

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA • FEBRUARY 11, 2020

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



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

CITY COMMISSION MEMBERS

Mayor
Chris Via

District 1 - Commissioner
John Penny

District 3 - Commissioner
John C. Danio

District 2 - Commissioner
Penny Currie

District 4 - Commissioner
Roy Johnson

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. CALL TO ORDER

- a. Roll Call
- b. Invocation
- c. Pledge of Allegiance

2. PRESENTATION

- 1. 2020 Holly Hill Arts Festival Presentation
(Requested by Valerie Manning, City Clerk)

3. PUBLIC COMMENTS**4. APPROVAL OF MINUTES**

- 1. Minutes - January 28, 2020 - Workshop, LPGA Widening Discussion and January 28, 2020 - Regular City Commission Meeting
(Requested by Valerie Manning, City Clerk)

5. CONSENT AGENDA - ITEMS (1 - 3)

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

- 1. Resolution -2020-R-8 A Resolution of the City of Holly Hill, Florida, Amending Section 3.12 (Disposition of Surplus Property) of the Purchasing Policy Manual Inserting a Provision for Selling Surplus Real Property; Providing for Severability; Providing for Conflicting Resolutions; and Providing for an Effective Date.
(Requested by Stella Gurnee, Finance)
- 2. Resolution -2020-R-9 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Modify the Agreement with Mead and Hunt, Inc., to Provide Professional Services for the Project Lift Station #9 Rehabilitation (20Ww02) Not to Exceed the Amount of \$50,906.00; Providing for Severability; and Providing for an Effective Date.
(Requested by Antoine Khoury, Public Works)
- 3. Surplus Items
(Requested by Antoine Khoury, Public Works)

6. REGULAR AGENDA - NONE**7. PUBLIC HEARING**

1. Ordinance -2020-O-3024 SECOND READING - an Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code to Add Definitions; Update Permitting Requirements, Restrictions, Operating Requirements and Establish Enforcement Procedures; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)

8. COMMUNICATIONS

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

9. ADJOURNMENT

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

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



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



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

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



City Commission

1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED

PRESENTATION (ID # 2837)

Meeting: 02/11/20 07:00 PM
Department: City Clerk
Category: Presentation
Prepared By: Valerie Manning
Initiator: Valerie Manning
Sponsors:

DOC ID: 2837

2.1

2020 Holly Hill Arts Festival Presentation

Pat Masotti-Abernathy and Dr. Pam Fieldus from *Helping Hands Thru Arts* will be showing a PowerPoint for this year's 2020 Holly Hill Arts Festival and requesting funding assistance from the city.

2nd Annual

HOLLY HILL
Arts Festival

ON THE HALIFAX

APRIL 18-19, 2020

SATURDAY 9AM - 5PM

SUNDAY 10AM - 4PM

Beautiful Sunrise Park Located on the Halifax River

Enjoy 80 Juried Fine Artists & Crafters
 Music by DJ VeeSpin Doctor • Festival Food
 Food Trucks • Plenty of FREE Parking

Presented by:

Helping Hands Thru Arts and The City of Holly Hill

For more information: www.HollyHillArtsFestival.com



THE SATURDAY REVIEW
NEWS-JOURNAL

Hometown News



ORMOND
MAGAZINE

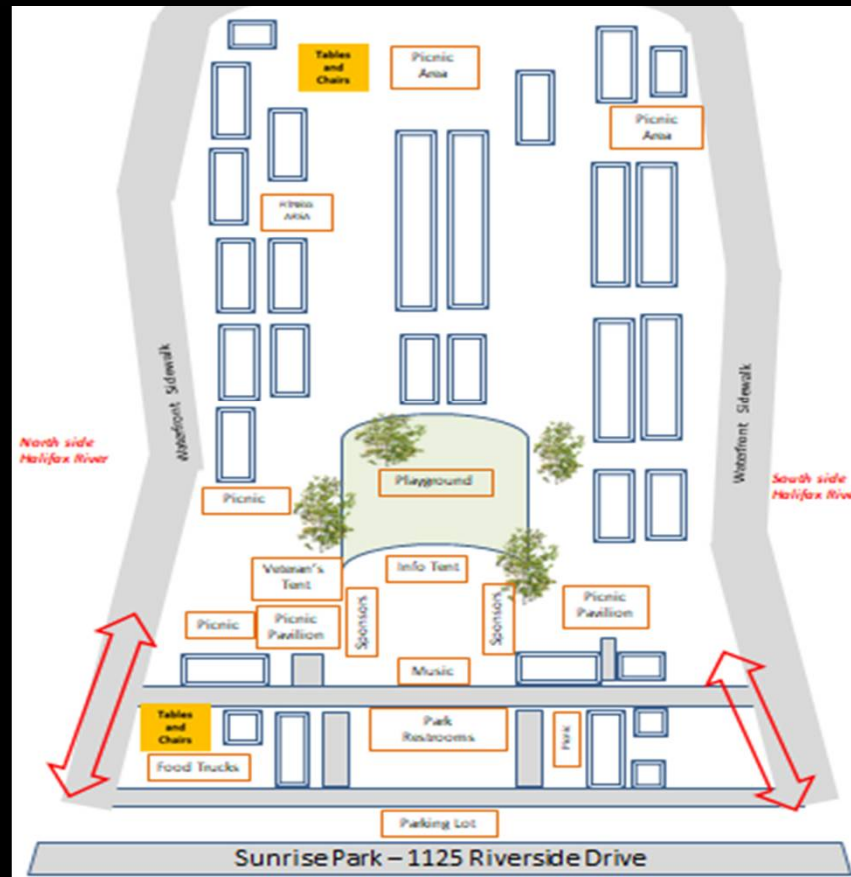
Observer



Rolling Green Thunder by Sheila Psaladas



HOLLY HILL Arts Festival ON THE HALIFAX



**2nd Annual
Holly Hill Arts Festival**



April 18-19, 2020

Saturday 9am-5pm, Sunday 10am-4pm

Call for Artists

The Festival is moving two blocks to Holly Hill's beautiful Sunrise Park. The Park is located on the Halifax River which is part of the Atlantic Intracoastal Waterway. Sunrise Park is an open and flat area which is perfect to host 80 juried fine artists and creative crafters. Our artists will have access to drive up to their booth spots for the unloading / loading process.

Limited to 80 Fine Artists and Crafters

\$2500 Cash Awards (\$1,000 Best In Show)

Friday Set up
Coffee and Donuts Saturday and Sunday Morning
Friday Night Artist & VIP Welcome Party
Saturday Night Artist Awards & Pizza Party
24-hour Police Security
Rolling Jury

Fine Arts: \$185
Creative Crafters: \$160
Jury Fee: \$35
Corner Booth: \$20+

Comprehensive
Marketing, PR, & Social Media Campaign

Accepting Applications on: www.Zapplication.org

or email Artist Contact

Application Deadline: February 15, 2020

Dr. Pam Fieldus, Artist Contact, HollyHillArtsFestival@gmail.com 702.524.9753
Pat Masotti-Abernathy, Marketing, Abernathy4arts@hotmail.com 404.626.6658

Part of the Proceeds from the Festival will be donated to the two Holly Hill Schools

www.HollyHillArtsFestival.com



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

4.1

MEETING DATE: February 11, 2020
FROM: Valerie Manning
SUBJECT: Minutes - January 28, 2020 - Workshop, LPGA Widening
Discussion and January 28, 2020 - Regular City Commission
Meeting
NUMBER: (ID # 2827)
APPLICANT:
PLANNER:

DISCUSSION:

January 28, 2020 Workshop minutes on LPGA Widening and January 28, 2020 regular City Commission meeting.

MOTION:

Approve both sets of minutes as submitted by staff.

- Minutes - January 28, 2020 - Workshop - LPGA Widening Discussion (PDF)
- Minutes - January 28, 2020 - Regular City Commission meeting (PDF)



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • JANUARY 28, 2020

City Commission Chamber

Work Session

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

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	

2. LPGA WIDENING DISCUSSION

1.

LPGA Widening Discussion

(Requested by Valerie Manning, City Clerk)

Lois Bollenback, Executive Director of the TPO River to Sea, and Sans Lassiter, PE/President of LTG Engineering and Planning, were present to discuss with the Mayor and City Commissioners the possibility and/or options of widening LPGA Boulevard. *(the full recording of this meeting is available online or a copy of the CD can be made upon request).*



3. ADJOURNMENT

The workshop adjourned at approximately 7:10 PM.

Attachment: Minutes - January 28, 2020 - Workshop - LPGA Widening Discussion (2827 : Minutes)



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • JANUARY 28, 2020

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

Mayor Via led the invocation.

c. Pledge of Allegiance

Mayor Via led the Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners: Samuel Ortiz, 700 Marlene Drive; Jim Schultz, Ormond Beach; Jim Legary, Holly Hill.

3. APPROVAL OF MINUTES

Mayor Via opened public participation. No one spoke.

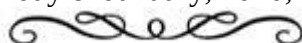
1.

Minutes - January 14, 2020, Workshop and January 14, 2020, Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 28th day of January, 2020, in Holly Hill



4. CONSENT AGENDA

Mayor Via asked if there was any member in the audience who wishes to speak on any item on the Consent Agenda or if any member of the Commission or staff wants to further discuss an item. **There was no one.**

1.

Victim Advocate Coordinator - Office of the Florida Attorney General Grant
Application for Funding

(Requested by Steve Aldrich, Police)

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



5. REGULAR AGENDA

1. -2020-R-7 Resolution

A Resolution of the City of Holly Hill, Florida, Expressing Support for the ECHO Grant Application for PICTONA at Hollyland Park Located at 1066 Ridgewood Avenue, Holly Hill, Florida, 32117; and Providing an Effective Date.

(Requested by Valerie Manning, City Clerk)

Mayor Via opened public participation. No one spoke.

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

RESOLUTION 2020-R-7

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, EXPRESSING
SUPPORT FOR THE ECHO GRANT APPLICATION FOR PICTONA AT
HOLLYLAND PARK LOCATED AT 1066 RIDGEWOOD AVENUE, HOLLY HILL,
FLORIDA, 32117; AND PROVIDING AN EFFECTIVE DATE.**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA,
EXPRESSING SUPPORT FOR THE ECHO GRANT
APPLICATION FOR PICTONA AT HOLLYLAND PARK
LOCATED AT 1066 RIDGEWOOD AVENUE, FLORIDA, 32117;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, In 2000, the voters of Volusia County approved the Volusia ECHO initiative which provides grants to not-for-profits, municipalities and county departments; and

WHEREAS, The program provides grant funds for projects that enhance the quality of life in Volusia County by insuring the availability of environmental, cultural, historical and outdoor recreational opportunities; and

WHEREAS, City staff has reviewed and prepared the grant application for the fiscal year 2019-2020; and

WHEREAS, the proposed project for the ECHO Application known as Pictona At Hollyland Park is to be constructed at 1066 Ridgewood Avenue, Holly Hill, Florida 32117; and

WHEREAS, the total cost of this phase is \$800,000 of which we are asking for \$400,000 in ECHO funds. The 1:1% match is comprised of \$300,000 of unencumbered cash, in the General Fund for FY 2019-2020; \$100,000 is comprised of land value; and

WHEREAS, should the total project costs exceed the budgeted amount, said funds shall be paid out of the existing contingency in the general fund.

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

SECTION 1. That the City Commission of the City of Holly Hill does hereby support the ECHO Grant Application for Pictona At Hollyland Park, located at 1066 Ridgewood Avenue, Holly Hill, FL 32117.

SECTION 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 28th day of JANUARY, 2020.

Enacted and approved this 28th day of January, 2020, in Holly Hill



2. -2020-O-3024 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code to Add Definitions; Update Permitting Requirements, Restrictions, Operating Requirements and Establish Enforcement Procedures; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)

Brian Walker, City Planner, briefly discussed the staff report that was in the agenda

packet pertaining to first reading of Ordinance 3024. After a lengthy discussion amongst the Mayor, Commissioners, Attorney Simpson and Mr. Forte, there were several amendments that were made to the Ordinance for first reading. *(the full recording of this agenda item is online or a copy of the CD is available upon request).*

Mayor Via opened public participation.

The following individuals spoke to the Mayor and City Commissioners: Heidi Heller, Holly Hill; Jose W., Holly Hill; Gilles Blais, Holly Hill.

Mayor Via closed public participation.

At this time the Mayor and Commissioners went through the first reading of the Ordinance with staff and made several amendments to what was presented. Staff noted the changes and those changes will be made for the second reading on February 11, 2020 within the Ordinance. There were several amendments to the original motion. Those are as follows:

*Commissioner Penny made a motion to **AMEND his original motion to include the six (6) changes he referenced 2(d),3(i),(k), 4(a),(d),(i)**, seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

Commissioner Danio mentioned he would like to go on record only because there is a second reading because he has a little bit of heartburn about this. His concern is the city works so hard to fill the vacant places and he's not saying that the gentleman here tonight is going to park across the street the new guy but let's just say the landlord of the next place...he's had a rivalry for 30 years; "I'm still at it." What happens if the neighbor of some new place wants to get a food truck "in spite"? The city isn't protecting the brick and mortar buildings. It's not to say it's going to happen but he thinks if the city is going to make it so convenient for the food trucks, we need to protect our brick and mortar buildings a little bit more. That's his only concern. Right now, maybe it's just for the brewery but what happens if somebody comes in and they open up a little seafood place down the street and the neighbor has a problem because he's allergic or doesn't like the smell. He wants to put this guy out of business, four (4) days a week could do it, then the city ends up with more empty buildings. That's not the city's intent. He really has a hard time with this until he can process this and he's not saying anything to the guy who's here tonight. He has no problem with competition; he has 32 years with competition. To him, competition is healthy but the city has struggled to fill up places with businesses and now they're kind of moving in the direction...he doesn't want to hinder or kind of obstruct any of this forward momentum with places that have been here or places that are looking to come in.

Commissioner Penny discussed Business Tax Receipt with staff and suggested that they should have a current BTR if they are going to have a food truck on site. That it should be required.

*Commissioner Penny made a motion to **AMEND his AMENDMENT that a current BTR is required for a food truck to be on any business site**, seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

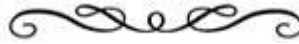
The Mayor and Commissioners voted on this amendment: *Commissioner Penny made a motion to **AMEND his original motion to include the six (6) changes he referenced 2(d),3(i),(k), 4(a),(d),(i)**, seconded by Commissioner Currie.*

PASSED, 5-0.

A vote was made on the **original motion** now for first reading of Ordinance 3024:

PASSED, 5-0.

RESULT:	APPROVED AT 1ST READING [UNANIMOUS]	Next: 2/11/2020 7:00 PM
MOVER:	John Penny, District 1 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Via, Penny, Currie, Danio, Johnson	

**6. PUBLIC HEARINGS - NONE****7. COMMUNICATIONS****A. City Manager & Staff Comments**

None.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Currie mentioned she is looking forward to the upcoming trip to Tallahassee and bringing back some good news.

Commissioner Danio mentioned the Teacher of the Year, Josie Stumpf receiving that award for Volusia County. Mayor Via spoke about that as well. He congratulated her again and would like to present her with a "Josie Stumpf Day".

Commissioner Johnson mentioned LPGA.

Commissioner Penny congratulated Mayor Via on the birth of his son.

D. Mayor's Comments

Mayor Via announced that his wife gave birth to a beautiful baby boy, 7 pounds 7 ounces; Harrison Robert Via is his name. He wanted to address something that happened during Public Comments, the city is running a business meeting and they have to keep things in time, there's a lot of staff that has to be here and that's why time is limited but he did allow one extra minute of response time to let the gentleman finish up. He wasn't familiar with the way things worked. Mayor Via thanked the Commission for being fair to that gentleman who thought this was the process but he thinks the Commission educated him on the way it goes and what he was asking the Commission to do. As he told the gentleman, all of the Commissioners are available anytime.

8. ADJOURNMENT

The meeting adjourned at approximately 9:10 PM.



STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: February 11, 2020
FROM: Stella Gurnee
SUBJECT: A Resolution of the City of Holly Hill, Florida, Amending Section 3.12 (Disposition of Surplus Property) of the Purchasing Policy Manual Inserting a Provision for Selling Surplus Real Property; Providing for Severability; Providing for Conflicting Resolutions; and Providing for an Effective Date.
NUMBER: 2020-R-8
APPLICANT:
PLANNER:

DISCUSSION:

Through a competitive bid the City retained the services of a Real Estate Agency to dispose of identified surplus real property. The current policy requires surplus property with a value of \$5,000 or more be sold to the highest bidder and if the value is \$25,000 or more, City Commission approval is necessary.

The City Attorney is recommending a specific policy be developed for surplus real property.

FISCAL ANALYSIS:

The policy change will not have any fiscal impact.

STAFF

RECOMMENDATION:

Recommend approving amendment of City Purchasing Policy to included specific guidance on sale of real property.

COMMISSION

GOAL:

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

MOTION:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION

**3.12 (DISPOSITION OF SURPLUS PROPERTY) OF THE PURCHASING POLICY
MANUAL INSERTING A PROVISION FOR SELLING SURPLUS REAL PROPERTY.**

Resolution No. 2020-8**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 3.12 (DISPOSITION OF SURPLUS PROPERTY) OF THE PURCHASING POLICY MANUAL INSERTING A PROVISION FOR SELLING SURPLUS REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 3.12 (DISPOSITION OF SURPLUS PROPERTY) OF THE PURCHASING POLICY MANUAL INSERTING A PROVISION FOR SELLING SURPLUS REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-56 (Purchasing Policy and Procedures) provides that the City's purchasing regulations shall be established by Resolution; and

WHEREAS, the City Commission desires to provide specific procedure for the sale of surplus real property.

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

SECTION 1. The City Commission of the City of Holly Hill hereby amends Section 3.12 (Disposition of Surplus Property) to insert the following paragraph:

The City Commission shall have the authority to dispose of any surplus real property in any manner determined to be in the City's best interest, including but not limited to, selling the real property to the highest and best bidder, by retaining a realtor to sell the real property, by selling the real property buy owner or by donating the real property.

SECTION 2. 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 3. That all resolutions made in conflict with this Resolution are hereby repealed.

SECTION 4. That this Resolution shall become effective immediately upon its

adoption.

**APPROVED AND AUTHENTICATED on this 11th day of FEBRUARY,
2020.**



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Resolution**

MEETING DATE: February 11, 2020
FROM: Antoine Khoury
SUBJECT: A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Modify the Agreement with Mead and Hunt, Inc., to Provide Professional Services for the Project Lift Station #9 Rehabilitation (20Ww02) Not to Exceed the Amount of \$50,906.00; Providing for Severability; and Providing for an Effective Date.
NUMBER: 2020-R-9
APPLICANT:
PLANNER:

DISCUSSION:

On October 8, 2019, Resolution 2019-R-67, the City Commission approved the professional services for Lift Station #9 Rehabilitation Not to Exceed \$45,496.00. This project first bid on January 12, 2019. This project had been combined with two other projects in bidding to try and get economy of scale. However, Volusia CDBG refused this approach as only LS #9 was eligible to receive CDBG funding.

The City has requested Mead & Hunt provide separate bid documents for the subject project and the Flomich Riverside Drainage project so that CDBG funding would be received for LS #9.

Mead & Hunt has requested additional compensation for the plan production of separating the Lift Station and bid documents at a cost \$5,410.00.

FISCAL ANALYSIS:

The City entered into a Continuing Services Contract with Mead & Hunt (formerly Quentin L. Hampton) in December 2015. The initial term of this contract is five (5) years.

Funding for this project has been included in Fiscal Year budget 2019/2020. The Project Code is 20WW02.

This will increase the Purchase Order for this project from \$45,496.00 to \$50,906.00 and the funds are available in account number 407-8110-580.63-00.

STAFF RECOMMENDATION:

Authorize the City Manager to modify the agreement with Mead and Hunt, Inc., to provide professional services to facilitate the improvements to Lift Station #9 for a revised Purchase Order total of \$50,906.00.

COMMISSION GOALS:

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

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

MOTION:

APPROVE AUTHORIZING THE CITY MANAGER TO MODIFY THE AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR LIFT STATION #9 REHABILITATION (20WW02) TO A NOT TO EXCEED AMOUNT OF \$50,906.00.

ATTACHMENTS:

- Mead & Hunt - Lift Station _9 Rehabilitation Scope of Services and Fee Estimate - Fully Executed (PDF)
- Scope Change rev012820 (PDF)

Resolution No. 2020-9

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO MODIFY THE AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE PROJECT LIFT STATION #9 REHABILITATION (20WW02) NOT TO EXCEED THE AMOUNT OF \$50,906.00; 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 MODIFY THE AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE PROJECT LIFT STATION #9 REHABILITATION (20WW02) TO A NOT TO EXCEED AMOUNT OF \$50,906.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill approved the proposed capital project as part of the fiscal year 2019-20 budget; and

WHEREAS, the City has a continuing services agreement with and has received a proposal from Mead and Hunt, Inc., to perform the engineering services for this project; and

WHEREAS, the project was designed to be included with two other projects for economy of scale; and

WHEREAS, Volusia CDBG did not approve this approach as only LS #9 was eligible to receive CDBG funding; and

WHEREAS, The City has requested Mead & Hunt provide separate bid documents for the subject project so that CDBG funding will be received for LS #9; and

WHEREAS, Mead & Hunt has requested additional compensation for the additional work of \$5,410.00.

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

SECTION 1. That the City Commission of the City of Holly Hill does hereby authorize the City Manager to modify the agreement with Mead and Hunt, Inc., to provide

professional services for the project Lift Station #9 Rehabilitation, increasing it by \$5,410.00 to a not to exceed price of \$50,906.00.

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

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

APPROVED AND AUTHENTICATED on this 11th day of FEBRUARY, 2020.



August 22, 2019

Walt Smyser
Public Works Deputy Director
City of Holly Hill
453 LPGA Boulevard
Holly Hill, FL 32117

Email: wsmyser@hollyhillfl.org
Hard Copy Mailed Only on Request

**RE: CITY OF HOLLY HILL
LIFT STATION #9 REHABILITATION
SCOPE OF SERVICES AND FEE ESTIMATE**

Dear Walt:

Mead & Hunt is pleased to provide this engineering scope of services and fee estimate for the above referenced project. The attached scope of services addresses the work activities we understand to be required. The scope includes design, permitting, bidding services, construction administration, and construction observation.

The attached scope of services is in conformance with our professional services agreement. We look forward to the opportunity to serve the City of Holly Hill on this and future projects. If you have any questions or comments, please contact our office.

Sincerely,

Andrew M. Giannini, P.E.
Associate/Senior Project Manager

Brad T. Blais, P.E.
Vice President/Market Leader

AMG/BTB:bf

Attachments: Attachment 'A' - Scope of Services
Attachment 'B' - Manhour and Fee Estimate

Walt Smyser
August 22, 2019
Page 1

ATTACHMENT 'A'
CITY OF HOLLY HILL
LIFT STATION #9 REHABILITATION
SCOPE OF SERVICES AND FEE ESTIMATE

The City of Holly Hill (CITY) and Mead & Hunt (MEAD & HUNT) entered into a Master Services Agreement for Engineering Services dated effective December 4, 2015 is referred to herein as the Contract.

GENERAL

This scope of services provided to the CITY includes the design, permitting, bidding services, construction administration, and construction observation required to completely rehabilitate Lift Station #9.

The design engineering services include data collection, preliminary design, final design, preparation of specifications, permitting, and completion of bidding.

Construction services include contract administration, inspection, preparation of record drawings, and certification of project completion to permitting agencies.

BASIS OF DESIGN

The rehabilitation of this lift station is required due to its age and condition. Upgrades will convert the lift station from a can style to submersible pumps including removal of the existing hardware and the installation of new submersible pumps, rails, pipes, and controls. MEAD & HUNT will be responsible for complete design plans, permits with regulatory agencies, and preparation of plans and bid documents to accomplish this work.

PHASE 1 – DESIGN & PERMITTING

During the design and permitting phase, MEAD & HUNT will complete the following work:

- Collection of field information to supplement surveys.
- Coordination of utility locates. The survey for Flomich-Riverside Drive Drainage Improvements will be utilized for this project.
- Preparation of design plans. Minimum plan requirements include civil drawings, which accurately depict existing features and proposed improvements. Drawings shall include plan sheets, and detail drawings, as required.
- Lettering size of plans shall be suitable for one-half size reduced drawings.

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- Preparation of Contract Documents is defined as general conditions of the construction contract and include, but are not limited to, the Drawings, Specifications, and front-end documents (Bid, Agreement, General Conditions, Supplementary Conditions, and Post Bid Documentation).
- A minimum of two (2) review meetings with CITY Staff (one at 60% design and 90% design completion).
- Submittal of two (2) sets of plans and specifications to the CITY for review and comment at each of the above design meetings.
- Submittal of an Engineer's preliminary opinion of cost shall be at 90% design submittal. Costs estimated will be itemized with unit costs indicated as appropriate.
- Incorporation of the CITY Staff review comments in the Contract Documents.
- Furnish two (2) sets and one (1) electronic copy of the contract documents to the CITY for staff use during construction.
- At completion of the project, MEAD & HUNT will supply one (1) electronic copy of as-builts.
- Preparation and submittal of permit applications at the 90% stage including FDEP Wastewater Collection System permit and respond to reasonable requests for additional information required from the permitting agencies.
- Submittal of completion certifications, prepare a comprehensive set of (as-built) record drawings and requests for clearances from the permitting agencies upon completion of construction.

PHASE 2 - BIDDING ASSISTANCE

During the bidding assistance phase, MEAD & HUNT will complete the following:

- Provide advertisement for bids to the CITY staff for publishing in the legal newspaper by the CITY.
- Prior to advertising, provide the CITY with a current opinion of cost in writing.
- Provide one (1) electronic copy of contract documents (including drawings) to the CITY's purchasing coordinator.
- Clarify plans and specifications based on requests for information and prepare and distribute addenda.
- Conduct a pre-bid meeting. Prepare minutes of the meeting and distribute to all attendees and plan holders.
- Attend the bid opening and collect a copy of each bid submitted.
- Review and check the bids and prepare a detailed bid tabulation.
- Contact the lowest responsive bidder and obtain references, if not familiar to MEAD & HUNT.
- Prepare an award recommendation letter.
- After bid is awarded by the CITY Commission, prepare a construction contract, (five sets required) and mail the contracts to the Contractor. The Contractor is to return the construction contracts to MEAD & HUNT for review of the contract, insurance certificates and bonds. Provide an electronic copy of the construction plans to the CITY.

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PHASE 3 - CONSTRUCTION ADMINISTRATION

During the construction administration phase, MEAD & HUNT will complete the following:

- Schedule and preside over the preconstruction conference. Prepare minutes of the preconstruction conference and distribute the minutes to all who attend.
- Log, process and review shop drawings and material certificates. Distribute reviewed shop drawings to the Contractor and the City.
- Provide assistance on an as needed basis for significant conflict resolutions.
- Address Contractor questions/RFI's
- Schedule and attend monthly progress meetings. Prepare minutes of each progress meeting and distribute the minutes to all who attend.
- Review and recommendation of approval of Contractor monthly pay requests.
- Review and recommendation of approval of Contractor change order proposals.
- Attend startup of the lift station. Document startup date and conformance with specification requirements.
- Determine and attend the substantial completion inspection.
- Determine and attend the final completion inspection.
- Review of Contractor final as-builts.
- Prepare construction record drawings utilizing Contractor as-builts and inspector sketches, etc. Furnish City with an electronic copy of record drawings using AutoCAD format.
- Coordinate execution of final paperwork.
- Provide Certificate of Completion to permitting agencies.

PHASE 4 - CONSTRUCTION OBSERVATION

During the construction observation phase, MEAD & HUNT will complete the following:

- Verify conformance with construction contract, general and special conditions, construction drawings, technical specifications and jurisdictional requirements by contractor via a Resident Project Representative (RPR)
- Document the construction activity by RPR utilizing written, electronic and photographic documentation
- Coordinate the resolution of construction activity complaints from public, property owners, business owner and other affected parties
- Provide Client daily reports of construction activity
- Address up to five (5) Requests for Information (RFIs) from contractor
- Issue up to five (5) field directives to contractor in response to RFIs and field observations
- Review contractor prepared temporary traffic control plans and verify conformance with DOT and Client standards

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- Witness field tests of construction conducted by contractor and contractor subcontracted testing laboratory
- Review and approve monthly progress invoices from contractor and forward to Client for approval and payment
- Review contractor prepared progress as-builts
- Verify completion of punch list work and substantiate final completion with notification to all interested parties

PROPOSED FEES

MEAD & HUNT shall complete the above services for a total price of **\$45,496**. All fees except for RPR effort shall be lump sum. RPR time will be billed at an hourly rate for actual hours expended. It is estimated the project will require 100 hours of inspection time or an average of 20 hours per week for five (5) weeks. MEAD & HUNT reserves the right to request additional fees if inspection hours are depleted due to circumstances beyond our control.

Phase 1 - Design & Permitting	\$19,784	Lump Sum
Phase 2 – Bidding Assistance	\$6,168	Lump Sum
Phase 3 - Construction Administration	\$9,944	Lump Sum
Phase 4 – Construction Observation	\$8,600	Time & Expense
Reimbursables	<u>\$1,000</u>	Allowance
TOTAL	\$45,496	

EXCLUSIONS

This scope of services does not include any wetland permitting, or hazardous material assistance.

Mead & Hunt, Inc.



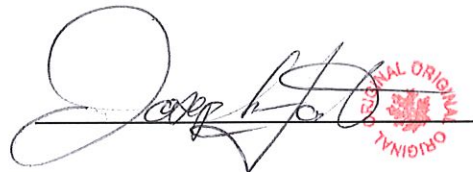
Brad T. Blais, P.E.

Vice President/Market Leader

August 22, 2019

Date

City of Holly Hill, Florida



10-10-2019

Date

Walt Smyser
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“PURSUANT TO FLORIDA STATUTE SECTION 558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT OF MEAD & HUNT INC., MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.”

IF THE CONTRACTOR (MEAD & HUNT, INC.) HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S (MEAD & HUNT, INC.’s) DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT (PROPOSAL), CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT CITY HALL, CITY OF HOLLY HILL, 1065 RIDGEWOOD AVENUE, HOLLY HILL, FL 32117, City Clerk, Valerie Manning, (386) 248-9441, vmanning@hollyhillfl.org.



CITY OF HOLLY HILL
LIFT STATION #9 REHABILITATION
ESTIMATED MANHOUR SCHEDULE
PREPARED ON AUGUST 21, 2019

Phase Reference	Description	Principal (hours)	Project Manager (hours)	Technician II (hours)	CADD Technicians (hours)	Resident Project Representative (RPR) (hours)	Administrative Assistant (hours)	Allowances & Reimbursables	Total Task (\$)
	Hourly Rate	\$172.00	\$150.00	\$105.00	\$86.00	\$86.00	\$70.00	See Below	See Below
1	Design & Permitting, incl. electrical	16	48	24	72	0	16	0	\$ 19,784.00
2	Bidding	4	16	16	0	0	20	0	\$ 6,168.00
3	Construction Administration	12	30	8	10	0	24	0	\$ 9,944.00
4	Construction Observation	0	0	0	0	100	0	0	\$ 8,600.00
	Reimbursables	0	0	0	0	0	0	\$ 1,000.00	\$ 1,000.00
	TOTAL ALL TASKS	32	94	48	82	100	60	\$ 1,000.00	\$ 45,496.00



Scope Change #1

Project Name: Lift Station #9 Rehabilitation

Client: City of Holly Hill

Project Location: Holly Hill

Client representative: Walt Smyser

Project number: 1000710-191037.01

Mead & Hunt Manager: Andrew Giannini, PE.

Date: 01/28/2020

Mead & Hunt, Inc. phone: (386-414-5052)

1. Client hereby authorizes the following changes in the scope of work:

This project first bid on January 17, 2019. This project was combined with two other projects in bidding, and therefore was not eligible to receive CDBG funding. The City requested Mead & Hunt provide separate bid documents for the subject project and the Flomich Riverside Drainage project so that CDBG funding would be received. The hours provided on the attached spreadsheet are to be expended with reconfiguring the plans and specifications. Mead & Hunt respectfully requests compensation for the additional work. See detailed breakdown of fee estimate attached.

3. The reasons for these changes in the scope of work are as follows:

Additional labor provided to reconfigure the project plans and specifications.

4. Additional Mead & Hunt fees: **\$5,410.00**

Mead & Hunt, Inc. shall commence work on this change as soon as it receives this signed document by delivery, regular mail, fax or e-mail.

This change in work or scope change is subject to the terms and conditions of the contract executed for this project dated 8/22/2019.

For: MEAD & HUNT, INC.

For: City of Holly Hill

By:



By:

Name: Brad T. Blais, P.E.

Name:

Title: Vice President/Market Leader

Title:

The above person is authorized to sign for Client and bind the Client to the terms hereof.

Date: January 28, 2020

Date:

Approval:

Approval

required if signature above is not authorized to sign contracts



CITY OF HOLLY HILL
 UPDATE PLANS AND SPECIFICATIONS FOR SEPARATE BIDDING
 LIFT STATION 9 AND FLOMICH-RIVERSIDE DRAINAGE IMPROVEMENTS
 ESTIMATED MANHOUR SCHEDULE
 PREPARED ON 1/28/2020

<i>Phase Reference</i>	<i>Description</i>	Principal (hours)	Project Manager (hours)	Technician II (hours)	CADD Technicians (hours)	Administrative Assistant (hours)	Total Task (\$)
	Hourly Rate	\$188.00	\$150.00	\$105.00	\$86.00	\$70.00	See Below
SC-1	Revise project plans and specifications per City comments	2	4	4	24	24	\$5,140.00
	TOTAL ALL TASKS	2	4	4	24	24	\$5,140.00
					Subs/Reimbursables		\$ -
	Amount				GRAND TOTAL		\$5,140.00



City Commission

1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED

CONSENT AGENDA (ID # 2829)

5.3

Meeting: 02/11/20 07:00 PM

Department: Public Works

Category: Consent Agenda

Prepared By: Beth Wrenn

Initiator: Antoine Khoury

Sponsors: Supervisor Antoine Khoury

DOC ID: 2829

Surplus Items

DISCUSSION:

The attached list of fixed assets have been identified as being surplus property available for disposition due to obsolescence or replacement.

Per Resolution 2018-R-30, Purchasing Policy, Section 13.2 Disposition of Surplus property, Finance has classified the attached list of property/equipment as surplus.

FISCAL ANALYSIS:

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

STAFF RECOMMENDATION:

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

COMMISSION GOAL:

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

MOTION:

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



Inventory Surplus Request Form

Department: Public Works

Date: 2-11-2020

Asset Tag	Asset Type Description	Serial Number	Veh/Unit	Manufacturer	Model	Book Value	Date of Purchase
2006002084	Pickup Truck	2FTRF17204CA35736	763	Ford	F-150	\$0.00	12/29/2003
N/A	Pickup Truck	1FTRF17282KB77728	755	Ford	F-150	N/A	N/A
2015000102	Police Vehicle	2FAFP71W37X101892	714	Ford	Crown Victoria	\$0.00	4/22/2015
2015000119	VIP Graphics	2FAFP71W37X101892	714	Ford	Crown Victoria	\$0.00	5/15/2015
2015000120	Paint hood and roof	2FAFP71W37X101892	714	Ford	Crown Victoria	\$0.00	5/7/2015
Totals						\$0.00	

Department Head Signature/Date

Finance Director Signature/Date

Stella L. Gurnee/February 5, 2020

City Manager Signature/Date

Attachment: Surplus Request List 2-11-2020 [Revision 1] (2829 : Surplus Items)



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Ordinance**

7.1

MEETING DATE: February 11, 2020
FROM: Brian Walker
SUBJECT: **SECOND READING - an Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code to Add Definitions; Update Permitting Requirements, Restrictions, Operating Requirements and Establish Enforcement Procedures; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.**
NUMBER: 2020-O-3024
APPLICANT: Brian Walker
PLANNER:

INTRODUCTION:

This proposed Ordinance would amend Section 114-904 of the Land Development Regulations titled, Food Truck Services.

BACKGROUND:

On October 25, 2016, in response to the growing popularity of the mobile food market, the city adopted Ordinance 2981. That Ordinance created section 114-904 of the city code, to establish permitting and operating procedures for mobile food vending within the city. A review of mobile food vending activity shows that since the adoption of Ordinance 2981 over two years ago, there have been 8 mobile food vendors that have registered with the city. Staff is not aware of any problems that have been created by their presence within the city.

DISCUSSION:

Since mobile food vending has been permitted to operate in the city for approximately two years, we have had the opportunity to reflect on the activity's effect on the city and whether or not any updates to the current regulations would be appropriate.

Thus far, there have been no known negative impacts on the city from mobile food vending. However, neither does it appear to be having a large effect in terms of increased human and economic activity. Based on comments from mobile food vendors, as well as property owners hosting such activity, the city may benefit from refining the current regulations. That is the purpose of this Ordinance.

While much of the current ordinance is preserved in the proposed Ordinance, there are some key changes proposed. Perhaps the largest change has to do with the number of days that a site can host a mobile food vendor. Current regulations state that "no site may host food trucks for more

than one day per week.” Part of the reasoning for such a restriction has to do with maintaining and promoting the temporary nature of a mobile food vendor. However, some vendors have stated that not being able to be at one location for more than one day per week, makes it very hard for their business to become known and establish a reliable client base. Something that may contribute to generating more local human and economic activity.

A review of the literature on mobile food vending, shows that the number of days per week municipalities around the country, permit a site to host a mobile food vendor, varies widely - from one day per week, to no limitation at all. In response to requests from mobile food vendors and their hosting site owners, this Ordinance proposes to extend the time permitted for a site to host a mobile food vendor, from one day a week, to a maximum of four (4) days within a calendar week.

The proposed ordinance also establishes a minimum distance of 200 feet between a mobile food vendor and the main entrance to any restaurant, unless the restaurant owner allows a shorter distance.

Additionally, the ordinance permits a mobile food vendor to locate in a residential zone when providing catering services for a private event.

The proposed Ordinance defines what is meant by catering, a commissary, mobile food vehicle, mobile food rally, and mobile food vendor. These terms are currently not defined in our regulations.

While the current regulations do not specifically address the issue of enforcement, the proposed Ordinance does not allow a property with active code violations to host a mobile food vendor, and it specifically addresses the issue of enforcement of the regulations.

FISCAL ANALYSIS:

Adopting the Ordinance will have minimal fiscal impact on the City.

BOARD OF PLANNING AND APPEALS RECOMMENDATION:

At its meeting on January 6, 2020, the Board of Planning and Appeals unanimously recommended adoption of the proposed ordinance.

STAFF RECOMMENDATION:

Staff recommends that the City Commission adopt an Ordinance of the City of Holly Hill, Florida, regulating mobile food vehicles; amending section 114-904 of the city code to add definitions; update permitting requirements, restrictions, operating requirements and establish enforcement procedures; providing for codification; providing for conflicting ordinances; providing for severability; and providing an effective date.

ATTACHMENTS:

- Sec. 114-904 - Food Trucks (PDF)
- Permitted Mobile Food Vending Units (PDF)

HISTORY:

01/28/20

City Commission

APPROVED AT 1ST READING

Next: 02/11/20

Brian Walker, City Planner, briefly discussed the staff report that was in the agenda packet pertaining to first reading of Ordinance 3024. After a lengthy discussion amongst the Mayor, Commissioners, Attorney Simpson and Mr. Forte, there were several amendments that were made to the Ordinance for first reading. *(the full recording of this agenda item is online or a copy of the CD is available upon request).*

Mayor Via opened public participation.

The following individuals spoke to the Mayor and City Commissioners: Heidi Heller, Holly Hill; Jose W., Holly Hill; Gilles Blais, Holly Hill.

Mayor Via closed public participation.

At this time the Mayor and Commissioners went through the first reading of the Ordinance with staff and made several amendments to what was presented. Staff noted the changes and those changes will be made for the second reading on February 11, 2020 within the Ordinance. There were several amendments to the original motion. Those are as follows:

*Commissioner Penny made a motion to **AMEND his original motion to include the six (6) changes he referenced 2(d),3(i),(k), 4(a),(d),(i),** seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

Commissioner Danio mentioned he would like to go on record only because there is a second reading because he has a little bit of heartburn about this. His concern is the city works so hard to fill the vacant places and he's not saying that the gentleman here tonight is going to park across the street the new guy but let's just say the landlord of the next place...he's had a rivalry for 30 years; "I'm still at it." What happens if the neighbor of some new place wants to get a food truck "in spite"? The city isn't protecting the brick and mortar buildings. It's not to say it's going to happen but he thinks if the city is going to make it so convenient for the food trucks, we need to protect our brick and mortar buildings a little bit more. That's his only concern. Right now, maybe it's just for the brewery but what happens if somebody comes in and they open up a little seafood place down the street and the neighbor has a problem because he's allergic or doesn't like the smell. He wants to put this guy out of business, four (4) days a week could do it, then the city ends up with more empty buildings. That's not the city's intent. He really has a hard time with this until he can process this and he's not saying anything to the guy who's here tonight. He has no problem with competition; he has 32 years with competition. To him, competition is healthy but the city has struggled to fill up places with businesses and now they're kind of moving in the direction...he doesn't want to hinder or kind of obstruct any of this forward momentum with places that have been here or places that are looking to come in.

Commissioner Penny discussed Business Tax Receipt with staff and suggested that they should have a current BTR if they are going to have a food truck on site. That it should be required.

*Commissioner Penny made a motion to **AMEND his AMENDMENT that a current BTR is required for a food truck to be on any business site,** seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

The Mayor and Commissioners voted on this amendment: *Commissioner Penny made a motion to **AMEND his original motion to include the six (6) changes he referenced 2(d),3(i),(k), 4(a),(d),(i)**, seconded by Commissioner Currie.*

PASSED, 5-0.

A vote was made on the **original motion** now for first reading of Ordinance 3024:

PASSED, 5-0.

Ordinance No. 2020-3024

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION 114-904 OF THE CITY CODE TO ADD DEFINITIONS; UPDATE PERMITTING REQUIREMENTS, RESTRICTIONS, OPERATING REQUIREMENTS AND ESTABLISH ENFORCEMENT PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION 114-904 OF THE CITY CODE TO ADD DEFINITIONS; UPDATE PERMITTING REQUIREMENTS, RESTRICTIONS, OPERATING REQUIREMENTS AND ESTABLISH ENFORCEMENT PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that food service from mobile food vehicles has become a popular food service venue; and

WHEREAS, mobile food vehicles can be a source of business development and provide dining options for residents and visitors; and

WHEREAS, the City Commission desires to clearly define mobile food vehicles, mobile food vendors, and related terms, and adopt regulations addressing their allowed operations within the city; and

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food vendors protecting and promoting the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by properly regulating the location and operation of mobile food vehicles.

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 the entire language of Section 114-904 is repealed and replaced with the following:

114-904 - Mobile Food Vehicle and Vendor Regulations

1. DEFINITIONS

Catering is the business of providing food for a private event, as a professional service, for a fee.

Commissary is a licensed or permitted food service establishment that provides required services to a mobile food vehicle (MFV). A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption. A commissary provides the necessary support for the MFV to operate in a safe and sanitary manner.

Hosting Site is the property upon which a mobile food vehicle is parked and operating.

Hosting Site Property Owner is the owner of the property upon which the mobile food vehicle is located and operating.

Mobile Food Vehicle is a truck, or van, including an enclosed food concession trailers, but excluding food carts and kiosk, that are approved to vend food and non-alcoholic beverage products and are classified as follows:

Class I-Mobile kitchens. In addition to the vending of products allowed for Class II and Class III mobile food vehicles, these vehicles may cook, prepare and assemble food items in the unit and serve a full menu. Such vehicles have a relationship with a commissary.

Class II-Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations.

Class III-Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages. These vehicles operate exclusively within public rights of way and do not park or stand at one location except when approved to do so as part of a special event. A mobile food vehicle permit is not required.

Mobile Food Vehicle Rally is where two or more mobile vehicles congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors. These events must receive a special event permit or they can be approved as part of a city sponsored event.

Mobile Food Vendor is a person who prepares, dispenses, or otherwise sells food from a mobile food vehicle.

2. LICENSING AND PERMITTING REQUIREMENTS

- (a) Prior to setting up at a location, the mobile food vendor must provide the following to the city:
 - 1. Annually, the mobile food vendor must register with the city and receive a Mobile Food Vendor Certificate. Mobile Food Vendor Certificates expire on September 29th and must be renewed on September 30th of each year. The annual fee will be prorated on a quarterly basis.
 - 2. A copy of the Mobile Food Dispensing Vehicle License from the Florida Division of Hotels and Restaurants.
 - 3. A completed indemnification statement for city files. To be updated annually.
 - 4. A copy of the operator's driver license and photos of the mobile food vehicle including the license plate.
 - 5. A copy of the city approved permit from the property owner, or authorized tenant, to operate at the proposed location.
- (b) Mobile food vehicles must be inspected by the city's Fire Marshall or Fire Chief or their designee, and comply with all city safety regulations.
- (c) The mobile food vendor must permanently display to the public in a clearly visible area, their Mobile Food Vendor Certificate.
- (d) The hosting site property owner, or authorized tenant, shall obtain a permit from the city at least 7 days prior to hosting the mobile food vendor. The permit application shall be on a form issued by the city and contain at a minimum the following information:
 - 1. Location address and hosting dates
 - 2. A signed indemnification statement
 - 3. A sketch plan showing the subject property and the proposed location of the mobile food vehicle
 - 4. Owner contact information
 - 5. Vendor contact information
 - 6. The Mobile Food Vehicle's MFDV #
- (e) The hosting site property owner shall pay either a daily fee to host a mobile food vendor, or a one-time annual fee as established by the City Commission. All annual permits expire on September 29th and must be renewed on September 30th of each year. The annual fee will be prorated on a quarterly basis.
- (f) The hosting site property owner must have an active Business Tax Receipt.

3. PROHIBITIONS AND RESTRICTIONS

- (a) It is prohibited and unlawful for a mobile food vendor to create a nuisance condition to include, but not be limited to, loud noises, shouting or amplified music or sound. Any noise generated shall comply with the city's standard noise ordinance.
- (b) The mobile food vendor shall not cause or allow any grease or liquid wastes used in the operation to be discharged from the mobile food vehicle.

- (c) The mobile food vendor shall not sell anything other than food and non-alcoholic beverages.
- (d) The hosting site property owner, tenant, and mobile food vendor, must not conduct business in such a manner that would restrict or interfere with proper ingress and egress for vehicles and pedestrians or constitute a traffic hazard.
- (e) Except with permission of the city, mobile food vendors may not operate between the hours of 1:00 a.m. and 7:00 a.m.
- (f) Overnight parking of mobile food vehicles on the hosting site or sidewalk is prohibited. Overnight parking and storage of the mobile food vehicle shall be in compliance with all applicable laws and regulations.
- (g) A mobile food vehicle may not be located on private property upon which uncorrected code violations exist, or where there exist unpaid fines, fees or citations, or which is under citation for code violations.
- (h) No mobile food vehicle may be located on a vacant lot, provided however this restriction shall not apply to an approved mobile food vehicle rally, also known as food truck courts or truck rallies, approved as a special event.
- (i) Mobile food vehicles are not allowed in residential areas or the residential portion of a mixed-use PUD and may not locate any closer than 100 feet from a residentially zoned area. This restriction shall not apply when the mobile food vendor is hired to cater a private event in a residential zone.
- (j) The mobile food vehicle, or its seating areas, may not occupy more than 20 percent of the vehicular use area or disrupt parking area operation. Mobile food vehicles may not be located in landscaped areas or designated public safety lanes.
- (k) The same address, site or overall property, is prohibited from hosting a mobile food vehicle for more than 4 days in any calendar week, meaning Sunday through Saturday. Food truck operations approved as part of a city-sponsored special event or under a special event permit will not count against the day limitations of this section. A multiple tenant location is considered one property for purposes of this code provision.
- (l) A hosting site property owner shall not permit a mobile food vehicle that does not meet all of the requirements of this section, to operate on property they own, nor shall they allow a mobile food vendor to set up on property they own without first having obtained a permit.
- (m) A site may not host a mobile food vehicle for more than 4 hours within a permitted calendar day, unless operating with a special event permit specifically stating otherwise.

4. OPERATING REQUIREMENTS

- (a) Zoning requirements. Except as otherwise stated in the previous section, the property on which the mobile food vehicle and vendor propose to locate, must be business, commercial, or industrially zoned. If the property is zoned as a PUD, the mobile food vehicle shall be located only in the nonresidential portion of the PUD. Churches and civic organizations in residential areas may host a mobile food vendor by obtaining a special event permit.
- (b) Mobile food vending is an accessory use and shall only be allowed on properties that are developed with active permitted uses.
- (c) Mobile food vehicles shall be equipped with a suitable trash container readily accessible to the public, in which the mobile food vendor's customers may deposit any litter, trash or waste. Prior to moving a mobile food vehicle from a sales location, the mobile food vendor shall pick up and remove all litter, trash and waste related to the mobile vendor's sales and within an area encompassing a radius of fifty feet (50') from the sales area.
- (d) Property owners hosting a mobile food vendor for more than 1 hour must provide readily accessible restroom facilities.
- (e) All mobile food vehicles must park on a hard stabilized surface such as a paved or asphalt surface.
- (f) Signage on the mobile food vehicle must be mounted flat against the vehicle and cannot project from the vehicle. However, the mobile food vendor shall be permitted to place one sign, not to exceed 6 square feet on the subject property where the mobile food vendor is conducting business.
- (g) All exterior body work of any mobile food vehicle, shall be maintained in good and clean condition and free of substantial scratches, chips, rust, dents, abrasions, or excessive wear or damage, as determined by the city.
- (h) There shall be a minimum distance of two hundred feet (200') between any mobile food vendor and the main entrance to an active restaurant. Except that the mobile food vendor may locate closer, with the written approval of the restaurant owner.
- (i) Mobile food vehicles must be self-contained when operating including all utilities, power, water, and cooking fuel sources. Class I mobile food vendors must be associated with a commissary.

5. ENFORCEMENT

Failure of a hosting site property owner or tenant, to comply with the provisions of this section shall be grounds for denial or revocation of a permit. Violations of these regulations, including operating without a permit, or allowing a mobile food vendor to operate without a mobile food vendor certificate, shall be grounds to bring code enforcement action, including a citation, or civil action against the hosting property owner or tenant or both. Upon imposition of a mobile food vendor's third offense, the mobile food vendor will not be permitted to operate within the city for a period of 90 days. The special magistrate will have

jurisdiction to enforce these provisions pursuant to F.S. Ch. 162, and any person determined to be in violation will be subject to penalties and remedies available as provided by law.

SECTION 6. 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 7. 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 8. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 11th day of FEBRUARY, 2020 for second reading.

Sec. 114-904. - Food truck services.

Non-residential locations may apply for temporary permits to allow food truck operations subject to compliance with the following conditions. Vacant lots may not host food trucks and food trucks may not serve from public streets and rights-of-way.

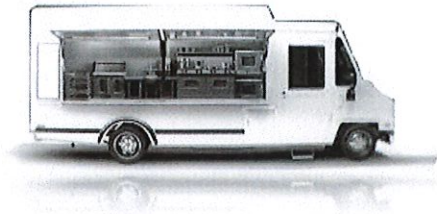
- (1) All food truck units shall comply with state requirements for food service and display certification of compliance.
- (2) No discharge of grease or other cooking waste is permitted.
- (3) The property owner is responsible for the provision of trash receptacles and the cleanliness of the service and dining area.
- (4) The property owner is responsible for the provision of restroom facilities.
- (5) No site may host food trucks for more than one day per week. Food truck operations approved as part of a city-sponsored special event or under a special use permit issued per section 114-902 shall not count against the day limitations of this section. (A multiple tenant location is considered one property for purposes of this code provision.)
- (6) Food trucks may not occupy more than 20 percent of the vehicular use area or disrupt parking area operation. Food trucks may not be parked in landscaped areas.
- (7) Temporary dining areas may be provided in association with the food truck operations. The temporary dining area may be located in landscaped areas exclusive of planting beds and landscaped buffers.
- (8) Any music provided shall comply with the city's standard noise ordinance.
- (9) Food trucks may place one supplemental A-frame or similar temporary sign not to exceed six square feet of area.
- (10) Each food truck location shall obtain a permit from the city at least seven days prior to opening for business. A single permit may include multiple business dates. The permit application shall be on a form issued by the city and contain at a minimum the following information:
 - a. Location address.
 - b. Property owner approval.
 - c. Dimensioned sketch of the proposed location showing compliance with the requirements set forth above.
 - d. Proposed date(s) and hours of operation.
 - e. Owner contact information.
 - f. Vendor contact information.
 - g. Photo of the vendor and food truck.
 - h. Fees as established by the city commission.

(Ord. No. 2981, § 1, 10-25-16)

PERMITTED MOBILE FOOD VENDING UNITS

Class I

Mobile Kitchen, (most commonly referred to as a “food truck”)



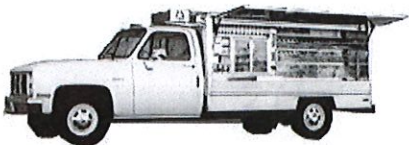
A mobile kitchen typically operates on private property with service to the general public. Mobile kitchens generally include a full-service, commercial kitchen accommodating the production of specialized and gourmet cuisine in large quantities. The food is cooked, prepared and then distributed directly from the vehicle through a side-access window. Unlike an ice-cream truck, which is constantly in motion and responds to customers waiting along the side of a public right-of-way, mobile kitchens are typically stationary through the meal period and advertise their daily location using social networking services, such as Facebook and Twitter.

Mobile Food Vending Trailer



Class II

Mobile Canteen Truck



A mobile canteen truck is a self-propelled vehicle that typically sells products on private property, to employees of a private client or contracted business. Food sales are conducted from the exterior of the vehicle.

Class III Mobile Ice Cream Truck



A mobile ice cream truck is a vehicle serving only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand dipped frozen dairy products and pre-packaged beverages.

TYPES OF MOBILE FOOD VENDING VEHICLES NOT PERMITTED IN THE CITY

Pushcarts



A pushcart is small in scale, designed for manual operation and restricted to a specific list of items including flowers, plants, fruits, vegetables, beverages, hot dogs and other prepared and prepackaged food including sandwiches, ice cream and snack-type edibles.

Open trailers, smokers, or grills

