CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● MARCH 26, 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

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 Roy Johnson
Commissioner Johnson led the invocation.

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

2. PRESENTATIONS

1.

Fire Department Promotion - Austen Matranga Firefighter/Paramedic

(Requested by Valerie Manning, City Clerk)

RESULT:	NO VOTE NEEDED

2.

Volusia League of Cities Presentation to COHH

(Requested by Valerie Manning, City Clerk)

RESULT:	NO VOTE NEEDED

3.

The Month of April as Water Conservation Month 2024

(Requested by Valerie Manning, City Clerk)

RESULT:	**NO VOTE NEEDED**

3. PUBLIC COMMENTS

The following individual spoke to the Mayor and City Commissioners: Jim Cameron, Holly Hill.

4. APPROVAL OF MINUTES

1. –DOC-2024-4

Minutes - March 12, 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 C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 26th day of March, 2024, in Holly Hill

5. CONSENT AGENDA - ITEMS (1 - 2)

Mayor Via asked if anyone in the audience wished to speak on any item on the Consent Agenda or if any member of the Commission wished to further discuss an item. There was no one.

1. –2024-R-15 Resolution

A Resolution of the City of Holly Hill, Florida, Awarding a Task Order to Black Sands Development Group for the Aerial Reuse Pipe Replacement Project at a Cost of $114,889.91 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2024-R-15
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING A TASK ORDER TO BLACK SANDS DEVELOPMENT GROUP FOR THE AERIAL REUSE PIPE REPLACEMENT PROJECT AT A COST OF $114,889.91 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING A TASK ORDER TO BLACK SANDS DEVELOPMENT GROUP FOR THE AERIAL REUSE PIPE REPLACEMENT PROJECT AT A COST OF $114,889.91 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City broadcast Aerial Pipe Replacement Project 22-WW-06 in October 2023 but received only one bid at a cost of $386,823.00; and

WHEREAS, City staff did not present this bid to the City Commission for consideration as it was too far above the engineer's estimate to be considered competitive; and

WHEREAS, the City entered into a contract with Black Sands Development Group Resolution No. 2024-13 for Utility Infrastructure & Restoration Services; and

WHEREAS, the Black Sands Development Group provided a Task Order utilizing unit pricing under their City service contract agreement for $114,889.91 for the Aerial Reuse Pipe Replacement; and

WHEREAS, the Aerial Reuse Pipe Replacement is consistent with the City Utility SB 64 for Capital Funding Plan, Project No. 22-WW-06.

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

SECTION 1. That the City Commission rejects Bid No. 22-WW-06 with TB Landmark for $386,823.00 for the Aerial Reuse Pipe Replacement Project.

SECTION 2. That the City Commission of the City of Holly Hill does hereby award the Task Order to Black Sands Development Group, pursuant their approved service contract approved as Resolution No. 2024-13 and authorize the City Manager to enter into a Task Order purchase agreement with Black Sands Development Group to provide for the Construction of the Aerial Reuse Pipe Replacement in the amount of $114,889.91.

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 its adoption.

APPROVED AND AUTHENTICATED on this 26th day of MARCH, 2024.

Enacted and approved this 26th day of March, 2024, in Holly Hill

2. 2024-R-16 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Awarding a Primary Contract to Southeastern Surveying & Mapping and a Secondary Contract to WGI, Inc., for Surveying Services; and Authorizing the City Manager to Negotiate Rates; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2024-R-16
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING A PRIMARY CONTRACT TO SOUTHEASTERN SURVEYING & MAPPING AND A SECONDARY CONTRACT TO WGI, INC., FOR SURVEYING SERVICES; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE RATES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING A PRIMARY CONTRACT TO SOUTHEASTERN SURVEYING & MAPPING AND A SECONDARY CONTRACT TO WGI, INC., FOR SURVEYING SERVICES; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE RATES; PROVIDING FOR SEVERABILITY;

AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City solicited for Professional Surveying Services through Request for Proposals RFW-PW-03; and

WHEREAS, the City received five (5) responses to RFQ-PW-03 on February 27, 2024; and

WHEREAS, the City selection committee met on March 14, 2023 to rank the proposals for recommendation of contract award; and

WHEREAS, the selection committee evaluated survey proposals and voted to recommend a primary contract to Southeastern Surveying and Mapping Corporation (SSMC) and a secondary award to WGI, Inc.

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

SECTION 1. That the City Commission approve the ranking of the survey proposals and authorize the City Manager to negotiate rates and enter into an agreement with Southeastern Surveying & Mapping as the primary vendor and WGI, Inc., as a secondary provider.

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 26th day of MARCH, 2024.

Enacted and approved this 26th day of March, 2024, in Holly Hill

6. REGULAR AGENDA

1.

Lien Reduction - 921 Daytona Avenue

(Requested by Brian Walker, Board of Planning and Appeals)
Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 26th day of March, 2024, in Holly Hill

7. PUBLIC HEARING

1. 2024-O-3073 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending the Comprehensive Plan by Amending the Future Land Use Map Designation of Certain Property Identified in Exhibit A, by Virtue of a Small-Scale Future Land Use Map Amendment; Changing the Future Land Use Map Designation from Low Density Single-Family Residential to Low-Medium Density Residential; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)
Mr. Walker briefly went through his staff report for the Mayor and City Commissioners. This item is to consider an Ordinance enacting a Small-Scale Future Land Use Map Amendment from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR), for approximately 2.38 acres, located on the south side of 3rd Street, approximately 1700 feet southwest of Ridgewood Avenue. In 2005, the subject property was approved for a subdivision containing 4 buildings each with 4 units, for a total of 16 units (Quadraplex). Formally known as Brentwood, it has been known as Bentley Oaks for many years. On November 28, 2006, the City Commission approved the final plat for Bentley Oaks, however, the plat was never recorded. Infrastructure, meaning water, sewer, and stormwater improvements were constructed, and curbing for the street along with sub-base and base course for the subdivision was started in 2006 and substantially completed. The property then sat inactive until 2021. In late 2020, a developer interested in the property contacted the City regarding reactivating the Bentley Oaks project. Discussions occurred over the next couple of years, and the final product proposed is a total of 4 buildings each with 4 units, each unit having 3 bedrooms and 2.5 baths. An elevation is attached. The existing infrastructure has been cleaned, repaired and re-inspected. However, because the project's density exceeds that permitted by the current land use, the project cannot be platted and completed without an approved land use amendment. The current land use is low-density residential. That land use allows up to 6 dwelling units per net buildable acre. Net buildable acreage is land remaining after subtracting land used for streets, utility and drainage rights-of-way and other non-residential land areas. This project proposes a density of 6.72 units per net acre and therefore exceeds the permitted density. The property is zoned R-4A (Zero Lot Line Single-Family Residential District) which permits quadraplexes, and a density of 7 dwelling units per acre. The project meets the permitted density for the zoning district which may explain why the land use was not changed back in the early 2000's when the property was approved. However, it is the land uses' permitted density that governs. For this reason, the applicant is requesting a land use amendment to low-medium density residential, which permits up to 10 dwelling units per net buildable acre. If approved, the applicant will be restricted by their zoning district to 7 dwelling units per acre. The project contains single-family homes on three sides but also has commercial uses across the street and abuts an apartment complex in the City of Daytona that is zoned multi-family residential on a parcel that allows up to 20 dwelling units an acre. The amendment has been analyzed in terms of its infrastructure impacts. For considering a change of land

use, an analysis comparing the maximum development potential under each land use and available capacity is required. Impacts to traffic, potable water, waste water and solid waste have been analyzed and are summarized below. The proposed future land use map amendment will result in an average daily increase of 73 trips. Supporting details for the analysis are shown in the attachment titled, Trip Generation. Water and sewer demand under each land use (current and proposed), has been calculated using the Florida Administrative Code 64E-6.008 sewer flow standards. Standard engineering practice uses sewer flows to estimate water demand. Mr. Walker stated under the current LDR Land Use water and sewer demands are based on 14 Dwelling Units per Net Acre: 14 Units x 300 GPD = 4200 (water) and 4200 (sewer) = 8,400 GPD, however, under the proposed LMDR Land Use the water and sewer demands: Based on 24 Dwelling Units per Net Acre: 24 Units x 300 GPD = 7200 (water) and 7200 (sewer) = 14,400. The difference is an increase of 6,000 gallons per day. Potable Water Capacity: The City's potable water treatment plant has a processing capacity of 2.3 MGD. The current maximum daily flow is 1.3 MGD. Therefore, the plant has sufficient capacity to accommodate the density increase permitted under the proposed future land use designation. Development will be required to connect to City water. Sewer Capacity: The waste water treatment plant servicing this site has the capacity to service 3.0 MGD. Currently the plant services 1.85 MGD. Therefore, the plant has sufficient capacity to accommodate the increase anticipated by proposed future land use designation. Development will be required to connect to City sewer. Mr. Walker explained the school concurrency, solid waste, stormwater management, consistency with the Urban Sprawl Rule, consistency with the Comprehensive Plan as described in the agenda packet. Staff finds that the requested small-scale future land use map amendment is consistent with the City's Comprehensive Plan. The City has available capacity to serve the increased demand on facilities and infrastructure created by the requested amendment. The Board of Planning and Appeals unanimously recommend approval of the requested map amendment. Mr. Walker stated it is staff's recommendation to adopt an Ordinance of the City of Holly Hill Florida, enacting a Small-Scale Future Land Use Map Amendment from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR), totaling approximately 2.38 acres, located on the south side of 3rd Street, approximately 1700 feet south west of Ridgewood Avenue.

There was some discussion amongst the Mayor, City Commissioners, and staff at this time.

Mayor Via asked Attorney Simpson a question. Don't the owners of these property now own the right to develop this since it was given to them in the early 2000s to develop it as they proposed?

Attorney Simpson stated the one thing I'd say is that any development order we issue has to be consistent with our Comprehensive Plan and the Comprehensive Plan is the overriding planning document so we can't do anything that is inconsistent with our Comprehensive Plan. Now I can't answer to you how a rezoning occurred. Apparently that was inconsistent with our Comprehensive Plan, so arguably, it was probably not valid when it was done because it was inconsistent with our Comprehensive Plan. What we're doing now is amending our Comprehensive Plan, so what was done 20 years ago or however long ago it was, is consistent with our Comprehensive Plan today. For them to come and say they had a right to it, the problem is what they would be asserting a right to

is inconsistent with our Comprehensive Plan today and apparently, inconsistent with our Comprehensive Plan back then.
Mayor Via stated he just feels like that would open up a whole can of worms and that's the point, in a way our hands are tied on this and it's the right thing to do when that Commission gave that property that right back in the early 2000s. That was just his broader point and he just wanted to make sure that he had that on record.

Mayor Via opened public participation. No one spoke.

Timothy J. Boehliein, PE., with JBPro agent from Gainsville for the owner introduced himself and said that he was there to answer any questions the Mayor or City Commissioners may have.

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

RESULT:	**APPROVED AT 1ST READING [UNANIMOUS]**	**Next: 4/9/2024 6:00 PM**
MOVER:	Roy Johnson, District 4 - Commissioner	
SECONDER:	John Penny, District 1 - Commissioner	
AYES:	Via, Penny, Currie, Danio, Johnson	

8. COMMUNICATIONS

A. City Manager Comments

Mr. Forte thanked the Mayor for introducing Chief Westfall and again, he wants to go on record saying that the community is safe, police services are covered 100%, there's no laps in coverage and he is thankful to Sheriff Chitwood for providing the city with the resources to help us get through this period of disruption that we're going through. With that being said, he would like to get consensus from the Commission tonight to move forward to fill the position of Police Chief. He has an agreement in hand with the Florida Police Chiefs Education and Research Foundation. They have a program called STARS that helps to do the search. It's a consulting firm that does the search to replace the Police Chief position. This is the same organization that the City of DeLand used and the City of Ponce Inlet used. The cost is about $11,000 for this service. He thinks it's most appropriate to use a service so that we can get the proper screening and identify the most qualified, best fit Police Chief to run this organization and to help us get things back organized. As you know, he's not at liberty to comment on any of the issues that are under investigation. Unfortunately, we've had a little bit of negativity in the department but what he would like to do as he goes through this process is to focus his attention on the positivity and the work that the officers, the good men and women of the department, are performing in this community. At this point, he would like to get the Commissioners support on going out to fill that Chief's position and he's also intending to move forward with the Sergeant's exam. The exam that we had, the Sergeant's list is expired and he thinks it's important to have a Sergeant's list reestablished should we need to fill a

Sergeant's position.

There was <u>consensus</u> from the Mayor and City Commissioners to use the STARS program to help find a Police Chief for Holly Hill.

Mr. Forte stated the process will begin tomorrow. Their projection of it being about a 90-day process, he's anticipating that hopefully, by July 1st the city will be able to get a Police Chief in place if not sooner. Mr. Forte stated during the workshop discussion on the playground, they do have the ability to make a motion to throw the proposals out and direct staff to re-bid with adding additional monies into that line item.

Commissioner Penny made a motion to ***REJECT ALL BIDS, DIRECT STAFF TO GO OUT AND MODIFY THE BID REQUEST FOR PROPOSALS (RFP) THAT PREVIOUSLY WENT OUT BASED ON THE ADDITIONAL FUNDING THE CITY PLANS TO PUT INTO THE PROJECT,*** *seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Johnson mentioned there's a TPO meeting tomorrow; agreed with Mr. Cameron about the Brightline train that is needed and it would be good to have it connecting to all airports; having a fast train would help with traffic; the Volusia Sports Center is doing really well.

Commissioner Penny reminded everyone about the summer reading program and that there will be a fundraiser at Copper Bottom called Race for Reading on May 11th from 12:00 PM - 4:00 PM, which will help with the Holly Hill K-5 graders; the readings will be on Tuesdays and those dates are June 10th and August 1st from 9:00 AM - 11:00 AM. Please register; great event on May 11th for the community.

Commissioner Currie thanked Ms. Manning and staff who helped with the annual Easter Egg event last Saturday.

Commissioner Danio thanked Ms. Manning as well and was happy to see Commissioner Johnson up and moving around.

Mayor Via briefly mentioned the property situation at 618 Flomich and asked if there was any update. Staff and Attorney Simpson will try to find out some information as it pertains to the property, and the heirs of the property.

D. Mayor's Comments

Mayor Via asked if the acting Holly Hill Police Chief Eric Westfall from the Volusia County Sheriffs could come forward and introduce himself and his colleagues that are with him tonight. With him tonight was Volusia County Sheriff's Lieutenant Don Maxwell Watch Commander who will serve as the city's Watch Commander, which there are four of them. Mayor Via spoke about the unveiling for the Veterans Memorial monument. They are still working on a solid date for the unveiling. Mayor Via asked Mr. Walker about additional dwelling units with mother-in-law suites as previously discussed at the Board of Planning and Appeals meetings and here.

9. ADJOURNMENT

The meeting adjourned at approximately 7:30 PM.

Valerie Manning, City Clerk,CMC 3/26/2024

Chris Via, Mayor 3/26/2024