



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • JANUARY 9, 2024

City Commission Chamber

Regular City Commission Meeting

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call

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

b. Invocation by City Commissioner Roy Johnson Commissioner Johnson led the invocation.

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

2. PUBLIC COMMENTS

None.

3. APPROVAL OF MINUTES

1.

Minutes - December 12, 2023 Workshop and December 12, 2023 Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 9th day of January, 2024, in Holly Hill



4. CONSENT AGENDA - ITEMS (1 - 4)

Mayor Via asked if there was anyone in the audience that wished to speak on any item on the Consent Agenda or if any member of the City Commission wished to pull an item for further discussion. There was no one.

1. -2024-R-1 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Piggybacking of Sourcewell Contract 062421, Approving an Agreement with USA Services for the Provision of Street Sweeping for an Annual Cost of \$51,600.36 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION**2024-R-1**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGYBACKING OF SOURCEWELL CONTRACT 062421, APPROVING AN AGREEMENT WITH USA SERVICES FOR THE PROVISION OF STREET SWEEPING FOR AN ANNUAL COST OF \$51,600.36 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGYBACKING OF SOURCEWELL CONTRACT 062421, APPROVING AN AGREEMENT WITH USA SERVICES FOR THE PROVISION OF STREET SWEEPING FOR AN ANNUAL COST OF \$51,600.36 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill is in need of continued street sweeping services in order to reduce flooding risks and promote City beautification; and

WHEREAS, USA Services has had a positive relationship with the City of Holly Hill since 2013; and

WHEREAS, USA Services has an active competitively bid Sourcewell Contract #062421 for the provision of street sweeping services; and

WHEREAS, in order to ensure that rates are competitive, USA Services has agreed to match the curb mile and hourly costs with an active contract between USA Services and the City of New Smyrna Beach.

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

SECTION 1. That the City Commission does hereby approve the piggyback of contract 062421 between Sourcewell and USA Services.

SECTION 2. That the City Commission does hereby approve annual expenditures in the amount of \$51,600.36 for street sweeping throughout the City of Holly Hill.

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 9th day of JANUARY, 2024.

Enacted and approved this 9th day of January, 2024, in Holly Hill



2. -2024-R-2 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Piggy-Back of Orange County, Florida Term Agreement (ITB# Y21-120-MV) with Hydra Services, Inc., for Abs Pumps, Repairs and Parts in an Amount Not to Exceed \$110,000 Annually, and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION

2024-R-2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGY-BACK OF ORANGE COUNTY, FLORIDA TERM AGREEMENT (ITB# Y21-120-MV) WITH HYDRA SERVICES, INC., FOR ABS PUMPS, REPAIRS AND PARTS IN AN AMOUNT NOT TO EXCEED \$110,000 ANNUALLY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGY-BACK OF ORANGE COUNTY, FLORIDA, TERM AGREEMENT (ITB# Y21-120-MV) WITH HYDRA SERVICES, INC., FOR ABS PUMPS, REPAIRS AND PARTS IN AN AMOUNT NOT TO EXCEED \$110,000 ANNUALLY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Utility requires pumps, repairs and parts services to maintain continuous sewer collection and wastewater treatment as required under the Florida Department of Environmental Protection permit; and

WHEREAS, Hydra Services, Inc., is a local service provider with an active Term Contract with Orange County, Florida (ITB# Y21-170-MV) for pumps, repairs and parts; and

WHEREAS, The City purchasing policy 2.39 states the City of Holly Hill may

utilize piggy-back agreements for contract services; and

WHEREAS, adequate budget is available within the City utility sewer divisional funds to pay for the purchase of pumps, repairs and parts in an amount not to exceed \$110,000.

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

SECTION 1. That the Commission of the City of Holly Hill approve the piggy-back of Orange County, Florida (ITB# Y21-179-MV) contract with Hydra Services, Inc.

SECTION 2. That the Commission of the City of Holly Hill approve pumps, repairs and parts services from Hydra Services, Inc., in an amount not to exceed \$110,000 annually and authorize 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 9th day of JANUARY, 2024.

Enacted and approved this 9th day of January, 2024, in Holly Hill



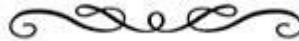
3.

LPR-Flock Agreement Extension Request

(Requested by Jeff Miller, Police)

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 9th day of January, 2024, in Holly Hill



4.

Award of Alta Drive and 10Th Street Stormwater Emergency Repair

(Requested by Antoine Khoury, Public Works)

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 9th day of January, 2024, in Holly Hill



5. REGULAR AGENDA

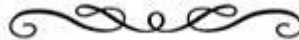
1. -2024-R-3 Resolution

A Resolution of the City of Holly Hill, Florida, Approving the Piggyback of City of Daytona Beach Contract #19632, Awarding an Agreement with Raftelis Financial Consultants, Inc., to Provide a Utility Rate Study for the City of Holly Hill at a Cost of \$45,600 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

Mr. Walker stated that this item will be pulled per the request of the applicant because they are unable to make it to the meeting due to the bad weather. Mr. Walker stated this will move to the next meeting scheduled for Tuesday, January 23, 2024 at 6:00 PM. ***There was CONSENSUS from the City Commission to pull this item and reschedule it.***

RESULT:	PULLED BY THE ASSISTANT CITY MANAGER
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2. -2024-R-4 Resolution

A Resolution of the City of Holly Hill, Florida, Amending the Fiscal Year 2023-2024 Annual Operating Budget, Appropriating Project Carry Over Funds for the Purchase of an F-350 Mini-Dump Vehicle, a Utility Department Rate Study, and Centennial Park and Sunrise Pier Renovations; Setting Forth Revenues and Expenditures; Providing for Severability; and Providing for an Effective Date.

(Requested by Michele Moore, Finance)

Mayor Via opened public participation. No one spoke.

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

RESOLUTION**2024-R-4**

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE FISCAL YEAR 2023-2024 ANNUAL OPERATING BUDGET, APPROPRIATING PROJECT CARRY OVER FUNDS FOR THE PURCHASE OF AN F-350 MINI-DUMP VEHICLE, A UTILITY DEPARTMENT RATE STUDY, AND CENTENNIAL PARK AND SUNRISE PIER RENOVATIONS; SETTING FORTH REVENUES AND EXPENDITURES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE FISCAL YEAR 2023-2024 ANNUAL OPERATING BUDGET, APPROPRIATING CARRY OVER FUNDS FROM THE FISCAL YEAR 2022-2023 TO THE FISCAL YEAR 2023-2024 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill City Commission adopted Resolution 2023-R-52 approving the Annual Operating Budget for Fiscal Year 2023-2024; and as amended 2023-R-58, 2023-R-59, and 2023-R-69.

WHEREAS, the City of Holly Hill City Commission desires to appropriate the necessary carryover funds for completion of certain City operations and projects and to set forth and appropriate certain revenues and expenses.

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

SECTION 1. BUDGET AMENDMENT. The carry forward funds are hereby appropriated as set forth in Composite Exhibit “A” attached hereto, which reflects revenues and corresponding expenditures for the designated purchases for fiscal year 2023-2024 budget.

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. The Budget item adopted in the preceding section shall govern the expenditures relating to operations and projects for the City during the current fiscal year effective October 1, 2023 through September 30, 2024. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 9th day of JANUARY, 2024.

Enacted and approved this 9th day of January, 2024, in Holly Hill



3. **-2024-R-5 Resolution**

A Resolution of the City of Holly Hill, Florida, Vacating the Plat Recorded for the Property Described Herein and Retaining a Permanent Utility Easement, as Described Herein, Over a Portion of Said Property; Providing for Severability; Providing for Conflicting Resolutions; and Providing an Effective Date.

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

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

2024-R-5

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, VACATING THE PLAT RECORDED FOR THE PROPERTY DESCRIBED HEREIN AND RETAINING A PERMANENT UTILITY EASEMENT, AS DESCRIBED HEREIN, OVER A PORTION OF SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, VACATING THE PLAT RECORDED FOR THE PROPERTY DESCRIBED HEREIN AND RETAINING A PERMANENT UTILITY EASEMENT, AS DESCRIBED HEREIN, OVER A PORTION OF SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of certain property located in the City of Holly Hill

described in attached Exhibit “A” has requested that the City vacate the plat for said property; and

WHEREAS, the City of Holly Hill is willing to vacate said plat, however there are existing utilities in a portion of said platted area and the City of Holly Hill must retain a permanent utility easement over said area as described in attached Exhibit “B”.

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

SECTION 1. The City of Holly Hill hereby vacates the plat of record for the property as described in attached Exhibit “A”, subject to the City of Holly Hill retaining a Permanent Utility Easement over the portion of the property described in attached Exhibit “B”. The Permanent Utility Easement shall authorize the City of Holly Hill to operate, maintain and repair utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment,) including the right to transmit and convey public utilities through, above and under said land, together with the right to excavate and refill ditches and trenches for the purpose of maintaining and repairing said improvements. The City of Holly Hill also retains the right of access over the Permanent Utility Easement area for the purpose of exercising the rights granted herein. Utility providers other than the City of Holly Hill have the right to use the Permanent Utility Easement for the rights granted herein as if said easement was a publicly dedicated right-of-way.

SECTION 2. The above retained Permanent Utility Easement and the rights and obligations hereunder shall run with title to the respective properties encumbered and benefitted hereby and shall be appurtenant thereto, and shall bind and inure to the benefit of the City of Holly Hill, its successors and assigns until such time as the Permanent Utility Easement is vacated and/or terminated. The retained Permanent Utility Easement shall be governed by the

laws of the State of Florida. The easements and covenants contained herein shall be enforceable by suit for specific performance and injunctive relief in addition to any other remedy provided at law or equity. The waiver of any breach of this Permanent Utility Easement shall not be construed as a waiver of any subsequent breach. All rights, privileges, benefits and burdens created herein run with the land.

SECTION 3. 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. That all resolutions made in conflict with this Resolution are hereby repealed.

SECTION 5. That this Resolution shall become effective immediately upon its adoption.

APPROVE AND AUTHENTICATED on this 9th day of JANUARY, 2024.

EXHIBIT A

LEGAL

DESCRIPTION:

(NO. 1 - ORIGINAL OWNERSHIP OF REAR PARCEL.)

PARCEL 1:

PART OF THE NORTH 1/2 OF LOTS 22 AND 23, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT PER MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 22, BLOCK 34, MARY C.

FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT AS PER MAP BOOK 1, PAGE 1, THENCE N 72 DEGREES 01 MINUTES 52 SECONDS E ALONG THE NORTH LINE OF SAID LOT 22, A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 72 DEGREES 01 MINUTES 52 SECONDS E ALONG SAID NORTH LINE OF LOTS 22 AND 23, A DISTANCE OF 470.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 23, THENCE S 17 DEGREES 57 MINUTES 09 SECONDS E ALONG THE EAST LINE OF THE NORTH 1/2 OF LOT 23, A DISTANCE OF 329.24 FEET TO THE SOUTHEAST COMER OF THE NORTH 1/2 OF LOT 23; THENCE S 72 DEGREES 07 MINUTES 06 SECONDS W ALONG THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOTS 22 AND 23, A DISTANCE OF 470.00 FEET; THENCE N 17 DEGREES 57 MINUTES 09 SECONDS W A DISTANCE OF 139.14 FEET; THENCE S 72 DEGREES 07 MINUTES 06 SECONDS W TO THE EAST RIGHT-OF-WAY LINE OF OLD KINGS ROAD A DISTANCE OF 160.00 FEET; THENCE N 17 DEGREES 57 MINUTES 09 SECONDS W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 120.00 FEET; THENCE N 72 DEGREES 01 MINUTES 52 SECONDS E, A DISTANCE OF 160.00 FEET; THENCE N 17 DEGREES 57 MINUTES 09 SECONDS W, A DISTANCE OF 69.14 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

PART OF THE NORTH ONE-HALF OF LOT 22, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, OF RECORD IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 22; THENCE NORTH 72 DEGREES 01 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 22, A DISTANCE OF 40.00 FEET TO A POINT IN THE EAST RIGHT-OF-WAY EASEMENT LINE OF OLD KINGS ROAD PER OFFICIAL RECORDS BOOK 2881, PAGES 1193 AND 1194, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 17 DEGREES 57 MINUTES 09 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 129.14 FEET TO THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 01 MINUTES 52 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHERLY 129.14 FEET OF SAID LOT 22, A DISTANCE OF 150.00 FEET; THENCE SOUTH 17 DEGREES 57 MINUTES 09 SECONDS EAST, PARALLEL WITH THE EAST RIGHT-OF-WAY EASEMENT LINE OF SAID OLD KINGS ROAD, A DISTANCE OF 60.24 FEET; THENCE SOUTH 72 DEGREES 07 MINUTES 06 SECONDS WEST A DISTANCE OF 150 FEET TO A POINT IN THE EAST RIGHT-OF-WAY EASEMENT LINE OF SAID OLD KINGS ROAD; THENCE NORTH 17 DEGREES 57 MINUTES 09 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 60.02 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT:

THE SOUTHERLY 60 FEET OF THE NORTHERLY 129.14 FEET OF THE WESTERLY 190.00 FEET OF LOT 22, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT OF RECORD IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THE WESTERLY 40.00 FEET THEREOF NOW A PART OF THAT RIGHT-OF-WAY EASEMENT PER OFFICIAL

RECORDS BOOK 2881, PAGES 1193 AND 1194, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 2:

LOT 1, EXCEPT THE NORTH 50.22 FEET, AND ALL OF LOTS 3, 4, 5, 6 AND 7, BLOCK B, AND LOTS 24, 25 AND 26, BLOCK C, AMENDED PLAN OF FLEMING PARK, AS RECORDED IN MAP BOOK 26, PAGE 110, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

ALL CONTAINING 5.19 ACRES, MORE OR LESS.

LEGAL

DESCRIPTION:

(NO. 2 - PLAT VACATION PARCEL)

PART OF THE NORTH 1/2 OF LOTS 22 AND 23, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 1, AND PART OF LOT 1, AND ALL OF LOTS 2-7, BLOCK B, AND ALL OF LOTS 24-26, BLOCK C, AND A PORTION OF 13TH STREET AND THE UN-NAMED STREET, AMENDED PLAT OF FLEMING PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 19, PAGE 140, ALL OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 23, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE S25°41'21"E ALONG THE EAST LINE OF SAID LOT 23, AND THE EAST LINE OF BLOCK C, AMENDED PLAT OF FLEMING PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 19, PAGE 140, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 508.77 FEET TO THE NORTHEAST CORNER OF LOT 23, BLOCK C, SAID AMENDED PLAT OF FLEMING PARK; THENCE S64°21'37"W ALONG THE NORTH LINE OF SAID LOT 23 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 140.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF AN UN-NAMED STREET AS SHOWN ON SAID AMENDED PLAT OF FLEMING PARK; THENCE S25°41'21"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 75.04 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 89°57'02", A CHORD BEARING OF S70°39'52"E AND A CHORD DISTANCE OF 70.68 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 78.50 FEET TO THE POINT OF CUSP AND A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 13TH STREET AS SHOWN ON THE PLAT OF SAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT; THENCE S64°21'37"W ALONG THE WESTERLY EXTENSION OF SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 94.97 FEET TO A POINT ON THE EAST LINE OF LOT 7, BLOCK A, SAID AMENDED PLAT OF FLEMING PARK; THENCE N25°39'45"W ALONG THE EAST LINE OF SAID LOT 7 AND LOT 6, BLOCK A, SAID AMENDED PLAT OF FLEMING PARK, A DISTANCE OF 40.03

FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 89°58'38", A CHORD BEARING OF N70°39'04"W AND A CHORD DISTANCE OF 106.05 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 117.78 FEET; THENCE S64°21'37" ALONG THE NORTH LINE OF LOTS 1 THROUGH 6, BLOCK A, SAID AMENDED PLAT OF FLEMING PARK, A DISTANCE OF 370.03 FEET TO THE EAST RIGHT-OF-WAY LINE OF OLD KINGS ROAD, HAVING A 60.00 FOOT RIGHT-OF-WAY; THENCE N25°39'45"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 69.78 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 50.22 FEET OF LOT 1, BLOCK B, SAID AMENDED PLAT OF FLEMING PARK; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN N64°21'37"E ALONG SAID SOUTH LINE, A DISTANCE OF 125.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE N25°39'45"W ALONG THE EAST LINE OF SAID LOT 1 AND LOT 2, BLOCK B, A DISTANCE OF 120.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE N64°21'37"E ALONG THE NORTH LINE OF LOT 3, BLOCK B, SAID AMENDED PLAT OF FLEMING PARK, A DISTANCE OF 35.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 190.00 FEET OF LOT 22, AFORESAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT; THENCE N25°39'45"W, A DISTANCE OF 328.32 FEET TO A POINT ON THE SOUTH LINE OF LOT 13, SAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT; THENCE N64°18'17"E ALONG THE SOUTH LINE OF SAID LOT 13 AND LOT 12, SAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, A DISTANCE OF 469.72 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 6.07 ACRES, MORE OR LESS.

LEGAL

DESCRIPTION:

(NO. 3 - NEW REAR PARCEL BOUNDARY AFTER PLAT VACATION)

PART OF THE NORTH 1/2 OF LOTS 22 AND 23, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 1, AND PART OF LOT 1, AND ALL OF LOTS 2-7, BLOCK B, AND ALL OF LOTS 24-26, BLOCK C, AND A PORTION OF 13TH STREET AND THE UN-NAMED STREET, AMENDED PLAT OF FLEMING PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 19, PAGE 140, ALL OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 23, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE S25°41'21"E ALONG THE EAST LINE OF SAID LOT 23, AND THE EAST LINE OF BLOCK C, AMENDED PLAT OF FLEMING PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 19, PAGE 140, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY,

FLORIDA, A DISTANCE OF 508.77 FEET TO THE NORTHEAST CORNER OF LOT 23, BLOCK C, SAID AMENDED PLAT OF FLEMING PARK; THENCE S64°21'37"W ALONG THE NORTH LINE OF SAID LOT 23 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 165.00 FEET TO THE CENTER LINE OF AN UN-NAMED STREET AS SHOWN ON SAID AMENDED PLAT OF FLEMING PARK; THENCE N25°41'21"W ALONG SAID CENTERLINE, A DISTANCE OF 15.00 FEET TO THE CENTERLINE OF 13TH STREET AS SHOWN ON SAID AMENDED PLAT OF FLEMING PARK; THENCE S64°21'37" ALONG SAID CENTERLINE, A DISTANCE OF 464.95 FEET TO THE EAST RIGHT-OF-WAY LINE OF OLD KINGS ROAD, HAVING A 60.00 FOOT RIGHT-OF-WAY; THENCE N25°39'45"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 44.78 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 50.22 FEET OF LOT 1, BLOCK B, SAID AMENDED PLAT OF FLEMING PARK; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN N64°21'37"E ALONG SAID SOUTH LINE, A DISTANCE OF 125.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE N25°39'45"W ALONG THE EAST LINE OF SAID LOT 1 AND LOT 2, BLOCK B, A DISTANCE OF 120.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE N64°21'37"E, ALONG THE NORTH LINE OF LOT 3, BLOCK B, SAID AMENDED PLAT OF FLEMING PARK, A DISTANCE OF 35.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 190.00 FEET OF LOT 22, AFORESAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT; THENCE N25°39'45"W, A DISTANCE OF 328.32 FEET TO A POINT ON THE SOUTH LINE OF LOT 13, SAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT; THENCE N64°18'17"E ALONG THE SOUTH LINE OF SAID LOT 13 AND LOT 12, SAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, A DISTANCE OF 469.72 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 5.64 ACRES, MORE OR LESS.

LEGAL**DESCRIPTION:**

(NO. 4 - NEW OVERALL PUD BOUNDARY)

PART OF THE NORTH 1/2 OF LOTS 22 AND 23, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 1, AND PART OF LOT 1, AND ALL OF LOTS 2-7, BLOCK B, AND ALL OF LOTS 24-26, BLOCK C, AND A PORTION OF 13TH STREET AND THE UN-NAMED STREET, AMENDED PLAT OF FLEMING PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 19, PAGE 140, ALL OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 23, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE S25°41'21"E ALONG THE EAST LINE OF SAID LOT 23, AND THE EAST LINE OF BLOCK C, AMENDED PLAT OF FLEMING PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 19, PAGE 140, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 508.77 FEET TO THE NORTHEAST CORNER OF LOT 23,

BLOCK C, SAID AMENDED PLAT OF FLEMING PARK; THENCE S64°21'37"W ALONG THE NORTH LINE OF SAID LOT 23 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 165.00 FEET TO THE CENTER LINE OF AN UN-NAMED STREET AS SHOWN ON SAID AMENDED PLAT OF FLEMING PARK;; THENCE N25°41'21"W ALONG SAID CENTERLINE, A DISTANCE OF 15.00 FEET TO THE CENTERLINE OF 13TH STREET AS SHOWN ON SAID AMENDED PLAT OF FLEMING PARK; THENCE S64°21'37" ALONG SAID CENTERLINE, A DISTANCE OF 464.95 FEET TO THE EAST RIGHT-OF-WAY LINE OF OLD KINGS ROAD, HAVING A 60.00 FOOT RIGHT-OF-WAY; THENCE N25°39'45"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 44.78 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 50.22 FEET OF LOT 1, BLOCK B, SAID AMENDED PLAT OF FLEMING PARK; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN N64°21'37"E ALONG SAID SOUTH LINE, A DISTANCE OF 125.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE N25°39'45"W ALONG THE EAST LINE OF SAID LOT 1 AND LOT 2, BLOCK B, A DISTANCE OF 120.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE N64°21'37"E, ALONG THE NORTH LINE OF LOT 3, BLOCK B, SAID AMENDED PLAT OF FLEMING PARK, A DISTANCE OF 35.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 190.00 FEET OF LOT 22, AFORESAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT; THENCE N25°39'45"W, A DISTANCE OF 328.32 FEET TO A POINT ON THE SOUTH LINE OF LOT 13, SAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT; THENCE N64°18'17"E ALONG THE SOUTH LINE OF SAID LOT 13 AND LOT 12, SAID MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, A DISTANCE OF 469.72 FEET TO THE POINT OF BEGINNING.

AND

LOT 2, WESTSIDE NOVA COMMERCIAL PARK REPLAT, ACCORDING THE PLAT THEREOF, RECORDED IN MAP BOOK 47, PAGE 184, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SAID LANDS CONTAINING 8.05 ACRES, MORE OR LESS.

EXHIBIT B

See Legal and Sketches of Description for Easement Areas.

Enacted and approved this 9th day of January, 2024, in Holly Hill



4.

Request for a Code Enforcement Lien Reduction - 18 Timber Trail

(Requested by Joseph Forte, City Manager)

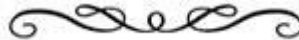
Mr. Walker read through the staff report for the Mayor and City Commissioners as follows. The property located at 18 Timber Trail, Holly Hill, FL 32174, Parcel ID# 424269000090. (Property) has had several code violations which continue for months

even following repeated requests for compliance and code enforcement action by the City of Holly Hill (City). Richard Quint from West Avenue Group, LLC is the owner of record of the property. The owner was issued a Notice of Violation on March 9, 2023 and a Notice to Appear on April 4, 2023 for violations of Section 26-61 - Special Items declared a Nuisance, Section 114-33(2) interpretations of permitted uses and structures, Section 62-27, Delinquency Penalties and Section 50-26 Sale of Personal Property within Residential Zones. All violations were brought into compliance by August 18, 2023. The order of lien has applied a Special Master fee of \$250.00 plus \$50.00 per day per violation against the property. A lien was recorded on the property on July 13, 2023 and accumulated to \$15,800 plus the \$250.00 Special Master fee for a total lien amount of \$16,050.00. Mr. Walker stated that Mr. Forte, the City Manager, negotiated with the property owner for an agreed upon settlement of \$2,147.66 to be paid no later than February 9, 2024.

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 9th day of January, 2024, in Holly Hill



6. PUBLIC HEARINGS

1. -2024-O-3068 Ordinance

FIRST READING - an Ordinance of the City of Holly Hill, Florida, Approving the Second Major Amendment to the Malkit Salh Business Planned Unit (BPUD) 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 stated back on March 11, 2003, the City Commission adopted Ordinance 2653, which approved a rezone from B-5 Heavy Commercial (Volusia County) to Business Planned Unit Development (BPUD) Holly Hill for the property on the west side of Nova Road S on the corner of S Nova Road and Alabama Avenue. The property contains two structures and was approved for automotive sales, services and repairs and for use as a single-family dwelling. On January 27, 2004 the City Commission approved a major amendment to the BPUD to allow the uses stated in the B-5 zoning district. This added the uses described in Exhibit A. Over the last 19 years, there have been changes along Nova Road S, and the applicant's property is now surrounded by properties that are zoned CC-1 that permit a greater variety of uses. In response to changing times, the applicant would like to added additional uses to their BPUD and make adjustments to development requirements such as to setbacks and minimum building separation. That is the purpose is this major amendment request. Mr. Walker stated, now over the past 19 years there have been changes along no Road South the applicant's property now is

surrounded by properties that are Zone CC1 and the CC1 zoning District allows greater uses and has more flexibility than the property that is kind of in the center of those uses. In response to those changes, the applicant has requested to add additional uses to their BPUD and to make adjustments to the development requirements. When I say make adjustments to the development requirements I mean things such as the setback and the minimum building separation and that's because those development standards for CC1 are more relaxed than what they are for this specific property, so this would kind of bring them into conformity with what's around them. The applicant is requesting to amend the BPUD as follows:

1. The use of a single-family home has been removed. Shed sales and display along with all uses within the B-6 zoning district have been added as permitted uses. (Exhibit B) Specific criteria have been added as a requirement for any proposed shed use. See letter D of the proposed amendment.
2. Development standards have been updated. An example is that setbacks and minimum building separations have been reduced and are now consistent with those of the surrounding CC-1 zoned properties. See letter E in the proposed amendment.

Based on that staff would request that the City Commission recommend that the City Commission approve or adopt the Ordinance enacting a rezone from business plan unit development to business plan unit development a major amendment adding uses and modifying specific development standards and the associated development agreement for approximately .8 acres west side of Nova Road South on the corner South Nova Road and Alabama Avenue more specifically known as 1190 and 1184 South Nova Road. Commissioner Currie stated Mr. Walker, is this the property that has existing sheds on it now?

Mr. Walker stated, yes.

Commissioner Currie stated that's what she has a little bit of heartburn about. So, they have not come in to get the proper paperwork or permitting taken care of; we throw the sheds on and then we beg for forgiveness and try to get approval. Is that where we're at?

Mr. Walker stated that's exactly right.

Commissioner Currie stated, thank you.

Mayor Via asked are there, and he asked Mr. Walker earlier and he doesn't remember the answer, are there currently any shed sales in Holly Hill? Any uses that you're aware of?

Mr. Walker stated he's not aware of any properties that have shed sales at this time.

Mayor Via stated, okay. And this, what is before them, he understands that he would have to come back with a site plan for staff but before us tonight, are we able to limit the amount of sheds that they have through this Ordinance here tonight?

Mr. Walker stated this is the board, you can limit how many sheds they have on the property, absolutely.

Mayor Via stated, okay. And to Commissioner Curries point, did they, he knows this business has been there for several months, did they come in for permission to put it in or did they do it without staff's knowledge and just go ahead and put the granite company there and the shed company there?

Mr. Walker stated the granite company is actually an approved use. There have been similar uses like that in the past. The use of the sheds was a surprise to staff and staff had specifically mentioned to them that sheds could not be placed on the property until such time as the City Commission approved that use.

Mayor Via stated okay and his last question is, is there currently a Code Enforcement case against the property or the businesses?

Mr. Walker stated they are currently under Code Enforcement.

Mayor Via asked is it for violating that or is it for other reasons?

Mr. Walker stated it's for the sheds.

Commissioner Currie stated Mr. Walker, since there are currently sheds on the property, are they selling the sheds now?

Mr. Walker stated his impression is that they're using the site to display their inventory, all of their inventory. He thinks the thought was that if they were approved that they would maybe demonstrate some samples of the types of sheds that they sold. But at this point, he thinks what they've done is they've stuck their inventory out there and are selling sheds.

Commissioner Currie stated, Attorney Simpson, are we allowed to say, until they come back for the proper permitting and the paperwork, are we allowed to say those sheds need to be removed from the property because she doesn't think they should be allowed to have them until they're permitted to have them.

Attorney Simpson stated basically, the city has already said that through enforcement, that's the position we're taking.

Commissioner Currie stated so that's why they're in a Code Enforcement action.

Attorney Simpson stated, yes because Code Enforcement is saying that they're in violation, according to Mr. Walker he said that they're in violation because they have sheds on the property that's not permitted.

Commissioner Currie stated it's just that's the way Holly Hill did business thirty plus years ago or twenty plus years ago. That's not Holly Hill today and that's what she has a problem with. People think that they can just come in set up shop and then if we catch them, oh we'll beg for forgiveness now and we'll try to go through the proper channels, instead of doing that first of all. We're one of few cities that happens to and she's really getting tired of it. She wants to know what she can do at this point, about the sale of items that they're not permitted for.

Attorney Simpson stated if you technically look at, you know this is a quasa-judicial hearing, so what you're looking for is substantial componential...does their request comply with our Comprehensive Plan? Their violation of our Codes, technically, is not one of those review criteria, which you look at, in terms of the Comprehensive Plan says, are they or are they not compliance, that's not technically listed but he completely understands the concern. So, there's a couple things he thinks the City Commission could do. One, is you could continue the item; say that you don't want to entertain this until they're in full compliance. Two, you could pass it on first reading and say, do not bring it back for second reading until they're in full compliance. The third option, you could go

out and say, you know we're going to deny this because you're violating our codes. And whether or not they would look to challenge that is not competent as substantial evidence to support the violation but that's really the only grounds that would, that he's heard, that would be the basis for saying no and he thinks, what if, if we would to deny, they can't make a request for a year, right?

Mr. Walker stated he hasn't seen that in the Code.

Attorney Simpson stated, okay. It may be better to, because staff has looked at it and determined that it's consistent...what they want to do is consistent with our Comprehensive Plan, they just.

Commissioner Currie stated and she doesn't have a problem with that.

Attorney Simpson stated and they jumped the gun and said and then, basically they want to ask for forgiveness instead of asking for permission.

Commissioner Currie stated she wouldn't have had a problem in the world had something come before her and that wasn't taking place.

Attorney Simpson stated he would probably throw out the two options. Either, we want to continue this and don't bring it back to us until they're in compliance or adopt on first reading and say do not bring second reading back to us until they are in compliance. He doesn't know if Mr. Walker has a preference over one of those two but he thinks those may be two options.

Commissioner Danio asked in compliance with what?

Attorney Simpson stated the sheds would have to be removed.

Commissioner Currie stated Commissioner Danio, they currently have a Code Enforcement action for that.

Commissioner Danio stated he understands that, he gets the whole thing.

Commissioner Penny asked Mr. Walker, have they been to Special Master yet?

Mr. Walker stated, no.

Commissioner Penny stated basically, they received the violation and they've been given a time...when is their deadline to come into compliance, do you know?

Mr. Walker stated he thinks that they are approaching the deadline, so he would say, he believes it's sometime within the next week or so. It's possible that they've just passed it. He didn't check the latest date but we're right around that time period.

Commissioner Johnson stated it probably would affect him more than anyone else because he's probably the closest neighbor but he can understand they shouldn't be allowed to violate the Codes, which he learned, kind of the hard way, because of the tenants he had, but to have new sheds there, when north of them is a new unused tire place just in this south of the tire place between them and is a trailer sales place, which is similar to the sheds. They have new sheds there that are really not an eye sore and it looks good, there's no problem. They had the slate or tile or whatever it is, he sees them using a forklift to move them around and then south of that they have a Kennedy's Car Sales lot. So, really there's no problem with the sheds. He would think it would be a hardship to take make a business move the sheds out then give up them permission to bring the sheds back, he can understand that but to violate the Code is wrong, not to do it the way that it should be done. He's the type that believes you should cut the business some slack and let them survive. He sees it every day and he doesn't really see where there's a problem with it to tell them the truth.

Mayor Via opened public participation. No one spoke.

Mayor Via stated Commissioner Danio, the purpose of those questions, and you can correct me Commissioner Currie if I'm wrong, and my questions, and to you Commissioner Johnson, is that he doesn't have anything against the business, like you said, I want the business to succeed but the property owner invited that violation full well knowing that it wasn't allowed, knowing that forgiveness was going to be asked instead of permission. And as Commissioner Currie stated that is how business was done years and years ago and it doesn't happen anymore and I want to make sure it doesn't happen anymore. To that end, as Commissioner Currie stated too, he would have been welcomed if they became before the Commission and asked the Commission this. Now, it's exactly as you said Commissioner Johnson, if we don't agree with sheds being sold on that property, now we have to be the bad guys and feel bad for kicking out those business owners that are renting that location. So, now the impetus is put on us and it shouldn't be that way because if it came before us, just as my questions tonight and tonight my recommendation is to reduce the amount of sheds that are allowed on there so that we can have a more aesthetically pleasing type business if we're going to allow sheds to be sold. To Commissioner Currie's point, is that it should have come before us so we could have given the guidelines and told them they need to be this far off of the road and all of the normal things that all of the rest of the business owners that go through the right way of doing things, by coming in and speaking to Mr. Walker or his staff, speaking to the City Manager, getting the okays, making sure everything is legal and sometimes that means being patient and maybe it means three months' worth of rent to that person but what that does is by cheating you're only cheating the rest of the people that are following the rules that we have set. He fully understands Commissioner Danio's line of questioning and that's where I'm going with it as well.

Commissioner Penny stated he agrees with what has been said that he wished the tenants would have followed the rules but as a business owner, maybe the tenant didn't know the rules and maybe the landlord knew the rules. He would feel more comfortable moving forward with this since it's a PUD, let's see the site plan, let's see how many sheds are going to be on this place specifically, let's not approve this and let staff approve the site plan and let...the property is in non-compliance right now, it's in the Code Enforcement process. If we don't make any change, if we do nothing tonight and we continue this to further meeting, so you get more details about the number of sheds and the placement of sheds, not the exact sheds because they're going to move. Maybe there's a 12, you can have up to a 12x 15 here, and you can have up to a 20 x 20 here, or you're going to have no more than eight sheds on any particular time. He would feel more comfortable approving something like that sometime in the future but in the meantime, he gets the feeling that the Commission wants maybe a pound of flesh. The pound of flesh is in the process. They are in Code Enforcement process now. If we take no action, they're still in non-conforming tomorrow. They'll end up in Special Master and it's probably going to take two months for us to get this situation resolved. His concern is, as a business owner, to bear the cost to get those sheds there and then to move those sheds, store them and pay some place to store them and not be able to sell them for 90-days, could make that business go bankrupt. If we're looking for the pound of flesh, let the Code Enforcement process take its process, let them go to Special Master, they won't be in compliance, the Special Master can fine them \$100 a day, that's our pound or ounce of flesh or whatever it might be, and let us get more detailed information on this PUD so that we're all more

comfortable with it. He doesn't know if that's possible, if it's legal but those are his thoughts.

Commissioner Currie stated she thinks you stated very well, Mayor, my position. She would not have had a problem with this business had they followed the rules. That's her whole thing. You don't follow the rules...and she can agree with you're position and what you stated. The only concern that she has is them still being able to sell those sheds on that property and doing so. That's the only reason why she said something about having them removed. She's just concerned that they're still going to move forward with selling them, who cares what the city says, we'll go through their little process. No. You should not be selling them. She doesn't know what the city can do to remedy that stop without making them remove the sheds. She doesn't want to put any hardship on them but they shouldn't be selling them. They're not permitted to.

Mayor Via stated he thinks the greater question is, is it the property owner or the business owner who should bear this? He thinks, like Commissioner Penny said, the business owner may just be renting and never knew...he might have said yes, put the sheds out there.

Commissioner Currie stated, right.

Mayor Via stated now, ignorance is not an excuse to the law.

Commissioner Currie stated she just doesn't want them to continue selling until they're permitted to do so.

Commissioner Penny stated let's say a fireworks shop opened up next to the Methodist Church, Lutheran Church and it's not zoned for that, they would go to code violation, they would go to Special Master and we couldn't do a cease and desist but we couldn't stop them from selling their fireworks illegally until they went through the code process. He understands the frustration. He just doesn't think we can hit them where we want to hit them without making them go out of business.

Commissioner Currie stated and she doesn't want to do that and she doesn't want to make them move the sheds because that's a huge pain.

Commissioner Danio stated he doesn't want to open any old wounds but it seems to him like we went through something like this a few months ago with the food trucks and what did we do? We gave them more time anyway. Didn't they do the same thing?

Mayor Via asked what do you mean? Gave who more time?

Commissioner Danio stated we rewarded them after they went ahead and did stuff that were out of compliance. He means, we got to pick a side.

Commissioner Currie stated she is willing to let the Code Enforcement process go through. Hopefully, they will discontinue selling sheds on the property because in her humble opinion, that's not going to bode well when they come before the Commission to permit the business if they're continuing that.

Mayor Via stated and let him share with the Commission before he opens the floor for a motion, that when this sprung up, I too, Commissioner Johnson, live right next to it, I actually take Alabama all the time to turn right onto Nova and several months ago it just sprung up and they're very close, if you guys have driven by it, they're very close to the road, very obstructive viewing and so he called the City Manager and he said what are you talking about there's no sheds there; he had no clue about it whatsoever. After discussing with it him again yesterday and today he stated that once they did speak about it, it was his impression was more like Home Depot or those type of places where you

have, and I believe you talked about this Mr. Walker in your presentation, is where you have maybe two or three different sizes and then you have a book that says you can get them in this color and with this roof and that. That would be something that he would feel would be a lot better for that property and something he would like to see. Now, he doesn't want to right now set those criteria but what you said, Commissioner Penny, when we make the motion I would like to be able to see the site plan as well so that we can determine how many are going to be on there and where they're going to be so that they're not right on the road.

Commissioner Penny stated here's his concern. Attorney Simpson. correct me if I'm wrong, my idea would be to pull and take no action on this item tonight and bring it back at a later date with the site plan. My concern is that if we approve this then there's going to be a zoning change in process which would give them leniency with the Special Master.

Commissioner Currie asked should we just then continue it?

Commissioner Penny stated if we approve this on first reading and tell them to come back with more details and they go to the Special Master, they're going to say, oh the Commission is changing it, the Special Master will go yeah, they are changing it so we'll give you more time. Whereas, if you take no action tonight and bring this back at some time in the future, there would be nothing on the table with the Special Master and they would continue.

Attorney Simpson stated he wants to address some issues about the details. He's not sure what they're referring to as a site plan. Site plans don't come back before this body.

Commissioner Penny stated no, it's not a site plan. He wants to see...

Attorney Simpson stated you're talking about the attached development plan to the PUD.

Commissioner Penny stated he wants to see that there's no more than eight sheds on the property at any given time.

Mayor Via stated wait a second, the Commission has seen layouts of when PUD's come before us we can see where those are, what type of structures they are, what use of the proper plans...

Attorney Simpson stated you have seen the development plans attached to the PUD's but not the site plans. He just wants to make sure they're using the right terminology.

Commissioner Penny stated he was using the wrong terminology, you're correct. He wants to see how many sheds are going to be on this property.

Attorney Simpson stated we can come back with a more detailed development plan with more details based on whatever the Commission says. The issue about if the Special Master holds off on enforcing or not enforcing, it kind of goes back to do you want them to have to take those sheds off before you approve?

Commissioner Penny stated, I don't personally.

Attorney Simpson stated well, then why do you care what the Special Master does?

Commissioner Penny stated because the Special Master will...they're not in compliance and the Special Master will fine them \$50 a day and they'll end up having to pay some type of punitive damage for violating the rules.

Attorney Simpson stated and they'll have to move those sheds to get the fine to stop.

Commissioner Penny stated not if we change the rules.

Attorney Simpson stated unless you the rules.

Commissioner Penny stated if we change the rules before they remove them they would now be in compliance under their rules.

Commissioner Currie stated so, that would give them incentive to get the development plan submitted.

Mr. Walker stated he thinks what would happen is if they went to Special Master they would explain to the Special Master that they're going through the process of a rezone and the Special Master would very likely hold off on fining them, pending the results of their request to rezone the property.

Commissioner Penny stated but can we ask the Special Master to rule on it and if we don't make the changes the fines go back to the first day?

Mr. Walker asked, retroactively?

Attorney Simpson stated they go back, the way it works with the Special Magistrate, they will say you're in violation and you're given so many days to come into compliance and they aren't retroactive. They'll give so many days to come into compliance and determine those number of days would most likely take in the time how long will it take the city to decide whether they're going to rezone.

Commissioner Currie asked should we just make a motion to continue?

Attorney Simpson stated he's not 100% sure what the Commission is trying to accomplish to be perfectly honest with them. If a majority of the Commission doesn't want to make them remove the sheds then what he would do is consider...but there's some discussions about more details needed in the site plan (development plan), that maybe the Commission approves it tonight with direction that these details discussed and with Mr. Walker. The details that the Commission wants to see in there and then bring that back for second reading and the level of details. There's language in here that talks about if we deny something they may not be able to bring it back for a year. He doesn't think denying is a good idea and he's not sure...

Commissioner Currie stated that's why she said continuing it.

Attorney Simpson stated you can continue it if you want to do first reading again to make them bring it back for first reading, the improved or enhanced development plan for first reading, but it can also be between first and second reading; there's another reading that has to occur.

Commissioner Penny stated we always say that the goal of Code Enforcement is compliance, right? And he doesn't think any of us like the number of sheds or the position of the sheds. He first thought was to continue it, let's see if we can fine them. It sounds like we're not going to get a pound of flesh, we're not going to get an ounce of flesh. They're never going to be fined but if our goal is to come into compliance then we should approve this at first reading as Attorney Simpson has said and have second reading come back with more details because if we kick this down the road for another two weeks or another month, they're going to be out of compliance that much longer. If we if we approve it tonight with direction to staff to come back with we want to see a development agreement showing how many sheds and where they're going to be, then if we approve it at second reading and they don't come into compliance within 10-days, now we can spank them but right now...

Attorney Simpson stated the only thing that they would have to do once the Commission

approves, if the Commission were to approve the rezoning request, the amendment, then all they need to do is pull the business tax receipt. That's the only thing they would need to do to come into compliance, other than move...

Commissioner Penny stated but let's say they had 30 sheds and we only allow them 10, they have to take 20 sheds away.

Attorney Simpson stated, right.

Mr. Walker stated this is their effort to come into compliance.

Commissioner Currie stated, okay.

Mr. Walker stated they got Code Enforcement violations.

Commissioner Currie stated if the Commission approves this tonight and we have them bring back more details in the site plan (development plan) then we don't have a chance, at that point, because it's the second reading, if the Commission wants to make changes to said site plan (development plan) that the Commission doesn't like how many sheds that they're trying to put or the Commission needs to change something about that, then we're just going to be kicking it down the road again because it's not going to be approved if the Commission wants changes. So, she says, why don't we just make them bring back that information on the first reading and then the Commission will have the ability to look it over, make any changes or not make any changes and then at second reading all that is hashed out.

Commissioner Penny asked if the applicant is here?

Mr. Walker stated no he is not.

Commissioner Penny stated he would highly recommend that the applicant come to the next meeting since this is a PUD and negotiation and we can discuss it at the floor and make that decision then.

Mr. Walker stated he was told he needed to be here.

Commissioner Currie stated he has people fighting for him and he doesn't want to be here.

Attorney Simpson stated he is fine if the Commission wants to continue this but he would like for them to come back with a consensus that this is what we would like to see on the development plan or we can do it before first and second reading. If we got to second reading and you weren't happy with the development plan then you can still say no, we're not passing it.

Commissioner Currie stated that's why, wouldn't it just be cleaner to continue it, have them bring the information back for the first reading. We can hash out whatever we need to hash out, if anything, we might not and then the second reading its just done.

Attorney Simpson stated they are still looking at three meetings. Tonight, the first reading, again at second reading or tonight...

Commissioner Currie stated she just doesn't see the benefits on voting on the first reading tonight. What are the benefits?

Attorney Simpson stated you're not going to save anything. You're still going to have two more meetings, potentially, from tonight. If, at the next meeting, the City Commission is not satisfied with the site plan (development plan) and you ask for more changes, those will have to be brought back between first and second reading at the next meeting.

Commissioner Penny stated how about, the applicant's not here, we continue it because he's not here and he better be here the next time or we're going to deny it.

Commissioner Currie stated, yes. If he didn't want to take time out of his day to be here, it wasn't that important to him. She doesn't think she has to vote on first reading.

Attorney Simpson stated I still think the Commission should give direction to Mr. Walker what you all want to see in the sight plan (development plant). He still thinks that's a good idea.

Commissioner Currie stated that's probably important.

Attorney Simpson stated just so when it comes back next time we've attempted or the applicant has attempted to address your concerns.

Commissioner Currie stated she agrees.

Commissioner Penny stated his concern is he doesn't have a visual overlay of that property with where those sheds are. It looks like visual clutter when you drive by at 45 miles an hour.

Commissioner Currie stated yes, it does.

Attorney Simpson stated we generally, and I'm speaking for Mr. Walker here and I don't want to but I think it would be helpful to say, okay, these are the things we want to see improve. Based on your visual observations of the site.

Mayor Via stated and he's laid out one earlier and we talked about this Mr. Walker, the City Manager and I have spoken about this, is that you have those samples on site. There's a couple of different sizes, you have a book to show them what different colors. Those, then would not be right on Nova Road because it's too close to Nova Road. Those would be back where the building is, where the rest of that parking lot is, that's personally, what he would like to see with the sheds. As it relates to the granite business, he's not sure if the Commission can dictate that those are also moved off of the street as well but it also needs to be addressed that the current business there is also out of compliance with several different yard signs that are right out front in front of the business, advertising the business. If they are going to have temporary signage they need to have the proper permits for that. That's, personally, what he would like to see when this comes back to the Commission.

Commissioner Penny stated he thinks he would go the other way Mr. Walker. He would let the applicant tell the Commission what he wants to do that would be most attractive because as a business owner if you have...if someone wants to buy a shed and they're like me and they want to decide on Friday they're going to buy a shed they're going to buy a shed on Saturday and if you...the more inventory he has, the better, I understand that because if he's got a blue one and my wife wants a yellow one and he doesn't have it, we're going to go to Home Depot and get the yellow one. So, he understands the importance and he doesn't want to dictate how much inventory he wants. He would like him to bring the Commission a proposal, this is the most attractive way to position sheds that I can make a living because if the city dictates that he can only have four sheds and six books with options, he might go out of business. He wants it to be his proposal, with his blessings that the Commission can then agree or disagree with.

Mayor Via stated he can go for that.

Commissioner Penny stated because I'm not a shed salesman. My friend Robin has a trailer sales over here. I ask him why he has 100 trailers on there. He has as many as he can because if someone wants one with an option and he doesn't have it, they're going down Nova Road to buy one. He doesn't think the Commission should sit here and

dictate how he runs his business. He should make his business as attractive and appealing to Nova Road as he can and then we can either agree or disagree with him.

Mayor Via stated he stands corrected. Good point.

Mr. Walker stated he has a suggestion. it's common in these types of situations to delineate an envelope and say this is the area, we've looked at the site, we know where your parking is, we know where your drive aisles are, we know where your vegetation is, your entrances and your exits and we delineate on the site plan an envelope or an area, a bubbled area, where sheds can be displayed. That way you're staying away from a specific number because two sheds that are 30 x 20 are different than two sheds that are 10 x 10. So, it gives them the flexibility to be able to display different types of sheds in different sizes but they all occur within that specific envelope. That's his suggestion.

Mayor Via stated, true.

Commissioner Currie stated she likes that but she would also like to go a step further and she thinks we're kind of on the same line with this, her my concern is public safety if you will for the visibility of traffic. She doesn't think that they need to be right up on Nova Road. That's her concern.

Mr. Walker stated well, that's the envelope.

Commissioner Currie stated, okay.

Mr. Walker stated that would be solved by the envelope. If the envelope is pulled back 25 ft from Nova Road then you have no sheds that are close to Nova Road.

Commissioner Currie stated okay, sounds like a good...

Commissioner Penny stated at least meet the setbacks; whatever the setbacks are for Nova Road, right?

Mayor Via stated well, the setbacks are pretty small.

Mr. Walker stated it's a pretty tight property.

Commissioner Currie stated but we have to be concerned for that. That's concern for future traffic and pedestrians and whatever else is going on there.

Mr. Walker stated and to your point, Commissioner, there are, for signs, visibility triangles and those are specifically designed for areas that are at intersections, which this is. It's on a corner. If we apply that same principle to the shed because the wall of a shed could be determined to be a sign like object then we would consider that in the envelope. If it pleases the Commission, he can get with the applicant to do a site plan (development plan), show an envelope and then how ever many sheds they can get in that envelope, that's it. This is the area that you can do it in and no where else and bring that back.

Commissioner Currie stated she likes that idea.

Commissioner Penny stated that's kind of what he was meaning. Let's show where they can be. Do we need a motion to continue this to the next meeting?

Attorney Simpson stated, yes.

Mr. Walker stated the next meeting wouldn't give them very much time.

Mayor Via asked should they just remove it from the agenda?

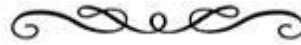
Mr. Walker stated he would suggest the first meeting in February as a date certain.

Mayor Via stated, okay.

*Commissioner Johnson made a motion to **CONTINUE THIS ITEM TO THE FIRST MEETING IN FEBRUARY, WHICH WOULD BE FEBRUARY 13, 2024**, seconded by Commissioner Currie.*

PASSED, 5-0.

RESULT:	CONTINUED TO A DATE CERTAIN [UNANIMOUS]Next: 2/13/2024 6:00 PM
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson



7. COMMUNICATIONS

A. City Manager Comments

Mr. Walker just had an information item that he wanted to update the Commissioners on pertaining to the Mirage pond. It had come up, he believes at the last meeting, the issue with regard to the improvements related to The Mirage Pond and the question came up with regard to the cost for CPI. Staff have found out that it would be \$22,000 and Mead and Hunt would be the ones who would be performing that service, the inspections related to the improvements for that pond.

Mayor Via stated meaning more than what we approved at the last meeting?

Mr. Walker stated he believes it was an additional item that the Commission...we knew it had to be done but he doesn't think we knew the cost but Mr. Khoury from Public Works can give you more detail on that.

Mr. Khoury stated this is for contract management, CPI and approval of **chop (not audible)** that means a contractor has to submit things for the designer to approve. This is about \$22,000 to do that, all of that, and getting this contract under the contract because we waived the requirement and we didn't have a contract with so that's the purpose of this \$22,000.

Mayor Via stated so, do we have to bring it back for a budget amendment or is it...

Mr. Khoury stated, no.

a.

Discuss Direction of the City Annex Building

(Requested by Joseph Forte, City Manager)

Mr. Walker mentioned that this will be discussed by Mr. Forte at the next City Commission meeting on January 23, 2024 under his comments.



B. City Attorney Comments

Attorney Simpson briefly mentioned a proposed Resolution that he received today and he sent it out to the cities he represents. Some law firm is soliciting cities to see if they can get cities to join in to file suit to challenge the Form 6 Financial Disclosure requirement that goes into effect this year as opposed to Form 1 Financial Disclosure that local

governments. They are looking for ten cities to join or an individual elected officials. They would charge each, they were looking for 10, they want it's \$10,000 per city or elected official, so they're looking for \$100,000 total. I'm not aware of this law firm. I have not looked into their legal basis for challenging. Mr. Forte just thought, he thinks Mr. Forte's email to him was, I don't think we're interested but you can ask, or advise the Commission tonight.

Mayor Via stated thank you and before you go further I would just caution this Commission, although we don't like it, is a requirement right now, we have to for the audience that does not know, every year any elected official or board member in the State of Florida local elected below county has to file a Form 1 requirement, which just basically explains in a nutshell your finances or any debts that you may have to people, which I think is important to know and then so just this past year now we will all be under a Form 6, which is a higher requirement which is required by any State official or County official, which then, dollar by dollar, you have to announce all of your finances, the number of debt, the income where your income sources are all of those will be public record and although there are many public officials, local elected officials, there's an exodus of Commissioners and Mayors, more over a hundred, that are resigning to not do that and I do believe it was a overreach. It could have waited until the term was over so that way the people running knew what they were getting into. There's many professions like lawyers that can't disclose certain clients income and things of that nature but nonetheless, it's there. Let me just remind this this Commission that we just received over \$2 million last year from the State, which was signed by the Governor, which was signed by the House and the Senate and I would advise us not to be involved with this even if, personally, we don't like it or agree with moving forward. He will be against supporting joining this lawsuit. Especially, as we continue to seek appropriations.

Commissioner Penny stated he doesn't anyone disagrees.

Commissioner Danio stated he just thinks...he's trying to wrap his head around an \$8,000 year job to pay \$10,000 to sue to get \$20,000 worth of fines if you screw up.

Attorney Simpson stated he wasn't bringing it to them to advocate for it. Mr. Forte just thought he should make sure everybody was aware of it. There may be a city on their own that goes and challenges it anyway. He thinks there's probably a pretty strong lobbying effort to try to change it and if they get 10 cities to join in and they win, we get the benefit of it.

Mayor Via stated not our fight though. They passed the State law and we will abide by it and the law is the law. We also were going to discuss the City Annex building and he would recommend that we wait until Mr. Forte is here because he's been knee-deep in the negotiations of that unless someone else feels strongly. They will wait for Mr. Forte on that.

C. City Commission Comments

Commissioner Currie wished everyone a Happy New.

Commissioner Penny mentioned there was a Volusia League of Cities board meeting today; next dinner will be in Lake Helen and he mentioned that there may be a ballot initiative for an additional \$25,000 Homestead Exemption.

Commissioner Johnson mentioned there's a Go-Fund Me page for a 10 year old for a friend of his daughter who fell off the horse, found a dark spot on her stomach, stage four colon cancer; congratulated Mr. Walker as the city's Assistant City Manager.

Commissioner Danio mentioned he is looking forward to the ground breaking ceremony at the Fire Station. Thanked everyone for their prayers during December and he appreciates it.

D. Mayor's Comments

Mayor Via asked for a motion for CITIZEN OF THE YEAR 2023. The Business of the Year 2023 is Fast Signs, Carmen Ruiz.

*Commissioner Penny made a motion for **CITIZEN OF THE YEAR 2023 AS KIM LAWSON**, seconded by Currie.*

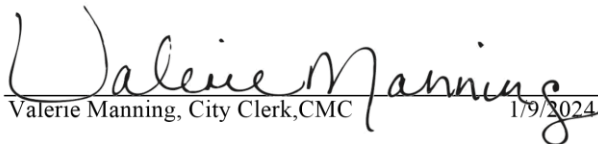
Mayor Via opened public participation. No one spoke.

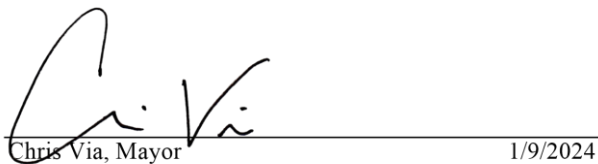
PASSED, 5-0.

Mayor Via thanked Chief Miller and Commissioner Currie for have worked in the police department for many years. Today is Law Enforcement Appreciation Day. Thank you to all of our men and women who serve our community.

8. **ADJOURNMENT**

The meeting adjourned at approximately 7:20 PM.


Valerie Manning, City Clerk, CMC 1/9/2024


Chris Via, Mayor 1/9/2024