

Joe Catigano

Oak Hill City Commissioner Seat #3

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– The Right Leader Now –



May 25, 2026

Hi Everyone,

I hope this newsletter finds you all well. Summer is fast approaching and along with it comes the heat. Stay cool and use this time to prepare for hurricane season.



Remembering the fallen...

On this Memorial Day, please take a moment to remember our fallen service members. While doing so, reflect upon how their sacrifice contributed toward making this country a truly great place to live, raise a family, and prosper. We owe them and all who serve a debt of gratitude.



Are your elected officials and city staff acting in your best interest?

On February 13, 2025, the Volusia County Court System issued a final judgement on a case that was filed by a group of citizens who believe the City of Oak Hill, via their Planning and Land Development Regulation Commission (PLDRC), had violated their rights during a hearing that was held on December 12, 2020. The ruling was in favor of the citizens. It found that the city had violated their rights that are given under [FS § 286.011\(1\)](#). [Click here](#) to view the Court issued final judgement. The ruling declared that “as between parties to this action”, Oak Hill ordinance 2021-02 is null and void. Oak Hill ordinance 2021-02 contained the provision for the zoning change of parcel # 9505-00-00-0710 from R-1 to RPUD.

Because the city received complaints from citizens claiming that the city had not provided sufficient notice, (see [Sec. 24-192 \(a\)\(4\)](#) - *Review of major developments*), the PLDRC board made the choice to “pull it from the agenda” or table the item until sufficient notice could be made. [Click here](#) to view an official transcript of that meeting. Page 4, line 3 is where the board tables the item. Page 4, line 24, is where the public is given the reason why they are tabling the item. On page 4, line 8 and line 21, the board tells the public “We will not be discussing it.” After every citizen in the room leaves, the board goes on to discuss details of the development application for about 13 minutes. In the [transcript](#) the discussion starts on page 7 line 9, and ends on page 14.

Once the room was cleared, (see page 5, line 13), the board proceeded to discuss a wide range of topics directly related to the rezoning of parcel [# 9505-00-00-0710](#). The discussion included: The orientation of the homes along North Gaines Street, whether

or not the development will include a wall along North Gaines Street, whether or not the development will include an entrance off of North Gaines Street, the setbacks included in the development proposal and their impact on the subdivision, lot sizes, available parking in the subdivision, whether or not there are protected gopher tortoises and a Great Blue Heron rookery on the property, Saint Johns water management district and Florida Department of Environmental Protection



involvement in the project, road widths and sidewalks. Homeowners' association responsibilities, ownership of the roads (city or HOA), and stormwater mitigation during hurricanes. In January 2021, after issuing proper notice, the PLDRC held a properly noticed meeting, where the zoning and preliminary plan was re-addressed. The city and its board failed to [cure](#) the Sunshine law violation at the meeting.

The developer, being fully advised of the sunshine law case asked that the city enter into an agreement with them. [Click here](#) to view the agreement / acknowledgement. The ask was that the city continues to process the rezoning and development application while the court cases were pending. In exchange for this consideration the developer acknowledges, among other things, that the zoning approval could be overturned and that if that happens, the developer may not be able to complete the project.

The agreement goes on to say that after being fully advised of the risks the Owner/applicant is willing to assume the risk of proceeding prior to the finalization of the pending legal challenges of the zoning approval. Then goes further and releases the city from "any and all liability for damages incurred by the owner/applicant in pursuing the review, approval, and construction of the development in the event the zoning approval is overturned or otherwise invalidate." Finally, the agreement says "the prevailing party in any litigation arising out of or related to this acknowledgement shall be reimbursed reasonable attorney fees and costs."

Despite the agreement / acknowledgement, on March 10, 2025, [Garden Street Communities Southeast, LLC](#), filed a lawsuit against the city of Oak Hill. [Click here](#) to view the complaint. They were seeking declaratory relief from the court claiming they had vested rights, and that zoning ordinance 2021-02 created these rights. That lawsuit is still pending as of today.

To date, The City of Oak Hill has in its possession the [agreement/acknowledgement](#) which again, states that Garden Street Communities Southeast, LLC is willing to

assume all the risk of proceeding despite the pending legal challenges. They also acknowledge that the zoning approval could be overturned and that they release the city from all liability for damages. Strangely, the city has not presented the document to the court in pursuit of [summary judgement](#) in this case. They instead have let this case go on and on for more than 14 months, all the while being billed by a city attorney who pursued strategies that would not be necessary if the summary judgement had been granted. You don't know if you don't ask...

After waiting months for the city to file for summary judgement, it became clear to those who prevailed in the sunshine lawsuit, that the city was not going to file the motion and that the attorney wanted to negotiate a settlement with the developer. Pursuing this approach, not only ignored the ruling in the sunshine case but also ignored the existence of the agreement /acknowledgement between the city and the developer. An agreement that the city wisely pursued in an effort to protect itself and its citizens. The citizens grew wary of the city's inaction and in September of 2025 they hired Attorney Andrews to file a [motion to intervene](#) in the case that Garden Street had filed against the City of Oak Hill.

The purpose of this motion was so that Attorney Andrews could present the agreement /acknowledgement between the city and the developer to the court and ask for summary judgement. Three months later, at the December 8, 2025 city commission meeting, just a few days before the effective date of his resignation, the city attorney announced he had been informed by Garden Street's attorney that they refused to negotiate a settlement with the city unless the city commission voted to allowed him to compose a letter to the judge disavowing its own citizens motion to intervene. After a whole lot of back and forth the commission decided to table the issue so the citizens that were affected by the action could be at the commission meeting to engage in meaningful debate. Ultimately the commission voted down the proposal and hired a new city attorney.

In the meantime, the judge in the Garden Street case against the city of Oak Hill set a date for mediation. That took place on May 6, 2026 and resulted in a mediated settlement agreement that will have to be voted on by the commission. [Click here](#) to view the settlement agreement. The city called for a special meeting to address this issue which will take place on Wednesday May 27, 2026, at 6:00PM.

Not only does this mediated settlement agreement ignore the courts ruling in the sunshine case, which reversed the zoning change of parcel # 9505-00-00-0710, it also asks that the city nullify the courts ruling in the sunshine case all together. See Item #3 in the settlement agreement. Garden Street claims that because they were not a party



to the sunshine lawsuit the judgement shall not be binding on them. What Garden Street is not saying is that they actually were a party in the Sunshine lawsuit but insisted that they be removed. [Click here](#) to view the letter that Garden Street's attorney sent to Attorney Andrews demanding to be removed as a party to the proceeding. Shortly after the 2024 election where then Mayor Gibson, Commissioner McGee and Vice Mayor Lindlau were replaced, Garden Street filed a motion to intervene in the same

Sunshine Lawsuit that they had demanded to be removed from. [Click here](#) to view that motion.

When asking to be removed from the Sunshine lawsuit, Garden Street rightfully cited that as a non-governmental entity they could not have violated citizen's rights granted under FS § 286.011 and therefore should not be included as a party to the proceeding. Once they realized that the city was not defending in the lawsuit and essentially admitted that they did in fact violate their citizen's rights they wanted to intervene to apparently defend the city against something that the city commission, by unanimous vote, admitted to. At the hearing the Judge denied Garden Street's motion and ruled that "the parties agree that the PLDRRC 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 FS § 286.011 (1)." Some irony here when you consider that this is the same Garden Street that insisted that the Oak Hill City Commission disavow the citizens motion to intervene in their lawsuit against the city as a condition to negotiate.

Here are the two asks that Garden Street put forth in item 3:

1. the rezoning ordinance which was the subject of the *Lindsay* litigation is not void.
2. without Garden Street being a party to the *Lindsay* litigation, the judgment therein shall not be binding on Garden Street.

First, it is my opinion that the Oak Hill City Commission does not have the ability to overturn a judgement by a court of law and should not participate in an action designed to overturn a ruling that serves as a remedy to citizens rights that have been violated by

the City of Oak Hill. An act that the city admitted to. Second, I don't think that Oak Hill has the authority to selectively enforce who their laws are binding against and who they are not. All persons who enter beyond the boundaries of Oak Hill are subject to their laws.

Item 2D and E: requires that the Oak Hill City Commission **agree that no other approvals or permits are needed or required for Garden Street to begin its further development and construction of the property** pursuant to its already approved Final Development Order or other approved plans. Oak Hill resolution 2021-02 which was voided by the agreed upon final judgement in the sunshine law violation case, incorporated a zoning change and approving the "overall development plan" which incorporates a written development agreement and a preliminary site plan. [Click here](#) to view Oak Hill Resolution 2021-02. I don't think our city code allows for approval of a final development order if the order is rendered invalid.

If the city commission approves this mediated settlement agreement which states that "no other approvals or permits are needed," I believe that they would be waiving permits and other approvals. With regard to Item 2E, if the city commission waives any application fees regarding any modifications to any plans relating to the development of the property, it's my opinion that they would be waiving all fees since the settlement agreement in and of itself represents a amendment to plans related to the development of the property. How will the city pay for inspections from Universal Engineering Services or collect impact fees? Does the city have the authority to waive inspections and Impact fees? If not, I assume funds would come from the tax paying citizen. I'll bet that would constitute an enormous amount of money. If the city votes to approve this agreement, they would not only be undermining a remedy that was granted to the citizens because the city violated their rights and serve to impose and unjust tax on those very same citizens.

I encourage each of you to carefully read the [mediated settlement agreement](#) because what I have covered here barely scratched the surface. I wish I had more time to review this and inform you of my findings but in true Oak Hill fashion, just as they did in the Sunshine Law case the city has provided the public with very little notice, certainly not what the public should expect of their city to consider consequences of the adoption of such a impactful and far reaching document such as this. By-the-way, I don't think that a court ordered mediation allows the city to ignore its own regulations and laws or those that the city is bound by.

With all this in mind, ask yourself, are your elected officials acting in your best interest? Please come to Wednesday's Special Meeting and ask that question to your elected

officials and staff. An honest answer may surprise you. If they really don't understand the consequences of their vote, that would be bad. If they do understand and vote in favor of this "mediated settlement", that's even worse. If you can't make it to the meeting you can email your commissioners at: Mayor Ricky Taylor - TaylorR@OakHillFL.gov, Commissioner Linda Hyatt - HyattL@OakHillFL.gov, Commissioner Carrie Werning - WerningC@OakHillFL.gov, Vice Mayor Joe Catigano - CatiganoJ@OakHillFL.gov, Commissioner Mark Drollinger - DrollingerM@OakHillFL.gov.

The First Amendment to the Constitution of The United States of America says:
"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to [*petition the Government for a redress of grievances*](#)."

The Special meeting will be held on Wednesday, May 27, 2026 at city hall. The time is 6:00 PM.

Please come and let your voice be heard. Your presence and participation are how we hold our commission to account.

As always, it's my pleasure to serve you, I appreciate your support. Please let me know what I can do to help. I'm here to represent you...

Thanks again,

Joe Catigano

Oak Hill City Commissioner

Seat 3

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Joe Catigano

279 N Gaines Street

Oak Hill, FL 32759

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