CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● MARCH 10, 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 Penny Currie
c. Pledge of Allegiance
The Pledge of Allegiance to the Flag was led by Mayor Via.

2. PRESENTATION

1.

April is Holly Hill Arts Festival Month

(Requested by Valerie Manning, City Clerk)

RESULT: **NO VOTE NEEDED**

3. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners: Marta Pascal, Adams Cameron Realtor and Jim Legary, Holly Hill.

4. APPROVAL OF MINUTES

1.

Minutes - February 11, 2020 - Regular City Commission Meeting and February 25, 2020 Workshop

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 10th day of March, 2020, in Holly Hill

5. 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)
Commissioner Currie made a motion to ***AMEND Section 3(i) of the Ordinance to read as follows, "Mobile food vehicles are not allowed in residential areas or the residential portion of a mixed-use PUD. This restriction shall not apply when the mobile food vendor is hired to cater a private event in a residential zone.", and REMOVE the wording from the Ordinance that says, "and may not locate any closer than 100 feet from a residentially zoned area",; and included in her motion is to REVIEW this Ordinance at the FIRST meeting in February 2021****, seconded by Commissioner Penny.*

Mayor Via opened public participation.

Heidi Heller, Holly Hill and Jim Legary, Holly Hill spoke to the Mayor and City Commissioners.

Mayor Via closed public participation.

PASSED, 4-1 (Danio opposed)

RESULT:	**ADOPTED AT 2ND READING [4 TO 1]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Currie, Johnson
NAYS:	Danio

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.

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 trailer, 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. A mobile food vehicle permit is required for Class I mobile food vehicles.

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. A mobile food vehicle permit is not required.

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, a Class I mobile food vendor must provide the following to the city:

1. A 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 each year. The 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 5 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 a fee as established by the City Commission. All permits expire on September 29th of each year and must be renewed.

(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 3 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. <u>OPERATING REQUIREMENTS</u>

(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) A mobile food vendor may not locate on any property that abuts a property with 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 and this Ordinance will be reviewed at the first meeting in February 2021.

APPROVED AND AUTHENTICATED on this 10th day of MARCH, 2020 for second reading.

Enacted and approved this 10th day of March, 2020, in Holly Hill

6. CONSENT AGENDA - ITEMS (1 - 3)

Mayor Via announced that the Public Hearing for Second Reading on Ordinance 3024, Mobile Food Trucks, was going to be moved to the beginning of the Consent Agenda.

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 asked to speak about Consent Agenda item #3, Resolution 2020-R-12, Establishing Rules for City Parks.

There was no one else to speak.

1. 2020-R-10 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Amending the Adopted Budget for the City of Holly Hill for the Fiscal Year 2019-2020; and Providing for Severability; and Providing for an Effective Date.

(Requested by Stella Gurnee, Finance)

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

RESOLUTION
2020-R-10
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING THE ADOPTED BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2019-2020; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING THE ADOPTED BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2019-2020; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill, by Resolution 2019-R-57, adopted an operating budget for Fiscal Year 2019-2020; and

WHEREAS, The City of Holly Hill, Resolution 2019-R-87, Resolution 2019-R-91 and Resolution 2020-R-5 amended the operating budget for Fiscal Year 2019-2020; and

WHEREAS, the budget adjustment increase revenues and expenditures in total pursuant to itemizations contained in Exhibit "A", which is attached hereto and incorporated herein; and

WHEREAS, the budget adjustments will allow the City of Holly Hill to adjust the Fiscal Year 2019-2020 budget.

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

SECTION 1. AMENDED BUDGET. The City Commission of the City of Holly Hill amends the Fiscal Year 2019-2020 budget by revising the budget in total pursuant to itemizations contained in Exhibit "A", which is attached hereto and incorporated herein.

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 become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 10th day of MARCH, 2020.

Enacted and approved this 10th day of March, 2020, in Holly Hill

2. –2020-R-11 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Amending the Comprehensive City Wide Adopted Fee Schedule for the City of Holly Hill for the Fiscal Year 2019-2020; and Providing for Severability; and Providing for an Effective Date.

(Requested by Stella Gurnee, Finance)

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

RESOLUTION
2020-R-11
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE CITY WIDE ADOPTED FEE SCHEDULE FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2019-2020; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE CITY WIDE ADOPTED FEE SCHEDULE FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2019-2020; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill, by Resolution 2019-R-47, adopted an comprehensive City wide fee schedule for Fiscal Year 2019-2020; and

WHEREAS, The Citywide Fee Schedule has been modified to incorporate recent recommended changes in the fees; and

WHEREAS, The Schedule of Fines, Fees, Costs and/or Penalties (which is attached hereto and incorporated herein as "Attachment "A") is being modified to reflect the changes that have been incorporated herein.

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

SECTION 1. Notice of the public meeting and public hearing at which this Resolution was considered was properly given, and all oral and written presentations made to and heard by the City Commission were properly considered.

SECTION 2. There is a reasonable relationship between the fees to be collected for the provision of various City services and the City's costs in providing those services.

SECTION 3. The fees which are newly created, increased, decreased, and unchanged- as set forth in the amended FY 2019-2020 Proposed Citywide Fee Schedule (Attachment "A"):

1. Do not exceed the actual or estimated reasonable costs to the City of providing the services to which the fees relate;

2. Are reasonable and necessary to enable the City to provide the benefit or privilege, service or product, license or permit, use or rental, fine or penalty, or property development to which they relate;

3. Have been allocated in a manner such that the costs to a payor bear a fair and reasonable relationship to the payor's burden on, or benefits received, from the City; and

SECTION 4. The City Commission hereby approves and adopts:

1. The amended FY 2019-2020 Proposed Citywide Fee Schedule (Attachment "A") which:

A. Creates, increases, decreases, or removes some fees.

SECTION 5. Any fee, rate, charge, penalty, fine, table, or schedule contained in the FY 2019-2020 Proposed Citywide Fee Schedule (Attachment "A"), as adopted in this Resolution, will prevail and apply in the event of a conflict with any other fee, rate, charge, penalty, fine, table, or schedule.

SECTION 6. The newly created fees, unchanged fees, decreased fees and increased fees listed in this Resolution and set forth in the FY 2019-2020 Proposed Citywide Fee Schedule (Attachment "A") become effective on March 10, 2020.

APPROVED AND AUTHENTICATED on this 10th day of MARCH, 2020.

Enacted and approved this 10th day of March, 2020, in Holly Hill

3. -2020-R-12 Resolution

A Resolution by the City Commission of the City of Holly Hill, Florida, Establishing Rules for City Parks; Providing for Severability; Providing for Conflicting Resolutions; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

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

RESOLUTION
2020-R-12
A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING RULES FOR CITY PARKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING RULES FOR CITY PARKS; PROVIDING FOR

SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill desires to establish rules for city parks; and

WHEREAS, the following prohibited uses for city parks are as follows: no moon walks, pony rides and other rented games/amusements, no use of city electricity, portable generators or amplified music, no smoking in any park, no alcohol consumption shall be allowed in any park, no skateboards, scooters or bicycles on the exercise walking path in Sunrise North, no dogs in Hollyland Park, all dogs must be kept leashed at all times at any park where allowed and owners must carry litter bags, no overnight parking of any vehicles in any of the city parks parking lots; however, boaters with a vehicle connected to a boat trailer will be allowed to park overnight at Sunrise South while boating on the River; and

WHEREAS, all park hours of operation are from 6:00 AM to 10:00 PM with the exception of Sunrise South, which will be open 24 hours a day to boaters and fishers.

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 designates and establishes park rules for city parks.

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 10th day of MARCH, 2020.

Enacted and approved this 10th day of March, 2020, in Holly Hill

7. REGULAR AGENDA - NONE

8. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte mentioned in their packet is the Traffic Signal Maintenance and Compensation Agreement has been signed. He was glad to see that Marta Pascal from Adams Cameron came and had some comments and she has been working hard in trying to sell some of the city property. They had a conversation today and one of the things that he wanted to talk to the Commission about is, originally when the city tried to sell, specifically, the two properties…the one on Ridgewood and the one on Riverside Drive, staff originally put that out as bids and proposals for certain development and the city didn't get any responses on that. So, the city decided to then just go out and just sell the property straight forward. If someone right now wanted to come in and buy the property in the 600 block of Ridgewood, they would buy it and they would be able to develop it with whatever is within the current zoning of the CC-1 and the Overlay District. That also applies to the property on Riverside Drive that's directly across the street from Marina Grande, although a much smaller piece of property, if it were to be privately purchased, someone could buy it and put on that property whatever is contained within the CC-1 zoning right now. There are some uses that they may not want to see on Riverside Drive. He sent all of the Commissioners an email with suggestions of restrictive uses and he doesn't know if that's something that they want to consider but one of the things that they can do is they can put a restrictive covenant on that property to not allow certain uses to be built on there even though they are allowed in the zoning district, the Commission can put a restrictive covenant on that property as the owner and that stays with the property in perpetuity. That would limit the number of people interested in the property but the city had at least one person interested in bringing a motorcycle repair shop there and when he looked at their current business, it's an extremely nice business. It's very clean, it's located in Ormond Beach in one of their business centers up there off of US1, it's very clean, there's only two employees - a husband and a wife. They work on a limited number of motorcycles that are contained within the building, that if they went there it probably wouldn't be objectionable. However, if they sold it and someone else came in and they decided to run a motorcycle repair shop, it could be something other than that quality of repair. He throws that out to the Commission just for them to make a decision if they want to restrict the uses, especially on Riverside Drive, he's not so sure the Commission would want to restrict the uses on US1 because it's a competitive market and it is US1 and their zoning allows for that, but do they want to restrict the use on the Riverside Drive property directly across from Marina Grande where they've got a lot of opinions about what is built or proposed on Riverside Drive. He throws that out there for some open discussion.

Mayor Via stated and also too, he'll point out too, it's right next door to residential property abutting it.

Mr. Forte stated it's next to the mobile home park and another commercial use.

Mayor Via stated that's what he's saying because that makes it different than US1. He's interested in looking at that. He thinks that should be an item that comes back. He doesn't think they should make a decision tonight but put it into a future agenda.

Mr. Forte stated well, he would want to do it as soon as the next meeting because it limits or restricts Marta's ability on how she and who she markets it to.

Mayor Via stated, oh, he sees.
Mr. Forte stated because right now it has a very broad zoning use that if the Commission decides to change or put a restriction on…

Mayor Via asked if it only takes one reading to do that?

Mr. Forte stated no, it's actually going to take more. He believes it has to go before the Board of Planning and Appeals. It may; he's not 100% sure. Understand, that as the government, the city cannot restrict the use of a property in any zoning district as long as it's within that zoning district. As the owner of the property, you can put a restrictive covenant on it and that's the difference.

Commissioner Penny stated his question is, can they just market it and see who's interested in it and then because the city is the owner then apply for a PUD agreement with ourselves before the city sells it to them?

Mr. Forte stated unfortunately, it's too small of a piece of property for a PUD. He's talked to Mr. Walker about that and the staff may be coming forward in the future with changing the size of a parcel that qualifies for that.

Commissioner Penny stated he thinks that's a wonderful solution if they can do that. If they can change their rules for a PUD, they can do it because that way whoever buys it, what they tell the Commission it's going to be, we're assured what it's going to be, and it's going to be that forever for whoever buys it in the future until they change it.

Mr. Forte stated in that particular process, they're going to get somebody that would put a deposit on the property and open up a due-diligence period of probably four to six months as they go through PUD negotiations, it then has to go before the Board of Planning and Appeals and then come to the Commission for two readings. It probably will take six months. That would tie the property up for six months and then if the city can't come to an agreement on the PUD they would then have the opportunity to withdraw their deposit and move on.

Mayor Via stated so then, would that be a longer process than if the city just said, "hey, the city doesn't want x, y, z", but then someone else doesn't have that, they have a, b, c

and it's allowed then they go purchase…

Mr. Forte stated it would be a little bit longer of a process because the Commission would be negotiating the terms and conditions of the PUD as opposed to just putting the limitations on there. But, like he said, they did have somebody that was interested in a certain type of business and under a PUD scenario, the city would be able to restrict that use to, for example, the repairs would have to be contained in the building as opposed to overflowing outside the building and the Commission would only allow so many vehicles outside. It's a good idea; he just has to see…

Mayor Via stated what the process is.

Mr. Forte stated right now that parcel is too small for a PUD. They would have to amend the zoning ordinance to allow for a PUD on a smaller parcels and then go through that process, which is going to take several months because it has to go to the Board of Planning and Appeals and then come back to the Commission then you would potentially get a buyer, that would, as he said, put a contract on the property and then have a due-diligence period to then negotiate the PUD.

Commissioner Penny stated here's his concern. It sounds wonderful to limit what you want there. These parcels have been for sale for no less than five years. Although, maybe not actively marketed with an active agent until recently but the city hasn't had hardly any interest with no rules or no restrictions on it. For the city to arbitrarily put a filter and restrict their real estate agent's ability to market this to the masses, he thinks they are shooting themselves in the foot.

Mayor Via stated so you're saying decide whenever they come to us? And he doesn't think that they have to let the city know, right? They don't have to let the city know what they're building, right? They can just say they want to buy.

Commissioner Penny stated but the city doesn't have to sell it to them, either as the seller.

Mayor Via stated, right.

Commissioner Penny stated as the government we do but as the seller we don't.

Mr. Forte stated but nobody is necessarily going to disclose what they are going to use it for. If they have somebody that comes in and says, "I'm going to offer you the full price", and he says, "Well, what are you going to put there?", and they say, "None of your business. I'm holding it as an investment."

Mayor Via stated but the city doesn't have an obligation to sell to them, correct, as the owner?

Mr. Forte stated he would have to ask Marta. If somebody offers a full price, are we obligated to sell or do we have the right to "not" sell it?

Commissioner Penny stated he thinks we can say no and he thinks it would be wise to actively pursue our ability to amend smaller lots for PUD's in the meantime. He thinks that's just a powerful tool whenever it comes to rezoning a property for the city. It puts piece of mind of what is actually going to be there. Whether for this parcel or for one in the future.

Commissioner Currie stated, Joe, I feel as though if we need to pursue the PUD avenue but also, if we're not going to be able to accomplish that with this particular property, we may want to put some restrictions on it because I do believe that because of the MG and because of some of our other establishments along Riverside Drive, we're going to need to do that.

Mr. Forte stated this parcel is directly across from Marina Grande's main entrance.

Commissioner Currie stated, right.
Mr. Forte stated and one of the options that the city has told the people at Marina Grande if they don't want to see something undesirable there, buy it.

Commissioner Penny asked what's the value? What is the city listing it for? (Marta stated from the audience, $98,000).

Mayor Via stated $98,000 for the record.

Commissioner Currie stated that's the route that she would prefer to go. They need to be a little bit more particular about what goes in down there.

Mr. Forte stated if they would go back and look at the email he sent them, it has a number of uses that the Commission may want to consider and they can let him know what they think they would support or not support.

Commissioner Currie stated, okay.

Mayor Via asked and then send it to the Board of Planning and Appeals?

Mr. Forte stated if they would let him know then Mr. Walker and himself will work something up and bring it to the Board of Planning and Appeals for a recommendation.

Commissioner Danio asked, didn't the city have a roofing place in that same building?

Mr. Forte stated no, that's on the corner. This is a vacant piece of land.

Commissioner Danio stated he agrees with Commissioner Currie. He doesn't want to make Marta's job any harder but he's thinking the city should be careful what they put there too.

Commissioner Johnson stated he kind of likes the motorcycle place; they're in the same plaza/building that Newkirk Engineering is in Ormond Beach right now, nice clean business. He thinks they would have a good future there on Riverside Drive but we don't

know it for sure and depending on whether or not you want to know for sure, the Commission has to make a decision one way or the other.

Commissioner Currie stated the problem she has is this may be a classy business but maybe they want to retire in five or ten years and now they are going to sell it then the city has no control. That's her concern. The business that wants to go in there may very well be just fine, classy, everything's inside, no problems but she has to think down the road of what may happen and protect that.

Mr. Forte stated he just doesn't want the Commission to get any negative feedback of you had the opportunity to control this gateway area of the city and you didn't do something to limit…

Commissioner Currie stated she thinks it would be a mistake if the Commission didn't.

Mayor Via stated what he is hearing is they can go ahead and send this to the Board of Planning and Appeals and let them go through it with a fine tooth comb and give the Commission their recommendations and the Commission discusses them here and they can decide. The Commission can go Commissioner Penny's route, which I see a lot of benefits to, or Commissioner Currie's route so that we can decide that and if we don't agree with their uses we can certainly change those but I don't mind doing that.

Mr. Forte stated he is going to go ahead and talk to Marta about potentially pulling that from the sale list until it goes through that process.

Mayor Via stated he wouldn't mind keeping it up unless the city has an obligation to sell if they have an offer.

Mr. Forte stated he would hate to get an offer in and they tell somebody…

Mayor Via asked but what if they get a great offer? The city may want to just entertain it. Staff can just have that conversation. Marta's the professional. So, Mr. Forte has his direction.

Mr. Forte stated staff applied for a COPS Grant. Originally, they were going to put in for three officers at 75% and then at the end of three years they would have to absorb the full cost of those officers. As staff dove into the details of how that actually works, that 75% is a maximum over a three-year period. When staff calculated it out, for the city, when they take the salary, benefits, etc., it comes out to about 59% of a match and the city would have to cover the other 41%. It's a little bit more rich than they thought. He asked the Police Chief and Deputy Police Chief to put in for two positions rather than three and then the city would fund that…they can spread how they do the match and they can weigh it at the end. They can do a lesser percentage in the beginning and a higher percentage towards the end, which is what staff put in for. He just wanted to make the Commission aware of that. They put in for two officers. This will come back to the Commission should they get approved for the grant and the purpose of these officers is

primarily for traffic enforcement for speeding, etc. They just don't blend into the regular shift. They have to be used specifically for traffic enforcement. If the city gets awarded, he'll have two additional officers that will be out there on a shift doing traffic enforcement that the regular officers won't be handling, they'll be doing the other details. He just wanted to make the Commission aware of that as they put that application out there.

a.

Traffic Signal Maintenance and Compensation Agreement - Contract No. ARY79 and Task Work Order 19-20

(Requested by Valerie Manning, City Clerk)
This was for informational purposes only.

B. City Attorney Comments
Not present.

C. City Commission Comments
Commissioner Danio resigned from the EVRWA effective immediately.

*Commissioner Penny made a motion to **APPOINT Commissioner Penny Currie to the EVRWA**, seconded by Commissioner Danio.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

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The Commissioners spoke about the COVID-19 and thanked staff for the steps that are being taken to help the citizens and employees. Commissioners thanked Marta for helping to sell a couple of the city's properties.

Commissioner Penny mentioned about the free Doctor on Demand for the kids that attend HHK-8 school and encouraged everyone to look into that.

Mr. Forte let the Commission know that he did speak to the County Manager and he suggested that the city stay in contact with the TPO; will let the Commission know if he receives anything further from the County.

D. Mayor's Comments

1.

Appointment of a River to Sea Transportation Planning Organization (TPO) Representative

(Requested by Valerie Manning, City Clerk)
Commissioner Penny *made a motion to **APPOINT Commissioner Roy Johnson as the City's TPO Representative and Mayor Chris Via as the Alternate***, seconded by

Commissioner Danio.

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

Mayor Via mentioned the Elected Officials Roundtable meeting and they briefly discussed the COVID-19 issue and gave an update of that meeting; relief funds; League of Women Voters.

Mr. Forte spoke briefly about the COVID-19 issue and what the city is currently doing to keep everyone safe and aware of what is taking place with the COVID-19 and is working with staff and Finance Department to have things in place as this goes forward and the protocols that are being put in place.

9. ADJOURNMENT

The meeting adjourned at approximately 8:20 pm.

Valerie Manning, City Clerk,CMC 3/10/2020

Chris Via, Mayor 3/10/2020