CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● JANUARY 14, 2025

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
John Penny	Mayor	Present	
Debra Snow	City Commissioner	Present	
Penny Currie	City Commissioner	Present	
Jeffrey DeLanoy	City Commissioner	Present	
Roy Johnson	City Commissioner	Excused	

b. Invocation by City Commissioner Debra Snow
Commissioner Snow led the invocation.

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

2. PRESENTATION

A. 1088 10th Street Update - Rob Cramp and Dr. Miriam Moore

3. RECESS THE CC MTG & CONVENE AS THE CRA

4. CRA AGENDA ITEM

The City Commission meeting was recessed at approximately 6:10 PM to convene as the Community Redevelopment Agency (CRA) for the CRA meeting.

1. –2025-R-1

CRA RESOLUTION - a Resolution of the Community Redevelopment Agency of the City of Holly Hill, Florida, Approving the Agreement with FPL in the Amount of $3,402,555 as an Option Where All of the Work is to be Completed by FPL with Listed Exceptions and Authorize the City Manager to Execute the Same; Providing for Severability; and Providing an Effective.

(Requested by Antoine Khoury, Public Works)
Mayor Penny opened public participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, City Commissioner
SECONDER:	Jeffrey DeLanoy, City Commissioner
AYES:	Penny, Snow, Currie, DeLanoy
EXCUSED:	Johnson

Enacted and approved this 14th day of January, 2025, in Holly Hill

5. ADJOURN AS THE CRA & RECONVENE THE CC MTG

The Community Redevelopment Agency (CRA) meeting adjourned at approximately 6:12 PM. The City Commission regular meeting reconvened at that approximate time.

6. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners:

Kyle Stickney, Holly Hill; Gabriel Varga, Daytona Beach; and Danielle Latona, Holly Hill.

7. APPROVAL OF MINUTES

1.

Minutes - December 10, 2024 Regular City Commission Meeting and December 23, 2024 Special Called Meeting

(Requested by Valerie Manning, City Clerk)
Mayor Penny opened public participation. No one spoke.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Debra Snow, City Commissioner
SECONDER:	Penny Currie, City Commissioner
AYES:	Penny, Snow, Currie, DeLanoy
EXCUSED:	Johnson

Enacted and approved this 14th day of January, 2025, in Holly Hill

8. CONSENT AGENDA - ITEM (1)

1. 2025-R-2 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Professional Services Agreement for Accreditation for the Holly Hill Police Department; Authorizing the City Manager to Execute the Agreement; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)
Mayor Penny opened public participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, City Commissioner
SECONDER:	Jeffrey DeLanoy, City Commissioner
AYES:	Penny, Snow, Currie, DeLanoy
EXCUSED:	Johnson

RESOLUTION
2025-R-2
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PROFESSIONAL SERVICES AGREEMENT FOR ACCREDITATION FOR THE HOLLY HILL POLICE DEPARTMENT; 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, APPROVING THE PROFESSIONAL SERVICES AGREEMENT FOR ACCREDITATION FOR THE HOLLY HILL POLICE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill Police Department wishes to become an accredited agency; and

WHEREAS, the City of Holly Hill Police Department wishes to obtain the professional services of the Service Provider ‘Owens Accreditation Services, LLC’; and

WHEREAS, the Service Provider has the knowledge, skill, and capability to perform such services for the City of Holly Hill Police Department; and

WHEREAS, the Service Provider is hereby retained by the City of Holly Hill Police Department and agrees to provide the services attached; and

WHEREAS, this is identified in the FY 24-25 budget cycle; and

WHEREAS, the requested amount for monthly services shall be $1150.00 monthly. **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 Professional Services Agreement for accreditation.

SECTION 2. The City Commission directs the Police Chief to develop a plan for the implementation accreditation, including but not limited to, monitoring and maintaining the services provided by the Service Provider, the selection of qualified officers, acquisition of necessary equipment, facilities, and training.

SECTION 3. Funding for the Professional Services Agreement shall be derived from existing law enforcement budgets.

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 14th day of JANUARY, 2025.

Enacted and approved this 14th day of January, 2025, in Holly Hill

9. REGULAR AGENDA

1. –2025-R-3 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving Grant Agreement H1114 with the Florida Division of Emergency Management in the Amount of $360,000 for the Provision and Installation of Three (3) Lift Station Bypass Pumps, Approving a Budget Amendment Request Transferring $479,289 to Fully Fund This Project Prior to Reimbursement and Authorizing the City Manager to Execute the Same; Providing Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)
Mayor Penny opened public participation. No one spoke.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Penny Currie, City Commissioner
SECONDER:	Debra Snow, City Commissioner
AYES:	Penny, Snow, Currie, DeLanoy
EXCUSED:	Johnson

RESOLUTION
2025-R-3
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING GRANT AGREEMENT H1114 WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN THE AMOUNT OF $360,000 FOR THE PROVISION AND INSTALLATION OF THREE (3) LIFT STATION BYPASS PUMPS, APPROVING A BUDGET AMENDMENT REQUEST TRANSFERRING $479,289 TO FULLY FUND THIS PROJECT PRIOR TO REIMBURSEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING GRANT AGREEMENT H1114 WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN THE AMOUNT OF $360,000 FOR THE PROVISION AND INSTALLATION OF THREE (3) LIFT STATION BYPASS PUMPS, APPROVING A BUDGET AMENDMENT REQUEST TRANSFERRING $479,289 TO FULLY FUND THIS PROJECT PRIOR TO REIMBURSEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires that redundant power is made available to lift stations in order to mitigate flooding damages that may occur due to disruptions in the power grid through the installation of dedicated bypass pumps; and

WHEREAS, the City has been offered a grant award from the Florida Division of Emergency Management in the amount of $360,000 towards the provision and installation of bypass pumps serving lift stations 7, 14 and 16; and

WHEREAS, since this is a cost reimbursement grant, a budget amendment in the amount of $479,289 is required to make funds available to fully fund for the bypass pumps project until such time that reimbursement is received.

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 approves project 2673-093-R, contract H1114 for a grant award in the amount of $360,000 for the provision and installation of bypass pumps to serve lift stations 7, 14 and 16, and authorizes the City Manager to execute the same.

SECTION 2. That the City Commission of the City of Holly Hill approves a budget amendment in the amount of $479,289 and authorizes the City Manager to execute the same

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 14th day of JANUARY, 2025.

Enacted and approved this 14th day of January, 2025, in Holly Hill

2. 2025-R-4 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Agreement with FPL in the Amount of $3,402,555 as an Option Where All of the Work is to be Completed by FPL with Listed Exceptions and Authorize the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)
Mayor Penny opened public participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Debra Snow, City Commissioner
SECONDER:	Jeffrey DeLanoy, City Commissioner
AYES:	Penny, Snow, Currie, DeLanoy
EXCUSED:	Johnson

RESOLUTION
2025-R-4
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE AGREEMENT WITH FPL IN THE AMOUNT OF $3,402,555 AS AN OPTION WHERE ALL OF THE WORK IS TO BE COMPLETED BY FPL WITH LISTED EXCEPTIONS AND AUTHORIZE 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 THE AGREEMENT WITH FPL IN THE AMOUNT OF $3,402,555 AS AN OPTION WHERE ALL OF THE WORK IS TO BE COMPLETED BY FPL WITH LISTED EXCEPTIONS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City has received a proposal from FPL for the removal of overhead utilities along Ridgewood Avenue from Walker Street to the northern City limits that includes the removal of all existing poles and the installation of underground power grid; and

WHEREAS, staff recommends approval of the FPL option 1, where FPL will perform all work from installing the conduits and power lines.

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 proposal to Option 1 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 14th day of JANUARY, 2025.

Enacted and approved this 14th day of January, 2025, in Holly Hill

3. –2025-R-5 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Waiving the Bidding Requirements for Asphalt Repairs and Maintenance and Approving Expenditures for an Annual Amount Not to Exceed $75,000 to the Alternative Asphalt, LLC 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)
Mayor Penny opened public participation.

Gabriel Varga, Daytona Beach.

Mayor Penny closed public participation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, City Commissioner
SECONDER:	Debra Snow, City Commissioner
AYES:	Penny, Snow, Currie, DeLanoy
EXCUSED:	Johnson

RESOLUTION
2025-R-5
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, WAIVING THE BIDDING REQUIREMENTS FOR ASPHALT REPAIRS AND MAINTENANCE AND APPROVING EXPENDITURES FOR AN ANNUAL AMOUNT NOT TO EXCEED $75,000 TO THE ALTERNATIVE ASPHALT, LLC 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, WAIVING THE BIDDING REQUIREMENTS FOR ASPHALT REPAIRS AND MAINTENANCE AND APPROVING EXPENDITURES FOR AN ANNUAL AMOUNT NOT TO EXCEED $75,000 TO THE ALTERNATIVE ASPHALT, LLC AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY NECESSARY PRICE AGREEMENTS; PROVING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City anticipates the need for asphalt repair services; and

WHEREAS, the City has identified The Alternative Asphalt, LLC of Holly Hill to be very cost effective and responsive; and

WHEREAS, the City's repairs will be project location specific and will be charged to the appropriate funding available within repair and maintenance accounts for Streets, Stormwater, Water and Wastewater Divisions of the Public Works Department; and

WHEREAS, the City requests that the City Commission of Holly Hill, Florida waive the bidding requirements for asphalt repairs and maintenance and approve expenditures in an annual amount not to exceed $75,000 to The Alternative Asphalt, LLC of Holly Hill, FL.

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 waiver of bidding requirements for asphalt repairs and maintenance and approve annual expenditures in amount not to exceed $75,000 to The Alternative Asphalt, LLC 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 14th day of JANUARY, 2025.

Enacted and approved this 14th day of January, 2025, in Holly Hill

4. –2025-R-6 Resolution

A Resolution of the City of Holly Hill, Florida, Appointing a Member to the Board of Planning and Appeals and Setting Forth the Term and Expiration Date for Said Member; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)
Mayor Penny opened public participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, City Commissioner
SECONDER:	Jeffrey DeLanoy, City Commissioner
AYES:	Penny, Snow, Currie, DeLanoy
EXCUSED:	Johnson

RESOLUTION
2025-R-6
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM AND EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM AND EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill created a Board of Planning and Appeals for the purpose of hearing and deciding appeals in reference to Development Code Administration, and to make recommendations to the Commission in regards to variance requests, zoning issues, the land development regulations, and to perform other related duties as defined by City Code; and

WHEREAS, members of said board shall not be an elected City official or City employee; and

WHEREAS, members of said board shall either be a resident of the City or own a business within the City; and

WHEREAS, the terms of office for regular members of said board shall be two years.

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

SECTION 1. That the City Commission does hereby appoint the following individual to the Board of Planning and Appeals:

John Danio **Regular Member** **Term Expires February 2027**

SECTION 2. That this Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 14th day of JANUARY, 2025.

Enacted and approved this 14th day of January, 2025, in Holly Hill

10. PUBLIC HEARINGS

1. 2024-O-3080 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Creating Section 58-135 (Camping or Sleeping on Public Property Prohibited) to Comply with Florida Statute Section 125.0231 to Prohibit the Camping or Sleeping on Public Property Under Certain Terms and Conditions; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Nicole Kloetz, Police)
Mayor Penny opened public participation.

Gabriel Varga, Daytona Beach.

Mayor Penny closed public participation.

RESULT:	**ADOPTED AT 2ND READING [UNANIMOUS]**
MOVER:	Penny Currie, City Commissioner
SECONDER:	Jeffrey DeLanoy, City Commissioner
AYES:	Penny, Snow, Currie, DeLanoy
EXCUSED:	Johnson

ORDINANCE
2024-O-3080
SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, CREATING SECTION 58-135 (CAMPING OR SLEEPING ON PUBLIC PROPERTY PROHIBITED) TO COMPLY WITH FLORIDA STATUTE SECTION 125.0231 TO PROHIBIT THE CAMPING OR SLEEPING ON PUBLIC PROPERTY UNDER CERTAIN TERMS AND CONDITIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, CREATING SECTION 58-135 (CAMPING OR SLEEPING ON PUBLIC PROPERTY PROHIBITED) TO COMPLY WITH FLORIDA STATUTE SECTION 125.0231 TO PROHIBIT THE CAMPING OR SLEEPING ON PUBLIC PROPERTY UNDER CERTAIN TERMS AND CONDITIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature adopted Florida Statute Section 125.0231 which provides counties and municipalities "may not authorize or otherwise allow any person to regularly engage in public camping or sleeping on any public property, including, but not limited to, any public building or its grounds and any public right-of-way under the jurisdiction of the county or municipality, as applicable; and

WHEREAS, the City needs to amend its regulations to comply with Florida Statute Section 125.0231; and

WHEREAS, prior to a recent U.S. Supreme Court ruling, the governing law was that it was a violation of the 8th Amendment's Cruel and Unusual Punishment Clause to enforce anti-camping regulations if the number of homeless people in a jurisdiction exceeded the "practically available" shelter beds. However, the U. S. Supreme Court recently ruled in the City

<u>of Grant Pass, Oregon v. Johnson, Et. al.</u> that it does not violate the 8th Amendment to have a structured enforcement process against homeless individuals that starts with warnings and providing homeless with information about available homeless services in the area and then progressively increasing the penalties for continued violations to include fines, trespass warnings and ultimately arrest, even though there may not be sufficient shelter beds in the area for the homeless.

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

<u>SECTION 1. LEGISLATIVE FINDINGS.</u> The City Commission of the City of Holly Hill hereby adopts the recitals set forth in the preamble to this Ordinance (WHEREAS clauses) as legislative finding.

<u>SECTION 2.</u> Section 58-135 (Sleeping on Public Property Prohibited) is hereby adopted to read as follows:

Section 58-135 – (Sleeping on Public Property Prohibited.)

Pursuant to Florida Statute Section 125.0231, the City does not authorize or otherwise allow any person to regularly engage in public camping or sleeping on any public property including but not limited to any public buildings, or its grounds, and any public right-of-way under the jurisdiction of the City. The City shall, when prudent in the judgment of the enforcement officer, use progressive law enforcement when enforcing this regulation starting with a warning, citation, trespass order and arrest. The City shall provide homeless people attempting to camp or sleep on any public property with information regarding available homeless services.

<u>SECTION 3.</u> 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 become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 14th day of JANUARY, 2025 for second and final reading.

Enacted and approved this 14th day of January, 2025, in Holly Hill

2. –2025-O-3081 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Approving the First Major Amendment to the Fountainhead Mixed Use Planned Unit Development (MPUD) Development Agreement; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)
Mr. Walker went through his staff report with the Mayor and City Commissioners to consider a Major Amendment and rezone to the Fountainhead Mixed Use Planned Unit Development (MPUD) located on the southwest corner of the intersection of Center Avenue and Walker Street - lots 1 and 2 of the Fountainhead plat and more specifically known as 1200 Synergy Way aka 1200 Center Avenue. The property is zoned Mixed Use Development with a Mixed Use III future land use and is located within the CRA Redevelopment Area. The applicant is now applying for a Major MPUD Amendment. Mr. Walker informed the Commissioners that since the Board of Planning and Appeals meeting, there have been changes and those changes have been provided to them tonight.
Mark Watts, Attorney with Cobb Cole spoke briefly to the Mayor and City Commissioners about the request for the major amendment to the MPUD, the rezone and the updated changes since the Board of Planning and Appeals meeting.
Mayor Penny opened public participation.
Danielle Latona, Holly Hill.
Mayor Penny closed public participation.
(A copy of this agenda item/meeting in its entirety is available online or available upon request on a CD in the City Clerk's Office).
Commissioner Snow made a motion to ***APPROVE ORDINANCE 3081 FOR FIRST READING AND TO DIRECT STAFF TO NEGOTIATE THE INCENTIVE***

AGREEMENT BEFORE THE SECOND READING, *seconded by Commissioner DeLanoy.*
PASSED, 4-0.

RESULT:	**APPROVED AT 1ST READING [UNANIMOUS]**	**Next: 1/28/2025 6:00 PM**
MOVER:	Debra Snow, City Commissioner	
SECONDER:	Jeffrey DeLanoy, City Commissioner	
AYES:	Penny, Snow, Currie, DeLanoy	
EXCUSED:	Johnson	

11. COMMUNICATIONS

A. City Manager Comments

Mr. Forte reminded everyone about the Ribbon Cutting next Tuesday, January 21st at 3:00 PM at the Fire Station. Mr. Forte stated with regard to the Incentive Agreement. He had an unrelated to this matter, a conversation with most of the representatives from Synergy Billing/Fountainhead Development last Friday in regards to purchasing the options of, the opportunity to purchase Parcels 3 and 4. When he asked what the use of Parcel 3 would be, it was explained that because of the expansion of the retention pond on Parcel 1 and the potential development that they have coming forward, Parcel 3 would be used as a parking lot. He told them he doesn’t want to incentivize a parking lot and if he was going to sell Parcel 3, we would have to eliminate the Incentive Agreement to give them Parcel 3 and/or Parcel 4. Mr. Forte stated that was his position. He didn't talk with the Commission about it. He assumed that, that is the direction that the Commission would give him based on this conversation. Clearly that is. For him to negotiate with the developer on this, he needs a little bit more direction as to how far does the Commission want him to negotiate this Incentive Agreement. There are three main parts of the Incentive Agreement. There’s the jobs incentive that’s paid for out of the purchase money; there’s the tax reimbursement that’s paid for out of the construction dollars that are taxed and they get reimbursed a certain portion of that amount of money and then there’s the other incentives, which is the waiving of permit fees, inspection fees, the percentage that they pay for development cost; all that’s been waived and then in addition to that, there’s other things that are constants, which are the traffic impact analysis which, by this time, he would probably assume or have to say that it’s out of date and should be updated, there’s concurrent fees that still have not yet, traffic concurrency fees that have not been resolved. Those are, he thinks, are outside the Incentive Agreement but still items that need to be negotiated. He wants a little bit of direction and he’s glad the representatives are still here so that they don’t think he’s just making this stuff up on my own. Mr. Forte asked the Commission where do they want him to go with this in order for them to be successful in this zoning?

Mayor Penny stated from what he heard tonight, from himself and Commissioner Currie, was that the first two, he believes should be tied to this rezoning.

Mr. Forte stated the first two…

Mayor Penny stated the first two. The employees and the building. The permits and stuff, are going to expire in 18 months and the permits and waiving of permits, should still apply to this parcel but any future parcels, should not apply.

Mr. Forte stated so only allow the Incentive Agreement permit portion on Parcel 2 and not on any other parcels.

Mayor Penny stated that's what he would do because that was the deal the Commission made with them. There's not going to be any additional building on that parcel for the next 18 months. They're giving up a lot but they're giving up nothing because it's not going to be done.

Commissioner Currie stated it's not obtainable.

Mr. Forte stated he doesn't know what's coming. He has only been told that there are plans.

Mayor Penny stated his concern is, he doesn't know what he doesn't know and in the negotiation, until he has all the facts, he can't give Mr. Forte…he can't side, he can't lean more towards them because he doesn't know what they're doing and he's learned to trust and verify and he can't verify, that's my problem.

Commissioner Currie stated she feels the same about the Incentive Agreement and as far as she's concerned, it's not really obtainable anyway. She would say good faith goes a long way but when it started 10 years ago, the good faith kind of went out the window. She can't trust in anything they tell her now that they're going to produce because nothing has been produced like was originally said, so that's where she's at.

Mr. Forte stated he will go ahead and engage that conversation but you know, clearly, neither party trusts each other.

Commissioner Currie stated, well, Mr. Meyer has said that in messages to you and I don't appreciate that. This Commission has always done everything they could to try to help that project and to say that he doesn't trust Holly Hill, he doesn't trust anything from here, we've never given him a reason not to trust us and I take offense to that.

Mayor Penny asked if Commissioners Snow and DeLanoy would like to comment.

Commissioner Currie stated she knows it's kind of hard when you weren't here from the beginning.

Commissioner DeLanoy stated yes, he's still not completely…he has about 50% knowledge of it.

Mayor Penny stated they can meet with Mr. Forte individually and he can fill them in. Mayor Penny asked if Mr. Forte had some more direction and Mr. Forte stated, yes.

B. City Attorney Comments

None.

C. Mayor's Comments

Mayor Penny reminded everyone about the free concert at Pictona on Friday, January 17th, the Dueling Pianos; the Ribbon Cutting on 21st and the workshop is at 4:00 PM, the VLC dinner at Daytona Beach Shores and on February 14th, Hayfire, a local country band will be playing.

D. City Commission Comments

Commissioner Currie mentioned the people that were here earlier from 700 Grove Avenue, have been working with Mr. Walker. She knew nothing about what they spoke of. Mr. Walker will continue to let them know what the process is and where they are and she gave them her business card as well. There is a workshop on January 21st at 4:00 PM.

Commissioner DeLanoy apologized for not know much about Fountainhead but he will meet with Mr. Forte to get some more information.

12. ADJOURNMENT

The meeting adjourned at approximately 8:10 PM.

Valerie Manning, City Clerk,CMC 1/14/2025

John Penny, Mayor 1/14/2025