CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA ● APRIL 28, 2020

City Commission Chamber	Regular City Commission Meeting	7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

CITY COMMISSION MEMBERS

Mayor
Chris Via

District 1 - Commissioner
John Penny

District 2 - Commissioner
Penny Currie

District 3 - Commissioner
John C. Danio

District 4 - Commissioner
Roy Johnson

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. **CALL TO ORDER**

   a. Roll Call
   b. Invocation by City Commissioner Roy Johnson
   c. Pledge of Allegiance

2. **PUBLIC COMMENTS**

3. **APPROVAL OF MINUTES**

   1. Minutes - April 14, 2020 Regular City Commission and CRA Meeting

      (Requested by Valerie Manning, City Clerk)

4. **CONSENT AGENDA - ITEM (1)**

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items. Is there anyone in the audience who wishes to speak on any item on the Consent Agenda?

   1. Resolution –2020-R-18 A Resolution of the City of Holly Hill, Florida, Acknowledging that the City of Holly Hill is Operating Under the County of Volusia's Declaration of State of Local Emergency, Including All Extensions, Related to the Coronavirus Disease (COVID-19) in Coordination with the Emergency Declarations of the Office of the Governor for the State of Florida and the President of the United States of America to Safeguard the Lives and Property of Its Residents; and Providing for an Effective Date.

      (Requested by Valerie Manning, City Clerk)

5. **REGULAR AGENDA**

   1. Resolution –2020-R-19 A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Proposed FY 2020-2021 CDBG Annual Plan Application and Authorizing the City Manager to Submit the Approved Annual Plan to Volusia County Community Assistance; and Providing for Severability; and Providing for an Effective Date.

      (Requested by Antoine Khoury, Public Works)

   2. Request for Lien Reduction

      (Requested by Joseph Forte, City Manager)

6. **PUBLIC HEARINGS - NONE**

Please silence any cell phone, pager or noise making device as not to interrupt the meeting. Staff will introduce each item for consideration, with comments and recommendations. The applicant or appellant and supporters will be heard first. Those in opposition to the request will be heard next. Comments should be restricted to pertinent information regarding the agenda item under discussion. Out of courtesy to others, we ask that speakers keep their comments brief and try to limit these comments to information not previously discussed. Speakers should state their name and address clearly for the record. The City Clerk’s office is required to retain any documents, photographs, drawings, etc. that are shown to the City Commissioners in support of a position. The City Commission may ask questions of speakers or of staff members. The Mayor will then ask the City Commission to make a recommendation or motion. Once a motion has been made and seconded, discussion will be closed to the floor. Following City Commission discussion, a vote will be taken. During voting, Commissioners who do not cast objecting votes are considered to have voted in support of the motion.

7. COMMUNICATIONS

A. City Manager & Staff Comments
B. City Attorney Comments
C. City Commission Comments
D. Mayor's Comments

8. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: April 28, 2020
FROM: Valerie Manning
SUBJECT: Minutes - April 14, 2020 Regular City Commission and CRA Meeting
NUMBER: (ID # 2877)
APPLICANT:
PLANNER:

DISCUSSION:

Minutes from April 14, 2020 regular City Commission & CRA meeting.

MOTION:

Approve as submitted by staff.

- Minutes - April 14, 2020 - Regular City Commission and CRA meeting (PDF)

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● APRIL 14, 2020

City Commission Chamber	Regular City Commission Meeting	7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

a. Roll Call

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

b. Invocation by City Commissioner John Danio
c. Pledge of Allegiance
Mayor Via led the Pledge of Allegiance to the flag.

2. RECESS THE CC MTG & CONVENE AS THE CRA

3. CRA AGENDA

1. –2020-R-14

CRA - a Resolution of the City Commission of the City of Holly Hill, Community Redevelopment Agency of Florida, Authorizing the City Manager to Execute an Amended Incentive Agreement, Development Agreement and Management Agreement with Pictona at Holly Hill; and Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mr. Forte stated the City Commission has already approved these agreements. Mostly what they are doing here are some corrective name changes, with the exception of the Incentive Agreement. They did change the name from Martens Properties to Martens Charities, it also recognizes the city's contribution which is going from $1 million to $1.3 million. The city has already spent/paid to the Martens $1.2 million. Another $100,000 is owed to them and the Commission will either find that at their six month budget adjustment or they will budget that into the October budget year. In the Development Agreement, again, the name was changed from Martens Properties to Martens Charities and it also talks about the financing that he just mentioned and in the Management Agreement the name was changed to Pictona at Holly Hill. It was originally called

Pickleball Daytona. In the agenda packet there are red line versions of the changes that were made to each of the agreements. Also, there were updates to the insurance requirements.

Mayor Via opened public participation.

Heidi Heller, Holly Hill, spoke to the Mayor and City Commission and shared her concerns.

Mayor Via closed public participation.

Mr. Forte mentioned this is a 50 year agreement. The ECHO Grant is a 40 year agreement with the ECHO board. The city has to maintain that for 40 years. The other change that was made to the agreement was, because of the ECHO Grant, the city cannot provide discounts to Holly Hill residents. That was struck out of the contract. Everyone that is going to pay to play or become a member will be paying the same rate.

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

Enacted and approved this 14th day of April, 2020, in Holly Hill

4. ADJOURN AS THE CRA & RECONVENE THE CC MTG

5. PUBLIC COMMENTS

The following individual spoke to the Mayor and City Commissioners: Arthur Byrnes, Holly Hill.

6. APPROVAL OF MINUTES

1.

Minutes - March 10, 2020 Regular City Commission Meeting and March 16, 2020 Declaring a Local State of Emergency COVID-19

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 14th day of April, 2020, in Holly Hill

7. CONSENT AGENDA - ITEMS (1 - 3)

Mayor Via asked if there was anyone in the audience who wishes to speak on any item on the Consent Agenda? **There was no one.**

1. –2020-R-15 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida and the Florida Department of Transportation (FDOT) for the Installation of Street Lights on SR5 (Nova Road) from 6Th Street to Flomich Street; and 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:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2020-R-15
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE INSTALLATION OF STREET LIGHTS ON SR5 (NOVA ROAD) FROM 6TH STREET TO FLOMICH STREET; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE INSTALLATION OF STREET LIGHTS ON SR5 (NOVA ROAD) FROM 6TH STREET TO FLOMICH STREET; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill is authorized to enter into a Joint Project Agreement with the State of Florida Department of Transportation; and

WHEREAS, the Florida Department of Transportation has requested The City of Holly Hill to execute Amendment 1 of the Existing Joint Project Agreement for the installation of street lights on SR5 (Nova Road) between 6th Street and Flomich Street (AS014 1-4-16).

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

SECTION 1. That the City Manager of The City of Holly Hill is authorized to execute Amendment 1 to the Joint Project Agreement between the State of Florida Department of Transportation and The City of Holly Hill (AS014 1-4-16).

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 14th day of APRIL, 2020.

Enacted and approved this 14th day of April, 2020, in Holly Hill

2. –2020-R-16 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute an Agreement for Subordination of the Interest in Such Lands to the Florida Department of Transportation (FDOT); and 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:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2020-R-16
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR SUBORDINATION OF THE INTEREST IN SUCH LANDS TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); AND 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 AN AGREEMENT FOR SUBORDINATION OF THE INTEREST IN SUCH LANDS TO THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 5, Section No. 79030, F.P. No. 438982-1, in Volusia County, Florida; and

WHEREAS, it is necessary that certain easement rights now owned by the City of Holly Hill, Florida, be subordinate to the rights of the State of Florida Department of Transportation; and

WHEREAS, said subordination is in the best interest of the City; and

WHEREAS, the State of Florida Department of Transportation has made application to said City to execute and deliver to the State of Florida Department of Transportation a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, and said request having been duly considered.

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

SECTION 1. That the application of the State of Florida Department of Transportation for a subordination of utility interest, or interests, is for transportation purposes which are in the public or community interest and for public welfare; that a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, in DeLand, Florida, should be drawn and executed by the City Manager.

SECTION 2. That a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation, 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 4. That all resolutions made in conflict with this Resolution are hereby repealed.

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

APPROVED AND AUTHENTICATED on this 14th day of APRIL, 2020.

Enacted and approved this 14th day of April, 2020, in Holly Hill

3.

Memorandum of Understanding (MOU) - Tallahassee Police Department and HHPD (ELVIS) Electronic License and Vehicle Information System

(Requested by Steve Aldrich, Police)

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

8. REGULAR AGENDA

1. –2020-R-17 Resolution

Regular Agenda - a Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute an Amended Incentive Agreement, Development Agreement, and Management Agreement with Pictona at Holly Hill; and Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mayor Via opened public participation. No one spoke.

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

RESOLUTION
2020-R-17
REGULAR AGENDA - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED INCENTIVE AGREEMENT, DEVELOPMENT AGREEMENT, AND MANAGEMENT AGREEMENT WITH PICTONA AT HOLLY HILL; AND 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 AN AMENDED INCENTIVE AGREEMENT, DEVELOPMENT AGREEMENT AND MANAGEMENT AGREEMENT WITH PICTONA AT HOLLY HILL; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 11, 2018, the City of Holly Hill (City) entered into an Agreement with Martens Properties, LLC to offer an incentive agreement for the development of a Pickleball Recreation Facility and other improvements; and

WHEREAS, Martens Properties, LLC (Developer) has changed its name to Martens Charities, Inc., and desires to continue to develop a portion of Hollyland Park hereinafter described in the updated Exhibit "A" and Exhibit "B" attached hereto (Property) to build and operate a Pickleball Recreational Facility and other improvements as hereinafter described (Project); and

WHEREAS, Pickleball Daytona at Holly Hill has changed its name to Pictona at Holly Hill, Inc., and desires to continue to manage and operate the Pickleball Facility in the designated portion of Hollyland Park hereinafter described in the update Exhibit "A" and Exhibit "B" attached hereto (Property).

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 approves the amended Management Agreement and the City Manager of the City of Holly Hill is authorized to execute the Management Agreement.

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 and shall be deemed effective since December 11, 2018.

APPROVED AND AUTHENTICATED on this 14th day of APRIL, 2020.

Enacted and approved this 14th day of April, 2020, in Holly Hill

9. PUBLIC HEARINGS - NONE

10. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte stated they just made the changes to Pictona at Holly Hill and he wanted to run pass the Commission the opportunity that he spoke to the Martens about and part of the management and operations of the facility over there is for them to run Pickleball and the city was going to oversee and operate the Senior Activity Center, the recreation courts, the gardens and so on. As they're going through, and he's beginning to realize that these facilities are going to be open seven days a week, one employee is just not going to be able to do it. So the city will have to hire at least 1.5 to 2 employees in order to operate the facility over there. And even in thinking that through, there's a front desk that needs to be staffed, there's activities that need to be planned and coordinated and managed. He spoke with the Martens last week and he asked Rainer Marten if he would be interested in his organization running the operations of the Senior Activity Center so that it's somewhat seamless so that the city doesn't have two employees reporting to the city (the City Manager) in the same facility where a number of employees are reporting to Pictona even though they will have overlapping responsibilities. Mr. Rainer has agreed to do that and Mr. Forte sated he thinks it would be beneficial to all of us. He thinks it would be cost effective for the city because they can hire somebody at a higher salary than what the city would pay because the city would have to include benefits and retirement figures on top of that so the amount that the city would have to budget wouldn't change but Mr. Rainer would then be given that and then he could pay a higher wage because he's not providing the higher benefits that the city would provide. If the Commission is in agreement with that, what he would do is he would set up an amendment to the existing Management Agreement and do something similar to what the city has with the YMCA on how the city has them managing that facility. He wanted to open that up to get the Commissioners thoughts and the Martens are excited to move forward and do it. The city's not backing out of anything. He thinks it's just a better operational plan. The city are still partners in this whole thing. He thinks it will be a much more seamless operation if the city does it this way.

Commissioner Penny stated that makes sense because Rainer has a bigger pool of employees that could be cross trained and cover the things, where as if the city has 1.5 or 2 people and one calls in sick, the whole thing falls apart.

There was ***consensus*** for Mr. Forte to move forward.

Mr. Forte stated he will work on getting that done. There are two things coming up and he will get with Attorney Simpson on this. One, is the temporary sign Ordinance that the Commission did in 2017; that's the banner sign that hangs down the side of Marina Grande, the flutter flags and some other temporary signs that they were allowed to do. That Ordinance, technically, expired at the end of February 2020. The property has been sold and the city notified the new owners that, that amendment exhibit has expired. They've expressed interest in coming back and requesting a renewal. The city told them technically they need to take it down. They came back and asked if the city could approve a renewal and they were told that the city cannot do it at the staff level. Staff has no way, no authority to say proceed. In fact, today he directed Mr. Walker to have Code Enforcement provide them with a code violation. He can't allow them to continue in violation of the exhibit expiring; that will just backfire. They were given a notice of violation that the amendment has expired and those temporary signs were supposed to come down. He spoke to the new owners and he told them there was a lot discussion at the time that was put in, there was a lot of residents from the property that opposed the temporary sign, especially the banner and his read of the Commission at that time was they were a little apprehensive about approving it but they did it for this three year test period because MG was supposed to be proving that these signs were increasing their sales. He doesn't have the right to tell them they can't apply. What he is saying to the Commission is, unless they call the Commission and lobby you individually, they are going to submit an application to renew that temporary sign permit. He just wants to let the Commission know that's coming so if they get any phone calls from people about the signs still being in place, they've been given a code violation notice and MG is applying for an extension. What happens at that time, it will be up to MG's presentation and you, as a Commission, on what you want to do moving forward.

Mayor Via asked if the Commission denies their application, will they be fined for the amount of time or is it put on hold when they are applying for this?

Mr. Forte stated there's nothing to put on hold. Right now, technically, MG can't get somebody in here to get somebody to take that sign down due to the pandemic. MG is having a hard time getting contractors to come in and do something like that. The city has given them until mid-May 2020 to have the sign taken down, which depending upon what happens, they may request an extension due to the pandemic condition. By that time, the city should be pretty close to getting to a BOPA meeting for their first reading request for this and then we'll see what happens.

Attorney Simpson stated if he understood Mayor Via's question, if this is a first time violation, a fine will not start to run until they are found in violation by the Special Master and given a reasonable time to comply and if they don't comply within that reasonable time. If it was a repeat violation then the fine could be retroactive back to the date the first violation was noted. But if it's a first time violation, the fine does not accrue right now and can't accrue retroactively.

Mr. Forte stated by mid-May 2020 if MG doesn't do it, the city will probably give them a two week extension, if they don't do it by then, then they will be scheduled for a Special Master hearing, which would then be in June 2020 by that time they should be in front of BOPA. This Commission will have to make a decision on that whether or not the Commission wants to continue that or not.

Commissioner Currie stated she thinks they were very lenient when they did that.

Mr. Forte stated he doesn't want to debate this now. He's just letting the Commission know that this is something that will be coming before them and that the new owners will be applying for the extension.

Attorney Simpson discussed quasi-judicial hearings during this pandemic period with the Commission.

Mr. Forte stated 128 Ridgewood Avenue, the Ridgewood Inn. The city has been dealing with that property for a number of years. He would probably declare that property, the worse property in the city. He has been working with an attorney who had put a mortgage on the property due to the taxes he paid on it and he was going through a foreclosure process and the city was working together for him to go through this foreclosure process and his intention was to have the property torn down. For him to have that property torn down, he would then apply for a lien reduction and would likely be granted a lien reduction because that violation would be eliminated, the property would be pad ready for someone else to come in and buy the property. Well, now they have a potential buyer and the owners of the property told the potential buyers that there was a $10,000 lien, when in reality there is nearly a $200,000 lien. The realtor for the new owners contacted him and asked if they could get a lien reduction. The conditions are a little different. The new owners want to fix the property up and maintain it as a motel. It's not quit the incentive there for the city to do a lien reduction. Now, they certainly can apply. The issue that Mr. Forte has is, and he will basically make them the same offer, you tear it down and I'll reduce the lien but if you want to fix it up and make it a motel, your clientele will not change. Now if you want to tear it down and build a Motel 8 and function it like a Motel, where people come and people go, there's a possibility. If you're going to keep it as a mom and pop as it is today, which is an attractive nuisance for a number of people that the city deals with on a daily basis, he can tell the Commission as their administrator, he has no issue to want to deal with that. That property is the city's biggest disaster and it needs to be fixed.

Mayor Via and the Commissioners were in agreement with Mr. Forte and mentioned they were behind him.

Mr. Forte stated the Maple Leaf Gardens looks ten times better because of the work that they've done and they used to be the worse property in the city and they've done a great job. Anyways, his issue is having a verbal offer with one person. He'll get with Attorney Simpson on it. He just wanted to let them know because that may be something else that comes up. Mr. Forte reminded everyone that tomorrow at 4:15 PM in front of City Hall they will be doing a "Bells of Thanks" and go Facebook Live. They discussed the April 28th meeting and there was ***consensus*** to keep it scheduled for now and keep the same conditions unless anything changes. There was a brief discussion about the Christmas parade/tree lighting ceremony for December. There was ***consensus*** to move forward with the planning of the parade and waiving the entry fees for this year to participate. Outside of that, the employees are doing very, very well. We have one employee that took advantage of the Family First Act and is home due to their medical condition and the complications that could result from a contact with the virus and we have another employee that's part-time taking advantage of the FMLA extension but due to child care needs. She is working part-time and taking advantage of the FMLA two-thirds pay that's offered under the Act. Outside of that, everybody is doing okay and doing what they have to do. The first couple of weeks were very, very busy. This last week and a half has been a little slower.

B. City Attorney Comments
None.

C. City Commission Comments
Commissioner Johnson spoke about the pandemic and surviving through this. Whether it's volunteering or forcing to be secluded. Thankful to the ones that are running the two assisted living facilities in Holly Hill and thankful to God that the city hasn't had one single case in either of those places. Looking forward to the grand opening of Pickleball in July.

Mr. Forte informed the Commissioners that it's still schedule for the first weekend in July but also, don't forget, the city has Flight Gymnastics. That's moving forward. So, the city should have a youth activity center open up at the end of May or the beginning of June and the Senior Activity Center opening up in July. Two great opportunities for Holly Hill.

Commissioner Johnson stated they are very blessed that it hasn't hit them hard but they can't let their guard down. They have to keep things going the way they are.

Commissioner Penny was thankful for the "Honk Parade" that the Holly Hill school teachers put on.

Commissioner Currie asked for everyone to continue taking the social distancing seriously. There's still a lot of people out there who are not. Think about others. She just wants the people to know that the city is here for them.

D. Mayor's Comments

Mayor Via mentioned government grants and asked if Mr. Forte has heard anything about all of the federal money that's been passed and if the city is going to be able to access that afterwards, specifically about this pandemic.

Mr. Forte stated he gets the emails under the Care Act of the monies that are available and he sends those emails to Stella in Finance and she's aware of it. Staff tracks whatever expenses they have and so far, the city doesn't have a lot of expenses. That's going to kick in when they have some cities that have expenses where they're buying equipment or they have a lot of employees that have taken time off and they're seeking reimbursement. Right now, the city doesn't have a big ticket to worry about but they do have, if the Commission remembers, early on, they already instituted having a line item tracking number related to COVID-19 so that when the city does have expenses, for example, he's asked the Fire Chief to purchase some infrared thermometers. Expenses like that, staff is keeping track.

Mayor Via addressed the COVID-19 virus within the County; people are starting to take the CDC guidelines seriously. Applauded Mr. Forte in the work he's been doing throughout this and being as transparent as he has been and the LIVE Q&A that they did last week. Thanked Commissioner Danio for serving pizzas to the city employees tomorrow and Commissioner Penny for serving ice cream to the first responders. A lot of people in the Holly Hill community are doing a lot of good to the people in the Holly Hill community; UBIC, Sorrento's, Heroes Hope Network, Cooper Bottom Distillery, WAPN, Holly Hill school teachers. There's a lot of people helping. The reason he brings this all up is because he wanted to bring up an idea to the Commissioners to create a Holly Hill Hometown Heroes Award. The idea at first was, after they get through all of this then they bring them here, the people that have done so much good in the community, and publicly thank them and give them a certificate and make them a Hometown Hero but, he got to thinking as this virus goes on and on, a lot of people are inspired to do good things because they see other people doing good things and a lot of these people are not looking for recognition. He wanted to actually give them their award before this pandemic is over, to recognize their efforts and his idea was, if the Commission gives these out, so they can stick with the CDC guidelines, whatever District the business or person is in, or whomever the Commissioner would like to personally recognize, for instance, Cooper Bottom, him and Commissioner Penny can go there and take a picture with them and go on social media to help promote those people. There are people in all of their Districts doing a lot of great things. He's not sure if anyone is against that but if you are, please let him know but he thinks that would be a good idea but if they have any ideas, he's more than happy to hear them.

Commissioner Penny stated he thinks it's a great idea; he thinks it's going to be a logistical nightmare, unfortunately. The city is going to have so many. He's in favor of the Holly Hill Hometown Hero. He thinks the Mayor should pick them that way it's one person that goes to the business instead of two people going. Maybe the Commission can suggest the businesses/people to the Mayor. He doesn't know if it's better for the Mayor to mail it to them. His fear is that, if you gave me an award or if I gave someone an award, the first thing I'm going to do is stick my hand out to shake their hand to congratulate them. It's a great idea. He just doesn't know…

Commissioner Danio stated if it's a great time.

Commissioner Penny stated maybe we get a list and we mail it to them.

Mayor Via stated well, part of it though, is the promotion of the business/people. It would go on the city's Facebook page and then the business/people get that accolade.

Commissioner Penny suggested possibly face timing the people and informing them about the award and let them know it's coming in the mail.

Mr. Forte stated alternatively, they can just stand in front of the business with it and photo-post it.

Mayor Via stated, right.

Commissioner Currie stated she thinks it's a good idea to recognize these people but she thinks it's a bad time because right now we're still supposed to be social distancing and you're not really going to get a great picture if you're standing six feet away from them. She thinks the Commission would be sending out a reverse message if they don't abide by that and they have two or three people standing together in a picture getting an award. The Heroes for Hope Network, they probably have a few people there that they would want to include in their picture. She would just have fears that right now would be kind of hard to do what the Mayor is wanting to do. She thinks it's a great idea though. Maybe they can wait until…or do as Commissioner Penny had suggested or wait until social distancing requirements aren't like they are now.

Commissioner Penny stated July 4 is a Saturday; Pickleball courts should be open. Maybe the city can get the Chamber involved and throw a giant party and the city invites these Hometown Heroes.

Mr. Forte stated he sees what the Mayor is trying to do is, he's trying to get the momentum to going so why doesn't the Commission give the Mayor direction that if he can figure out a way to do it…

Commissioner Currie stated she thinks it's a great idea. If they can just keep the social distancing requirements in play because otherwise, the Commission is sending out mixed messages.

Mayor Via stated, right.

Mr. Forte stated there are a couple of businesses outside the city also helping out.

Mayor Via stated, yes. He thinks to build some momentum. Mayor Via mentioned the 2020 Census and they discussed that briefly.

Mr. Forte informed the Commission that it has been posted on Facebook several times already.

Mayor Via suggested that the Commissioners personally spread the word as well. Share the posts that have been on Facebook to get the word out.

Mr. Forte discussed the census "track" to the Mayor and Commissioners. Within the city's zip code there are multiple "tracks".

Mayor Via asked about FEMA reimbursements for the hurricanes.

Mr. Forte stated the latest emails are dealing with the pier at Sunrise Park and it looks like the city is on track in moving forward with the pier. The challenge that the city has is the seawall and the seawall, because the city doesn't have maintenance records and there's some debate over some things and contradictions that staff has had to deal with early on. The seawall looks like it's going through the declining process. So, if they decline the city due to "timing", the city has a good appeal to go after because it was "their" direction that sent the city down this path. If they decline the city for another reason, the city will still file an appeal, he just doesn't know how strong that appeal is going to be. The pier itself, there was communication going back and forth today with regard to the next step of…we're getting the engineering done. Mr. Forte stated he instructed Steve at Public Works to go ahead and proceed and he's apprehensive about doing certain things because the city may not get reimbursed. So, in other words, the city doesn't want to spend a million dollars fixing the pier if the city isn't going to get reimbursed for it, unless this Commission says, "spend our reserves to fix the pier". The city is doing certain things that they have to get done no matter what. They have to get engineering done. We're getting that handled. There are certain evaluations that have to get done, staff is getting that handled. They are minor compared to the total project. Staff is going down that road in the hopes that the city will get reimbursed for that in the future construction but we're also going down that road that if they decide to deny the city, he will come to the Commission and show the engineering, here's the cost estimate, what do they want to do.

11. ADJOURNMENT

The meeting adjourned at approximately 8:00 PM.

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: April 28, 2020
FROM: Valerie Manning
SUBJECT: A Resolution of the City of Holly Hill, Florida, Acknowledging that the City of Holly Hill is Operating Under the County of Volusia's Declaration of State of Local Emergency, Including All Extensions, Related to the Coronavirus Disease (COVID-19) in Coordination with the Emergency Declarations of the Office of the Governor for the State of Florida and the President of the United States of America to Safeguard the Lives and Property of Its Residents; and Providing for an Effective Date.
NUMBER: 2020-R-18
APPLICANT:
PLANNER:

DISCUSSION:

The County of Volusia has encouraged all municipalities residing within their jurisdiction to be governed by their emergency management programs to provide a more coordinated response to the spread of the COVID-19 virus and the City of Holly Hill believes a county-wide coordinated response under the direction of the Office of the Governor for the State of Florida is the most effective way to combat the spread of the COVID-19 virus regionally.

Section 252.38(l)(c) of the Florida Statutes states that counties shall serve as liaison and coordinator of municipalities' requests for state and federal assistance during post-disaster emergency operations. The City of Holly Hill does not have an emergency management plan adopted pursuant to Florida Statute Chapter 252 in regards to the COVID-19 virus threat, therefore, the City will be governed by the County's emergency management programs.

STAFF RECOMMENDATION:

Approve Resolution as submitted by staff.

COMMISSION GOAL:

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION:

APPROVE THE RESOLUTION ACKNOWLEDGING THAT THE CITY OF HOLLY HILL IS OPERATING UNDER THE COUNTY OF VOLUSIA'S DECLARATION OF STATE OF LOCAL EMERGENCY, INCLUDING ALL EXTENSIONS, RELATED TO THE CORONAVIRUS DISEASE (COVID-19) IN COORDINATION WITH THE EMERGENCY DECLARATIONS OF THE OFFICE OF THE GOVERNOR FOR THE STATE OF FLORIDA AND THE PRESIDENT OF THE UNITED STATES OF AMERICA TO SAFEGUARD THE LIVES AND PROPERTY OF ITS RESIDENTS.

ATTACHMENTS:

- Appendix A - Executive Order No. 20-52 (PDF)
- Appendix B - Presidential Proclamation 9994 (PDF)
- Appendix C - Volusia County Council Declaration (PDF)

Resolution No. 2020-18

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ACKNOWLEDGING THAT THE CITY OF HOLLY HILL IS OPERATING UNDER THE COUNTY OF VOLUSIA'S DECLARATION OF STATE OF LOCAL EMERGENCY, INCLUDING ALL EXTENSIONS, RELATED TO THE CORONAVIRUS DISEASE (COVID-19) IN COORDINATION WITH THE EMERGENCY DECLARATIONS OF THE OFFICE OF THE GOVERNOR FOR THE STATE OF FLORIDA AND THE PRESIDENT OF THE UNITED STATES OF AMERICA TO SAFEGUARD THE LIVES AND PROPERTY OF ITS RESIDENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ACKNOWLEDGING THAT THE CITY OF HOLLY HILL IS OPERATING UNDER THE COUNTY OF VOLUSIA'S DECLARATION OF STATE OF LOCAL EMERGENCY, INCLUDING ALL EXTENSIONS, RELATED TO THE CORONAVIRUS DISEASE (COVID-19) IN COORDINATION WITH THE EMERGENCY DECLARATIONS OF THE OFFICE OF THE GOVERNOR FOR THE STATE OF FLORIDA AND THE PRESIDENT OF THE UNITED STATES OF AMERICA TO SAFEGUARD THE LIVES AND PROPERTY OF ITS RESIDENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Office of the Governor for the State of Florida signed Executive Order Number 20-52 declaring a state of emergency in response to the threat of the Coronavirus Disease (COVID-19) on March 9, 2020, a copy of which has been attached to this Resolution as Appendix A and hereby incorporated; and

WHEREAS, the President of the United States of America signed Proclamation 9994 declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak on March 13, 2020, a copy of which has been attached to this Resolution as Appendix B and hereby incorporated; and

WHEREAS, the Volusia County Council signed a Declaration of State of Local Emergency Related to the Coronavirus Disease (COVID 19) on March 13, 2020 with subsequent extensions, a copy of which has been attached to this Resolution as Appendix C and hereby incorporated; and

WHEREAS, Section 252.38(l)(c) of the Florida Statutes states that counties shall serve as liaison and coordinator of municipalities' requests for state and federal assistance during post-disaster emergency operations; and

WHEREAS, Section 252.38(2) of the Florida Statutes provides that if a municipality does not have a formal emergency management plan adopted pursuant to Florida Statute Chapter 252, the municipality is served by the county's emergency management agency and plan; and

WHEREAS, the City of Holly Hill does not have an emergency management plan adopted pursuant to Florida Statute Chapter 252 in regards to the COVID-19 virus threat; and

WHEREAS, the County of Volusia has encouraged all municipalities residing within their jurisdiction to be governed by their emergency management programs to provide a more coordinated response to the spread of the COVID-19 virus; and

WHEREAS, the City of Holly Hill believes a county-wide coordinated response under the direction of the Office of the Governor for the State of Florida is the most effective way to combat the spread of the COVID-19 virus regionally.

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

SECTION 1. The City Commission of the City of Holly Hill, Florida, hereby acknowledges that the City of Holly Hill is operating under the County of Volusia' s Declaration of State of Local Emergency Related to the Coronavirus Disease (COVID-19), including all subsequent extensions, in coordination with the emergency declarations of the Office of the Governor for the State of Florida and the President of the United States of America.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 28th day of APRIL, 2020.

APPENDIX A

EXECUTIVE ORDER NUMBER 20-52

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 20-52

(Emergency Management - COVID-19 Public Health Emergency)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.

Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.

C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

3) Incurring obligations;

4) Employment of permanent and temporary workers;

5) Utilization of volunteer workers;

6) Rental of equipment;

7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

1) Maintain an accurate and up-to-date list of all such closures; and,

2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

2020 MAR -9 PM 5:52

APPENDIX B

PRESIDENTIAL PROCLAMATION 9994

Presidential Documents

Proclamation 9994 of March 13, 2020

Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak

By the President of the United States of America

A Proclamation

In December 2019, a novel (new) coronavirus known as SARS–CoV–2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID–19 that has now spread globally. The Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID–19. I have taken sweeping action to control the spread of the virus in the United States, including by suspending entry of foreign nationals seeking entry who had been physically present within the prior 14 days in certain jurisdictions where COVID–19 outbreaks have occurred, including the People's Republic of China, the Islamic Republic of Iran, and the Schengen Area of Europe. The Federal Government, along with State and local governments, has taken preventive and proactive measures to slow the spread of the virus and treat those affected, including by instituting Federal quarantines for individuals evacuated from foreign nations, issuing a declaration pursuant to section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d), and releasing policies to accelerate the acquisition of personal protective equipment and streamline bringing new diagnostic capabilities to laboratories. On March 11, 2020, the World Health Organization announced that the COVID–19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States.

The spread of COVID–19 within our Nation's communities threatens to strain our Nation's healthcare systems. As of March 12, 2020, 1,645 people from 47 States have been infected with the virus that causes COVID–19. It is incumbent on hospitals and medical facilities throughout the country to assess their preparedness posture and be prepared to surge capacity and capability. Additional measures, however, are needed to successfully contain and combat the virus in the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b–5), do hereby find and proclaim that the COVID–19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020. Pursuant to this declaration, I direct as follows:

Section 1. *Emergency Authority.* The Secretary of HHS may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the COVID–19 outbreak.

Sec. 2. *Certification and Notice.* In exercising this authority, the Secretary of HHS shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b–5(d)).

Sec. 3. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

[FR Doc. 2020–05794
Filed 3–17–20; 8:45 am]
Billing code 3295–F0–P

APPENDIX C

VOLUSIA COUNTY COUNCIL DECLARATION

DECLARATION OF STATE OF LOCAL EMERGENCY RELATED TO CORONAVIRUS DISEASE (COVID-19)

Consistent with the State of Emergency declared on March 9, 2020, by Governor Ron DeSantis in Executive Order Number 20-52 (Emergency Management–COVID-19 Public Health Emergency), the Presidential National Emergency Declaration for COVID-19 issued on March 13, 2020, and pursuant to section 252.38(3)(a)(5), Florida Statutes, and section 46-143, Code of Ordinances, County of Volusia, the county council hereby declares a State of Local Emergency, effective throughout Volusia County as of 6 p.m. eastern standard time on this date for a period of seven days. The County Manager and Emergency Management Director are hereby authorized to take those measures authorized by chapter 46 of the Code and Chapter 252 for their respective positions.

ORDERED this 13th day of MARCH, 2020.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

Ed Kelley
County Chair

ATTEST:

George Recktenwald
County Manager

ATTACHMENT A

FIRST EXTENSION OF STATE OF LOCAL EMERGENCY RELATED TO CORONAVIRUS DISEASE (COVID-19)

WHEREAS, the county council declared a State of Local Emergency on March 13, 2020 (Attachment A), consistent with the State of Emergency declared on March 9, 2020, by Governor Ron DeSantis in Executive Order Number 20-52 (Emergency Management–COVID-19 Public Health Emergency), the Presidential National Emergency Declaration for COVID-19 issued on March 13, 2020, and pursuant to section 252.38(3)(a)(5), Florida Statutes, and section 46-143, Code of Ordinances, County of Volusia;

WHEREAS, section 252.38(3)(a)(5), Florida Statutes, provides authority for political subdivisions to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community;

WHEREAS, Chapter 252 of the Florida Statutes limits the duration of each State of Local Emergency to seven (7) days and it may be extended, as necessary, for additional terms in seven (7) day increments; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNCIL CHAMBERS OF THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 17TH DAY OF MARCH, 2020 A.D., AS FOLLOWS:

SECTION I: That the effects of COVID-19 continue to pose a serious threat to the health, safety, and welfare of the residents of Volusia County and that an extension of a State of Local Emergency is declared, effective immediately throughout Volusia County, Florida

ATTACHMENT B

SECTION II: The Declaration of State of Local Emergency issued on March 13, 2020 is hereby extended effective as of 5:00 p.m., March 17, 2020 for a period of seven (7) days to 4:59 p.m., March 24, 2020.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

Ed Kelley

Ed Kelley
County Chair

ATTEST:

George Recktenwald
County Manager

SECOND EXTENSION OF STATE OF LOCAL EMERGENCY RELATED TO CORONAVIRUS DISEASE (COVID-19)

WHEREAS, the county council declared a State of Local Emergency on March 13, 2020 (Attachment A), as extended on March 17, 2020 (Attachment B) consistent with the State of Emergency declared on March 9, 2020, by Governor Ron DeSantis in Executive Order Number 20-52 (Emergency Management–COVID-19 Public Health Emergency), the Presidential National Emergency Declaration for COVID-19 issued on March 13, 2020, and pursuant to section 252.38(3)(a)(5), Florida Statutes, and section 46-143, Code of Ordinances, County of Volusia;

WHEREAS, section 252.38(3)(a)(5), Florida Statutes, provides authority for political subdivisions to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community;

WHEREAS, Chapter 252 of the Florida Statutes limits the duration of each State of Local Emergency to seven (7) days and it may be extended, as necessary, for additional terms in seven (7) day increments; and

NOW, THEREFORE, BE IT RESOLVED THIS 24TH DAY OF MARCH, 2020 A.D., AS FOLLOWS:

SECTION I: That the effects of COVID-19 continue to pose a serious threat to the health, safety, and welfare of the residents of Volusia County and that an extension of a State of Local Emergency is declared, effective immediately throughout Volusia County, Florida

SECTION II: The Declaration of State of Local Emergency is hereby extended effective as of 5:00 p.m., March 24, 2020 for a period of seven (7) days to 4:59 p.m., March 31, 2020.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

Ed Kelley

Ed Kelley
County Chair

ATTEST:

George Recktenwald
County Manager

THIRD EXTENSION OF STATE OF LOCAL EMERGENCY RELATED TO CORONAVIRUS DISEASE (COVID-19)

WHEREAS, the county council declared a State of Local Emergency on March 13, 2020 (Attachment A), consistent with the State of Emergency declared on March 9, 2020, by Governor Ron DeSantis in Executive Order Number 20-52 (Emergency Management--COVID-19 Public Health Emergency), the Presidential National Emergency Declaration for COVID-19 issued on March 13, 2020, and pursuant to section 252.38(3)(a)(5), Florida Statutes, and section 46-143, Code of Ordinances, County of Volusia; on March 17, 2020, the State of Local Emergency was extended by the county council (Attachment B); on March 24, 2020, the State of Local Emergency was extended by the county council (Attachment C).

WHEREAS, section 252.38(3)(a)(5), Florida Statutes, provides authority for political subdivisions to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community;

WHEREAS, Chapter 252 of the Florida Statutes limits the duration of each State of Local Emergency to seven (7) days and it may be extended, as necessary, for additional terms in seven (7) day increments; and

NOW, THEREFORE, BE IT RESOLVED THIS 31ST DAY OF MARCH, 2020 A.D., AS FOLLOWS:

SECTION I: That the effects of COVID-19 continue to pose a serious threat to the health, safety, and welfare of the residents of Volusia County and that an extension of a State of Local Emergency is declared, effective immediately throughout Volusia County, Florida

SECTION II: The Declaration of State of Local Emergency is hereby extended effective as of 5:00 p.m., March 31, 2020, for an additional period of seven (7) days to 4:59 p.m., April 7, 2020.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

Ed Kelley
County Chair

ATTEST:

George Recktenwald
County Manager

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: **April 28, 2020**
FROM: **Antoine Khoury**
SUBJECT: **A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Proposed FY 2020-2021 CDBG Annual Plan Application and Authorizing the City Manager to Submit the Approved Annual Plan to Volusia County Community Assistance; and Providing for Severability; and Providing for an Effective Date.**
NUMBER: **2020-R-19**
APPLICANT:
PLANNER:

DISCUSSION:

The U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program provides annual grants on a formula basis to states, counties and cities that achieve entitlement status. Volusia County qualifies as an urban county entitlement community and receives funds directly from HUD. The same formula used by HUD is applied to the award by the County to determine the allocation for the distributions to the participating cities. For the FY 2020-2021 period, the City of Holly Hill has been slotted to receive $100,119 to carry out community development activities.

CDBG projects are selected based on meeting qualification criteria; these include that the project must be an eligible activity and must meet national objectives of the program. For the FY 2020-2021 allocation, staff has selected the refurbishing of Lift Station #17B as the 20-21 project.

Lift Station #17B is located at 1028 Great Oaks Drive and serves an area wholly within a CDBG low/moderate income area. This lift station is 27 years old and has not had significant upgrades or improvements in that time.

The proposed refurbishing will include removal and replacement of structural, mechanical, electrical and control components. This is consistent with the need to upgrade facilities to reach full compliance with Department of Environmental Protection standards and protect health, safety and welfare of our citizens.

The overall project costs are estimated at $350,000 with $100,119 reimbursable through the grant. Per HUD requirements, CDBG funds may be used for Water/Sewer Improvements provided the service area has at least 50.42% of the population within a low/moderate income bracket. The service area of Lift Station #17B is exclusively residential, with 69 residential parcels. The percentage of residents of low to moderate income in this service area is 53.87%.

A copy of the proposed CDBG application is included under Exhibit A.

FISCAL ANALYSIS:

Anticipated revenue of $100,119 and expenditures of $350,000 will need to be budgeted accordingly during the FY 2020/2021 budget process.

STAFF RECOMMENDATION:

Staff recommends that the Commission authorize the City Manager to submit the FY2020 - 2021 CDBG Annual Plan to Volusia County Community Assistance.

GOALS:

Goal #1: Develop and maintain a sound and sustainable financial plan for the City that establishes sufficient reserves for all funds, ensures (wherever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION:

APPROVE THE PROPOSED FY 2020-2021 CDBG ANNUAL PLAN APPLICATION AND AUTHORIZE THE CITY MANAGER TO SUBMIT THE APPROVED ANNUAL PLAN TO VOLUSIA COUNTY COMMUNITY ASSISTANCE.

ATTACHMENTS:

- Exhibit A (PDF)

Resolution No. 2020-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PROPOSED FY 2020-2021 CDBG ANNUAL PLAN APPLICATION AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE APPROVED ANNUAL PLAN TO VOLUSIA COUNTY COMMUNITY ASSISTANCE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PROPOSED FY 2020-2021 CDBG ANNUAL PLAN APPLICATION AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE APPROVED ANNUAL PLAN TO VOLUSIA COUNTY COMMUNITY ASSISTANCE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the US Department of Housing and Urban Development's Community Development Block Grant program, through Volusia County Community Assistance, has notified the City of Holly Hill of an anticipated award of $100,119 for fiscal year 2020-2021; and

WHEREAS, the City has identified the refurbishment of Lift Station #17B for funding through this project; and

WHEREAS, the City desires to submit its annual plan proposal to Volusia County Community Assistance.

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

SECTION 1. That the proposed plan is hereby approved to be submitted as part of the fiscal year 2020-2021 CDBG Annual Plan.

SECTION 2. That the City Manager is authorized to execute and submit the 2020-2021 CDBG Annual Plan proposal.

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 28th day of APRIL, 2020.

Volusia County
FLORIDA

County of Volusia

PY 2020/21

Community Development Block Grant (CDBG) Program

Capital Improvement Project Application

City of Holly Hill

Applicant City

Water/Sewer Improvements - Refurbishment of Lift Station #17-B

Project Name

A. Application Checklist

PY 2020/21 CDBG Capital Project - Jurisdiction Funding Application Checklist

*Applicant **MUST** place this initialed and signed checklist on top of all submitted proposals*

Initials of CDBG Primary Contact or Representative	Necessary Application Document/Information
SJ	Applicant Information
SJ	Project description/Location & Implementation Responsibility
SJ	Plan of Action
SJ	Budget
SJ	Procurement Description
SJ	Applicable Procurement Policy (attach only the pages referenced)
	Signed and Completed Certification of Construction Need (Required for existing structures or facilities)
	Signed and Completed Conflict of Interest Statement
SJ	Attached Maps and/or Photos
	Other (If applicable) _____

Note: When filing out this application please refer to the PY 2020/21 CDBG Funding Application Instructions and Guidance

B. Applicant Information

Name of Applicant (City, Town, Department): City of Holly Hill

CDBG Primary Contact Name and Title: (should be the same for all proposals) Steven Juengst - Facilities Supervisor

Email Address: sjuengst@hollyhillfl.org Phone Number: 386-248-9463

Project Manager Name and Title: (Implementation) Steven Juengst - Facilities Supervisor

Email Address: sjuengst@hollyhillfl.org Phone Number: 386-248-9463

Proposed Project Title: Water/Sewer Improvements - Refurbishment of Lift Station #17-B

Total Amount Requested: $100,119.00 Total Estimated Project Cost: $350,000.00

Additional Funds Available to Leverage, if applicable: $249,881.00

Source of Additional Funds, if applicable: Enterprise Funds - Sewer Renewal & Replacement

Physical Location of Proposed Project: 1028 Great Oaks Drive, Holly Hill, Florida 32117

Certifying Representative	
▪ Person authorized to sign contract, if project is selected ▪ City Manager or Authorized City Official	▪ Please sign in **BLUE INK**
To the best of my knowledge and belief, data in this proposal are true and correct and the **governing body of the applicant has duly authorized the document.**	

Signature:

Name: *Joseph A. Forte* **Date Signed**

Title: **City Manager**

C. Project Description

Type of Project:

- ☐ Acquisition of Real Property
- ☐ Clearance/Demolition
- ☐ Public Facility Improvements (General)
- ☐ Senior Centers
- ☐ Neighborhood Facilities
- ☐ Parks, Recreational Facilities
- ☐ Flood/Drainage Improvements
- ☐ Code Enforcement
- ☒ Water/Sewer Improvements
- ☐ Non-Residential Historic Preservation
- ☐ Street/Sidewalk Improvements
- ☐ ADA Accessibility

Exact location/project address:

1028 Great Oaks Drive, Holly Hill, Florida 32117

If applicable please indicate the following:

Address Start: ____________ Address End: ____________ Linear Feet: ________

Summary of project:

The City of Holly Hill uses a conventional gravity collection system for its sanitary sewer infrastructure. Gravity sewer lines carry waste water to lift stations, which then perform a critical function by pumping waste water through force mains to the waste water treatment plant for appropriate treatment.

The City of Holly Hill proposes to refurbish a lift station located at 1028 Great Oaks Drive. In this refurbishment project, the City proposes to replace existing hardware, install submersible pumps, rails and pipes. Additional work will include dewatering, bypass pumping, electrical work, maintenance of traffic, restoration and the furnishment of As-Built drawings.

Project Need and Justification:

(Include demand and location of similar facilities)

The City's lift station #17-B was installed in 1993, and is a Smith & Loveless station that is badly rusted and beginning to leak. Only (1) of (2) pumps are currently operational at this lift station. The useful life of a lift station is 15 years. Due to the age and condition of the lift station, the probability of catastrophic failure is significant.

Anticipated accomplishments and/or outcomes:

It is anticipated that the refurbishment of lift station #17-B with the installation of new submersible pumps and hardware will create a more dependable lift station with far less chance of failure.

Describe the designated service area and beneficiaries:
(Provide a detailed description and a map that clearly shows the project site and area that will benefit, include photos if applicable)

Lift station #17-B is located at 1028 Great Oaks Drive in Holly Hill. The service area of the lift station is exclusively residential, with 69 residential parcels. The residents who will benefit from this refurbishment are located in a block of the CDBG area with 53.87% of residents of low to moderate income.

D. National Objective

Activity will meet a national objective by: *(choose one of the two options)*

☒ **Area Benefit**
(choose one of the two options)
☒ Census tract block group data
or
☐ Income survey conducted by city and approved by county and HUD

☐ **Limited Clientele Benefit**
(choose one of the two options)
☐ Will be income verified
or
☐ Presumed low-income by HUD

Area Benefit: *(if applicable)*

Census Tract	Block Group	Total Population	Low/Mod Population	% Low/Mod Population
809.02	3	1,550	835	53.87
	Total			

Limited Clientele Benefit: *(if applicable)*

Qualifying group

Number of persons served

Similar Projects:
(Describe any past similar projects carried out, and the outcomes)
The City has been refurbishing its outdated lift stations at approximately 2 per year. Lift Station 12, rehabilitated during the 2016 CDBG cycle or Lift Station 6, rehabilitated during the 2015 CDBG cycle are examples of similar work recently completed. There have been no failures of these lift stations since their refurbishment.

Feasibility of Maintaining Project:
(Explain future maintenance as a result of the project)
Checking the operational conditions is a part of weekly work for City of Holly Hill collections mechanics. However, with an expected life of 15 years for submersible pumps, it is anticipated that any significant repairs will be absent from this lift station following refurbishment for a period of at least 15 years.

Citizen Participation:

(Explain what input citizens had in identifying the need, identifying the project, or approving the project)

Due to the coronavirus, the public meeting which was scheduled to help the City identify potential projects was cancelled. As an alternative, the City has posted a news link on its website encouraging public input for ideas of projects designed to assist low to moderate income areas of Holly Hill. The link to the City's website address is below:

https://www.hollyhillfl.org/publicworks/page/community-development-block-grant-ideas

Unfortunately, no comments were received from Holly Hill's citizenry suggesting potential CDBG eligible projects.

E. Project Timeframe

Implementation Responsibility:

☒Subrecipient (City or Department Applying for funds) ☐City or Department Employees ☒Contractor	☐County of Volusia *(If applicant is a city and the proposed project is being implemented by the County of Volusia please provide documentation showing the communication and planning done between the subrecipient and the county department)*

Comments about implementation responsibility (if needed):

The City will hire a contractor to provide engineering and design of this refurbishment. This contractor will have a project manager assigned to provide day to day supervision of the project progress. The Facilities Supervisor will act as the project manager on behalf of the City and will oversee both the engineering and construction phases of this project.

Plan of Action:

Plan of Action below will become part of the Subrecipient Agreement if project is approved *(Clearly explain who created the POA provided below (i.e. purchasing analyst, public works director...), what factors were considered, what is unique to this project timeline, and note any potential concerns)*

The plan of action was developed by the Facilities Supervisor upon the study of actual times spent in a similar project. In this case, the actual timeline from the refurbishment of lift station #12 was employed.

CDBG PY 2020/21 Plan of Action		
Milestones	**Planned Date**	**Notes (not required)**
Authorization to Proceed Received	**10/1/20**	**Remaining dates will adjust if ATP is not received by this date**
Technical Design & Procurement Documents Complete	**03/02/2021**	
Complete Solicitation Package Submitted to Volusia County	**03/09/2021**	
Solicitation Package Approved by Volusia County (Allow one week)	**03/16/2021**	
Solicitation Advertised	**03/25/2021**	
Pre-Solicitation Meeting	**04/03/2021**	
Solicitation Opening	**04/24/2021**	
Contract Award	**05/09/2021**	
Pre-Construction Meeting	**06/04/2021**	
Issue a Notice to Proceed	**06/07/2021**	
Project Start Date	**06/07/2021**	

Project Completed	**12/02/2021**	
All Reimbursement Requests Submitted to Volusia County	**12/31/2021**	

F. Project Budget

(Applicants must either fill out the following budget, or attach an additional budget)

Budget Categories	Project Cost Estimate	Sources of Funds		
		CDBG Funds	Applicant Funds	Other
		AMOUNT	AMOUNT	AMOUNT
Materials Costs	$170,500	$53,619	$116,881	
Labor Costs	$148,500	$46,500	$102,000	
Engineering Services	$31,000	$0.00	$31,000	
Other: ______				
Other: ______				
Other: ______				
SOURCE TOTAL (Column total)		$100,119	$249,881	
TOTAL PROJECT COST (the total project costs, all funding sources)	$350,000			

**Please note, due to grant-based accounting method used by HUD, funds cannot be transferred between fiscal years. As a result, remaining program year balances that are less than $1,000 will revert to countywide funds.*

Description of Budget:

(Explain the budget above. Include the resources that will be used for the project prior to reimbursement, any potential funding concerns, completeness of budget given, and estimates used. Backup documentation for the budget amounts should be available upon request. If project is to be implemented by the county, attach correspondence with relevant County of Volusia department stating the budget reasoning.)

The total cost of the project was developed in coordination with one of the City's continuing services engineering firms: Mead and Hunt. Based on past similar projects, the estimation of costs is based on:

$19,000 for demolition costs
$7,700 for bypass pumping
$151,000 for complete lift station
$46,000 for a new wet well
$55,000 for electrical work
$2,500 for As-Built plans
$3,000 for maintenance of traffic
$5,800 for restoration
$29,000 for contingency
$31,000 for engineering services
Total of these estimates is: $350,000

Leveraged Funds:

(Clearly explain what funds, if any, are being used to match CDBG funds for the project)
The amount of $350,000 is anticipated to be approved into the FY2020/2021 utilities budget for the City of Holly Hill. Of these funds, $100,119 will cover costs until such time that reimbursement of work from the County is received; $249,881 will be set aside for the City's financial contribution towards this project.

Outstanding Balance:
(Explain any remaining CDBG balances from prior year capital projects)

The fiscal year 2019/2020 CDBG Project - Lift Station #9 refurbishment is currently underway with the pre-bid meeting occurring on April 7, 2020. This project is anticipated to be completed by December 31, 2020. The balance for this project is $98,394.

The fiscal year 2018/2019 CDBG Project - Refurbishment of Lift Station #13 has been 100% completed with a reimbursement request submitted to Volusia County. All required documents have been submitted and reviewed by Volusia County and is compliance with CDBG requirements. The final pay application was sent to the City of Holly Hill's finance department for payment processing on April 21, 2020. Upon receipt of proof of payment, the City will send a final reimbursement request to Volusia County. The total outstanding balance for this project is $78,545.

G. § 570.611 Conflict of Interest

Please read and sign at the bottom of the next page, signifying that you have read and agree to adhere to the following policy. Also, please disclose any potential conflicts including any boards or committees currently serving on, any private companies owned by you or members of your Board of Directors, and any other potential conflicts.

(a) ***Applicability.*** (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.

(2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to §570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to §570.203, 570.204, 570.455, or 570.703(i)).

(b) ***Conflicts prohibited.*** The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) ***Persons covered.*** The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) ***Exceptions.*** Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
(ii) Whether an opportunity was provided for open competitive bidding or negotiation;
(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;
(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
(vii) Any other relevant considerations.

Name	**Conflicts/Potential**

Joseph A. Forte	Steven Juengst
City Manager (or authorized official)	**CDBG Liason**

Signature	**Date**	**Signature**	**Date**

H. Procurement

Eligible procurement:
Purchases must be handled fairly and in a manner that encourages full and open competition; documentation must be maintained that demonstrates this. Additionally, subrecipients or subgrantees are required to abide by the most strict of the following when purchasing services, supplies, materials, or equipment:

- The municipality or agency purchasing and procurement policy
- All applicable federal procurement rules, most specifically those contained in 24 CFR 85.36
- A Volusia County CDBG entitlement program threshold of $50,000 for small purchases, which will be outlined in the PY 2020/21 Subrecipient Agreement. Purchases above this threshold must be awarded through a formal competitive bid or proposal process, even if the limit established in the subrecipient's or subgrantee's procurement policy allows a higher threshold for a formal competitive bid. In the event that the municipality or agency procurement policy requires a formal bid for purchases less than $50,000, the municipality or agency shall follow their policy.

Please note: Approval of the application including the process outlined below does not eliminate the requirement to approve all steps of the project procurement and implementation with Community Assistance prior to moving forward, this is mandatory to ensure that projects remain compliant and eligible for CDBG reimbursement.

What method of procurement will be used for this project:
Include the name of the procurement method, a brief summary of the steps that will be taken, and a reference to the procurement policy of the municipality or agency implementing the project. Attach the page of the policy that applies to the reference to this submission.
The procurement method employed for this project will be a formal contract procedure. This method will include a formal written contract and purchase order to the lowest and best responsible bidder after due notice inviting proposals. This procurement method is a requirement of Section 1.3 section 2 of the City's purchasing policy.

Procurement Reasoning:
(Clearly explain why the method of procurement noted above is the best choice for this project)
The benefits of a formal contract prodecure are multifaceted. Invitations to bid are placed in the local newspaper "The Daytona Beach News Journal" but are also placed on Vendor Link. Vendor Link is an online bid posting tool which reaches are far greater area than we typically see during non-formal contract bids. In addition, formal bid procedures give the opportunity for the City to include additional mandates in the contract such as bid bonds, performance bonds and requirements for CDBG documentations.

Procurement Management:
(Explain who will be responsible for implementing the procurement method above, including their position.

Stella Gurnee - Finance Director

I. Certification of Construction Need

The purpose of this form is to differentiate between the two categories of public facility or infrastructure projects shown below:

- Maintenance of a public facility or infrastructure, and
- Necessary rehabilitation of a public facility or infrastructure.

The jurisdiction that is implementing the proposed capital project must designate an employee to confirm which category, from the two listed above, of which the project best fits. The employee should have the knowledge and experience to make an informed determination and explanation regarding the proposed project, the facility, the past use, and the current condition.

Jurisdictions should exercise reasonable judgment in choosing an employee to certify the construction need of a project. It is not the intent of the entitlement community, County of Volusia, to have the jurisdiction incur any additional costs or to hire outside experts. Due to the vast differences in the organization of different jurisdictions, specific employee positions cannot be defined. A certification completed by the CDBG contact(s) for the jurisdiction would not be appropriate. Please discuss potential certifications with Volusia County if you have any questions or concerns.

Name and Title of Certifying Employee: Antoine Khoury - City Engineer/Public Works Director

Email Address: akhoury@hollyhillfl.org Phone Number: 386-248-9493

Proposed Project Title: Water/Sewer Improvements - Lift Station #17-B

Project should be classified as:

☐ Maintenance ☐ Deferred Maintenance ☒ Rehabilitation ☐ New Construction

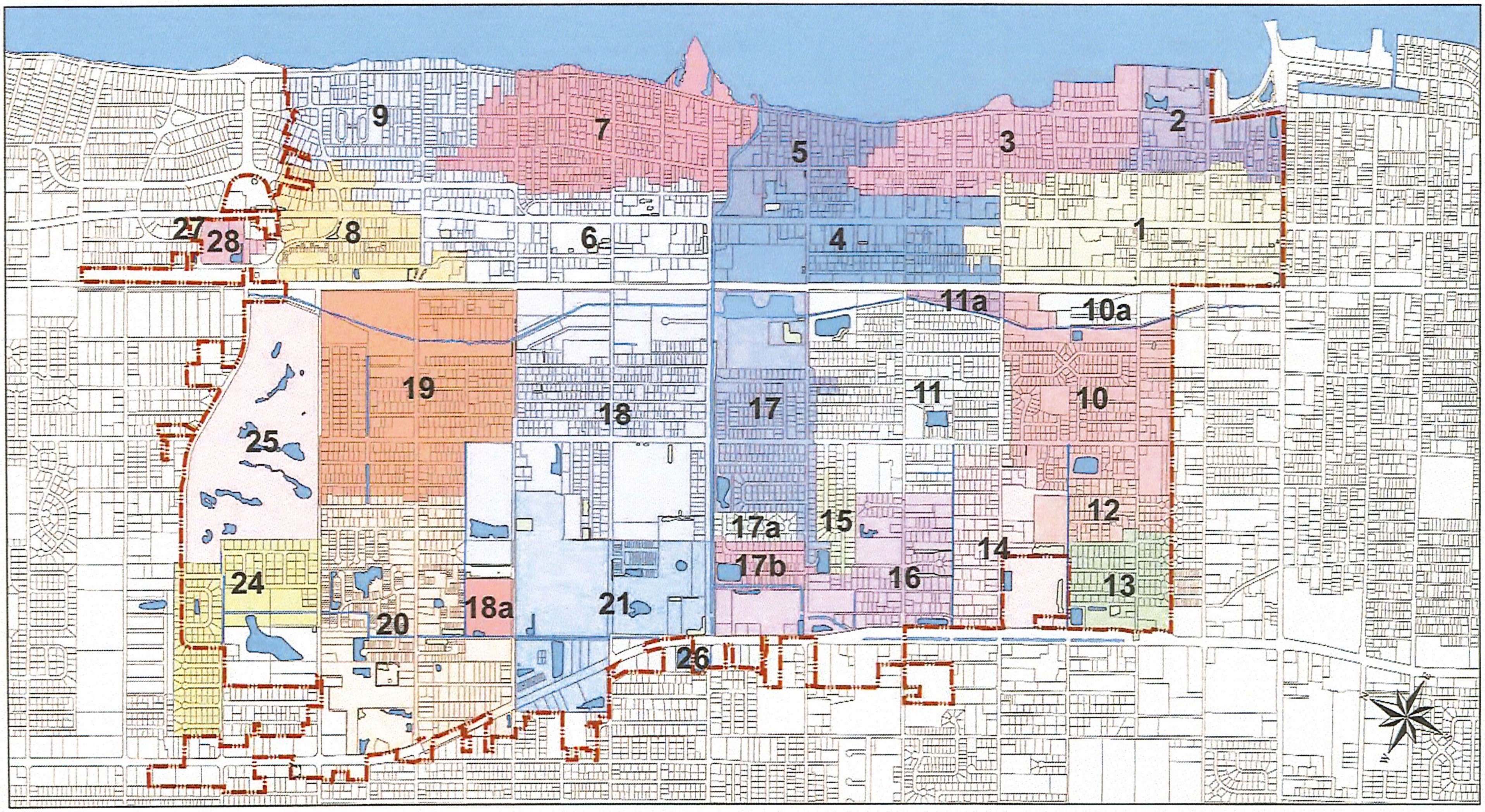
Reason for determination given: (Attach additional pages or documentation as needed)

The City's lift station #17-B was installed in 1993 and is suffering from rust and leakage. As such, the rehabilitation of the lift station is needed in order to limit the potential of catastrophic failure. A failure in this location could lead to waste water backing up into homes in the area. This scenario poses a significant health hazard to Holly Hill's citizenry.

Antoine Khoury

Certifying Employee Printed Name	**Certifying Employee Signature**	**Date**

City of Holly Hill, Florida
Lift Station Service Areas



Attachment: Exhibit A (2020-R-19 : Proposed FY 2020-2021 CDBG Annual Plan Application)

Lift Station 17-B
1028 Great Oaks Drive
Holly Hill, Florida 32117

POLICY 1.3 PURCHASING REQUISTIONS

All requisitions shall be authorized by the Department Director or designated authority. Requisitions should originate in the department at the level where the purchase is to be used and routed to the designated approval authority prior to being sent to Finance Department. Requisitions not properly authorized will not be accepted by the on-line system.

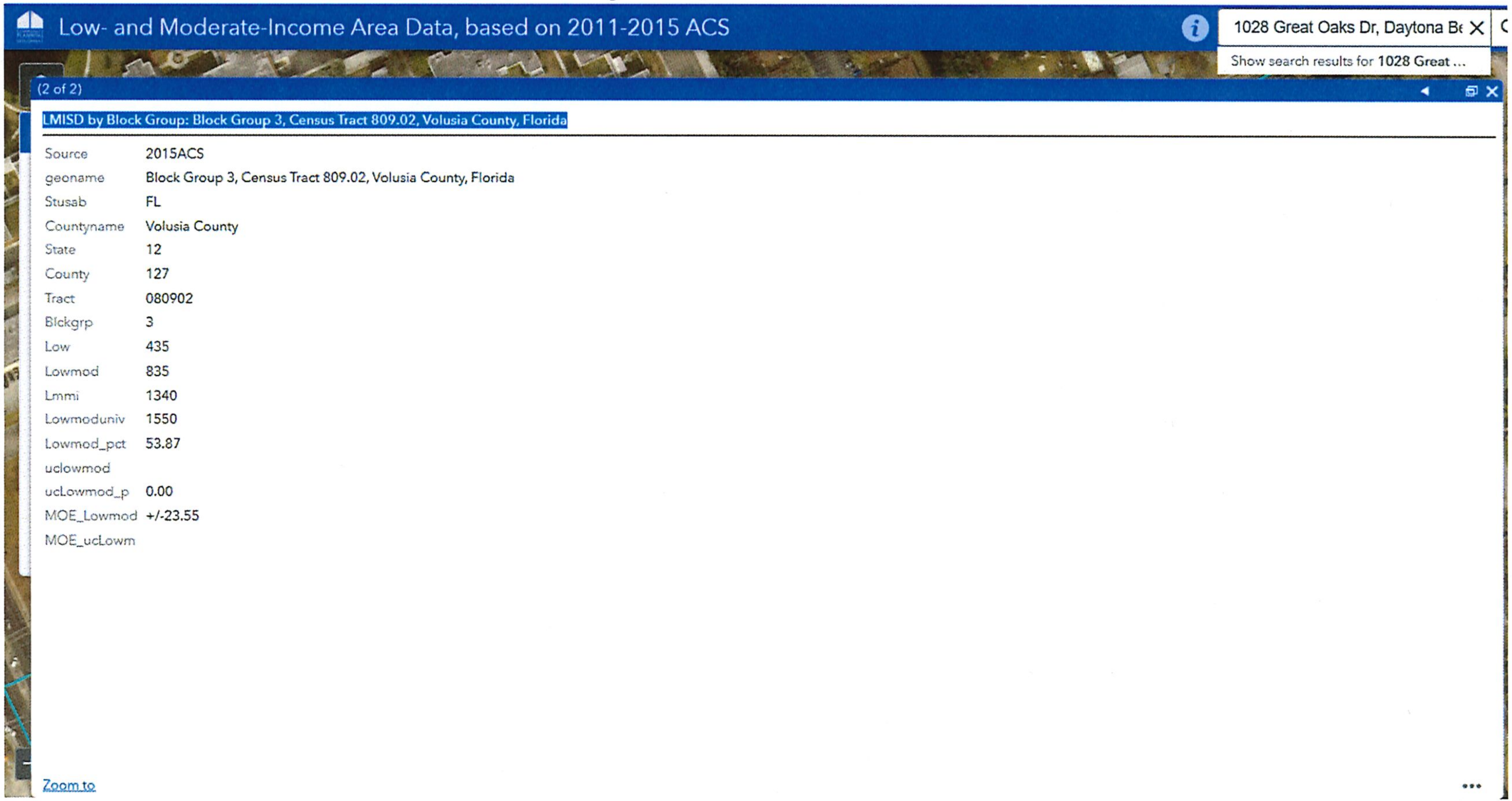
ROUTING:

1. For all purchases under $25,000, the requisitioning Department will enter the requisition into the on-line system for issuance of a purchase order. The Department will obtain quotes as:
   a. No quotes required under $2,500
      i. Estimates are encouraged
      ii. Preference given to local suppliers
   b. Quotes required between $2,500 and $5,000
      i. Utilize
         1. Screen shots
         2. Verbal quotes
      ii. Preference given to local suppliers
   c. Three written quotes required between $5,000 - $25,000
      i. Written quotes or proposals
      ii. Preference given to local suppliers
2. For all purchases $25,000 or greater, the requisitioning Department will request a formal solicitation to be issued by the Finance Department, and then assure that City Commission approval is obtained for award, either of the solicitation or other Commission direction.
3. Upon receipt of the requisition in the Finance Department and dependent on the dollar amount, formal quotations, bids or proposals will be solicited. A purchase order, contract or work order will be issued upon completion of this process.
4. If the requisition is incomplete or not properly prepared, the Finance Department will notify the originating department.
5. For all purchases of capital goods or services, regardless of the dollar amount, the requisitioning Department will enter the requisition into the system assuring appropriate approvals are obtained, unless approved by the Finance Director and under $25,000.

POLICY 1.4 PURCHASING REVIEWS

REVIEW OF SPECIFICATIONS-OTHER DEPARTMENTAL APPROVALS REQUIRED: Prior to issuance of bids or the processing of a requisition with specifications included, review of the items to be purchased and the specifications for certain commodities and services must be made by other departments / Departments within the City to assure open competitive bidding, compatibility, standardization, and up-to-date specifications. The following are mandated reviews:

Lift Station #17B
1028 Great Oaks Drive
Holly Hill, Florida 32117



Source	2015ACS
geoname	Block Group 3, Census Tract 809.02, Volusia County, Florida
Stusab	FL
Countyname	Volusia County
State	12
County	127
Tract	080902
Blckgrp	3
Low	435
Lowmod	835
Lmmi	1340
Lowmoduniv	1550
Lowmod_pct	53.87
uclowmod	
ucLowmod_p	0.00
MOE_Lowmod	+/-23.55
MOE_ucLowm	

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE:	**April 28, 2020**
FROM:	**Joseph Forte**
SUBJECT:	**Request for Lien Reduction**
NUMBER:	**(ID # 2873)**
APPLICANT:	
PLANNER:	

DISCUSSION:

The City has received a request for a Reduction of Lien "code enforcement liens" that have been placed on the real property located at 904 Daytona Avenue. The property is currently owned by Karen Lynn Novak who acquired the property in March 2020.

According to the Claim of Lien created on July 3, 2019, the property was under the ownership of Angela Logsdon and Todd Hensen who were in violation of four (4) codes. The accumulating lien was filed against the property on December 3, 2019. Ms. Novak purchased the property in a foreclosure sale without obtaining a title search. Ms. Novak proceeded to clean the property and correct the code violations. According the staff report, the code violations were corrected on March 27, 2020 just 10 days following the purchase of the property. Ms. Novak is requesting a lien reduction since she has brought the property into compliance rather quickly.

Currently, there is a lien on the property in the amount of $35,700.00 in addition to the follow expenses.

Direct expenses to the City include:

Special Master fee	$250.00
Daily accumulation of fines	$35,700.00
Filing fees	$35.50
Lien release fee	$10.00
Code enforcement 54.25 hours x $18.25	$990.06
Finance Dept. 2 hours x $13.29	$26.58
Administrative staff 2 hours x $50.00	$100.00
Total	**$37,112.14**

FISCAL ANALYSIS:

City reimbursement for administrative and direct costs in the amount of $1,412.14 plus a negotiated reduction to 10% of the original lien $3,570.00 for a total $4,982.14.

STAFF RECOMMENDATION:

Reduce the lien from $37,112.14 to a negotiated sum of **$4,982.14**. The City shall not release the $37,112.14 lien amount until payment has been received in the amount of **$4,982.14**. Payment is before June 1, 2020. If payment is not received by 5:00 pm on June 1, 2020 the full amount of the lien shall remain in place without an option to reduce the fine in the future. The City will the proceed with a foreclosure action to claim the full amount of the lien.

COMMISSION GOAL:

N/A

MOTION:

To reduce the lien to an administrative fee in the amount of **$4,982.14** payable no later than June 1, 2020 . Failure to pay the lien by June 1, 2020 will cause the entire lien to remain upon the property. If the payment is not made, the City Commission directs the staff to begin the foreclosure process.

- 904 Daytona Ave. (PDF)

MEMORANDUM

DATE: **MARCH 31, 2020**

TO: **CITY MANAGER**

THROUGH: **CODE ENFORCEMENT**

FROM: **CODE ENFORCEMENT**

RE: **CASE # 19-00000404 CEB**
REQUEST FOR REDUCTION OF LIEN

Please find attached the Request for Reduction of Lien for your review, as well as a copy of the history of the case. The lien totals **$35,950.00** in this case.

Staff feels this application meets the requirements to proceed with the Request for Reduction of Lien.

Please review the information and issue a determination of approval or denial on this form. Pursuant to Administrative Code Section 3.20, your decision regarding approval or denial shall be based on whether the request fails any one of the established guidelines listed below:

(1) If a property owner has purchased property on which a lien was recorded, a waiver or reduction on lien shall not be granted, in such cases, the lien should have been considered in reaching a purchase price.

☒ FAILS
☐ DOES NOT FAIL

Staff Findings: The current owners, Karen Lynn Novak, obtained the property through a Certificate of Title following a foreclosure; therefore, the request does not fail the established guideline.

(2) If the title insurance policy is issued upon the purchase of the property and the title insurance failed to identify or consider the lien, a waiver or reduction in lien shall not be granted. In such cases, the lien should have been discovered by the title insurer and providing a reduction of waiver would place the County in the position of indemnifying the title insurer against its losses, which losses should be reflected in premium charges.

☐ FAILS
☒ DOES NOT FAIL

Lien Reduction Request Information Sheet

Property Address: 904 Daytona Ave.

Owner of Property: Karen Lynn Novak

Date of Notice of Violation: 4/16/2019

Violations:

1. 26-61(1) Grass & weeds — Date of Compliance 7/10/19 — Exhibit N/A
2. IPMC 302.1 Sanitation — Date of Compliance 3/27/20 — Exhibit N/A
3. IPMC 304.8 Decorative features — Date of Compliance 3/27/20 — Exhibit N/A
4. 114-727(a) Fences — Date of Compliance 3/27/20 — Exhibit N/A
5. N/A — Date of Compliance ______ Exhibit ______
6. N/A — Date of Compliance ______ Exhibit ______

Compliance verified via inspection by Code enforcement officer

Date of Special Master Hearing: 6/25/19 Daily Fines Start Date: 8/2/19

Daily Fines of $ 150 for 238 days equals 35,700 Dollars

Daily Fines of $ ______ for ______ days equals ______ Dollars

Notes if Applicable:

The first listed violation came into compliance prior to the start of the daily fine and is therefore not included. Remaining violations started accumulating on 8/2/19 at $150 each.

Fiscal Analysis:

N/A	Grass Cutting
$250.00	Special Master Administrative Fine(s)
$35,700	Daily Accumulated Fines
$35.50	Filing Fees for Liens
	Finance Department Cost (Amount of Staff Hours: 1)
	Code Enforcement Cost (Amount of Staff Hours: 54.25)
$10	Lien Release Fees
N/A	Other:
	Subtotal
	Interest
	TOTAL

CITY OF HOLLY HILL

CASE # 19-00000404

REQUEST FOR REDUCTION OF LIEN

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH

INSTRUCTIONS: Please fill in all pages of this form completely. Be specific when writing your statement. Please return this form to Code Enforcement. THE REQUEST FOR REDUCTION OF LIEN will then be presented to the City Commission at their regularly scheduled hearing, or as soon thereafter as possible, any you will be notified in writing of the Board's decision within 10 days after the meeting. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income). If you have any question, please call the Clerk at (386-248-9441).

Property Owner's Name: Karen Lynn Novak

Property Address: 904 Daytona Ave. Holly Hill 32117

Phone number(s) where you can be reached during the day:

__________ cell 320·250·3829

Is the property now in compliance? X YES ___NO

(If No, explain in detail)__________

Are you claiming financial hardship? X YES ___NO

Are you claiming medical hardship? __YES X NO

If the property owner is unable to complete this form, list the name of the person who is legally authorized to act for the property owner and his/her relationship to the property owner:

Name:____

Relationship:______________________________

I, Karen Novak, do hereby submit this REQUEST FOR REDUCTION OF LIEN to request a reduction in the total amount of lien imposed and in support of the following statement: To whom it ~~may~~ may concern,

I purchased this house on the Volusia County Auction Website. We spoke with a Represenative from the Deland Courthouse and they said there were only four parties served on the forclosure proceeding. It didn't have any mention of the City of Holly Hill and they said it looks like a fairly simple purchase. Also, the Rep said that in most case the forclosure process cancels out all debt. So, now I'm pleading to you to try to eliminate all debt as we have brought the hous to full compliance within one day of Randy Ast notifying us of the code violations. I really love this neighborhood and I intend to beautify the property + restore it to it's origional luster.

Date: 3-27-20

Signed: Karen Novak Karen No

Print Name: Karen Novak Karen No

I only allowed \$20,000.00 to do the renovations, as I'm doin most of the work myself. I'm hoping to complete this projec without financial hardship. This is my first time buying an auction property and I'm sorry I did not do a complete due diligence.

Please consider my plea as I have only owned the house for 10 days and I have put a tremendous amount of work into it already.

Thank You so much for your Consideration.

Document Name: REQUEST FOR REDUCTION OF LIEN

State of Florida Jurat Notary Certificate

STATE OF FLORIDA
COUNTY OF VOLUSIA
Sworn to (or affirmed) and subscribed by personally appearing before me by physical presence this 27 day of MARCH, 2020, by, KAREN LYNN NOVAK (name of person making statement).

WANDA IVETTE LOPEZ
Notary Public, State of Florida
Commission# GG 246035
My comm. expires Aug. 07, 2022

Wanda Ivette Lopez
(Signature of notary public)

Wanda Ivette Lopez
(Name of notary public)

My commission expires: Aug 07 2022

Official Seal

Personally known OR
Produced identification X Type of identification produced: FLORIDA DRIVER LICENSE

APPLICANT AUTHORIZATION FORM

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I Karen Lynn Novak, the fee simple owner of the following
(Owner's Name)

described property (Provided Legal Description or Tax Parcel ID Number(s)

904 Daytona Ave Holly Hill, FL. 32117
4 2 42 58 01 0110

hereby petition the Holly Hill City Commissioners to grant a release of lien in the amount of $ 35,950.00 for Case No. 19-00000404, and affirm that is hereby designated to act as my / our authorized agent and to file the attached application for the above stated request and make binding statements and commitments regarding the request.

~~Karen Lynn Novak~~
Owner's Name

~~Karen Lynn Novak~~
Owner's Signature

Karen Lynn Novak
Owner's Name

Karen Lynn Novak
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Volusia County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this ______ day of __________, 20____.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared ______________________________, who is personally known to me or who has produced __________________________________ as identification and who executed the foregoing instrument and sworn oath.

WITNESS my hand and official seal in the County and State last aforesaid this ______ day of ____________, 20____.

____
Notary Public in and for the County and State Aforementioned

see next page for notary

Document Name: APPLICANT AUTHORIZATION FORM

State of Florida Jurat Notary Certificate

STATE OF FLORIDA
COUNTY OF VOLUSIA
Sworn to (or affirmed) and subscribed by personally appearing before me by physical presence this 27 day of MARCH, 2020, by, KAREN LYNN NOVAK (name of person making statement).

Wanda Ivette Lopez
(Signature of notary public)

Wanda Ivette Lopez
(Name of notary public)

NOTARY PUBLIC
WANDA IVETTE LOPEZ
Notary Public, State of Florida
Commission# GG 246035
My comm. expires Aug. 07, 2022

My commission expires: August 07, 2022

Official Seal

Personally known OR
Produced identification X Type of identification produced: FLORIDA DRIVER LICENSE

12/6/2019 2:19:17 PM
Instrument# 2019239548 4 pages
book: 7783 Page: 3905
Electronically Recorded By
Volusia County Clerk of the Court

Return To:	
Name:	Stella L. Gurnee, Director of Finance
Address:	1065 Ridgewood Ave
	Holly Hill, FL 32117-2807
This instrument Prepared by:	
Name:	Darryl Pierce
Address:	1065 Ridgewood Ave
	Holly Hill, FL 32117-2807
Property Appraisers Parcel ID Number(s):	4242-58-01-0110

Claim of Lien

State of Florida, County of Volusia

Before me, the undersigned Notary Public, personally appeared Stella L. Gurnee, Director of Finance
Who was duly sworn and says he/she is(the lienor herein) (the agent herein)

City of Holly Hill
(Lienor's Name)

whose address is 1065 Ridgewood Ave, Holly Hill, Florida 32117
(Lienor's Address)

and in accordance with a service with Angela K Logsdon & Todd Hansen
Lienor furnished labor, services or materials consisting of:
Special Magistrate Administrative Hearing Fine of $250.00 ordered on July 3, 2019, which remains unpaid.

Special Master Violation Fine: $50.00 per day, per violation against this property. The three cited violations have not been corrected; the property has not come into compliance. $50.00 per day fine, per violation commencing on August 2, 2019.

on the following described real property in Volusia County, Florida:
(Describe real property sufficiently for identification, including street and number, if known)
LOTS 11 & 12 BLK A AVONDALE PARK HOLLY HILL PER OR 4442 PG 3383 PER OR 5631 PG 3148 PER OR 5631 PG 3149

904 Daytona Avenue, Holly Hill FL 32117

owned by with Angela K Logsdon and Todd Hansen of a violation fine total of One Hundred Fifty Dollars ($150.00) per day; commencing on August 2, 2019 until property comes into compliance, along with a hearing fine of Two Hundred Fifty Dollars ($250.00), which remain unpaid as of December 3, 2019.

Failure to timely pay the fine and costs; may result in a certified copy of this Order, being recorded in the Public Records of Volusia County, Florida. Which if so recorded shall constitute a lien against the subject property; and upon any other real or personal property owned by Respondent. Respondent shall be responsible for all charges incurred to record any lien, or satisfaction of lien, with the Clerk of Court.

Lienor: City of Holly Hill

By [signature] (Agent

Print Name: Stella L. Gurnee, Director of Finance

Sworn to and subscribed before me this 3rd day of December, 2019.

DARRYL T. PIERCE
Notary Public - State of Florida
Commission # GG 281034
My Comm. Expires Dec 2, 2022
Bonded through National Notary Assn.

NOTARY PUBLIC STATE OF FLORIDA

[signature]
Notary Public

Attachment: 904 Daytona Ave. (2873 : Request for a Code Enforcement Lien Reduction - 904 Daytona Avenue)

CITY OF HOLLY HILL CODE ENFORCEMENT
SPECIAL MAGISTRATE'S HEARING
HOLLY HILL, FLORIDA

City of Holly Hill, a Political Sub-division of the State of Florida

Parcel No. 4242-5801-0110
Case No. 19-404

Petitioner,

-vs-

Angela K. Logsdon, Owner(s)
Todd Hansen, Owner(s)

Respondent(s).

ORDER OF NON-COMPLIANCE

The Holly Hill Code Enforcement Special Magistrate has heard testimony under oath at a hearing on the above styled case on the 25th of June, 2019, and based on the evidence received, the Special Magistrate, thereupon issues its FINDING OF FACT, CONCLUSIONS OF LAW, AND ORDER as follows:

FINDINGS OF FACT

That Angela K. Logsdon and Todd Hansen, the Owner(s) and Respondent(s) of the property located at 904 Daytona Avenue, Holly Hill, Florida 32117 was given a Courtesy Notice on the 28th of March, 2019 and a Violation Notice on the 16th of April, 2019 for the violation of Section 26-61(1) – Any weeds such as broom, grass, jimson, burdock, ragweed, sandspur or other similar weeds; or any other vegetation, other than trees, ornamental bushes, flowers or other ornamental plants with a height exceeding 12 inches; International Property Maintenance Code (hereinafter referred to as IPMC) 302.1- Sanitation. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition; IPMC 304.8 – Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition; and Section 114-727 (a) All fences shall be maintained in their original upright condition. (b) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed and (c) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

At the hearing held on the 25th of June, 2019, the Code Enforcement Officer testified that the violations continue to exist. Todd Hansen, Owner and Respondent appeared before the court and explained his current medical and financial situation that prevents him from maintaining the property. Angela K. Logsdon, the second Owner and Respondent did not appear at this hearing and has not responded to any notices issued on the property.

CONCLUSIONS OF LAW

That Respondent(s) and Owner(s) of the property located at 904 Daytona Avenue, Holly Hill, FL 32117 is in violation of Holly Hill Zoning and Ordinances: Section 26-61(1) – Any weeds such as broom, grass, jimson, burdock, ragweed, sandspur or other similar weeds; or any other vegetation, other than trees, ornamental bushes, flowers or other ornamental plants with a height exceeding 12 inches; IPMC 302.1- Sanitation. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition; IPMC 304.8 – Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition; and Section 114-727 (a) All fences shall be maintained in their original upright condition. (b) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed and (c) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the authority of Chapter 162, Florida Statutes and the Holly Hill Code Enforcement Ordinance, Chapter 2 Section 2-116, it is duly ORDERED by this Special Magistrate that the Respondent shall pay an administrative fine of two hundred fifty dollars ($250.00), which if not paid in ninety (90) days from the date of this order shall be recorded as a lien and such recordation shall constitute a lien against the Respondent's real (except homestead) and personal property in Volusia County, Florida, said property to include, but not necessarily limited to that described above.

If the violation of Section 26-61(1) – Any weeds such as broom, grass, jimson, burdock, ragweed, sandspur or other similar weeds; or any other vegetation, other than trees, ornamental bushes, flowers or other ornamental plants with a height exceeding 12 inches, is not brought into compliance within thirty (30) days from the date of this order a fine of fifty dollars ($50.00) a day, for each and every day the violation continues to exist.

Compliant 7/10/2019 Confirmed via inspection

If the violation of IPMC 302.1- Sanitation. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, is not brought into compliance within thirty (30) days from the date of this order a fine of fifty dollars ($50.00) a day, for each and every day the violation continues to exist.

If the violation of IPMC 304.8 – Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition, is not brought into compliance within thirty (30) days from the date of this order a fine of fifty dollars ($50.00) a day, for each and every day the violation continues to exist.

If the violation of Section 114-727(a) All fences shall be maintained in their original upright condition. (b) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed and (c) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality, is not brought into compliance within thirty (30) days from the date of this order a fine of fifty dollars ($50.00) a day, for each and every day the violation continues to exist.

DONE AND ORDERED this 3rd day of July 2019, in Holly Hill, County of Volusia, Florida.

CITY OF HOLLY HILL
CODE ENFORCEMENT

By, ______________________
Melody Pullen, Special Magistrate

Attest: ______________________
Code Enforcement Official

This instrument prepared by Melody Pullen, Special Magistrate for the Code Enforcement, 1065 Ridgewood Avenue, Holly Hill, Florida 32117, Telephone number: (386) 248-9490.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 5 day of July, 2019 a true and accurate copy of the foregoing has been furnished by U.S. Mail to:

Todd Hansen
Angela K. Logsdon
904 Daytona Avenue
Holly Hill, FL 32117

____
Code Enforcement Official