CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● FEBRUARY 27, 2024

City Commission Chamber **Regular City Commission Meeting** **6:00 PM**

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call

Mayor Via asked for a motion to EXCUSE COMMISSIONER JOHNSON from the meeting tonight.

Commissioner Penny made a motion to ***EXCUSE COMMISSIONER JOHNSON FROM THE MEETING TONIGHT DUE TO A MEDICAL PROCEDURE HE HAD DONE****, seconded by Commissioner Danio.*

Mayor Via opened public participation. No one spoke.

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	Excused	

b. Invocation by City Commissioner Penny Currie

Commissioner Currie 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:

Christina Bremner, Holly Hill and Jim Legary, Holly Hill.

Police Chief Jeff Miller came forward and introduced Daisy Gonzalez as the city's new Victim Advocate.

3. APPROVAL OF MINUTES

1.

Minutes - February 13, 2024 Workshop and February 13, 2024 Regular City Commission Meeting

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

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

Enacted and approved this 27th day of February, 2024, in Holly Hill

4. CONSENT AGENDA - ITEMS (1 - 4)

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

1. –2024-R-10 Resolution

A Resolution by the City Commission of the City of Holly Hill, Florida, Designating the Special Event Dates and City Sponsored Event Dates for 2024-2025; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

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

RESOLUTION
2024-R-10
A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, DESIGNATING THE SPECIAL EVENT DATES AND CITY SPONSORED EVENT DATES FOR 2024-2025; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, DESIGNATING THE SPECIAL EVENT DATES AND CITY SPONSORED EVENT DATES FOR 2024-2025; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill has the opportunity to serve as a host for special events and to promote leisure services, recreation opportunities, and community-based events for the pleasure and cultural enrichment of our citizens and visitors; and

WHEREAS, the City of Holly Hill has determined that it is in the best interest of its residents and businesses to specifically list the special events and city sponsored events that the city will acknowledge in 2024-2025.

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

SECTION 1. The City Commission hereby declares the following as special events and city sponsored for the City of Holly Hill:

SPECIAL EVENTS 2024

DATE	DAY OF THE WEEK	EVENT
February 18, 2024	Sunday	Daytona 500
March 1 - 10, 2024 (***10-day event***)		Bike Week 2024
October 17 - 20, 2024 ***(4-day event)***		Biketoberfest 2024

CITY SPONSORED EVENTS 2024

December 7, 2024	Saturday	65th Annual Christmas Parade

SPECIAL EVENTS 2025

DATE	DAY OF THE WEEK	EVENT
February 16, 2025	Sunday	Daytona 500
March 7 - 17, 2025 ***(10-day event)***		Bike Week 2025
October 16-19**,** 2023 ***(4-day event)***		Biketoberfest 2025

CITY SPONSORED EVENTS 2025

December 6, 2025	Saturday	66th Annual Christmas Parade

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

APPROVED AND AUTHENTICATED on this 27th day of FEBRUARY, 2024.

Enacted and approved this 27th day of February, 2024, in Holly Hill

2. –2024-R-11 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Declaring Identified Items as Surplus and Authorizing the Recycling of Information Technology Wifi Access Points and the Sale of the Surplus Aerator, Ballfield Grooming Machine, Two (2) Mowers and Water Filter Control Panel at Manheim Auto Auction and Gov Deals Respectively; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2024-R-11
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, DECLARING IDENTIFIED ITEMS AS SURPLUS AND AUTHORIZING THE RECYCLING OF INFORMATION TECHNOLOGY WIFI ACCESS POINTS AND THE SALE OF THE SURPLUS AERATOR, BALLFIELD GROOMING MACHINE, TWO (2) MOWERS AND WATER FILTER CONTROL PANEL AT MANHEIM AUTO AUCTION AND GOV DEALS RESPECTIVELY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, DECLARING IDENTIFIED ITEMS AS SURPLUS AND AUTHORIZING THE RECYCLING OF INFORMATION TECHNOLOGY WIFI ACCESS POINTS AND THE SALE OF THE SURPLUS AERATOR, BALLFIELD GROOMING MACHINE, TWO (2) MOWERS AND WATER FILTER

CONTROL PANEL AT MANHEIM AUTO AUCTION AND GOV DEALS RESPECTIVELY; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Information Technology Department have identified sixteen (16) WiFi access points as well as an affiliated zone director that are obsolete and no longer supported; and

WHEREAS, the Public Works Department has identified an aerator, Sandpro 2020 Ballfield Grooming Machine, Hustler X-One Mower, Kawasaki Side Discharge Mower and Allen-Bradley Filter Control Media that are no longer in use by the City; and

WHEREAS, City staff recommend that Information Technology identified equipment be approved for recycling and that Public Works identified equipment by approved to sell at auction.

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

SECTION 1. That the City Commission does hereby declare the Information Technology items identified as surplus and authorize the recycling of sixteen (16) WiFi access points and affiliated zone director.

SECTION 2. That the City Commission does hereby declare the Public Works items identified as surplus and authorize the auction of an aerator, ballfield grooming machine, two (2) mowers and water filter control panel at Manheim Auto Auction and Gov Deals respectively.

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Commission.

APPROVED AND AUTHENTICATED on this 27th day of FEBRUARY, 2024.

Enacted and approved this 27th day of February, 2024, in Holly Hill

3. –2024-R-12 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute the Statewide Mutual Aid Agreement 2023 from the State of Florida Division of Emergency Management.

(Requested by Valerie Manning, City Clerk)

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

RESOLUTION
2024-R-12
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE STATEWIDE MUTUAL AID AGREEMENT 2023 FROM THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE STATEWIDE MUTUAL AID AGREEMENT 2023 FROM THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT.

WHEREAS, the State of Florida Emergency Management Act, Chapter 252, authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

WHEREAS, the statutes also authorizes the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or it political subdivisions for use in the affected area upon the request of the duly constituted authority of the area; and

WHEREAS, this Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Chapter 252, among political subdivisions within the State.

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

SECTION 1. That in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster we hereby adopt the Statewide Mutual Aid Agreement, which is attached hereto and incorporated by reference.

SECTION 2. 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. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of FEBRUARY, 2024.

Enacted and approved this 27th day of February, 2024, in Holly Hill

4.

TraCs Memorandum of Understanding (MOU) - Panama City PD and HHPD Traffic and Criminal Software

(Requested by Jeff Miller, Police)

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

Enacted and approved this 27th day of February, 2024, in Holly Hill

5. REGULAR AGENDA

1.

450 Ridgewood Avenue - Bike Week Permit Request

(Requested by Brian Walker, Board of Planning and Appeals)
Mike LeFiles, RideNow Powersports, General Manager, spoke briefly to the Mayor and City Commissioners about his request for 450 Ridgewood Avenue for a Bike Week 2024 permit.
Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 27th day of February, 2024, in Holly Hill

6. PUBLIC HEARINGS

1. 2024-O-3068 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Approving the Second Major Amendment to the Malkit Salh Business Planned Unit (BPUD) Development Agreement; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

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

Mr. Walker stated this proposes a major amendment to the Malika BPUD development and it has already gone to first reading. There have been no changes and staff continues to recommend approval.

The applicant was not present here from the granite company that is on the property. The shed owner was. The owner of the granite company was told and asked to be here for tonight's meeting.

Mayor Via mentioned that he appreciates what has taken place with the shed sections of the property and addressing the issues and concerns the Commission had but the granite company has not addressed the concerns or issues at this time. There was some granite that has been removed off of the road. Mr. Forte passed out a copy of the granite place on the property with their proposed placement of where the granite should go.

Mr. Walker stated that they are not in full compliance right now.

Mayor Via asked if there was still granite in the parking space with this new proposed drawing that Mr. Forte handed out?

Mr. Walker stated there is still an A-frame in one of the sparking spots along Nova Road that contains two pieces of granite and along the north side, there are parking spaces that are also filled with granite frames that hold granite. In that respect, the property is not in compliance. The granite is not supposed to be displayed in parking spaces and it should have been removed from the spaces at least along Nova Road, along the north side area as well.

Mayor Via asked about handicap spacing available for people to park or is it blocked?

Mr. Walker stated it's blocked.

Mayor Via asked about the two tents that are out front of the business and wanted to know if those were permitted to be placed there?

Mr. Walker informed them that they have not been permitted to be placed there.

Mayor Via asked if staff made a recommendation that the granite company be allowed to place granite along behind the office on the northwest portion of the property?

Mr. Walker stated, yes.

Mayor Via asked does the city currently allow outside display of granite in front of a business?

Mr. Walker stated with this particular zoning district, yes. At this time Mr. Walker briefly discussed the B5 uses and the B5 zoning categories and the list or rules for outdoor displays. This particular property is not in compliance with the location but they are in compliance with the uses. They can have it displayed but in regards to the location, they are out of compliance with the Code.

Mayor Via stated, correct. And with that in mind, staff did direct the property owner where they could place it, which would be the Northwest part of the property and even the south end of this section of the property (referring to the handout from Mr. Forte), is that correct?

Mr. Walker stated, yes. Actually, Mr. Forte drew out some of the areas that the granite could go, which if the property owner had followed, they would be in compliance but they chose at this time not to follow that direction.

Mayor Via asked was the property owner told before the business moved in that this type of granite display was not going to be allowed?

Mr. Walker stated they were told that the granite needed to be out of the parking spaces and could not be along Nova Road and that staff needed to be able to see it, where they propose to put it so that approval can be for that to be sure that they would be in compliance. Staff didn't want a situation where they would just come in and put it anywhere and then it be a Code Enforcement problem. Unfortunately, the applicant conveyed to the granite owner that where they proposed to put it was fine.

Mayor Via stated okay but to be clear, that direction was given and that direction was not followed by the property owner?

Mr. Walker stated, that's correct.

Mayor Via mentioned that in their previous Commission meetings, they had stated that they wanted this property to be in compliance before they move forward and take a vote on it. He wanted to make that clear because it feels to him that either this Commission, this staff or the city, or all three, are not being respected in regards to the BPUD. With this BPUD, the city is actually allowing them to do more. The city is allowing them to put the sheds up when it wasn't in the Code to necessarily allow them to do so. The city allowing them to have the opportunity to have granite outside. When people cheat the rules, the system, it hurts all of the business owners that go through the right way of doing things and coming in and getting approvals first and moving in. Otherwise, the city should just have no rules if we have to bend over backwards. We now as a Commission are placed on the spot to be the bad guys and say we do not allow this and you have to move your business and that's not what he's here to do tonight. He understands if the business owner was not aware of what this Commission or where it could be or what the rules are. He thinks they should have known but the fact is, they were told by staff.

Mr. Walker stated they were definitely told and told to give staff a layout prior to placing it and they chose not to do that. He doesn't recall that anyone from staff told them that the entire property had to be in compliance before the major amendment could be approved but he does believe that did come from this Commission. He believes that was conveyed to the property owner that the desire was to have the entire property in compliance.

Mayor Via stated, okay.

There was some discussion on possibly continuing this item due to the fact of them not in compliance. The Commission was okay and satisfied with the sheds; those are in compliance. The Commission is aware that fines begin on the property starting tomorrow and the property owner is still in Code violation for the granite displays placement. Attorney Simpson shared some information pertaining to the fines and fines that could start to accrue. The shed company is in compliance so the fines don't affect him. The granite company is the one who will be accruing the fines. If they approve the BPUD tonight, it does not validate the outside storage of the granite company. The granite company will still go forward with the Code Enforcement violation and accrue the fines beginning tomorrow with the granite company's outside display/placement of the granite. Approving this BPUD doesn't change what the Commission does tonight, the Code Enforcement violation on the property still remains against the property owner until he comes into compliance with the granite company. The granite tenant needs to do what they need to do to come into compliance. After some discussion about the location of where they can place the granite and staff will continue to keep a paper trail of what's taking place and mark up the proposed handout drawing to show what and where the granite can be placed; there was consensus to move forward with a vote on this tonight. The shed business did the right thing and has come into compliance.

Mayor Via opened public participation. No one spoke.

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

ORDINANCE
2024-O-3068
SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SECOND MAJOR AMENDMENT TO THE MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SECOND MAJOR AMENDMENT TO THE MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MALKIT SALH REVOCABLE LIVING TRUST has proposed a second Major Amendment to the BPUD on property described in Exhibit A, to amend that certain Development Agreement (the "Agreement") dated January 27, 2004, recorded in the public records of Volusia County Florida, in Book: 5254 Page 2739.

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

SECTION 1. The City Commission of the City of Holly Hill hereby approves the second Major Amendment to MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT as described in Exhibit "B".

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of FEBRUARY, 2024 for second and final reading.

EXHIBIT A

Legal Description

S 225 FT OF E 193 1/3 FT OF LOT 21 W OF OLD KINGS RD BLK 21 FLEMING FITCH GRANT PER DB 526 PG 383 EXC PT IN RD PER DB 549 PG & EXC TRIANG IN NEW R/W BEING E 31.99 FT OF S 32.05 FT PER OR 5098 PG 2762 PER OR 5871 PGS 2104-2106 INC PER OR 7115 PGS 0219-0221 INC PER OR 7779 PG 0771

EXHIBIT B

SECOND MAJOR AMENDMENT TO THE MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT

THIS SECOND MAJOR AMENDMENT TO THE MALKIT SALH BPUD DEVELOPMENT AGREEMENT is made this _______ day of ___________________, 2024, by and between **MALKIT SALH REVOCABLE LIVING TRUST**, and the **CITY OF HOLLY HILL,** a Florida municipal corporation (the "City").

WHEREAS, Malkit Salh and the City entered into that certain Development Agreement (the "Agreement") dated January 27, 2004, recorded in the public records of Volusia County Florida, in Book: 5254 Page 2739, for the development of certain real property as described in said Agreement; and

WHEREAS, Owners and City wish to further modify certain provisions of the Agreement as detailed below; and

NOW, THEREFORE, in consideration of the mutual covenants and promises made herein, the parties hereto covenant and agree to bind themselves as follows:

1. The above recitations are true and correct and incorporated herein by reference.

2. Owners and City mutually agree that letter D of the current agreement titled, Land Uses Within the PUD, is replaced in its entirety with the language below labeled **D,** and that letter E of the current agreement titled, Development Standards is replaced in its entirety with the language below labeled **E,**

D. Land Uses Within the PUD. The development of the parcel shall be consistent with the uses prescribed within the proposed PUD. The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

a. Automotive Repairs, Servicing and Sales
b. Shed sales and display - sheds shall be displayed only within the boundaries shown on the attached plans labeled **Location Envelope**.
c. All uses permitted in the B-6 zoning district except as otherwise prohibited.

Prohibited Uses:

a. Bars and nightclubs.
b. Self-service laundromats
c. Any other uses not specifically listed under Permitted Uses
d. Single-family home - **the property owner waives and relinquishes any claims to grandfathering with regard to the use of a single-family home.**

E. Development Standards:

1. Minimum lot area: 34,600 square feet
2. Minimum lot width: 170 feet
3. Minimum yard size:
   a. Front yard - 15 feet - Property is a corner lot and considered to have two front yards that abut the road
   b. *Side yard (north) - 10 feet / Side yard west abutting residential property - 20 feet.

*The existing building on the north end of the property shall be considered legal non-conforming but must come into conformity with all setbacks should the property be damaged in excess of 50% of its value at the time of damage.

4. Maximum lot coverage: 75%
5. Maximum building height: 45 feet
6. Landscape buffer requirements - minimum 5 feet along all property lines
7. Minimum building separation: As determined by Fire Marshal and Chief Building Official.
8. Parking standards as required in the Holly Hill Land Development Regulations
9. Signage Requirements as required in the Holly Hill Land Development Regulations

3. All other provisions, conditions, and requirements of the Agreement dated January 27, 2004, recorded in the public records of Volusia County Florida, in Book: 5254 Page 2739 remain in full force and effect.

NOW THEREFORE, the undersigned parties hereby agree to the above terms and conditions of the Major Amendment.

CITY OF HOLLY HILL, FLORIDA
a Florida municipal corporation

By: ________________________________
Chris Via, Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, **by means of ☐ physical presence or ☐ online notarization,** this _______ day of ________________, 2024 by ____________________________, who is personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

____
Notary Signature

____
Printed Name

Commission No.: __________
My Commission Expires: __________

WITNESSES:

____

____
(Name Printed or Typed)

____

____

Malkit Sahl

By: ________________________________
Name: ________________________
Title: ________________________

(Name Printed or Typed)

STATE OF ________________
COUNTY OF _______________

The foregoing instrument was acknowledged before me, **by means of ☐ physical presence or ☐ online notarization,** this _______ day of ________________, 2024 by __________________________________, who is personally known to me or produced ___________________________ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

____
Notary Signature

____
Printed Name

Commission No.: __________
My Commission Expires: __________

Enacted and approved this 27th day of February, 2024, in Holly Hill

2. –2024-O-3072 <u>Ordinance</u>

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending Chapter 30 (Finance), Article IV (Special Assessment) to a New Title of Special Assessment – Code Enforcement Costs; Create New Article V (Special Assessments) Authorizing the City to Levy Special Assessment and Outlining the Procedures for Special Assessment to be Levied; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mr. Forte read through his staff report. This Ordinance creates the authority for the City Commission to levy a non-ad valorem assessment. This regulation applies to all special assessments within the City of Holly Hill. If approved, the City Commission would then need to adopt resolutions for any particular type of special assessment for the specific special assessment purpose. This Ordinance will allow the City to adopt this particular special assessment and any other special assessments in the future if the need arises. The city staff has been negotiating terms and conditions with the representatives of the Anastasia Ct. townhome development. The development has some unique conditions, that the city is negotiating, that will be beneficial to the Developer, as well as, the City.

In order for the Developer to comply with the City's requests, the Developer and future HOA will need to enter into an agreement, whereby specific maintenance responsibilities are assigned to the Developer and the City for maintenance of the retention pond. In order for the city to ensure that the maintenance from the HOA is completed regularly and properly by the HOA, the city will need to assign a non-ad valorem assessment to the Developer and HOA in perpetuity. Approval of this Ordinance has no effect on any particular property. In order for the assessment to be applied to a property, the City Commission must adopt a Resolution specific to the property for which the assessment is being assigned. This Ordinance is citywide to provide ability to attach an assessment to a property but for more specifically, as staff continues to negotiate the Anastasia Court terms and conditions, staff will come back once that development order is done and will bring that forward to the City Commission, if it's approved, staff will need to do a Resolution to place an assessment on that developer and the HOA.

Mayor Via opened public participation. No one spoke.

RESULT:	**APPROVED AT 1ST READING [UNANIMOUS]**	**Next: 3/12/2024 6:00 PM**
MOVER:	John Penny, District 1 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Via, Penny, Currie, Danio	
EXCUSED:	Johnson	

7. COMMUNICATIONS

A. City Manager Comments

Mr. Forte reminded the Mayor and Commissioners about the Brazilian Peppertree event will take place on Wednesday, March 13, 2024 at Sunrise Park from 8:00 AM - 2:00 PM if you would like to come by and/or help. The East Central Florida CISMA and the Fish and Wildlife are helping to put this on. There's a number of volunteers and some employees from Public Works that will help with the removal that day. All of the Commissioners have been sent a calendar invite to meet with the auditors individually and some of those days he will not be here, he will be out of State but Mr. Walker will sit in on those meetings with them.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Currie asked if any bike wash permits have been issued and she was informed no, there has not. She inquired about a date for the Veterans Memorial and Mayor Via let her know that he is working on that with staff because they are trying to get Congressman Waltz's schedule so that he can be a part of it. He's trying to get a date confirmed and then they will release the date and time. By the next meeting they should have a date.

Commissioner Danio continue to pray for Commissioner Johnson.

D. Mayor's Comments

8. ADJOURNMENT

The meeting adjourned at approximately 7:00 PM.

Valerie Manning, City Clerk,CMC 2/27/2024

Chris Via, Mayor 2/27/2024