



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • 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

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 John Penny

Commissioner Penny stated that he would like to read a prayer that is often read at a Jewish funeral in honor of Walt Smyser, the city's Deputy Public Works Director, who passed away this week on Monday, February 10th unexpectedly. He will be missed by all of his co-workers, friends and family and encouraged everyone to keep his family and loved ones in their prayers. The poem is entitled, "*When All That's Left Is Love*", by Rabbi Maller.

"When I die, if you need to weep, cry for someone walking the street beside you. You can love me most by letting hands touch hands and souls touch souls. You can love me most by sharing your Simchas (goodness) and multiplying your Mitzvot (acts of kindness). You can love me most by letting me live in your eyes and not in your mind."

c. Pledge of Allegiance

Mayor Via led the Pledge of Allegiance to the Flag.

2. PRESENTATION

1.

2020 Holly Hill Arts Festival Presentation

(Requested by Valerie Manning, City Clerk)

Pam Fields, Artist Contact and Pat Masotti-Abernathy, Marketing from the Holly Hill Artist Festival, showed a PowerPoint presentation to the Mayor and City Commissioners for the upcoming festival being held at Sunrise Park, April 18-19, 2020 at Sunrise Park. The hours of the Arts Festival will be Saturday from 9:00 AM until 5:00 PM and on

Sunday from 10:00 AM until 4:00 PM. More information is available on their website - www.HollyHillArtsFestival.com <<http://www.HollyHillArtsFestival.com>>.

Ms. Fields and Ms. Masotti-Abernathy informed the Mayor and Commissioners that part of the proceeds from the festival will be donated to the two Holly Hill schools - Holly Hill K-8 School and United Brethren in Christ for their arts and music departments.

Ms. Masotti-Abernathy asked the Mayor and City Commissioners for help with the festival for this year and the next two years so that next year they should be self-sustaining.

Mr. Forte stated what they are looking for is, obviously, there's no rental fee for the use of the park. Staff hasn't assigned any police officers, specifically, to work the detail but the city will have some that will be there. They will be using some of the Police Explorers and an officer for traffic on Riverside Drive and they might need an officer overnight for security. Staff was thinking that they might even allow some people to be in there overnight to do their own onsite security. He wants to provide some custodial workers to make sure that the trash receptacle's are emptied if they're filled up throughout the day. Mr. Forte mentioned he doesn't have an estimated cost of what that would be. The city supported the project last year on the front lawn of City Hall and this year they would like to try it over at Sunrise Park, which he thinks would be a much nicer venue, weather permitting. He thinks it will be wonderful. Mr. Forte asked Ms. Masotti-Abernathy if they think they would be self-sustaining the following year or the year after? Ms. Masotti-Abernathy stated they were thinking that in 2023 they would truly be self-sustaining but again, they would ask every year.

Mr. Forte stated this year and next year they are looking for help like they do with the car show. They are looking for the city's support to get this thing kicked off. Now, keep in mind that Ms. Fields and Ms. Masotti-Abernathy make a donation to the two schools here in Holly Hill. The Holly Hill K-8 School and United Brethren in Christ Academy. This year they were fortunate to...our arts show was bumped in 2020. The city had a date set and then the Speedway had decided to get into the art business and their date conflicted with the city's date. So, the city had to gracefully negotiate a change so that our date, which we did, which is going to provide the city some assistance in how the city is going to support our two local schools. So, that actually, turned out to be a good thing.

Ms. Masotti-Abernathy stated she was saying, she would like to ask the city to help them until 2023.

Mr. Forte stated for three (3) years is what they are asking for but each year they will come back and the city will know more specifically based on this new venue on what the city had to put into it and what the costs are and they will have a dollar figure, specifically but they don't have that dollar figure based on its new location and what it is they are going to be looking for. It's not in the Community Redevelopment Area (CRA) so it's not CRA funded. It's the General Fund that would support it.

Mayor Via asked if Mr. Forte had a cost estimate of what it cost the city last year? He knows it's a different location.

Mr. Forte stated he doesn't think so. If they want to put something into a motion that says something like, "not to exceed \$2,000 for this year and each year until 2023 when they will be self-sustaining."

Commissioner Penny stated everybody got this flyer; it's happening.

Ms. Masotti-Abernathy stated since this is a test year at the new venue, the only resistance she's received is from the consumers, the artful shoppers as to where are they going to park. They have spoken to Tony Cassata and they believe they are going to get a

van, they've talked to their sponsor Riviera Assisted Living Facility and they are checking with their corporate office if they can get a van and her response has been, "have you been to Mt. Dora?" When you go to the Mt. Dora show everybody parks in all the neighborhoods. She feels like it's going to be the best one ever. She really does. She thinks it's going to be great.

*Commissioner Penny made a motion to **APPROVE UP TO \$2,000 THIS YEAR AND PLEDGE SUPPORT FOR THE NEXT TWO YEARS**, seconded by Commissioner Currie.*

**Mayor Via opened public participation. No one spoke.
PASSED, 5-0.**

RESULT:	NO VOTE NEEDED
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3. PUBLIC COMMENTS

No one spoke.

Mayor Via stated that he would like to call forward two very special young men who are currently Cub Scouts; Zachery and Shawn. They have two Cub Scouts here tonight and in order for them to receive their next badge and then become Boy Scouts, one of the badges is to ask questions of their elected officials. Someone reached out to the city and asked if they can do this so they are here to ask the elected officials a few questions.

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)

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 11th day of February, 2020, in Holly Hill



5. CONSENT AGENDA - ITEMS (1 - 3)

Mayor Via asked if there was anyone in the audience who wishes to speak on any item on the Consent Agenda?

Heidi Heller, Holly Hill, came forward and spoke in opposition of *Consent Agenda Item #1, Resolution 2020-R-8, Amending Section 3.12 (Disposition of Surplus Property)*.

There was no other audience participation. Mayor Via closed public participation.

Mayor Via asked that they remove *Consent Agenda Item #1, Resolution 2020-R-8* for further discussion amongst staff.

Commissioner Johnson made a motion to APPROVE RESOLUTION 2020-R-8, seconded by Commissioner Danio.

PASSED, 5-0.

1. -2020-R-8 Resolution

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)

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

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.

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.**

Enacted and approved this 11th day of February, 2020, in Holly Hill



2. -2020-R-9 Resolution

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)

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

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.

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

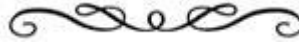
authorize the City Manager to modify the agreement with Mead and Hunt, Inc., to provide professional services for the project Lift Station #9 Rehabilitation, increasing it by \$5,410.00 to a not to exceed price of \$50,906.00.

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.

Enacted and approved this 11th day of February, 2020, in Holly Hill



3.

Surplus Items

(Requested by Antoine Khoury, Public Works)

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



6. REGULAR AGENDA - NONE

None.

7. PUBLIC HEARING

1. -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 various changes that were made and recommended by the City Commission at the first reading held on Tuesday, January 28, 2020. There was discussion amongst the Mayor, Commissioners, Attorney Simpson and staff for the second reading of Ordinance 3024.

Commissioner Danio shared his opposition to this Ordinance and mentioned that he will

not be in favor of voting for this.

Mayor Via opened public participation.

Pat Johnson, Cornerstone Foods, Winter Park, (owner of Little Caesars in Holly Hill) shared his concerns regarding this Ordinance and asked that the City Commission do not give any leniency on this; spoke in opposition of this Ordinance.

Mayor Via closed public participation.

COMMISSIONER CURRIE MADE A MOTION TO TABLE THIS AGENDA ITEM, ORDINANCE 3024, TO A DATE CERTAIN TUESDAY, MARCH 10, 2020 AT 7:00 PM AND TO HOLD A WORKSHOP TO FURTHER DISCUSS THIS ITEM ON FEBRUARY 25, 2020 AT 6:00 PM, SECONDED BY COMMISSIONER PENNY.

(for full discussion of this agenda item, the motions that were withdrawn and failed can be found on the audio that is available online www.hollyhillfl.org or a CD is available upon request in the City Clerk's Office).

RESULT:	CONTINUED TO A DATE CERTAIN [UNANIMOUS]Next: 3/10/2020 7:00 PM
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson



8. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte stated last year he got permission from the Commission to hire a gentleman who is working part-time in the Finance Department and he's been helping them out during their period of short staffing. He's limited to the amount of hours he can work in a year because he is retired earning social security. He is still needed and is needed more. They use him for 16 hours a week but once he reaches a certain number of hours he needs to stop because he earns too much. Mr. Forte stated he would like to pay him the difference that he would lose in his social security to keep him working more "weeks" at 16 hours in order for the city to maintain the operations in the Finance Department. They are short staff still and they are short staff, technically, 3 full-time positions. They do have two temps; one of those temps may be offered a full-time job but they are short. He wanted to make the Commissioners aware of that. They will use their LAP salaries to fund that position. If anybody has an objection to that let him know, otherwise, staff will go ahead and proceed.

Mayor Via stated he has no objection.

Mr. Forte stated a couple of years ago, the city passed an ordinance to piggyback a contract with ProChamps and it was for two reasons. One, was for foreclosed properties to get them registered and know who the responsible parties are and the other reason was for the vacant property registration. The city started that back at the end of last year in November. As staff is going through this they are finding that there's more problems than they thought. There are more property owners that are snowbirds that have part-time

homes in Holly Hill, they have some people that own vacant properties but they're in good conditions and the city is charging them \$300 and in some cases late fees and when they ask the city, "why are we paying \$300 just because I have a vacant property?", he really doesn't have a good answer anymore. The answer was, "we're trying to take care of these vacant, dilapidated properties." Mr. Forte stated that's not what staff is finding most of these vacant properties are. Most of these vacant properties are in good condition. He wanted to get the Commission's position on his recommendation for the city to "not" create a vacant property registry and to seek, go back to ProChamps and figure out how the city may be able to refund those monies that the city did collect over the last three months because he just doesn't see it making sense. The foreclosures, that's working. They got a lot of foreclosed properties and they need to identify the managers and property owners but the vacant properties are just...after they implemented, they are finding out that it just doesn't make sense.

Mayor Via stated he is welcome to seeing how the city can refund that.

Mr. Forte stated he doesn't know yet because he has to get with ProChamps because they get a piece of that action and he doesn't know how they would be willing or not willing to refund that.

*Commissioner Penny made a motion to **give staff direction to research what it takes to delete the vacant properties program with ProChamps**, seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

Mr. Forte stated when he got here in 2014 there was this bus bench/bus stop ADA issue and it's kind of just been sitting there so he tried to address it again this week and the city's bus stops are not ADA compliant and it's very difficult to make them ADA compliant. He met with Waverly Media about the bus benches to see if the city can't, somehow, get more benches to these amenities for people waiting for a bus here in the city. He learned that, and he didn't know this until last Friday, that Waverly Media actually poured fifteen pads between the sidewalk and curb. The City Manager at that time, although it was a good thing to do, but then the City Manager was given direction by this Commission to remove those benches because the benches were placed in the middle of the sidewalk or on the sidewalk in order for them to take the ramp to the curb. The Commission said take all the benches off the sidewalk. There's no other place to put the bench except on the backside of the sidewalk and you need to get the property owners permission to do that. A lot of property owners aren't going to give the city that permission. He was hoping by tonight he would have a recommendation on what to do. He met with Votran to get their understanding and maybe we start a program...Votran is looking at ways to use inmate services to help pour the cement and frame it up and get some of these bus stops ADA compliant. The city isn't compliant now. Some of these bus benches are in bad spots. They're on the grass, on a hills, 3rd Street and Ridgewood by ACE Hardware is a good example of one that's in bad shape. He doesn't have a recommendation right now. Staff is looking at it. They are working on it and he's not quite sure what direction they are going to go in but it's becoming more problematic;

these bus stops, in how they are going to handle them. The lawsuits have been basically dismissed without prejudice so they can bring it back at some point. He is still working with the County and Votran to see if there's any programs they are funding where the city can start to make some of the benches compliant and just over time, maybe the city will get there. The city certainly doesn't have a funding mechanism to do them all. Mr. Forte mentioned that over the next couple of days he will be talking with Antoine and they are going to figure out how they can "internally" do some kind of a recognition for Walt, whether it's a lunch, they'll get some catered food, something rather inexpensive but he thinks it would be appropriate that staff takes some time and some closure, we're going to need that. Walt will be missed. He really will be. The staff did a great job trying to help Walt, trying to save his life again. Antoine, Shawn, Beth and Steve, it hit them. They had a hard time yesterday, they had a hard time today. It's getting a little bit easier. Walt had his quirks but he was good for the city.

Commissioner Penny, Mayor Via and the other Commissioners wanted to make sure that there is counseling available for them.

Mr. Forte stated he checked on them yesterday, he checked on them this morning and he spoke to Antoine and Steve. Help is available for them if they need it. Those of us in public safety have seen it before, it doesn't affect us the same way it does...for people who have not seen that on a regular basis and to witness a co-worker and now to try and save a co-worker, there's some level of guilt there and he knows there's level of guilt. You feel like you didn't do enough. He's been there. This was God's plan in his opinion and the staff did a wonderful job trying to do what they could to save him.

Mayor Via stated Joe and Antione have probably already have but encourage those employees to get help if they need it.

Mr. Forte stated Walt was a friend. He knew a lot of stuff. We're going to miss him. Staff will get some dates for closure. He's going to be missed. He deserves that respect.

B. City Attorney Comments
None.

C. City Commission Comments

Commissioner Danio appreciates the Commission who has insight and passion and consideration to hear him out tonight on the Mobile Food Truck and tabling it until maybe they get a better understanding of the situation. It's important to the city and he appreciates it. He is sorry to hear about Walt.

Commissioner Johnson mentioned he knows how it is for businesses to make it and you have to have feelings for both sides. He's experienced losing people he's worked with but the main thing is, we know we're not going to be here forever, just know where you're going to go when you do leave here. He believes everybody here is doing a good job and has compassion.

Commissioner Penny mentioned he is proud of this Commission and how open minded they are. There's no doubt in his mind that the Commission and the staff have a major passion for their city and they only want the best for their city. He gave a brief update on

the trip to Tallahassee with Commissioner Currie last week and lobbied their Legislatures; they have a great delegation. They are accessible to them.

Commissioner Currie spoke of the trip to Tallahassee and was appreciative of being able to go. It was a great experience for her first time attending. Expressed her condolences to Walt and his family. He will be greatly missed. To the city staff, she knows they're all like family. Each of them have the availability to reach out and get help. She knows that Mr. Forte is keeping an eye out for them but get help if they need it. She misses Walt but she knows he's in a much better place. She appreciates this Commission and the good discussions they always have.

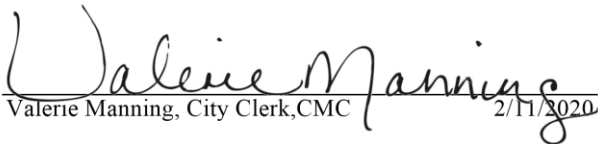
D. Mayor's Comments

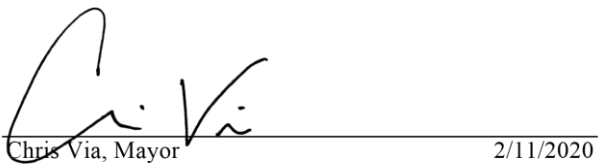
Mayor Via carried on the sentiment about Walt. He applauded the staff and mentioned how the city has the best City Manager in Volusia County and they have the best staff. Mr. Forte is a big part of that by bringing on all of these people that are so competent in what they do. They have the best staff and the Commissioners rely on that and Walt was one of those guys. He knows that he could always trust Walt and that he was always telling the God's honest truth and he wasn't going to sugarcoat things and he's going to be very well missed. What a very brilliant, brilliant guy that the city is going to be missing. He wants to extend his applause and thanks to Antoine and staff, Mr. Forte, Chief Aldrich, Chief Bland and the Fire Department for working so hard on Walt. He knows that Antoine will encourage all of his workers to get help if they need it. Walt will be missed; God rest his soul. A couple of positive notes, there was a lot of important conversations here tonight; applauded Commissioner Danio in expressing how he felt. Super cool about the Cub Scouts coming tonight. Mayor Via mentioned the gymnastics center on Nova Road and the billboard sign.

Commissioner Penny mentioned that through the leadership and hard work of Mr. Forte and staff, Pictona was ranked No. 1 for ECHO funding; a \$400,000 grant to the city.

9. **ADJOURNMENT**

The meeting adjourned approximately at 9:10 PM.


Valerie Manning, City Clerk, CMC 2/11/2020


Chris Via, Mayor 2/11/2020