



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • MARCH 13, 2018

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
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John C. Danio	District 3 - Commissioner	Present	
Chris Via	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

b. Invocation

Commissioner Currie led the invocation.

c. Pledge of Allegiance

Mayor Penny led the Pledge of Allegiance to the Flag.

2. POSITIVITY AWARD

None for this meeting.

Mr. Forte informed the Mayor and City Commissioners that he would like to pull Ordinance 3002 in Public Hearings. Mr. Forte informed them that he inadvertently selected this meeting date. This item is not yet ready for the agenda.

3. PRESENTATION

1.

UBIC Academy RAMS Boys Basketball Team - State Champions 2018

(Requested by Valerie Manning, City Clerk)

Mayor Penny read the following proclamation into the record and congratulated the UBIAC Academy RAMS Boys Basketball team.

PROCLAMATION

BY THE MAYOR OF THE CITY OF HOLLY HILL, FLORIDA

UNITED BRETHREN IN CHRIST

UBIC ACADEMY RAMS BOYS BASKETBALL TEAM ~ STATE CHAMPIONSHIP WINNERS

FRIDAY,

FEBRUARY

23,

2018

WHEREAS, UBIC Academy RAMS Boys Basketball team lost only one game during the regular season against the team they ended up playing for the Championship game; and

WHEREAS, as a result of that loss, the RAMS Boys Basketball team came in 2nd Place in Districts heading into the playoff tournament; and

WHEREAS, the team was undefeated in the tournament winning every game they played and won the Championship game with a score of 56-52; and

WHEREAS, UBIC Academy RAMS Boys Basketball team came in first place at Districts and won the State Championship game, with a score of 56-52, on **Friday, February 23, 2018**. The team is led by Head Coach Ricky Weber and Jeff Hemphill, Assistant Coach; and

WHEREAS, the City of Holly Hill congratulates the following **UBIC Academy RAMS Boys Basketball** team:

CHRIS WILSON

JAMIL HARRIS

DEVIN SHARP

CESAR PIZZARO

TYLER WILSON

IAN FOX

ROY BELL

COLTAN HAGAN

AARON McKEOWN

JALEN SHERMAN

ADAM BRANNAN

IAN

McKEOWN

NOW, THEREFORE, I, John Penny, Mayor of the City of Holly Hill, Florida, and on behalf of the City Commission, do hereby congratulate the UBIC Academy RAMS Boys Basketball team for their undefeated State Championship Game held on Friday, February 23, 2018.



4. PUBLIC COMMENTS

The following individual came forward and spoke to the Mayor and City Commissioners:

Steve Smith, 1410 Riverside Drive, Holly Hill, stated March 16th is Government in the Sunshine week here in Florida; we're celebrating a whole week. I didn't come here to criticize the Commission but I'm looking back, I've been here for 42 years and have been coming to these meetings since '75 when I first moved here but I can remember a time here, recently, Valerie would type into the minutes verbatim what someone said here so you would know, instead of "Steve Smith spoke", you would know what the content of the speech was. It would help communicate with the public to know what's going on here. I can remember when they first hired Chris Via with our vote. Chris said, "well, we've got the cameras. I know how to do this affordably." We can put these meetings on the screen like we used to have it on the screen. Mike Chuven is home tonight because he's in a wheelchair and in a lot of pain and can't be here but if we would have listened to Chris when he got hired with our vote and we would have brought back the cameras and we would have been able to see what's going on here. See the intent and the infliction and what's going on here but there's a lot of room for improvement in the Government in the Sunshine even as recently as Mr. Forte pulling an item number four from the agenda. That shouldn't have been a decision that was made tonight, I don't believe. It could have been put on the website and I wouldn't have had to come here. I read the agenda packet. There's a lot of reading in that agenda packet but when he made that decision, probably, I'm just guessing, days ago, I would have been somewhere else tonight and I would have watched it on the video here if Chris had been

successful when we hired him on. We have all this technology and we're not using it. I like Government in the Sunshine; I like open government. I think it's the way to go and I would like to bring back some of these that were...that I got used to. Recently, I was at a meeting, the only reason I was there is because a woman wanted to come speak about trees so I said I'll go with you because she wasn't familiar. There's nobody here and the reason he thinks there's nobody here was because they don't think that they're being listened to here and if you're not communicating with the public and you're not transparent then we're missing out. There's no reason not to have anybody at these meetings. If you are going to engage the public, you need to participate. I was recently in the second row of the Peabody Auditorium, *The Illusionist* was there. Not once, not twice but three times he took the opportunity to make fun of Holly Hill but what was happening is the cultural direction of our city is going backwards instead of having cultural direction keeping up and going forward and progressing. I thought we were 40 years behind the times when I came here but we're going backwards and technology is moving forward. I'm looking forward to this election. Thankful for all the people who voted two years in repeatedly, again and again and again and I'm upset with the people stand up here like a bully and say, "well, even though we're violating our Charter, we're going to look the other way and not pay attention to the Civil Service Board even though the voters voted it in but this kind of conduct, they're making fun of us. It's upsetting to me. I would like to see some of the things that we've done in the past brought back, include the people and move forward with a positive community and let the community grow in a positive way and continue with a cultural direction of this community and be a part of it and not the scapegoat of the jokes of the Peabody Auditorium.

5. APPROVAL OF MINUTES

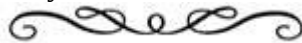
1.

Minutes - February 27, 2018 - Regular City Commission & CRA Meeting

(Requested by Valerie Manning, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 13th day of March, 2018, in Holly Hill



6. CONSENT AGENDA - ITEMS (1 - 4)

Mayor Penny asked if any member of the Commission would like to pull any item from the Consent Agenda for discussion or if any member of the audience would like to discuss any of the items. **There was no one.**

1.

Interlocal Agreement Between the City of Holly Hill and Volusia County Tax Collector to Levy, Collect, and Enforce Its Non-Ad Valorem Assessments Utilizing the Uniform

Method for the Levy, Collection, and Enforcement of Its Non-Ad Valorem Assessments, as Provided for in §§ 197.3632 and 197.3635, Florida Statutes.

(Requested by Joseph Forte, City Manager)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 13th day of March, 2018, in Holly Hill



2.

Interlocal Agreement Between the City of Holly Hill and Volusia County Property Appraiser to Levy, Collect, and Enforce Its Non-Ad Valorem Assessments Utilizing the Uniform Method for the Levy, Collection, and Enforcement of Its Non-Ad Valorem Assessments, as Provided for in §§ 197.3632 and 197.3635, Florida Statutes.

(Requested by Joseph Forte, City Manager)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 13th day of March, 2018, in Holly Hill



3.

FDLE/DEA Central Storage Letter of Agreement (MOU) 2018 - 2021

(Requested by Steve Aldrich, Police)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 13th day of March, 2018, in Holly Hill



4.

DBPD/HHPD - MOU for Sharing of License Plate Reader Data

(Requested by Steve Aldrich, Police)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 13th day of March, 2018, in Holly Hill



7. REGULAR AGENDA

1. Resolution

Resolution 2018-R-16 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute an Agreement with the Florida Department of Transportation (FDOT) for Traffic Signal Maintenance Compensation; and Providing for Severability; and Providing for an Effective Date.

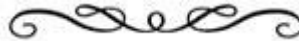
(Requested by Antoine Khoury, Public Works)

Mayor Penny opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Chris Via, District 4 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

RESOLUTION

Enacted and approved this 13th day of March, 2018, in Holly Hill



2. Resolution

Resolution 2018-R-17 A Resolution of the City of Holly Hill, Florida, Authorizing a Piggyback Contract for Vehicle and Equipment Consignment Services with Manheim Remarketing, Inc; Providing for Implementing Administrative Actions; Providing for Conflicts; Providing for a Savings Provision; Providing for Severability; and Providing for an Effective Date.

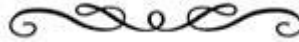
(Requested by John McKinney, Finance)

Mayor Penny opened public participation. No one spoke.

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

RESOLUTION

Enacted and approved this 13th day of March, 2018, in Holly Hill



3. Resolution

Resolution 2018-R-18 A Resolution of the City of Holly Hill, Florida, Authorizing a Piggyback Contract for Banking Services with SunTrust Bank; Providing for Implementing Administrative Actions; Providing for Conflicts; Providing for a Savings Provision; Providing for Severability; and Providing for an Effective Date.

(Requested by John McKinney, Finance)

Mayor Penny opened public participation. No one spoke.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Currie, Danio, Via, Penny
NAYS:	Byrnes

RESOLUTION

Enacted and approved this 13th day of March, 2018, in Holly Hill



8. PUBLIC HEARINGS

1. Ordinance

Second Reading - Ordinance 2999 An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Section 114-634 to Add Tattoo Parlors, Mini Warehouses, Laboratories, Warehousing and Distribution Uses as Uses Permitted by Special Exception in the Redevelopment District Overlay; Amending Section 114-635 to Remove Tattoo Parlors, Mini Warehouses, Laboratories, Warehousing and Distribution as Prohibited Uses; Creating Sections 114-708 and 114-709 to Add Special Exception Conditions; Amending Sections 114-444, 114-594 and 114-696 to Add Language; Amending Section 78-14 to Add Definitions; Providing for Severability; Providing for Codification; and Providing for an Effective Date.

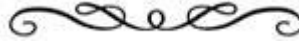
(Requested by Brian Walker, City Planner)

Mayor Penny opened public participation. No one spoke.

RESULT:	ADOPTED AT 2ND READING [UNANIMOUS]
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

ORDINANCE

Enacted and approved this 13th day of March, 2018, in Holly Hill



2. Ordinance

Second Reading - Ordinance 3000 An Ordinance of the City of Holly Hill, Florida, Creating Chapter 30 (Miscellaneous Offenses), Article III (Foreclosure/Vacant Property Registry) of the City of Holly Hill Code of Ordinances; Providing for Purpose, Intent and Applicability of the Ordinance Requiring the Registration and Maintenance of Certain Real Property by Mortgagees and Vacant Property by Owners; Providing for Penalties and Enforcement, as Well As, the Regulation, Limitation and Reduction of Registrable Real Property Within Holly Hill; Providing for Conflicting Ordinances; Providing for Severability; Providing for Repealer; Providing for Codification; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

Mr. Forte stated at the last meeting there was a question raised about the vacant property and he miss spoke. Vacant properties are included in the rental registration. In looking into that, he contacted the provider of the software to ask about that and what their thoughts are on it and whether the city should or how the city should enforce that and really it's a policy decision that the Commission can make tonight and define it a little better. Mr. Forte stated that there is a definition within the ordinance of what is considered a vacant property, *"Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; no current Business Tax Receipt; the property/structure is offered For Lease/For Sale; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code"*. Mr. Forte stated this narrows it down to not just somebody that's a snowbird or not somebody who has a rental property and it's vacant for a couple of months but what they can do to change this is they can strike from "the evidence of vacancy properties that are for sale or for lease because he would consider those actively for sale or for lease where a real estate agent would be a contact person and the Commission could add something under where it says, "utilities are

disconnected” and the Commission can say, “if the utilities are disconnected for greater than six months or greater than nine months or greater than twelve months, whatever the Commission thinks would be appropriate, and that narrows the field down. The reason the city wants to include vacant properties is because it’s a tool for Code Enforcement to have somebody to contact when these properties are vacant and for the most part, abandoned and fall into disrepair, where the city has no way of getting a hold of someone. In many cases, people live out of state and it’s hard to track them down. If the city requires them to be registered, the city knows who to contact and not only for Code Enforcement, in case of an emergency. If there’s a fire or if there’s any other hazard with that house, the city doesn’t have a way of tracking them down. He thinks if they modify the definition, it might address Commissioner Via, what you were talking about at the last meeting.

Commissioner Via stated he has a lot of questions. Thank you for that clarification because in the last meeting the reason he voted yes on it was because his definition was vacant foreclosures, which he is okay with and he thinks the intent that the city is trying to do is, he believes in the intent, and he believes the city can use it as a tool to help the neighborhoods and to have someone accountable to some of the zombie houses. That’s what he looks at. What he is afraid of is in some of the definitions that he pulled up here, it’s pretty broad. Although the spirit and intent is what the city wants it to be, the letter of the law, he thinks is a little different so he would like Attorney Simpson to maybe chime in because there’s a questions he has under the “Registerable Property” definition, what is a registrable property: *(a) Any Real Property located in the City, whether vacant or occupied, that is encumbered by a mortgage in Default, is subject to an ongoing Foreclosure Action. The designation of a “default/foreclosure” property as “registrable” shall remain in place until such time the Foreclosure Action has been completed with a foreclosure sale, a dismissal of the Foreclosure Action or other satisfactory evidence that the property is no longer subject to a Foreclosure; or (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first. The designation as “registrable” shall remain until the property has a legal occupant and utility service is restored to the property.* Commissioner Via stated what he’s scared of is he feels like that opens it up to where, for instance, he buys a house and wants to remodel it and it’s going to take two months and he doesn’t have the utilities on, now does he have to file that \$300.00 fee that will happen with the city? And he thinks the answer is yes, right? And there’s a lot of other circumstances.

Mr. Forte stated and that’s where he would say the answer is no because if they go under the definition of what they consider “evidence of vacancy” if they put that the utilities are turned off for more than a certain number of months then it doesn’t fall under the definition. Where they have it under the registry, that time frame of 30 days, is probably where they need to maybe address that portion.

Attorney Simpson stated the other thing that might help a little bit, would the Commission like to change the word “vacant” to “abandoned”?

Commissioner Via stated, yes. That’s a lot better because...

Commissioner Byrnes stated he has a problem with abandoned because it may be vacant and the owner just doesn't care about it. That's different than abandoned in where the owner may have died.

Commissioner Via stated but what he's scared of, is that he thinks vacant is a very broad, interpretable word, meaning like they said...snowbird, a snowbird that is a citizen here and they're gone just a few months out of the year, let's say a few months during the summer, under the way that this is written, he sees that they have to come and they have to file, register their property with the city because it's going to be vacant for a period of time.

Mr. Forte stated not by the definition.

Commissioner Via stated but it says, "any property vacant 30 days or more."

Mr. Forte stated that's what they have to change.

Mayor Penny stated that's why Mr. Forte is saying make it six months.

Mr. Forte stated take the 30 days out and they go with the definition of "evidence of vacancy."

Attorney Simpson stated he agrees with everything that Commissioner Via has said, as written, he is right.

Mayor Penny stated Mr. Forte is saying they have to amend it.

Commissioner Via stated it goes to another point that, frankly, maybe they need to workshop this to go through this because he still has questions that are not necessarily answered. He doesn't know...he just doesn't want to make an ordinance a law and then have holes in it and it be interpreted the wrong way. The city isn't up against the wall with any of this so if any of the Commissioners have questions on this and they need more time to dig through it because he'll be honest with them, he hasn't been able to dig through every single thing but the things that he has, he has questions on. That's why he's bringing it up.

Mr. Forte stated if they change the registration requirement of the 30 day vacancy, just eliminate the 30 day words out of there and they have to register a vacant property in accordance with the definition of "evidence of vacancy" that would change the whole...you know, you got to remember...

Commissioner Via stated, he agrees.

Mr. Forte stated the purpose of this is to clean up these dilapidated properties and it goes back to what they were talking about earlier in trying to raise the bar and it's these properties that are vacant, abandoned, dilapidated that are problems that are causing the reputation that the city has. The Commission has to remember, this is only step 1 that he is bringing forward to them. Foreclosed properties, vacant and abandoned properties. The

next is going to be rental registrations.

Commissioner Via stated thank you Mr. Forte because that does answer that question. There's another one in here (referring to the ordinance) where he did want to talk to the Commissioners and how they feel about it. In the registrable property definition, "whether vacant or occupied subject to an ongoing foreclosure action", so he kind of wanted clarification...

Mr. Forte stated if the property is going through a foreclosure, even though somebody lives there, the city needs it registered.

Commissioner Via stated that's where he disagrees because he feels that a lot of citizens have gone through foreclosure and a lot of times it's to maybe redo their mortgage and that has happened and so to be able to do that, he doesn't believe if they're occupied there...for instance, if the city has Code Enforcement go down to a foreclosed property but there's an occupant there, their grass is overgrown, the city sites that owner of the house, the city doesn't site the mortgage company, correct?

Mr. Forte stated at that time.

Commissioner Via asked so then why does the city need to have the mortgage company on file for that because the intent of this is to find who is liable for that.

Attorney Simpson stated but the city is also putting a burden, this Code also puts a burden on the mortgage company to maintain the property. So if it's not maintained, the city can code site the mortgage company.

Commissioner Via asked so from now on the city wouldn't site that person living there?

Attorney Simpson and Mr. Forte stated they both would get notified.

Attorney Simpson stated understand, a lot of the reasons this came up, not here per say but this has been going on for a while with the mortgage melt down and everything, is the occupants weren't the owners. The occupants were squatters. They had no legal right to be there but no one really cared or somebody would go in and they would do 100% financing and then get upside down because the property went down.

Mr. Forte stated but there are instances where an owner occupied property.

Attorney Simpson stated and it goes into foreclosure and that's one of the changes...he actually curtailed this ordinance when it was initially given to the city because it started with a default and he was like, well, a lot of people go into default but the bank doesn't start foreclosure so staff narrowed it down to when there was a pending foreclosure action. Commissioner Via's example, the situations Attorney Simpson has been involved with, as an attorney, most people do their refinancing before the foreclosure action starts. The city is talking about it's only registerable when the notice of foreclosure is pending and foreclosure has started. The problem that caused this type of ordinance to come into existence is the time between default and foreclosure was getting very long. Banks were

not proceeding with foreclosure for various reasons, a lot of banking regulations impacted that. So, the intent of this ordinance is to say, we've got to come to grips with these types of properties and this is one of those tools to try and try to make the banks more responsible. Really for reasons, he thinks, that it was very difficult to prove a default if the bank didn't actually record something, started something and then secondly, the city does have...he's seen, he's done some research and there's some cases where people have raised questions about fair debt collection and requiring people to register information in a public registry, there's confidentially requirements in Fair Debt Collection Act but once they file a foreclosure suit, they've made it public anyway. So, that made him feel a little bit more comfortable.

Commissioner Via stated it does reference default properties many times in here. So, are they only speaking about when it's foreclosed?

Attorney Simpson stated yes, when it's foreclosed.

Commissioner Via stated because it says here, "the opportunity to register default properties and owners to register vacant property." So, it will allow the mortgagees the opportunity to register the default properties.

Attorney Simpson stated, right. Default is defined. *"Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage, as evidenced by the initiation of a Foreclosure Action."* So, default has been defined by, staff narrowed it down that it has to say foreclosed.

Commissioner Via stated, okay.

Attorney Simpson stated but everything Commissioner Via said is absolutely true about, as worded. Attorney Simpson stated his concern was a strip center has a vacant unit and they put a For Lease sign up, does that...that could fall, he's thinking commercial more than residential, that technically could fall under this. Mr. Forte and myself talked about that and that's when they thought taking that language out and taking out language...he's a little concerned now after he said the word abandoned just because in the title of their ordinance they use the word vacant so they probably need to continue with that word vacant because they would have to change the title and redo the notice again if they are going to proceed with adoption tonight but they can define vacant to mean abandoned property with evidence of abandonment being these things.

Mr. Forte stated he doesn't want to limit it to just abandonment because there are many vacant properties that are not abandoned, they're just not cared for.

Attorney Simpson stated it's how they define abandon. One of the problems with abandoned it goes to intent but if they define it with these things in here like high grass, utilities shut off...

Mr. Forte asked can they say evidence of vacant/abandoned property?

Attorney Simpson stated, yes.

Mr. Forte asked and leave them both in there?

Attorney Simpson stated, yes.

Mayor Penny stated it sounds like they are making a lot of changes here on the fly. Should they pull this until a time certain and then rework it? It might not need a workshop but the Commission can at least digest all of what they are talking about right here. Does that make sense?

Commissioner Via stated he completely agrees because there are a couple of other things that he believes the Commission should look into. His question too, when it goes to that **“Registerable Property”**, under *“(b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first. The designation as “registrable” shall remain until the property has a legal occupant and utility service is restored to the property.”* Does the definition of cancellation of utility, does that mean someone is late on paying their utility and it gets shut off?

Mr. Forte stated if they change it to “your utilities are off for”...the Commission picks the months; six months, nine months, twelve months.

Commissioner Via stated they’re saying utilities as well. Okay.

Mr. Forte stated, utilities. If someone turns the water off just because somebody is moving that doesn’t qualify but if the water isn’t turned on for six months or nine months, whatever time frame the Commission thinks is necessary, that property is basically vacant. Mr. Forte stated we have a problem in this city. Unless we start putting the tools in place, we will always have this problem in this city and our reputation will continue to be what it is.

Commissioner Via stated he agrees with the intent in what they are trying to do and it can be another tool for their Code Enforcement. The last thing that he wanted to ask was is it clear that the foreclosed properties with the occupants in it, the way that it is written, that charge would go to the mortgage company or would it be on the occupant there that’s in foreclosure?

Attorney Simpson stated it would be on the mortgage company. Now, that does not mean that the mortgage company wouldn’t pass that through to the owner.

Commissioner Via stated but a lot of people go into foreclosure and they end up working out a deal with their house again, a lot.

Commissioner Byrnes stated he’s only heard that they go into default and then work out a deal. Usually, by the time it gets to foreclosure...

Commissioner Via stated, no because they’re talking about a foreclosure action. They can start that and they can still negotiate with them to do that.

Attorney Simpson asked what is the...and this is for everyone, what is it they don't want to fall within the requirements of this registration? Snowbirds, they are clear on that. So, if somebody is maintaining their property who goes back up north for the summer, they may turn the water off but they have someone who comes by and mows the grass...

Commissioner Danio stated they shouldn't be penalized.

Attorney Simpson stated they can word it in a way to carve them out. He thinks the strip center business that is actively marketed, as Mr. Forte and himself have talked about, or house, that is actively marketed, they have a realtor to contact. They have a contact person. Those can be not be included within this registration requirement, that's assuming they don't go into foreclosure. He's talking about just vacant properties. Foreclosures is a different issue. Everybody who goes into foreclosure. Are there any other properties the Commission wants to make sure do not fall under this?

Commissioner Via stated just to make it a point, the default properties, even though they think it's in there.

Attorney Simpson stated yes, that's in there.

Commissioner Via stated basically, he's looking at this, he would like to be able to register the zombie properties only.

Mr. Forte stated they can't do that.

Commissioner Via stated he knows and that's what they're writing. He's just saying that's what he thinks the Commission's intent is.

Commissioner Byrnes stated when they look at the list of things in the definition of "evidence of vacancy", when they look at the things that are listed there, any property that has that stuff has a problem and should be registered. If it's chronic and they're not fixing it then that's what he is looking at. He doesn't think that the other properties that they are talking about, the snowbirds are not going to go off and leave their property unmowed for six months; they're going to have a lawn service come in once a week. They will have somebody check their pool, they will have the newspapers turned off. He doesn't see a problem if they are using those as a definition.

Attorney Simpson stated he just wants to make sure they are saying the same thing. They are dealing with two issues. One is the vacant/abandoned property and one is foreclosed property. Foreclosed property, when it goes into foreclosure, regardless of whether somebody is there or not, they have to register to the bank. That's the city's contact with the bank. On vacant/abandoned property, they have a piece of property that has all those things but if somebody is living there, it's not vacant so they won't have to register.

Commissioner Byrnes stated but if somebody is living there as a squatter...

Attorney Simpson stated that's not an easy thing to deal with. He's just saying, if there's

evidence of people living in there, the city has other Code Enforcement remedies that they have to deal with but he thinks they would be stretching it to say, “you have to register this vacant property even though you’re living there.” He doesn’t think they will be able to do that. So, the intent is, he thinks the intent is, they want somebody to be able to contact to say, “you need to maintain this property” and it may not always be the owner. If the owner is out of state, the city’s resource is the Property Appraisers website, it can be an incorporation, all kinds of things. The city wants to have a name of a property manager if either they are in foreclosure or the property is vacant and that’s kind of the evidence the city looks for in this ordinance and they can tweak it but that’s kind of the evidence that would indicate that this property has been vacated and abandoned but if somebody is living there, in his opinion, it falls right out of the vacancy registry.

Commissioner Danio stated the end result would be the same.

Commissioner Byrnes stated, yes.

Attorney Simpson stated it’s a different Code Enforcement.

Commissioner Currie stated first of all, she has to disagree, Commissioner Via, it is not the intent, at least with her, to only do zombie properties. She agrees with what they have here. She would like to see the change in the time frame that they spoke about.

Mr. Forte stated he thinks that addresses a lot of the concerns.

Commissioner Currie stated, yes. As far as anything else, this is a several part process as Mr. Forte has said. They’ve talked about this for a very long time. They’ve talked about this before some of the current Commissioners were elected, as far as Code Enforcement is concerned. She has always stated from the very day she got elected in 2012, Code Enforcement was a big thing for her. Being able to listen to their business owners, their constituents, that they have problem with a lot of these concerns within the city. The horrible names that they have out there, a lot of times that are stigma names, that the city is trying to improve constantly. She has heard a lot of positive about the city out there from a lot of people and it pleases her but she thinks they can gain a lot more positive to continue to move forward with action such as this because cleaning up their city is going to be a big part of that. Code Enforcement is tough decisions but tough decisions have to be made when they need to clean up their city and people are letting their properties go with different items such as this. She is in favor of this and she doesn’t mind putting a motion on the table to increase the time frame to nine months for the utilities.

Mr. Forte stated if they go in that direction talking about the utilities and then removing properties that are actively listed for lease or for sale, if they take that out.

Commissioner Currie stated and exactly what Mr. Forte just stated.

Commissioner Byrnes stated just putting a sign on the property that says For Sale, is not considered...

Mr. Forte stated actively for sale or for lease, which means it has to be active with a

realtor.

Commissioner Byrnes stated it has to have a realtor attached to it.

Commissioner Via asked is there any rush to do this tonight? Can they do this at the next meeting?

Mr. Forte stated they can do it whenever they want. There's no rush.

Commissioner Via stated, thank you. He just wanted to make it clear.

Mayor Penny opened public participation. Keep in mind that he is leaning towards the inclination of bringing this back in two weeks for the final version. He's hoping they don't take action on this tonight.

Roland Via, former mayor of Holly Hill, 534 Eagle Drive, Holly Hill, stated he thinks that's very wise. Mr. Via stated incorrect about only through licensed realtors. There's a lot of For Sale By Owners.

Mr. Forte stated they were just talking about that. As long as they do a For Sale By Owner, that is done through a For Sale By Owner methodology not that somebody puts a little sign on a tree and it's for sale.

Mr. Via stated, exactly. One component of this as he read through the agenda, there is a registration fee of \$300.00 on this because they're going through a specific company that charges the city half that money to identify what that address is, if they already know what the problem address is, are they only trying to find out what bank owns the properties so that the city can lien against that property because the city does that now. If they don't cut their grass, the city liens the property, when it is sold the city gets its money back, supposedly and sometimes all of it.

Mr. Forte stated or none of it.

Mayor Penny stated usually, the city gets none of it.

Mr. Via stated especially, if they forgive it. There is a cost in doing this, which could be burdensome. Any fee or permit or whatever by any other name is a tax. He just wants to bring that to the Commissioners attention. Wise on the workshop.

Mayor Penny closed public participation.

Mayor Penny stated he thinks the appropriate thing to do is entertain a motion to table this to a time certain of the next City Commission meeting, which will be March 27, 2018.

Mr. Forte stated they can't do that because then they don't have time to workshop it.

Mayor Penny stated he doesn't think they need a workshop.

Mr. Forte asked then why are they tabling it?

Mayor Penny stated he wants to be able to read all of the adjustments that they were talking about.

Commissioner Via stated he thinks that's prudent as well.

Mr. Forte asked so they're going to be back here in two weeks debating the same things? Just because they read it doesn't mean they're going to have the answers unless the Commissioners are going to do this again in two weeks.

Attorney Simpson stated they want to see the rewrite of what they talked about.

Mayor Penny stated, right. He just wants to see the rewrite.

Mr. Forte stated so far he's only seeing two things. Adding nine months to the utilities being turned off and removing the reference to the real estates for sale.

Commissioner Via stated it would also allow the Commissioners...

Attorney Simpson stated he has a relatively, descent sense of what all of the Commissioners are looking for because they can also put in there what's not included. It's not intended to cover these things and come back with something a little more narrow if the Commission wants. Mr. Forte hit on the main things but they can redo it again to make sure there's...

Mayor Penny stated it's a complicated issue and he just doesn't want them to have any unintended consequences. They all agree there's a problem and they need to do something about it. He just doesn't want to get the wrong person in the net.

Mr. Forte stated there's no rush to getting it done.

Commissioner Danio stated he thinks everybody would feel better.

Mr. Forte stated he just doesn't want to bring it back if a workshop is needed then they'll do a workshop. If a workshop is not needed then they'll do it at the next meeting.

Mayor Penny asked the Commissioner if they want to workshop it at the next meeting and then vote on it April 10th?

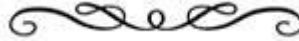
Commissioner Via stated he's fine either way because he thinks if they get back what they have written and then they have time to review it more and to be honest, he wants more time to review it.

Commissioner Currie made a motion to bring it back Ordinance 3000 for the changes discussed tonight at the March 27, 2018 at 7:00 PM in the Commission Chambers, seconded by Commissioner Via.

Passed, 5-0, unanimously.

RESULT: MOVED TO NEXT MEETING

Next: 3/27/2018 7:00 PM



3. Ordinance

Second Reading - Ordinance 3001 An Ordinance of the City of Holly Hill, Florida, Amending Section 14-126 (Unified Construction Code Adopted) to Adopt the Current Versions of the Florida Building Code, Florida Fire Prevention Code and the Florida National Electric Code (NEC), Including Any Future Amendments; Providing for Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)

Mayor Penny opened public participation. No one spoke.

RESULT: ADOPTED AT 2ND READING [UNANIMOUS]

MOVER: Chris Via, District 4 - Commissioner

SECONDER: Penny Currie, District 2 - Commissioner

AYES: Byrnes, Currie, Danio, Via, Penny

ORDINANCE

Enacted and approved this 13th day of March, 2018, in Holly Hill



4. Ordinance

First Reading - Ordinance 3002 An Ordinance of the City of Holly Hill, Florida, Adopted Pursuant to Florida Statute Sections 101.161 and 166.031 Setting Forth Proposed Amendments to the City's Charter to be Submitted to the Voters of the City at a General Election on August 28, 2018; Providing for a Ballot Summary and Title for Each Proposed Amendment; Providing for Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

Pulled at the beginning of the meeting by the City Manager.

RESULT: PULLED FROM AGENDA BY CM FOR A FUTURE MEETING DATE

Next: 3/27/2018 7:00 PM



5.

Variance Request - 1064 Riverside Drive - South Front Yard

(Requested by Brian Walker, City Planner)

Mayor Penny opened public participation. No one spoke.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Chris Via, District 4 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 13th day of March, 2018, in Holly Hill



6.

Variance Request - 1700 Ridge Avenue for Front Yard Setback

(Requested by Brian Walker, City Planner)

Mayor Penny opened public participation.

Applicants, Rick and Amy Reynolds, 1700 Ridge Avenue, Holly Hill, spoke to the Mayor and City Commissioners.

Mayor Penny closed public participation.

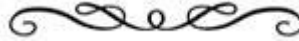
The Board of Planning and Appeals made their recommendation to the City Commission at their March 5, 2018 BOPA meeting to deny this variance request at 1700 Ridge Avenue, Holly Hill based on the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship. The applicant has not satisfied all six criteria under Section 82-317 of the Land Development Regulations (LDR) for granting a variance, as follows:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved, as distinguished from the applicant himself, and which are not applicable to other lands, structures or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from the applicant's own actions;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this subpart to other lands, buildings or structures in the same zoning district;
- (4) That a literal interpretation of the provisions of this subpart would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this subpart, and would work an unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance necessary to make possible the reasonable use of the land, building or structure; and
- (6) That the grant of the variance will be in harmony with the general intent and purpose of this subpart and the city's comprehensive plan, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the stated findings in the staff report to the City Commission, staff recommends denial of the request as well.

RESULT:	APPROVED TO DENY [4 TO 1]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Currie, Danio, Via, Penny
NAYS:	Byrnes

Enacted and approved this 13th day of March, 2018, in Holly Hill



9. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte introduced Antoine Khoury, the new Public Works Director/City Engineer to the Mayor and City Commissioners.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Danio reminded everyone about the Best on The Hill next Thursday, March 22nd at the YMCA. Sometimes its not the easiest to be up here. Unfortunately, decisions have to be made that, like Commissioner Currie said, are tough but in order for the city to move forward they have to be consistent and that's the challenge the Commission had tonight. Sorry for the Reynolds, he feels for them but he thinks the Commission made the right decision and having thick skin sometimes is what it takes to be in the public eye.

Commissioner Via congratulated UBIC; Mayor Penny and himself were fortunate enough to judge a chili contest last weekend at UBIC and that was fun; UBIC does a lot of good for the neighborhood and the city. Looking forward to the Easter Egg event.

Commissioner Via wanted to bring up the issue of LIVE streaming. He would like to possibly have a workshop about going back to LIVE streaming. He remembers when he wasn't fortunate enough to sit up here and there were meetings he couldn't be at and he appreciated those LIVE streams as not good quality as they were. They still worked. He wants to talk with Mr. Forte and maybe getting with Scott in IT. He thinks there was an issue why they took it down and Scott knows that technically.

Mr. Forte stated it was twofold. One was there was some technical issues that could be overcome and the other one was there was showboat issues that the Commission didn't want to deal with anymore. When you put people on a television screen they tend to perform differently. He's not talking about Commissioners, he's talking about other people and it was used as a platform. Most cities don't televise their Commission meetings for that reason but if they want to go back in that direction. He doesn't think it has anything to do with transparency. He thinks the city is very transparent. More transparent than they've ever been before. He thinks the most they ever had was seven people that turned that thing on and two of them were related to Commission members.

Commissioner Via stated and he's not saying they're not transparent. He just likes to give

the opportunity. That's why they have Public Participation and a lot of nights they don't get to hear from anyone. For him, it's always been, he's always been consistent on to always allow the opportunity to their citizens, whether they have a lot of participation or not. Something to think on and maybe they need to talk about it another time but he's definitely for that. It was a good meeting.

Commissioner Currie congratulated UBIC; they're doing great things and they're always doing wonderful things for the community. The Police Department also has a program called the "5-0 Group" that they do with the youth at the school and just to show support again, there are businesses within the city's community that are helping to feed those children that are involved in that group. The city always has great community involvement and the city can be proud of that. The school is doing a phenomenal job with the change of the administration. She's been there for several programs herself, for Career Day and for other activities they've had, they're more open to inviting the Commissioners to attend and be active with them. It's really a wonderful thing to see the HHK-8 School coming around and doing what it's purpose was. The different programs they have going on, she loves it. As far as the LIVE streaming is concerned, she remembers the Commission having discussions about this 1 year or 1 ½ years ago and the Commission decided not to do it because they weren't getting the involvement and hadn't been getting the involvement and there were some other issues that the Commission had discussed and the Commission all just decided that it was not necessary for them to continue for its heartache it was causing with the complaints they were getting about the streaming not working. She doesn't think that's the reason people are not coming to the city's meetings is because of LIVE streaming. People aren't coming to the city's meetings because unfortunately people don't want to be involved with government anymore. They just aren't as interested as they used to be and that's unfortunate but that's their society nowadays. She can tell them this is the best time this city's history that she can think of for transparency. She used to be up here complaining about transparency back in 2012, 2013, 2014 and it was horrible. This is the best time for transparency to the citizens, to the Commission, she doesn't have to ask as many questions up here because she's actually getting them, when she has her meetings with Mr. Forte she's not being detoured in different directions, she's not being blocked, she's not having to do the things she used to have to do. She's proud of the fact that they have such great transparency. The city's staff is wonderful about giving the Commissioners information as well. She really doesn't think there is any issue with transparency in this city. Maybe other cities but not this city. She would love to see them moving forward, she knows it's a hard decision for people, with Code Enforcement. It's a sensitive subject and it's going to be hard but that's going to be one of the key things of cleaning this city up and to continue moving forward with the progress that the city is making. They made some tough decisions and good decisions tonight. Appreciates everybody that came forward with their comments.

Commissioner Byrnes stated he was just shocked at the comment of transparency because as Commissioner Currie had said this has been one of the most transparent Commissions he's been on in all the years he's been doing this. He disagrees with Commissioner Currie's reason for people not coming to the meetings. The reason people aren't coming here is because they know that the Commissioners are doing a good job and they don't have to tell the Commission how to do a better job as some people think they have to do.

He knows the times when Commissions were doing a bad job and that's when the room was filled and people were here with their pitch forks telling the Commission what they need to do. Now, the people stay home because they know they don't have to worry because this Commission is here and they are doing the city's business and they are doing it transparently. He guesses he had a record of "no" votes tonight and as he said during the discussion if the rules were hard and fast, they could have a computer making the decisions up here and sometimes emotions are tough but sometimes they're needed. He thinks that's also the reason why there is five of the Commissioners up here and not just one. Disagreement does not mean disenfranchise and it doesn't mean anything except sometimes he's a little curmudgeonly and if they want to see how curmudgeonly he is, pick up tomorrow's paper. The *Daytona Beach News-Journal* has told him that his editorial is going to be their featured editorial tomorrow because of his dislike of what the County has tried to pass off as replacing Holly Hill's library. He thinks they will like the article if they've lived in Holly Hill for any amount of time when the city had a real library and their children were safe.

D. Mayor's Comments

Mayor Penny reminded everyone about the Public Safety First Responders Awards dinner, get with the City Clerk if you are going to attend; the city's HHK-8 doing great now, spoke to the new principal Mr. Watson and the moral is much better; take a moment to stop by and visit the school, doing very well and the education of the community has a lot to do with the city's reputation; they're on the right path. Reminded everyone that the Easter Egg event is this Saturday, March 24 at 10:00 AM to 12:00 PM in front of City Hall.

Mayor Penny stated one thing that he has consistently heard since moving to Holly Hill is that the city needs stronger Code Enforcement. Code Enforcement, the city needs consistency. A little old lady is going to come up here and not be able to cut her grass and the city is going to tell her we'll cut her grass and we're going to charge her for it. The Commissioners can't just talk the talk. They are going to have to walk the walk. Tonight they made a very tough and emotional decision tonight but the comments he heard from Mr. Smith, he takes to heart. Mayor Penny stated he wants to leave this office and meet someone for the first time and tell them he lives in Holly Hill and not have that person give him that face like they just smelled bad cheese. Holly Hill doesn't deserve that reputation. He challenges people to come here and tell the Commissioners what's wrong. The Commissioners know what's wrong. There's a lot of things that are wrong but there's even more things that are right but the buck is going to stop with the Commission. The Commission is telling Mr. Forte to start this process of this registry, which is going to lead to Code Enforcement, which is what all of the Commissioners want, but they sometimes don't have the backbone to stand here and enforce it. He has seen it consistently. What will happen is your next door neighbor will meet you at the fence because they just got a pink slip on their door, can't you help them? The husband has cancer and they can't pay their light bill and this and that and the sob story and if the Commissioners want it to get better, they're going to have to make the tough decisions. They can go two ways. They can try and clean it up or they can just say the heck with it and let anything go and he doesn't think anybody wants that. They also have to talk about the great things that are going on in the city that they kind of take for granted. Walk pass the Building Department and see all the people in there and the stacks of permits and the things that are being approved. There's a lot of great stuff going on. Holly Hill is very

small; we're almost built out but there's a lot of development and redevelopment happening in our city as we speak. He thinks it's very positive. We might not see it for a while. A lot of the stuff going on along US1 isn't too sexy but they have to go through some growing pains to get it better. He thinks we have a wonderful city, wonderful employees, fantastic staff and an awesome Commission because they are able to make the tough decisions when they have to so thank you for that.

10. ADJOURNMENT

The meeting adjourned at approximately 8:45 PM.