CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● JUNE 11, 2024

City Commission Chamber **Regular City Commission Meeting** **6:00 PM**

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call

Commissioner Penny made a motion to ***EXCUSE Commissioner Johnson from the meeting tonight due to health issues,*** *seconded by Commissioner Currie.*

Mayor Via opened public comments. No one spoke.

PASSED, 4-0.

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	Excused	

b. Invocation by Mayor Chris Via

Mayor Via led the invocation.

c. Pledge of Allegiance

Mayor Via led the Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners:

David Knopf, Holly Hill; Gabriel Varga, Ormond Beach; Arthur Byrnes, Holly Hill.

3. APPROVAL OF MINUTES

1.

Minutes - May 28, 2024 Regular City Commission Meeting

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

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

Enacted and approved this 11th day of June, 2024, in Holly Hill

4. CONSENT AGENDA - ITEMS (1 - 4)

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. 2024-R-36 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving Change Order No. 2 with Tetra Tech, Inc., for Disaster Public Assistance Consulting Services, Extending the Period of Performance through December 31, 2024 and Increasing the Not-To-Exceed Amount of the Agreement to $169,851.31 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2024-R-36
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING CHANGE ORDER NO. 2 WITH TETRA TECH, INC., FOR DISASTER PUBLIC ASSISTANCE CONSULTING SERVICES, EXTENDING THE PERIOD OF PERFORMANCE THROUGH DECEMBER 31, 2024 AND INCREASING THE NOT-TO-EXCEED AMOUNT OF THE AGREEMENT TO $169,851.31 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 CHANGE ORDER NO. 2 WITH TETRA TECH, INC., FOR DISASTER PUBLIC ASSISTANCE CONSULTING SERVICES, EXTENDING THE PERIOD OF PERFORMANCE THROUGH DECEMBER 31, 2024 AND

INCREASING THE NOT-TO-EXCEED AMOUNT OF THE AGREEMENT TO $169,851.31 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission approved an agreement with Tetra-Tech, Inc., for disaster public assistance consulting in an amount not to exceed $160,000 on November 22, 2022 through Resolution 2022-90; and

WHEREAS, "No Cost" Change Order No. 1 was fully executed on September 26, 2023, extending the period of performance through May 23, 2024; and

WHEREAS, due to extensive FEMA review, an additional change order has been proposed extending the period of performance through December 31, 2024 and increase the "not to exceed" cost to $169,851.31.

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

SECTION 1. That the City Commission does hereby approve Change Order No. 2 with Tetra Tech, Inc., for disaster public assistance consulting services, extending the period of performance through December 31, 2024 and increasing the not-to-exceed amount to $169,851.31 and authorizes the City Manager to execute the same.

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 11th day of JUNE, 2024.

Enacted and approved this 11th day of June, 2024, in Holly Hill

2. 2024-R-37 Resolution

A Resolution of the City of Holly Hill, Florida, Authorizing the City Manager to Execute a Second Amendment to the Interlocal Fuel Agreement Between Volusia County and the City of Holly Hill, Extending the Terms of the Agreement through September 30, 2027; Providing for Severability; and Providing 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
EXCUSED:	Johnson

RESOLUTION
2024-R-37
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE INTERLOCAL FUEL AGREEMENT BETWEEN VOLUSIA COUNTY AND THE CITY OF HOLLY HILL, EXTENDING THE TERMS OF THE AGREEMENT THROUGH SEPTEMBER 30, 2027; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE INTERLOCAL FUEL AGREEMENT BETWEEN VOLUSIA COUNTY AND THE CITY OF HOLLY HILL, EXTENDING THE TERMS OF THE AGREEMENT THROUGH SEPTEMBER 30, 2027; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 18, 2018, the City of Holly Hill entered into an Agreement with the County of Volusia for an interlocal fuel agreement; and

WHEREAS, the initial term of the Agreement was three (3) years, beginning on October 1, 2018 and ending on September 30, 2021; and

WHEREAS, the parties amended the Agreement through "Amendment No. 1", extending the term of the Agreement through September 30, 2024, and making other changes to the Agreement's terms and exhibits; and

WHEREAS, Part I, Section 8 of the Agreement allows the parties to renew the Agreement by mutual agreement; and

WHEREAS, Volusia County and the City of Holly Hill desire and agree to renew the Agreement.

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 execute a second amendment to the Interlocal Fuel Agreement between the City of Holly Hill and the County of Volusia.

SECTION 2. That the term of this agreement shall commence on October 1, 2024 and end on September 30, 2027.

SECTION 3. 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, or force, or effect of any other section or part of this Resolution.

SECTION 4. That this Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 11th day of JUNE, 2024.

Enacted and approved this 11th day of June, 2024, in Holly Hill

3. 2024-R-38 Resolution

A Resolution of the City of Holly Hill, Florida, Awarding a Task Order to Black Sands Development Group for the Golf Course Reclaimed Water Improvement Project at a Cost of $67,509.66 and Authorizing the City Manager to Execute the Same; 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
EXCUSED:	Johnson

RESOLUTION
2024-R-38
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING A TASK ORDER TO BLACK SANDS DEVELOPMENT GROUP FOR THE GOLF COURSE RECLAIMED WATER IMPROVEMENT PROJECT AT A COST OF $67,509.66 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING A TASK ORDER TO BLACK SANDS DEVELOPMENT GROUP FOR THE GOLF COURSE RECLAIMED WATER IMPROVEMENT PROJECT AT A COST OF $67,509.66 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City wishes to improve the current reclaimed feed to the Riviera Country Club Reclaimed pond used for golf course irrigation; and

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

WHEREAS, the Black Sands Development Group provided a Task Order utilizing unit pricing under their City service contract agreement for $67,509.66 for the Golf Course Reclaimed Improvements; and

WHEREAS, improving reclaimed irrigation reuse is consistent with the City Utility SB 64 for Capital Funding Plan to reduce river effluent discharge.

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

SECTION 1. That the City Commission accept Black Sands task order for $67,509.66 for Golf Course Reclaimed Improvements, Capital Project 24WW02.

SECTION 2. That the City Commission of the City of Holly Hill does hereby award the Task Order to Black Sands Development Group, pursuant their approved service contract approved as Resolution No. 2024-13 and authorize the City Manager to enter into a Task Order purchase agreement with Black Sands Development Group to provide for the Construction of the Golf Course Reclaimed Improvements.

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 11h day of JUNE, 2024.

Enacted and approved this 11th day of June, 2024, in Holly Hill

4. –2024-R-39 Resolution

A Resolution of the City of Holly Hill, Florida, Authorizing the City Manager to Execute a Third Renewal Franchise Agreement Between the City of Holly Hill and TECO Peoples Gas for October 1, 2024 - October 31, 2029; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

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

RESOLUTION
2024-R-39
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD RENEWAL FRANCHISE AGREEMENT BETWEEN THE CITY OF HOLLY HILL AND TECO PEOPLES GAS FOR OCTOBER 1, 2024 - OCTOBER 31, 2029; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD RENEWAL FRANCHISE AGREEMENT BETWEEN THE CITY OF HOLLY HILL AND TECO PEOPLES GAS FOR OCTOBER 1, 2024 - OCTOBER 31, 2029; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 11, 2022 the City Commission approved a request to retroact and renew the original Franchise Agreement/Ordinance 2858 from October 2019-October 2024; and

WHEREAS, its first 4 successive 5 year renewal options were approved on October 11, 2022 as follows: 2024-2029; 2029-2034; and 2034-2039; and

WHEREAS, the City Commission desires to authorize the City Manager to execute a third renewal Franchise Agreement for October 1, 2024 - October 31, 2029 between The City of Holly Hill and TECO Peoples Gas.

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 third renewal Franchise Agreement with TECO Peoples Gas **attached hereto**.

SECTION 2. That the term of this agreement shall commence on October 1, 2024 and end on October 31, 2029.

SECTION 3. 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, or force, or effect of any other section or part of this Resolution.

SECTION 4. That this Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 11th day of JUNE, 2024.

Enacted and approved this 11th day of June, 2024, in Holly Hill

5. REGULAR AGENDA

1. –2024-R-40 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving an Increase of the “Not to Exceed” Cost of Electrical Repairs with Economy Electric for the Wastewater Division, Water Division and Facilities Division from $50,000 Annually to $75,000 Annually and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)
Mayor Via opened public comments. No one spoke.

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

RESOLUTION
2024-R-40
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING AN INCREASE OF THE “NOT TO EXCEED” COST OF ELECTRICAL REPAIRS WITH ECONOMY ELECTRIC FOR THE WASTEWATER DIVISION, WATER DIVISION AND FACILITIES DIVISION FROM $50,000 ANNUALLY TO $75,000 ANNUALLY 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 AN INCREASE OF THE “NOT TO EXCEED” COST OF ELECTRICAL REPAIRS WITH ECONOMY ELECTRIC FOR THE WASTEWATER DIVISION, WATER DIVISION AND FACILITIES DIVISION FROM $50,000 ANNUALLY TO $75,000 ANNUALLY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission approved the piggybacking of a Volusia County Master Agreement with La Tour Enterprizes, Inc., dba Economy Electric on April 11, 2023 and established a not to exceed cost of $50,000 annually; and

WHEREAS, substantial repairs have been required during the current fiscal year in the Wastewater Treatment Facility; and

WHEREAS, an increase to the “Not to Exceed” price is needed in order to ensure that adequate funding remain available for emergency repairs for the remainder of the current fiscal year.

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

SECTION 1. That the City Commission does hereby approve an increase of the “Not to Exceed” cost of electrical repairs with Economy Electric for the wastewater, water and facilities divisions from $50,000 to $75,000 annually and authorizes the City Manager to execute the same.

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 adoption by the City Commission.

APPROVED AND AUTHENTICATED on this 11th day of JUNE, 2024.

Enacted and approved this 11th day of June, 2024, in Holly Hill

2. –2024-R-41 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Relating to the Florida Department of Environmental Protection Drinking Water State Revolving Fund Loan Program; Making Findings; Authorizing the Loan Application; Authorizing the Loan Agreement; Designating an Authorized Representative; Providing Assurances; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

(Requested by Antoine Khoury, Public Works)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; DESIGNATING AN AUTHORIZED REPRESENTATIVE; PROVIDING ASSURANCES;

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Via opened public participation.

Arthur Byrnes, Holly Hill.

Mayor Via closed public participation.

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

RESOLUTION
2024-R-41
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; DESIGNATING AN AUTHORIZED REPRESENTATIVE; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; DESIGNATING AN AUTHORIZED REPRESENTATIVE; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDINF FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the water treatment plant (WTP) improvements and resiliency upgrades; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the Drinking Water State Revolving Fund (DWSRF) loan priority list designates Project No. 6410B as eligible for available funding from the Supplemental Appropriation for Hurricane Fiona and Ian (SAHFI); and

WHEREAS, the City of Holly Hill, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the Drinking Water State Revolving Fund for project financing.

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

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City of Holly Hill, Florida is authorized to apply for a loan from the FDEP's DWSRF in the amount of $11,250,000 to finance the water treatment plant (WTP) improvements and resiliency upgrades.

SECTION 3. This loan will be one hundred percent principal forgiveness. There will be no revenues pledged for the repayment of this loan.

SECTION 4. The City Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION 5. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The Mayor is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION 6. The legal authority for borrowing moneys to construct this Project is Section 166.111, Florida Statutes and Section 403.8532, Florida Statutes.

SECTION 7. All resolutions or part of resolutions in conflict with any of the provisions of this resolution are hereby repealed.

SECTION 8. 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 9. This resolution shall become effective immediately upon its approval.

APPROVED AND AUTHENTICATED on this 11th day of JUNE, 2024.

Enacted and approved this 11th day of June, 2024, in Holly Hill

3. –2024-R-42 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Relating to the Florida Department of Environmental Protection Clean Water State Revolving Fund Loan Program; Making Findings; Authorizing the Loan Application; Authorizing the Loan Agreement; Designating an Authorized Representative; Providing Assurances; Providing for Conflicts; Providing for Severability, and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

Upon reading the title of the Resolution into the record during the City Commission meeting, it was then recognized that Resolution 2024-R-42 was similar to Resolution 2024-R-41. Therefore, after consulting and reviewing with Attorney Simpson, Mr. Khoury, Mr. Blais from Mead & Hunt, Inc., and Mr. Forte, the word "Clean" Water State Revolving Fund Loan was the correct word for this specific Resolution and in Section 2., of the Resolution, the amount should be $9,300,000 and the third "Whereas", the correct project number is Project No. 6410A.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CLEAN WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; DESIGNATING AN AUTHORIZED REPRESENTATIVE; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Via opened public comments. No one spoke.

With those modifications from staff and with the City Attorney, Resolution 2024-R-42 passed unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

RESOLUTION
2024-R-42
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CLEAN WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; DESIGNATING AN AUTHORIZED REPRESENTATIVE; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CLEAN WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; DESIGNATING AN AUTHORIZED REPRESENTATIVE; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the wastewater treatment plant (WWTP) improvements and resiliency upgrades; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the Clean Water State Revolving Fund (CWSRF) loan priority list designates Project No. 6410A as eligible for available funding from the Supplemental Appropriation for Hurricane Fiona and Ian (SAHFI); and

WHEREAS, the City of Holly Hill, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the Clean Water State Revolving Fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION

OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City of Holly Hill, Florida is authorized to apply for a loan from the FDEP's CWSRF in the amount of $9,300,000.00 to finance the wastewater treatment plant (WWTP) improvements and resiliency upgrades.

SECTION 3. This loan will be one hundred percent principal forgiveness. There will be no revenues pledged for the repayment of this loan.

SECTION 4. The City Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION 5. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The Mayor is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION 6. The legal authority for borrowing moneys to construct this Project is Section 166.111, Florida Statutes and Section 403.8532, Florida Statutes.

SECTION 7. All Resolutions or part of Resolutions in conflict with any of the provisions of this resolution are hereby repealed.

SECTION 8. 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 9. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on the 11th day of JUNE, 2024.

Enacted and approved this 11th day of June, 2024, in Holly Hill

6. PUBLIC HEARINGS

1. –2024-O-3078 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Creating Separation Requirements and Adding Definitions; Amending Sections 114-353 and 114-593 and 78-14 of the City Code; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)
Mayor Via opened public participation.

Heidi Heller, Holly Hill and Gabriel Varga, Ormond Beach.

Mayor Via closed public participation.

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

ORDINANCE
2024-O-3078
SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, CREATING SEPARATION REQUIREMENTS AND ADDING DEFINITIONS; AMENDING SECTIONS 114-353 AND 114-593 AND 78-14 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, CREATING SEPARATION REQUIREMENTS AND ADDING DEFINITIONS; AMENDING SECTIONS 114-353 AND 114-593 AND 78-14 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to clearly define what is meant by a "pharmacy"; and

WHEREAS, the Florida Legislature has required that medical marijuana dispensaries be allowed anywhere a pharmacy is sited, or not allowed at all; and

WHEREAS, the City Commission desires to respect the will of the voters by allowing licensed medical marijuana dispensaries; and

WHEREAS, the City desires to prevent negative impacts resulting from clusters of multiple state-licensed marijuana retail facilities located in close proximity; and

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities while also protecting and promoting the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill.

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. Add the following definition to Chapter 78 - GENERAL PROVISIONS, Sec. 78-14. - Definitions.

Pharmacy. An establishment engaged in the retail sale of prescription drugs. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service. The term also includes licensed medical marijuana treatment centers / dispensaries.

SECTION 3. That the entire language of Sections 114-353 (5) and 114-593 (26) is repealed and replaced with the following:

Pharmacies, to include licensed medical marijuana treatment centers/dispensaries, shall not be located within one mile "as the crow flies" of another pharmacy. The distance shall be measured as the linear distance between the two closest property lines.

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. The provisions of this Ordinance, including its recitals, shall become and be made a part of the City of Holly Hill's Land Development Code and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 4, 5, 6, 7, and 8 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 7. APPLICABILITY. Pharmacies that do not meet the requirements of this Ordinance and that exist at the time of the passage of this Ordinance, may be continue.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 11th day of JUNE, 2024 for second and final reading.

Enacted and approved this 11th day of June, 2024, in Holly Hill

7. COMMUNICATIONS

A. City Manager Comments

Mr. Forte informed everyone that the city has selected a new Police Chief, Byron K. Williams from Daytona Beach. He serves as the Captain of that Police Department. There is an anticipated hire date of July 15th. There were 50 highly qualified applicants and through a meticulous screening process, staff narrowed the candidates selection to 14 then to 6 candidates who underwent formal interviews, which were conducted by several Police Chiefs from neighboring agencies; Ormond Beach, Daytona Beach Shores and Ponce Inlet, along with myself, and Ms. Witt the city's Human Resources Manager. The next process is that Police Chief Williams will now undergo an extensive background check/investigation, which will be overseen by Police Chief Fowler from Daytona Beach Shores. We would like to invite everyone to a Swearing-In Ceremony for Police Chief Williams upon the successful completion of this next process. That ceremony will be on Tuesday, July 9th at 6:00 PM here in the Commission Chambers. There will be a "Meet and Greet" with the community as well but a date and time hasn't been determined yet. He will keep them posted on that.

a.

Plaque Discussion

(Requested by Joseph Forte, City Manager)
Mr. Forte pulled the plaque discussion from his comments.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Danio stated Mayor, some people are in occupations that may not be the best representative of those occupations and reflect that as such. He thinks sometimes those people may get carried away with their comments but the Commission doesn't hold anything against the you because you were speaking for all of us. Please remember to keep Commissioner Johnson in your prayers.

Commissioner Penny asked and/or suggested a possible groundbreaking ceremony for the Holly Hill RV Park that is underway; the Kiwanis Reading program has started today with the students at the Holly Hill School and it's been a good turnout so far, 75 kids today and eight readers - Tuesdays and Thursdays from 9:00 AM - 11:00 AM; more readers are welcome; the new school Principal will be starting soon and Mr. Voges is still there on campus for a little while wrapping things up for the new school Principal.

Commissioner Currie shared her concerns pertaining to individual(s) *(referring to Gabriel Varga's public comments tonight)* who spew rhetoric that has so much negativity and hatefulness that it’s hard for her to take them serious in their occupation that they have chosen. There is so much hateful, untrue stuff from this individual that it’s hard for her to listen to him anymore. Commissioner Currie expressed her support for the Holly Hill Police Department and is looking forward to positive changes and outcomes with the new Police Chief taking office. The IA investigation has been completed, but there is still a review process for the next steps to be taken and by law, the timeline is 45 days that is allotted for the City Manager to read through the IA to determine what happens next. Once he has determined those factors, it will be available for anyone who wants to see it after it has been redacted accordingly by law by a staff member. Mr. Forte is fully transparent with the public and always has been.

D. Mayor's Comments

Mayor Via thanked Mr. Forted for the time and entire process of selecting a new Police Chief and appreciates the other Police Chiefs from the other agencies stepping up and helping the city out during that process. He’s looking forward to meeting him and the future is looking bright for the Holly Hill Police Department. Mayor Via mentioned that he and Mr. Forte met with the officers last week; he was there to listen and to hear them out. There was a lot of rumors going on downstairs and a lot of uncertainty about the future of the department, their career and what would happen. Mr. Forte was honest and transparent with them and he appreciates that and he knows that the officers did as well. Some were upset but he doesn’t want to say it in a bad way upsetting; they were passionate and they asked Mr. Forte to let them please rebuild the agency that they love and they want to see that it regains all of the trust and respect that it deserves. Mayor Via mentioned he walked out of that meeting with a renewed sense of passion for the officers and then Mr. Forte and himself met with them again a week later and that was a much happier discussion and Mr. Forte let the officers know the direction that the city was headed in, which was rebuilding the department. Mayor Via thanked Mr. Forte for taking that approach and telling them the truth and being transparent with them and for the integrity that he has. Mayor Via asked the citizens to support the Police Department. Mayor Via shared his concerns regarding Mr. Varga’s comments and his negativity towards the city and Commissioners and staff. Mayor Via met with Jimmy Patronis, the CFO (Chief Financial Officer) last week and discussed some things but particularly they found a little money for the city but he doesn’t know the amount just yet. Mr. Patronis is going to get some money back from the coffers that’s owed to the city.

8. ADJOURNMENT

The meeting adjourned at approximately 7:20 PM.

Valerie Manning

Valerie Manning, City Clerk,CMC 6/11/2024

Chris Via, Mayor 6/11/2024