



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • MAY 14, 2019

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	Absent	
John C. Danio	District 3 - Commissioner	Present	
Roy Johnson	District 4 - Commissioner	Present	

b. Invocation

Commissioner Penny led the invocation.

c. Pledge of Allegiance

Mayor Via led the Pledge of Allegiance to the Flag.

*Commissioner Penny made a motion to **EXCUSE COMMISSIONER CURRIE** from the meeting tonight, seconded by Commissioner Danio.*

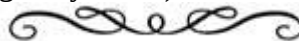
PASSED, 4-0.

2. POSITIVITY AWARD - RON MCCARTHY

1.

Positivity Award - Ron McCarthy

(Requested by Valerie Manning, City Clerk)



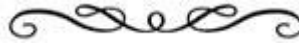
3. PRESENTATIONS

1.

Holly Hill Arts Festival Presentations to UBIC and HHK-8

(Requested by Valerie Manning, City Clerk)

RESULT:	NO VOTE NEEDED
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2.

Police Week - May 12 - 18, 2019

(Requested by Valerie Manning, City Clerk)

RESULT:	NO VOTE NEEDED
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4. PUBLIC COMMENTS

The following people spoke to the Mayor and City Commissioners: Jim Schultz, Ormond Beach and Lynne Smith, Holly Hill.

5. APPROVAL OF MINUTES

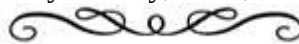
1.

Minutes - April 23, 2019 Second Workshop on Water and Sewer Rates Recommendation for FY2020, April 23, 2019 Regular City Commission Meeting and April 23, 2019 Workshop on Fountainhead Project Discussion

(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, Danio, Johnson
ABSENT:	Currie

Enacted and approved this 14th day of May, 2019, in Holly Hill



6. CONSENT AGENDA - ITEMS (1 - 2)

Mayor Via asked if there was anyone in the audience who wishes to speak on any item on the Consent Agenda?

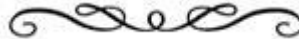
Heidi Heller, Holly Hill spoke to Consent Agenda item #1, TPO Funding Agreement for FY2019-2020 and spoke about the bicycle path that's on the TPO's website for Holly Hill but only shows from LPGA to Mason and nothing showing from LPGA to the north end of the city.

1.

TPO Funding Agreement for FY2019-2020 with the City of Holly Hill
(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 14th day of May, 2019, in Holly Hill

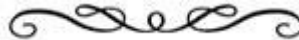


2.

Disposal of Fixed Assets - the Attached List of Fixed Assets Have Been Identified as Being Surplus Property Available for Disposition Due to Obsolescence or Replacement.
(Requested by Catherine Colwell, Finance)

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

Enacted and approved this 14th day of May, 2019, in Holly Hill



7. REGULAR AGENDA

1. -2019-R-28 Resolution

A Resolution of the City of Holly Hill, Florida, Amending Resolution 2016-R-69; Amending Task Order No. 1 for Debris Monitoring with Contractor Tetra Tech, Inc.; and Establishing a Not to Exceed Amount for Debris Hauling and Monitoring; Providing for Severability; Providing for Conflicting Resolutions; and Providing an Effective Date.

(Requested by Valerie Manning, City Clerk)

Mayor Via opened public participation. No one spoke.

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

RESOLUTION**2019-R-28**

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING RESOLUTION 2016-R-69; AMENDING TASK ORDER NO. 1 FOR DEBRIS MONITORING WITH CONTRACTOR TETRA TECH, INC.; AND ESTABLISHING A NOT TO EXCEED AMOUNT FOR DEBRIS HAULING AND MONITORING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING RESOLUTION 2016-R-69; AMENDING TASK ORDER NO. 1 FOR DEBRIS MONITORING WITH CONTRACTOR TETRA TECH, INC.; AND ESTABLISHING A NOT TO EXCEED AMOUNT FOR DEBRIS HAULING AND MONITORING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Resolution 2016-R-69 on November 8, 2016, approving Task Order No. 1 with Tetra Tech for debris monitoring in the amount of approximately \$214,065; and

WHEREAS, Tetra Tech's invoiced charges were approximately \$255,000 and the authorizing resolution needs to be amended to reflect this dollar amount; and

WHEREAS, Debris Hauling was contracted to AshBrit through a piggyback contract from a Volusia County bid in accordance with the City of Holly Hill purchasing policy; and

WHEREAS, the estimated expenditure for debris hauling and debris monitoring is an amount not to exceed \$2,500,000.00.

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

SECTION 1. The City Manager shall be authorized to enter into and execute Task Order No. 1 for Debris Monitoring Services not to exceed \$255,000.

SECTION 2. The City Commission authorizes the City Manager to execute agreements for debris hauling and debris monitor with an estimate cost not to exceed \$2,500,000.00 which shall be reflected in the line item budget.

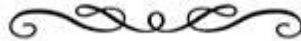
SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not 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 be deemed effective retroactively back to the effective date of Resolution 2016-R-69, November 8, 2016.

APPROVED AND AUTHENTICATED on this 14th day of MAY, 2019.

Enacted and approved this 14th day of May, 2019, in Holly Hill



8. PUBLIC HEARING

1. -2019-O-3016 Ordinance

SECOND READING - ORDINANCE 3016 - an Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 6 (Alcoholic Beverages) Amending the Distance Restrictions and Adopting Specific Distance Restrictions Within the Community Redevelopment Area; Amending Section 78-14 (Definitions) to Add Definitions; Providing for Severability; Providing for Codification; and Providing for an Effective Date.

(Requested by Brian Walker, City Planner)

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED AT 2ND READING [UNANIMOUS]
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Danio, Johnson
ABSENT:	Currie

ORDINANCE**2019-O-3016**

SECOND READING - ORDINANCE 3016 - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 6 (ALCOHOLIC BEVERAGES) AMENDING THE DISTANCE RESTRICTIONS AND ADOPTING SPECIFIC DISTANCE RESTRICTIONS WITHIN THE COMMUNITY REDEVELOPMENT AREA; AMENDING SECTION 78-14 (DEFINITIONS) TO ADD DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR) BY AMENDING CHAPTER 6 (ALCOHOLIC BEVERAGES) AMENDING THE DISTANCE RESTRICTIONS AND ADOPTING SPECIFIC DISTANCE RESTRICTIONS WITHIN THE COMMUNITY REDEVELOPMENT AREA; AMENDING SECTION 78-14 (DEFINITIONS) TO ADD DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it periodically necessary to amend its Land Development Regulations in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, it is the intent of the City Commission to encourage business flexibility and facilitate redevelopment and economic opportunity especially within the Community Redevelopment Area; and

WHEREAS, it is the intent of the City Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by taking steps to prevent economic deterioration and eliminate blight; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of Holly Hill to adopt the proposed amendments to the Land Development Regulations.

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

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. That the entire language of Chapter 6 is repealed and replaced with the following:

Sec. 6.1 Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcoholic beverages shall mean any spirit, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume which is fit for beverage purposes, other than medicine or drugs dispensed by drug stores or prescription shops for medical purposes.

Establishment dealing in alcoholic beverages shall mean any business or commercial establishment (whether open to the public at large or where entrance is limited by cover charge or membership requirement) including those licensed by the state for sale and/or service of alcoholic beverages, and any bottle club; hotel; motel; restaurant; nightclub; country club; cabaret; meeting facility utilized by any religious, social, fraternal or similar organization; business or commercial establishment where a product or article is sold, dispensed, served or provided with the knowledge, actual or implied, that the same will be, or is intended to be mixed, combined with or drunk in connection or combination with an alcoholic beverage on the premises of such business or commercial establishment; or business or commercial establishment where the consumption of alcoholic beverages is permitted. A private residence, whether permanent or temporary in nature, is not an establishment dealing in alcoholic beverages.

Incidental means that alcohol sales are secondary to food and nonalcoholic beverage sales; the restaurant derives at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages. The revenue percentage shall be computed as the sum of gross food and non-alcoholic beverage revenue divided by the sum of gross food, alcoholic beverage, and non-alcoholic beverage revenue. For purposes of computing alcoholic beverage revenue, an alcoholic beverage shall be attributed the price of the product as offered for individual sale by the licensee.

School means a public or private elementary, middle or secondary school.

Sec. 6.2 - Location restrictions.

- (a) No local business tax receipt shall be issued to vendors of establishments dealing in alcoholic beverages that do not meet the minimum distance requirements of this section.
- (b) There shall be a minimum distance of 100 feet between an establishment where alcoholic beverages are sold, only in sealed containers for consumption off premises, such as a convenience store, and a school or house of worship.
- (c) There shall be a minimum distance of 375 feet between an establishment where alcoholic beverages are sold for consumption on premises, such as a restaurant or bar, and a house of worship.
- (d) There shall be a minimum distance of 500 feet between an establishment where alcoholic

beverages are sold for consumption on premises, such as a restaurant or bar, and a school.

- (e) There shall be a minimum distance of 200 feet between an establishment selling beer and wine only, which is incidental to the primary business of selling food, and a house of worship or school.
- (f) There shall be no distance requirement between any Type “A” restaurant, serving alcoholic beverages, from a house of worship or a school, if the restaurant holds a valid Special Food Service License pursuant to Rule 61A-3.0141, Florida Administrative Code, and is licensed to serve alcoholic beverages for consumption on the premises by the Division of Alcoholic Beverages and Tobacco.
- (g) The minimum distance requirements stated in this section apply equally to houses of worship and schools locating near establishments dealing in alcoholic beverages.
- (h) Distance measurements in this chapter shall be measured from the closest point of the real property upon which the alcohol establishment is located to the closest point of the real property upon which another alcohol establishment, house of worship or school is located, except when the alcohol establishment, house of worship or school is part of the shopping center complex in which case the distance is measured from the front door of said use in the shopping center complex. Vacant land owned or leased by an alcohol establishment, house of worship or school that is not part of and incorporated into a larger development shall not be considered to preclude an alcohol establishment. Existing receipts and/or the right to renewal, shall not be affected by the existence of a house of worship or school within the prohibited distance.

Sec. 6.3 - Special Community Redevelopment Area Distance Restrictions.

Within the Community Redevelopment Area boundaries only, any Type A restaurants that sell beer and wine only, which is incidental to the primary business of selling food, may locate anywhere that permits such restaurants, as long as the restaurant’s property line does not touch the property line of a parcel upon which a house of worship or school is situated. A special food service license is not required for such restaurants within the Community Redevelopment Area only.

Sec. 6.4 - Hours of Sale.

- (a) No establishments dealing in alcoholic beverages, their owners, operators, managers, agents, employees or contractors shall sell or permit to be consumed, be open for business, or permit any person (except on-duty employees of the establishment) to enter or remain within such establishment dealing in alcoholic beverages, except during the hours of 7 am to 2 am.
- (b) Nothing contained in subsection (a) of this section shall prevent a business from operating any licensed function unconnected with its operation as an establishment dealing in alcoholic beverages during any lawful hour.
- (c) Violation of this section is hereby declared to be a public nuisance and any person owning, or having dominion or control of, any establishment wherein the provisions of this section are violated shall be guilty of an offense and subject to code enforcement

and other actions.

Sec. 6.5 - Public consumption or possession of alcoholic beverages.

- (a) Except as otherwise provided herein, it shall be unlawful for any person to consume, or to carry in any cup, can or other open or unsealed container, any alcoholic beverage, except in the original package and with the seal unbroken, on any street, sidewalk, roadway, alley, highway, public or semi-public parking lot wherein motor vehicles are parked by the public in conjunction with any business, commercial establishment, hotel or motel, office building or apartment complex; public park, municipal owned building or grounds or any property owned or leased by the city; parking area, doorway or threshold visible to the public at any restaurant, package store, or other commercial establishment licensed for the sale and/or consumption on premises of intoxicating beverages; irrespective of whether such person is in a motor vehicle, bicycle, or other conveyance at the time of the violation. This section shall not prohibit the consumption of lawfully purchased alcoholic beverages on any open deck, patio, porch, or beer garden so long as it is contiguous and permanently attached to the structure of the commercial establishment licensed for the sale and/or consumption on premises of alcoholic beverages during lawful hours of operation.
- (b) Wine, beer, and champagne may be served and consumed inside of Sica Hall for approved events. No other alcoholic beverages shall be allowed. No alcoholic beverage shall be served or consumed on public property adjacent to Sica Hall.
- (c) Consumption of alcoholic beverages on public property may be allowed with the prior approval of the city commission. The approval shall be at the sole discretion of the city commission, whose decision shall be final.

SECTION 3. That Section 78-14. - Definitions is hereby amended to add underlined terms and remove those ~~stricken through~~ as follows:

~~*Bar* means premises devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any other premises where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The word "bar" shall be considered synonymous with the words "saloon," "tavern," "pub," "barroom," "cocktail lounge," "bottle club" and "cabaret."~~

Bar means a premises devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any other premises where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. The word "bar" shall be considered synonymous with the words "saloon," "tavern," "pub," "barroom," "cocktail lounge," "bottle club" and "cabaret."

Brewery, winery, or distillery means an establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer (brewery), or in manufacturing or blending wines (winery), or in distilling and blending potable liquors, including mixing them with other ingredients (distillery). Accessory uses may include retail sales of beer produced on-site for take-away or on-premises consumption as allowed by State licensing laws. This use does not include brewpubs or

craft distilleries.

Brewpub means a drinking establishment that produces up to 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually in a single location, primarily for consumption on the premises. Such establishments are licensed by the State as both manufacturers and vendors of malt beverages.

Craft distillery (see “Brewery, Winery, Distillery) means an establishment that produces 75,000 or fewer gallons of distilled spirits per calendar year. Accessory uses include retail sale of distilled spirits produced on-site for take-away or on-premises consumption, as allowed by State licensing laws.

~~Club, night~~ means commercial premises where food, alcoholic beverages or other refreshments may be obtained for consumption on the premises and where floorshows or other forms of entertainment may be provided for customers.

~~Nightclub~~ means a business operated to supply music or entertainment, or both, and which provides meals or beverages, or both, prepared on the premises, seating for not less than 40 persons at tables, a dance floor of at least 300 square feet in area, and a minimum total floor area of at least 2,200 square feet. For purposes of determining the use group classification of a proposed use, substantial compliance with the terms of this definition shall be sufficient.

Nightclub means a place of entertainment offering alcoholic beverages for consumption on the premises that may also provide on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities and that charges a cover charge, door charge, or one (1) time membership fee which is paid at the door; or, there is a minimum drink requirement.

If the establishment does not charge a cover charge, door charge, or one (1) time membership fee which is paid at the door; or, if there is a no minimum drink requirement, then the city may consider any of the following in making the determination that the establishment is a nightclub:

1. Whether there is a dance floor or other open area used by patrons for dancing;
2. Whether the hours of operation where the use is open to the public include time between 12:00 am and 8:00 a.m.;
3. Whether the maximum capacity for the establishment as established by the building official in light of various regulatory provisions is over one-hundred (100) persons. [The fact that the facility may restrict its capacity to some number shall not prevent the building official from applying Code provisions that determine a different and increased capacity. The building official may use various Codes for this purpose (i.e., fire code provisions)];
4. Whether the establishment has a 4-COP liquor license;
5. Whether the establishment advertises as a nightclub;
6. Whether advertisements for the establishment routinely specify specific entertainment engagements (e.g. "XYZ this Saturday and Sunday night;" special engagements; "XYZ sings tonight");

7. Whether the establishment has a stage show or has a stage or platform used in connection with performances or entertainment.

~~House of worship means premises used for worship and permitted customary accessory uses by an organization of religious believers.~~

House of Worship means a building or structure, where people regularly assemble to conduct religious worship, ceremonies, and rituals. The building or structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, and interior cooking and eating facilities. A place of worship may include other uses that generally exist as principal uses-e.g., adult day care center, child care facility, school, cemetery, playground, or other recreational facility. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses.

~~Restaurant means premises where meals or prepared food, including beverages or confections, are served to customers. Restaurants are classified as:~~

~~(1) Type A. Restaurants where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias. Any Type "A" restaurant located within 750 feet of a church or school serving alcoholic beverages other than beer and/or wine shall at all times hold a valid special restaurant license pursuant to Rule 61A-3.0141, Florida Administrative Code.~~

~~(2) Type B. Any restaurant other than type A.~~

Restaurant means an establishment where meals or prepared food, including beverages or confections, are served to customers. The primary source of revenue for such use is derived from food sales. Accessory uses may include, banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, and outdoor seating. If an establishment can be considered a restaurant or a nightclub, it shall be considered a nightclub.

Restaurants are classified as:

(1) Type A. Restaurants where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias.

(2) Type B. Any restaurant other than type A.

School means a public or private school.

Private School means a nonpublic school defined as an individual, association, co-partnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of the statute defining "regular school attendance" or that gives pre-employment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any

combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions governing nonpublic postsecondary education. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. Private schools are nongovernmental educational systems, not considered a part of the public system of education.

Public School means an organization of students for instructional purposes on an elementary, middle, or junior high school; secondary or high school; or other public school level authorized under rules of the State Board of Education.

SECTION 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

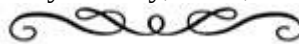
SECTION 5. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 6. CODIFICATION. It is the intent of the City Commissioners that the Substantive provision of this Ordinance will become and be made part of the Land Development Regulations of Holly Hill and that the word "ordinance" may be changed to "section", "part", or other appropriate word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 4, 5, 6, and 7 of this Ordinance shall not be codified.

SECTION 7. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 14th day of MAY, 2019 for second and final reading.

Enacted and approved this 14th day of May, 2019, in Holly Hill



9. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte stated they got a price for painting the logo on the water tower and to paint two logos, one on the east side and one on the west side would be \$18,000. They don't have a budget for that this year. They can do a couple of things at their direction. Do a budget amendment and take it out of the Reserve Fund and do it this year or they can wait until after October 1st and put it in the budget and see if it sticks and lastly, he can look to see if it would qualify as a CRA expense. They have some left over funds from the landscape project that they did on Riverside Drive if and only "if" it would qualify and he would have to go back and look at their Master Plan to see if there's anything in there that he can put it under the beautification of the corridor. If it would qualify for anything there,

he can use the excess funds from the landscaping project. He's seeking the Commissioners direction. Obviously, he will see if it qualified under the CRA funding first. That would be the easiest and less impactful. If not then the question would come up as to whether or not the Commission wants to do a budget amendment this year for it or try to budget for it in next year's budget.

Mayor Via asked if he priced vinyl too or is that just paint?

Mr. Forte stated it's paint.

Mayor Via asked if vinyl is more expensive to put on there?

Mr. Forte stated somebody's got to get up there with a squeegee. So, those are their options. He'll try to find out about the CRA funding and see if it qualifies under that. Mr. Forte the next thing is, at the last City Commission meeting they talked about, representatives from Fountainhead came up and spoke and talked about amending the Incentive Agreement and the PUD. Staff and the representatives were not able to get that completed to be placed on this agenda. We still don't quite have completed items. The Incentive Agreement, PUD or the exhibits are not quite finalized but they have asked for a special meeting on Tuesday, May 21st and he's throwing that out there to see if that is something that the Commission could accommodate.

Mayor Via asked the Commissioners if there were any conflicts for that date? And, Mr. Forte, is this being requested by the applicant specifically? Is there a time crunch for this?

Mr. Forte stated what had happened was when he realized it wasn't going to make this meeting, he had told them that there was a couple of options that he could try. One is that it would go to the meeting on May 28th at the regular City Commission meeting and the other is, he would ask to see if it would go on to this as a special meeting on May 21st. The applicant is here. They can ask him what the time crunch is and go from there.

Commissioner Penny stated he has a conflict that night from 5:30 to 7:00 in Deltona.

Mayor Via asked if Mr. Meyer would come forward.

Jason Meyer, 1410 LPGA Blvd., Daytona Beach.

Mayor Via asked Mr. Meyer if he would be okay just waiting until the regular City Commission meeting on May 28th when all of the Commissioners are present.

Mr. Meyer stated they are in a bit of a time crunch and May 21st would really assist them in moving forward.

Mayor Via stated, okay. Mr. Forte, if Commissioner Penny can't be here, they would have to choose a different date than that Tuesday. He thinks all the Commissioners need to be here for this. Correct me if I'm wrong but I can call a special meeting 24 hours in advance.

Mr. Forte stated you can but you want to be careful not to give the appearance that they're doing something so fast outside of a regular scheduled meeting that's not an emergency for the city. If they have a hurricane coming, they declare an emergency meeting because they have to get things done. When you're talking about a development project, you just want to be careful calling a special meeting in 24 hours for public scrutiny that you didn't give proper notice for something of this nature. It's not an emergency for you. It might be an emergency for the developer.

Mayor Via stated, he agrees. Basically, what he is getting at then is if they waited that extra week, is that going to throw off Mr. Meyer's plans?

Mr. Meyer stated, yes.

Mayor Via stated, okay. Mayor Via asked if Commissioner Penny is available any other day.

Commissioner Penny stated he's out of town Monday, he's out of town Friday, he has a Volusia League of Cities meeting on Thursday, he has a commitment from 6:00 PM to 7:00 PM on Wednesday and 5:30 PM to 7:00 PM on Tuesday. That's his schedule next week.

Mayor Via stated, okay.

Commissioner Johnson stated what about a different time during the day. Commissioner Penny's meetings are late in the day.

Mayor Via stated he just doesn't want to hold this meeting without one of our Commissioners not here and like tonight, they don't have Commissioner Currie. Mr. Forte, I'm going to have to get with you on calling this at another time.

Mr. Forte stated, okay. He thinks it's important that they do have the full Commission here. He wouldn't recommend a 9:00 AM meeting, for example, for something like this for the same thing he mentioned before. They want to be able to...and not that he would suspect anyone from the public would even show up for this but you want to escape any criticism that, that be the case.

Mayor Via stated, yes. Allow for the public to be here. Well, Mr. Meyer, I'm going to have to look at some times and dates that work and then we'll go from there.

Mr. Meyer stated he did want to state for the record, they were prepared to meet on this tonight but out of respect for Commissioner Currie, they wanted to make sure that everybody could receive the message.

Mr. Forte stated the items aren't ready.

Mayor Via asked Mr. Forte if he had received the items?

Mr. Forte stated, no. I don't have the final Incentive Agreement, I don't have the final exhibits and I don't have the amendments to the PUD. So, they were not ready to meet on it tonight.

Mayor Via stated if that's true...well, they couldn't hold the meeting anyways.

Mr. Forte stated I wouldn't tell you something that's not true.

Mayor Via stated he knows. That's why he stopped saying that. Staff will get with Mr. Meyer on a date and find out when to do this meeting.

Mr. Meyer asked when can he expect to hear from somebody and who will contact him?

Mayor Via stated I will have Mr. Forte contact you tomorrow.

Mr. Meyer stated, okay.

Mr. Forte stated those were the only two items he had. He was trying to respond to a couple of things that Mrs. Smith brought up during public comments regarding the crosswalks. There's a crosswalk at the intersection of LPGA Blvd., and Riverside Drive and there's a path from the park to that crosswalk and we want people to actually use that intersection and not cross in the street. The mural is something that they will have to get with Mr. Walker. Sometimes murals are allowed unless it constitutes a sign. That's a little different. There are some businesses within the city that do have murals. As far as the lights, he will have to look at that completely separate. He is trying to figure out this bike path that Ms. Heller mentioned. He will try to find out why it's only showing half the city as being identified. There's not a key on here to let me know what these lines mean. He will have to find out from the TPO what they are talking about.

B. City Attorney Comments
None.

C. City Commission Comments

Commissioner Johnson stated the only thing he has is he just likes to see land developed. He doesn't like to see vacant land. He talked to the real estate person for Bishop's Farm in detail and says they are trying to sell off the house by the golf course if anybody is familiar with the area. The house has a couple of acres and they're going to sell it off and then Mr. Bishop's got some pretty good prospects or prospect on developing the commercial side which is from the little canal east to the railroad and then most likely the west of the canal, where its residential in there, will probably get developed in to town homes or something like that. The Bishop's are on board with it and now the real estate people are on board with it. Hopefully, they will be able to move forward and do something with it. Commissioner Johnson asked for an update on the corner of US1 and 3rd Street.

Mr. Forte stated staff was approached by a developer who was interested in and he actually, has it under contract and he's looking to bring in a Senior Affordable Housing project. The first phase would be about 80 units and they gave staff a rough idea of what the building location would look like. He didn't really like it. At first he thought it would

be a neat idea. You get some people living in the district that would maybe bring in a little bit of night life, maybe some people visiting the local restaurants and businesses and then he realized the type of occupants that it would have being affordable housing, there's probably not a lot of disposable income which would be acknowledged. He wouldn't anticipate these folks really infiltrating the city's businesses and spending a lot of money. He's a little unsure if that's going to be the right development for that and staff is waiting for more information and like everything else, it's got to go through that Florida Housing Finance Corp for the tax credits in order to do anything. Outside of that, staff hasn't had any other developers looking at that property that have come to them through the property owner. The property owner did sell the Happy Time motel, which he wasn't too happy about because his conversation with the housing developer was, you buy the Happy Time motel and put senior affordable housing there. That's a step in the right direction but that Happy Time motel, unfortunately, is a cash-cow as it's called and somebody makes a lot of money off that place. It was sold last Friday.

Commissioner Johnson asked about the store fronts at Marina Grande.

Mr. Forte stated let me clarify that. The reason the store fronts were put into the Marina Grande is because as part of the PUD Agreement for them to get the additional density, they were required to have a Mixed Use PUD, which provided for a store front. Unfortunately, in the agreement they never said the store fronts had to be occupied so they built them but they never occupied them. So, 150 of the vacant units have been sold for \$25 million and that's at about \$165,000 a unit plus the store fronts and the new owners are at least looking to put their real estate office in the store fronts and then look to build out the rest of them. It's just an empty shell. There's nothing inside those store fronts. There's no walls. There's nothing in there. It's complete build out and even the new owners were a little surprised what it's costing to build out.

Commissioner Johnson stated that's his may concern. That the vacant properties in Holly Hill gets developed.

Commissioner Penny discussed food trucks. Would like to see if they can give staff direction and look at the food truck ordinance and do away with the, they still have to get the annual permit, but not the reoccurrence permit and allow it to be a little bit more easier for the breweries and distilleries. They're not going to pop up all over the city. There's two, maybe they will get one more. It just seems apparent that, that is part of their business model that they didn't really intend but it is. In Ormond, that's the only place that they're allowed right now.

Mr. Forte stated staff is already looking at that. They are looking at what Ormond did with their ordinance and food trucks with relation to breweries and distilleries as opposed to the ordinance that Holly Hill has in place. He doesn't have a timeline yet for the Commissioners.

Commissioner Penny congratulated Mayor Via for being recognized as one of the **Home Rule Hero's** and Pastor Chuck McKeown will be recognized at the Volusia League of Cities Annual Awards Banquet on the 28th as a resident from Holly Hill that does something extra special for the community.

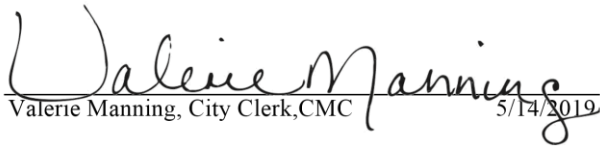
Commissioner Danio excited about the Pickleball Groundbreaking last week; a lot of ground being turned over in Holly Hill; the checks being donated to the schools tonight; and thanked everybody who helped in the Sorrento's Pizzathon. They raised \$3,847 and was donated to the American Cancer Society this year, which tops their last year total of \$3200. They shoot for \$3,000 as their goal so they're thinking about upping their goal to \$4,000 next year.

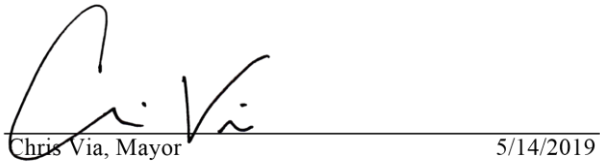
D. Mayor's Comments

Mayor Via stated he had a nice time at the Ribbon Cutting Wanda June's Drinks, Eats and Treats today. The sign out front update from Mr. Forte. A new sign \$35,000 - \$40,000 a budget item for next year. Mayor Via enjoyed the Pickleball Groundbreaking ceremony was great. Very well attended and excited about the progress. Commissioner Penny and himself were recognized as *Home Rule Hero's* and congratulated him.

10. ADJOURNMENT

The meeting adjourned at approximately 7:50 PM.


Valerie Manning, City Clerk, CMC 5/14/2019


Chris Via, Mayor 5/14/2019