will allow the neighbors to defend their peace and property. All of the neighbors have rights flowing from the judgment in the Sunshine Litigation, in that as a result of that judgment the City is barred from issuing permits or otherwise acting on the voided PUD process.

Wherefore, the Neighbors request that

- (a) this motion be granted;
- (b) they be permitted to intervene as defendants on the same basis as the City; and
- (c) they be given not less than 10 days from entry of the order to file their answer.

Respectfully submitted,



Tanner Andrews
Fla. Bar #21426
Counsel for Neighbors
Tanner Andrews, P.A.
112 W. New York Ave., #203
P.O. Box 1208
DeLand, FLA 32721
pho +1 386 734 2111
e-mail tanner@sunshine-lawyer.com

Certificate of Service

I certify that a copy hereof has been furnished to all parties listed below by the method indicated for each party.

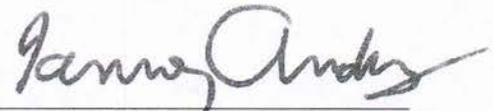
Garden Street (by e-mail)

Cindy Laquidara, Esq., [79737771.6]
Akerman LLP,
50 N. Laura St., #3100,
Jacksonville, FLA 32202.
e-mail masterdocketlit@akerman.com [...]

City of Oak Hill (by e-mail)

J. Michael Kelly, Esq.,
Property Loss Group,
300 N. Ronald Reagan Blvd., #302,
Longwood, FLA 32750.
e-mail jmkelly@plgfl.com [...]

Done this 2 day of September, 2025.



Tanner Andrews
Fla. Bar #21426
Counsel for Neighbors
Tanner Andrews, P.A.
112 W. New York Ave., #203
P.O. Box 1208
DeLand, FLA 32721

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO: 2022 11266 CIDL
DIVISION: 01

BONNIE LINDSAY, JOHN CRAWFORD,
and DIANA BATCHELDER,

Plaintiffs,

vs.

CITY OF OAK HILL,

Defendant.

AGREED FINAL JUDGMENT

THIS CAUSE came before the Court upon the stipulation by Plaintiffs BONNIE LINDSAY, JOHN CRAWFORD, and DIANA BATCHELDER, and Defendant, CITY OF OAK HILL, for entry of a default final judgment. The Court has reviewed the file, and being otherwise duly advised in the premises, now FINDS as follows:

1. Defendant, CITY OF OAK HILL has consented to entry of a judicial default [DIN 42].
2. Defendant has further stipulated to the entry of this Final Judgment.
3. The parties agree that the Oak Hill Planning and Land Development Regulation Commission ("PLDRC") considered aspects of the proposed development which is the subject of this action, and which was approved per Oak Hill Ordinance 2021-02, outside of the view of the public, contrary to Fla. Stat. § 286.011(1).

app.
C

4. The Oak Hill PLDRC recommendation was an essential part of the decision-making process.

5. The parties have agreed that in consideration of avoiding further litigation between them, each party shall bear its own attorney's fees.

Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

A. Pursuant to the Agreement between the parties, Plaintiffs' Motion for Default [DIN 45] shall be, and the same is hereby GRANTED. A judicial default is hereby entered against the Defendant, CITY OF OAK HILL.

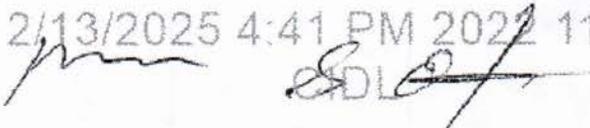
B. The Court finds and declares that as between the parties to this action, Oak Hill Ordinance 2021-02 is null and void *ab initio*.

C. Each party shall bear its own attorney's fees and court costs.

D. All other pending motions are hereby DENIED as MOOT.

E. The Clerk of the Court is hereby directed to close this file.

DONE AND ORDERED in Chambers at DeLand, Volusia County, Florida this 13 day of February, 2025.

2/13/2025 4:41 PM 2022 11266


e-Signed 2/13/2025 4:41 PM 2022 11266 CIDL

Michael S. Orfinger, Circuit Judge

Copies furnished via eService to:
Tanner Andrews, Esq.
J. Michael Kelly, Esq.
Cindy A. Laquidara, Esq.