CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● MAY 24, 2022

City Commission Chamber	Regular City Commission Meeting	6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call

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

b. Invocation by City Commissioner Penny Currie
Commissioner Currie led the invocation.

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

The City Commission meeting was recessed at approximately 6:06 PM to convene as the Community Redevelopment Agency (CRA) for the CRA meeting.

1. –2022-R-34

A Resolution of the Community Redevelopment Agency of the City of Holly Hill, Florida, Authorizing the City Manager to Sign a Proposal Agreement Between the Community Redevelopment Agency of the City of Holly Hill and Rick Hamilton; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mayor Via opened public participation.

Jim Cameron, Holly Hill, and Roland Via, Holly Hill.

Mayor Via closed public participation.

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

Enacted and approved this 24th day of May, 2022, in Holly Hill

4. ADJOURN AS THE CRA & RECONVENE THE CC MTG

The Community Redevelopment Agency (CRA) meeting adjourned at approximately 6:15 PM. The City Commission regular meeting reconvened at that approximate time.

5. PUBLIC COMMENTS

The following individuals spoke to the Mayor and Commissioners:

Heidi Heller, Holly Hill and Ariel Kay, Holly Hill.

6. APPROVAL OF MINUTES

1.

Minutes - May 10, 2022 Regular City Commission Meeting and May 10, 2022 Workshop

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

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 24th day of May, 2022, in Holly Hill

7. CONSENT AGENDA - ITEMS (1 - 3)

Mayor Via asked if anyone from the audience wishes to speak on any item on the Consent Agenda or if any member of the Commission would like to pull an item for further discussion. There was no one.

1. –2022-R-35 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Sign a Proposal Agreement Between the City of Holly Hill and Rick Hamilton; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)

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

RESOLUTION
2022-R-35
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN A PROPOSAL AGREEMENT BETWEEN THE CITY OF HOLLY HILL AND RICK HAMILTON; 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 SIGN A PROPOSAL AGREEMENT BETWEEN THE CITY OF HOLLY HILL AND RICK HAMILTON; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill desires to enter into a business relationship with Mr. Rick Hamilton in order to provide entertainment programs and events at the Championship Court at Pictona; and

WHEREAS, the Mr. Hamilton has a long history of serving as an event and entertainment promoter for felicities such as the Ocean Center.

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

SECTION 1. That the City Manager is hereby authorized to sign the proposal agreement, attached.

SECTION 2. That the initial term of this agreement shall commence on June 1, 2022 and end on October 31, 2022. The implementation term shall commence on November 1, 2022 and terminate pm October 31, 2023. The proposal agreement may renew for up to three (3) one year periods.

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 24th day of MAY, 2022.

Enacted and approved this 24th day of May, 2022, in Holly Hill

2. –2022-R-36 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the First One (1) Year Extension of the RFQ 18-PW-03 Agreement with Sea Diversified, Inc., and Approving a Proposal of $56,340.00 with Sea Diversified, Inc., for the Provision of Consruction Administrative Support Services, Inspections and Monitoring for the Sunrise Park North – Southern Bulkhead Replacement Project, and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2022-R-36
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE FIRST ONE (1) YEAR EXTENSION OF THE RFQ 18-PW-03 AGREEMENT WITH SEA DIVERSIFIED, INC., AND APPROVING A PROPOSAL OF $56,340.00 WITH SEA DIVERSIFIED, INC., FOR THE PROVISION OF CONSRUCTION ADMINISTRATIVE SUPPORT SERVICES, INSPECTIONS AND MONITORING FOR THE SUNRISE PARK NORTH – SOUTHERN BULKHEAD REPLACEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE FIRST ONE (1) YEAR EXTENSION OF THE RFQ 18-PW-03 AGREEMENT WITH SEA DIVERSIFIED, INC., AND APPROVING A PROPOSAL OF $56,340.00 WITH SEA DIVERSIFIED, INC., FOR THE PROVISION OF CONSTRUCTION ADMINISTRATIVE SUPPORT SERVICES, INSPECTIONS AND MONITORING FOR THE SUNRISE PARK NORTH - SOUTHERN BULKHEAD REPLACEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the design and construction administrative support services for the Sunrise Park North - Southern Bulkhead project was provided by Sea Diversified, Inc; and

WHEREAS, the City wishes to maintain a continuity of design standards and approaches for the construction administrative support services for the Sunrise Park North - Southern Bulkhead Replacement project and

WHEREAS, Sea Diversified, Inc., has an existing agreement with the City which allows for two (2) additional one (1) year extensions; and

WHEREAS, Construction administrative support services, inspections and monitoring are desired during the construction phase of the Sunrise Park North - Southern Bulkhead Replacement project in order to ensure that construction is done according to specifications of the design and all requirements of permitting agencies.

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 first one (1) year extension of RFQ 18-PW-03 with Sea Diversified, Inc.

SECTION 2. That the City Commission approve a proposal in the amount of $56,340.00 with Sea Diversified, Inc., for the provision of construction administrative support services, inspections and monitoring for the Sunrise Park North - Southern Bulkhead project and authorize the City Manager to execute the same.

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 24th day of MAY, 2022.

Enacted and approved this 24th day of May, 2022, in Holly Hill

3.

MOU Panama City Beach PD and HollY Hll Police Department

(Requested by Jeff Miller, Police)

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

8. REGULAR AGENDA

1.

Request for a Reasonable Accommodation to the Fair Housing Act

(Requested by Joseph Forte, City Manager)

At the request to the City Clerk, this portion of the meeting in its entirety is available on CD or the audio of the meeting is available online.

This is a quasi-judicial hearing, for the record.

Mr. Forte read through his staff report to the Mayor and City Commissioners at this time and went through various attachments that are included in the agenda packet for this item. Mr. Forte also read what a reasonable accommodation is defined as. "*A reasonable accommodation is defined as a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations".* Mr. Forte stated that staff's recommendation is that the requester has not met the substantial burden of demonstrating a disability-related therapeutic need to have a full size horse reside on a single family residential property amongst other single family homes. Therefore, the staff recommends denial of the request for reasonable accommodations.

At this time Mayor Via called up Dale Gamache, applicant, to state his case before the City Commission. (***At the request to the City Clerk, this portion of the meeting in its entirety is available on CD or the audio of the meeting is available online).***

Mayor Via opened public participation.

The following individuals spoke **AGAINST** ALLOWING THE HORSE TO STAY AT MR. AND MRS. GAMACHE'S RESIDENCE ON ANNISTON AVENUE.

Roger and Alice Stonge, Holly Hill; Neil and Linda Gushue, Holly Hill.

The following individual spoke **IN FAVOR** of ALLOWING THE HORSE TO STAY AT MR. AND MRS. GAMACHE'S RESIDENCE ON ANNISTON AVENUE.

Gilles Blais, Holly Hill.

Mayor Via closed public participation.

Discussion amongst the Mayor, City Commissioners, Attorney Simpson, Mr. Forte and staff took place at this time.

*Commissioner Penny stated **BASED ON TONIGHT'S DISCUSSION, HE FINDS THAT NO SUBSTANTIAL COMPETENT EVIDENCE HAS BEEN PRESENTED TONIGHT TO SHOW THAT THE APPLICANT MEETS THE DEFINITION FOR REASONABLE ACCOMMODATION TO BE GRANTED AND I AM MAKING A MOTION TO DENY**, Commissioner Currie.*

PASSED, 5-0.

*Commissioner Penny made a motion **THAT THE HORSE MUST BE REMOVED, THE MANURE AND HAY BE REMOVED, THE STABLE CLEANED AND DISINFECTED BY JUNE 1, 2022 AT 12:01 AM OR GO DIRECTLY TO THE SPECIAL MASTER**, seconded by Commissioner Currie.*

Commissioner Penny asked for clarification from Attorney Simpson at this time. Does it have to say "or go directly to Special Master"? Because Mr. Gamache has already been noticed to go to Special Master.

Attorney Simpson stated he has already be noticed to go to the Special Master; Code Enforcement is an administrative function. No part of Code Enforcement comes before this Commission other than code reduction fines.
Commissioner Penny asked so should I restate my motion and leave that part off?
Attorney Simpson asked do you want my personal opinion?
Commissioner Penny stated, yes.

Attorney Simpson stated withdrawal your motion and let staff handle it and they know to do it expeditiously. Staff has sited Mr. Gamache and he will have to go to the Special Master.
Commissioner Currie stated she's not comfortable with that.
Commissioner Penny stated he wants to give a deadline.
Mr. Forte stated some information that staff found out "today" in anticipation this would be voted down tonight, staff had Code Enforcement do some research and they contacted the County Animal Control, the Health Department and we found out that if the Commission voted no on the reasonable accommodation request, the city can file an administrative warrant or a seizure warrant through the Clerk of the Court's office as soon as tomorrow. In doing that, if we get a court order, we can seize the animal. So, I think we need to give Mr. Gamache reasonable time. I think Mr. Gamache should tell us what the reasonable time frame is, not that it is 90-days, but up to 72 hours, this Friday, next Monday. The horse came here in a day, I don't see why it can't leave in a day but I think Mr. Gamache should be given a reasonable time frame and if not then the city will take administrative action of seeking a warrant to seize the animal.
Commissioner Penny stated and if we take possession of the animal, I'm assuming we have to house the animal and pay for the expense and the we will be able to recoup that expense from the applicant.
Mr. Forte stated it will be issued as a lien against the property.
Commissioner Currie asked what about the structure that was…
Mr. Forte stated any structures that were put up in violation without a permit will be, or have, if not already, will go before the Special Master.
Commissioner Currie stated, okay.
Mr. Forte stated that's already in the process. It shouldn't be more than a week to remove the animal from the property.
Commissioner Penny stated June 1st is seven (7) days from today.
Commissioner Currie stated she is happy with June 1st because that gives a reasonable amount of time.
Attorney Simpson stated the Gamache's knew what the recommendation of the Planning Board was, they knew this was a possibility. It wouldn't be unreasonable to make arrangements in the event the ruling came the way it did.
Mr. Forte stated following the Board of Planning and Appeals meeting, this meeting, I suspected that the Commission would vote no and I advised Mr. Gamache to prepare for a no and to make arrangements for the animal. That advise hasn't been heeded.
Attorney Simpson stated his recommendation is not do the unreasonableness of anything. I'm just trying to recognize what our City Charter says. There's certain decisions the Commission makes and there's certain decisions the City Manager makes. I think Mr. Forte knows that his job is to get this out of here as soon as reasonably possible.

Commissioner Currie stated she just wants to make sure that its done expeditiously; not unreasonable time but expeditiously.
Attorney Simpson stated and he thinks the City Manager understands that.
Commissioner Currie asked so we don't have to put anything…
Attorney Simpson stated unless the City Manager wants you to, that's different. It's just not something that the Commission typically does and this obviously, isn't a typical case. Typically, what you're getting into the administrative function of Code Enforcement.
Commissioner Currie stated she doesn't want to say "go to the Special Master", she wants to say by a certain date it needs to be cleaned up and the Commission has done that before. The Commission has put date-certain on different items.
Attorney Simpson stated because the city has ordinances to allow for the Commission to declare something a public nuisance and then tear it down.
Commissioner Currie stated but Mr. Simpson, the thing shouldn't even be there.
Attorney Simpson stated no, it's a code violation.
Commissioner Currie stated so we don't have to give an extended amount of time. We can give a reasonable amount of time.
Attorney Simpson stated that's what our Code says, yes.
Commissioner Currie stated, okay.
Mayor Via called Mr. Gamache back up to the podium to see how soon he can remove the animal.
Mr. Gamache informed the Commission he was leaving town Thursday for three days and finding a place for a horse is going to take time and needs at least a couple of weeks. He will get rid of all of the manure and hay and keep it that way.
Commissioner Currie asked Attorney Simpson if this is the time where one of us can make a motion to give a time date-certain.
Mayor Via mentioned there is still a motion and a second on the floor.
Commissioner Penny withdrew his motion and Commissioner Currie withdrew her second.
Commissioner Penny stated he believes a reasonable time frame is June 1, 2022 at 12:01 AM.
Mr. Forte stated let me explain what he thinks Attorney Simpson is saying and what I think my responsible is. Tomorrow a notice will be given to the Gamache's that the horse is in violation and needs to be removed and we will give him a week to remove it. If it's not removed in the week, he will be going to the Special Master hearing on June 23rd. I will request that the Special Master authorize the city to issue the warrant of seizure and if it's not removed by then…that's the administrative process. I would think that following…you know, the fact that I did send an email…
Commissioner Penny stated if we didn't do anything right now, from my understanding, you can apply to remove the horse tomorrow.
Mr. Forte stated I can order the horse to be removed tomorrow and if it's not, it goes to the Special Master.
Commissioner Penny stated that's his understanding that none of us Commissioners here have the authority to remove that horse without the Special Master making that ruling.
Mr. Forte stated, correct.
Mayor Via asked what about the confiscation though?
Mr. Forte stated except that, we can file for a…

Commissioner Penny stated he would say give them until June 1st and if they don't do it, file the confiscation.
Mr. Forte stated it's an administrative warrant or seizure warrant at the Clerk of the Court's office. It's not a criminal case, it's not a custody case, there's no statuary limits so we can move to do this quickly.

Commissioner Penny asked so can we give you, Mr. Forte, direction to give him seven (7) days to remove the horse and if he doesn't then you start the paperwork. The Special Master, alongside this paperwork, and whichever one is done first, the horse is gone.
Commissioner Currie stated the paperwork to confiscate the horse, if it's not cleaned up by June 1st.
Mr. Forte stated we can always call a special meeting for the Special Master.
Attorney Simpson agreed that a special meeting can be called for a Special Master hearing before June 23rd.
Mayor Via stated it looks like it's the will of the Commission to allow staff to site this tomorrow and to expeditiously have this removed.

Mayor Via recessed the regular City Commission meeting for a brief break at approximately 7:56 PM.
Mayor Via reconvened the regular City Commission meeting at approximately 8:00 PM.

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

Enacted and approved this 24th day of May, 2022, in Holly Hill

2. –2022-O-3052 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending Chapter 78 – General Provisions, Section 78-14 – Definitions, to Add Definitions, and Amend Chapter 114 – Zoning, Article Iii – Supplementary District Regulations, Division 4 – Buildings and Structures, to Add a New Section Titled Shipping Containers, Renumber Existing Sections as Needed, and Add Definitions to Section 114-746 – Specific Terms Defined, of the Land Development Regulations; and Providing for Conflicts, Severability, Applicability, and an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)

At the request to the City Clerk, this portion of the meeting in its entirety is available on CD or the audio of the meeting is available online.

Brian Walker, City Planner read through his staff report for the Mayor, Commissioners and the audience. The staff report can be found as part of the agenda packet. With the changes recommended by the Commission during their discussion, staff will bring back

the revised Ordinance for second reading at the June 14th meeting.
Mayor Via opened public participation.
Robin Hanger, Holly Hill.
Mayor Via closed public participation.

RESULT:	**APPROVED AT 1ST READING [4 TO 1]**	**Next: 6/14/2022 6:00 PM**
MOVER:	John Penny, District 1 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Penny, Currie, Danio, Johnson	
NAYS:	Via	

9. PUBLIC HEARINGS

1. 2022-O-3051 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Approving the Eighth Amendment to Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD) Development Agreement to Add Permitted Uses; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)

At the request to the City Clerk, this portion of the meeting in its entirety is available on CD or the audio of the meeting is available online.

Brian Walker, City Planner, read through his staff report that was presented at first reading and is included in the agenda packet again for second and final reading. Staff added the following requirement to the amended Development Agreement between first and second reading: **The restaurant/bistro shall be complete and have received a certificate of completion, prior to any final approval, use, or certificate of completion being issued for any storage uses.** There was discussion amongst the Mayor, Commissioners and staff about the added requirement at this time with the applicant, Tarek Naemo.

Tarek and Jasmine Naemo, the applicants came forward and spoke to the Mayor and Commissioners.

Mayor Via opened public participation. No one spoke.

There was consensus and the vote reflects their discussion in regards to removing paragraph 6 within the amended MPUD Agreement that states, *"The restaurant/bistro shall be complete and have received a certificate of completion, prior to any final approval, use, or certificate of completion being issued for any storage uses."*

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

ORDINANCE
2022-O-3051
SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE EIGHTH AMENDMENT TO MARINA GRANDE RESIDENTIAL BASED MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) DEVELOPMENT AGREEMENT TO ADD PERMITTED USES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE EIGHTH AMENDMENT TO MARINA GRANDE RESIDENTIAL BASED MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) DEVELOPMENT AGREEMENT TO ADD PERMITTED USES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes; and

WHEREAS, the City Commission, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Regulations, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the City Commission has determined that it is necessary to administratively amend its Land Development Regulations as herein provided in order to more effectively implement its adopted comprehensive plan; and

WHEREAS, the Owner of Marina Grande ground level retail spaces has proposed an Eighth Amendment to the MPUD, to add approved uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION

OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City Commission of the City of Holly Hill hereby approves the Eighth Amendment to Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD) Development Agreement, a true and correct copy attached hereto.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, 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 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 24th day of MAY, 2022 for second and final reading.

**EIGHTH AMENDMENT TO
MARINA GRANDE RESIDENTIAL BASED MIXED USE
PLANNED UNIT DEVELOPMENT (MPUD)
DEVELOPMENT AGREEMENT**

THIS EIGHTH AMENDMENT TO MARINA GRANDE RESIDENTIAL BASED MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) DEVELOPMENT AGREEMENT (the "Eighth Amendment") is made this _____ day of _______________, 2022, by and between **HALIFAX HOLDINGS LLC**, a Florida limited liability company, (the "Owner") and the **CITY OF HOLLY HILL**, a Florida municipal corporation (the "City").

WHEREAS, Holly Hill I Associates, Ltd., a Florida limited partnership (the "Developer") and City entered into that certain Development Agreement dated November 23, 2004, for the development of certain real property as described in said Agreement, as modified by that certain First Amendment to Agreement dated October 31, 2005 (the "First Amendment"); as further modified by that certain Second Amendment to Agreement dated November 15, 2005 (the “Second Amendment”); as further modified by that certain Third Amendment to Agreement dated November 14, 2006 (the “Third Amendment”); as further modified by that certain Fourth Amendment to Agreement dated February 13, 2007 (the “Fourth Amendment”); and as further modified by that Fifth Amendment to Agreement dated March 27, 2011 (the “Fifth Amendment”); as further modified by that certain Sixth Amendment to Agreement dated March 28, 2017 (the “Sixth Amendment”) (collectively the “Agreement”) ; as further modified by that certain Seventh Amendment to Agreement dated July 14, 2020 (the “Seventh Amendment”) (collectively the “Agreement”) ; and

WHEREAS, Owners of 235 Riverside Drive (Parcel # 5337-34-06-0014) (retail spaces) and City wish to further modify certain provisions of the Agreement as detailed below;

NOW, THEREFORE, in consideration of the mutual covenants and promises made herein, the parties hereto covenant and agree to bind themselves as follows:

1. The above recitations are true and correct and incorporated herein by reference.

2. Owners and City mutually agree to the following changes to the retail spaces of the Marina Grand PD as amended: Upscale restaurant, bistro and café uses as well as interior personal storage and the existing Marina Grande sales / administration office, are approved as additional permitted uses in the ground level retail spaces as shown in Exhibit A.

3. The interior storage space shall be limited to a maximum of 9,500 square feet and shall not be located at either of the far ends of the retail spaces - not the north end or south end units, but shall be located in the center of the current retail spaces. The interior storage spaces shall not be advertised with signage or logos of any type and shall first be offered to residents of the Marina Grande.

4. Prior to permits being issued for restaurant, bistro and café uses, the City shall have to right to review renderings and deny approval if in the City’s judgement, the restaurant, bistro or café will not meet the intent of the word, “upscale” with such word generally meaning as applied to this Agreement, a restaurant, bistro or café that is deluxe, high-end, exclusive, top-end, prime, superior, upper-class, classy, ritzy.

5. The restaurant, bistro or café uses shall be located at the far ends of the current retail spaces - the north end and south end units and allow outdoor seating. The open areas under roof shall be permitted to be glassed in.

6. The restaurant/bistro shall be complete and have received a certificate of completion, prior to any final approval, use, or certificate of completion being issued for any storage uses.

7. The parties hereto agree that this Eighth Amendment constitutes a major amendment to the Agreement and that all other provisions, conditions, and requirements of the Agreement, remain in full force and effect.

8. Signatures on copies of this Eighth Amendment which are transmitted by facsimile or by electronic mail are counterparts and shall be deemed originals for all purposes.

Enacted and approved this 24th day of May, 2022, in Holly Hill

10. COMMUNICATIONS

A. City Manager & Staff Comments

Scott Gutauckis took a moment to publicly thank his girlfriend, Tonia for being there to help him during his time of being home sick with COVID-19 and Mr. Forte for staying in constant contact with him or Tonia throughout the whole time. Mr. Forte is a great City Manager and a great humanitarian and he is proud to call Mr. Forte his friend. Mr. Gutauckis thanked the Mayor and Commissioners for providing a positive atmosphere in which Mr. Forte can do what he does because without the Mayor and Commissioners, Mr. Forte wouldn't be able to do those things. He just wanted to say thank you and he's glad to be back.

The Mayor, Commissioners and Mr. Forte welcomed Mr. Gutauckis back and are glad he's back. Mayor Via mentioned that Mr. Forte kept all of the Commissioners up to date on Mr. Gutauckis' status and we're all praying for him. They are happy that he is back and hoping that he continues to heal and they appreciate him.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Penny appreciates this Commission working together. They don’t always agree on everything but they can get along at the end of the day and move forward.

Commissioner Currie agrees with Commissioner Penny in that she appreciates this Commission and Mr. Forte as their City Manager.

Commissioner Johnson mentioned there’s a TPO meeting tomorrow if anyone had anything they wanted him to bring up. He’s still pushing for the transportation issues.

D. Mayor's Comments

Mayor Via mentioned that he was going to ask Mr. Forte for an update on hiring a Project Manager coming in internally as opposed to ZHA, if there was any update on that.

Mr. Forte stated, no. He will go over individually with them as far as other internal plans staff is going to do; reorganizing of the department. Giving Steve the opportunity to take over the role of Project Manager but sending him to P & P School so that he can get certified as a Project Manager and then hiring a Facilities Manager. So, they will bring the Project Manager in-house. He’s going to meet with Antione (Public Works Director) tomorrow and if everyone is on board, that’s the direction staff is going to go.

Mayor Via stated, good. The reason he brings that up is because we’re about to go into budget season and a lot has been changing and a lot has been moving around so we’re going to have to have some detailed budget meetings to discuss all of the different…

Mr. Forte stated he has some ideas on the budget that he will talk to them about as well.

Mayor Via mentioned he was invited to the Eclectic Church and they had a tent revival prayer that people came in several nights in a row and prayed for the city, the people, entire Commission. He attended one evening. It was a really nice time. There was a Pastor from Ukraine there and he had a very powerful message to share. It was very nice. Eclectic Church has been stepping up for our community and there whenever the city asks.

11. ADJOURNMENT

The meeting adjourned at approximately 9:45 PM.

Valerie Manning, City Clerk,CMC 5/24/2022

Chris Via, Mayor 5/24/2022