



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • DECEMBER 11, 2018

City Commission Chamber

Regular City Commission Meeting

7:00 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

Wiley Lowe did the invocation.

c. Pledge of Allegiance

Mayor Via led the Pledge of Allegiance to the Flag.

2. POSITIVITY AWARD - NONE

None.

3. RECESS THE CC MTG & CONVENE AS THE CRA

4. CRA AGENDA

Mayor Via mentioned that each Resolution will be read into the record at one time and voted on individually. They can discuss all three Resolutions at one time.

1.

Resolution 2018-R-51 A Resolution of the Community Redevelopment Agency of the City of Holly Hill, Florida, Authorizing the City Manager to Execute a Development Agreement with Martens Properties, LLC.

(Requested by Valerie Manning, City Clerk)

Mayor Via opened public participation for all three Resolutions at this time.

The following individuals spoke to the Mayor and City Commissioners:

Roger Lee Tiffany, 1321 Derbyshire Road and owns, 1582 Selma Avenue, Holly Hill came forward and share his concerns about giving up the ball fields and stressed his opposition of getting rid of Hollyland Park as they know of it today to be. Mentioned baseball programs that were once played there and perhaps try to get those fields used

again for that purpose. Mr. Tiffany claims that from lack of city support, the baseball programs are no longer available and are now being played in other locations. The city used to have a PAL program as well. Mentioned the school that is now being used for the homeless off of Derbyshire. When they support any activity, 25% of it, it should be successful but he's not for the city spending his tax dollars that way.

Mayor Via stated I want to ask Mr. Forte a question. Joe, can you respond to some of those comments, in particular I would like for you to respond to the outreach that we've tried for the kids getting the program back going and also what we're going to be doing at the Pickleball court for youth.

Mr. Forte stated, sure. I don't know when the baseball program left the city. I left the city in 2008 and somewhere around that time the baseball program had slowed down, we lost our Recreation Department and probably for over 10 years now there really has not been any city organized sports running out of Hollyland Park. When I came back in 2014, probably in 2015 I met with Vinny Gantz who is a local fellow who actually came over from Tampa. His family runs *Big League Landscaping*, you may see the trucks around. He was a semi-professional baseball coach and he wanted to run programs out of Hollyland Park so we entered into an agreement with him. I polled the K8 school to see if there were any children that wanted to participate in either baseball or softball both boys and girls and I think I received less than 18 responses. Not enough of any age group to field a single team so he really had a poor response. Then Vinny came in and he started to run his own program and that's where he offered free clinics to any Holly Hill residents on Saturday and he ran private lessons for groups at a cost, which was significantly discounted for again, Holly Hill children and neither of those took off. So, he then explored running tournaments and the first year that he was running the tournaments, he had a couple of tournaments that came in and they were pretty successful where several hundred people came to Hollyland Park for the tournaments but it was not consistent. So, now Vinny works for Father Lopez and works for their Catholic Youth Sports (CYS) and through that program he's doing flag football on Field Four (4) and he's running a couple of other baseball programs over there. He knows that this particular program is potentially coming and he will continue to operate what sports he can on Field Four (4). Now, we don't charge him anything because in lieu of us charging him a field rent, he actually takes care of the fields. So, where it would cost the city more to have an employee to go out there to maintain the field than what we would get in a rent. So, he takes care of the fields at no cost to the city and the city doesn't charge him for the lease. Mayor Via stated, thank you. And with all due respect with our outreach to the kids, it's disappointing because we would have to pour in millions of dollars to really make sure to try and get it up and running again having a sports program like that and honestly, it would be a major risk even after doing that because nowadays, the kids, honestly, they're sitting at home playing their video games or they're not involved like they were when I was growing up or I'm sure when you were growing up. So, I'm hoping that answered some of Mr. Tiffany's concerns.

Mr. Forte stated the other thing, Mayor, I wanted to mention was the population under the age of 18 in the City of Holly Hill is less than 20%. Several months ago the *News-Journal* ran a piece about the population and Holly Hill was reflective of an aging population. There are more people over the age of 45 than there are under the age. So, we're trying to cater to what our demographics are. We just don't have the youth

population that's going to participate in those types of programs but I think we do have a population that will participate in a Pickleball type program.

Mayor Via stated and to be clear, our youth can be involved in this program.

Mr. Forte stated, absolutely. As I said during the presentation, the Martens are trying to develop a relationship with the schools so that the school will start teaching Pickleball as part of their physical activity programs. Not only at the Holly Hill school but hopefully, they will be able to adopt it in the programs throughout the entire Volusia County School system.

Mayor Via stated, thank you.

Commissioner Penny stated Mr. Forte, can you address the concern about relocating this to Center Street? I don't think Mr. Tiffany is aware that property is under contract.

Mr. Forte stated the Center Street property, there's 25 acres over at 1200 Center Avenue and 10 acres has been purchased by Jayson Myer of Synergy Billing for the Fountainhead project and he has within his contract options to buy the other properties within three years and as long as he makes certain advancements, he's able to buy a piece of property. So, I really don't have the ability to take advantage of the property at 1200 Center Avenue because it's, in essence, more than 1/3 of it has already been sold and the remaining is under a contract by option.

Mayor Via stated moving on, is there anyone else in the audience that would like to address the Commission on any of these three items?

Mr. Forte stated I also wanted to mention, he thinks there was an article in the paper Saturday that I think addressed a lot of what we're talking about this evening. I thought it was pretty informational. Clayton Park did have a meeting with me, Rainer and Julie Marten and it took about an hour of conversation that he recorded, which is where he got most of that information. It looks like the News-Journal, for what it's worth, seems to be supportive of it. Lori Campbell Baker from the Better Business Bureau is very supportive of it. They did meet with her and she seemed to be very excited about it because this not only has great potential for the City of Holly Hill but if these tournaments do come into the area, it's got great potential for the greater Daytona Beach area as well.

Lynne Smith, 107 7th Street, Holly Hill, stated she thinks that, well she certainly didn't grow up here, the people who did, have that hometown feel, that maybe Holly Hill's gotten away from and during the campaign for the Commission and everything, she did get an opportunity to talk to a lot of the citizens and they do want to bring that hometown feeling back to Holly Hill and the sense of community and to change the reputation that Holly Hill has is somewhat negative. So, she thinks the addition of this facility on their major thoroughfare through the town, is an excellent idea for drawing the kind of people that the city will want to help bring the town to the next level. Meaning, perhaps more homeowners versus renters. Perhaps, that will attract the type of people who wants to take care of their properties. Who want to see the advancement of the town and will take care of things and be participating. She does appreciate them pointing out that it did say in Mr. Forte's presentation that they will try to reach out to the youth, which is basically not involved and why that park has not been successful over the past few years, which is unfortunate but given the demographic the city has, that's who we should be targeting. She would like to point out that, she would suggest, locking down in the contract the discount that the city residents will get because she thinks there will be a lot of out of towners who want to be joining but since it's going to be in our town, locking down a

definite number on the discount to the Holly Hill residents, she thinks, would be a smart move in the contract.

Mayor Via closed public participation.

DISCUSSION AMONGST THE COMMISSION & STAFF

Resolution 2018-R-51 - DEVELOPMENT AGREEMENT

Commissioner Currie stated she has a love for youth. The fact that Hollyland Park has not been used for many years, to her, this makes sense because the youth can get involved, if they are going to reach out and go into the schools. Hopefully, they will have that as part of their programs where it will cause kids to be interested and they'll come out and play. Beyond that, she just can't see this as anything but more positive economic growth because it is going to lead to other positive economic growth within our city. As, Mrs. Smith pointed out, they will eventually see and these things eventually happen over time, we all know that these things work slowly at a snails pace sometimes, but they may see some changes with people buying residences instead of renting them and fixing them up and being proud of them to go along with our Holly Hill Proud. She thinks it's a positive move to go along with Positivity. The fact that we are going to have a Senior Center with recreation really thrills her beyond belief because she fought for the YMCA to continue with their Silver Sneakers Program back when she was first elected and that's very important to seniors. She has a mother who will be able to use this as well and she has seen over the last couple of years her health has gone down. That's something that seniors need. They need to be active. They need to be out there socializing. She thinks this project is positive in so many aspects. Pickleball is televised on ESPN and she is sorry that she missed the Martens match but congratulations on your medal. She just really believes the community garden, which she knows some of the Commissioners have mentioned up here, where to put it. They could never figure out where would be a good place to put it. This is so much, along the same lines of things she's been hearing from their constituents about "hey, let's get some community things", let's act on that. This is the perfect project for everything everybody's been asking for. This is it. She's excited. She's excited to learn how to play Pickleball.

Commissioner Penny stated anytime, we as human beings experience change, we often feel uncomfortable about it. Our job up here, the way he sees it is that they have to respect the past. They have to respect the people that came before us. I played in ten year old All-Star leagues on those fields over there. He grew up in Ormond. We didn't have lights on our fields. Things have changed. The fields are unused. The only time the lights come on is when they cut the grass at night. But, to be called the *Wimbledon of Pickleball*, the front page of the *News-Journal*. Talk about changing our image. Spectacular. Thank you for coming to the City of Holly Hill. I wholeheartedly support this. I couldn't support it any more.

Commissioner Danio stated he found out that about 3 million players are up to date so far, if they do bring in tournaments, which he's guessing is part of the ultimate plan, that draws about 10,000 to 12,000 spectators, which generate somewhere in the area of \$2.5 million to the local area. He also found out that the USADA.org site that 75% of the players are 55 years old and older. So, it kind of fits all our needs. With that, he was pretty excited.

Commissioner Johnson stated he's been here this year 50 years in Holly Hill and when he first got here there was quite a bit going on around in this area by Hollyland Park, the school that was over here and everything else when he first came here but lately it's just been deteriorating down to absolutely nothing over there. He takes his eight year old grandson over there several times and for several years he's asked me why nobody is ever there. He sees it himself. It's like a ghost town. So, I never object to change. I'm always for it and I'm for it in a quick way. I want to hurry up and get it done and make it work and he knows for sure this is going to work, he can tell. He thinks it's going to be great.

Resolution 2018-R-52 - INCENTIVE AGREEMENT

No Discussion on this Resolution from Commission or staff.

Resolution 2018-R-53 - MANAGEMENT AGREEMENT

Mayor Via stated before I ask for a motion on this, I would like to ask my Commission to consider going ahead and as one of our residents pointed out, instead of being 25-50%, I would like to see that number at 50% because I believe that our residents are putting in a major part of this and when you look into their projections of how many people that they will have from Holly Hill they say they're projecting about 40 people and so going from 25% to 50% is only about \$2,000 a year but that savings to our residents will be huge. Very, very big. I would ask in the motion, we would just go ahead and change that number. Instead of 25% - 50% make it 50%.

Commissioner Danio asked where do you come up with 40 people?

Mayor Via stated in their projections here that they say Holly Hill residents.

Commissioner Danio asked for one month?

Mayor Via stated per year. Is there a Commissioner that would like to make that motion?

Commissioner Penny asked don't they have to negotiate that with the applicant?

Mayor Via stated well...

Commissioner Penny stated since they've already signed...

Commissioner Currie stated I would like to talk to the...

Mayor Via stated well, we're creating the agreement and so if we say we'll agree to the agreement if it's a 50% off...am I correct Mr. Simpson?

Attorney Simpson stated you're basically saying you will only agree to it if it says there's a 50% discount. If they say no then there's no agreement.

Mayor Via stated, correct.

Commissioner Currie stated Mayor, I would like...

Mayor Via asked if Mr. Marten would like to come back up and address that?

Mr. Marten stated we were looking for flexibility in the agreement. We haven't locked in on the membership dues. If we calculate the revenue that we need to operate it and if we calculate an estimate of the number of people from Holly Hill that would want to join a membership then we can simply calculate, well, we need to charge a few dollars more to everyone to cover the 50% discount. So, using a percentage doesn't tell you really what the dollar amount is going to be that anyone pays. So, I would request that you leave the agreement as it is and give us the flexibility for 25-50%. Our goal in this entire project and I greatly appreciate your positive responses about what we're trying to do here, is

that we want to get as many people playing as possible and we want to do it at the lowest possible price and still operate this with financial responsibility.

Mayor Via stated, thank you.

*Commission Currie stated Mayor, I would like to make a motion to go ahead and **APPROVE the agreement as it is, feeling total confidence that the Martens and the Pickleball Association are going to do what they can to make this the highest percentage for the Holly Hill residents that they can, seconded by Commissioner Johnson.***

Mayor Via opened it for discussion and took the floor at this time.

Mayor Via stated I would just like to point out that when this all began and we were all very adamant in the workshop that there would be a steep discount for our residents. As pointed out before, we have more lower income residents. I will tell you from my standpoint, a 25% discount is almost a throwaway discount. When you look at the projections of what they gave us with 40 people from the City of Holly Hill and it equals out to \$2,000 and you're talking about...how much does it cost to run the entire program?

Mr. Forte asked what program?

Mayor Via stated hundreds of thousands of dollars, right?

Mr. Forte asked to run their program?

Mayor Via stated, yes.

Mr. Forte stated their projecting about \$100,000.

Mr. Marten stated about \$300,000.

Mayor Via stated \$300,000 and so, \$2,000 there isn't a lot of money but I will tell you it's a lot of money to the citizens of Holly Hill. I will tell you, me, myself, the Mayor of Holly Hill, I'm really going to have to talk to my wife about \$240 a year. Now, \$120 a year, we can go ahead and do that. So, I would just call, once again, if this Commission would reconsider setting that mark at 50%. I do not think that they're going to walk away from the deal over \$2,000 but it will greatly help our citizens. And one more thing, we are here tonight, this...I agree that this is a good project, right? I agree that this is a good project and one thing I wanted to say is if not this than what and when. But, I'm up here representing the citizens of Holly Hill, the residents, the taxpayers up here and he's not representing the greater Daytona area even though this project will benefit the greater Daytona area. I'm up here every single day to make a deal for my citizens and make sure that they get taken care of and so, it's no offense to you (Mr. Marten) but that's where I'm standing tonight and honestly, I'll have to put my foot down on this because I just don't think that's right.

Commissioner Penny stated I just want to check your math. Forty people, \$120 a year, that's \$4,800.

Mayor Via stated, no. If you take...the courts are \$120 a year times 25 citizens, that's \$3,000. Now, with the discount if you give them 25% off the difference is only \$1,000 for the courts and for the full, it's \$1200. So, you would have to take what we would pay versus what we wouldn't pay. So, if the residents are charged fully as opposed to giving the discount, that's where the difference comes in.

Commissioner Penny stated my experience with the Martens is that I would vouch for them on anything they tell me. I would believe anything they tell me. The meetings I've had with them, they are nothing but philanthropic. They have been blessed in so many ways in their personal and business lives and they've chosen our city to profit from that. I

think what Mr. Marten is saying is don't lock him into a percentage because they don't know what the fee is because I know a little bit about their organization and Julie and Rainer want it to be \$20 a month. I know there's some people in that organization that want it to be \$35 or \$40 a month. I think your strategy might be better if you could put a maximum dollar amount. If you said you were comfortable paying \$120 then maybe go back to the developer and say as long as Holly Hill citizens don't pay more than a \$150 a year or some number like that because 25% of \$50 a month is a lot more than 25% of \$20 a month and they don't know what that monthly fee is going to be, do you?

Mr. Marten stated, no.

Commissioner Penny stated and so I know there's still discussion within the organization on what that fee is going to be. I know their goal is to get as many people to play Pickleball over there as cheaply as possible and I think that's exactly what Mr. Marten said and I've heard him say it and his wife say it a dozen times and I personally think it's worth more than \$20 a month but it's his project and so I think that's why the group has decided to start at \$20 a month. I understand what you're saying Mr. Mayor. Maybe you meet somewhere in the middle. Somewhere between the \$120 and the \$240. Maybe you say the maximum Holly Hill citizens, for the first two years of operation will ever pay at that place is \$150 a year. They don't know what's going to happen for the first two years. They know they're going to lose a little bit of money. Give them some adjustment. They can't lose that much money on Holly Hill citizens in a two year period at \$150 a year, can you Mr. Marten?

Mr. Marten stated, no.

Commissioner Penny stated so, he thinks rather than sitting here concentrating on percentages, we sit here and talk about percentages that's a 72% tax increase. Well, it's a \$1.15.

Mayor Via stated, right.

Commissioner Penny stated let's talk about numbers, dollars. Dollars and cents. What does it cost? So, we all agree \$120 is a great value. Give them a little wiggle room. Make it \$150. If you're going to join for \$120, you're going to join for \$150. That's just my suggestion. **Is that, make it a monetary amount for the first 24 months of operation. The Martens will then turn over operations of the organization to Pickleball Daytona at Holly Hill at that point and there may be a need for some fee adjustment.** We want them to stay in business so we don't want them to lose so much money that they go out of business so there has to be some flexibility in the business plan. That's just his observations from the Martens character, their motive and their intentions and I think it's something that could make everyone happy is put a dollar amount on that figure.

Mayor Via stated I appreciate that but first, I'll mention something but first I'll go to Commissioner Currie.

Commissioner Currie stated I want to say, about what Commissioner Penny said, sort of close to the same but it really doesn't matter that much at this point. Mr. Marten has already told you, he can play with the numbers all you want him to. It doesn't matter what percentage you decide on because they haven't decided what the membership cost is. So, your figures are wrong. You don't even know what your figures are. If they don't know what the membership...

Mayor Via stated I'm sorry but excuse me Commissioner...

Commissioner Currie stated okay, your figures are not wrong...

Mayor Via stated excuse me, excuse me Commissioner...

Commissioner Currie stated for what you're seeing. What I'm saying is they're wrong...

Mayor Via stated the numbers that he was provided...

Commissioner Currie stated, okay.

Mayor Via stated are correct.

Commissioner Currie stated they have not decided the fee yet. Therefore, we don't know what 25% or 50% may be. If we lock them down to you're going to give Holly Hill residents a 50% break, I'm sure the next time this group meets they're going to say well, okay we'll give them a 50% break but now instead of charging them \$20 a month, we're going to charge them \$30 a month because we have to make up a little bit of money. That's the way the numbers...I'm not saying you're numbers are wrong in that you figured them out wrong. I'm saying we don't know what the numbers are because they haven't figured out their membership fee. So, I am comfortable with this group with everything they've gone through with us, what they've told us. I feel comfortable with leaving it the way it is. That's why I made a motion on it and my motion stands. I'm sorry, I'm not changing it.

Mayor Via stated and I will point out Commissioner Currie and Commissioner Penny, I'm not calling in to question any of their integrity, I'm not but the Martens also are ex officio non-voting members. So, we're dealing with a board that at the end of the day they are going to want the money to come in and if a contract says 25-50%, if I'm on that board and my whole purpose is to maximize profits for my board then I'm going to go with 25% all day long. That's okay if you keep your motion but I want you to know that and if there's only a 25% discount there and it's too expensive for our Holly Hill residents and we get complaints.

Commissioner Currie stated but if it's a 50% discount and they've raised the membership, the Pickleball board, if they raise the rate, we're still in the same boat. Even if we have 50% in the agreement, it doesn't matter. The number could be higher.

Mayor Via stated, yes.

Commissioner Currie asked do you not know what I'm getting at? Am I not explaining it...

Mayor Via stated no, you're saying it correctly. I just believe our citizens should have at least a 50% discount because we have all the skin in the game as well.

Commissioner Currie stated I agree if we knew what the membership cost was.

Commissioner Penny stated I agree with you Mr. Mayor that the Board of Directors is going to maximize profitability if this was a for-profit organization but it's a non-profit organization. Their goal is to break even. Their goal is to not make one dime. Their goal is to break even at the end of the year. If it was a for-profit company, I would wholeheartedly agree with you but it's just not. He thinks the safety valve here is, he's trying to play peacemaker. If the discount is 50%, it's \$120 a year. If it's 25%, it's \$180 a year.

Mayor Via stated, for the full.

Commissioner Penny stated keep your motion the way it is but the difference between \$120 and \$180 is \$150 and insert not to exceed \$150. Give them the 25% - 50% not to exceed \$150 annually. That gives them some wiggle room but gives your citizens some assurance that they will pay no more than \$150. You might get a unanimous vote on that.

Mayor Via stated I like that and I would like to ask Commissioner Currie if you would be willing to...

Commissioner Currie asked if you're happy now?

Mayor Via stated I would be very happy.

Commissioner Currie stated I will go ahead and amend my motion...

Commissioner Penny stated for the first two years.

Commissioner Currie stated to read the \$150 limit on the membership for the first two years.

Mr. Forte stated I think you need to confirm it with the developers.

Commissioner Danio stated I thought he did?

Mr. Forte stated I don't know.

Mayor Via asked if Mr. Marten can come back up. So, we're trying to cut a deal here with you. Trying to give a little bit of flexibility but this would go a long way in to creating some really good will here, at least for me, I'd be very happy with this. Would you like to add anything?

Mr. Marten stated would you like to summarize what you're proposing?

Mayor Via stated, yes. What the motion would be is for the FULL membership, which is normally, let's just say \$240 a year, Commissioner Penny threw out the idea of capping that for Holly Hill residents to \$150 for the first two years. After the two years if there needs to be adjustments the adjustments could be made. But we may also want to say in there for the "courts" also, there's a discount to a certain number in there.

Mr. Marten stated well, currently our thinking is that they will have two levels of membership. One is a full membership that would include access to the clubhouse and the courts and we've been throwing around the number of \$20 a month; \$248 a year. We've been thinking about a "court only" membership where you wouldn't have access to the clubhouse and we have been thinking about a \$10 membership there but some reasonable thinking that might be \$15. So, we're just not locked in yet because we really need to know our operating budget before we go forward.

Mayor Via stated, right.

Commissioner Penny stated why don't we say that Holly Hill residents discount will be no less than 33% for the first 24 months? That's right in the middle of the 25% and 50% and they don't have to worry about a maximum of \$150 or a maximum of this membership or that membership. Just make it a flat 33%...

Attorney Simpson stated it's 37.5%.

Commissioner Penny stated that's what I meant. That's what I wrote down but said 33%. Split the difference between the 25% and 50% to 37.5%.

Mr. Marten stated I would agree to that.

Mayor Via stated thank you Rainer. Did we get an amendment to the motion or...

Commissioner Currie stated I'm getting ready to amend it.

Mayor Via stated I don't think we completed it, correct?

Commissioner Currie stated no, I did not complete it. *I'm going to make an amendment to the motion that Holly Hill residents receive a 37.5% discount, minimum, the first TWO YEARS and then adjustments can be made from there accordingly.*

Mr. Forte stated what adjustments? The 25% - 50%?

Commissioner Currie stated, yes. The 25% - 50%.

Mr. Forte stated, okay. That's fine.

Mayor Via asked do we have a second?

Commissioner Johnson seconded the motion.

Attorney Simpson stated you will vote on the amendment first then you will vote on the original motion.

Mayor Via opened public participation ON THE AMENDMENT.

Heidi Heller, 460 Ridgewood Avenue, Holly Hill, asked does this fee also apply towards the yoga court and the activities in the activity room or is that on a daily basis?

Mr. Forte stated those will be city-run programs.

Jim Legary, 342 Burleigh Avenue, Holly Hill, stated the city is going to pay for maintenance fees outside of the fence as I understand it.

Mr. Forte stated that's correct.

Mr. Legary asked what's outside the fence?

Mr. Forte stated the Senior Center and then all of the activities and the external grounds. The internal grounds, maintenance of the courts, restaurant, clubhouse would be the responsibility of the Pickleball group.

Mayor Via closed public participation ON THE AMENDMENT TO THE MOTION.

Mayor Via stated I will just say, thank you very much for coming to these terms. I'm happy with this.

PASSED UNANIMOUSLY, 5-0.

Mayor Via stated now they will vote on the ORIGINAL MOTION. They have a motion and a second by Commissioner Currie and Commissioner Johnson, as amended.

PASSED UNANIMOUSLY, 5-0.

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

Enacted and approved this 11th day of December, 2018, in Holly Hill



2.

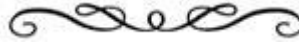
Resolution 2018-R-52 A Resolution of the Community Redevelopment Agency of the City of Holly Hill, Florida, Authorizing the City Manager to Execute an Incentive Agreement with Martens Properties, LLC (Developer).

(Requested by Valerie Manning, City Clerk)

(See discussion under Development Agreement item)

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

Enacted and approved this 11th day of December, 2018, in Holly Hill



3.

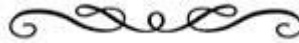
Resolution 2018-R-53 A Resolution of the Community Redevelopment Agency of the City of Holly Hill, Florida, Authorizing the City Manager to Execute a Management Agreement with Pickleball Daytona at Holly Hill.

(Requested by Valerie Manning, City Clerk)

(See discussion under Development Agreement item)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 11th day of December, 2018, in Holly Hill



5. **ADJOURN AS THE CRA & RECONVENE THE CC MTG**

6. **PUBLIC COMMENTS**

The following individual spoke to the Mayor and City Commissioners:

Robin Hanger, 950 State Avenue, Holly Hill, stated he would like to encourage the Commissioners to keep moving forward with the cleanup of the city as they have done with Ridgewood Avenue. They do not need the look of a garage sale or flea market on their main streets. They have made great strides to get where they are with the new stop sign posts a few years ago, new median landscaping, power lines going under the ground and recent contracting of landscaping company cutting the city parks and city hall properties. They are doing a fantastic job. The sidewalks along 10th Street and surrounding areas look the best they have in years. Although Code Enforcement and staff have done a fantastic job, with the Commissioners help, there's much more to be done. He would like to encourage the Commissioners to not stop here and to look into rental properties in the city. Some landlords collect rent and do no maintenance or upkeep on their properties. Check other cities and their rental codes that are enforced and see how the city can incorporate them into our city. Some properties are just let go. People say they don't have the money to do things but half of it is because they don't own the property and the landlords just let them go.

Mayor Via closed public participation.

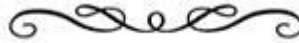
7. APPROVAL OF MINUTES

1.

Minutes - November 27, 2018 Regular City Commission Meeting
(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 11th day of December, 2018, in Holly Hill



8. CONSENT AGENDA - ITEM

1.

BMC CPAs Discussion with the Audit Partner and with the Two Retirement Trust Boards to Consolidate the Audits of the Police and Fire Retirement Trust with the Comprehensive Annual Financial Report of the City.

(Requested by John McKinney, Finance)

Mayor Via asked if there were any members from the audience that would like to speak to the Consent Agenda item or if any member of the Commission would like to discuss the item further. **There was no one.**

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 11th day of December, 2018, in Holly Hill



9. REGULAR AGENDA

1. Resolution

Resolution 2018-R-54 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute a Development Agreement with Martens Properties, LLC.

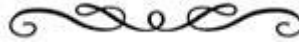
(Requested by Joseph Forte, City Manager)

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION

Enacted and approved this 11th day of December, 2018, in Holly Hill



2. Resolution

Resolution 2018-R-73 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute an Incentive Agreement with the Martens Properties, LLC (Developer).

(Requested by Joseph Forte, City Manager)

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John C. Danio, District 3 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION

Enacted and approved this 11th day of December, 2018, in Holly Hill



3. Resolution

Resolution 2018-R-74 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute a Management Agreement with Pickleball Daytona at Holly Hill.

(Requested by Joseph Forte, City Manager)

Attorney Simpson stated he would recommend the motion state that the Commission move to approve as recommended by the Community Redevelopment Agency. That will then incorporate the amendments they did during the CRA agenda for this item.

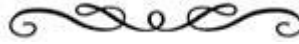
Mayor Via stated, okay. Thank you.

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION

Enacted and approved this 11th day of December, 2018, in Holly Hill



4. Resolution

Resolution 2018-R-75 A Resolution of the City Commission of the City of Holly Hill, Florida, Providing an Internal Loan as Part of the 2018-2019 Fiscal Year Budgets; Providing for Conflict; Providing for Severability; and Providing for an Effective Date.

(Requested by John McKinney, Finance)

Recessed for a couple of minutes at this time. Reconvened the CC meeting.

Mr. McKinney briefly discussed the staff report within the agenda packet.

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

Enacted and approved this 11th day of December, 2018, in Holly Hill



5. Resolution

Resolution 2018-R-76 A Resolution of the City Commission of the City of Holly Hill, Florida, Appointing the Following Members to the Firefighters Pension Fund Board of Trustees; Setting Forth the Term and Expiration Date for Said Members; and Providing an Effective Date.

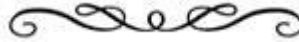
(Requested by Valerie Manning, City Clerk)

Kristie Law was appointed to the Firefighters Pension Board of Trustees. Insert her name into the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION

Enacted and approved this 11th day of December, 2018, in Holly Hill



6. Resolution

Resolution 2018-R-77 A Resolution of the City of Holly Hill, Florida, Appointing Two Members to the Police Pension Board of Trustees; Setting Forth the Term and Expiration Dates for Said Members; and Proving an Effective Date.

(Requested by Valerie Manning, City Clerk)

Charlie Sharp and Robert Taylor were appointed to the Police Pension Board of Trustees. Insert names into the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION

Enacted and approved this 11th day of December, 2018, in Holly Hill



7. Resolution

Resolution 2018-R-78 A Resolution of the City of Holly Hill, Florida, Appointing Members to the Board of Planning and Appeals and Setting Forth the Term and Expiration Date for Said Members; and Providing an Effective Date.

(Requested by Valerie Manning, City Clerk)

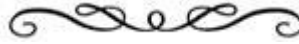
Dennis Smith, Mike Myer, Arthur Byrnes, Robin Hanger, and Tony Cassata were appointed to the Planning and Appeals Board. Insert names into the Resolution.

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION

Enacted and approved this 11th day of December, 2018, in Holly Hill



8. Resolution

Resolution 2018-R-79 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the Agreement with Mead and Hunt to Provide Professional Services for the FY2019 and FY2020 Roadway Resurfacing Program Not to Exceed \$89,872.50.

(Requested by Antoine Khoury, Public Works)

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

Enacted and approved this 11th day of December, 2018, in Holly Hill



9. Resolution

Resolution 2018-R-80 A Resolution of the City of Holly Hill, Florida, Adopting the 2018 City of Holly Hill Personnel Rules and Regulations; Providing for Severability; Providing for Conflicting Resolutions; and Providing an Effective Date.

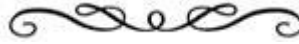
(Requested by Joseph Forte, City Manager)

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION

Enacted and approved this 11th day of December, 2018, in Holly Hill



10.

RFP 18-WA-01 Flamingo Drive Water Main Replacement City Issued a Request for Proposal (RFP) to Seek a Qualified Contractor to Replace Approximately 4,600 LF of 2 Inch Galvanized and 6 Inch Asbestos Cement Water Main with 6 Inch and 8 Inch PVC C900 Water Main on North and South Flamingo Drive and Lakewood Drive.

(Requested by John McKinney, Finance)

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 11th day of December, 2018, in Holly Hill



11.

Award Engineering Service Contract for Professional Design Services for Storm Water Projects Funded Under the Hazard Mitigation Grant Program (HMGP) Projects: State Avenue, Espanola Avenue, Tuscaloosa Avenue and Ridge Avenue/Cordova Avenue

(Requested by John McKinney, Finance)

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 11th day of December, 2018, in Holly Hill



12. -2019-O-3013 Ordinance

SECOND READING - Ordinance 3013 An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Section 114-707 Titled, "Outdoor Display of Merchandise" to Add Outdoor Display Regulations; Providing for Severability; Providing for Codification; and Providing for an Effective Date.

(Requested by Brian Walker, City Planner)

Brian Walker, City Planner stated this is to consider an adoption of an Ordinance that amends Section 114-707 titled, "Outdoor display of merchandise" of the Land Development Regulations of Holly Hill. Specifically, they are talking about the outdoor display of merchandise within the redevelopment corridor which is US1 and LPGA Blvd., and not other areas of the city. As they all know, part of the reason the redevelopment overlay district was established was in part to promote redevelopment of property but also to visually enhance the corridor. In those efforts the city has seen things moving in the direction of beautification, they've seen the undergrounding of the utilities, placement of landscaping, a stepped up Code Enforcement efforts all being done in an effort to visually enhance the corridor in order to make a better impact on not only the citizens but visitors to this city. But one consistent theme that they've heard from members of the community both business and residential is that the outdoor display of merchandise has a negative affect and it seems to really, in some respects, work in odds with the beautification efforts that are being made. Per Section 114-707 of the Land Development Regulations, the outdoor display of merchandise, right now as it stands, in the corridor is only permitted by Special Exception. That means the individual comes before the Commission, they show the Commission what they want to do, they show the Commission what they want to display, where it's going to go, and the Commission has the opportunity to view it and place any special conditions that the Commission deems necessary. Currently, one of the conditions that is imposed for outdoor display of merchandise is as follows: "The goods and merchandise is intended for use outdoors (such as lawn equipment, patio furniture, grills, etc.)" At issue are two things: 1.) Some businesses were displaying outdoor merchandise prior to the adoption of this restriction and therefore they are displaying items that are not intended for use outdoors. 2.) The restriction, the way it's written, has been very loosely interpreted and this has resulted so that the intent of the restriction is not being met. One of the examples that he has given in the past is that of strollers. Strollers are an item that is intended for outdoor use but it wasn't the intent of this regulation that it would be something that would be displayed as part of the corridor where the effort is to redevelopment and to have a more beautiful environment within the corridor. The proposed Ordinance before the Commission amends Section 114-707 of the Land Development Regulations by doing two things. One, it provides for a specific time, in this case six (6) months, in which the businesses that were displaying outdoor merchandise prior to the adoption of the regulations but that are not in accordance with the regulations at this point, would have to come into compliance with the regulations. Second, more specifically, clarifies what items qualify for outdoor display and it provides additional requirements. At its meeting August 6, 2018, the Board of Planning and Appeals voted 3-1 to not recommend adoption of the Ordinance to the Commission. After the Board of Planning and Appeals consider the issue there were two additional workshops that were done. One was done on September 25th and another one on October 9th in order to further discuss this item. At the October 9th workshop adding the word "NEW" to several of the items that can be displayed was something that was discussed. That is the only change that was made to the Ordinance from the time that it was presented to the Board of Planning and Appeals to what is

before the Commission tonight. Based on this information, staff does recommend adoption of the Ordinance, amending Section 114-707, titled "Outdoor Display of Merchandise" of the Land Development Regulations of Holly Hill.

Mayor Via stated he has one question for staff and possibly for Attorney Simpson. Is there a definition for "new" and can you give him that definition?

Commissioner Penny stated according the Oxford dictionary, "new" means "not previously used or owned." According to the Cambridge English dictionary "new" means "not previously owned or used." According to the Free dictionary, "new" means "fresh and unused, not second hand." According to the Collins English dictionary, "new" means "something that is new has not been used or owned by anyone."

Mayor Via stated thank you Commissioner Penny. And that will be the definition that the city uses, correct?

Mr. Walker stated, yes.

Mayor Via opened public participation.

Heidi Heller, 460 Ridgewood Avenue, Holly Hill, stated in the most perfect city called Holly Hill she is hoping that the Commissioners will not approve this Ordinance in that it deters businesses. Even though the city is getting ahead with beautification all over the place, in order to have a beautiful dress, you need to be appreciated nor do you have a beautiful tree...if you don't have any businesses to help support all that beauty, that's a waste. The businesses themselves put such an effort into creating the business, she doesn't want to see that go away. It's hard to start a business. It's hard to keep a business going and even though some people don't like thrift stores, some people don't like bars, it's still putting money in the coffers, it's still creating the community, it's still giving hope for some people, it's still giving jobs and without those businesses, even though there's just a few, they're needed. Right now there's about 34 properties on Ridgewood Avenue that are vacant. What if there were 34 more thrift stores? That would be a district. Just like in New York they have districts of fashion, they have districts of produce. LA. Los Vegas is a complete district within itself. So, it's a business and it's viable. She doesn't like seeing businesses and business people lose their place. As far as new, which she just thought of, would be the middle that Mr. Hanger uses to build his trailers, so that gets cut. Is that all new metal? Never been used before or is it reframed and just painted and looks new? Can I take wood that's never been used as a chair and make a chair out of old wood? Is that new? She's hoping that the Commission does not pass Ordinance and let the businesses that have proven to be viable, stay.

Sheldon Nash, works for Dollar Plus, stated if the community could afford to go buy new that would mean that if he went into Target and bought a new stroller and put it out front and replaced it with \$120, which is roughly what they go for, and put a sign on it that they used strollers inside for \$45, are we now saying to the customer, "ignore my nice new stroller outside that I spent \$120 because I know you can't afford it but I have a stroller that you can afford inside that's only going to cost you \$45? Are they not trying to serve the community? The same questions that they mentioned earlier this evening

about the park, this community doesn't have a lot of dollars. The thrift stores and his type of store and stores like us, are really serving the community. They're keeping the price points down. We're enabling people to be able to buy products. Yes, everyone would like to buy brand new. No question about it. He would like to have the brand new Mercedes parked in the driveway, he would like to go and spend \$5.00 a gallon on gas but the reality is he can't. So, instead of buying a Mercedes, he buys the Ford or the Chevy, which basically takes him to the same place. So, if he can buy a stroller for \$45 that he can safely put his child in and accommodate his needs but he doesn't have \$120 to go to Wal-Mart or Target, why would he not want to do that? What he's really saying is, if they force him into a position where he has to do something "new", he'll go and buy one stroller and he'll put it outside and he'll put a sign on it that he can sell someone a stroller inside for \$45. Don't buy my stroller outside for \$120 but I had to do this because the Commission said I had to have something new outside. Does that make any sense? It sure doesn't to him. The reality is they're trying to serve the community for what they can actually afford. Today, two-thirds of his sales, as low as they were for \$4, \$5, \$6 and \$7 sales, were on charge media. Do you know what that indicates? There's no cash. This is the 11th of December. Two weeks until Christmas and there's no cash. So, now the Commission wants to put something "new" out there? If they wanted "new" they would get in the car, if they had a car, and they would go to Wal-Mart or Target or Khol's or Macy's or 800 other stores that could surely give them "new" but they don't. They stay in Holly Hill because they ride bicycles because they can't afford the gas. They can't afford the insurance. They can't afford the car. So, why take that away from them all because of worrying about looking pretty? We're never going to be Ormond Beach. We don't have the dollars and cents in the community to be Ormond Beach and even Ormond Beach doesn't look that beautiful. He can take them through neighborhoods that certainly don't look gorgeous. The reality is there's a real need in this community for our types of stores. Eliminating their types of stores and bringing in the Khol's and the Macy's and the Target's. If the people can't afford it, they're going to go out of business. Like the bank that's across the street from him. Why would a bank want to open up in Holly Hill? There's no money to put in a bank. So, the bank stays empty, people graffiti the windows, they're sending people to clean up the property, clean up the building, but the bank is still vacant. Why don't they face that reality that if people had money to put in a bank, don't you think there would be 800 banks that would want to come into Holly Hill? We're a growing community. Why would they not want to?

Joe Amadayo (?), 1108 Ridgewood Avenue, Holly Hill, stated he's been to three meetings and it seems like the Commission just can't agree on anything on this subject. He wishes that the Commission would agree on something and stick to it. The "new", he just doesn't understand that at all either. Are you going to have 7-Eleven with the Redbox, are you going to take that out? Those are used movies. The propane is used. There's a lot to that "new". He doesn't understand why they want to put "new" in the Ordinance.

Tim Hobson, owner of the Pawn Shop, 1630 Ridgewood Avenue, Holly Hill, stated he would like to add the word "bicycles". If they're going to start naming what they can't allow, which they have to do because if they name what they're excluding then everything else is on the list by default. He would like to see if he could get bicycles on there. Also, he strongly objects to that terminology "new".

Laura Czarnecki, owner of Laura's Thrifty Boutique and Costume Shop, 1014

Ridgewood Avenue, Holly Hill, spoke in opposition of the Ordinance. Mentioned that she drove around yesterday and took pictures in Ormond Beach on Granada and mentioned the clothes rack with used hats; went to Beach Street and outside was a mannequin with a hat and clothes on it; another one has art displays out there; they rode down A-1-A, all the surfs shops have half body mannequins with t-shirts hanging all over them. No, they're not Holly Hill but we're not Ormond. This just shows you that Holly Hill is not the only ones doing this. Can they work something out to help the businesses in Holly Hill succeed. This is what she sells. She sells wrought iron. These wrought iron chairs look like they are new because they took them out back, cleaned them, repainted them and set them out front. The other day she sold a truck full of wrought iron furniture to a lady that was coming down the street that saw them. She turned around and bought every piece. This isn't garbage looking stuff. They cannot have a used thrift shop and have "new" furniture and stuff to sell. They can't afford to. They don't sell dressers. They don't sell junk. They desperately need to sell used furniture. They need to figure out a way and six months in compliance with this...for the last year and a half, between the city and the electric and she can show them hundreds of pictures, they've had our streets, our sidewalks, our driveways blocked and dug up, they suffer. With all that machinery coming down, if people don't see what she has out there, they will go by and miss the businesses. How can they survive if they can't find a way to deal with this? Selling "new" furniture in a used shop is not the answer.

Lynne Smith 107 7th Street, Holly Hill, stated she is going to start by saying this is not meant to be insulting. She understands what everyone is saying and she thinks they are playing with semantics. It is not the intent of the town or anyone else to eliminate anyone's business nor is it the town's responsibility to make the businesses successful. Many of the people say they've been in business for a number of years and how many opportunities have they've had or missed to be successful to take themselves to the next level? She thinks what the town is trying to basically say and she's not speaking for any of the Commissioners, in a nutshell would be step up your game and make your buildings and your product, perhaps, a little more eye-appealing for what the vision for the future of Holly Hill and Ridgewood Avenue would be. The businesses have had a number of years to come into compliance with the Ordinances that were already on the books that nobody enforced and the businesses were able to take advantage of that non-enforcement and while there probably has been some improvements to what the town is trying to get the businesses to do in this six months, she thinks a lot could have been accomplished in six months. I, for one know, that if I'm not mistaken for Laura who just spoke...

Mayor Via asked that Mrs. Smith to just please address the Commission.

Mrs. Smith stated okay, sorry. Well, she believes there was a suggestion for improvement that was offered to one of the business owners for free by art to make the outside, the paint and to picture present what the merchandise inside would be. As Laura was speaking, she thought about the same thing she was talking about. Brainstorming a way to present their goods, perhaps with signage that's changeable, whether it be a billboard or a picture or something. She doesn't know if the Commission would find that an acceptable suggestion as a way to bring people in. Like a digital sign that the city has out front. She thinks what the town is trying to do is attract a higher level of businesses and clientele to the community to take it to the next level. What they are only really talking

about is the appearance not putting people out of business. If people can brainstorm to have some uniform look to it, maybe it coincides with the coloring of the Pickleball concept so that they have that all the way down through the rest of the town, she doesn't know but she doesn't think anyone is trying to put anyone out of business. Business owners do have to take some responsibility for their own success and for their products working with what they have. Maybe it's a marketing issue on how to draw people to their business not by what's visually outside. She would be willing to help brainstorm on some of those things. She does have some success in those areas and she would be more than willing to help.

Jay Love, 1010 Ridgewood Avenue, Holly Hill, stated he's been up and down Ridgewood talking to all these businesses that are being affected by this Ordinance. After talking to them, he asked a lot of them if their outdoor display contributes to a lot of people stopping by? If they see something that catches their eye and they come in and everybody said, 25% to 50% said that's how they get their business. It's not so much repeat customers, we do get those but it's mostly instrumental, 25% to 50% of the people that drive by see something on the outdoor display. The biggest problem they have with this new Ordinance is the word "new". They can conform, he thinks basically most of them can conform to the items that the city says are okay but when the city says they have to be "new", that's a game changer. All of us basically have 95% plus, merchandise that is used. For example, used outdoor furniture. Laura showed the Commissioners pictures of the wrought iron chairs. That's outdoor furniture. It looks brand new but it's not new so that's illegal. It doesn't make sense Commissioners. Some of the stuff should be allowed to be used. At least, use the word reconditioned. Something to help the businesses. If the Commissioners don't make any changes, they ask the city to consider time to change the Ordinance. The effect of conforming to the Ordinance from six months to twelve months at least because that would give people more time to adapt, to conform or to move or to go out of business. That would also be instrumental. When the gentleman said about bicycles, bicycles are now a growing transportation and if they could have used cars garner, they should be able to have used bicycles for sale too. This is where the city can meet the businesses half way. Please consider adopting some new stuff in this Ordinance to help them.

Jim Legary, 342 Burleigh Avenue, Holly Hill, stated he's had several discussions with the City Manager about the decline of retail. It occurs to Mr. Legary that they have five or six people who have come forward to tell the city that this Ordinance is going to further curtail their sales. It seems to him that if the city has as many empty spaces as the city does on Ridgewood Avenue, the city has an awful lot of opportunity to do whatever it is the city wants to with people that move in. What the city is going to get here is less traffic. He's not sure how long they've been discussing this. He's not sure how many people have said how repulsive baby carriages are or shirts or whatever but the people have been in business. They've survived. Nine out of ten people don't survive. He thinks the city should consider that and he thinks the city should give some accommodation to the people that have been there. As they've discussed, the woman that was active here for a year or two with her antique store, she packed up and went away. He's sure that there are others. As he said, there should be some accommodations to the people who have been able to survive with all of the goings on and with all the conversations.

Robin Hanger, 950 Ridgewood Avenue, Holly Hill, stated fifteen years ago, he would have been out of business if it had not been for the internet. Approximately, 80% of his business is from the internet. He believes these people that feel that they need to put everything that they have out front and outside, need to look at the internet and the way that people shop. Things change. People are shopping with these things right here (referring to his cell phone). They're looking to see what the business has, they're searching for what they need, and what they need comes up and if the businesses do their advertising correctly, if you have a 20 foot ladder, I need a used 20 foot ladder, it's going to come up. They need to focus on the growth that the city has, the focus of improving the things that they have and they need to look forward. They cannot replace or fix things that have happened before. They need to keep going forward. Unfortunately, it does hurt some people. It's not meant to hurt anyone but people need to change the way they do business. Business is changing every day. People in brick and mortar places are feeling it all over the place but they're making do with what they've got and they're making change due to these cell phones and the way people shop. Signage, there's nothing wrong with signage. If they have ladders and they've got canoes and they've got kayaks put it up on the sign out there. If they've got wrought iron furniture, put it up on your sign that you have this. Here again, why is the city responsible to put you a sign up? It's not up to the city to figure out how to make your business run. There's groups at the college that help people learn how to change and run their businesses and adapt to change. He recommends that.

Mayor Via closes public participation.

There were some questions, comments and discussions amongst the Mayor, City Commissioners, and staff at this time. There was discussion regarding a Sign Grant for the businesses along US1 that are in need of a sign only to those businesses that were established prior to the code who are currently in violation because they didn't come in and get a Special Exception. That code they see was placed back in 2012. Anybody that established after 2012 is in violation because they didn't come in to get the Special Exception to begin with. A separate Resolution would be brought back at the next City Commission meeting for the Commission's consideration and discussion.

RESULT:	APPROVED AT 1ST READING [4 TO 1]	Next: 1/8/2019 7:00 PM
MOVER:	John Penny, District 1 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Penny, Currie, Danio, Johnson	
NAYS:	Via	

ORDINANCE

2019-O-3013

SECOND READING - ORDINANCE 3013 AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 114-707 TITLED, "OUTDOOR DISPLAY OF MERCHANDISE" TO ADD OUTDOOR DISPLAY REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 3013

**AN ORDINANCE OF THE CITY OF HOLLY HILL,
FLORIDA, AMENDING THE LAND
DEVELOPMENT REGULATIONS BY AMENDING
SECTION 114-707 TO ADD REGULATIONS;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR CODIFICATION; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the City Commission finds that outdoor displays of merchandise other than vehicles, and items specifically made and intended for outdoor use, can detract from the attractiveness of business areas and impede pedestrian and vehicular traffic within the Redevelopment District Overlay; and

WHEREAS, the City is in the process of providing aesthetic enhancements within the Redevelopment District Overlay, it is desirable to regulate outdoor displays of merchandise so as to enhance the attractiveness of the Overlay by preventing the visual perception of clutter; and

WHEREAS, it is the intent of the City Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by taking steps to prevent economic deterioration and blight.

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

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. That Sec. 114-707. - “Outdoor display of merchandise” is amended as follows:

Outdoor display of merchandise in the Redevelopment District overlay ~~[shall be allowed]~~ **will be permitted** provided the following conditions are met:

- ~~The goods and merchandise is intended for use outdoors (such as lawn equipment, patio furniture, grills, etc.).~~
- A. **The goods and merchandise permitted for outdoor display are: motorized vehicles, trailers, boats, new lawn & garden equipment (not to include supplies or materials such as bags of fertilizer, rocks, etc.), new furniture specifically made and intended for outdoor use, new barbeque grills, new bicycles, plants and landscape related hardscape such as fountains.**

B. No outdoor display shall be allowed in areas set aside, required, or designated for

driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.

- C. With the exception of areas used for sale of motorized vehicles, trailers and boats, the area used for outdoor sales and display of merchandise shall not exceed ten (10%) percent of the gross floor area of the corresponding commercial building. The area for items placed outside but that is completely screened from view by a wall or an opaque fence screen, shall not be counted toward the 10% area limitation.
- D. All city fire, building and other codes shall be strictly complied with.
- E. The display goods and merchandise are not permitted on a sidewalk or any portion of a public right-of-way.
- F. The display of merchandise must be neat and orderly as determined by the City Manager or their designee.
- G. The merchandise is displayed in an area designated for outdoor display that does not impede visibility or access to and within the site.
- H. The merchandise is only displayed during hours of operation.
- I. Outside display and sale of merchandise for approved vendors at temporary special events shall be permitted as a function of the temporary event permit or in accordance with Section 114-902.

The display of outdoor merchandise within the Redevelopment District Overlay that does not meet the requirements of this section and that exist at the time of the passage of this section, may be continued for a period of six months from the date of the adoption of this section. At the expiration of the six month period, any further display of outdoor merchandise not in conformity with the provisions of this section shall be discontinued.

This special exception is a limitation on the outside display, storage or sale of goods, merchandise or services as permitted by section 114-901.

SECTION 3. 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 4. 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 5. CODIFICATION. It is the intent of the City Commissioners that the Substantive provision of this Ordinance will become and be made part of the Land Development Regulations of Holly Hill and that the word "ordinance" may be changed to "section", "part", or other appropriate word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 3, 4, 5 and 6 of this Ordinance shall not be codified.

SECTION 6. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

**APPROVED AND AUTHENTICATED on this 8th day of JANUARY, 2019
for second reading.**

Enacted and approved this 11th day of December, 2018, in Holly Hill



10. PUBLIC HEARING

1. Ordinance

SECOND READING - Ordinance 3012 An Ordinance of the City Commission of the City of Holly Hill, Florida, Repealing Ordinance 3010 and Adopted Pursuant to Florida Statute, Section 166.031, Incorporating into the City of Holly Hill Charter Amendments, a Referendum was Passed During the Municipal General Election Held on Tuesday, August 28, 2018, Repealing the Civil Service Act and Approving the 4-Year Staggered Terms for the Mayor and City Commissioners; Repealing All Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 11th day of December, 2018, in Holly Hill



11. COMMUNICATIONS**A. City Manager & Staff Comments**

Mr. Forte reminded the Commission that they will only be receiving one paycheck for the month of December because in the month of November when staff did the modifications to the pay week, the Commissioners received three paychecks. That goes with the exception of Commissioner Johnson because he didn't get any in November. Mr. Forte informed the Mayor and Commissioners that staff is working with House Representative Elizabeth Fetterhoff to utilize some office space at City Hall for periodic meetings. He just received a contract from the City of DeLand that has a lease space for her and he will evaluate that and coming back to the Commission for approval. With regards to Waste Pro and the recycling issue. It's been a tough bouncing ball to figure out what the city needs to do and how we need to do it. At this point, because the city's contract language allows Waste Pro, because there's been an increase in the cost of recycling, they give the city the option of either paying for it to go into the landfill or paying for it to go to recycling. It's not a modification to the contract. At this point, the city is going to continue with recycling until we come back and it will be an additional cost and that cost will run about, between \$18,000 and \$2,000 a month for a total of \$24,000 for the year for that, city-wide. What he is waiting for is, he's under the impression that Daytona Beach is going to suspend recycling and Ormond Beach who is going to continue recycling, told him that they are now considering suspending recycling. So, he doesn't want to be the odd person out. He doesn't want to be the city that recycles with two cities next to us who have suspended recycling because what that may do is have those residents bring their recycling to the people in Holly Hill and our recycling cost will continue to escalate and the only place that they're going to bring this recycling is to Ocala and to Cocoa where they have a single source center for it to be sorted and then sent out. There's no money in recycling. Glass is being ground up and put back into the landfill so that doesn't count for recycling, plastics 1, 2, and 3 are recyclable and papers are recyclable but the return on that is so significantly low, that the cost to recycle is now \$77.50 a ton. It used to be in the single digits. He just wants to make the Commissioners aware that the city is going to continue with the recycling until such time as their surrounding cities make a decision to either suspend or continue and then if the city is going to suspend it, he would like to bring that back for Commission consideration. He will be on vacation Christmas week. Mr. McKinney will fill in during his absence.

B. City Attorney Comments

Attorney Simpson wished everyone a Merry Christmas and Happy Holidays and Happy New Year.

C. City Commission Comments

Commissioner Penny stated he just wanted to congratulate Mayor Via in that the *Hometown News* also printed the "The youngest Mayor honors the oldest resident." Wished everyone a happy and safe Christmas with their friends and family.

Commissioner Currie stated thanked all of the staff, especially our City Clerk Valerie Manning for putting on a fabulous tree lighting ceremony and Christmas parade. Commissioner Currie stated she knows she said something to the Commissioners when we were on the reviewing stand about how she's in the car looking down Ridgewood

Avenue at Florida Healthcare, normally it's crowded from just north of LPGA, it was like that from Florida Healthcare. What a fantastic day. Miss Florida and Miss Teen Florida both had a lot of great things to say about our community. Reminded everyone about the food packing that will be held this Saturday at 9:00 AM at 159 E. Granada Boulevard, at the western end of the plaza by the Hershey's Ice Cream. If anyone has any questions, please get with her. Wished everyone a Merry Christmas and a special time with your family and friends.

Commissioner Danio mentioned that he is proud of the city's Christmas display.

Commissioner Johnson stated he's glad to see Holly Hill moving forward; wished everyone a Merry Christmas.

D. Mayor's Comments

Mayor Via thanked staff on the parade and tree lighting. He was with Miss Florida and Miss Teen Florida and they complimented multiple times how amazing the tree lighting was and how amazing the parade was and even said out of all the parades that they've been involved with, this was by far the most well organized and the best event that they've been a part of. He was also given the opportunity, he was asked by Rentha Flowers, to write a proclamation to Laura Jane Weesner Davenport who turned 100 years old and still lives in Holly Hill on her own with some help from her daughters. Vice-Mayor Currie and himself visited, separately, the Holly Hill School to speak to the students last week. Mr. Forte alluded to their meeting with State Representative Elizabeth Fetterhoff and met with her and discussed the possibilities of getting State funding for a couple of projects. We know what to look for now so we can hopefully get some assistance from the State level and as Mr. Forte said, she will also have a satellite office here at City Hall so this will be her eastside locations. Reminded everyone about the special meeting on December 27th at 4:00 PM. He wanted to bring up something that he learned in their Ethics Class that he wanted to bring up to the entire Commission as a whole and it has to do with Facebook and social media. They all have Facebook, social media. They may remember a few years ago a certain DeBary Mayor getting in trouble for his social media posts so there's a fine line between ethics on social media because we tend to put out our opinions out online and we're all friends on social media but what I've learned is we should very much stay away from "liking" any one...you can post what you want about your opinion about an upcoming item but please, I would ask that you don't "like" it, share it, love it and please don't comment on it because it can be construed as a Sunshine violation on something.

Commissioner Penny asked what did they say about...I know I'm not supposed to "like" *your* comments but what if I "like" someone else's comments? I should just like it and share it and not comment on it, correct? If someone from the public posts something...Pickleball was posted. I liked it and shared it.

Mayor Via stated you're fine to share it. You're allowed to put out your own views. That's just as if...

Commissioner Penny stated, right. But you can't say anything about it.

Mayor Via stated a news reporter came to you. There could be a violation if you post that and I like, which can be construed as I'm supporting it or if I comment on it saying, "I think you're right John Penny. I think we're going to move forward with this." That would be as if they just had a conversation, which that doesn't happen.

Commissioner Penny stated, right.

Mayor Via stated and he knows they all have high ethics and they don't want to violate that whatsoever. They do everything in the Sunshine. He just wanted to give that as a friendly reminder to the Commission.

Commissioner Currie stated she's glad he brought that up thought because she does share a lot of stuff that's put on by the city.

Mayor Via stated they're fine with sharing, just don't like any...if they're going to be voting on it in the future, if there's a possibility of doing that. I'm correct in that statement, right Attorney Simpson?

Attorney Simpson stated he would tell them to go even further. Try to stay away from social media.

Mayor Via stated try not to put out...

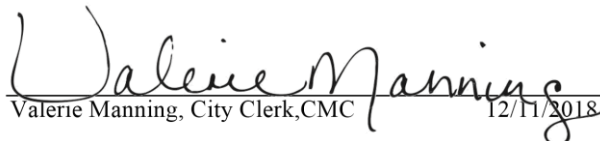
Commissioner Currie stated she shares what the city puts up just so that everybody that she's connected with knows the information.

Attorney Simpson stated just be very careful. Everything the Mayor said is correct. Also, remember no texting any city business to anybody, not just...obviously not to each other but, it's his understanding, they don't have the ability to keep records of texts and texts are a document under the Public Records Law. So, he's always told everybody "no texting is allowed."

Mayor Via stated, right. Thank you for that. Earlier during a spirited debate, I was quoted and I just wanted to finish that quote because if you follow up with that quote, the next thing I said was, "*Sometimes the best solution is right in between our hard thought beliefs*", and I'm going to leave that at that and let that rest.

12. ADJOURNMENT

The meeting adjourned at approximately 10:30 PM.


Valerie Manning, City Clerk, CMC 12/11/2018


Chris Via, Mayor

12/11/2018