# CITY OF HOLLY HILL, FLORIDA

**CITY COMMISSION**

**MINUTES ● MARCH 22, 2022**

| 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

| Attendee Name | Title | Status | Arrived |
|---|---|---|---|
| Chris Via | Mayor | Present | |
| John Penny | District 1 - Commissioner | Present | |
| Penny Currie | District 2 - Commissioner | Present | |
| John C. Danio | District 3 - Commissioner | Present | |
| Roy Johnson | District 4 - Commissioner | Present | |

b. Invocation by City Commissioner John Danio
Commissioner Danio led the invocation.

c. Pledge of Allegiance
Mayor Via led the Pledge of Allegiance to the Flag.

## 2. PRESENTATION

1.

Proclamation - Water Conservation Month - April

(Requested by Valerie Manning, City Clerk)
Mayor Via announced that April is Water Conservation Month.

Stella Gurnee, Assistant City Manager to Special Projects introduced Susan Lincoln, the new Finance Director to the Mayor and City Commissioners. Ms. Lincoln came forward and shared some of her background employment history as well as being a former local resident in Volusia County and is excited to be working for Holly Hill and moving back to the area.

| RESULT: | NO VOTE NEEDED |
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## 3. RECESS THE CC MTG & CONVENE AS THE CRA

The City Commission meeting was recessed at approximately 6:05 PM to convene as the

Community Redevelopment Agency (CRA) for the CRA meeting.

## 4. CRA AGENDA

1. –2022-R-21

A Resolution of the City of Holly Hill, Florida, Community Redevelopment Agency, Authorizing the City Manager to Execute Change Order No. 8 to the US1 Utilities Undergrounding Primaries Conversions with Carter Electric for an Additional Amount Not to Exceed $29,085.66; 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:** | Roy Johnson, District 4 - Commissioner |
| **SECONDER:** | John C. Danio, District 3 - Commissioner |
| **AYES:** | Via, Penny, Currie, Danio, Johnson |

Enacted and approved this 22nd day of March, 2022, in Holly Hill

## 5. ADJOURN AS THE CRA & RECONVENE THE CC MTG

The Community Redevelopment Agency (CRA) meeting adjourned at approximately 6:10 PM. The City Commission regular meeting reconvened at that approximate time.

## 6. PUBLIC COMMENTS

No one spoke.

## 7. APPROVAL OF MINUTES

1.

Minutes - March 8, 2022 Workshop and March 8, 2022 Regular City Commission Meeting

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

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

Enacted and approved this 22nd day of March, 2022, in Holly Hill

**8. CONSENT AGENDA - NONE**

**9. REGULAR AGENDA**

1. –2022-R-22 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute Change Order No. 8 to the US1 Utilities Undergrounding Primaries Conversions with Carter Electric for an Additional Amount Not to Exceed $29,085.66; 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:** | Roy Johnson, District 4 - Commissioner |
| **SECONDER:** | Penny Currie, District 2 - Commissioner |
| **AYES:** | Via, Penny, Currie, Danio, Johnson |

**RESOLUTION**
**2022-R-22**
**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 8 TO THE US1 UTILITIES UNDERGROUNDING PRIMARIES CONVERSIONS WITH CARTER ELECTRIC FOR AN ADDITIONAL AMOUNT NOT TO EXCEED $29,085.66; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 8 TO THE US1 UTILITIES UNDERGROUNDING PRIMARIES CONVERSIONS WITH CARTER ELECTRIC FOR AN ADDITIONAL AMOUNT NOT TO EXCEED $29,085.66; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City Commission of the City of Holly Hill awarded the US1 Utilities Undergrounding Primaries Conversions to Carter Electric; and

**WHEREAS,** during the course of FPL's activity to utilize the conduits , issues were found at five locations that need to be addressed to allow FPL to utilize the conduit; and

**WHEREAS,** City staff intends to investigate the reasons for the damages to seek reimbursement for the repairs; and

**WHEREAS,** the City desires Carter Electric to proceed with repairs; and

**WHEREAS,** the total cost of these repairs are not to exceed $29,085.66.

**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 authorize the City Manager to execute Change Order No. 8 with Carter Electric to proceed with necessary repairs.

**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 22nd day of MARCH, 2022.**

Enacted and approved this 22nd day of March, 2022, in Holly Hill

2. –2022-R-23 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving Mead & Hunt, Inc., as the Consultant to Perform All Tasks for the Design and Construction of All ARPA Projects and Authorizing the Public Works Director to Enter into Negotions with Mead & Hunt, Inc.; 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, Johnson |

**RESOLUTION**
**2022-R-23**
**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING MEAD & HUNT, INC., AS THE CONSULTANT TO PERFORM ALL TASKS FOR THE DESIGN AND CONSTRUCTION OF ALL ARPA PROJECTS AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO NEGOTIONS WITH MEAD & HUNT, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING MEAD & HUNT, INC., AS THE MOST QUALIFIED CONSULTANT TO PERFORM ALL TASKS FOR THE DESIGN AND CONSTRUCTION OF ALL ARPA PROJECTS AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO NEGOTIATIONS WITH MEAD & HUNT, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City issued a Request For Qualifications to select a consultant for Professional Engineering/CEI Services for all ARPA Improvements, RFQ 22-WW-02; and

**WHEREAS,** the Professional Engineering/CEI Services are needed for relocation of the sewer main from under the LPGA canal, Lift Stations #4 & #21 rehabilitation, Cavanah water main and upgrade of the influent headworks at the Wastewater Treatment Plant; and

**WHEREAS,** the RFQ package received had Mead & Hunt, Inc., as the lead, with Zev Cohen, Ardman Geotechnical Services and Southeaster Surveying and Mapping as the team for the ARPA listed projects; and

**WHEREAS,** the evaluation committee met on March 17, 2022 at 10:00 a.m. and determined that Mead & Hunt, Inc., meets all of the requirements listed on the RFQ to perform the tasks for the City; and

**WHEREAS**, based in the evidence presented by the City staff as to why only a single bid was submitted, the City Commission waives the CCNA requirement of ranking the top three qualified proposals.

**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 approve Mead & Hunt, Inc., as the most qualified consultant to perform all tasks for the design and construction of all ARPA projects and authorize the Public Works Director to negotiate the final contract to bring back the City Commission for final approval.

**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 22nd day of MARCH, 2022.**

Enacted and approved this 22nd day of March, 2022, in Holly Hill

## 10. PUBLIC HEARINGS

1. -2022-O-3048 Ordinance

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

(Requested by Brian Walker, Board of Planning and Appeals)
Commissioner Johnson publicly announced that he would be abstaining from the discussion and not voting on this agenda item because he has a voting conflict of interest.

He owns the property and is the applicant for the project. Before the discussion and voting took place, Commissioner Johnson left the Commission Chambers and was called back in after the vote. Commissioner Johnson has completed the ***FORM 8 Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*** with the City Clerk and it is included as an attachment with these minutes.

Brian Walker, City Planner read through the staff report that was in the agenda packet for the Mayor and Commissioners. The applicant is requesting to amend the approved BPUD as follows:

1. Amend the Preliminary Development Plan by removing the phasing plan.
2. Remove from the Preliminary Development Plan all RV and Boat storage.
3. Remove from the Preliminary Development Plan the 6,318 square foot covered open air recreational area.
4. Change the parking lot layout and reduce the number of parking spaces.
5. Change the location of the dumpster pad and enclosure.
6. The size of the dry retention pond may be reduced since the amount of impervious surface is being reduced.

Mr. Walker continued to inform the Mayor and Commissioners that there is an existing 7,893 square foot building on the property that the applicant proposes to develop as a sports center with related storage. No changes to the landscaped buffer sizes are proposed. There are relatively minor changes to the landscaping that consist primarily of changes to some tree types. Sod will be placed in the areas that are no longer proposed for RV and boat storage. The enhanced landscaping originally proposed along Nova Road remains in place with the proposed amendment. No changes in the permitted uses are proposed with this amendment. At its regular meeting on Monday, March 7, 2022, the Board of Planning and Appeals voted unanimously to recommend adoption of the subject ordinance. Mr. Walker stated staff recommends the City Commission adopt the Ordinance enacting a Rezone from Business Planned Unit Development to Business Planned Unit Development (a Major Amendment) and the associated Development Agreement and Preliminary Development Plan, for approximately 2.38 acres, located on the east side of Nova Road S approximately 375 feet south of Golf Avenue and more specifically known as 1137 S Nova Road.

**Mayor Via opened public participation.**

Harry Newkirk, P.E., President/CEO for Newkirk Engineering, Inc., came forward and shared some information about the Volusia Sports and Storage Center project and the Business Planned Unit Development (BPUD) with the Mayor and Commissioners.

**Mayor Via closed public participation.**

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| **RESULT:** | **APPROVED AT 1ST READING [4 TO 0]** | **Next: 4/12/2022 6:00 PM** |
| **MOVER:** | Penny Currie, District 2 - Commissioner | |
| **SECONDER:** | John Penny, District 1 - Commissioner | |
| **AYES:** | Via, Penny, Currie, Danio | |
| **ABSTAIN:** | Johnson | |

2. –2022-O-3049 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Volusia County, Florida, Relating to Comprehensive Planning; Adopting Updates to the City's 5-Year Capital Improvements Schedule Within the City's Capital Improvements Element in Accordance with Florida Law; Providing for Repeal of All Ordinances and Parts of Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)
Brian Walker, City Planner went over the **background portion** of the agenda item with the Mayor and City Commissioners. The Capital Improvements Element (CIE) in the Comprehensive Plan is a plan for anticipated capital projects and not a fixed budget. It is expected that the timing of projects will change as projects move toward implementation; individual project priorities change; and new opportunities arise. While funding sources are identified with each project, it is not unusual that some funding sources will change as individual projects are implemented and the availability of funds from varying sources changes over time. While the capital projects are on this list because they support and/or expand the services available to the citizens of Holly Hill, under State Law the only projects that must be done are projects that address deficiencies in or maintenance of the designated levels of service for water, sewer, storm-water, traffic, solid waste disposal, parks and schools. The City does not currently have any project that is required to address a level of service deficiency. The projects on the proposed CIE list are service improvement projects and can be adjusted within the CIE or postponed beyond the CIE period as schedule demands and financing dictate. Once the City adopts the amended CIE, staff will send a notice to the Department of Economic Opportunity to demonstrate the City has complied with the requirement to maintain a current five-year plan. The State will not do any further review of the CIE and this amendment is exempt from Volusia County Growth Management Commission review.
**Discussion section of the agenda item**: The proposed CIE is attached in a spread sheet format. This updated CIE budget continues to reflect an emphasis on renewal and replacement costs and needs for the utilities and public works areas. No major new projects have been added to the program this year. Primary work expected for the 2021-22 fiscal year is a continuation of the rehabilitation of the utility system, maintenance on streets and drainage and continuing upgrades to city parks and other facilities. The School Board has completed its 5-Year Capital Work Program for FY 2022-2026 and there is a single project to replace the switchgear on Building 6 at the Holly Hill School to maintain complete operations at the School. For a complete list of the Volusia County School Board 5-Year Capital Work Program for FY 2022-2026 please visit: https://www.vcsedu.org. The River to Sea Transportation Planning Organization has updated its 5 Year Work Program and there are no new projects within the City of Holly Hill to be included in this update to the CIE of the City's Comprehensive Plan. For a complete list of the River to Sea Transportation Planning Organization 5-Year Capital Work Program please visit https://www.r2ctpo.org. The City of Holly Hill has an active local project to complete the undergrounding of electric/cable facilities along the Ridgewood Blvd., corridor from Mason Avenue to the north boundary of the City limits

(approximately Calle Grande Street). The first phase of this project is active and fully funded and includes the segment of Ridgewood Avenue from Mason Avenue to Walker Street. Mr. Walker informed the Mayor and City Commissioners that at its regular meeting on Monday, March 7, 2022, the Board of Planning and Appeals voted unanimously to recommend adoption of an ordinance updating the Capital Improvements Element and staff recommends the City Commission adopt the Ordinance updating the Capital Improvements Element by incorporating the attached revised and updated 5-year Capital Improvements Program.

**Mayor Via opened public participation.**

Heidi Heller, Holly Hill and Jim Legary, Holly Hill.

**Mayor Via closed public participation.**

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| **RESULT:** | **APPROVED AT 1ST READING [UNANIMOUS]** | **Next: 4/12/2022 6:00 PM** |
| **MOVER:** | John Penny, District 1 - Commissioner | |
| **SECONDER:** | Penny Currie, District 2 - Commissioner | |
| **AYES:** | Via, Penny, Currie, Danio, Johnson | |

## 11. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte mentioned that he has two CRA grant paving/landscaping applications that he would like to get consensus on from the City Commission to move forward with approving them. **There was *consensus* from the City Commission.** Mr. Forte stated that he would like to have a workshop before the next meeting on the Veterans Memorial to catch up on that and if the Commission wanted to add anything else to the workshop. Commissioner Penny asked if they could add panhandling and Commissioner Currie asked if the bike washes can be added as well. The workshop will be schedule for April 12th at 5:00 PM.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioners Penny, Currie, Danio and Johnson all agreed that the car show that Tony put on was great and it turned out to be another successful event for the kids school supplies. They are looking forward to the next one. The Commissioners each thanked Tony Cassata for all the hard work and effort he put into having this event. They welcomed Susan as the new Finance Director. Commissioner Johnson mentioned that the city is doing a great job in promoting events and things happening within the city; city is doing really good.

D. Mayor's Comments

Mayor Via reminded everyone about the Arts Festival this coming Saturday and Sunday out on the front lawn of City Hall. Saturday it will be from 10:00 AM - 5:00 PM and Sunday from 10:00 AM - 4:00 PM. The Easter Egg event is Saturday, April 9th from

10:00 AM - 12:00 PM. Please arrive promptly at 10:00 AM for the countdown of the eggs. Reminded everyone about the Law and Order dinner on Thursday night at the American Legion Post 120 at 6:00 PM. Welcomed Susan, the new Finance Director to the city and is looking forward to working with her. Mayor Via mentioned that coming soon will be a BBQ event at the Sea Plane location at Sunrise Park with Doc Bailey. More information will be forth coming and the public is invited and encouraged to attend. The car show was a great success.

**12. ADJOURNMENT**

The meeting adjourned at approximately 6:50 PM.

Valerie Manning, City Clerk,CMC 3/22/2022

Chris Via, Mayor 3/22/2022