



# CITY OF HOLLY HILL, FLORIDA

## CITY COMMISSION

MINUTES • JANUARY 8, 2019

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

Commissioner Currie led the invocation.

#### c. Pledge of Allegiance

Mayor Via led the Pledge of Allegiance to the Flag.

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Carl Persis, Chairman of Volusia County School Board came forward to thank the city for being involved with Holly Hill K-8 school and understands that the city has a strong relationship with the school and appreciates that. Wished everyone a safe and prosperous New Year.

### 2. POSITIVITY AWARD - NONE

### 3. PUBLIC HEARING

Mayor Via mentioned that they were going to move the Public Hearing agenda item on Outdoor Display Amendment for second reading before the CRA Agenda.

#### 1. -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, briefly read through his staff report to the Mayor, City

Commission, staff and audience. The staff report is the same as it was for first reading in December with the exception of adding the wording “new bicycles” in Section 2 (a) into the Ordinance. There was discussion amongst the Mayor and City Commissioners.

Mayor Via suggested removing the word “new” to give more flexibility to be able to approve a business that might not necessarily want to put out a “new” item.

Mr. Walker informed the Mayor and Commissioners it would give them more flexibility but they would have to follow certain criteria because it’s in the Land Development Code and they’re taking that information and they’re applying it to that specific business. The Commission would have to have a good reason why the Commission denied them if they were following the information in the Land Development Code. The Commission would have the ability to deny as long as they were following that criteria.

Mayor Via asked if this Ordinance passes “as is”, how long do the businesses have to come into compliance?

Mr. Walker stated, six months.

**Mayor Via opened public participation.**

The following individuals came forward and spoke to the Mayor and City Commissioners:

Heidi Heller, 460 Ridgewood Avenue, Holly Hill, spoke in opposition of the Ordinance; Robin Hanger, 920 State Avenue, Holly Hill, spoke in favor of the Ordinance; Lynne Smith, 107 7<sup>th</sup> Street, Holly Hill, spoke in favor of the Ordinance; Mike Perry, owns the lawn mowing thrift store business off of LPGA Blvd., Holly Hill, on the corner, spoke in opposition of the Ordinance; Jim Legary, 342 Burleigh Avenue, Holly Hill, spoke in opposition of the Ordinance; and Laura Czarnecki, owner of Laura’s Thrifty Boutique and Costume Shop, 1014 Ridgewood Avenue, Holly Hill, spoke in opposition of the Ordinance.

**Mayor Via closed public participation.**

At this time there was discussion amongst the Mayor and City Commissioners.

*Commissioner Currie made a motion to **APPROVE the Ordinance “as written”**, seconded by Commissioner Penny. Mayor Via voted Nay to the Ordinance.*

**PASSED, 4-1. (Mayor Via opposing)**

|                  |                                         |
|------------------|-----------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED AT 2ND READING [4 TO 1]</b>  |
| <b>MOVER:</b>    | Penny Currie, District 2 - Commissioner |
| <b>SECONDER:</b> | John Penny, District 1 - Commissioner   |
| <b>AYES:</b>     | Penny, Currie, Danio, Johnson           |
| <b>NAYS:</b>     | 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 8<sup>th</sup> day of JANUARY, 2019 for second reading.**

Enacted and approved this 8th day of January, 2019, in Holly Hill



4. RECESS THE CC MTG & CONVENE AS THE CRA
5. CRA AGENDA
  1. -2019-R-3

A Resolution of the Community Redevelopment Agency of City of Holly Hill, Florida, to Adopt the Special US-1 Commercial Sign Grant Program; Providing for Repeal of

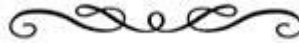
Resolutions in Conflict Herewith; Providing for Severability; Providing an Effective Date.

(Requested by Valerie Manning, City Clerk)

**Mayor Via opened public participation. No one spoke.**

|                  |                                         |
|------------------|-----------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | John Penny, District 1 - Commissioner   |
| <b>SECONDER:</b> | Penny Currie, District 2 - Commissioner |
| <b>AYES:</b>     | Via, Penny, Currie, Danio, Johnson      |

Enacted and approved this 8th day of January, 2019, in Holly Hill



2.

CRA - Special Event Permit Request to Hold an Art Festival on City Hall Grounds on April 6Th and 7Th, 2019

(Requested by Valerie Manning, City Clerk)

Mr. Forte explained the agenda item to the Mayor and City Commissioners based on the staff report presented to them in their agenda packets. The applicant is requesting approval of a Special Event Permit to hold an Art Festival on City Hall grounds on Saturday, April 6<sup>th</sup> from 9:00 AM to 5:00 PM and on Sunday, April 7<sup>th</sup>, 2019, from 9:00 AM to 4:00 PM. The proposed event is being held in order to raise awareness of the City of Holly Hill. This is a for profit event that will feature between 80 and 100 artist and is expected to raise between \$13,000 and \$16,000. A portion of the profits will be donated to the Holly Hill School. The event has been reviewed by the City's Special Event Committee and there are no objections. The application is being brought before the CRA Redevelopment Agency for approval because the Applicant is requesting City sponsorship. The event will have two food trucks on-site. The applicant is requesting that the City co-sponsor this event by providing three (3) portable toilets; a staff person to open and be available at City Hall on Saturday from 10:00 AM to 4:00 PM; and police protection and assistance during the two day event. Staff estimates that the cost of providing such services will be between \$3,076 and \$3,957. Mr. Forte recommends that the city co-sponsor this event at the applicant's request for this first year and then based on the results of that, staff can determine whether or not this is something the city wants to co-sponsor next year or in the future or whether the city says, "no, it was pretty good; it was successful; go find private sponsors to sponsor this event." Mr. Forte stated he did meet with the applicants yesterday and they brought in a "tentative" budget and without the city's in-kind contribution, it runs at about \$1,000 loss to their projections. With the city's contribution, it runs at about \$3,000 profit "if" all things in that budget come true. One thing he also wants to note is that part of them doing this Arts Festival is they are pledging up to \$2,000 towards the Holly Hill K-8 School for their band equipment.

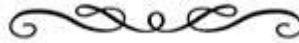
Pat Abernathy, the applicant, came forward and gave the Mayor and Commissioners a little bit of background history on herself and the Arts Festival and the event that would take place on April 6-7, 2019 at City Hall.

Commissioner Penny asked if it's possible to pledge some funds to United Brethren in Christ Academy as well. Holly Hill K-8 School is the only public school, which is why that would be the only school that would show up if searched for public schools. UBIC school has a desperate need for music equipment as well.

Ms. Abernathy stated they could do \$1,000 to one school and \$1,000 to UBIC Academy. She's flexible. She's familiar with the UBIC band because they played at Tony Cassata's car show event and her heart went out to them. They are very precious. Tony told her that they didn't have the money to rent or buy the equipment and she talked to Dr. Pam Fieldus and said that they can do something about this. That they can make money and see where it goes and do something good in the community, while helping the community and helping Holly Hill.

**Mayor Via opened public participation. No one spoke.**

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



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

**7. PUBLIC COMMENTS**

The following individuals spoke to the Mayor and City Commissioners:

Lois Carter, 1650 Riverside Drive, Holly Hill, shared her concerns about a crosswalk that is needed at the corner of Elizabeth Street and Riverside Drive. It's a dangerous crossing at that particular crossing. The street belongs to the city so she doesn't understand why a crosswalk can't be placed there. It's very dangerous for anyone trying to cross the street.

Steve Smith, 1410 Riverside Drive, Holly Hill, agreed with Ms. Carter and he would like to see the opportunity for a pedestrian to be able to cross Riverside Drive from any of those side streets with a crosswalk. It doesn't make any difference to him if he has to walk down to 12<sup>th</sup> Street or 9<sup>th</sup> Street or Elizabeth Street or 15<sup>th</sup> Place or any of these ones that don't have a sidewalk, he would still like the opportunity to get across Riverside Drive. Frequently, he's noticed that when he is trying to cross Riverside Drive, if there's a crosswalk and if he's standing on that first bar, somebody, eventually, lets him cross the street and it actually seems to help and you don't have to attempt to run for your life. It makes sense to him that when they have a corner like where he lives, the cars are going north and south but when you're on a corner, you have that car coming east and then the cars coming north and south have the opportunity to decide to go west so there's a lot of confusion there. When people are turning and there's a pedestrian who might be walking a dog or pushing a stroller or whatever, but if they have the opportunity to be in a crosswalk, it makes a huge difference even if it's just some white stripes. All the drivers know what a crosswalk is and a lot of them seem to respect it. So, their chances are better in a walkable community to have a crosswalk.

The more the merrier; at every intersection.

**8. APPROVAL OF MINUTES - NONE**

None.

**9. CONSENT AGENDA - ITEM ( 1 )**

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

**1. -2019-R-4 Resolution**

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter in an Agreement with Mead & Hunt to Provide Professional Services for the Design and Permitting, Bidding and Construction Phases of Lift Station 11 Wet Well Expansion at a Price Not to Exceed \$23,400; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

Mayor Via asked if any member from the audience would like to speak on the item or if any member of the Commission would like to discuss it? **There was no one.**

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

**RESOLUTION**

**2019-R-4**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER IN AN AGREEMENT WITH MEAD & HUNT TO PROVIDE PROFESSIONAL SERVICES FOR THE DESIGN AND PERMITTING, BIDDING AND CONSTRUCTION PHASES OF LIFT STATION 11 WET WELL EXPANSION AT A PRICE NOT TO EXCEED \$23,400; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER IN AN AGREEMENT WITH MEAD & HUNT TO PROVIDE PROFESSIONAL SERVICES FOR THE DESIGN AND PERMITTING, BIDDING AND CONSTRUCTION PHASES OF LIFT STATION 11 WET WELL EXPANSION AT A PRICE NOT TO EXCEED \$23,400; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City desires to expand the capacity of the wet well at Lift Station #11 as it is currently not sufficient due to a combination of excess infiltration and inflow during major rain events; and

**WHEREAS**, the City desires to have Mead & Hunt provide professional services for the design and permitting services. Bidding and Construction phase services are also included; and

**WHEREAS**, Mead & Hunt has submitted a proposal for the professional services at a price not to exceed \$23,400; and

**WHEREAS**, the fee estimate and scope of services for this project constitutes a supplemental agreement to the Engineering Services Agreement effective December 4, 2015; and

**WHEREAS**, the contract was assigned to Mead & Hunt, Inc. (M&H) effective  
June 30, 2017.

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

**SECTION 1.** That the City Commission of the City of Holly Hill does hereby authorize the City Manager to enter into an agreement with Mead and Hunt, Inc., to provide professional services for the expansion of Lift Station 11 Wet well not to exceed \$23,400.

**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 this 8<sup>th</sup> day of JANUARY, 2019.**

Enacted and approved this 8th day of January, 2019, in Holly Hill



## **10. REGULAR AGENDA**

### **1. -2019-R-5 Resolution**

A Resolution of the City Commission of the City of Holly Hill, Florida, to Adopt the Special US-1 Commercial Sign Grant Program; Providing for Repeal of Resolutions in Conflict Herewith; Providing for Severability; Providing an Effective Date.

(Requested by Nick Conte, Economic Development)

**Mayor Via opened public participation.**

Heidi Heller, 460 Ridgewood Avenue, Holly Hill, stated she would hope that on the sign grant have, everybody that participates in it, have the words "Holly Hill" some place on the grant; \$7500 is a lot of advertising potential and maybe that they're registered voters too, that's just my thing.

**Mayor Via closed public participation.**

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Penny Currie, District 2 - Commissioner  |
| <b>SECONDER:</b> | John C. Danio, District 3 - Commissioner |
| <b>AYES:</b>     | Via, Penny, Currie, Danio, Johnson       |

**RESOLUTION****2019-R-5**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, TO ADOPT THE SPECIAL US-1 COMMERCIAL SIGN GRANT PROGRAM; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, TO ADOPT THE SPECIAL US-1 COMMERCIAL SIGN GRANT PROGRAM; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Holly Hill is the duly designated and constituted body responsible for carrying out community redevelopment; and

**WHEREAS**, the City of Holly Hill has created a program, known as the Special US-1 Commercial Sign Grant to aid owners identified as having outdoor displays prior to the adoption of the Overlay District with assistance in the purchase of a sign; and

**WHEREAS**, the Special US-1 Commercial Sign Grant will provide identified businesses with a 75% reimbursement for the total expense of the sign; and

**WHEREAS**, The grant is capped at \$7,500 and stipulates a close date for permitting.

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

**SECTION 1. Adopt.** That the City Commission hereby approves the terms and conditions of the Special US-1 Commercial Sign Grant, which is attached hereto and incorporated herein by reference as Exhibit "A".

**SECTION 2. Repealer.** All prior resolutions, if any, which conflict with this Resolution are hereby repealed.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, 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. Effective date.** This Resolution shall become effective immediately upon its adoption.

**APPROVED AND AUTHENTICATED on this 8<sup>th</sup> day of JANUARY, 2019.**

Enacted and approved this 8th day of January, 2019, in Holly Hill



2. -2019-R-6 Resolution

A Resolution of the City of Holly Hill, Florida, Authorizing the Professional Fee/Per Diem for the Position of Special Master; Providing for Severability; Providing for Conflicting Resolutions; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)

**Mayor Via opened public participation. No one spoke.**

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>             |
| <b>MOVER:</b>    | John Penny, District 1 - Commissioner  |
| <b>SECONDER:</b> | Roy Johnson, District 4 - Commissioner |
| <b>AYES:</b>     | Via, Penny, Currie, Danio, Johnson     |

**RESOLUTION**

**2019-R-6**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE PROFESSIONAL FEE/PER DIEM FOR THE POSITION OF SPECIAL MASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE PROFESSIONAL FEE/PER DIEM FOR THE POSITION OF SPECIAL MASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City of Holly Hill has retained as special Master Melody Pullen to hear cases regarding City Code and other civil violations; and

**WHEREAS,** The City of Holly Hill compensation for time and expenses is to be established by the City Commission.

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

**SECTION 1.** That the City Commission does hereby authorize the payment of a

professional fee for Hearing of the Cases and the Preparation of Orders as Follows:

One to Five Cases                      \$275.00

Six to Eight Cases                      \$325.00

Nine to Eleven Cases                      \$375.00

Twelve to Fifteen Cases                      \$450.00

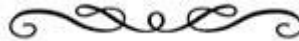
Thirty dollars (\$30) for each case thereafter.

**SECTION 2.** That all Resolutions made in conflict with the Resolution are hereby repealed.

**SECTION 3.** That this Resolutions shall become effective immediately upon its adoption.

**APPROVED AND AUTHENTICATED on this 8<sup>th</sup> day of JANUARY, 2019.**

Enacted and approved this 8th day of January, 2019, in Holly Hill



3. -2019-R-7 Resolution

A Resolution of the City of Holly Hill, Volusia County, Florida, Supporting Legislation that Restores Local Zoning Authority Regarding Short-Term Vacation Rentals in Single-Family and Multi-Family Residential Zoning Districts; Opposing All State Legislation that Further Erodes Municipal Authority to Protect Single-Family and Multi-Family Residential Zoning Districts from Tourist Activity; Providing Direction to the City Manager on Distribution of Resolution; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)

**Mayor Via opened public participation. No one spoke.**

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Penny Currie, District 2 - Commissioner  |
| <b>SECONDER:</b> | John C. Danio, District 3 - Commissioner |
| <b>AYES:</b>     | Via, Penny, Currie, Danio, Johnson       |

**RESOLUTION**

**2019-R-7**

**A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, SUPPORTING LEGISLATION THAT RESTORES LOCAL ZONING AUTHORITY REGARDING SHORT-TERM VACATION RENTALS IN SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS; OPPOSING ALL STATE LEGISLATION THAT FURTHER ERODES MUNICIPAL AUTHORITY TO PROTECT SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS FROM TOURIST ACTIVITY; PROVIDING**

**DIRECTION TO THE CITY MANAGER ON DISTRIBUTION OF RESOLUTION;  
AND PROVIDING AN EFFECTIVE DATE.**

**A RESOLUTION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, SUPPORTING LEGISLATION THAT RESTORES LOCAL ZONING AUTHORITY REGARDING SHORT-TERM VACATION RENTALS IN SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS; OPPOSING ALL STATE LEGISLATION THAT FURTHER ERODES MUNICIPAL AUTHORITY TO PROTECT SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS FROM TOURIST ACTIVITY; PROVIDING DIRECTION TO THE CITY MANAGER ON DISTRIBUTION OF RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 2011, the Florida Legislature prohibited local governments from regulating short-term vacation rentals (short-term vacation rental being defined as a property that is rented more than three times per year for less than thirty days); and

**WHEREAS**, only local governments with regulations in place prior to 2011 have limited ability to regulate short-term vacation rentals; and

**WHEREAS**, in 2014, in recognition of the noise, parking, trash, and life-safety impacts that can occur because of short-term vacation rental activity, the Florida Legislature amended its 2011 legislation to allow some local regulation, but continued to prohibit local governments from prohibiting short-term rentals in residential neighborhoods; and

**WHEREAS**, while the City of Holly Hill appreciates the 2014 Florida Legislature recognizing short-term vacation rentals in residential areas as a problem to communities and subsequently providing local governments with limited authority to address some of the adverse impacts caused by this activity, the City continues to maintain that short-term vacation rentals are an incompatible land use within otherwise stable residential neighborhoods, and that local governments should not have to bear a disproportionate cost to police this activity; and

**WHEREAS**, as demonstrated by Florida's long-standing Community Planning Act, the State of Florida has wisely recognized the need for and importance of comprehensive planning and the establishment of appropriate zoning requirements by each local government, in compliance with each local government's adopted comprehensive plan; and

**WHEREAS**, zoning is an important land use tool utilized by local governments to regulate current and future growth and maintain community character in a manner consistent with their adopted comprehensive plans; and

**WHEREAS**, current short-term vacation rental legislation disregards the important statewide function of the Community Planning Act by allowing tourist activity in all zoning districts; and

**WHEREAS**, according to the Florida League of Cities, local governments are seeing short-term vacation rentals overtake residential neighborhoods, causing long-term residents to move and thereby destroying the stable residential character of such neighborhoods; and

**WHEREAS**, the current legislation has prioritized commercial gain for investors (who may not actually live in the areas impacted by short-term vacation rentals) over the rights of Florida residents; and

**WHEREAS**, a more balanced approach is needed to ensure Florida residents can live, work, and raise their families in stable communities.

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

**SECTION 1.** The City Commission urges the Florida Legislature to amend the current legislation regarding short-term vacation rentals to allow local governments that had no regulations in place prior to 2011, to adopt regulations in order to protect the residential character of single-family and multifamily residential zoning districts, so long as these regulations are limited to single-family and multifamily zoning districts.

**SECTION 2.** The City Commission opposes any state legislation which further erodes municipal authority to protect single-family and multifamily residential zoning districts from tourist activity.

**SECTION 3.** The City Commission directs the City Manager to send a copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Volusia State Legislative Delegation, the Florida League of Cities, the Volusia League of Cities, the Volusia County Chair, and all municipal mayors in Volusia County.

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

**APPROVED AND AUTHENTICATED on this 8<sup>th</sup> day of JANUARY, 2019.**

Enacted and approved this 8th day of January, 2019, in Holly Hill



4. -2019-O-3014 Ordinance

FIRST READING - Ordinance 3014 An Ordinance of the City of Holly Hill, Florida, Amending Division 2. Board of Planning and Appeals Section 82-72 Membership, of the Code of Ordinances to Provide that Board Alternate Members of the Board of Planning and Appeals Shall be Appointed to Serve Two Year Terms Concurrent with Regular Board Member Appointments; Providing for Implementation; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Joseph Forte, City Manager)

**Mayor Via opened public participation.**

Robin Hanger, 950 State Street, Holly Hill, stated that he serves on this board and he doesn't believe the city needs alternate board members. He believes that they have a good group of people that the Commissioners have all put in place. They are upstanding business owners. They are honored to be on the board and they know it's an opportunity that they uphold and that they are here for the meetings.

*Commissioner Johnson made a motion to **APPROVE Ordinance 3014, Establishing Two Alternates to the Board of Planning and Appeals, DIED FOR A LACK OF SECOND.***

**THIS ORDINANCE DID NOT PASS.**

|                |                                |
|----------------|--------------------------------|
| <b>RESULT:</b> | <b>DIES FOR LACK OF SECOND</b> |
|----------------|--------------------------------|



5.

Special Event Permit Request to Hold an Art Festival on City Hall Grounds on April 6Th and 7Th, 2019

(Requested by Brian Walker, City Planner)

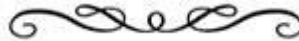
**Mayor Via opened public participation.**

Lynne Smith, 107 7<sup>th</sup> Street, Holly Hill, stated she hopes that they approve this. She has worked with these people before and she thinks that it can be a success and some positive stuff for the city.

**Mayor Via closed public participation.**

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

Enacted and approved this 8th day of January, 2019, in Holly Hill



## 11. COMMUNICATIONS

### A. City Manager & Staff Comments

Mr. Forte asked if they would like to hold a goals setting workshop. The Mayor and City Commissioners agreed to Tuesday, February 12, 2019 at 5:00 PM until 7:00 PM.

### B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Penny reminded them that the next Volusia League of Cities dinner is in Edgewater on January 24<sup>th</sup>. Holly Hill will be hosting the March 2019 Volusia League of Cities dinner. Thanked Mr. Conte for his work on getting Red Pig here at The Market; the new owner for the Luigi's Restaurant and looks forward to going there, it's supposed to be a chicken and waffle and pizza place. Mr. Conte is doing a great job. At times they don't see the fruits of his efforts until they attend a ribbon cutting.

Commissioner Currie appreciated all the input tonight but unfortunately, the Commission has to make those tough decisions to be able to move the city forward in the direction that they have been for the couple of years. She believes there is going to be some true, positive work coming out of that. She has had a lot of positive comments from people and businesses and from other cities that come here. Holly Hill is beginning to change in a positive way. Holly Hill is changing its stigma and thanked staff for the outstanding job they do.

Commissioner Danio asked about the Palm Trees that look damaged and may need to be addressed; the sensor on Walker Street for the light; a lot of positive comments about the Christmas display.

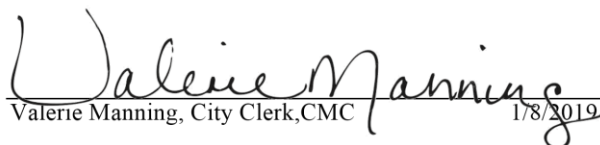
Commissioner Johnson is happy that Holly Hill is moving forward instead of backwards. He's been here for 50 years and for so long he wanted to see things like this happen. Hollyland Park has been dead for so long and now it's coming back to life. Holly Hill is getting a nice boat ramp at the end of LPGA Blvd., the fitness center at Sunrise Park, and US1 is picking up. Holly Hill is moving forward and he thinks this is going to be a good year. 2019 is going to improve Holly Hill quite a bit and he thinks they are going to have a lot more positivity in Holly Hill than negativity. Like Carl Persis said tonight, we will continue to promote and do more with our Holly Hill school.

D. Mayor's Comments

Mayor Via congratulated Mi Hogar; Mr. Conte did a great job bringing him here to Holly Hill. Mentioned the Round Table meeting he attended with Mr. Forte and the discussion about the Sales Tax item going before the registered voters in May and the cost of the election. He saw the new radar speed sign on Riverside Drive on the south end, looks good. Reminded everyone about the Chamber Breakfast next Tuesday and the State of the County Address that afternoon. Council member Bob Ford of Port Orange passed away and they will be having a Celebration of Life on Saturday, January 12<sup>th</sup> at 2:00 PM at Volusia Memorial Park in Port Orange if anyone can attend.

**12. ADJOURNMENT**

The meeting adjourned at approximately 8:50 PM.

  
Valerie Manning, City Clerk, CMC 1/8/2019

  
Chris Via, Mayor

1/8/2019