CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA ● OCTOBER 25, 2022

City Commission Chamber	Regular City Commission Meeting	6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

CITY COMMISSION MEMBERS

Mayor
Chris Via

District 1 - Commissioner
John Penny

District 3 - Commissioner
John C. Danio

District 2 - Commissioner
Penny Currie

District 4 - Commissioner
Roy Johnson

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. CALL TO ORDER

a. Roll Call
b. Invocation by City Commissioner Penny Currie
c. Pledge of Allegiance

2. PUBLIC COMMENTS

3. APPROVAL OF MINUTES

1. Minutes - September 27, 2022 Workshop, September 27, 2022 Regular City Commission-Budget Meeting, October 4, 2022 Special Meeting (Hurricane Ian), and October 11, 2022 Regular City Commission Meeting

   (Requested by Valerie Manning, City Clerk)

4. CONSENT AGENDA - ITEMS (1 - 4)

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items. Is there anyone in the audience who wishes to speak on any item on the Consent Agenda?

1. Resolution –2022-R-85 A Resolution of the City Commission of the City of Holly Hill, Florida, Approving Price Agreements for the Purchase of the Fiscal Year 2022-2023 Supply of Water and Wastewater Treatment Chemicals for the Public Works Department and Authorize the City Manager to Execute Any Necessary Price Agreements; Providing for Severability; and Providing for an Effective Date.

   (Requested by Antoine Khoury, Public Works)

2. Empire Computing and Consulting, Inc. - Quote

   (Requested by Valerie Manning, City Clerk)

3. Interlocal Agreement Assigning Use of City of Holly Hill Opioid Settlement Funds to Volusia County

   (Requested by Valerie Manning, City Clerk)

4. Disposal of Fixed Assets

   (Requested by Susan Lincoln, Finance)

5. REGULAR AGENDA - NONE

6. PUBLIC HEARINGS

Please silence any cell phone, pager or noise making device as not to interrupt the meeting. Staff will introduce each item for consideration, with comments and recommendations. The applicant or appellant and supporters will be heard first. Those in opposition to the request will be heard next. Comments should be restricted to pertinent information regarding the agenda item under discussion. Out of courtesy to others, we ask that speakers keep their comments brief and try to limit these comments to information not previously discussed. Speakers should state their name and address clearly for the record. The City Clerk's office is required to retain any documents, photographs, drawings, etc. that are shown to the City Commissioners in support of a position. The City Commission may ask questions of speakers or of staff members. The Mayor will then ask the City Commission to make a recommendation or motion. Once a motion has been made and seconded, discussion will be closed to the floor. Following City Commission discussion, a vote will be taken. During voting, Commissioners who do not cast objecting votes are considered to have voted in support of the motion.

1. Request for Accommodation - Request for Accommodation to Build a Deck with Handicapped Ramp to Extend 5 Feet into the Front Yard Setback at 328 Clifton Avenue

   (Requested by Brian Walker, Board of Planning and Appeals)

7. COMMUNICATIONS

A. City Manager & Staff Comments
B. City Attorney Comments
C. City Commission Comments
D. Mayor's Comments

8. ADJOURNMENT

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

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

For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

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

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: October 25, 2022
FROM: Valerie Manning
SUBJECT: Minutes - September 27, 2022 Workshop, September 27, 2022 Regular City Commission-Budget Meeting, October 4, 2022 Special Meeting (Hurricane Ian), and October 11, 2022 Regular City Commission Meeting
NUMBER: (ID # 3919)
APPLICANT:
PLANNER:

DISCUSSION:

Minutes from September 27, 2022 workshop, and the regular meeting/budget and October 4, 2022 Special Meeting pertaining to Hurricane Ian and October 11, 2022 Regular City Commission meeting.

MOTION:

Approve all four sets of minutes as submitted by staff.

- Minutes - October 4, 2022 - Special Meeting - Hurricane Ian (PDF)
- Minutes - September 27, 2022 - Workshop - Finalizing Veterans Monument Language (PDF)
- Minutes - September 27, 2022 - Regular CC and Second PH on Budget meeting (PDF)
- Minutes - October 11, 2022 - Regular City Commission meeting (PDF)

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • OCTOBER 4, 2022

City Commission Chamber	Special Meeting	1:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

a. Roll Call

2. EXTEND CURRENT LOCAL STATE OF EMERGENCY

1. –2022-R-82 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Extending the Current Local State of Emergency for Another Seven (7) Days; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)
Mayor Via opened public participation.

Heidi Heller, Holly Hill spoke briefly.

Mayor Via closed public participation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-82
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, EXTENDING THE CURRENT LOCAL STATE OF EMERGENCY FOR ANOTHER SEVEN (7) DAYS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, EXTENDING THE CURRENT LOCAL STATE OF EMERGENCY FOR ANOTHER SEVEN (7) DAYS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, **Hurricane Ian** is a major hurricane and is projected to impact within the corporate limits of the City of Holly Hill, Florida posing a severe threat to the health safety and wellbeing of its residents; and

WHEREAS, Governor Ron DeSantis issued Executive Order 22-218 on September 23, 2022, declaring a state of emergency exists for several counties in Florida and the Florida Keys due to Hurricane Ian; and

WHEREAS, Governor Ron DeSantis issued Executive Order 22-219 on September 24, 2022, amending Executive Order 22-218 declaring a State of Emergency exists for the State of Florida with regard to Hurricane Ian; and

WHEREAS, the City Commission of the City of Holly Hill adopted Resolution 2022-R-81 Declaring A Local State of Emergency for the City of Holly Hill due to Hurricane Ian, on Tuesday, September 27, 2022; and

WHEREAS, the Florida Division of Emergency Management, working with the National Hurricane Canter to evaluate weather prediction, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for Florida's Peninsula; and

WHEREAS, the threat posed by Hurricane IAN creates considerable hardship and threatens the health, safety, and welfare of the citizens of Holly Hill and therefore requires timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Holly Hill; and

WHEREAS, under the provisions of Florida Statute 252.38(5), local subdivisions have the authority to request state assistance or invoke emergency-related Mutual Aid assistance by declaring a state of local emergency; and

WHEREAS, as the City Manager, I am responsible to meet the dangers presented to the City of Holly Hill and its residents by the emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City Commission does hereby declare that a State of Emergency exists within the City of Holly Hill, Florida.

SECTION 2. The Holly Hill Comprehensive Emergency Management Plan shall be fully executed.

SECTION 3. The City Manager is formally directed to engage all City resources to provide such assistance as can be delivered, and to coordinate all departments to provide assistance and support for the protection of life and property, to assist and coordinate with other local, county, state and federal emergency management agencies, to order evacuations and curfews as necessary, and to take any and all emergency response actions required to safeguard life and property and ensure continuity of government services and operations within the City of Holly Hill, Florida.

SECTION 4. Under this State of Emergency, as provided in Florida Statute 252.38(5), the City Manager is hereby authorized to waive procedures and formalities otherwise required by law pertaining to:

To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.

b. Entering into contracts.

c. Incurring obligations.

d. Employment of permanent and temporary workers.

e. Utilization of volunteer workers.

f. Rental of equipment.

g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.

h. Appropriation and expenditure of public funds.

SECTION 5. SEVERABILITY. If any section or portion of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 6. EFFECTIVE DATE. Pursuant to Florida statute 252.38(5), this State of Emergency Resolution shall take effect immediately upon adoption by the City Commission and shall be limited to seven (7) calendar days from the date of adoption, but may be extended, as necessary, in seven (7) day increments by action of the City Commission.

The within and foregoing Resolution was read before the City Commission of the City of Holly Hill, Florida at a Special Emergency Meeting held in Commission Chambers at 1065 Ridgewood Avenue, Holly Hill, Florida on the 4th day of October, 2022.

APPROVED AND AUTHENTICATED on this 4th day of OCTOBER, 2022.

Chris Via, Mayor
10/4/2022

Valerie Manning, City Clerk
10/4/2022

Enacted and approved this 4th day of October, 2022, in Holly Hill

3. TEMPORARY WAIVER OF BUILDING PERMIT FEES - HURRICANE IAN

1. 2022-R-83 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Providing for a Temporary Waiver of Building Permit Fees for Anticipated Repairs to Building or Structural Damage Caused by Hurricane Ian; Providing for an Intent and Purpose of This Resolution; Providing for a Filing Period for Eligible Building Permit Applications; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)
The following staff members were present to speak briefly, give an update in regards to Hurricane Ian during and after the storm, and were present for any questions the Mayor or City Commission may have had. Staff members present were Antoine Khoury Public Works Director, Rickie Lee Building Official and Police Chief Jeff Miller.

Mayor Via opened public participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-83
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, PROVIDING FOR A TEMPORARY WAIVER OF BUILDING PERMIT FEES FOR ANTICIPATED REPAIRS TO BUILDING OR STRUCTURAL DAMAGE CAUSED BY HURRICANE IAN; PROVIDING FOR AN INTENT AND PURPOSE OF THIS RESOLUTION; PROVIDING FOR A FILING PERIOD FOR ELIGIBLE BUILDING PERMIT APPLICATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR A TEMPORARY WAIVER OF BUILDING PERMIT FEES FOR ANTICIPATED REPAIRS TO BUILDING OR STRUCTURAL DAMAGE CAUSED BY HURRICANE IAN; PROVIDING FOR AN INTENT AND PURPOSE OF THIS RESOLUTION; PROVIDING FOR A FILING PERIOD FOR ELIGIBLE BUILDING PERMIT APPLICATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hurricane Ian has caused extensive damage to properties within the geographic area of the City of Holly Hill; and

WHEREAS, the City Commission previously established a schedule of building permits fees by Resolution; and

WHEREAS, in order to expedite the repairs required as a result of the anticipated damage caused by Hurricane Ian and to provide relief to property owners suffering from hurricane related hardships, the City Commission desires to temporarily waive building permit fees for permit applications related to repairing such damage; and

WHEREAS, this Resolution is adopted pursuant to the Florida Municipal Home Rule Powers Act, Section 166.222, Florida Statutes, and the emergency powers vested in the City Commission pursuant to all applicable law; and

WHEREAS, the City Commission hereby finds that this Resolution is in the best interests of the citizens and businesses of the City of Holly Hill.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby fully inc01porated herein by this reference and are deemed a material part of this Resolution.

SECTION 2. Intent and Purpose. It is the intent and purpose of this Resolution to only address building or structural damage directly caused by Hurricane Ian. This Resolution is not intended to apply to building permit applications filed with the City that are not related to repairing building or structural damage caused by Hurricane Ian. To the extent that a particular building or structure was substantially destroyed by Hurricane Ian and is beyond repair according to the City's building official, a new replacement building or structure on the same property as the substantially destroyed building or structure shall be considered a repair under this Resolution.

SECTION 3. Temporary Waiver of Building Permit Fees. The City Commission of the City of Holly Hill hereby provides that building pe1mit fees are hereby waived for any building pe1mit application filed with the City by an Owner/Builder only, related to repairing building or structural damage caused by Hurricane Ian. All such applications must be filed with the City's Building Department on or after September 30, 2022, but no later than December 1, 2022. Permit fees are not waived for a contractor obtaining a permit to do work for a 3,a party. For purposes of granting the building permit fee waiver, the building official or his or her designee shall be responsible for verifying that the repairs being permitted are directly related to damage caused by Hurricane Ian. Notwithstanding the fee waiver authorized by this Section, all building application, licensing, insurance, inspection, and other building pe1mit conditions required by law shall apply.

SECTION 4. Severability. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 5. Effective Date. This Resolution shall take effect immediately upon its

adoption.

APPROVED AND AUTHENTICATED on this 4th day of OCTOBER, 2022.

Enacted and approved this 4th day of October, 2022, in Holly Hill

4. ADJOURNMENT

(A copy of this special meeting in its entirety is available on CD upon request in the City Clerk's Office or by listening to the audio online)

The special meeting adjourned at approximately 2:00 PM.

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● SEPTEMBER 27, 2022

Large Conference Room	Work Session	5:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Title	Status	Arrived
Chris Via	Mayor	Present	
John Penny	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John C. Danio	District 3 - Commissioner	Present	
Roy Johnson	District 4 - Commissioner	Present	

3. VETERANS MEMORIAL MONUMENT - FINALIZE THE LANGUAGE

1.

Veterans Memorial Monument - Finalize the Language on the Memorial

(Requested by Valerie Manning, City Clerk)
Mr. Forte informed the Mayor and Commissioners that he has received all five branches plus Space Force's approval to use their logos. They have to agree that whatever they walk away with here today, has to be the final language and that nobody individually wants to change something afterward because then he has to come back and run it by all five Commissioners again. Hopefully, they will agree tonight to finalize this.
At this time, Mr. Forte went over the agenda item in their packet to get verification on the FRONT center stone, left stone, right stone and then the REAR of the stones language. The Mayor and Commissioners agreed to the following language.
FRONT:

Center Stone:
"Dedicated to these Holly Hill service members who died in defense of our Nation."

Commission agreed to: Add list of names with Branch, birth and death dates. Use their first name, middle initial only and last name. The order of the names will be listed by date of death.

Mr. Forte stated that he learned that the military logos have to go on the monument stone in this order from left to right:

Left Stone:	U.S. Army,	U.S. Marine Corps,	U.S. Navy,
Right Stone:	U.S. Air Force,	U.S. Space Force,	U.S. Coast Guard

Mr. Forte stated that he specifically asked the question, as far as Merchant Marine is concerned. Although, it may not be typical, or it may, what he has been told is that it's completely up to the city as to whether or not you want to put Merchant Marine on there. Our dilemma, if we want to or don't want to, is one of the names on our list is a Merchant Marine lost at sea from WWII.

It was suggested by Commissioner Currie that perhaps they could list the Merchant Marine under the Navy because they served under the Navy. Would that not be something that would be appropriate? They agreed that it would be.

Mr. Forte mentioned that he would have to contact the Navy to be sure about that.

There will be three logos on one side, three logos on the other side and the names are in the center.

Merchant Marine will be reflected next to the individual's name rather than by a logo. The Commissioners agreed.

REAR:

Left Stone - Eagle and the saying, "In God We Trust" - Commission agreed

Center Stone - American Flag (*the one the Commission agreed to during the workshop*) with the saying, "Our flag does not fly because the wind moves it. It flies with the last breath of each soldier who died protecting it." Author unknown - Commission agreed

Right Stone - POW- MIA Logo with the saying, "You are not forgotten" - Commission agreed to leave this as is

Mayor Via thanked everyone for coming together and participating. When this comes about, him and the Mr. Forte have spoken about it, it might be best to put together a little committee for the event coming up so that we all can coordinate with everyone and make sure the whole community, especially the Veteran community, knows about when we will be doing the unveiling. He has spoken to Congressman Walt and he wants to be here and he will be here for it. He let Congressman Walt know that the city will work with his schedule.

Don Lapour, American Legion Post 120 informed the Mayor and Commissioners that he was unable to verify Daniel Bruce Smith who served in Vietnam.

Valerie Manning, City Clerk mentioned that she will contact Jeff Martin to see if he can verify where he got his name from and get back to Mr. Forte.

(A copy of this workshop session in its entirety is available on CD upon request in the City Clerk's Office or by listening to the audio online on the city's YouTube channel)

4. ADJOURNMENT

The workshop adjourned at approximately 5:50 PM.

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● SEPTEMBER 27, 2022

City Commission ChamberSecond Public Hearing Budget & Millage Rate Mtg **6:00 PM**

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

a. Roll Call
b. Invocation by Mayor Chris Via
Mayor Via led the invocation.

c. Pledge of Allegiance
Mayor Via led the Pledge of Allegiance to the Flag.

2. PUBLIC HEARINGS - FINAL BUDGET & FINAL MILLAGE RATE - SECOND HEARINGS

1. 2022-R-74 Resolution

PUBLIC HEARING - SECOND READING - a Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Adopting the Final Levying of Ad Valorem Taxes for the City of Holly Hill for Fiscal Year 2022-2023; Providing for Severability; and Providing for an Effective Date.

(Requested by Susan Lincoln, Finance)
Mayor Via opened public participation. No one spoke.

RESULT:	**ADOPTED [4 TO 1]**
MOVER:	John C. Danio, District 3 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Penny, Currie, Danio, Johnson
NAYS:	Via

RESOLUTION
2022-R-74
PUBLIC HEARING - SECOND READING - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR FISCAL YEAR 2022-2023; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA,

ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2022-2023; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 12, 2022, adopted a Fiscal year 2022-2023 tentative millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 27, 2022, adopted a Fiscal year 2022-2023 final millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, the City of Holly Hill of Volusia County Florida, held a public hearing as required by Florida Statute 200.065; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation Volusia County has been certified by the County Property Appraiser to the City of Holly Hill as $819,576,175.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The FY 2022-2023 final operating millage is 6.25 mills, which is greater than the rolled-back rate of 5.6850 mills by 9.94%

SECTION 2. The Final Public Hearing was held on September 27, 2022 at 6:00pm.

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022 for final reading.

Enacted and approved this 27th day of September, 2022, in Holly Hill

2. –2022-R-75 Resolution

PUBLIC HEARING - SECOND READING - a Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Adopting the Final Budget for the City of Holly Hill for the Fiscal Year 2022-2023; Providing for Severability; and Providing for an Effective Date.

(Requested by Susan Lincoln, Finance)

Mayor Via opened public participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-75
PUBLIC HEARING - SECOND READING - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2022-2023; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2022 - 2023; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 12, 2022, held a public hearing for the tentative budget as required by Florida Statute 200.065; and

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 27, 2022, held a public hearing for the final budget as required by Florida Statute 200.065; and

WHEREAS, the City of Holly Hill of Volusia County Florida, set forth the appropriations and revenue estimate for the Budget for Fiscal Year 2022-2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission of the City of Holly Hill, Florida pursuant to the Charter of the City of Holly Hill and Chapter 166, Florida Statutes, does hereby adopt the Final General, Enterprise and all other related Fund Budgets, which are attached hereto and incorporated herein as Exhibit "A", which may later be amended by the City Commission.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022 for final reading.

Enacted and approved this 27th day of September, 2022, in Holly Hill

3. PUBLIC COMMENTS

The following individual spoke to the Mayor and City Commissioners:

Kendrick (can't make out his last name), 1141 Cave Avenue, Daytona Beach.

4. APPROVAL OF MINUTES

1.

Minutes - September 12, 2022 Regular City Commission and First Public Hearings on Budget

(Requested by Valerie Manning, City Clerk)

Mayor Via opened public participation. No one spoke.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 27th day of September, 2022, in Holly Hill

5. CONSENT AGENDA - ITEMS (1 - 8)

Mayor Via asked if any member of the Commission wished to pull any item on the Consent Agenda for further discussion or if any member of the audience would like to speak to any item. There was no one.

1. –2022-R-76 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Agreement with Danus Utilities, Inc., to Perform the Project "Lift Station #19 Rehabilitation" in the Amount of $468,780.00 and Authorize the City Manager to Execute the Same; Providing for Severability; and Providing an Effective Date.

(Requested by Antoine Khoury, Public Works)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-76
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE AGREEMENT WITH DANUS UTILITIES, INC., TO PERFORM THE PROJECT "LIFT STATION #19 REHABILITATION" IN THE AMOUNT OF $468,780.00 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, SELECTING DANUS UTILITIES, INC. AS THE LOWEST, RESPONSIBLE BIDDER; APPROVING THE AGREEMENT WITH DANUS UTILITIES, INC. TO PERFORM THE PROJECT "LIFT STATION #19 REHABILITATION" IN THE AMOUNT OF $468,780.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill Commission approved the submittal of the 2021-22 CDBG Annual Plan on June 22, 2021 identifying the project "Lift Station #19 Refurbishment" as the City's CDBG project for FY 2021-2022; and

WHEREAS, the City has received sealed bids for the referenced project; and

WHEREAS, Danus Utilities has been determined to be the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission of the City of Holly Hill does hereby selects Danus Utilities, Inc., as the lowest, responsible bidder, approve the agreement with Danus Utilities, Inc., to perform the project Lift Station #19 Rehabilitation and authorizes the City Manager to execute the same.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022.

Enacted and approved this 27th day of September, 2022, in Holly Hill

2. –2022-R-77 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Agreement with Danus Utilities, Inc., to Perform the Project "Lift Station #20 Rehabilitation" in the Amount of $355,780.00 and Authorizing the City Manager to Execute the Agreement; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-77
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE AGREEMENT WITH DANUS UTILITIES, INC., TO PERFORM THE PROJECT "LIFT STATION #20 REHABILITATION" IN THE AMOUNT OF $355,780.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, SELECTING DANUS UTILITIES, INC., AS THE LOWEST, RESPONSIBLE BIDDER; APPROVING THE AGREEMENT WITH DANUS UTILITIES, INC., TO PERFORM THE PROJECT "LIFT STATION #20 REHABILITATION" IN THE AMOUNT OF $355,780.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received sealed bids for the referenced project and Danus Utilities Inc., is the low bidder; and

WHEREAS, the lowest responsive and responsible bidder is Danus Utilities, Inc., with a bid of $355,780.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission of the City of Holly Hill does hereby select Danus Utilities, Inc., as the lowest, responsible bidder, approve the agreement with Danus Utilities, Inc., to perform the project "Lift Station #20 Rehabilitation" and authorizes the City Manager to execute the same.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022.

Enacted and approved this 27th day of September, 2022, in Holly Hill

3. -2022-R-78 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into an Agreement for Professional Surveying Services with Southeastern Surveying and Mapping Corp., for the Overhead to Underground Phase III Project; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-78
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SURVEYING SERVICES WITH SOUTHEASTERN SURVEYING AND MAPPING CORP., FOR THE OVERHEAD TO UNDERGROUND PHASE III PROJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, EXERCISING THE OPTION TO EXTEND THE CONTRACT WITH

SOUTHEASTERN SURVEYING AND MAPPING CORPORATION FOR ONE (1) ADDITIONAL YEAR; AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SURVEYING SERVICES WITH SOUTHEASTERN SURVEYING AND MAPPING CORPORATION FOR THE OVERHEAD TO UNDERGROUND PHASE III PROJECT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city is in need of surveying services provided under professional services contract 18-PW-01with Southeastern Surveying and Mapping Corporation (SSMC); and

WHEREAS, SSMC submitted a proposal for surveying services in the amount of $34,595.50 for Phase III of the Overhead to Underground project; and

WHEREAS, staff recommends authorizing the City Manager to extend SSMC's contract for another year and enter into an agreement with SSMC to provide Professional Surveying Services for the Overhead to Underground Phase III Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission of the City of Holly Hill authorize the City Manager to extend the existing contract with SSMC and enter into an agreement with SSMC for Professional Surveying Services in the amount of $34,595.50 for the Overhead to Underground Phase III Project.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022.

Enacted and approved this 27th day of September, 2022, in Holly Hill

4. –2022-R-79 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving a Change Order Under Sole Source Purchase to Westech Engineering in the Amount of $47,300.00 for Softener Repairs at the Water Treatment Plant, and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-79
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A CHANGE ORDER UNDER SOLE SOURCE PURCHASE TO WESTECH ENGINEERING IN THE AMOUNT OF $47,300.00 FOR SOFTENER REPAIRS AT THE WATER TREATMENT PLANT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A CHANGE ORDER UNDER SOLE SOURCE PURCHASE TO WESTECH ENGINEERING IN THE AMOUNT OF $47,300.00 FOR SOFTENER REPAIRS AT THE WATER TREATMENT PLANT , AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission approved the drive shaft softener replacement project to Westech Engineering on May 10, 2022; and

WHEREAS, there was an emergency repair to the lime silo; and

WHEREAS, the softener's helical screw, fasteners and pillow block bearings started to show signs that indicate eminent failure if it stays in operation; and

WHEREAS, Westech Engineering, the sole source manufacturer has submitted a proposal of replacing the softener's helical screw, fasteners and pillow block bearings at a cost of $47,300.00; and

WHEREAS, staff recommend the approval of a change order to the purchase order in the amount of $47,300.00 for this repair.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission of the City of Holly Hill approve the purchase under sole source to Westech Engineering to repair the helical screw, fasteners and pillow block bearings at softener #1 at the WTP in the amount of $47,300.00, and authorize the City Manager to execute the same.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022.

Enacted and approved this 27th day of September, 2022, in Holly Hill

5.

Property & Liability Insurance for FY 2023

(Requested by Susan Lincoln, Finance)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 27th day of September, 2022, in Holly Hill

6.

UPS Temporary Holiday Package Storage Facility Agreement 2022

(Requested by Valerie Manning, City Clerk)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 27th day of September, 2022, in Holly Hill

7.

Granicus Master Subscription Agreement - IQM2 Agendas & Minutes Renewal FY2023

(Requested by Valerie Manning, City Clerk)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 27th day of September, 2022, in Holly Hill

8.

Uncollectible Utility Account Adjustments

(Requested by Amanda Raslowsky, Finance)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 27th day of September, 2022, in Holly Hill

6. REGULAR AGENDA

1. –2022-R-80 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute the 2Nd Amendment to the Management Agreement with Pictona at Holly Hill; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mr. Forte asked that this item be pulled until the next regularly scheduled City Commission on Tuesday, October 11, 2022 at 6:00 PM.

RESULT:	**PULLED BY CITY MANAGER**	**Next: 10/11/2022 6:00 PM**

7. PUBLIC HEARINGS

1. –2022-O-3057 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Regulating Planned Unit Developments; Amending Chapter 114 Titled Zoning, Section 114-771 Titled Planned Unit Development Regulations, of the Land Development Regulations, to Add Definitions and Reduce the Percentage of Required Open Space; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)
Mayor Via opened public participation. No one spoke.

RESULT:	**ADOPTED AT 2ND READING [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

ORDINANCE
2022-O-3057
SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING PLANNED UNIT DEVELOPMENTS; AMENDING CHAPTER 114 TITLED ZONING, SECTION 114-771 TITLED PLANNED UNIT DEVELOPMENT REGULATIONS, OF THE LAND DEVELOPMENT REGULATIONS, TO ADD DEFINITIONS AND REDUCE THE PERCENTAGE OF REQUIRED OPEN SPACE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING PLANNED UNIT DEVELOPMENTS; AMENDING CHAPTER 114 TITLED ZONING, SECTION 114-771 TITLED PLANNED UNIT DEVELOPMENT REGULATIONS OF THE LAND DEVELOPMENT REGULATIONS TO ADD DEFINITIONS AND REDUCE THE PERCENTAGE OF REQUIRED OPEN SPACE FOR AN RPUD; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it periodically necessary to amend its Land Development Regulations in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the City Commission finds it necessary to update regulations concerning of the required percentage of open space for an RPUD; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of Holly Hill to adopt the proposed amendment to the Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL that Section 114-771(e) and (e)(1) of Chapter 114 - Zoning, is amended as set forth in the following amendment, as shown in ~~strikethrough~~ and underline format.

SECTION 1. AMENDMENT TO CHAPTER 14 SECTION 114-771 (e) and (e)(1)

e) *Open space requirements*. ~~Sixty~~ A minimum of twenty-five percent (25%) of an RPUD project or the residential portion of a [an] MPUD containing residential uses shall be open space. Retention ponds must be amenitized in order to count toward the open space requirement. An amenitized pond means a pond that has a fountain or is surrounded by an area such as a walking trail, accessible benches or picnic area. A minimum of ~~35~~ fifteen percent (15%) of the ~~open space~~ gross site area shall be designated as common open space which shall not be counted toward the open space requirement but is in addition to such requirement. Common open space shall meet the following standards:

(1) It shall be dedicated to and usable by all residents of the RPUD/MPUD and can include community pools, pool houses, or other recreational facilities such as fitness center, however excludes the office areas of such facilities. Its location, shape, size and character ~~shall~~ need to be illustrated on the ~~master development~~ preliminary plan.

SECTION 2. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 3. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 4. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on the 27th day of SEPTEMBER, 2022 for second and final reading.

Enacted and approved this 27th day of September, 2022, in Holly Hill

2. -2022-O-3055 Ordinance

SECOND READING - ORDINANCE 3055 - an Ordinance of the City of Holly Hill, Florida, Amending the Comprehensive Plan by Amending the Future Land Use Map Designation of Certain Property Identified as 649 6Th Street Having Parcel Number 4244-01-20-0037 and 661 6Th Street Having Parcel Number 4244-01-20-0048 and 659 6Th Street Having Parcel Number 4244-01-20-0045 and 538 Cedar Avenue Having Parcel Number 4244-01-20-0046, by Virtue of a Small Scale Future Land Use Map Amendment; Changing the Future Land Use Map Designation from Low Density Single-Family Residential to Medium Density Residential; Providing for Conflicting Ordinance; Providing for Severability; and Providing for an Effective Date. AND SECOND READING - ORDINANCE 3056 - an Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending the Official Zoning Map to Designate the Property Described in Exhibit "A" from APUD (Agricultural Planned Unit Development) and R-2 (Low-Medium Density Single-Family Residential) to RPUD (Residential Planned Unit Development); Providing for Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)

FIRST VOTE: ORDINANCE 3055 - SECOND AND FINAL READING - AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP

Commissioner Penny made a motion to ***APPROVE ORDINANCE 3055 AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY IDENTIFIED AS 649 6Th STREET HAVING PARCEL NUMBER 4244-01-20-0037 AND 661 6TH STREET HAVING PARCEL NUMBER 4244-01-20-0048 AND 659 6TH STREET HAVING PARCEL NUMBER 4244-01-20-0045 AND 538 CEDAR AVENUE HAVING PARCEL NUMBER 4244-01-20-0046, BY VIRTUE OF a SMALL SCALE FUTURE LAND USE MAP AMENDMENT; CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM LOW DENSITY SINGLE-FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL****, seconded by Commissioner Curie.*

Mayor Via opened public participation. No one spoke.

PASSED, 4-1. (Mayor Via voted NAY).

SECOND VOTE: ORDINANCE 3056 - SECOND AND FINAL READING - AMENDING THE LAND DEVELOPMENT REGULATIONS

Commissioner Johnson made a motion to ***APPROVE ORDINANCE 3056 ADOPT THE PROPOSED ORDINANCE ENACTING A REZONE FROM R-2 (LOW MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL) AND APUD (AGRICULTURE PLANNED UNIT DEVELOPMENT) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) AND APPROVE THE ASSOCIATED PRELIMINARY PLAN AND WRITTEN DEVELOPMENT AGREEMENT, FOR 4 PARCELS TOGETHER TOTALING APPROXIMATELY 14.24 ACRES LOCATED APPROXIMATELY 900 FEET WEST OF CENTER AVENUE ON THE SOUTH SIDE OF 6TH STREET AND MORE SPECIFICALLY KNOWN AS 661 6TH STREET, 659 SIXTH STREET, 649 6TH STREET AND 538 CEDAR***, seconded by Commissioner Danio.

Mayor Via opened public participation. No one spoke.

PASSED, 5-0 unanimously.

(A copy of this meeting in its entirety is available on CD upon request at the City Clerk's Office and is also available online on the city's YouTube channel).

RESULT:	**ADOPTED AT 2ND READING [4 TO 1]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Penny, Currie, Danio, Johnson
NAYS:	Via

ORDINANCE
2022-O-3055
SECOND READING - ORDINANCE 3055 - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY IDENTIFIED AS 649 6TH STREET HAVING PARCEL NUMBER 4244-01-20-0037 AND 661 6TH STREET HAVING PARCEL NUMBER 4244-01-20-0048

AND 659 6TH STREET HAVING PARCEL NUMBER 4244-01-20-0045 AND 538 CEDAR AVENUE HAVING PARCEL NUMBER 4244-01-20-0046, BY VIRTUE OF A SMALL SCALE FUTURE LAND USE MAP AMENDMENT; CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM LOW DENSITY SINGLE-FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR CONFLICTING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. AND SECOND READING - ORDINANCE 3056 - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY DESCRIBED IN EXHIBIT "A" FROM APUD (AGRICULTURAL PLANNED UNIT DEVELOPMENT) AND R-2 (LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 3055

AN ORDINANCE OF THE CITY OF HOLLY HILL FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY IDENTIFIED AS 649 6th STREET HAVING PARCEL NUMBER 4244-01-20-0037 AND 661 6th STREET HAVING PARCEL NUMBER 4244-01-20-0048 AND 659 6th STREET HAVING PARCEL NUMBER 4244-01-20-0045 AND 538 CEDAR AVENUE HAVING PARCEL NUMBER 4244-01-20-0046, BY VIRTUE OF A SMALL SCALE FUTURE LAND USE MAP AMENDMENT; CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM LOW DENSITY SINGLE-FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes; and

WHEREAS, the City Commission has reviewed the future land use designation for the parcel described in Attachment A and determined that it is necessary to amend its Future Land Use Map as herein provided in order to more effectively implement its adopted comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The Future Land Use Map for the City of Holly Hill, is hereby amended to designate the parcels identified as 649 6^{th} Street having parcel number 4244-01-20-0037 and 661 6^{th} Street having parcel number 4244-01-20-0048 and 659 6^{th} Street having parcel number 4244-01-20-0045 and 538 Cedar Avenue having parcel number 4244-01-20-0046 as described in Attachment A, as Medium Density Residential.

SECTION 2. The City Manager is authorized and directed to submit the proposed amendment to the Florida Department of Economic Opportunity and Volusia Growth Management Commission, as required by law.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 4. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 5. That this Ordinance shall be posted at City Hall as required by law.

SECTION 6. The proposed amendment will not become final until thirty-one (31) days following adoption by the City Commission unless a challenge is filed per 163.3187(5) Fla. Stat. If a timely challenge is filed, the amendment will not become effective until the State Land Planning Agency issues a final order determining that the amendment is in compliance. In any event, the amendment shall not become effective until certification of consistency is provided by the Volusia Growth Management Commission and approval is noticed by the Florida Department of Economic Opportunity.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022 for second and final reading.

Chris Via, Mayor 9/27/2022

Valerie Manning, City Clerk,CMC 9/27/2022

RESULT:	**ADOPTED AT 2ND READING [4 TO 1]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Penny, Currie, Danio, Johnson
NAYS:	Via

ATTACHMENT "A"

LEGAL DESCRIPTION:

LOTS 1, 2 AND 3, BLOCK 20, MASON AND CARSWELL SUBDIVISION, AS RECORDED IN MAP BOOK 2, PAGE 90, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THE SOUTHERLY 20 FEET USED FOR DRAINAGE, BEING ALSO DESCRIBED AS BLOCKS 13, 14, 15, 16 AND 17, HOME ACRES SUBDIVISION, AS RECORDED IN MAP BOOK 11, PAGE 64, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM ALL OF SAID BLOCK 16 OF SAID HOME ACRES SUBDIVISON, AND EXCEPTING THEREFROM THAT PORTION OF SAID TRACT LYING EASTERLY OF A NORTH-SOUTH DRAINAGE DITCH WHICH LIES EASTERLY OF THE PRESENT HOUSE AS LOCATED AND KNOWN AS THE WILSON RESIDENCE. THE EXCEPTIONS MENTIONED AS LYING EASTERLY OF SAID DRAINAGE ARE THOSE FOUR (4) PARCELS DEEDED TO WOFF, HAYES, AND MOSTERT, AND RECORDED IN DEED BOOK 326, AT PAGES 381 AND 383, AND IN DEED BOOK 354 AT PAGE 426, AND IN DEED BOOK 360 AT PAGE 270, ALL IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. THE DITCH AS DESCRIBED EXTENDS SOUTHERLY FROM 6TH STREET TO THE EAST-WEST DRAINAGE CANAL AT THE SOUTH END OF THIS ENTIRE TRACT AFOREMENTIONED. THIS DESCRIPTION AND TRANSFER IS ALSO SUBJECT TO A 40 FOOT RIGHT-OF- WAY FROM SIXTH STREET EXTENDING SOUTHERLY TO THE SOUTH LINE OF SAID BLOCK 16 OF SAID HOME ACRES SUBDIVISION, SHOWN AS "CEDAR STREET", SAID RIGHT-OF-WAY IS FOR INGRESS AND EGRESS, AND DESCRIBED IN DEED FROM WILSON TO WRENN, AS RECORDED IN OFFICIAL RECORDS BOOK 27, PAGE 537, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SAID LAND LYING IN VOLUSIA COUNTY, FLORIDA AND CONTAINS 620,675 SQUARE FEET (14.249 ACRES), MORE OR LESS.

ORDINANCE 3056

ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY DESCRIBED IN EXHIBIT A FROM APUD (AGRICULTURE PLANNED UNIT DEVELOPMENT) AND R-2 (LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes; and

WHEREAS, the City Commission, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Regulations, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the City Commission has determined that it is necessary to amend its Land Development Regulations as herein provided in order to more effectively implement its adopted comprehensive plan, and

WHEREAS, the City Commission has determined that the proposed amendment to the Land Development Regulations is consistent with its adopted comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION

OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The Official Zoning Map of the City of Holly Hill is hereby amended to designate the property described in Attachment A as RPUD (Residential Planned Unit Development) pursuant to the provisions contained in the attached Development Agreement, attached to this Ordinance as Attachment B and incorporated in this Ordinance by reference.

SECTION 2. Development of the property described in Attachment A shall conform to the Land Development Regulations of Holly Hill.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 4. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 5. That this Ordinance shall be posted at City Hall as required by law.

SECTION 6. This ordinance shall become effective following approval of the future land use map amendment by the Florida Department of Economic Opportunity and certification of the same amendment by the Volusia Growth Management Commission.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022 for second and final reading.

Chris Via, Mayor 9/27/2022

Valerie Manning, City Clerk,CMC 9/27/2022

RESULT:	**ADOPTED AT 2ND READING [4 TO 1]**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John Danio, District 3 - Commissioner
AYES:	Johnson, Danio, Penny, Currie, Via

ATTACHMENT "A"

LEGAL DESCRIPTION:

LOTS 1, 2 AND 3, BLOCK 20, MASON AND CARSWELL SUBDIVISION, AS RECORDED IN MAP BOOK 2, PAGE 90, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THE SOUTHERLY 20 FEET USED FOR DRAINAGE, BEING ALSO DESCRIBED AS BLOCKS 13, 14, 15, 16 AND 17, HOME ACRES SUBDIVISION, AS RECORDED IN MAP BOOK 11, PAGE 64, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM ALL OF SAID BLOCK 16 OF SAID HOME ACRES SUBDIVISON, AND EXCEPTING THEREFROM THAT PORTION OF SAID TRACT LYING EASTERLY OF A NORTH-SOUTH DRAINAGE DITCH WHICH LIES EASTERLY OF THE PRESENT HOUSE AS LOCATED AND KNOWN AS THE WILSON RESIDENCE. THE EXCEPTIONS MENTIONED AS LYING EASTERLY OF SAID DRAINAGE ARE THOSE FOUR (4) PARCELS DEEDED TO WOFF, HAYES, AND MOSTERT, AND RECORDED IN DEED BOOK 326, AT PAGES 381 AND 383, AND IN DEED BOOK 354 AT

PAGE 426, AND IN DEED BOOK 360 AT PAGE 270, ALL IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. THE DITCH AS DESCRIBED EXTENDS SOUTHERLY FROM 6TH STREET TO THE EAST-WEST DRAINAGE CANAL AT THE SOUTH END OF THIS ENTIRE TRACT AFOREMENTIONED. THIS DESCRIPTION AND TRANSFER IS ALSO SUBJECT TO A 40 FOOT RIGHT-OF- WAY FROM SIXTH STREET EXTENDING SOUTHERLY TO THE SOUTH LINE OF SAID BLOCK 16 OF SAID HOME ACRES SUBDIVISION, SHOWN AS "CEDAR STREET", SAID RIGHT-OF-WAY IS FOR INGRESS AND EGRESS, AND DESCRIBED IN DEED FROM WILSON TO WRENN, AS RECORDED IN OFFICIAL RECORDS BOOK 27, PAGE 537, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SAID LAND LYING IN VOLUSIA COUNTY, FLORIDA AND CONTAINS 620,675 SQUARE FEET (14.249 ACRES), MORE OR LESS.

ATTACHMENT “B”

DEVELOPMENT AGREEMENT

Exhibit to Ordinance No. ____________

DEVELOPMENT AGREEMENT for the project known as The Vineyards Residential Planned Unit Development (RPUD) located at 649 6th Street, Holly Hill, Florida 32117 (hereinafter referred to as the “Subject Property”).

THIS DEVELOPMENT AGREEMENT (hereinafter referred to as the “Agreement”) is entered into and made as of the ___ day of ___________, 2022, by and between the CITY OF HOLLY HILL, a Florida municipal corporation, with a mailing address of 1065 Ridgewood Ave. Holly Hill, FL 32117 (hereinafter referred to as the “City”), and The Vineyards Townhomes, LLC, a Florida limited liability company, (hereinafter referred to as the “Owner/Developer”).

W I T N E S S E T H

WHEREAS, the Owner/Developer warrants that it holds legal title to the lands located in Volusia County, Florida, and within the corporate limits of the City of Holly Hill, said lands being more particularly described in **Exhibit “A”**, Legal Description for the Subject Property, attached hereto and by this reference made a part hereof; and that the holders of any and all liens and encumbrances affecting such property will subordinate their interests to this Agreement; and

WHEREAS, the Owner/Developer has clear title to, or contract to purchase, the Subject Property, and intends to develop such property as The Vineyards Townhomes; and

WHEREAS the Owner/Developer desires to facilitate the orderly development of the Subject Property in compliance with the laws and regulations of the City and of other governmental authorities, and the Owner/Developer desires to ensure that its development is compatible with other properties in the area and planned traffic patterns; and

WHEREAS the development permitted or proposed under this Development Agreement is consistent with the City's Comprehensive Plan, concurrency management system, and all land development regulations; and

WHEREAS it is the purpose of this Agreement to clearly set forth the understanding and agreement of the parties concerning the matters contained herein; and

WHEREAS the Owner/Developer has sought the City's approval to develop the Subject Property, and the City approved **Ordinance No**.__________, through rezoning the Subject Property to a form of Planned Unit Development (PUD), as defined under the City's Land Development Code. The PUD shall consist of this Agreement as the Written Agreement of the RPUD and an **Exhibit "B"**, attached hereto as the Preliminary Plan, subject to the covenants, restrictions, and easements offered by the Owner/Developer and contained herein, (hereinafter the "Master Development Plan"). Where more detailed criteria for City required submittals exceed the criteria required for a Master Development Plan, the more detailed criteria apply.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Recitals and Definitions. The recitals herein contained are true and correct and are incorporated herein by reference. All capitalized terms not otherwise defined herein shall be as defined or described in the City's Land Development Code as it may be amended from time to time, unless otherwise indicated.

2. Ownership. The legal and equitable owners of the Subject Property are: The Vineyards Townhomes, LLC, a Florida limited liability company.

3. **Title Opinion/Certification.** The Owner/Developer will provide to the City, in advance of the City's execution and recordation of this Agreement, a title opinion from a licensed attorney in the state of Florida, or a certification by an abstractor or title company authorized to do business in the state of Florida, verifying marketable title to the Subject Property to be in the name of the Owner/Developer and any and all liens, mortgages, and other encumbrances that are either satisfied or not satisfied or released of record.

4. **Subordination/Joinder.** Unless otherwise agreed to by the City and if applicable, all liens, mortgages, and other encumbrances that are not satisfied or released of record, must be subordinated to the terms of this Agreement or the Lienholder join in this Agreement. It shall be the responsibility of the Owner/Developer to promptly obtain the said subordination or joinder, in form and substance that is acceptable to the City Attorney, prior to the execution and recordation of this Agreement.

5. **Duration.** The duration of this Agreement is binding and runs with the land in perpetuity, unless amended.

6. **Development of the Subject Property**. Development of the Subject Property shall be subject to performance standards listed in this Agreement. Where a land use listed below differs from a defined use in the City of Holly Hill's Code of Ordinances, the use listed in this Agreement shall prevail.

A. Permitted principal uses allowable on the Subject Property:
1. Residential Townhomes

B. Proposed maximum density (in number of dwelling units per net acre): 14 dwelling units per net acre.

C. Required Open Space is 35 percent.

D. Required Common Open Space is 25 percent.

E. Open Space Provided: 57.2% and includes all green space and ponds

F. Common Open Space Provided: 31.7%.

G. Minimum landscaping and buffer-yard requirements are as shown and stated on the Preliminary Plan.

H. Minimum lot size area (in square feet): 1,800 square feet

I. Minimum townhome floor area: 1060 square feet

J. Minimum lot width (in feet): 20 feet

K. Minimum Building Separation: 20 feet

L. Minimum yard setbacks:
1. Front yard: 25 feet
2. Side yard: 0 feet
3. Street side yard: 10 feet
4. Rear yard: 10 feet

M. Maximum building height (in feet): 30 feet

N. Minimum parking standards are as shown and stated on the Preliminary Plan.

O. Lighting shall not exceed .5-foot candles at the property line.

P. Emergency Access: Emergency access to be provided on Cavanah Drive.

Q. Architectural controls and development on the Subject Property shall follow a common architectural theme as listed in this Agreement by harmoniously coordinating the general appearance of all buildings and accessory structures. All controls and variations shall be defined by a Homeowners Association, as defined within this Agreement.

R. Utility provision and dedication: The Owner/Developer shall connect to the City of Holly Hill's central utility systems, when available, or to Volusia County's central utility systems, where applicable, at their sole cost and expense. Utility fees shall be paid to City of Holly Hill Water or Volusia County, respectively, before any building permit is issued.

S. Stormwater and environmental: Per parcel stormwater systems or master stormwater systems shall be owned and maintained by an established Homeowners Association and shall not be dedicated to or become the responsibility of the City of Holly Hill. All environmental permitting, mitigation, and/or soil and erosion control for the property shall conform to all federal, state, and local permits/requirements, shall be the sole responsibility of the Homeowners Association, and shall be maintained in good condition/standing with the applicable permitting authorities. Best Management Practices and conformance to National Pollutant Discharge Elimination System (NPDES) criteria are required.

T. Transportation, site access, and traffic devices: The Owner/Developer is responsible for all transportation improvements within the Subject Property and any off-site transportation requirements, because of the proposed development, for site function, which maintains or improves the level of service for area roadways, and ensures the public health, safety, and welfare for the community. All permits shall be obtained from appropriate permitting agencies prior to development and the City shall determine the appropriate level of service per the City Comprehensive Plan and current traffic counts.

7. **Public Facilities/Land Dedication.** Facilities or tracts that either are or shall become public facilities/tracts that will serve the development and/or are on the Subject Property are, as follows**:** None.

8. **Development Permits/Fees.** The Owner/Developer is responsible for obtaining, permitting, and the payment of all fees for facilities and services for the Subject Property. Any site permits shall be kept current with the respective permitting agency and shall ensure the protection of the public health, safety, and welfare of the community and the development. All impact fees are applicable, and no impact fee credits shall be awarded through this Agreement; unless a cessation exists through a City moratorium that is Citywide. Proportionate fair share site improvements shall not be used in lieu of impact fees.

9. **Obligations.** Should the Owner/Developer fail to undertake and complete its obligations as described in this Agreement to the City's specifications, then the City shall give the Owner/Developer thirty (30) days written notice to commence and ninety (90) days to complete said required obligation. If the Owner/Developer fails to complete the obligations within the ninety (90) day period, then the City, without further notice to the Owner/Developer, or its successors in interest, may, without prejudice to any other rights or remedies it may have, place liens and take enforcement action on the Subject Property. A lien of such assessments shall be superior to all others, and all existing lienholders and mortgagees, by their execution of the subordination or joinder documents, agree to subordinate their liens or mortgages to the City’s said liens or assessments. Notice to the Owner/Developer and its successors in interest shall be deemed to have been given upon the mailing of notice to the address or addresses set forth in Paragraph (19) hereof.

10. **Site Plan/Plat Approval.** The Master Development Plan, is the Preliminary Plan of the PUD and this Written Development Agreement. The Master Development Plan shall not replace, supersede, or absolve the Owner/Developer from approvals for any site plan, preliminary plat, and/or final plat and their respective regulations. Where more detailed criteria for City required submittals exceed the criteria required for a Master Development Plan, the more detailed criteria apply.

11. **Indemnification.** The Owner/Developer shall indemnify and hold the City harmless from any and against all claims, demands, disputes, damages, costs, expenses, (to include attorneys' fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the use or development of the Subject Property, except those claims or liabilities caused by or arising from the negligence or intentional acts of the City, or its employees or agents. It is specifically understood that the City is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Subject Property, including but not limited to, drainage or water/sewer plans, fire safety, or quality of construction, whether inspected, approved, or permitted by the City.

12. **Compliance.** The Owner/Developer agrees that it, and their successors and assigns, will abide by the provisions of this Agreement, the City's Comprehensive Plan and the City's Code of Ordinances, including but not limited to, the site plan regulations of the City as amended from time to time, which are incorporated herein by reference and such subsequent amendments hereto as may be applicable. Further, all required improvements, including landscaping, shall be continuously maintained by the Owner/Developer, or their successors and assigns, in accordance with the City's Code of Ordinances. The City may, without prejudice to any other legal or equitable right or remedy it may have, withhold permits, Certificates of Occupancy, or plan/plat approvals to the Subject Property, should the Owner/Developer fail to comply with the terms of this Agreement. In the event of a conflict between this Development Agreement and the City's Land Development Code, the more restrictive regulations shall govern the development of the Subject Property.

13. **Obligations for Improvements.** Any surface improvement as described and required hereunder included, but not limited to such as signalization, walls, stormwater management facilities, medians, and utilities, or any other surface improvement shall be performed, prior to the issuance of the first Certificate of Occupancy on that portion of the Subject Property that the surface improvement(s) relates or is otherwise scheduled in this Agreement. Should the Owner/Developer fail to undertake and complete its obligations as described in this Agreement and to the City's specifications, then the City shall give the Owner/Developer thirty (30) days written notice to commence and ninety (90) days to complete said required obligation at the sole expense of the Owner/Developer. If the Owner/Developer fails to complete the obligations within the ninety (90) day period, then the City, without further notice to the Owner/Developer and their successors and assigns in interest, may but shall not be required to, perform such obligations at the expense of the Owner/Developer or their successors and assigns in interest, without prejudice to any other rights or remedies the City may have under this Agreement. Further, the City is hereby authorized to immediately recover the actual and verified cost of completing the obligations required under this Agreement and any legal fees from the Owner/Developer in an action at law for damages, as well as record a lien against the Subject Property in that amount. The lien of such assessments shall be superior to all others, and all existing lienholders and mortgagees, by their execution of the subordination or joinder

documents, agree to subordinate their liens or mortgages to the City's said liens or assessments. Notice to the Owner/Developer and their successors and assigns in interest shall be deemed to have been given upon the mailing of notice as provided **in paragraph (19)** of this Agreement.

14. **Environmental and Tree Preservation.** The Owner/Developer is responsible to obtain all site related permits and approval prior to any development activity on or for the Subject Property. This may involve mitigation for habitat of threatened or endangered flora and fauna or for species identified for proportion (i.e., tree preservation). This Agreement does not vest or exempt the Owner/Developer from any permitting and mitigation obligations needed to develop the Subject Property.

15. **Homeowners Association or Property Owners Association.** The Declaration of Covenants and Restrictions, Articles of Incorporation and by-laws of any Homeowners Association ("HOA") for the Subject Property and any deed restrictions related thereto shall be furnished to the City for approval by the City Attorney prior to the recording thereof in the Public Records of Volusia County, Florida. Such recording shall take place before a Certificate of Occupancy is issued for the first development project on land covered by this Agreement. The HOA shall at a minimum be responsible for maintaining the common open space, any common utility systems, such as for irrigation and site lighting, and project signage. The Owner/Developer shall be responsible for establishing the HOA and recording said information in the Public Records of Volusia County, Florida. The City is not responsible for the enforcement of any agreements or deed restrictions entered into between property owners or occupiers of the Subject Property. If maintenance for the Subject Property is not maintained following issuance of a Certificate of Occupancy, the property / property owner shall be subject to code enforcement.

16. **Enforcement.** Both parties may seek specific performance of this Agreement and/or bring an action for damages in a court within Volusia County, Florida, if either party breaches this Agreement. If enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Owner/Developer shall be responsible for the payment of all the City's costs and expenses, including attorney fees, whether or not litigation is necessary and, if necessary, both at trial and on appeal. Such costs, expenses and fees shall also be a lien upon the Subject Property superior to all others. Should this Agreement require the payment of any monies to the City, the recording of this Agreement shall constitute a lien upon the Subject Property for said monies, until said are paid, in addition to such other obligations as this Agreement may impose upon the Subject Property and the Owner/Developer. Interest on unpaid overdue sums shall accrue at the rate of the lesser of eighteen percent (18%) compounded annually or at the maximum rate allowed by law.

17. **Utility Easements.** For any easement not established on a plat for the Subject Property, the Owner/Developer shall provide to the City such easements and other legal documentation, in form mutually acceptable to the City Attorney and the Owner/Developer, as the City may deem reasonably necessary or appropriate for the installation and maintenance of the utility and other services, including but not limited to, sanitary sewer, potable water, and reclaimed water services, electric, cable, gas, fire protection and telecommunications.

18. **Periodic Review.** The City reserves the right to review the Subject Property in relation to this Agreement periodically to determine if there has been demonstrated good faith

compliance with the terms of this Agreement. If the City finds that based on substantial competent evidence that there has been a failure to comply with the terms of this Agreement, the City may not issue development orders or permits until compliance with this Agreement has been established.

19. **Notices.** Where notice is herein required to be given, it shall be by certified mail return receipt requested, hand delivery or nationally recognized courier, such as Federal Express or UPS. E-mail delivery of documents shall not replace or be in lieu of the aforementioned process. Said notice shall be sent to the following, as applicable:

OWNER/DEVELOPER'S REPRESENTATIVES:

The Vineyards Townhomes, LLC
123 Magnolia Avenue
Daytona Beach, Florida 32114

With copy to:

Storch Law Firm
420 South Nova Road
Daytona Beach, FL 32114

CITY'S REPRESENTATIVES:

City Manager
City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, Florida 32117

With copy to:

Director
Community Development
City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, Florida 32117

Should any party identified above change, it shall be said party's obligation to notify the remaining parties of the change in a fashion as is required for notices herein. It shall be the Owner/Developer's obligation to identify its lender(s) to all parties in a fashion as is required for notices herein.

20. **Compliance with the Law.** The failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve the Owner/Developer of the Subject Property from the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

21. **Captions.** The captions used herein are for convenience only and shall not be

relied upon in construing this Agreement.

22. **Binding Effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the Owner/Developer and their successors and assigns in interest, and the City and their successor and assigns in interest. This Agreement shall become effective upon its execution and recordation with the Public Records of Volusia County, Florida. This Agreement does not, and is not intended to, prevent, or impede the City from exercising its legislative authority as the same may affect the Subject Property.

23. **Subsequently Enacted State or Federal Law.** If either state of federal law is enacted after the effective date of this Agreement that is applicable to and precludes the parties' compliance with the terms of this Agreement, this Agreement and correlating zoning amendment shall be modified or revoked, as is necessary, to comply with the relevant state or federal law.

24. **Severability.** If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Development Agreement is declared severable.

25. **Covenant Running with the Land.** This Agreement shall run with the Subject Property and inure to and be for the benefit of the parties hereto and their respective successors and assigns and any person, firm, corporation, or entity who may become the successor in interest to the Subject Property or any portion thereof.

26. **Recordation of Agreement.** The parties hereto agree that an executed original of this Agreement shall be recorded by the City, at the Developer's expense, in the Public Records of Volusia County, Florida.

27. **Applicable Law/Venue.** This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Venue of any litigation relating to this Agreement shall be in the courts of Volusia County, Florida.

28. **Time of the Essence.** Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement. The Owner/Developer shall execute this Agreement within ten (10) business days of City Commission adoption and agrees to pay the cost of recording this document in the Public Records of Volusia County, Florida. Failure to execute this Agreement within ten (10) business days of this ordinance adoption may result in the City not issuing development orders or permits until execution and recordation of this Agreement has occurred.

29. **Agreement; Amendment.** This Agreement constitutes the entire agreement between the parties, and supersedes all previous discussions, understandings, and agreements, with respect to the subject matter hereof; provided, however, that it is agreed that this Agreement is supplemental to the City's Comprehensive Plan and does not in any way rescind or modify any provisions of the City's Comprehensive Plan. Amendments to and waivers of the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

30. **Amendments.** Amendments to the MDP shall be subject to the requirements of Section 114-771(g)(4) of the City of Holly Hill Land Development Regulations, which states that minor amendments to the preliminary plan not violating any terms of the written development agreement and not altering the intent and purpose of the MDP may be approved by the Development Code Administrator after such departmental comment as he/she deems appropriate. Minor changes shall be limited to items such as small adjustments to building footprints, allocation of uses within a defined parcel such as retention areas, parking etc. Minor amendments to the preliminary plan not violating any terms of the MDP and not altering the intent and purpose of the MDP may be approved by the Development Code Administrator. Major amendments will require full review and shall include relocation of uses on the site, except as permitted by the MDP, changes to building styles, changes to landscaping requirements, etc. Decisions as to whether modifications are Major or Minor shall be at the sole discretion of the Development Code Administrator.

31. **Effective Date.** The Effective Date of this Agreement shall be the day this Agreement is recorded in the Public Records of Volusia County, Florida.

Enacted and approved this 27th day of September, 2022, in Holly Hill

3.

1034 Ridgewood Avenue - Special Exception

(Requested by Brian Walker, Board of Planning and Appeals)
Mayor Via opened public participation.
Adam Rowe, Esquire for the applicant Mark Parrish were both present; spoke briefly on the special exception for his Tattoo Parlor.
Mayor Via closed public participation.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 27th day of September, 2022, in Holly Hill

8. COMMUNICATIONS

A. City Manager & Staff Comments
Mr. Forte informed the Mayor and City Commissioners that in front of them is a Resolution, Resolution 2022-R-81 which will be Declaring A Local State of Emergency for the City of Holly Hill that he would like to have adopted tonight and staff will get it posted in the morning.

RESOLUTION 2022-R-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, DECLARING A LOCAL STATE OF EMERGENCY; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, **Hurricane Ian** is a major hurricane and is projected to impact within the corporate limits of the City of Holly Hill, Florida posing a severe threat to the health safety and wellbeing of its residents; and

WHEREAS, Governor Ron DeSantis issued Executive Order 22-218 on September 23, 2022, declaring a state of emergency exists for several counties in Florida and the Florida Keys due to Hurricane Ian;

WHEREAS, Governor Ron DeSantis issued Executive Order 22-219 on September 24, 2022, amending Executive Order 22-218 declaring a State of Emergency exists for the State of Florida with regard to Hurricane Ian; and

WHEREAS, the Florida Division of Emergency Management, working with the National Hurricane Canter to evaluate weather prediction, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for Florida's Peninsula; and

WHEREAS, the threat posed by Hurricane IAN creates considerable hardship and threatens the health, safety, and welfare of the citizens of Holly Hill and therefore requires timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Holly Hill; and

WHEREAS, under the provisions of Florida Statute 252.38(5), local subdivisions have the authority to request state assistance or invoke emergency-related Mutual Aid assistance by declaring a state of local emergency; and

WHEREAS, as the City Manager, I am responsible to meet the dangers presented to the City of Holly Hill and its residents by the emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City Commission does hereby declare that a State of Emergency exists within the City of Holly Hill, Florida.

SECTION 2. The Holly Hill Comprehensive Emergency Management Plan shall be fully executed.

SECTION 3. The City Manager is formally directed to engage all City resources to provide such assistance as can be delivered, and to coordinate all departments to provide assistance and support for the protection of life and property, to assist and coordinate with other local, county, state and federal emergency management agencies, to order evacuations and curfews as necessary, and to take any and all emergency response actions required to safeguard life and property and ensure continuity of government services and operations within the City of Holly Hill, Florida.

SECTION 4. Under this State of Emergency, as provided in Florida Statute

252.38(5), the City Manager is hereby authorized to waive procedures and formalities otherwise required by law pertaining to:

To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.

b. Entering into contracts.

c. Incurring obligations.

d. Employment of permanent and temporary workers.

e. Utilization of volunteer workers.

f. Rental of equipment.

g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.

h. Appropriation and expenditure of public funds.

SECTION 5. SEVERABILITY. If any section or portion of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 6. EFFECTIVE DATE. Pursuant to Florida statute 252.38(5), this State of Emergency Resolution shall take effect immediately upon adoption by the City Commission and shall be limited to seven (7) calendar days from the date of adoption, but may be extended, as necessary, in seven (7) day increments by action of the City Commission.

The within and foregoing Resolution was read before the City Commission of the City of Holly Hill, Florida at a Special Emergency Meeting held in Commission Chambers at 1065 Ridgewood Avenue, Holly Hill, Florida on the 27th day of September, 2022.

APPROVED AND AUTHENTICATED on this 27th day of SEPTEMBER, 2022.

Mayor Via opened public participation. No one spoke.

PASSED, 5-0 unanimously.

Mr. Forte informed the Mayor and Commissioners that the Volusia League of Cities has reached out to him for the city to host a dinner in 2023. The city's date is scheduled for December 7, 2023 and if they are okay with that date, he will let them know to lock that date in for the city. Also, Attorney Simpson is going to start up his annual Christmas party and he would like to have it at Sica Hall on Saturday, December 10, 2022. The

Commissioners were okay with both dates for both events.

B. City Attorney Comments
None.

C. City Commission Comments
Commissioner Johnson no TPO meeting due to the hurricane coming. Be aware and be safe with this hurricane coming.

Commissioners Danio and Currie mentioned the hurricane and agreed with Commissioner Johnson to be safe. Appreciate the city staff and essential employees who will be having to work before, during and after the hurricane. Prepare yourselves and pay attention to the local Volusia County Emergency Operations.

D. Mayor's Comments
Mayor Via informed the Commissioners that he and Mr. Forte, and he knows a few weeks ago visited Marina Grande were asked by the social committee, and they went today and they talked a little bit about the impending hurricane, the flooding in front of Marina Grande and Mr. Forte went over that rather well with them. It went very well. There was a lot of positivity. A lot of good comments. Mayor Via spoke of a gala that he attended last week and that the Mayor of Daytona Beach approached him, who is also a Vice Principal at Holly Hill K-8 School, and came to him out of the blue and said to him, “Are you guys thinking at all about what you’re going to do with the school?” I said to him, “What do you mean?” and he said, “We’re overflowing.” Mayor Via responded and said, “According to the school board we’re at 98%.” The principal said that he wasn’t sure where the school board was getting that number from because they are at complete max. Mayor Via asked him if there was room to build more portables and he told him no, not at all. The principal understands that’s a school board issue and not the city’s. Mayor Via stated he just wanted the Commissioners to be aware of that conversation.

Commissioner Penny stated we’re the only K-8 in the system and we’re not treated as an elementary school or a middle school. Our middle school occupancy is 375 and currently, as of two weeks ago, we have 404 students enrolled. The elementary side has a maximum occupancy of 700 and two weeks ago the current enrollment was 750. The school principal is going to the school board to fight. He’s going to tell them they either need to make them a middle or elementary school because we’re not big enough. They could take some of our middle school kids to Hinson Middle and then make that a big elementary school. Commissioner Penny let the principal know that the city has a good relationship with the school and that he has a school board employee who has to hold his tongue sometimes when it comes to certain things that are said to the school board but I assured him that if he needed some mouths to back him up that this elected body would support the school.

Mayor Via that’s good to know. The principal is also following up with our Police Chief on some safety issues as well. Whatever they need, this Commission will support them.

9. ADJOURNMENT
The meeting adjourned at approximately 6:50 PM.

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● OCTOBER 11, 2022

City Commission Chamber **Regular City Commission Meeting** **6:00 PM**

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

a. Roll Call

Attendee Name	Title	Status	Arrived
Chris Via	Mayor	Present	
John Penny	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John C. Danio	District 3 - Commissioner	Present	
Roy Johnson	District 4 - Commissioner	Present	

b. Invocation by City Commissioner John Penny
Commissioner Penny led the invocation.

c. Pledge of Allegiance
Mayor Via led the Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS

The following individual came forward to speak to the Mayor and City Commissioners:

Dawn Bolin, Holly Hill.

3. APPROVAL OF MINUTES - NONE

4. CONSENT AGENDA

1.

TECO Peoples Gas Franchise Agreement - Retroactive Renewal

(Requested by Valerie Manning, City Clerk)
Mayor Via asked if there was anyone from the audience who wished to speak to the item on the Consent Agenda or if any member from the Commission would like to discuss the item. There was no one.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 11th day of October, 2022, in Holly Hill

5. REGULAR AGENDA

1. –2022-R-80 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute the 2Nd Amendment to the Management Agreement with Pictona at Holly Hill; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mayor Via opened public participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-80
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2ND AMENDMENT TO THE MANAGEMENT AGREEMENT WITH PICTONA AT HOLLY HILL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2nd AMENDMENT TO THE MANAGEMENT AGREEMENT WITH PICTONA AT HOLLY HILL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill (City) is the owner of Hollyland Park located at 1066 Ridgewood Avenue, Holly Hill, Florida 32117; and

WHEREAS, Pictona at Holly Hill desires to manage and operate Phases 1 and 2 of the Facility in the designated portion of Hollyland Park hereinafter (Property); and

WHEREAS, this amendment shall provide the terms and conditions of the management of community events at the Stadium.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission approves the 2nd Amendment to the Management Agreement and the City Manager of the City of Holly Hill is authorized to execute the Management Agreement.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 11th day of OCTOBER, 2022.

Enacted and approved this 11th day of October, 2022, in Holly Hill

2. –2022-R-84 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Extending the Current Local State of Emergency for Another Seven (7) Days; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)
Mr. Forte mentioned that he would like to have this extended one more time. After tonight, there's no need to keep extending the days.

Mayor Via opened public participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2022-R-84
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, EXTENDING THE CURRENT LOCAL STATE OF EMERGENCY FOR ANOTHER SEVEN (7) DAYS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, EXTENDING THE CURRENT LOCAL STATE OF EMERGENCY FOR ANOTHER SEVEN (7) DAYS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hurricane Ian is a major hurricane and is projected to impact within the corporate limits of the City of Holly Hill, Florida posing a severe threat to the health safety and wellbeing of its residents; and

WHEREAS, Governor Ron DeSantis issued Executive Order 22-218 on September 23, 2022, declaring a state of emergency exists for several counties in Florida and the Florida Keys due to Hurricane Ian; and

WHEREAS, Governor Ron DeSantis issued Executive Order 22-219 on September 24, 2022, amending Executive Order 22-218 declaring a State of Emergency exists for the State of Florida with regard to Hurricane Ian; and

WHEREAS, the City Commission of the City of Holly Hill adopted Resolution 2022-R-81 Declaring A Local State of Emergency for the City of Holly Hill due to Hurricane Ian, on Tuesday, September 27, 2022; and

WHEREAS, the City Commission of the City of Holly Hill adopted Resolution 2022-R-82 extending the Local State of Emergency for the City of Holly Hill due to Hurricane Ian, on Tuesday, October 4, 2022 for another seven (7) days; and

WHEREAS, the Florida Division of Emergency Management, working with the National Hurricane Center to evaluate weather prediction, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for Florida's Peninsula; and

WHEREAS, the threat posed by Hurricane IAN creates considerable hardship and threatens the health, safety, and welfare of the citizens of Holly Hill and therefore requires timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Holly Hill; and

WHEREAS, under the provisions of Florida Statute 252.38(5), local subdivisions have the authority to request state assistance or invoke emergency-related Mutual Aid assistance by declaring a state of local emergency; and

WHEREAS, as the City Manager, I am responsible to meet the dangers presented to the City of Holly Hill and its residents by the emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City Commission does hereby declare that a State of Emergency exists within the City of Holly Hill, Florida.

SECTION 2. The Holly Hill Comprehensive Emergency Management Plan shall be fully executed.

SECTION 3. The City Manager is formally directed to engage all City resources to provide such assistance as can be delivered, and to coordinate all departments to provide assistance and support for the protection of life and property, to assist and coordinate with other local, county, state and federal emergency management agencies, to order evacuations and curfews as necessary, and to take any and all emergency response actions required to safeguard life and property and ensure continuity of government services and operations within the City of Holly Hill, Florida.

SECTION 4. Under this State of Emergency, as provided in Florida Statute 252.38(5), the City Manager is hereby authorized to waive procedures and formalities otherwise required by law pertaining to:

To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.

b. Entering into contracts.

c. Incurring obligations.

d. Employment of permanent and temporary workers.

e. Utilization of volunteer workers.

f. Rental of equipment.

g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.

h. Appropriation and expenditure of public funds.

SECTION 5. SEVERABILITY. If any section or portion of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 6. EFFECTIVE DATE. Pursuant to Florida statute 252.38(5), this State of Emergency Resolution shall take effect immediately upon adoption by the City Commission and shall be limited to seven (7) calendar days from the date of adoption, but may be extended, as necessary, in seven (7) day increments by action of the City Commission.

The within and foregoing Resolution was read before the City Commission of the City of Holly Hill, Florida at a regularly scheduled City Commission meeting held in Commission Chambers at 1065 Ridgewood Avenue, Holly Hill, Florida on the 11^{th} day of October, 2022.

APPROVED AND AUTHENTICATED on this $\underline{11^{th}}$ day of OCTOBER, 2022.

Enacted and approved this 11th day of October, 2022, in Holly Hill

6. PUBLIC HEARINGS - NONE

7. COMMUNICATIONS

A. City Manager & Staff Comments
Mr. Forte asked if Antoine Khoury, Public Works Director could come forward and give a brief storm/hurricane update.

Antoine Khoury, Public Works Director/City Engineer gave a brief storm/Hurricane Ian update to the Mayor and Commissioners as it pertained to the debris removal operations (showed a map of the various locations within the city on the overhead projector), Martha Street still down; need contractors to fill the hole in the road too big for crewman, discussed debris, flooding, debris hauling update, debris hauling has begun in the city, all Lift Stations are back to normal levels and operating as they should be, Public Works is currently full staffed (crewed) but they are backed up on work orders; it's going to be a busy few months, cones will be placed where road work was done on Flomich and Riverside Drive until asphalt is available to help with the bikers in town for Biketoberfest.

Mr. Forte mentioned that the city will be having a Halloween event on Friday, October 28^{th} from 5:00 PM - 10:00 PM in front of City Hall. It is being put on by a private entity who has done this kind of craft/Halloween event for a while in various cities; reminded the Mayor and Commissioners to be thinking about "Citizen of the Year 2022" and to submit their recommendations to him.

B. City Attorney Comments
None.

C. City Commission Comments
Commissioner Penny briefly discussed possibly having a workshop on short term rentals; he is constantly getting calls; the most recent one was for 8^{th} Street and Riverside Drive; maybe the city can possibly control how they operate/behave.

Commissioner Johnson mentioned there's a house on Ridge Avenue that Code Enforcement could possibly look at as far as hording issues goes.

D. Mayor's Comments

Mayor Via mentioned the communication issues with the towers was really bad during the hurricane/storm; the house on Anniston Avenue with the hording issues there at that property; he believes that Code Enforcement has sited them as well.

8. ADJOURNMENT

The meeting adjourned at approximately 6:40 PM.

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: October 25, 2022
FROM: Antoine Khoury
SUBJECT: A Resolution of the City Commission of the City of Holly Hill, Florida, Approving Price Agreements for the Purchase of the Fiscal Year 2022-2023 Supply of Water and Wastewater Treatment Chemicals for the Public Works Department and Authorize the City Manager to Execute Any Necessary Price Agreements; Providing for Severability; and Providing for an Effective Date.
NUMBER: 2022-R-85
APPLICANT:
PLANNER:

DISCUSSION:

The City's Public Works Department utilizes various chemicals for the treatment of water and wastewater through various procurement methods.

Current City of Holly Hill Purchasing Manual

Policy 2.39 Other Government Entities' Contracts.

> The City may utilize (piggy-back) any other government entity's open contract that have been competitively bid and awarded to the low responsive, responsible bidder meeting the specifications, in accordance with City Purchasing regulations. The City may also piggyback off U.S. General Services Administration, GSA Contracts. When another entity's contracts is the be utilized, a copy of that contract shall be forwarded to the Finance Department for review and evaluation to determine if it meets the City's requirement regarding competitive bidding and award.

Chapter 287, Florida Statutes, grants the authority to piggyback the purchase of goods and services as a form of intergovernmental cooperative purchasing in which a public purchaser requests competitive sealed bids, enters into a contract, and arranges, as part of the contract, for other public purchasing units to purchase from the selected vendor under the same terms and conditions as itself in order to take advantage of the better pricing that large purchasers are able to obtain in order to reduce administrative time and costs involved in the procurement process (i.e., cost of preparing bid specifications, advertising, etc.).

SECTION F - SOLE SOURCE AND

STANDARDIZATION PROCUREMENT POLICY 2.25

EXEMPTION FROM BIDDING PROCEDURE

Sole source or Standardization procurement is exempt from bidding procedures. The using department must submit to the Finance Department in writing for his/her approval the attempts made, or the data collected to substantiate declaring a product or service "sole source". The City Commission must approve the award of the contract if the dollar amount exceeds $25,000.

SOLE SOURCE

The following criteria must be met in order to satisfy the sole source or proprietary source requirement:

- It is the only item that will produce the desired results (or fulfill the specific need) …or
- The item is available from only one source of supply … or
- The item is available from more than one vendor but due to extreme circumstances, only one vendor is suited to provide the goods or services.

Sole source and proprietary source purchases are exempt from competitive requirements. However, all sole source requisitions exceeding $10,000 in value will be electronically advertised for a period of at least 5 business days. The steps to follow for sole source and proprietary source purchases are as follows:

a. The User Department/Department and the Finance Department shall attempt to locate competition. Staff will also check for piggyback contracts. If no other sources are found, the User Department/Department shall submit to the Finance Department a completed sole source/proprietary source form, indicating the requisition number.

b. A sole source or proprietary source form shall be used to justify and document the requirement. The form shall state why only one source can produce the desired results (or fulfill the specific need).

c. The Finance Department will electronically post on the City website a description of all requisitions meeting the requirements for competitive pricing per Florida Statute for a period of at least seven (7) business days after the receipt of a completed sole source form from the department.

d. The Finance Director shall review and approve or disapprove, in writing; sole source/proprietary source designation.

e. The User Department/Department shall be notified of disapproved requests and the purchase shall be made in accordance with standard procedures.

f. When the Finance Director approves a sole or proprietary source, staff shall conduct negotiations on price, delivery, and terms. The price must be determined fair and reasonable.

g. The Finance Department shall keep a log of sole/proprietary source purchases, which includes the vendor name, the amount, item description, justification, and the purchase order number.
h. For those instance that services are needed involving multiple years (i.e. maintenance of equipment, warranty, etc.) the request must be combined to capture the project, as a whole, and the proper approval must be obtained.

STANDARDIZAT*ION*

Standardization is the process of examining characteristics and needs for items of similar end usage and developing a single specification that will satisfy the need for most or all purchases for that purpose. Proprietary purchases (usually components) maintain a degree of continuity to the original or existing decor, equipment, or programs.

Where standardization is determined to be desirable by the City, the purchase of materials, supplies and equipment and certain contractual services may be made by negotiation. Compatibility to existing equipment will be an acceptable justification for waiver of bidding procedures provided the item meets the other criteria within the definition of sole source item (i.e.; available from only one source and only item that will produce the desired results).

<u>Sole Source Vendors</u>

In some cases, standardization is in the best interest of the City due to additional costs for product testing, product storage, availability or other factors. This is the case with Polydyne, a water-soluble polymer utilized in the wastewater treatment plant and with Aqua Gold, a blended phosphate product utilized in the water treatment plant. Therefore, the purchase of Polydyne and Aqua Gold is recommended as sole source pricing agreement:

CHEMICAL	**VENDOR**	**PRICE**
Polymer	Polydyne, Inc.	$765/per drum
Aqua Gold	Dave Symonds & Assoc.	$15.53/per gal

These company's sole source letter and sole source justification forms are attached under Exhibits A & B. Their quotes are attached under Exhibits C & D.

<u>Bidding Procedure</u>

There are only three companies in Florida capable of providing liquid chlorine and liquid sulphur dioxide in the 1-ton cylinders the City utilizes, JCI Jones Chemicals, Brenntag Mid-South, Inc. and Allied Universal Corporation. JCI Jones Chemicals declined to provide pricing. Brenntag

Mid-South provided quotes as well as Allied Universal Corporation. Allied Universal Corporation submitted a $475.00/ton lower quote for liquid chlorine and a $260.00/ton higher quote on liquid sulphur dioxide than Brenntag Mid-South. Allied Universal Corporation's quotes are contingent on the City purchasing both liquid chlorine and liquid sulfur dioxide from them. The City would like to award bid for the purchase for liquid chlorine and liquid sulphur dioxide to Allied Universal Corporation.

CHEMICAL	VENDOR	PRICE
Liquid Chlorine	Allied Universal	$1,998/ton
Liquid Sulfur Dioxide	Allied Universal	$1,850/ton
Liquid Chlorine	Brenntag Mid-South	$2.250/ton
Liquid Sulfur Dioxide	Brenntag Mid-South	$1,500/ton
Liquid Chlorine	JCI Jones Chemical	No Bid
Liquid Sulfur Dioxide	JCI Jones Chemical	No Bid

Quotes from these three companies are attached under Exhibit E.

FISCAL ANALYSIS:

The expenditures related to the purchase of chemicals are fully budgeted in the utilities budget covering the water and wastewater divisions. The actual amount of expenditures for the above chemicals will vary with use throughout the year as required by the treatment process. Funds are budgeted through the respective operating supplies account for the water and wastewater divisions.

STAFF RECOMMENDATION:

Approve price agreements for the purchase of Fiscal Year 2022-2023 supply of water and wastewater treatment chemicals for the Public Works Department and authorize the City Manager to execute necessary price agreements.

COMMISSION GOAL:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION:

APPROVING PRICE AGREEMENTS FOR THE PURCHASE OF THE FISCAL YEAR 2022-2023 SUPPLY OF WATER AND WASTEWATER TREATMENT CHEMICALS FOR THE PUBLIC WORKS DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY PRICE AGREEMENTS.

ATTACHMENTS:

- Exhibit A - Polydyne Sole Source (PDF)
- Exhibit B - Dave Symonds Sole Source (PDF)
- Exhibit C - Polydyne Quote (PDF)
- Exhibit D - Dave Symonds Quote (PDF)
- Exhibit E - CL2 & SO2 Quotes (PDF)

Resolution No. 2022-85

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING PRICE AGREEMENTS FOR THE PURCHASE OF THE FISCAL YEAR 2022-2023 SUPPLY OF WATER AND WASTEWATER TREATMENT CHEMICALS FOR THE PUBLIC WORKS DEPARTMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY NECESSARY PRICE AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING PRICE AGREEMENTS FOR THE PURCHASE OF THE FISCAL YEAR 2022-2023 SUPPLY OF WATER AND WASTEWATER TREATMENT CHEMICALS FOR THE PUBLIC WORKS DEPARTMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY NECESSARY PRICE AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill is in need of chemicals for water and wastewater treatment; and

WHEREAS, the City has secured pricing agreements utilizing various procurement methods permitted under the City's purchasing guidelines; and

WHEREAS, Chapter 287, Florida Statutes, grants the authority to piggyback the purchase of goods and services as a form of intergovernmental cooperative purchasing in which a public purchaser requests competitive sealed bids, enters into a contract, and arranges, as part of the contract, for other public purchasing units to purchase from the selected vendor under the same terms and conditions as itself in order to take advantage of the better pricing that large purchasers are able to obtain in order to reduce administrative time and costs involved in the procurement process (i.e., cost of preparing bid specifications, advertising, etc.); and

WHEREAS, By Policy 2.24 section F of the Holly Hill purchasing policy manual; "Standardization procurement is exempt from bidding procedures"; and

WHEREAS, the City Commission approves the price agreements for the purchase of Fiscal Year 2022-2023 supply of water and wastewater treatment chemicals for the Public Works Department.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission does hereby approve price agreements for the purchase of the Fiscal Year 2022-23 supply of water and wastewater treatment chemicals for the Public Works Department and authorizes City Manager to execute any necessary price agreements.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 25th day of OCTOBER, 2022.

SNF
RESPONSIBLE CHEMISTRY

polydyne.snf.com

September 29, 2021

Mr. Jerry Smith
City of Holly Hill
453 LPGA Blvd.
Holly Hill, FL 32117

RE: Sole Source Declaration

Dear Mr. Smith,

Please accept this letter as a sole source declaration to the City of Holly Hill that the polymer utilized by the City of Holly Hill, FBS 10910 can only be provided by Polydyne Inc. for the City's use.

Polydyne Inc. is the largest supplier of water-soluble polymers to the U.S. municipal water and wastewater treatment market. We have the widest range of domestically produced polymer chemistries available in the U.S. Our sales team is comprised of 28 representatives strategically located throughout the U.S., many of whom are degreed engineers.

Thank you for your business. If you have any questions or if I may be further assistance, please feel free to contact me at (912) 880-8013. For Technical Assistance, please contact Chris McRae at (813) 765-0471. To place an order, please contact Heather James in our Customer Service Department at (800) 848-7659 Ext. 8735 or by email to hjames@snf.com.

Best regards,

Rebecca Beasley

Rebecca Beasley
Sales Administration Manager

City of Holly Hill

Finance Department
1065 Ridgewood Ave.
Holly Hill, FL 32117

SOLE SOURCE JUSTIFICATION

TO: Finance Department	**FROM:** John Dally
Subject - Purchase of: FBS-C-10910 polymer **REQUISITION #:** ________	
Requested Supplier – Contact: __________ Company: SNF Polydyne Inc. Address: P.O. Box 404642	City, State, Zip: Atlanta GA 30384-4642 Phone: 912-884-3366 Estimated Cost: $ 39,780

Statement of Need: My recommendation for sole source is based upon an objective review of the product/servi being required and appears to be in the best interest of the City. I know of no conflict of interest on my part involved in any way with this request. No gratuities, favors or compromising actions have taken place. Neither ha my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Sole Source Justification: Mark those that apply.

☒ 1. Sole source request is for the original manufacturer or provider; there are no regional distributors. (Attach the manufacturers written certification that no regional distributors exist. Item 4 must also be checked).

☐ 2. Sole source request is for the only area distributor of the original manufacturer or provider. (Attach the manufacturers -not the distributors - written certification that identifies all regional distributors. Item 4 also must be checked).

☐ 3. The parts/equipment are not interchangeable with similar parts of another manufacturer. (Explain in comments or separate memorandum).

☒ 4. This is the only known item or service that will meet the specialized needs of this department or perform the intended function. (Attach memorandum with details of specialized function or application).

☐ 5. The parts/equipment are required from this source to facilitate maintenance standardization. (Attach memorandur describing the basis for the standardization request).

☐ 6. None of the above applies. A detailed explanation and justification for this sole source request is contained in the attached memorandum.

Division Head Signature: [signature] Date: 10-17-22

Department Head Signature: [signature] Date: 10/18/2022

Comments:

Polymer for Sludge Belt Press

Finance Approval:______________________________Date: ______________

City Manager Approval (if required):______________________Date: ______________

Attachment: Exhibit A - Polydyne Sole Source (2022-R-85 : Chemical Purchases for FY 2022-2023 for WWTP & WTP)

MERSCH
CONSULTING

Symonds & Associates
36730 Emeralda Island Road
Leesburg, FL. 34788
Attn: Fred Symonds & Kathy Godwin

October 5, 2022

Sole Source Agreement

Per your request, I have updated this '*Sole Source Agreement*' which confirms that Symonds & Associates has sole rights to the distribution of our AQUAGOLD and AQUAFRESH products, within the State of Florida. This letter will serve as confirmation of our agreement for Symonds & Associates being the sole source of the above stated product lines (manufactured by Water Solutions LLC - Mersch Consulting, Inc.) throughout the State of Florida. This is for the Fiscal Year of 2023.

The great relationship that we have established with your company, remains excellent and I look forward to continually working with everyone at Symonds & Associates throughout the future years. I will supply the technical support necessary for your efforts throughout this part of the country and I expect this agreement will continue to provide for many more years of successful water treatment for numerous communities throughout the State of Florida.

Sincerely:

William F. Mersch

William F. Mersch
President

Cell: 630-207-7491
e-mail: gomersch@comcast.net

City of Holly Hill

Finance Department
1065 Ridgewood Ave.
Holly Hill, FL 32117

SOLE SOURCE JUSTIFICATION

TO: Finance Department	**FROM:** A. ARMSTRONG **REQUISITION #:** _____
Subject - Purchase of: AQUA GOLD	
Requested Supplier – Contact: FRED SYMONDS Company: DAVE SYMONDS AND ASSOCIATES Address: 36730 EMERALD ISLAND RD	City, State, Zip: LEESBURG, FL 34788 Phone: 800-226-0340 Estimated Cost: $ 28,187.00

Statement of Need: My recommendation for sole source is based upon an objective review of the product/service being required and appears to be in the best interest of the City. I know of no conflict of interest on my part or involved in any way with this request. No gratuities, favors or compromising actions have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Sole Source Justification: Mark those that apply.

☒ 1. Sole source request is for the original manufacturer or provider; there are no regional distributors. (Attach the manufacturers written certification that no regional distributors exist. Item 4 must also be checked).

☐ 2. Sole source request is for the only area distributor of the original manufacturer or provider. (Attach the manufacturers -not the distributors - written certification that identifies all regional distributors. Item 4 also must be checked).

☐ 3. The parts/equipment are not interchangeable with similar parts of another manufacturer. (Explain in comments or separate memorandum).

☒ 4. This is the only known item or service that will meet the specialized needs of this department or perform the intended function. (Attach memorandum with details of specialized function or application).

☐ 5. The parts/equipment are required from this source to facilitate maintenance standardization. (Attach memorandum describing the basis for the standardization request).

☐ 6. None of the above applies. A detailed explanation and justification for this sole source request is contained in the attached memorandum.

Division Head Signature: [signature] Date: 10/10/22

Department Head Signature: Antoine E Khoury Date: 10-14-2022

Comments: PRODUCT REQUIRED TO PREVENT PIPE CORROSION IN DIST SYSTEM.

Finance Approval: ______________________ Date: ____________

City Manager Approval (if required): ______________________ Date: ____________

The City of Holly Hill

John Dally <jdally@hollyhillfl.org>

polymer pricing

1 message

Chris McRae <cmcrae@verizon.net> Wed, Jun 15, 2022 at 12:05 PM
Reply-To: Chris McRae <cmcrae@verizon.net>
To: "jdally@hollyhillfl.org" <jdally@hollyhillfl.org>
Cc: "hjames@snf.com" <hjames@snf.com>

Hi John,

The FBS-C-10910 pricing effective 07.01 2022.
$1.70 / lb.
450 / lb. drum $765.00.

This is a delivered price.

Any questions let me know.

Thanks,

Chris McRae
Water Treatments Group
SNF Polydyne Inc
cmcrae@verizon.net
813-765-0471

DAVE SYMONDS & ASSOCIATES, INC.

36730 EMERALDA ISLAND RD.
LEESBURG, FLORIDA 34788
(352) 787-0340 or 1-800-226-0340
FAX (352) 787-0823

October 7, 2022

City of Holly Hill

453 LPGA Boulevard

Holly Hill, FL 32117

Att: Andy Armstrong – Chief Water Plant Operator

Ref: Aqua Gold price quote

Mr. Armstrong,

Due to circumstances out of our control we have had to switch to a bulk delivery system for our Aqua Gold product. This has been an adjustment but most seem to like the way we refill the drums on site and the customer might not have to purchase a full drum, just enough to make it until the next system check.

The price for the Aqua Gold at your location, Holly Hill, is $15.90 less .37 ($15.53 per gallon). This price is good for October 1, 2022 to March 1, 2023. Beginning March 1, 2023 we will assess the price every three months. The price will not exceed a 20% increase for the fiscal year.

We have had (3) price increases since January 2022 but we honored the price of $12.62 less .31 ($12.31 per gallon) quoted to you November 2021

Please let me know if you need any further information.

We appreciation your patience as we work through this transition.

Thank you,

Fred Symonds Fred Symonds

Kathrine Godwin Kathrine Godwin

The City of Holly Hill

John Dally <jdally@hollyhillfl.org>

Holly Hill CL2/SO2 pricing

Kambi Hunter <kambih@allieduniversal.com> Tue, Sep 6, 2022 at 9:10 AM
To: John Dally <jdally@hollyhillfl.org>

Hi John,

I hope you had a great holiday weekend!!

I have the pricing for you... it's increased from last year- unfortunately, that's the space we're in right now.

DELIVERED PRICE:	CL2 TONS	\$1998.00/TON
	SO2 TONS	\$1850.00/TON

Please let me know if you need anything at all.

Have a great day!
Kambi

Kambi Hunter

Area Accounts Manager

C: 386-717-2556

Allied Universal Corporation

www.AlliedUniversal.com

On Tue, Aug 30, 2022 at 9:05 AM John Dally <jdally@hollyhillfl.org> wrote:

> [Quoted text hidden]
>

The City of Holly Hill

John Dally <jdally@hollyhillfl.org>

Holly Hill Fl CL2/SO2

Melissa Sparrow/Mid-South/Brenntag <MSparrow@brenntag.com> Wed, Oct 5, 2022 at 1:53 PM
To: "jdally@hollyhillfl.org" <jdally@hollyhillfl.org>

Hi John,

Your new pricing will be $2250T for chlorine ton cylinders and $1500t for sulfur ton cylinders. Pricing will be firm October 15, 2022 – December 31, 2022. if you want to move forward with the price and need any back up documentation please let us know.

quaterly price

Regards,

Missy Sparrow

Municipal Bid Coordinator

Brenntag Mid-South, Inc.

1405 Highway 136 West

Henderson, KY 42419

Mobile: (270) 869-5723

Email: msparrow@brenntag.com

www.brenntag.com

****Response will be sent within 24 hours, If you have not received confirmation please call.****

From: John Dally <jdally@hollyhillfl.org>
Sent: Wednesday, September 7, 2022 12:13 PM
To: Stephanie Ubach/Mid-South/Brenntag <subach@brenntag.com>; Evelyn Martinez/Mid-South/Brenntag <emartinez@brenntag.com>
Subject: Holly Hill Fl CL2/SO2

The City of Holly Hill

John Dally <jdally@hollyhillfl.org>

CL2/SO2 Pricing

1 message

John Dally <jdally@hollyhillfl.org> Thu, Sep 15, 2022 at 9:02 AM
To: Heather Glass <~~hglass@jcichem.com~~>

I need pricing on 1 ton cylinders of chlorine 1 ton cylinders of SO2. This is for our fiscal year October 1, 2022 through September 30, 2023. Delivery address is 453 LPGA blvd, Holly Hill FL. We take at least four tons per delivery with approximately 54 tons required per year. SO2 is 24 tons per year and generally we add one to two cylinders on to the CL2 delivery. We do require a cherry picker. Thank you for your time.

No cherry picker

--
John R. Dally, Chief WWTP Operator
Department of Public Works
City of Holly Hill
453 LPGA Boulevard
Holly Hill, FL 32117
386-248-9463 (office)
386-334-9801 (mobile)
386-248-9499 (fax)
jdally@hollyhillfl.org
www.hollyhillfl.org

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE:	**October 25, 2022**
FROM:	**Valerie Manning**
SUBJECT:	**Empire Computing and Consulting, Inc. - Quote**
NUMBER:	**(ID # 3931)**
APPLICANT:	
PLANNER:	

DISCUSSION:

The City of Holly Hill utilizes Microsoft Hyper-V technology, thereby reducing the number of physical servers we must employ for the daily day to day operations. The equipment consists of two physical servers for fault tolerance and one network attached storage device.

Our current equipment has reached its end of life (EOL) and therefore needs to be replaced.

FISCAL ANALYSIS:

The cost to replace our current equipment is $104,948.49 and has been budgeted for in account 001-1306-516-6400 for $103,100 and $1,848.49 in account 001-1306-513-3400.

The quote is based upon Contract # FL- Florida NASPO Value point MA# MNNVP-134/PA#43211500-WSCA-15-ACS-E

STAFF RECOMMENDATION:

Staff recommends the approval of this purchase.

MOTION:

Motion to approve the purchase of the aforementioned equipment and services in the amount of $104,948.49.

- Empire Computing and Consulting, Inc. - Quote (PDF)

Empire Computing and Consulting Inc
120 N Frederick Ave
Daytona Beach, FL 32114
386-253-6506 Fax: 386-253-6508

Quote #:	18220
Quote Date:	10/7/2022
Page:	1
Customer #:	733

Quoted To:
City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, FL 32117

Valid Through: 11/6/2022

Phone: 386-248-9459	Cust PO: COHH SER/MSA	Terms:
Reference: COHH SER/MSA	Ship Via: Ground	Salesperson: PETEM

Stock Code	Description	Quantity	Price	Extended
878973-B21	HPE DL160 Gen10 8SFF CTO Server	2.00	803.88	1,607.76
878973-B21#ABA	HPE DL160 Gen10 8SFF CTO Server	2.00	0.00	0.00
P11124-L21	Intel Xeon-B 3204 FIO Kit for DL160 G10	2.00	370.30	740.60
P11124-B21	Intel Xeon-B 3204 Kit for DL160 Gen10	2.00	370.30	740.60
P11124-B21#0D1	Factory Integrated	2.00	0.00	0.00
P00922-B21	HPE 16GB 2Rx8 PC4-2933Y-R Smart Kit	32.00	581.56	18,609.92
P00922-B21#0D1	Factory Integrated	32.00	0.00	0.00
P18420-B21	HPE 240GB SATA RI SFF SC MV SSD	4.00	394.10	1,576.40
P18420-B21#0D1	Factory Integrated	4.00	0.00	0.00
866432-B21	HPE DL160 Gen10 CPU1 x16/x8 Riser Kit	2.00	87.50	175.00
866432-B21#0D1	factory integrated	2.00	0.00	0.00
804398-B21	HPE Smart Array E208e-p SR Gen10 Ctrlr	2.00	1,830.44	3,660.88
804398-B21#0D1	Factory Integrated	2.00	0.00	0.00
865414-B21	HPE - POWER SUPPLY - HOT-PLUG / REDUNDANT - 800 WATT - 908 VAPower supply - hot-plug / redundant (plug-in module) - Flex Slot -	4.00	366.80	1,467.20
865414-B21#0D1		4.00	0.00	0.00
BD505A	HPE iLO Adv 1-svr Lic 3yr Support	2.00	328.30	656.60
BD505A#0D1	Factory Integrated	2.00	0.00	0.00
866442-B21	HPE DL160/180 Gen10 RPS Enablement Kit	2.00	46.20	92.40
866442-B21#0D1		2.00	0.00	0.00
866446-B21	HPE DL160 G10 8SFF Emb SATA FIO Cbl Kit	2.00	44.80	89.60
734807-B21	HPE 1U SFF Easy Install Rail Kit	2.00	81.20	162.40
734807-B21#0D1		2.00	0.00	0.00
HA114A1	HPE Training, Installation and Startup Service	1.00	0.00	0.00
HA114A1#5T6	HPE Startup Entry ML DL Svr SVC	2.00	966.00	1,932.00
HU4A6A3	HPE 3Y Tech Care Essential SVC	1.00	0.00	0.00
HU4A6A3#X1R	HPE DL160 Gen10 Support	2.00	1,220.80	2,441.60
R0Q78B	MSA 2060 12Gb SAS SFF Storage	1.00	9,143.29	9,143.29
R0Q57A	HPE MSA 2.4TB SAS 10K SFF M2 HDD	4.00	1,323.00	5,292.00
R0Q57A#0D1	Factory Integrated	4.00	0.00	0.00
R0Q67A	HPE MSA 14.4T SAS 10K SFF M2 6pk HDD Bdl	2.00	5,639.70	11,279.40
R0Q67A#0D1	Factory Integrated	2.00	0.00	0.00
R3R30A	HPE MSA 3.84TB SAS RI SFF M2 SSD	4.00	5,479.26	21,917.04
R3R30A#0D1	Factory Integrated	4.00	0.00	0.00
R2C33AAE	HPE MSA 2060 Adv Data Services E-LTU	1.00	1,360.00	1,360.00
716197-B21	HPE Ext 2.0m MiniSAS HD-MiniSAS HD Cbl	8.00	123.90	991.20
H0JD7A1	HPE Quickstart File Data Mig10TB SVC(R0Q78B(1)	1.00	12,600.00	[illegible]

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120 N Frederick Ave
Daytona Beach, FL 32114
386-253-6506 Fax: 386-253-6508

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Phone: 386-248-9459	Cust PO: COHH SER/MSA	Terms:
Reference: COHH SER/MSA	Ship Via: Ground	Salesperson: PETEM

Stock Code	Description	Quantity	Price	Extended
HA114A1	HPE Training, Installation and Startup Service	1.00	0.00	0.00
HA114A1#5J0	HPE MSA Family Startup SVC R0Q82A(1)	1.00	2,890.00	2,890.00
HU4A6A5	HPE 5Y TC Essential SVC	1.00	0.00	0.00
HU4A6A5#ZQC	HPE MSA ADS LTU Support R2C33AAE(1)	1.00	970.50	970.50
HU4A6A5#ZQA	HPE MSA 2060 Support	1.00	4,412.10	4,412.10
AF595A	HEWLETT PACKARD ENTERPRISE : HP 3.0M,Blue,CAT6 STP,Cable Data	2.00	27.00	54.00
FREIGHT		1.00	86.00	86.00

Contract # FL- Florida NASPO Valuepoint MA# MNNVP-134/PA#43211500-WSCA-15-ACS-E

Thank you, Empire Computing & Consulting Inc.

SubTotal:	104,948.49
Tax:	0.00
Shipping:	0.00
Total:	104,948.49

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: **October 25, 2022**
FROM: **Valerie Manning**
SUBJECT: **Interlocal Agreement Assigning Use of City of Holly Hill Opioid Settlement Funds to Volusia County**
NUMBER: **(ID # 3935)**
APPLICANT:
PLANNER:

DISCUSSION:

On December 14, 2021 the City Commission approved the Interlocal Agreement Governing the Use of Volusia County Regional Opioid Settlement funds. The attached interlocal agreement is assigning use of City of Holly Hill Opioid Settlement Funds to the County of Volusia to be used to implement opioid abatement in the County of Volusia. Combining funds will provide the greatest benefit to the citizens of the City of Holly Hill and the County.

FISCAL ANALYSIS:

Any funds obligated to the City of Holly Hill as a result of the Opioid Settlement will be assigned to the County of Volusia.

STAFF RECOMMENDATION:

Approve the Interlocal Agreement as submitted.

COMMISSION GOAL:

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION:

AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AS SUBMITTED

BY STAFF.

- Holly Hill Assignment of City-County Funds from Opioid Litigation (PDF)

INTERLOCAL AGREEMENT ASSIGNING USE OF CITY OF HOLLY HILL OPIOID SETTLEMENT FUNDS TO VOLUSIA COUNTY

THIS INTERLOCAL AGREEMENT assigning funds obtained from the settlement of opioid-related litigation ("**Assignment**" or "**Agreement**") is hereby entered into by and between **THE CITY OF HOLLY HILL** an incorporated municipality located in Volusia County, Florida (the "**City**") and the County of Volusia, a political subdivision of the State of Florida (the "**County**").

WHEREAS, a number of Florida Cities and Counties, including the County, filed actions *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the "**Opioid Litigation**"); and

WHEREAS, the Florida Memorandum of Understanding (the "**Florida Plan**") sets forth the framework of a unified plan for the proposed allocation and use of opioid settlement proceeds; and

WHEREAS, the City and the County, together with other municipalities, have entered into an Interlocal Agreement regarding expenditures of the Regional Funds (the Regional Fund shall have the same meaning as provided in the Florida Plan); and

WHEREAS, the County and the City have entered into settlement agreements in the Opioid Litigation, creating a City/County Fund (the City/County Fund shall have the same meaning as provided in the Florida Plan); and

WHEREAS, separate payments are each to be distributed directly to both the City and the County through the City/County Fund; and

WHEREAS, receiving a separate payment from the City/County Fund will require separate programs and reporting requirements for the City; and

WHEREAS, the County is a "Qualified County" as defined in the Florida Plan, has an approved Opioid Abatement Plan, has contracted to provide or is currently providing services for mental health and substance abuse abatement, and has the administrative capacity for management of the required programs and reporting requirements; and

WHEREAS, City and County agree that combining the funds the City receives through the City/County Fund with the funds the County receives from the City/County Fund to implement opioid abatement programs provides the greatest benefit to the citizens of the CITY OF HOLLY HILL and the COUNTY.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the parties agree as follows:

SECTION 1. RECITALS.

The above recitals are true and correct and by reference incorporated herein.

SECTION 2. ASSIGNMENT OF FUNDS.

The CITY OF HOLLY HILL hereby assigns the funds to be received through the City/County Fund from the Opioid Litigation to the COUNTY OF VOLUSIA to be used to implement opioid abatement in the COUNTY OF VOLUSIA. The COUNTY OF VOLUSIA will accept the funds assigned by the CITY OF HOLLY HILL and will use the funds to implement opioid abatement pursuant to the terms and conditions of the Settlement Agreement.

SECTION 3. EFFECTIVE DATE.

This Assignment shall become effective upon the recordation of this Assignment with the Clerk of the Circuit Court in and for Volusia County, Florida.

SECTION 4. TERM.

The term of this Assignment and the obligations hereunder shall commence on the effective date, shall run concurrently with the Florida Plan, and shall continue until one (1) year after the expenditure of all assigned funds, unless otherwise terminated in accordance with the provisions of the State Plan. Obligations under this Assignment which by their nature should survive, including, but not limited to any and all obligations relating to record retention, audit, and indemnification will remain in effect after termination or expiration of this Assignment.

SECTION 5. INDEMNIFICATION.

Each of the parties shall be responsible for their respective employees' acts of negligence when such employees were acting within the scope of their employment and shall only be liable for any damages resulting from said negligence to the extent permitted by Section 768.28, Florida Statutes. Nothing herein shall be construed as a waiver of sovereign immunity, or the provisions of section 768.28, Florida Statutes, by either party. Nothing herein shall be construed as consent by either party to be sued by third parties for any matter arising out of this Agreement.

SECTION 6. SEVERABILITY.

If any portion of this Agreement is held invalid, the invalidity shall not affect other provisions of the Agreement which can be given effect without the invalid provision or application, and to this end, the provisions of this Agreement are severable.

SECTION 7. AMENDMENTS.

This Agreement may be amended, in writing, upon the express written approval of the governing bodies of all the parties.

SECTION 8. FILING.

This Agreement shall be filed with the Clerk of the Circuit Court in and for Volusia County, Florida, as provided in Section 163.01(11), Florida Statutes.

SECTION 9. GOVERNING LAW.

The laws of the State of Florida shall govern this Agreement. Venue shall be in Volusia County, Florida. In the event of any litigation arising out of this Agreement, each party shall bear its own attorney's fees and costs.

IN WITNESS WHEREOF, the parties, through their duly authorized representatives, have made and executed this Agreement on the date indicated below.

ATTEST: **CITY OF HOLLY HILL**

By:_____________________
Valerie Manning
City Clerk

By:_____________________
Chris Via
Mayor

Date:__________________

ATTEST: **COUNTY OF VOLUSIA**

By:_____________________
George Recktenwald
County Manager

By:_____________________
Jeffrey S. Brower
County Chair

Date:__________________

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE:	**October 25, 2022**
FROM:	**Susan Lincoln**
SUBJECT:	**Disposal of Fixed Assets**
NUMBER:	**(ID # 3933)**
APPLICANT:	
PLANNER:	

DISCUSSION:

The fixed assets in the attached list have been identified as being surplus property available for disposition as defined in the City's Purchasing Policy originally adopted by resolution 2018-R-30 on May 8, 2018. This Policy was amended by resolution 2020-R-35 on July 28, 2020, resolution 2021-R-70 on September 13, 2021, resolution 2021-R-105 on November 23, 2021 and resolution 2022-R-17 on March 8, 2022,

Section 13.2 Disposition of Surplus Property states: "The Finance Department has the discretion to classify any City property/equipment as surplus this is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function and is not otherwise lawfully disposed of per the City Charter or Ordinance. Qualifying property/equipment may be disposed of for value without bids to any governmental unit or if the property is without commercial value it may be donated, destroyed, or abandoned. (Section 274.06 F.S.). Property valued to be under $5,000, may be disposed of in the most efficient and cost-effective means as determined by the Finance Department."

FISCAL ANALYSIS:

The proceeds from the sale of the surplus items will be placed in the fund that acquired the fixed assets being disposed.

STAFF RECOMMENDATION:

Staff recommends the City Commission declare the equipment identified in the attached document as surplus and authorize the disposal of the surplus equipment as appropriate.

COMMISSION GOAL:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

MOTION:

Authorize the City Manager to dispose of the attached list of surplus equipment.

- Purchasing Policy Section 13.2 Disposal of Surplus Property (PDF)
- Disposal List for Commission meeting 10.25.2022 (PDF)

to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, suppliers, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being place on the convicted vendor list."

POLICY 12.4 PERSONAL USE OF GOVERNMENT CONTRACTS OR PRICING

If a vendor offers bid prices to all government officials and employees, the City's officials and employees may avail themselves of such. However, the product must be ordered and paid for by the official or employee directly to the vendor.

CHAPTER 13 - CAPITAL ASSET

Capital asset control entails tracking, compiling and maintaining an inventory of capital assets to control losses due to negligence or theft, to provide a basis for insurance claims and identify surpluses. Capital asset records are set up to comply with Florida Statute 274.

POLICY 13.1 CAPITAL ASSET TRACKING

Capital assets are tangible items (e.g. land, buildings, building improvements, vehicles, machinery, equipment and infrastructure) or intangible items (e.g. easements, water rights) with original cost or value of $5,000 or more (Higher thresholds depending on type of assets), with an estimated useful life of one (1) to five (5) years following the date of acquisition. Capitalization thresholds are to be applied to individual items rather than groups of similar items (e.g. desks and tables), unless the effect of doing so would be to eliminate a significant portion of total capital assets. Additional Finance Department Capital Asset Policies are available for additional thresholds and requirements.

POLICY 13.2 DISPOSITION OF SURPLUS PROPERTY

Disposition of surplus property shall be in accordance with Section 166 of Florida Statute. Each Department/Department must report its surplus or obsolete property, equipment, or supplies to the Finance Department. Once this is approved as surplus by the Finance Department shall be held until surplused. The Department shall provide a "Property Disposition Form" which shall include - all property/equipment declared surplus or obsolete and the requested method of disposition as mandated by "Florida Law". (F.S. 274.03)

The Finance Department has the discretion to classify any City property/equipment as surplus that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function and is not otherwise lawfully disposed of per the City Charter or Ordinance. Qualifying property/equipment may be disposed of for value without bids to any governmental unit or if the property is without commercial value it may be donated, destroyed, or abandoned. (F.S. 274.06) Property valued to be under $5,000, may be disposed of in the most efficient and cost-effective means as determined by the Finance Department. Any sale of property the value of which is estimated to be $5,000 or more shall be sold only to the highest responsible bidder or by public auction. (F.S. 274.06).

All Property/equipment valued at $ 25,000 and above shall be approved by the City Commission and sold at public auction.

Inventory Disposal Request Form

DATE : 10/25/2022

	Item #	Asset Tag	Asset Type Description / Model	Manufacturer	Model	Serial Number	Service #	Date of Purchase	Purchase Cost	Book Value	Location	Note
GG	1	2013000043	HP COMPAQ PRO 6300					10/16/2012	715.75	$0.00		City Manager Inventory
GG	2	2014000015	BUFFALO TERASTATION PRO RACKMOUNT NAS SERVER					10/9/2013	999.58	$0.00		City Manager Inventory
GG	3	2006001676	Radio Base Station					4/8/1975	1,443.00	$0.00		Fire Department Radios
GG	4	2006001679	AIR PURIFIER					2/5/1992	1,198.00	$0.00		Fire Department Inventory
GG	5	2006001698	Orion UHF 450 470mhz scan 100 watt rm radio and antenna for ALS vehicle					12/30/1998	2,117.25	$0.00		Fire Department Radios
GG	6	2006001703	Dashmounted Strobe for Fire Chiefs Jeep					10/14/1999	124.98	$0.00		Fire Department Inventory
GG	7	2006001711	Genesis Extrication Equipment					11/4/2002	11,541.20	$0.00		Fire Department Inventory
GG	8	2006001713	Action Lane Recliner 70 Series Taupe(qty 2)					6/3/2003	1,996.00	$0.00		Fire Department Inventory
GG	9	2006001723	K80 FIRECAM THERMAL IMAGER LITE PACKAGE DIRECT TEMP MEARUREMENT Eng 296					1/24/2005	7,795.00	$0.00		Fire Department Inventory
GG	10	2007000021	S-40XL Spreader					1/29/2007	4,476.00	$0.00		Fire Department Inventory
GG	11	2007000022	C-160 Cutter					1/29/2007	4,076.00	$0.00		Fire Department Inventory
GG	12	2007000023	Mach III Outlaw 6.5 Honda with 2, 30' Extension Hoses					1/29/2007	6,124.00	$0.00		Fire Department Inventory
GG	13	2008000010	Carrier 2 ton Air Handler w/auxiliary heaters and ductwork-Labor & Material (replace existing unit)					3/14/2008	2,094.00	$0.00		Fire Department Inventory
GG	14	2008000011	Carrier 2 ton Air Handler w/auxiliary heaters and ductwork-Labor & Material (replace existing unit)					3/14/2008	2,094.00	$0.00		Fire Department Inventory
GG	15	2009000034	L & M to Replace ECM (Eng Electronic Cont Mod) E96					5/5/2009	2,148.22	$0.00		Fire Department Inventory
GG	16	2012000149	REPO SPEEDQUEEN 20LB FRONTLOAD WASHING MACHINE					6/12/2012	2,365.00	$0.00		Fire Department Inventory
GG	17	2013000203	ACCESSORIES FOR 996 FIRE DEPARTMENT INTERCEPTOR					4/9/2013	2,797.98	$0.00		Fire Department Inventory
GG	18	2014000232	PIRAYA 14X1 DIAMOND BLADE					6/19/2014	201.76	$0.00		Fire Department Inventory
GG	19	2011000018	Panasonic Toughbook Warranty Pro Plus 3YR					3/16/2011	216.00	$0.00		Fire Department Inventory
GG	20	2006001724	DELL 4100MP PROJECTOR					2/21/2005	$1,863.16	$0.00		Fire Department Inventory
GG	21	2008000021	AS400 9407 Model 515 to replace 9406-170-5FFZM					8/21/2008	$24,529.96	$0.00		Fire Department Inventory
GG	22	2008000022	Convert/Migrate HTE data and applications from the AS/400-170 to iSeries-515 system					9/26/2008	$3,000.00	$0.00		Fire Department Inventory
GG	23	2009000024	110 - Windows Server Dev Cal 2008 Multiple Windows Platform MS Software Licenses					12/16/2008	$2,400.61	$0.00		Fire Department Inventory
GG	24	2009000025	Quad Core Xeon E5405 Processor (Newage) Computer Server Equipment					1/13/2009	$7,056.00	$0.00		Fire Department Inventory
GG	25	2009000029	PV114T, LTO-3 Tape Rack Enclosure & Drive-R Equipment					7/15/2009	$3,142.42	$0.00		Fire Department Inventory
GG	26	2011000010	HP Compaq 8000 Elite Ultra-Slim Desktop PC					12/2/2010	$643.00	$0.00		Fire Department Inventory
GG	27	2011000050	Cisco IP Phone (7962) System Installation Implementation and					3/7/2011	$112,114.53	$0.00		Fire Department Inventory
GG	28	2011000016	Panasonic Toughbook Warranty Pro Plus 3YR					3/16/2011	$216.00	$0.00		Fire Department Inventory
GG	29	2012000026	8 PORT CISCO ETHERNET SWITCH					10/11/2011	$870.00	$0.00		IT Inventory
GG	30	2012000039	PLANTRONICS SAVI OFFICE BINAURAL WIRELESS HEADSET					11/9/2011	$278.75	$0.00		IT Inventory
GG	31	2012000040	PLANTRONICS SAVI OFFICE BINAURAL WIRELESS HEADSET					11/9/2011	$278.75	$0.00		IT Inventory
GG	32	2012000041	APAC-40 SAVIEHS EHS CABLE					11/9/2011	$68.75	$0.00		IT Inventory
GG	33	2012000042	APAC-40 SAVIEHS EHS CABLE					11/9/2011	$68.75	$0.00		IT Inventory
GG	34	2012000027	EXAGRID EX10000E 1TB BACKUP DISC					12/19/2011	$14,211.54	$0.00		IT Inventory
GG	35	2012000006	HP COMPAQ 8200 ULTRA-SLIM BUSINESS PC					1/20/2012	$570.00	$0.00		IT Inventory
GG	36	2012000007	HP COMPAQ 8200 ULTRA-SLIM BUSINESS PC					1/20/2012	$570.00	$0.00		IT Inventory
GG	37	2012000017	2GB DDR3-1333 SODIMM RAM					1/20/2012	$32.00	$0.00		IT Inventory
GG	38	2012000018	2GB DDR3-1333 SODIMM RAM					1/20/2012	$32.00	$0.00		IT Inventory
GG	39	2012000025	DELL LATITUDE E6520 DESKTOP COMPUTER					7/18/2012	$1,918.96	$0.00		IT Inventory
GG	40	2013000034	DELL MOBILE PRECISION M4700 LAPTOP					10/16/2012	$3,307.49	$0.00		IT Inventory
GG	41	2013000035	DELL MOBILE PRECISION M4700 LAPTOP					10/16/2012	$3,307.48	$0.00		IT Inventory
GG	42	2013000041	M7300 LAPTOP FOR PATROL VEHICLES					10/16/2012	$1,191.74	$0.00		IT Inventory
GG	43	2013000058	HP COMPAQ PRO 6300					10/16/2012	$715.75	$0.00		IT Inventory
GG	44	2013000059	HP 8GB DDR3 RAM STICK					10/16/2012	$124.02	$0.00		IT Inventory
GG	45	2013000060	HP 8GB DDR3 RAM STICK					10/16/2012	$124.02	$0.00		IT Inventory
GG	46	2013000061	HP 8GB DDR3 RAM STICK					10/16/2012	$124.02	$0.00		IT Inventory
GG	47	2013000062	HP 8GB DDR3 RAM STICK					10/16/2012	$124.02	$0.00		IT Inventory
GG	48	2013000177	POWEREDGE R720 COMPUTER					2/12/2013	$7,023.31	$0.00		IT Inventory
GG	49	2013000244	CISCO CATALYST ETHERNET SWITCH - 24 PORTS W/ 1 YEAR EXTENDED SERVICE					6/11/2013	$3,208.00	$0.00		IT Inventory
GG	50	2013000242	CISCO CATALYST SWITCH 24 PORT RACKMOUNTABLE					6/18/2013	$12,613.15	$0.00		IT Inventory
GG	51	2014000014	EXAGRID 3TB SERVER					10/31/2013	$13,383.50	$0.00		IT Inventory
G	52	2014000069	AS400 SERVER - IBM POWER 7+ PROCESSOR, WITH 16GB MAIN MEMORY, 9743 GB RAID USABLE DISK					1/13/2014	$20,770.40	$0.00		IT Inventory
G	53	2014000144	AS400 ISERIES P7 MIGRATION					1/28/2014	$3,850.00	$0.00		IT Inventory
G	54	2014000247	LIFTGATE FOR ASSET 2013000243					7/20/2014	$226.05	$0.00		IT Inventory
G	55	2016000006	EX4000 11TB COMPUTER					10/26/2015	$14,092.75	$0.00		IT Inventory
G	56	2010000003	Acer 22" Wide LCD Monitor					1/21/2010	$154.19	$0.00		IT Inventory

Inventory Disposal Request Form

DATE : 10/25/2022

	Item #	Asset Tag	Asset Type Description / Model	Manufacturer	Model	Serial Number	Service #	Date of Purchase	Purchase Cost	Book Value	Location	Note
GG	57	2010000010	Acer 22" Wide LCD Monitor					1/21/2010	$154.20	$0.00		IT Inventory
GG	58	2007000050	NEC Projector LT380 XGA 3000 ANSI Lumens					6/10/2007	$2,091.55	$0.00		Building and Zoning Inventory
GG	59	2011000049	CRC11 Relay Task Chairs for CRC					7/7/2011	$1,043.76	$0.00		Building and Zoning Inventory
GG	60	2012000034	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					1/10/2012	$479.69	$0.00		Building and Zoning Inventory
GG	61	2012000035	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					1/10/2012	$479.69	$0.00		Building and Zoning Inventory
GG	62	2012000011	HP COMPAQ 8200 ULTRA-SLIM BUSINESS PC					1/20/2012	$570.00	$0.00		Building and Zoning Inventory
GG	63	2012000022	2GB DDR3-1333 SODIMM RAM					1/20/2012	$32.00	$0.00		Building and Zoning Inventory
GG	64	2007000028	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	65	2007000029	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	66	2007000030	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	67	2007000031	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	68	2007000032	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	69	2007000033	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	70	2007000035	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	71	2007000036	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	72	2007000037	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	73	2007000038	800 MHz Portable Radio					3/20/2007	$2,845.22	$0.00		Fire Department Radios
GG	74	2006001695	Radio MRK II Scan Portable 2					6/11/1998	$2,339.00	$0.00		PD Radios
GG	75	2006001720	Radio Jaguar Portable					11/14/2003	$2,366.13	$0.00		PD Radios
GG	76	2006001848	RADIO BASE STATION					8/9/1976	$1,411.00	$0.00		PD Radios
GG	77	2006001858	RADIO BASE STATION					11/20/1990	$1,231.00	$0.00		PD Radios
GG	78	2006001890	Radio 800MHZ Portable MRKII w Battery					10/16/2002	$2,482.25	$0.00		PD Radios
GG	79	2006001892	Radio 800MHZ Portable MRKII w Battery					10/16/2002	$2,478.50	$0.00		PD Radios
GG	80	2007000009	Radio Portable Scan P7150 806-870MHz					10/23/2006	$2,679.46	$0.00		PD Radios
GG	81	2007000010	Radio Portable Scan P7150 806-870MHz					10/23/2006	$2,679.46	$0.00		PD Radios
GG	82	2007000014	Radio Portable Scan P7150 806-870MHz					10/23/2006	$2,679.46	$0.00		PD Radios
GG	83	2007000015	Radio Portable Scan P7150 806-870MHz					10/23/2006	$2,679.46	$0.00		PD Radios
GG	84	2007000141	Radio 800MHZ Portable MRKII w Battery					10/16/2002	$2,476.00	$0.00		PD Radios
GG	85	2007000144	Radio 800MHZ Portable MRKII w Battery					10/16/2002	$2,478.50	$0.00		PD Radios
GG	86	2007000145	Radio 800MHZ Portable MRKII w Battery					10/16/2002	$2,478.50	$0.00		PD Radios
GG	87	2007000146	Radio 800MHZ Portable MRKII w Battery					10/16/2002	$2,478.50	$0.00		PD Radios
GG	88	2013000036	M7300 MOBILE RADIO FOR PATROL VEHICLES					10/12/2012	$3,234.51	$0.00		PD Radios
GG	89	2013000038	M7300 MOBILE RADIO FOR PATROL VEHICLES					10/12/2012	$3,234.51	$0.00		PD Radios
GG	90	2013000079	M7300 MOBILE RADIO FOR CRA VEHICLE					10/24/2012	$3,234.51	$0.00		PD Radios
GG	91	2013000080	M7300 MOBILE RADIO FOR CRA VEHICLE					10/24/2012	$3,234.51	$0.00		PD Radios
GG	92	2013000081	M7300 MOBILE RADIO FOR CRA VEHICLE					10/24/2012	$3,234.51	$0.00		PD Radios
GG	93	2013000082	M7300 MOBILE RADIO FOR CRA VEHICLE					10/24/2012	$3,234.51	$0.00		PD Radios
GG	94	2013000084	M7300 MOBILE RADIO FOR CRA VEHICLE					10/24/2012	$3,470.26	$0.00		PD Radios
GG	95	2013000085	M7300 MOBILE RADIO FOR CRA VEHICLE					10/24/2012	$3,470.26	$0.00		PD Radios
GG	96	2013000099	PORTABLE P7370 RADIO					1/9/2013	$2,630.74	$0.00		PD Radios
GG	97	2013000100	PORTABLE P7370 RADIO					1/9/2013	$2,630.74	$0.00		PD Radios
GG	98	2013000101	PORTABLE P7370 RADIO					1/9/2013	$2,630.74	$0.00		PD Radios
GG	99	2013000102	PORTABLE P7370 RADIO					1/9/2013	$2,630.73	$0.00		PD Radios
GG	100	2013000103	PORTABLE P7370 RADIO					1/9/2013	$2,630.73	$0.00		PD Radios
GG	101	2013000104	PORTABLE P7370 RADIO					1/9/2013	$2,630.73	$0.00		PD Radios
GG	102	2013000162	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	103	2013000163	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	104	2013000164	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	105	2013000165	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	106	2013000166	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	107	2013000167	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	108	2013000168	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	109	2013000169	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	110	2013000170	P7370 FKP SCAN RADIO					1/28/2013	$2,454.43	$0.00		PD Radios
GG	111	2013000171	P7370 FKP SCAN RADIO					1/28/2013	$2,454.42	$0.00		PD Radios
GG	112	2013000172	P7370 FKP SCAN RADIO					1/28/2013	$2,454.42	$0.00		PD Radios
GG	113	2013000173	P7370 FKP SCAN RADIO					1/28/2013	$2,454.42	$0.00		PD Radios
GG	114	2013000174	P7370 FKP SCAN RADIO					1/28/2013	$2,454.42	$0.00		PD Radios
	115	2013000175	P7370 FKP SCAN RADIO					1/28/2013	$2,454.42	$0.00		PD Radios
	116	2017000001	Replacement Base Radio in EOC					3/30/2017	$4,335.43	$0.00		PD Radios
	117	2013000122	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,150.73	$0.00		B&G Radios - Governmental Fund
	118	2013000123	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,150.73	$0.00		B&G Radios - Governmental Fund
	119	2013000124	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,150.73	$0.00		B&G Radios - Governmental Fund
	120	2013000125	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,150.73	$0.00		B&G Radios - Governmental Fund

Inventory Disposal Request Form

DATE : 10/25/2022

	Item #	Asset Tag	Asset Type Description / Model	Manufacturer	Model	Serial Number	Service #	Date of Purchase	Purchase Cost	Book Value	Location	Note
GG	121	2013000126	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,150.73	$0.00		B&G Radios - Governmental Fund
GG	122	2013000127	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,150.73	$0.00		B&G Radios - Governmental Fund
GG	123	2013000128	M7350 PORTABLE SCAN RADIO					2/20/2013	$2,150.73	$0.00		B&G Radios - Governmental Fund
GG	124	2013000129	P7370 FKP SCAN RADIO					2/14/2013	$2,343.44	$0.00		B&G Radios - Governmental Fund
GG	125	2013000117	M7350 PORTABLE SCAN RADIO					2/14/2013	$2,159.46	$0.00		Public Works Radios - Governmental Fund
GG	126	2013000118	P7370 FKP SCAN RADIO					2/12/2013	$2,352.22	$0.00		Public Works Radios - Governmental Fund
GG	127	2013000119	M7350 PORTABLE SCAN RADIO					2/14/2013	$2,163.00	$0.00		Public Works Radios - Governmental Fund
GG	128	2013000120	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,163.00	$0.00		Public Works Radios - Governmental Fund
GG	129	2013000121	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,162.99	$0.00		Public Works Radios - Governmental Fund
GG	130	2013000143	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,149.43	$0.00		Public Works Radios - Governmental Fund
GG	131	2013000144	M7350 PORTABLE SCAN RADIO					2/12/2013	$2,149.42	$0.00		Public Works Radios - Governmental Fund
GG	132	2013000148	RAD0271 7.5 VOLT BATTERY FOR P7350 PORTABLE RADIOS					1/14/2013	$1,110.55	$0.00		Public Works Radios - Governmental Fund
GG	133	2013000149	RAD0271 7.5 VOLT BATTERY FOR P7350 PORTABLE RADIOS					1/14/2013	$292.25	$0.00		Public Works Radios - Governmental Fund
GG	134	2013000150	RAD0271 7.5 VOLT BATTERY FOR P7350 PORTABLE RADIOS					1/14/2013	$1,636.60	$0.00		Public Works Radios - Governmental Fund
GG	135	2013000151	RAD0271 7.5 VOLT BATTERY FOR P7350 PORTABLE RADIOS					1/14/2013	$1,636.60	$0.00		Public Works Radios - Governmental Fund
GG	136	2013000155	SINGLE BAY CHARGERS FOR P7350 PORTABLE RADIOS					1/14/2013	$146.70	$0.00		Public Works Radios - Governmental Fund
GG	137	2013000156	SINGLE BAY CHARGERS FOR P7350 PORTABLE RADIOS					1/14/2013	$146.70	$0.00		Public Works Radios - Governmental Fund
GG	138	2013000157	SINGLE BAY CHARGERS FOR P7350 PORTABLE RADIOS					1/14/2013	$244.50	$0.00		Public Works Radios - Governmental Fund
GG	139	2013000158	SINGLE BAY CHARGERS FOR P7350 PORTABLE RADIOS					1/14/2013	$391.20	$0.00		Public Works Radios - Governmental Fund
GG	140	2013000198	M7300 MOBILE RADIO					3/7/2013	$3,891.92	$0.00		Public Works Radios - Governmental Fund
GG	141	2013000295	M7300 MOBILE RADIO FOR FIRE ENGINE					9/18/2013	$4,059.38	$0.00		Public Works Radios - Governmental Fund
GG	142	2006001893	HP Laserjet 4200N					9/11/2003	$1,303.00	$0.00		Police Department Inventory
GG	143	2006001841	1 Corner Strobe Kit					1/27/2006	$227.37	$0.00		Police Department Inventory
GG	144	2008000001	Kustom Pro Lite Plus Radar Laser					7/11/2008	$2,415.00	$0.00		Police Department Inventory
GG	145	2008000002	Kustom Pro Lite Plus Radar Laser					7/11/2008	$2,415.00	$0.00		Police Department Inventory
GG	146	2008000003	Kustom Pro Lite Plus Radar Laser					7/11/2008	$2,415.00	$0.00		Police Department Inventory
GG	147	2010000026	External Camera System for PD					1/29/2010	$7,211.96	$0.00		Police Department Inventory
GG	148	2010000028	Topaz ID Gem Backlit LCD 1X5 HID-USB Signature Pad					6/22/2010	$491.34	$0.00		Police Department Inventory
GG	149	2010000100	Topaz ID Gem Backlit LCD 1X5 HID-USB Signature Pad					6/22/2010	$491.37	$0.00		Police Department Inventory
GG	150	2010000101	Topaz ID Gem Backlit LCD 1X5 HID-USB Signature Pad					6/22/2010	$491.37	$0.00		Police Department Inventory
GG	151	2010000102	Topaz ID Gem Backlit LCD 1X5 HID-USB Signature Pad					6/22/2010	$491.37	$0.00		Police Department Inventory
GG	152	2010000104	Topaz ID Gem Backlit LCD 1X5 HID-USB Signature Pad					6/22/2010	$491.37	$0.00		Police Department Inventory
GG	153	2010000105	Topaz ID Gem Backlit LCD 1X5 HID-USB Signature Pad					6/22/2010	$491.37	$0.00		Police Department Inventory
GG	154	2010000106	Topaz ID Gem Backlit LCD 1X5 HID-USB Signature Pad					6/22/2010	$491.37	$0.00		Police Department Inventory
GG	155	2011000117	CDW GVT Software					10/1/2010	$391.79	$0.00		Police Department Inventory
GG	156	2011000118	CDW GVT USB and Cable					10/1/2010	$262.21	$0.00		Police Department Inventory
GG	157	2012000033	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					1/10/2012	$479.69	$0.00		Police Department Inventory
GG	158	2015000092	PANASONIC HC-850K CAMCORDER BUNDLE					4/16/2015	$789.00	$0.00		Police Department Inventory
GG	159	2015000107	CRS 310 SMART TRAFFIC STATISTICS COMPUTER IN SMART TRAILER UPGRADE					5/20/2015	$1,925.50	$0.00		Police Department Inventory
GG	160	2015000108	CRS 310 SMART TRAFFIC STATISTICS COMPUTER IN SMART TRAILER UPGRADE					5/20/2015	$902.50	$0.00		Police Department Inventory
GG	161	2014000082	TOUGHBOOK 53 LAPTOP COMPUTER					12/31/2013	$1,680.50	$0.00		Police Department Inventory
GG	162	2014000085	TOUGHBOOK 53 LAPTOP COMPUTER					12/31/2013	$1,680.50	$0.00		Police Department Inventory
GG	163	2013000184	3 YEAR PROTECTION PLAN FOR PANASONIC TOUGHBOOK 53					1/2/2013	$250.00	$0.00		Police Department Inventory
GG	164	2013000185	3 YEAR PROTECTION PLAN FOR PANASONIC TOUGHBOOK 53					1/2/2013	$250.00	$0.00		Police Department Inventory
GG	165	2013000187	3 YEAR PROTECTION PLAN FOR PANASONIC TOUGHBOOK 53					1/2/2013	$250.00	$0.00		Police Department Inventory
GG	166	2013000188	3 YEAR PROTECTION PLAN FOR PANASONIC TOUGHBOOK 53					1/2/2013	$250.00	$0.00		Police Department Inventory
GG	167	2012000014	2GB DDR3-1333 SODIMM RAM					1/20/2012	$32.00	$0.00		Police Department Inventory
GG	168	2012000033	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					1/10/2012	$479.69	$0.00		Police Department Inventory
GG	169	2014000013	KYOCERA FS-C5350DN COLOR PRINTER					11/26/2013	$992.00	$0.00		Police Department Inventory
GG	170	2014000074	TOUGHBOOK 53 LAPTOP COMPUTER					12/24/2013	$1,681.10	$0.00		Police Department Inventory
GG	171	2014000117	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					2/3/2014	$481.53	$0.00		Police Department Inventory
GG	172	2014000116	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					2/14/2014	$481.53	$0.00		Police Department Inventory
GG	173	2012000036	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					1/10/2012	$479.69	$0.00		Police Department Inventory
GG	174	2012000037	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					1/10/2012	$479.69	$0.00		Police Department Inventory
GG	175	2012000038	TOPAZ SIGNATURE PAD LCD 1X5 HID-USB					1/10/2012	$479.69	$0.00		Police Department Inventory
GG	176	2012000002	HP COMPAQ 8200 ULTRA-SLIM BUSINESS PC					1/20/2012	$570.00	$0.00		Police Department Inventory
G	177	2012000004	HP COMPAQ 8200 ULTRA-SLIM BUSINESS PC					1/20/2012	$570.00	$0.00		Police Department Inventory
G	178	2012000013	2GB DDR3-1333 SODIMM RAM					1/20/2012	$32.00	$0.00		Police Department Inventory
G	179	2012000015	2GB DDR3-1333 SODIMM RAM					1/20/2012	$32.00	$0.00		Police Department Inventory
G	180	2012000259	APC SMART UPS RACKMOUNT 2U, 120V 3000VA					9/13/2012	$2,405.36	$0.00		Police Department Inventory
G	181	2009000068	HP Compaq Desktop w/memory upgrade					2/24/2009	$2,484.00	$0.00		Police Department Inventory

Inventory Disposal Request Form

DATE : 10/25/2022

	Item #	Asset Tag	Asset Type Description / Model	Manufacturer	Model	Serial Number	Service #	Date of Purchase	Purchase Cost	Book Value	Location	Note
GG	182	2009000071	(8) HP-24PT, (9) Procurve Gigabit SX-LC Mini GBIC 1X, (9) Misc LC-SC Fibre Cables					4/24/2009	$3,910.00	$0.00		Police Department Inventory

550.181.81

City Manager Signature/Date

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE:	**October 25, 2022**
FROM:	**Brian Walker**
SUBJECT:	**Request for Accommodation - Request for Accommodation to Build a Deck with Handicapped Ramp to Extend 5 Feet into the Front Yard Setback at 328 Clifton Avenue**
NUMBER:	**(ID # 3932)**
APPLICANT:	**Jowanna and Lawrence Wharton**
PLANNER:	**Brian Walker**

INTRODUCTION

Request for Accommodation - Request for accommodation to build a deck with handicapped ramp to extend 5-feet into the front yard setback at 328 Clifton Avenue.

BACKGROUND

In November of 2021, the owners of 328 Clifton Avenue, Jowanna and Lawrence Wharton, were notified that their son, who was living in California, had been hit by a car while crossing the street. His injuries were catastrophic and he will need continual care for the remainder of his life. His parents traveled to California and eventually brought their son to live with them at 328 Clifton Avenue. The home is not handicapped accessible, so Mr. Wharton began construction of a wheelchair ramp and deck area in front of the home in order to more easily get their son into and out of the house.

The property is zoned R-2 (Low Medium Density Single-Family Residential), which requires a front yard setback of 30 feet. The house is 33 feet front the front property line but the deck and ramp extend 8 feet from the house at its widest point. This means that the deck and ramp extend 5 feet into the front setback. Because the ramp extends into the required front yard setback, the applicants will need official approval from the City in order to keep the ramp. For this reason, they are requesting reasonable accommodation in accordance with Sec. 82-322 of the Land Development Regulations, pursuant to the Fair Housing Act.

REQUIRED INFORMATION TO MAKE A REASONABLE ACCOMMODATION REQUEST:

Section 82-322 (a) outlines information required in making a request for accommodation. The information and how it has been provided are as follows:

(a) A request may be made by the property owner or authorized representative for a request for an accommodation from the city's rules, policy, practices or service to allow a handicapped person or persons to have equal opportunity to use and enjoy a dwelling.

The request shall be on an approved form issued by the city and must contain the following:

(1) Proof of ownership of the property for which the request is being made or authorization from the property owner.
The Property Appraiser lists the property owners of 328 Clifton Avenue as Jowanna and Lawrence Wharton - Exhibit A.

(2) Specifically identify the rules, policies, practices or services from which relief is being requested.
The applicant is requesting relief from the requirement of Sec. 114-765 - Schedule of dimensional requirements, requiring that principal structures in the R-2 (Single-Family) zoning district be a minimum of thirty-feet (30') from the front property line.

(3) Identify the nature of the disability of the occupants of the dwelling.
Catastrophic lifelong injuries resulting from being hit by an automobile. The patient requires lifelong assistance.

(4) Outline the minimum relief that is necessary to allow a handicapped person to use and enjoy the dwelling.
The deck and handicapped ramp are between 4 and 8 feet wide to allow a wheel chair to be maneuvered and provide room for those assisting the patient. The deck area is also used by the patient to enjoy the outdoors.

(5) Described in detail how the requested relief is necessary to allow a person with the above identified disability to be able to reasonably use and enjoy the dwelling.
Without a wheelchair ramp and deck area at the front door, the patient would need to be physically carried into and out of the house. A wheelchair ramp and deck area are a reasonable request to allow the handicapped person to get into and out of the house as well as have the ability to sit outside and enjoy the outdoors.

(6) Access must be granted to the necessary city employees to inspect the dwelling.
The required access has been granted.

EVALUATION OF THE REASONABLE REQUEST

Sec. 82-833 (b), outlines some of the items that must be considered in deciding whether or not the request for accommodation is reasonable. Staff has listed the items below and also provided some commentary on each item that the Board/Commission may find helpful.

Sec. 82-833 (b) The city shall evaluate all necessary criteria, facts, rules, laws, etc., to make a determination as to whether the requested accommodation is reasonable, including, but not limited to:

(1) The policies and objectives of the city's comprehensive plan including the future land use designation of the property in question.
The property's future land use is Low Density Single-Family Residential. The

property's zoning of R-2 is compatible with its future land use designation. The property follows the goals, objectives and policies of the City's Comprehensive Plan.

(2) The permitted uses, conditional uses and special exceptions allowed for the zoning designation of the property in question.
See Exhibit B

(3) The surrounding neighborhood, including zoning and future land use designations of the surrounding area.
See Exhibit C

(4) The capacity of existing city utilities and infrastructures to accommodate the requested use.
Not applicable to this request for a wheelchair ramp and deck.

(5) Existing traffic patterns and traffic problems in the area that currently exists or may become a problem if the requested relief were granted.
Not applicable to this request for a wheelchair ramp and deck.

(6) Potential for noise, dust or other impacts to the neighborhood.
None.

(7) Ability of the existing dwelling to accommodate the requested variation, including bedrooms, bathrooms, outside parking and existing compliance with current building codes to determine the existence of any life and safety issues.
The home is able to accommodate the ramp and deck.

(8) The existence of any current code violations.
There are no code violations on the property.

(9) The over-concentration of group homes in close proximity to the applicant.
Not applicable to this request for a wheelchair ramp and deck.

(c) The board of planning and appeals shall review the application and all relevant facts and laws and make a recommendation to the city commission to approve, deny or approve with conditions. The city commission shall make the final determination.

Board of Planning and Appeals Recommendation

At its regular meeting on Monday, October 3, 2022, the Board of Planning and Appeals voted unanimously to recommend approval of the request for accommodation with the condition that when the property is sold, the approval for accommodation expires.

ACTION TO BE TAKEN BY THE BOARD/COMMISSION

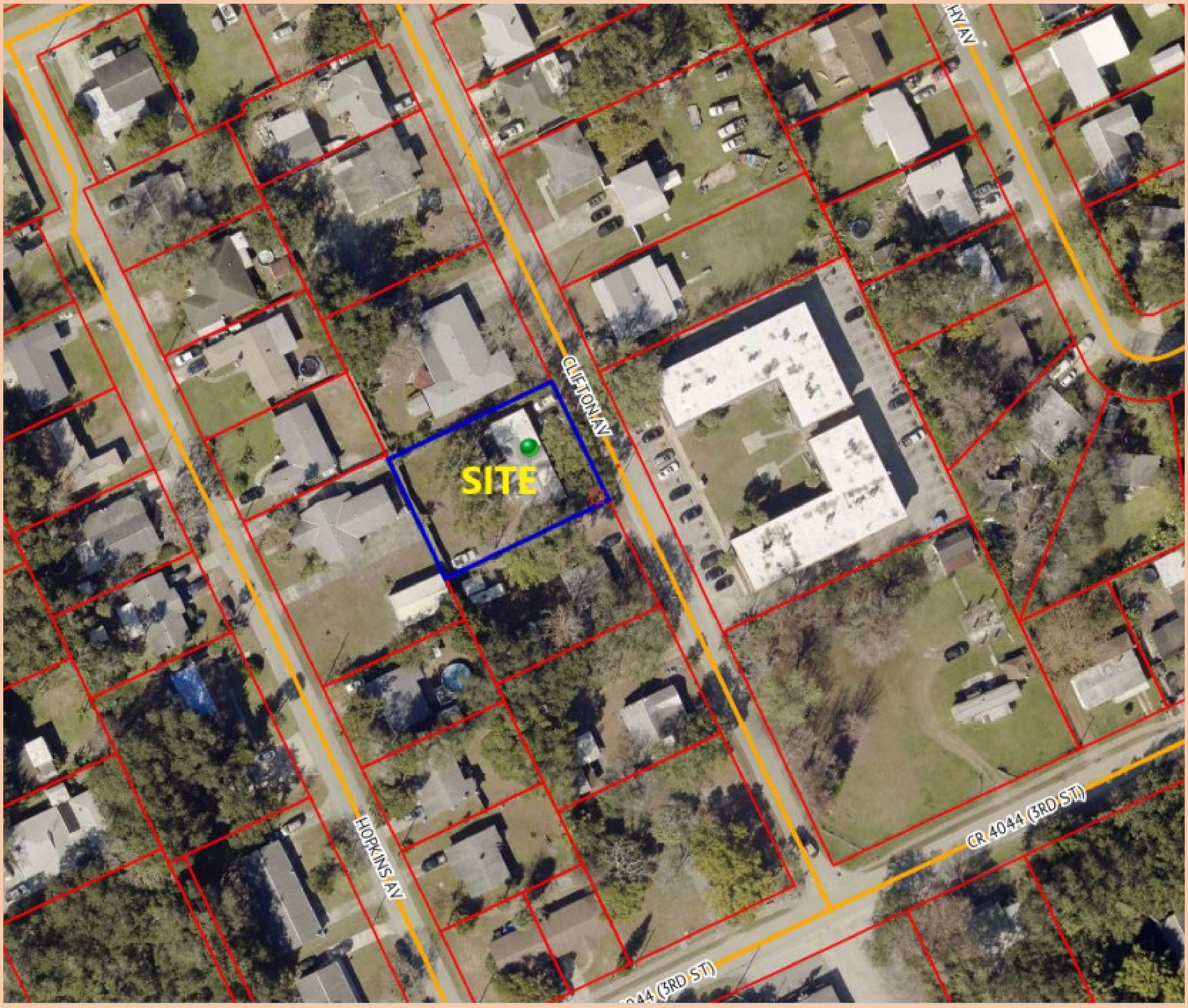
1. Find that the 5-foot encroachment into the front yard setback for a handicapped ramp and deck at 328 Clifton Avenue **is a reasonable request and approve, or approve with conditions**, the encroachment; or

2. Find that the encroachment into the front yard setback for a handicapped ramp and deck at 328 Clifton Avenue **is a reasonable request but <u>approve a different amount</u> of encroachment.**

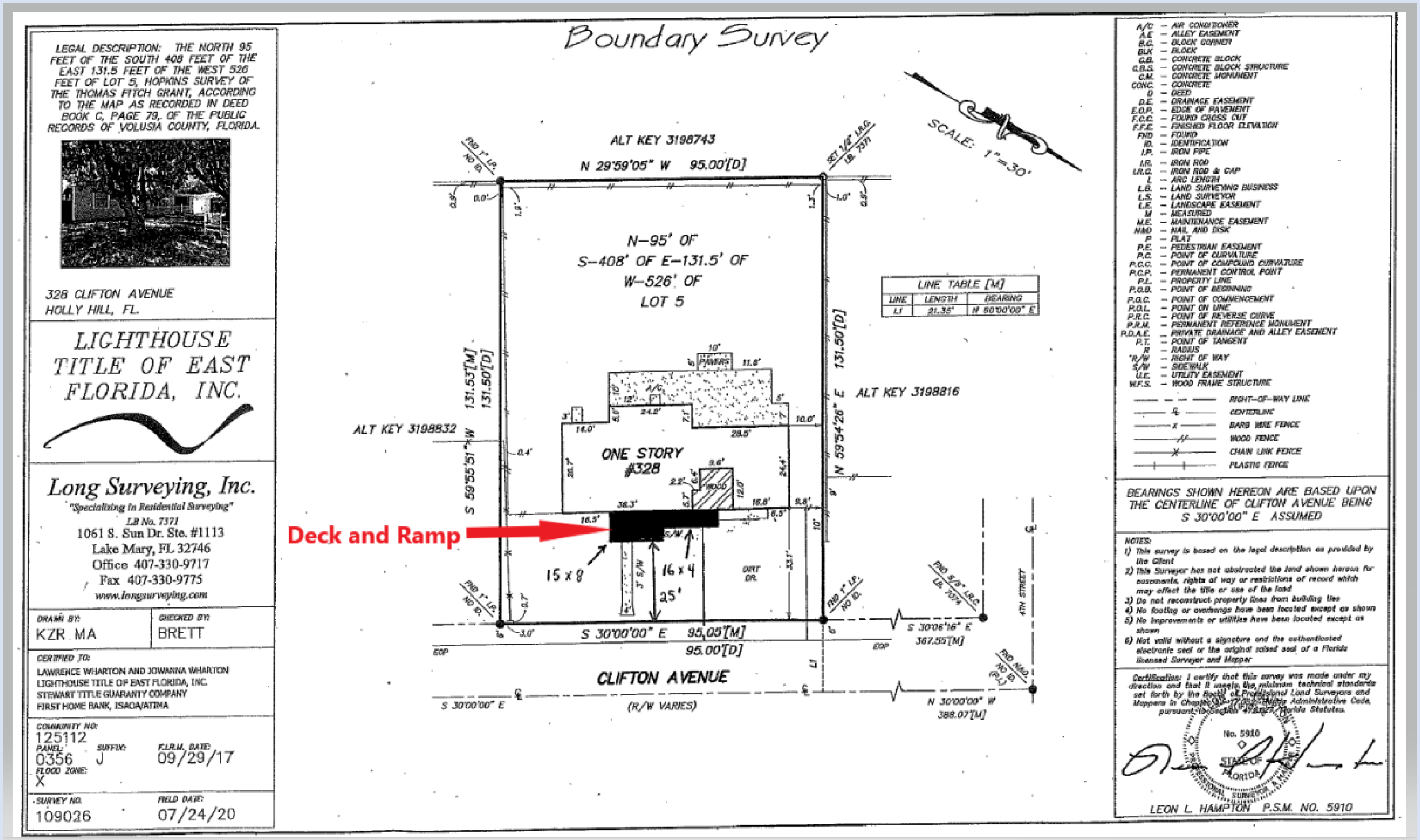
3. Find that the 5-foot encroachment into the front yard setback for a handicapped ramp and deck at 328 Clifton Avenue **is not a reasonable request and deny the encroachment**.

- Aerial View (PDF)
- Area of Deck and Ramp (PDF)
- Exhibit A - Property Record Card (PDF)
- Exhibit B - Zoning Regulations (PDF)
- Exhibit C - Zoning and Land Use Table (PDF)
- Front of House Before and After (PDF)

AERIAL VIEW



Area of Deck and Ramp



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3198824 **Parcel ID: 424240050270**
WHARTON LAWRENCE **328 CLIFTON AVE, HOLLY HILL, FL**

Parcel Summary

Alternate Key:	3198824
Parcel ID:	424240050270
Township-Range-Section:	14 - 32 - 42
Subdivision-Block-Lot:	40 - 05 - 0270
Owner(s):	WHARTON LAWRENCE - TE - Tenancy in the Entirety - 100% WHARTON JOWANNA - TE - Tenancy in the Entirety - 100%
Mailing Address On File:	328 CLIFTON AVE HOLLY HILL FL 32117
Physical Address:	328 CLIFTON AVE, HOLLY HILL 32117
Property Use:	0100 - SINGLE FAMILY
Tax District:	203-HOLLY HILL
2021 Certified Millage Rate:	19.817
Neighborhood:	2016
Business Name:	
Subdivision Name:	
Homestead Property:	Yes

EXHIBIT C

Subdivision III. R-2, Low-Medium Density Single-Family Residential District

Sec. 114-132. Permitted principal uses and structures.

Permitted principal uses and structures in the R-2 district are as follows:

(1) Single-family dwelling units.

(2) Public parks, playgrounds, playfields, recreation buildings and facilities owned and operated by federal, state, county or municipal governments.

(3) Golf courses.

(4) Approved home occupations.

(5) Essential utility uses and structures.

(Ord. No. 2352, § 2(5.5.4.B), 7-13-93)

Sec. 114-133. Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-2 district are as follows: uses customarily associated with, dependent on and incidental to the permitted principal use.

(Ord. No. 2352, § 2(5.5.4.C), 7-13-93)

Sec. 114-134. Special exceptions.

Special exceptions in the R-2 district are as follows:

(1) Houses of worship. (Refer to section 114-666.)

(2) Public schools. (Refer to section 114-662.)

(3) Cemeteries. (Refer to section 114-664.)

(4) Adult congregate living facilities. (Refer to section 114-665.)

(Ord. No. 2352, § 2(5.5.4.D), 7-13-93)

EXHIBIT C - Land Use and Zoning Table

328 Clifton Avenue

	Existing Development	Future Land Use Designation	Zoning Classification
Site	Existing Home	Low Density Single-Family Residential	R-2 (Residential)
North	Residential Development	Low Density Single-Family Residential	R-2 (Residential)
South	Residential Development	Low Density Single-Family Residential	R-2 (Residential)
East	Apartment Community	Low Density Single-Family Residential	R-2 (Residential)
West	Residential Development	Low Density Single-Family Residential	R-2 (Residential)

Front of House Prior to Ramp and Deck

Front of House With The Ramp and Deck