CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● MARCH 12, 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

Commissioner Currie made a motion to ***EXCUSE COMMISSIONER JOHNSON FROM THE MEETING TONIGHT DUE TO MEDICAL REASONS,*** *seconded by Commissioner Danio.*

Mayor Via opened public participation. No one spoke.

PASSED, 4-0.

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 John Danio
c. Pledge of Allegiance

2. PRESENTATIONS

1.

Holly Hill K-8 School Presentation

(Requested by Valerie Manning, City Clerk)

RESULT:	**NO VOTE NEEDED**

2.

FY2023 Annual Audit Presentation Presented by James Halleran, James Moore & Co., CPAs.

(Requested by Michele Moore, Finance)

RESULT:	**NO VOTE NEEDED**

3. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners:

Gabriel Varga, Holly Hill; Robin Hanger, Holly Hill; Mike Moon, Holly Hill; Jim Legary, Holly Hill.

4. APPROVAL OF MINUTES

1.

Minutes - February 27, 2024 Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)
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 12th day of March, 2024, in Holly Hill

5. CONSENT AGENDA - ITEMS (1 - 3)

Mayor Via asked if anyone in the audience 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.

Heidi Heller, Holly Hill spoke on Consent Agenda Item #2, Letter of Authorization for Mosquito Control Low Flying Treatments.

There was no one else to speak on any of the items.

1. 2024-R-13 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Awarding Utility Infrastructure Construction and Restoration Services to Black Sands Development Group as a Primary Contractor and to Cathcart Construction Company Fl, LLC as a Secondary Contractor, and Authorizing the City Manager to Enter into Agreements with the Selected Consultants; 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:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

RESOLUTION
2024-R-13
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING UTILITY INFRASTRUCTURE CONSTRUCTION AND RESTORATION SERVICES TO BLACK SANDS DEVELOPMENT GROUP AS A PRIMARY CONTRACTOR AND TO CATHCART CONSTRUCTION COMPANY FL, LLC AS A SECONDARY CONTRACTOR, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE SELECTED CONSULTANTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING UTILITY INFRASTRUCTURE CONSTRUCTION AND RESTORATION SERVICES TO BLACK SANDS DEVELOPMENT GROUP AS A PRIMARY CONTRACTOR AND TO CATHCART CONSTRUCTION COMPANY FL, LLC AS A SECONDARY CONTRACTOR, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE SELECTED CONSULTANTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in order to expedite utility repairs and projects and ensure that competitive rates are received, it is in the City's best interest to have an active contract with utility construction contractors; and

WHEREAS, a Request for Proposals (RFP) was advertised for Utility Infrastructure Construction and Restoration Services with two responses received; and

WHEREAS, an Evaluation Committee met on February 28, 2024 and unanimously agreed that Black Sands Development Group, LLC should be recommended as a primary contractor and Cathcart Construction Company FL, LLC should be recommended as a secondary contractor; and

WHEREAS, no expenditures are being approved at this time as part of this award.

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

SECTION 1. That the City Commission does hereby award Black Sands Development Group, LLC as the primary contractor for Utility Construction and Restoration Services and authorizes the City Manager to execute the same.

SECTION 2. That the City Commission does hereby award Cathcart Construction Company FL, LLC as the secondary contractor for Utility Construction and Restoration Services and authorizes the City Manager to execute the same.

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

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

APPROVED AND AUTHENTICATED on this 12th day of MARCH, 2024.

Enacted and approved this 12th day of March, 2024, in Holly Hill

2. DOC-2024-3

Letter of Authorization for Mosquito Control Low Flying Treatments

(Requested by Joseph Forte, City Manager)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

Enacted and approved this 12th day of March, 2024, in Holly Hill

3.

Interagency Agreement Between Volusia Sheriff's Office and Holly Hill Police Department for Criminal Justice Information Exchange and Use

(Requested by Jeff Miller, Police)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

Enacted and approved this 12th day of March, 2024, in Holly Hill

6. REGULAR AGENDA

1. –2024-R-14 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Rejecting All Bids for Contractuion of Lift Station #4; Authorizing the City Manager to Execute Change Order #2 for Lift Station #4 Replacement Project Design Modifications in the Amount of $6,430.00, Bringing the Total Cost of Professional Design Services to an Amount Not to Exceed $61,970.00; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)
Mayor Via opened public participation. No one spoke.

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

RESOLUTION
2024-R-14
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, REJECTING ALL BIDS FOR CONTRACTUION OF LIFT STATION #4; AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 FOR LIFT STATION #4 REPLACEMENT PROJECT DESIGN MODIFICATIONS IN THE AMOUNT OF $6,430.00, BRINGING THE TOTAL COST OF PROFESSIONAL DESIGN SERVICES TO AN AMOUNT NOT TO EXCEED $61,970.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, REJECTING ALL BIDS FOR THE CONSTRUCTION OF LIFT STATION #4; AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 FOR LIFT STATION #4 REPLACEMENT PROJECT DESIGN MODIFICATIONS IN THE AMOUNT OF $6,430.00, BRINGING THE TOTAL COST OF PROFESSIONAL DESIGN SERVICES TO AN AMOUNT NOT TO EXCEED $61,970.00; AND PROVIDING

FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission approved an agreement for the design, permitting and bidding assistance for the Lift Station #4 Replacement Project with Parker Mynchenberg & Associates, Inc., on July 26, 2022; and

WHEREAS, Change Order #1 in the amount of $2,520.00 was approved at the staff level for Geotechnical engineering services on November 22, 2022; and

WHEREAS, this project was bid for construction on March 26, 2022, however bids received were at a cost significantly exceeding the project budget; and

WHEREAS, City staff recommends the City Commission rejects all bids for the construction of Lift Station #4, and

WHEREAS, the provision of value engineered bid modifications are recommended in order to reduce construction costs, causing a change in bid specifications; and

WHEREAS, a proposal for Change Order #2 was received from Parker Mynchenberg & Associates, Inc., in the amount of $6,430.00 in order to modify the completed bid packet to value engineered specifications.

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 reject all bids for the construction of Lift Station #4 and authorizes the City Manager to execute Change Order #2 for Lift Station #4 Replacement Project Design Modifications in the amount of $6,430.00, bringing the total cost of design services to an amount not to exceed $61,970.00.

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 12th day of MARCH, 2024.

Enacted and approved this 12th day of March, 2024, in Holly Hill

2.

Request for Code Enforcement Lien Reduction - 144 Ridgewood Avenue

(Requested by Joseph Forte, City Manager)
Mr. Walker stated that the City Manager negotiated the lien reduction from $190,000.00 to $16,726.64 to be paid no later than April 19, 2024.
Mayor Via opened public participation. No one spoke.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

Enacted and approved this 12th day of March, 2024, in Holly Hill

7. PUBLIC HEARINGS

1. 2024-O-3072 Ordinance

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)
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-3072
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.

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

WHEREAS, the City has adopted regulations for special assessments specifically to collect the costs incurred by the City for correcting code violations and the City want to amend the Article title to make it clear; and

WHEREAS, the City desires to create a new Article that allows for all special assessments and adopts rules and regulations.

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 amends Chapter 20, Article IV to be titled Special Assessment - Code Enforcement Costs.

SECTION 2. The City Commission of the City of Holly Hill hereby creates Article V (Special Assessments) to read as follows:

Article V (Special Assessments)

Section 30-90. Assessments.

Article VIII, Section 2 of the Florida Constitution and F.S. § 166.021, grant the City all governmental, corporate, and proprietary powers to enable the City Commission to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law, and such powers may be exercised by the enactment of City ordinances.

The Assessments authorized herein shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

The Assessments imposed pursuant to this Article will be imposed by the City Commission, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Article shall be construed solely as ministerial.

Section 30-91 Authority and Purpose.

The City Commission is hereby authorized to impose Assessments against property located within an Assessment Area to fund Capital Improvements or Essential Services. The Assessment shall be computed in a manner that fairly and reasonably apportions the Capital Costs or Service Costs among the parcels of property within an Assessment Area, based upon objectively determinable Assessment Units related to the value, use or physical characteristics of the property.

Section 30-92 Creation of Assessment Areas.

1. The City Commission is hereby authorized to create Assessment Areas by resolution. Each Assessment Area shall encompass only that property specially benefited by the Capital Improvements or Essential Services proposed for funding from the proceeds of Assessments to be imposed therein. Either the Initial Assessment Resolution proposing an Assessment Area or the Final Assessment Resolution creating an Assessment Area shall include brief descriptions of the Capital Improvements or Essential Services proposed for such area, a description of the property to be included within the Assessment Area, and specific legislative findings that recognize the special benefit to be provided by each proposed Capital Improvement or Essential Service to property within the Assessment Area. Properties in any Assessment Area need not be adjacent or contiguous to any other property in an Assessment Area.

2. At its option, the City Commission may establish a process pursuant to which the owners of property may petition for creation of an Assessment Area to fund Capital Improvements and Essential Services. Notwithstanding any petition process established pursuant to this section, the City Commission shall retain the authority to create Assessment Areas without a landowner petition.

Section 30-93 Initial Assessment Resolution.

The initial proceeding for imposition of an Assessment shall be the City Commission's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall:

1. describe the proposed Assessment Area;

2. describe the Capital Improvements or Essential Services proposed for funding from proceeds of the Assessments;

3. estimate the Service Cost or Capital Cost;

4. establish a Maximum Assessment Rate if desired by the City Commission;

5. describe with particularity the proposed method of apportioning the Service Cost or Capital Cost among the parcels of property located within the Assessment Area, including any applicable Assessment Unit;

6. include specific legislative findings that recognize the equity provided by the apportionment methodology;

7. schedule a public hearing at a meeting of the City Commission, which meeting shall be a regular, adjourned or special meeting, at which to hear objections of all interested persons and to consider adoption of the Final Assessment Resolution and approval of the Assessment Roll; and

8. direct the Assessment Coordinator to (1) prepare the Assessment Roll pursuant to Section 30-94 hereof, (2) publish the notice required by Section 30-95 hereof, and (3) mail the notice required by Section 30-96 hereof using information then available from the Property Appraiser.

Section 30-94 Assessment Roll.

1. The Assessment Coordinator shall prepare a preliminary Assessment Roll that contains the following information:

a. a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;

b. the name of the owner of record of each parcel, as shown on the Tax Roll;

c. the number of Assessment Units attributable to each parcel;

d. if applicable, the estimated maximum annual Assessment to become due in any Fiscal Year for each Assessment Unit; and

e. if applicable, the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

2. Copies of the Initial Assessment Resolution and the preliminary Assessment Roll shall be on file in the office of the Assessment Coordinator and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal or otherwise accessible through the internet or similar data base. **Section 30-95 Notice by Publication.**

After filing the Assessment Roll in the office of the Assessment Coordinator, as required by Section 30-94(2) thereof, the Assessment Coordinator shall publish once in a newspaper of general circulation within Volusia County a notice stating that at a meeting of the City Commission on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the City Commission will hear objections of all interested persons to the Final Assessment Resolution and approval of the Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) a geographic depiction of the property subject to the Assessment; (B) the proposed schedule of the Assessment; (C) the method by which the Assessment shall be collected; (D) the Maximum Assessment Rate in the event one was adopted in the Initial Assessment Resolution; and (E) a statement that all affected property owners have the right to appear at the public hearing and to file written objections within 20 days of the publication of the notice. Notwithstanding anything herein to the contrary, notice of a proposed Assessment may be given in any manner authorized by law.

Section 30-96 Notice by Mail.

In addition to the published notice required by Section 30-95, Notice by Publication hereof, the Assessment Coordinator shall provide notice of the proposed Assessment by first class mail to the owner of each parcel of property subject to the Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) the purpose of the Assessment; (B) the total Assessment to be levied against each parcel of property including a Maximum Assessment Rate in the event one was adopted by the Initial Assessment Resolution; (C) the Assessment Unit to be applied to determine the Assessment; (D) the number of such Assessment Units contained in each parcel; (E) the total revenue to be collected by the Assessment; and (F) a statement that failure to pay the Assessment will cause a tax certificate to be issued against the property or foreclosure proceedings may be instituted, either of which may result in a loss of title to the property; (G) a statement that all affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of the notice; and (H) the date, time and place of the hearing. Notice shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the Tax Roll at least thirty (30) days prior to the date of mailing; provided, however, that failure to mail or receive such notice shall not invalidate any Assessment imposed hereunder. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Assessment Coordinator may provide proof of such notice by affidavit. Notwithstanding anything herein to the contrary, notice of a proposed Assessment may be given in any manner authorized by law.

Section 30-97 Adoption of Final Assessment Resolution.

1. At the time named in such notices, or to which an adjournment or continuance may be taken, the City Commission shall conduct a public hearing to receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the City Commission, adopt the Final Assessment Resolution which shall:

a. confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the City Commission;

b. create the Assessment Area;

c. establish the maximum amount of the Assessment for each Assessment Unit;

d. approve the Assessment Roll, with such amendments as it deems just and right; and

e. determine the method of collecting the Assessments and when collection shall commence.

2. In any instance where the public hearing is adjourned or continued prior to adoption of the Final Assessment Resolution or any Annual Assessment Resolution requiring mailed notice as provided in Section 30-98 hereof, the City shall not be required to provide additional notices pursuant to Sections 30-95, Notice by Publication and/or 30-96, Notice by Mail, hereof, provided:

a. The public hearing is continued to a time and date certain as determined by majority vote of the City Commission at the public hearing included in the original mailed notices; and

b. Such time and date certain is within sixty (60) days of the public hearing date included in the original mailed notices.

Section 30-98 Annual Assessment Resolution.

The City Commission shall adopt an Annual Assessment Resolution during its budget adoption process for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll, as prepared in accordance with the Initial Assessment Resolution and confirmed or amended by the Final Assessment Resolution, shall be confirmed or amended by the Annual Assessment Resolution to reflect the then applicable portion of the cost of the Capital Improvements or Essential Services, or both, to be paid by Assessments. If the proposed Assessment for any parcel of property exceeds the Maximum Assessment Rate established in the Initial Assessment Resolution for the area and described in the notices provided pursuant to Sections 30-95, Notice by Publication and/or 30-96, Notice by Mail, hereof or if an Assessment is imposed against property not previously subject thereto, the City Commission shall provide notice to the owner of such property in accordance with Section 30-96, Notice by Mail hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution. In the case of an Annual Assessment Resolution which approves an Assessment against property not previously subject thereto, notice and public hearing shall not be required if all owners of the newly affected property provide written consent to the imposition of the Assessment. Failure to adopt an Annual Assessment Resolution during the budget adoption process may be cured at any time.

Section 30-99 Effect of Assessment Resolutions.

The adoption of the Final Assessment Resolution or of an Annual Assessment Resolution requiring notice as provided in Section 30-98 Annual Assessment Resolution hereof, shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the maximum annual Assessment of each parcel, the adoption of the Assessment Roll and the levy and lien of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission's adoption of the Final Assessment Resolution. The Assessments for each Fiscal Year shall be established upon adoption of the Annual Assessment Resolution. If the Assessments are to be collected pursuant to the Uniform Assessment Collection Act, the Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified to the Tax Collector.

Section 30-100 Repayment of Assessments.

1. Unless determined otherwise in the applicable Initial Assessment Resolution, Final Assessment Resolution or any Annual Assessment Resolution, the Assessment imposed against any parcel of property to fund Capital Improvements shall be subject to prepayment at the option of the property owner, as follows:

a. Prior to the issuance of Obligations, the Assessment Coordinator shall provide first class mailed notice to the owner of each parcel of property subject to the Assessment of the City Commission's intent to issue such Obligations. On or prior to the date specified in such notice (which shall not be earlier than the thirtieth day following the date on which the notice is delivered to the possession of the U.S. Postal Service), or such later date as the City Commission may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total Assessment obligation.

b. Following the date specified in the notice provided pursuant to Section 30-100(1)(a) hereof, or such later date as the City Commission may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total remaining Assessment upon payment of an amount equal to the sum of (a) such parcel's share of the principal amount of Obligations then outstanding, (b) the premium associated with redemption of such parcel's share of the principal amount of Obligations then outstanding, and (c) interest on such parcel's share of the principal amount of Obligations then outstanding, from the most recent date to which interest has been paid to the next date following such prepayment on which the City can redeem Obligations after providing all notices required by the ordinance or resolution authorizing issuance of such Obligations; provided however, that during any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the

Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the City may reduce the amount required to prepay the Assessments imposed against any parcel of property by the amount of the Assessment certified for collection with respect to such parcel.

2. At the City's election, the Assessment imposed against any parcel of property may be subject to acceleration and mandatory prepayment if at any time a tax certificate has been issued and remains outstanding in respect of such property. In such event, the amount required for mandatory prepayment shall be the same as that required for an optional prepayment authorized by Section 30-100(1)(b) hereof.

3. The amount of all prepayments computed in accordance with this Section 30-100 shall be final. The City shall not be required to refund any portion of a prepayment if (1) the Capital Cost is less than the amount upon which such prepayment was computed, or (2) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

Section 30-101 Lien of Assessments.

1. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

2. Upon adoption of the Final Assessment Resolution, Assessments to be collected under the alternative method of collection provided in Section 30-106 Alternative Method of Collection hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Volusia County, Florida.

3. The lien of any Assessment imposed against any tax parcel hereunder shall survive a tax sale, and the purchaser of such parcel shall take title thereto subject to the lien of the Assessment.

Section 30-102 Revisions to Assessments.

If any Assessment made under the provisions of this Article is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the City Commission is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has omitted the inclusion of any property on the Assessment Roll which property should have been so included, the City Commission may take all necessary steps to impose a new Assessment against any property benefited by the Capital Improvement or Essential Service, following as nearly as may be practicable the provisions of this Article, and in case such second Assessment is annulled, the City Commission may levy and impose other Assessments until a valid Assessment is imposed.

Section 30-103 Procedural Irregularities.

Any informality or irregularity in the proceedings in connection with the levy of any

Assessment under the provisions of this Article shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all proceedings related to such Assessment were duly had, taken and performed as required by this Article; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 30-103, Procedural Irregularities, any party objecting to an Assessment imposed pursuant to this Article must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

Section 30-104 Corrections of Errors and Omissions.

1. No act of error or omission on the part of the City Commission, Assessment Coordinator, Property Appraiser, Tax Collector, or their deputies or employees, shall operate to release or discharge any obligation for payment of any Assessment imposed by the City Commission under the provisions of this Article.

2. The number of Assessment Units attributed to a parcel of property may be corrected at any time by the Assessment Coordinator, including upon presentation of competent substantial evidence by the owner of such parcel. Any such correction which reduces an Assessment shall be considered valid from the date on which the Assessment was imposed and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Article. Any such correction which increases an Assessment or imposes an assessment on omitted property shall first require notice to the affected owner at the address shown on the Tax Roll notifying the owner of the date, time and place that the City Commission will consider confirming the correction and offering the owner an opportunity to be heard.

3. After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

Section 30-105 Method of Collection.

Unless directed otherwise by the City Commission, Assessments (other than Assessments imposed against Government Property) shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof, including but not limited to (1) entering into a written agreement with the Property Appraiser and the Tax Collector for reimbursement of necessary expenses, (2) certifying the Assessment Roll to the Tax Collector, and (3) adopting a Resolution of Intent after publishing weekly notice of such intent for four consecutive weeks preceding the hearing. The Resolution of Intent may be adopted either prior to or following the Initial Assessment Resolution; provided, however, that the Resolution of Intent must be adopted prior to January 1 (March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the Assessments are first collected on the ad valorem tax bill. This section shall not be construed to require adoption of an additional Resolution of Intent, and notice thereof, if a Resolution of Intent was previously adopted and is currently in effect for the area in question. Any hearing or notice required by this Article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

Section 30-106 Alternative Method of Collection.

In lieu of using the Uniform Assessment Collection Act, the City may elect to collect the

Assessment by any other method which is authorized by law or provided by this Section 30-106 as follows:

1. The City shall provide Assessment bills by first class mail to the owner of each affected parcel of property, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

2. A general notice of the lien resulting from imposition of the Assessments shall be recorded in the Official Records of Volusia County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

3. The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The City or its agent shall notify any property owner who is delinquent in payment of an Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the City or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

4. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

5. In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided, however, that (1) notice is provided to the owner in the manner required by law and this Article, and (2) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

Section 30-107 Responsibility for Enforcement.

The City and its agents, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein. The duties related to collection of Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

Section 30-108 Government Property.

1. If Assessments are imposed against Government Property, the City shall provide Assessment bills by first class mail to the owner of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.

2. Assessments imposed against Government Property shall be due on the same date as Assessments against other property within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.

3. An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The City shall notify the owner of any Government Property that is delinquent in payment of its Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the City will initiate a mandamus or other appropriate judicial action to compel payment.

4. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City or its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of, or in addition to, the costs of the action.

5. As an alternative to the foregoing, an Assessment imposed against Government Property may be collected on the bill for any utility service provided to such Government Property. The City Commission may also contract for such billing services with any utility not owned by the City.

6. Nothing herein shall require the imposition of Assessments against Government Property.

Section 30-109 Issuance of Obligations - General Authority.

1. The City Commission shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time to time in series, for the issuance of Obligations to fund Capital Improvements and any amounts to be paid or accrued in connection with issuance of such Obligations including but not limited to capitalized interest, transaction costs and reserve account deposits.

2. The principal of and interest on each series of Obligations shall be payable from Pledged Revenue. At the option of the City Commission, the City may agree, by ordinance or resolution, to budget and appropriate funds to make up any deficiency in the reserve account established for the Obligations or in the payment of the Obligations, from other non-ad valorem revenue sources. The City Commission may also provide, by ordinance or resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

Section 30-110 Issuance of Obligations - Terms of the Obligations.

The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times as may be determined by ordinance or resolution of the City Commission, and may be made redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions, all as may be fixed by the City Commission. Said Obligations shall mature not later than forty (40) years after their issuance. The City Commission shall determine by ordinance or resolution the form of the Obligations, the manner of executing such Obligations, and shall fix the denominations of such Obligations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the City Commission shall determine by ordinance or resolution. The Obligations may be delivered to any contractor to pay for the provision of Capital Improvements or may be sold in such manner and for such price as the City Commission may determine by ordinance or resolution to be for the best interests of the City.

Section 30-111 Issuance of Obligations - Variable Rate Obligations.

At the option of the City Commission, Obligations may bear interest at a variable rate.

Section 30-112 Issuance of Obligations - Temporary Obligations.

Prior to the preparation of definitive Obligations of any series, the City Commission may, under like restrictions, issue interim receipts, interim certificates, or temporary Obligations, exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The City Commission may also provide for the replacement of any Obligations which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this Article.

Section 30-113 Issuance of Obligations - Notes.

In anticipation of the sale of Obligations, the City Commission may, by ordinance or resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Assessments, the proceeds of the notes and such other legally available moneys as the City Commission deems appropriate by ordinance or resolution. Said notes shall mature within five (5) years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The City Commission may issue Obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the Obligations.

Section 30-114 Issuance of Obligations - Taxing Power Not Pledged.

Obligations issued under the provisions of this Article shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the City within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenue and, if applicable, proceeds of the Assessments, in the manner provided herein and by the ordinance or resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Article shall not directly or indirectly obligate the City to levy or to pledge any form of ad valorem taxation whatsoever. No holder of any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay any such Obligations or the interest thereon or to enforce payment of such Obligations or the interest thereon against any property of the City, nor shall such Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, except the Pledged Revenue.

Section 30-115 Issuance of Obligations - Trust Funds.

The Pledged Revenue received pursuant to the authority of this Article shall be deemed to be trust funds, to be held and applied solely as provided in the Ordinance from which this Article is derived and in the ordinance or resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the City, or its designee, in the manner provided by the ordinance or resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the City shall be subject to the lien and pledge of the holders of any Obligations or any entity other than the City providing credit enhancement on the Obligations.

Section 30-116 Issuance of Obligations - Remedies of Holders.

Any holder of Obligations, except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing issuance of the Obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this part, or by such ordinance or resolution, to be performed by the City.

Section 30-117 Issuance of Obligations - Refunding Obligations.

The City may, by ordinance or resolution of the City Commission, issue Obligations to refund any Obligations issued pursuant to this Article, or any other obligations of the City issued to finance Capital Improvements, and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding Obligations to be refunded. If the issuance of such refunding Obligations results in an annual Assessment that exceeds the estimated maximum annual Assessments set forth in the notice provided pursuant by these regulations, the City Commission shall provide notice to the affected property owners and conduct a public hearing in the manner required by Article V of this Article.

Section 30-118 Definitions.

Assessment means a special assessment imposed by the City Commission pursuant to this Code to fund the capital cost of capital improvements or the service cost of essential services. The term "assessment" and the reference to non-ad valorem assessments herein means those assessments which are not based upon millage and which can become a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution.

Assessment area means any of specific areas created by resolution of the City Commission pursuant to Article V that specially benefit from capital improvements or essential services.

Assessment Coordinator means the City Manager or such person's designee.

Assessment roll means the special assessment roll relating to capital improvements or essential services containing the information specified in Article V, approved by a final assessment resolution or an annual assessment resolution pursuant to Article V.

Assessment unit means the apportionment unit utilized to determine the assessment for each parcel of property, as set forth in the initial assessment resolution. "Assessment units" may include, by way of example and not limitation, one (1) or a combination of the following: Front footage, land area, improvement area, equivalent residential connections or units, equivalent benefit units, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property value or any other physical characteristic or reasonably expected use of the property that is related to the capital improvements or essential services to be funded from proceeds of the assessment.

Capital cost means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of capital improvements under generally accepted accounting principles; and including reimbursement to the city for any funds advanced for capital cost and interest on any interfund or intrafund loan for such purposes.

Capital improvements means capital improvements constructed or installed by the city which provide a special benefit to lands within an assessment area

Essential services mean the services, facilities, or programs which provide a special benefit to, or relieve a burden attributable to, lands within an assessment area.

Obligations means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance capital improvements and secured, in whole or in part, by proceeds of the assessments.

Service cost means all or any portion of the expenses that are properly attributable to the provision of essential services under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for such expenses and interest on any interfund or intrafund loan for such purposes.

SECTION 3. 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 4. That all ordinances made in conflict with this Ordinance are hereby repealed.

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

APPROVED AND AUTHENTICATED on this 12th day of MARCH, 2024

for second and final reading.

Enacted and approved this 12th day of March, 2024, in Holly Hill

8. COMMUNICATIONS

A. City Manager Comments

Mr. Walker reminded everyone about the Brazilian Peppertree removal event at Sunrise Park tomorrow at 9:00 AM - 2:00 PM; wanted to get some direction on having neighborhood meetings for projects that proposed the increasing of density as was discussed some time ago with the City Commission. ***There was consensus to bring it to the Board of Planning and Appeals as an agenda item and get their input and then have a workshop with the City Commission***. Mr. Walker asked if the City Commission wanted to workshop the solid waste rates and continue that discussion from the previous workshops on March 26th. There was ***no interest/consensus*** from the City Commission to workshop the solid waste rates; no rush to do this right now and wait a year to reevaluate the market or making any changes to the contract right now.

B. City Attorney Comments

None.

C. City Commission Comments

Ms. Manning reminded everyone about the upcoming 21st annual Easter Egg event next Saturday, March 23rd starting at 10:00 AM - 12:00 PM at City Hall.

Commissioner Penny encouraged everyone to come out to the fundraiser he mentioned taking place at Copper Bottom for the school; volunteers needed to read to the kids in June and July ant this fundraiser will help them be able to do it. He's hoping by next meeting to have some flyers to pass out.

Commissioner Currie appreciates the Finance Department and the staff and for meeting with them ahead of time; Mr. Voges is a great Principal for the Holly Hill School; very impressed by him and he's always involved and invested in the children.

D. Mayor's Comments

Mayor Via brought up several things to discuss with the City Commissioners. Mayor Via gave an update on the Veteran's Memorial Unveiling and there will be a meeting this coming Thursday with those that have been helping to plan the event. There was discussion and gathering of input from the City Commissioners and how they felt about the possibility of placing a moratorium pertaining to CBD dispensaries/cannabis operators within the city.

Commissioner Penny made a motion to ***DIRECT STAFF TO PROCESS A SIX (6) MONTH MORATORIUM ON MEDICAL MARIJUANA FACILITIES, PHARMACIES AND THE SALE OF ANY PRODUCT THAT CDB, HEMP PRODUCTS, SYNTHETIC, NATURAL PRODUCTS, FACILITIES EVEN THOUGH***

IT'S LESS THAN 3 OR LESS OF THC; ALL THOSE NEW FACILITIES AND NEW PRODUCT SALES ARE ON A MORITORIUM UNTIL, *seconded by Commissioner Danio.*

Mayor Via opened public participation.

David Knopf, Holly Hill; Gabriel Varga; Jim Legary, Holly Hill; Gillis Blais.

Mayor Via closed public participation.

PASSED, 4-0.

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Mayor Via mentioned the event tomorrow at Sunrise Park of the removal of the Brazilian Peppertrees and thanked Heidi Heller for all her help in getting that put together. There was mention about a house on Flomich Avenue and the concerns of that property.

Police Chief Miller came forward and briefly explained what the city and the HHPD has done so far and continues to do; they HHPD is aware of the situation and the property. Discussion on the property that was supposed to be a car wash off of Flomich Avenue. The salaries of the Mayor and City Commissioners were discussed and the possibility of increasing the pay for the elected officials; there was ***consensus*** to look into this and to see the city would be able to pay for the insurance for the elected officials. It was suggested to meet with Mr. Forte and if they need to workshop it in the future they can do that.

(A full copy of this meeting in its entirety is available on CD upon request in the City Clerk's Office or online on the city's YouTube channel)

9. ADJOURNMENT

The meeting adjourned at approximately 8:50 PM.

(A full copy of this meeting in its entirety is available on CD upon request in the City Clerk's Office or online on the city's YouTube channel)

Valerie Manning, City Clerk,CMC 3/12/2024

Chris Via, Mayor 3/12/2024