CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA ● JUNE 13, 2023

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

HOLLY HILL
FLORIDA

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

CITY COMMISSION MEMBERS

Mayor
Chris Via

District 1 - Commissioner
John Penny

District 2 - Commissioner
Penny Currie

District 3 - Commissioner
John C. Danio

District 4 - Commissioner
Roy Johnson

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. CALL TO ORDER

a. Roll Call
b. Invocation by City Commissioner John Penny
c. Pledge of Allegiance

2. PRESENTATION - MID YEAR BUDGET REVIEW FY23

1. Mid Year Budget Review FY 2023

   (Requested by Michele Moore, Finance)

3. PUBLIC COMMENTS

4. APPROVAL OF MINUTES

1. Minutes - May 23, 2023 - Regular City Commission Meeting

   (Requested by Valerie Manning, City Clerk)

5. CONSENT AGENDA - ITEMS (1 - 3)

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

1. Resolution –2023-R-30 A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Sole Source Upgrade of the Filter Control Panel at the Water Treatment Plant by Roberts Water Technologies, Inc., and Authorizing the City Manager to Approve a Purchase Order in the Amount of $51,626.00; Providing for Severability; and Providing for an Effective Date.

   (Requested by Antoine Khoury, Public Works)

2. Approve the State Highway Lighting, Maintenance, and Compensation Agreement Work Order (FY23/24) and Authorize the City Manager to Execute the Same.

   (Requested by Antoine Khoury, Public Works)

3. River to Sea Transportation Planning Organization (TPO) Funding Agreement for FY2023-2024

   (Requested by Valerie Manning, City Clerk)

6. REGULAR AGENDA

1. Resolution –2023-R-31 A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the FY2023/2024 CDBG Annual Plan Application as Submitted; Providing for Severability; and Providing for an Effective Date.

   (Requested by Antoine Khoury, Public Works)

2. Request for Lien Reduction - 1016 Cherokee Ranch

(Requested by Joseph Forte, City Manager)

7. PUBLIC HEARINGS - NONE

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

8. COMMUNICATIONS

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

9. ADJOURNMENT

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

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

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

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

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

City Commission
1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED

Meeting: 06/13/23 06:00 PM
Department: Finance
Category: Presentation
Prepared By: Michele Moore
Initiator: Michele Moore
Sponsors:
DOC ID: 4154

PRESENTATION (ID # 4154)

Mid Year Budget Review FY 2023

Presentation of mid-year budget review of fiscal year 2022-2023, which was conducted by the Finance department in preparation for fiscal year 2023-2024 budget workshops.

Midyear Budget Report FY 2022 - 2023

Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

CITY OF HOLLY HILL

City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023

This Midyear Budget Report for the Fiscal Year 2022-2023 covers the six-month period ending March 31, 2023. It provides a status update on the City's revenue and expenditures in the General Fund, Community Redevelopment Fund and Enterprise Funds and provides an opportunity to make budget amendments if necessary.

Government Wide Total Budget and Year to Date Activity

REVENUE

Government Wide Revenue Activity Year to Date March 31, 2023

Fund	Total Budget FY 2022-23	Year to Date Activity March 31, 2023	YTD % of Budget
001 - GENERAL FUND	10,919,901	6,222,394	56.98%
002 - LOCAL OPTION FUEL TAX	1,467,173	247,365	16.86%
004 - PERMITTING	379,085	300,556	79.28%
006 - FIRE DONATIONS FUND	0	7	N/A
015 - HURRICANE IRMA	0	634	N/A
101 - LAW ENFORCEMNT IMPACT FEE	0	2,527	N/A
102 - FIRE IMPACT FEE TRST ACCT	0	2,820	N/A
103 - ROAD IMPACT FEE TRST ACCT	0	25,512	N/A
104 - PARK IMPACT FEE TRST ACCT	0	5,935	N/A
110 - LAW ENFORCEMENT TRUST FD	15,900	3,940	24.78%
130 - COMMUNITY REDEVELOPMT	3,028,414	3,045,787	100.57%
135 - CRA FOUNTNHD INCENT-LAND	341,843	0	0.00%
139 - CRA PROJECTS FUND	4,234,318	0	0.00%
301 - CAPITAL PROJECTS	6,213,574	88,022	1.42%
400 - WATER & SEWER FUND	18,476,573	3,667,069	19.85%
401 - WATER IMPACT FEES	0	10,009	N/A
402 - SEWER IMPACT FEES	0	14,165	N/A
407 - PROPRIETARY R&R FUND	6,864,361	371,735	5.42%
460 - STORMWATER FUND	1,210,002	1,043,645	86.25%
461 - STORMWTR CAP PROJECTS	2,298,798	7,266	0.32%
495 - SOLID WASTE ENTERPRISE	5,045,136	2,261,609	44.83%
605 - POLICE EXPLORERS	5,100	3,167	62.09%
	60,500,178	**17,324,162**	

EXPENDITURES

Government Wide Revenue Activity Year to Date March 31, 2023

Fund	Total Budget FY 2022-23	Year to Date Activity March 31, 2023	YTD % of Budget
1101 - COMMISSION	173,400	83,592	48.21%
1201 - CITY MANAGER	574,196	236,452	41.18%
1301 - ACCOUNTING	833,456	350,074	42.00%
1303 - CUSTOMER SERVICE	413,759	205,543	49.68%
1306 - ADMIN SVCS/IT	648,632	135,305	20.86%
1310 - PERSONNEL	364,250	158,941	43.64%
2110 - LAW ENFORCEMENT	3,316,271	1,341,865	40.46%
2210 - FIRE OPERATIONS	1,780,686	748,820	42.05%
2410 - PLANNING & CODE ENF	383,831	174,143	45.37%
2415 - BLDG & FIRE INSPECT	379,085	160,082	42.23%
3001 - WATER & SEWER ADMIN	248,309	117,053	47.14%
3010 - WATER UTILITY	2,469,771	1,055,470	42.74%
3020 - SEWER SERVICES	3,051,711	1,318,668	43.21%
3040 - SOLID WASTE	4,976,956	2,689,260	54.03%
3080 - STORMWATER MGMT	747,804	352,143	47.09%
4141 - ROADS & STREETS	828,356	161,768	19.53%
4160 - PUBLIC WORKS/FLEET	313,220	130,905	41.79%
4172 - BLDG & GROUNDS/FACI	1,265,117	580,533	45.89%
4173 - ADULT CTR/PICKLEBAL	202,483	152,822	75.47%
5510 - GENERAL ADMINIS	838,356	268,161	31.99%
8110 - NON-DEPARTMENTAL	36,690,529	6,656,338	18.14%
Total Expenditures:	**60,500,178**	**17,077,939**	

Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023

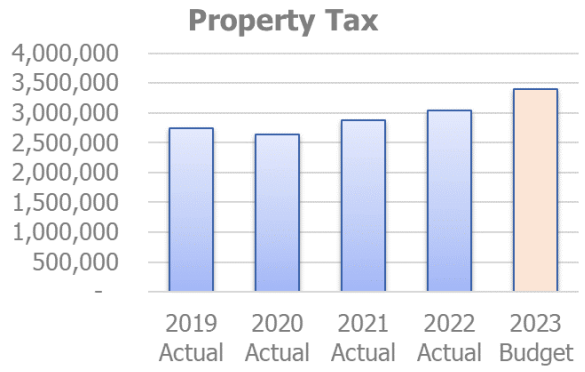
General Fund

The adopted General Fund Budget for Fiscal Year 2022-2023 is approximately $10.9 million. As of March 31, 2023, the General Fund had received 57% of its revenues, or $6.2 million. The top sources of revenue in the General Fund with data for five years is listed below:

General Funds Revenue Source	2019 Actual	2020 Actual	2021 Actual	2022 Actual	2023 Budget	2023 Oct-Mar Actual	% of Budget at Mid Year
Property Taxes	2,748,025	2,639,028	2,870,074	3,034,341	3,402,424	2,906,645	85.43%
Electricity Utility Service Tax	1,109,991	1,059,792	1,106,502	1,144,104	1,080,000	480,654	44.51%
Half Cent Sales Tax	690,555	672,133	785,457	869,002	800,987	301,483	37.64%
Franchise Fees	804,526	758,364	801,613	912,356	778,000	282,138	36.26%
State Shared Revenues	450,204	415,133	481,934	610,423	543,570	271,785	50.00%
Water Utility Tax	319,356	333,757	356,578	373,362	345,000	167,942	48.68%
Telecommunication Tax	365,483	359,309	368,368	382,202	382,278	130,399	34.11%
Local Business Tax	201,421	183,467	189,369	193,888	200,000	165,085	82.54%
Local Option Fuel Tax	186,961	170,262	184,409	181,225	185,198	61,142	33.01%

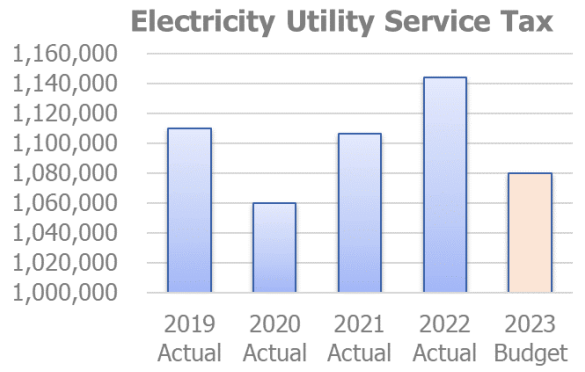
Property Tax

Property Tax is the largest revenue in the General Fund, and it is 31% of the total budgeted revenue in the FY2022-2023 General Fund budget. To date, 85% of the property tax has been received.



Electricity Utility Service Tax

Electricity Utility Service Tax is the 2nd largest revenue in the General Fund, and it is 10% of the total budgeted revenue in the FY2022-2023 General Fund budget. To date, 45% of the electricity utility service tax has been received.



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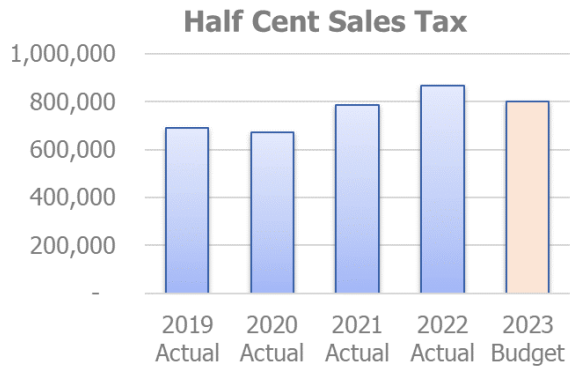
City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023

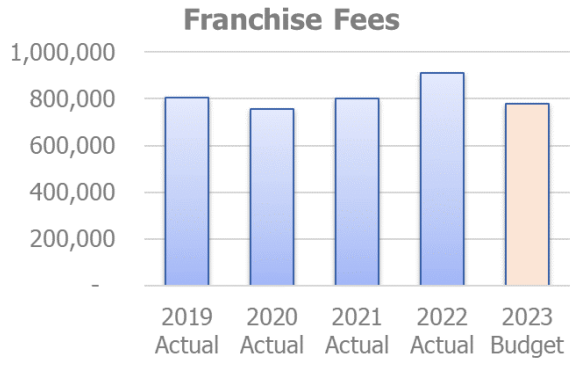
Half Cent Sales Tax

Half Cent Sales Tax is the 3rd largest revenue in the General Fund, and it is 7% of the total budgeted revenue in the FY2022-2023 General Fund budget. To date, 38% of the half cent sales tax has been received.



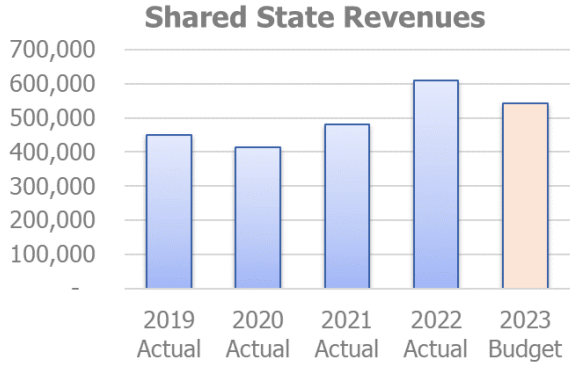
Franchise Fees

Franchise Fees from FPL and TECO are the 4th largest revenue in the General Fund, and it is 7% of the total budgeted revenue in the FY2022-2023 General Fund budget. To date, 36% of the franchise fees have been received.



State Shared Revenue

State Shared Revenue, money given to localities to be spent on purposes determined by the localities themselves, is the 5th largest revenue in the General Fund, and it is 5% of the total budgeted revenue in the FY2022-2023 General Fund budget. To date, 50% of the state shared revenue has been received.



Other General Fund Revenues

The remaining General Fund's revenue comprises 37% of the fund's budgeted revenue. The primary sources of the other General Fund revenues are summarized below:

- Direct Cost Allocation which comprises 16% ($1,793,607) of the General Fund's budget.
- Telecommunication Tax which comprises 4% ($382,278) of the General Fund's budget.
- Interfund Transfer which comprises 2% ($266,802) of the General Fund's budget.
- Local Business Tax which comprises 2% ($200,000) of the General Fund's budget.
- 1st Local Option Fuel Tax which comprises 2% ($185,198) of the General Fund's budget.

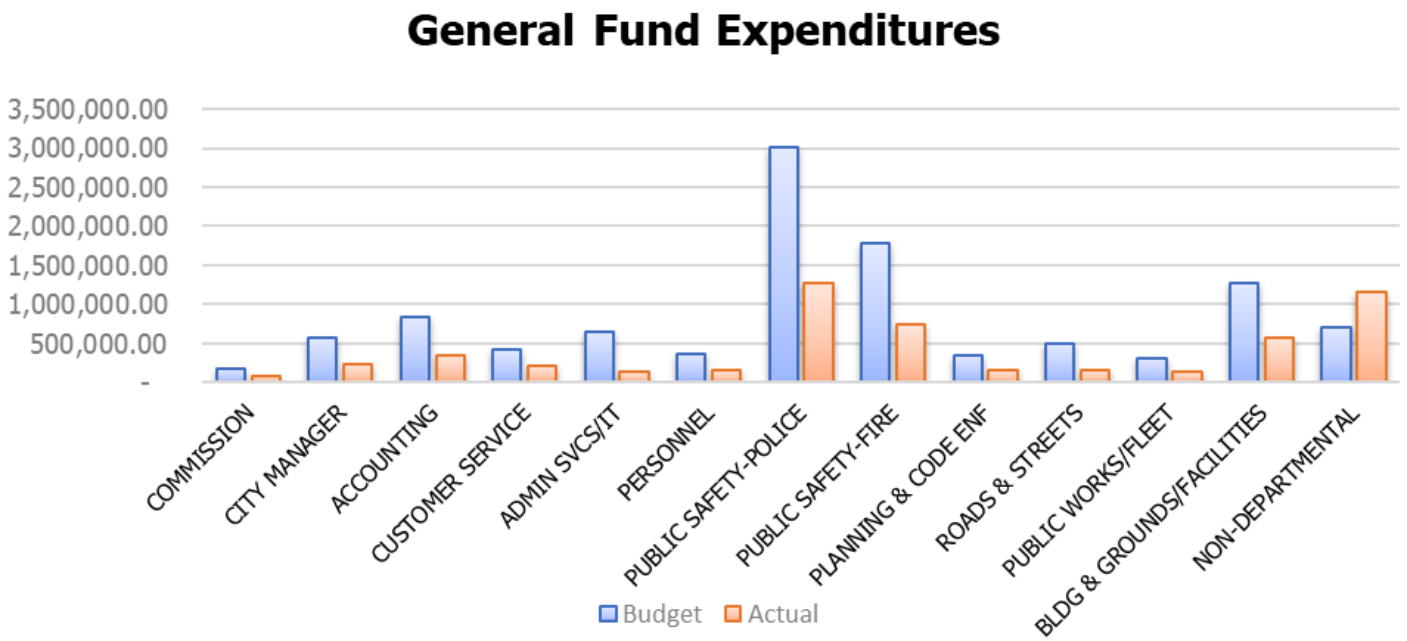
Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023

General Fund Expenditures

General Funds Expenditure Source	2019 Actual	2020 Actual	2021 Actual	2022 Actual	2023 Budget	2023 Oct-Mar Actual	% of Budget at Mid Year
Salaries	3,247,981	3,346,520	3,932,079	4,009,061	4,746,082	2,068,298	43.58%
Benefits	1,893,448	1,866,696	1,986,550	2,081,523	2,576,345	1,028,381	39.92%
Professional & Other Services	466,856	442,436	584,924	2,385,852	854,448	398,252	46.61%
Leases & Maintenance	1,381,205	1,279,052	1,305,000	2,385,852	1,425,692	540,536	37.91%
Supplies& Fuel expenses	270,064	302,941	302,130	554,429	490,215	168,083	34.29%
Machinery & Equipment	126,749	285,922	142,773	304,000	396,460	20,782	5.24%
Grants & Aids	1,000	-	25,000	56,000	41,500	25,000	60.24%
Transfers	139,689	120,098	422,970	4,688,188	389,159	122,338	31.44%



Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023

Community Redevelopment

CRA Funds Revenue Source	2019 Actual	2020 Actual	2021 Actual	2022 Actual	2023 Budget	2023 Oct-Mar Actual	% of Budge at Mid Yea
Property Taxes	1,169,068	1,176,350	1,253,952	1,289,675	1,463,810	1,461,831	99.86
Interlocal Share Tif	1,191,543	1,230,723	1,367,409	1,442,102	1,476,996	1,491,028	100.95
ECHO Grant	-	497,707	28,707	2,229,854	270,146	-	0.00
Events	-	-	-	-	-	7,117	

In January and February, budget adjustments of $50,000 each were added to the original budget of $59,500 for stadium events totaling $159,500. To date, expenditures total $81,163.

CRA Funds Expenditure Source	2019 Actual	2020 Actual	2021 Actual	2022 Actual	2023 Budget	2023 Oct-Mar Actual	% of Budget at Mid Year
Salaries	236,895	192,909	164,306	159,206	254,480	83,582	32.84
Benefits	140,618	109,382	76,785	65,419	121,200	33,956	28.02
Supplies & Other Expenses	848,559	431,702	409,834	538,545	867,657	432,120	49.80
Grants & Aids	131,141	55,105	71,014	184,787	491,843	40,446	8.22

The current CRA Project is Phase 3 Overhead to Underground Conversion. The total budget for this project is $3,651,091. Total activity and encumbrances equal $1,243,280 with a project balance of $2,407,810.

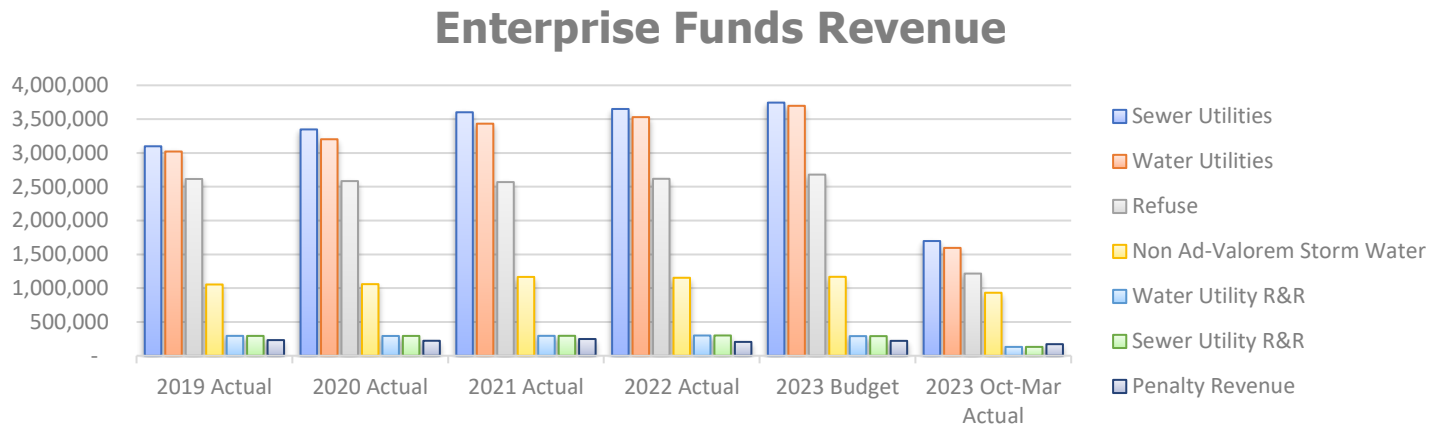
Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023

Enterprise Funds

Enterprise Funds Revenue Source	2019 Actual	2020 Actual	2021 Actual	2022 Actual	2023 Budget	2023 Oct-Mar Actual	% of Budget a Mid Year
Sewer Utilities	3,098,286	3,347,615	3,601,530	3,650,026	3,744,261	1,696,674	45.31%
Water Utilities	3,020,720	3,202,278	3,432,699	3,529,539	3,696,795	1,594,984	43.15%
Refuse	2,614,424	2,583,209	2,568,633	2,617,307	2,679,139	1,215,156	45.36%
Non Ad-Valorem Storm Water	1,053,731	1,058,915	1,165,721	1,153,186	1,167,285	931,568	79.81%
Water Utility R&R	293,690	292,315	294,230	299,025	290,000	130,420	44.97%
Sewer Utility R&R	293,152	292,919	294,604	299,581	290,000	130,596	45.03%
Penalty Revenue	231,191	221,390	247,127	204,553	220,000	170,996	77.73%



City increased utility fees by approximately 5.5% to maintain a revenue sufficiently adequate enough to fund upcoming operating and capital requirements as recommended by the utility rate study. Currently there are 5,832 active utility accounts serviced by Holly Hill.

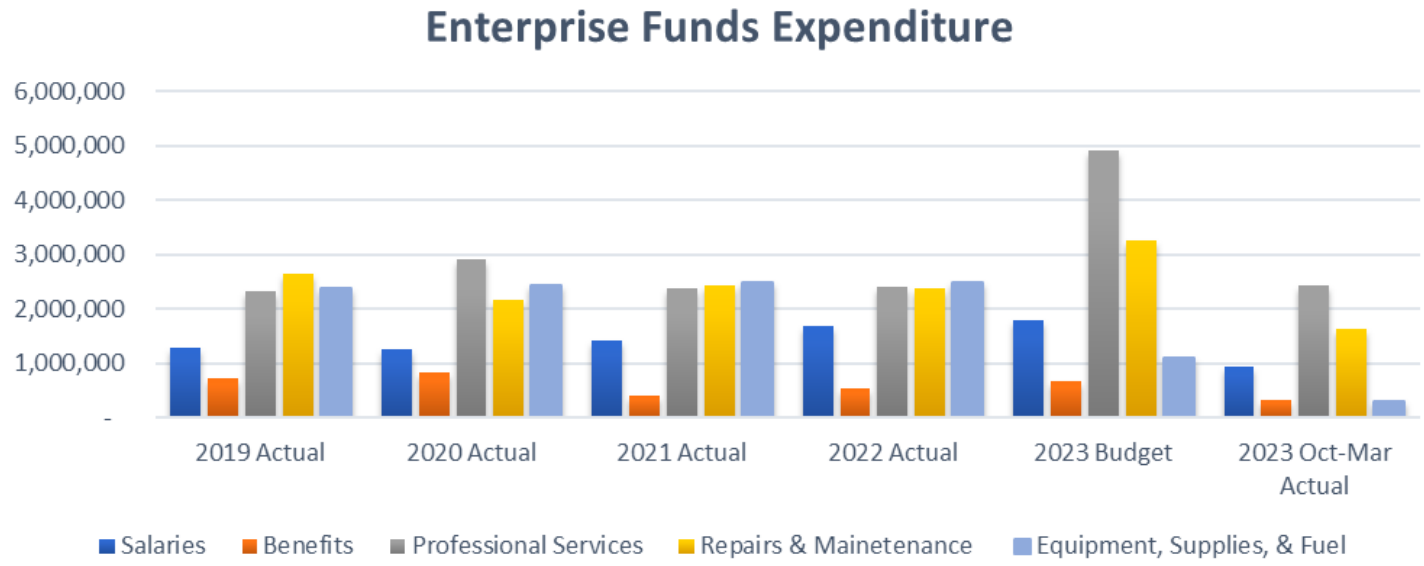
Billing is done in four cycles, reads are done weekly and reviewed for accuracy. Once complete, the billing packet process is run, file is sent to Enco to be mailed or emailed by Tyler depending on customer choice. Customers have a due date of a minimum of 21 days from invoice date. One to two business days after due date all unpaid accounts are penalized (15% of the outstanding balance) and phone notifications are sent to customers. From the date of the notification call the customers are given five business days to make payment before being disconnected.

Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023

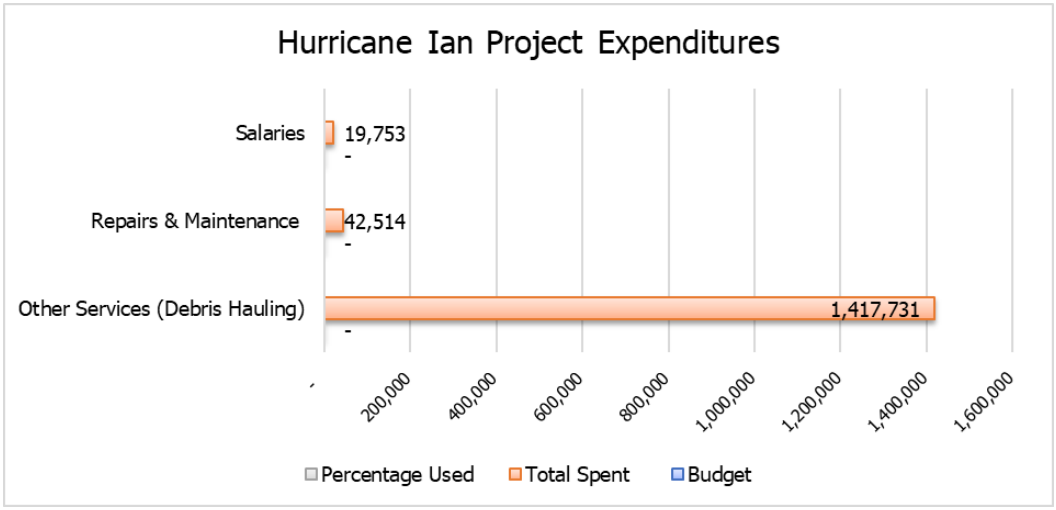
Enterprise Funds Expenditure Source	2019 Actual	2020 Actual	2021 Actual	2022 Actual	2023 Budget	2023 Oct-Mar Actual	% of Budget at Mid Year
Salaries	1,285,252	1,256,133	1,426,802	1,680,309	1,799,422.00	940,250.24	52.25%
Benefits	734,717	819,889	398,249	539,960	665,710.00	327,716.35	49.23%
Professional Services	2,324,487	2,920,236	2,379,874	2,417,752	4,915,056.00	2,444,294.64	49.73%
Repairs & Mainetenance	2,638,447	2,174,645	2,423,247	2,372,875	3,268,168.00	1,634,409.78	50.01%
Equipment, Supplies, & Fuel	2,391,830	2,440,764	2,486,635	2,473,434	1,088,517.00	307,083.93	28.21%



Professional Services Funds for advertising, landscaping, water treatment, & Waste Pro services.

Repairs & Maintenance Funds for rentals and leases, utility services, and insurance. This group also funds the repair and maintenance of fleet vehicles, generators, and equipment.

Equipment, Supplies & Fuel Purchases of operating supplies for water & sewer, equipment, and small tools. This also includes fleet vehicle fuel.



Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023

Capital Projects

Completed projects this year include:	Total Cost
Sunrise Park N South Seawall	48,260.00
Sunrise Park N North Seawall	691,713.00
Bridge Sunrise Park N & S	64,217.00
Park R& R Improvements	30,784.01
Chlorine Hoist – Engineering	313,671.00
Lift Station #17 Rehab	257,826.00
Lift Station #5 Rehab	251,784.77
Spotter Truck Purchase	17,175.00
AC Replacement Program FY22	16,252.00
YMCA AC Replacement FY22	36,766.83
Bulkhead Sunrise South	664,563.00
YMCA/Boys Club Sign	13,446.00
Lighting Improvements	14,892.30
Tuscaloosa Street Water Pipe Repair	103,698.00
Softener Rehab #1	186,500.00
Lift Station #11 Rehab	75,208.00

Ongoing projects include:	Total Budget
Flomich St Pipe Replacement	176,675.00
Public Works Building	210,000.00
Veterans Monument and Flag Pole	91,100.00
Tyler Incode	336,946.00
Lime Thickener Tank Rehab	72,750.00
Lime Silo Rehab	35,000.00
3rd St Water Main	489,374.00
Clearwell Pumps, Piping	400,000.00
Lift Station #19 Rehab	549,825.00
Sand Filter Rehab	423,998.00
Lift Station #20 Rehab	410,780.00
YMCA Roof Replacement	190,000.00
YMCA Generator	23,000.00
Fire Station	2,500,000.00
Old Fire Station Conversion	100,000.00
Seawall Riverside Park	800,000.00
Sunrise Park Improvements	650,000.00
Center St, Flomich, 10th St, and Walkers St Sidewalks	700,000.00
Phase 3 Overhead to Underground Conversion	3,651,090.05
Stormwater Pipe Lining	120,000.00
Mirage Drainage Pond	576,805.00
Riverside Duckbills	340,000.00
Pipe Lining	395,000.00

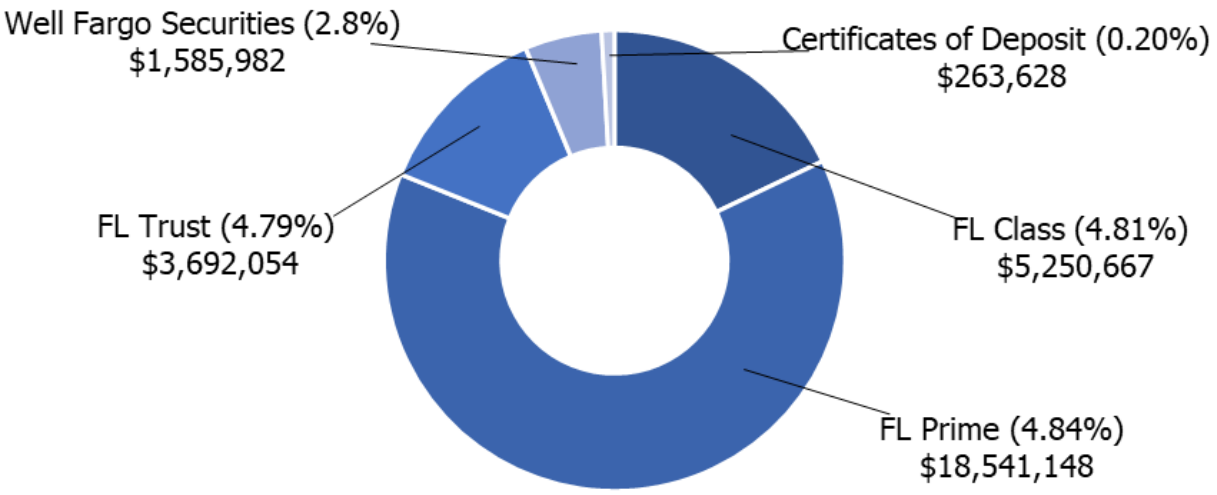
Completed paving projects this year:

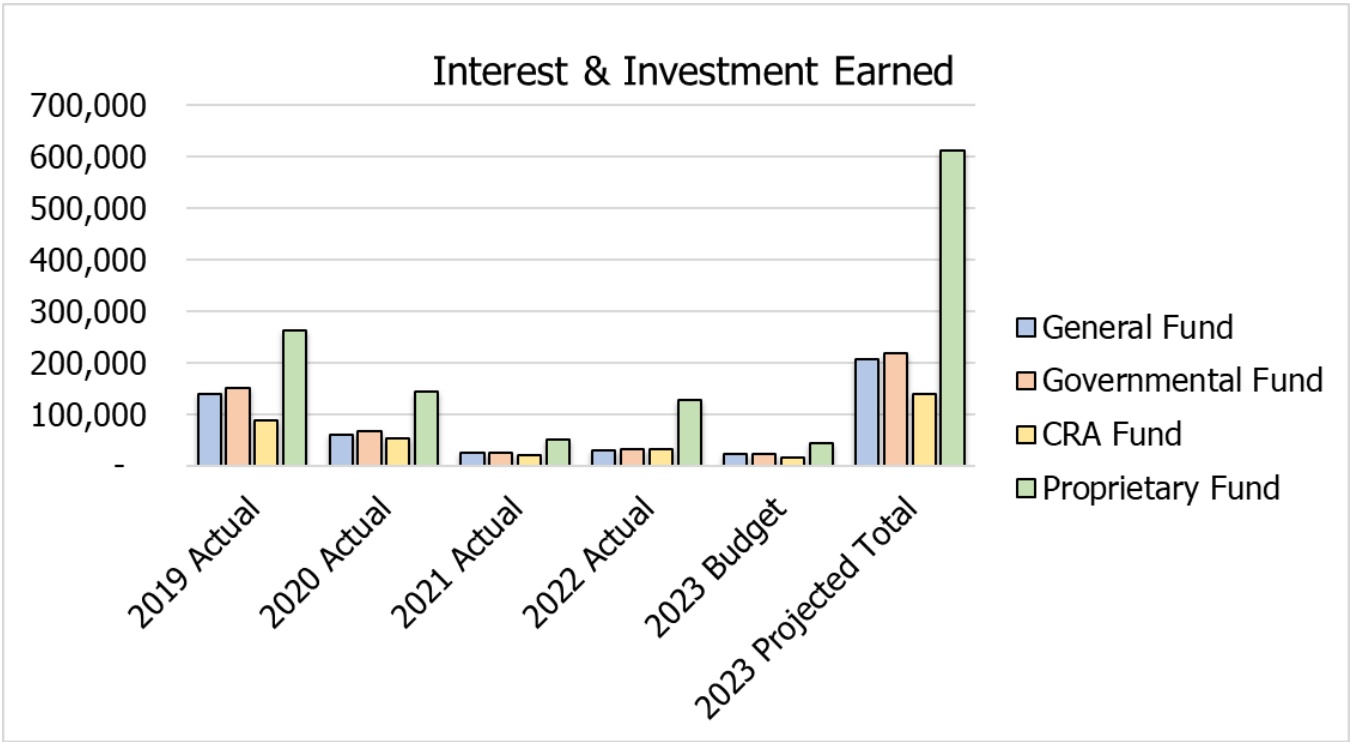
STREET NAME	LIMITS	LENGTH
12th Street	US1 to Riverside Drive	1,775 LF
15th Street	Linda Avenue to Hammock Drive	2,936 LF
3rd Street	Riverside Drive to US1	1,346 LF
Avondale Avenue	7th Street to 10th Street	2,002 LF
Cordova Avenue	Flomich Street to Grand Street	1,300 LF
Cherokee Ranch Road	10th Street to North end	1,459 LF

Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

City of Holly Hill
Midyear Budget Report
For the six-month period ending March 31, 2023

Investment Balance as of March 31, 2023





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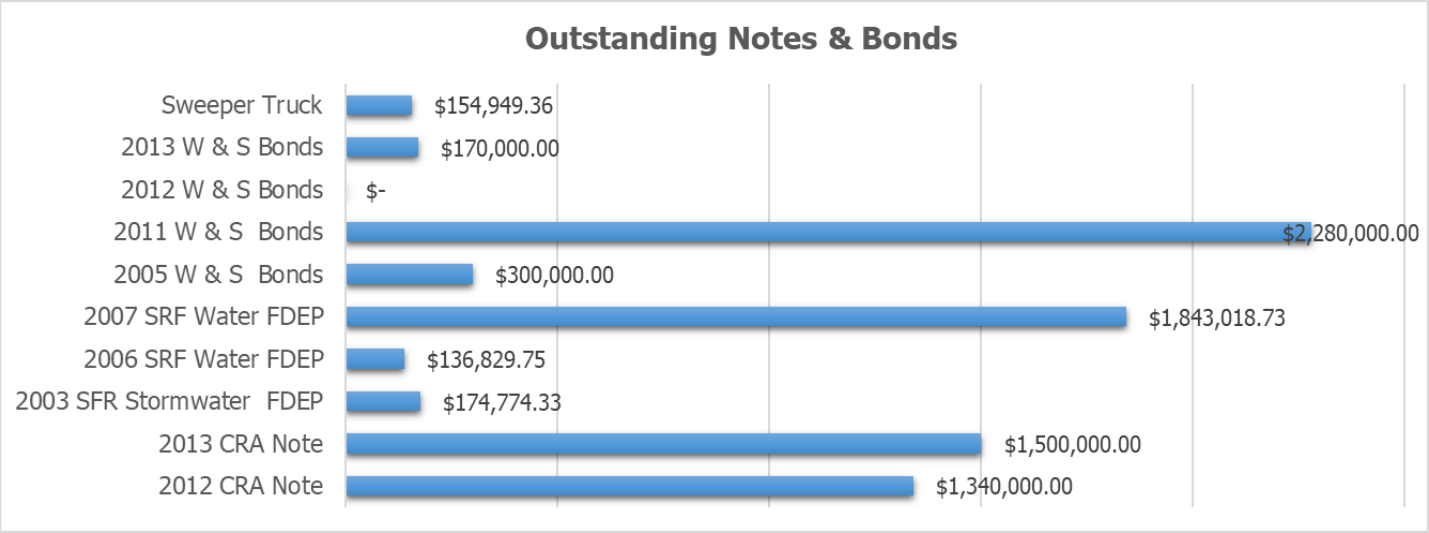
City of Holly Hill

Midyear Budget Report
For the six-month period ending March 31, 2023



Notes & Loans	Principal Balance	Purpose	Projected Principal Bal 09/30/2023
2012 CRA Note - 2.04%	$ 1,340,000.00	Refinanced 2005 note	$ 1,155,000.00
2013 CRA Note - 2.33%	$ 1,500,000.00	Capital Projects	$ 1,295,000.00
2003 SFR Stormwater FDEP - 3.27%	$ 174,774.33	Stormwater drainage improvements	$ 136,829.74
2006 SRF Water FDEP - 2.12%	$ 136,829.75	Water infiltration and inflow correction facilities	$ -
2007 SRF Water FDEP - 2.17%	$ 1,843,018.73	Water infiltration and inflow correction facilities	$ 1,698,384.79
2005 W & S Bonds - 3.82%	$ 300,000.00	W & S utility system improvements	$ 300,000.00
2011 W & S Bonds - 4.21%	$ 2,280,000.00	W & S utility system improvements	$ 2,280,000.00
2012 W & S Bonds - 2.37%	$ -	W & S utility system improvements	$ -
2013 W & S Bonds - 1.94%	$ 170,000.00	W & S utility system improvements	$ 170,000.00
Sweeper Truck - 3.36%	$ 154,949.36	Sweeper Truck	$ 126,940.50
	7,899,572.17		7,162,155.03

Attachment: Holly Hill Mid Year Report FY23 (4154 : Mid Year Budget Review FY 2023)

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: **June 13, 2023**
FROM: **Valerie Manning**
SUBJECT: **Minutes - May 23, 2023 - Regular City Commission Meeting**
NUMBER: **(ID # 4145)**
APPLICANT:
PLANNER:

DISCUSSION:

Minutes from the May 23, 2023 regular City Commission meeting.

MOTION:

Approve the minutes as submitted by staff.

- Minutes - May 23, 2023 - Regular City Commission meeting (PDF)

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● MAY 23, 2023

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

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.

At this time Mayor Via read into the record a Proclamation for **National Public Works Week,** which starts May 21 - 27, 2023 and handed over the proclamation to the Public Works Director Antoine Khoury.

2. PUBLIC COMMENTS

None.

3. APPROVAL OF MINUTES

1.

Minutes - May 9, 2023 Workshop and May 9, 2023 Regular City Commission Meeting

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

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

Enacted and approved this 23rd day of May, 2023, in Holly Hill

Attachment: Minutes - May 23, 2023 - Regular City Commission meeting (4145 : Minutes)

4. CONSENT AGENDA - ITEMS (1 - 2)

1. –2023-R-26 Resolution

A Resolution in Support of the Florida Department of Transportation's Mason Avenue (From N. Clyde Morris Boulevard to N. Beach Street) Resurfacing Project (Phase I), and Long Term Improvements (Phase II); Providing for Conflicts; Providing for Severability and Providing an Effective Date.

(Requested by Valerie Manning, City Clerk)
Mayor Via asked if there was anyone in the audience who wished to speak on any item on the Consent Agenda or if any member of the Commission wished to pull an item for further discussion. There was no one.

Mayor Via opened public participation. No one spoke.

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

RESOLUTION
2023-R-26
A RESOLUTION IN SUPPORT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION'S MASON AVENUE (FROM N. CLYDE MORRIS BOULEVARD TO N. BEACH STREET) RESURFACING PROJECT (PHASE I), AND LONG TERM IMPROVEMENTS (PHASE II); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION IN SUPPORT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION'S MASON AVENUE (FROM N. CLYDE MORRIS BLVD. TO N. BEACH STREET) RESURFACING PROJECT (PHASE I), AND LONG TERM IMPROVEMENTS (PHASE II); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation ("FDOT") is conducting a Corridor Planning Study for Mason Avenue (a/k/a SR 430) from North Clyde Morris Boulevard to North Beach Street (the "Mason Avenue Project"), to evaluate both short-term and long-term

Attachment: Minutes - May 23, 2023 - Regular City Commission meeting (4145 : Minutes)

improvements to Mason Avenue that would enhance multimodal safety, operations, and connectivity for all forms of travel; and

WHEREAS, the Mason Avenue Project is being conducted in partnership with the City of Holly Hill, FDOT, Volusia County, the City of Daytona Beach, the Votran Transit Agency, and the River to Sea Transportation Planning Organization; and

WHEREAS, as part of the study, two improvement concepts are being recommended to address the existing and future needs for the corridor; and

WHEREAS, Phase I, the shorter-term resurfacing improvements, will include spot improvements and enhance the corridor through safety measures and speed management. Phase I is currently funded and scheduled for construction by FDOT in FY 2025; and

WHEREAS, Phase II, the longer-term improvements, will include a reconstruction of the corridor, with consistent travel lane width, new or relocation of outside curbs, and a 10-foot shared use path on both sides of Mason Avenue. Phase II is not currently funded by FDOT; and

WHEREAS, the City requests that FDOT consider the following elements in the design and construction of the Mason Avenue Project, Phase I:

- Concrete traffic separators should be used instead of plastic dividers within the hardened centerline.
- Where warranted, pedestrian activated flashing light crosswalks should be installed for pedestrian use and safety.
- Continuous sidewalks should be installed along the corridor for pedestrians where possible given the constraints of the existing corridor.
- Additional safety measures should be installed at the railroad crossing for all modes of travel where warranted and feasible; and

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WHEREAS, the City requests that FDOT consider the following during the design and construction of the Mason Avenue Project, Phase II:

- Investigate the possibility of incorporating left and right turn lanes at intersections where warranted.
- Investigate the drainage system and incorporate drainage improvements that will effectively drain the road surface during rainfall events while not adversely impacting the adjacent and downstream areas of the watershed.
- Provide multimodal shared use paths on both sides of Mason Avenue to enhance pedestrian and bicycle safety.
- Form a project visioning team consisting of representatives from FDOT, the City, other municipalities, and stakeholders. The purpose of the team will be to provide input to the design team so that the needs of the stakeholders are adequately considered and addressed in the design of the project; and

WHEREAS, the City of Holly Hill hereby expresses its support for the Mason Avenue Project, Phase I and Phase II, and timely completion by FDOT because it will improve traffic and pedestrian safety, provide operational improvements at intersections, and increase corridor capacity; and

WHEREAS, the City Commission hereby expresses an interest in and may consider at a later date, joint funding with FDOT if necessary to expedite completion of Mason Avenue Project, Phase II.

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

SECTION 1. The City Commission hereby supports FDOT's Mason Avenue Project, Phase I, as further described in the Recitals.

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SECTION 2. The City Commission hereby supports FDOT's Mason Avenue Project, Phase II, as further described in the recitals.

SECTION 3. The City Clerk is hereby directed to provide a copy of this Resolution to:

Florida Department of Transportation
District Five Secretary
719 South Woodland Boulevard
DeLand, FL 32720

SECTION 4. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 23rd day of MAY, 2023.

Enacted and approved this 23rd day of May, 2023, in Holly Hill

2. -2023-R-27 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Piggyback of Volusia County Master Agreement Ma 32391A, Approving the Purchase of Diesel from Petroleum Traders Corp in an Amount Not to Exceed $30,000 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 participation. No one spoke.

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

RESOLUTION
2023-R-27
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGYBACK OF VOLUSIA COUNTY MASTER AGREEMENT MA 32391A, APPROVING THE PURCHASE OF DIESEL FROM PETROLEUM TRADERS CORP IN AN AMOUNT NOT TO EXCEED $30,000 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 PIGGYBACK OF VOLUSIA COUNTY MASTER

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AGREEMENT MA 32391A, APPROVING THE PURCHASE OF DIESEL FROM PETROLEUM TRADERS CORP IN AN AMOUNT NOT TO EXCEED $30,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, diesel fuel is needed in the City to provide for use in diesel engines as well as the backup generator for the Public Works Department; and

WHEREAS, Petroleum Traders Corp has an active Master Agreement 32391A with Volusia County for the purchase of diesel fuel which the City of Holly Hill may piggyback; and

WHEREAS, adequate budgets are available within the divisional funds to pay for the purchase of diesel fuel in an amount not to exceed $30,000.

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

SECTION 1. That the Commission of the City of Holly Hill approve the piggybacking of Volusia County Master Agreement 32391A with Petroleum Traders Corp.

SECTION 2. That the Commission of the City of Holly Hill approve a purchase of diesel fuel from Petroleum Traders Corp in an amount not to exceed $30,000, 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 23rd day of MAY, 2023.

Enacted and approved this 23rd day of May, 2023, in Holly Hill

5. REGULAR AGENDA

1. 2023-R-28 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving a Proposal from Zev Cohen and Associates to Prepare Project Design and Construction Administration Services for the Ross Point Paving Project in the Amount of $33,415.00 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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RESULT:	**DIES FOR LACK OF VOTE/MOTION**

2. –2023-R-29 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Rejecting All Bids Due to the Fact that the Lowest Bid Exceeded the Budgeted Amount. Approving the Piggyback of the Florida Sheriffs Association Contract #FSA20-EQU18.0 with Thompson Pump and the Purchase in the Amount of $107,242 for the Purchase of a 10" Compressor-Assisted Primer Pump for Lift Station #4, 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 participation. No one spoke.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Danio, Johnson

RESOLUTION
2023-R-29
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, REJECTING ALL BIDS DUE TO THE FACT THAT THE LOWEST BID EXCEEDED THE BUDGETED AMOUNT. APPROVING THE PIGGYBACK OF THE FLORIDA SHERIFFS ASSOCIATION CONTRACT #FSA20-EQU18.0 WITH THOMPSON PUMP AND THE PURCHASE IN THE AMOUNT OF $107,242 FOR THE PURCHASE OF A 10" COMPRESSOR-ASSISTED PRIMER PUMP FOR LIFT STATION #4, 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, REJECTING ALL BIDS, APPROVING THE PIGGYBACK OF THE FLORIDA SHERIFFS ASSOCIATION CONTRACT #FSA20-EQU18.0 WITH THOMPSON PUMP AND THE PURCHASE IN THE AMOUNT OF $107,242 FOR THE PURCHASE OF A 10" COMPRESSOR-ASSISTED PRIMER PUMP FOR LIFT STATION #4, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bids have been received for a bypass pump and installation for Lift Station #4 with the lowest bid at $1,328,375; and

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WHEREAS, this bid exceeds the estimated cost of $830,000; and

WHEREAS, The Florida Sheriffs Association has a contract #FSA20-EQU18.0 with Thompson Pump for the purchase of a bypass pump; and

WHEREAS, the City has received a proposal for a direct purchase of a 10" compressor-assisted primer pump from Thompson Pump at a cost of $107,242; and

WHEREAS, Lift Station #4 project will be rebid after the bypass pump is received to ensure no delay to completion of the project.

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

SECTION 1. The City Commission hereby rejects all bids for the reason that the lowest bid exceeded the budgeted amount.

SECTION 2. That the City Manager of the City of Holly Hill is hereby authorized to piggyback the Florida Sheriffs Association Contract #FSA20-EQU18.0 and execute a direct purchase of a 10" compressor-assisted primer pump with Thompson Pump in the amount of $107,242.00.

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 23rd of MAY, 2023.

Enacted and approved this 23rd day of May, 2023, in Holly Hill

3. -DOC-2023-4

Alley Use Agreement Between the City of Holly Hill and the Owners of 726 / 730 Ridgewood Avenue

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

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

Enacted and approved this 23rd day of May, 2023, in Holly Hill

4.

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Request for Lien Reduction - 128 2Nd Street

(Requested by Joseph Forte, City Manager)
Commissioner Johnson made a motion to ***REDUCE THE LIEN FROM $9,100 TO $1,377.43. PAYMENT MUST BE RECEIVED NO LATER THAN JUNE 23, 2023. FAILURE TO PAY WILL RESULT IN THE LIEN NOT BE REDUCED OR RELEASE WITH NO OPTION FOR ANOTHER REQUEST AND THE CITY MAY FILE A FORECLOSURE ON THE PROPERTY,*** *seconded by Commissioner Danio.*
Mayor Via opened public participation. No one spoke.

PASSED, 4-0.

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

Enacted and approved this 23rd day of May, 2023, in Holly Hill

6. PUBLIC HEARINGS - NONE

None.

7. COMMUNICATIONS

A. City Manager Comments

Mr. Forte mentioned that he put in front of each of the Commissioners the Mid-Year Budget Report FY22-23 that will be on the next agenda and giving this to them in advance before the next meeting. Mr. Forte let the Mayor and Commissioners know that he will not be at the next meeting due to being on vacation but he knows that Michele, the Finance Director, will be able to and capable of answering any questions that they may have. If there's anything that comes up, they can certainly follow up with everyone, if need be. Michele put this report together. It's much cleaner than we've seen in the past because of the program that the city is using; it's coming out of the Tyler system and some internal work that the staff does themselves.

B. City Attorney Comments

C. City Commission Comments

Commissioner Danio stated sometimes it gets a little frustrating up here when we're trying to do the right thing without the right funds sometimes. We can only do what we can do.

Commissioner Johnson mentioned there is a TPO meeting tomorrow morning.

Commissioner Penny made a motion to ***EXCUSE Commissioner Currie. She's not on vacation. She has back problems****, seconded by Commissioner Danio.*

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Mayor Via opened public participation. No one spoke.

PASSED, 4-0.

Commissioner Penny spoke briefly about the entertainment events at Pictona, specifically the concerts at Pictona and had some suggestions for the next concert. The concert last Friday was well attended but still not at the level he would like to see. He doesn't know what the barrier is, he doesn't know what the problem is. He knows the first two free concerts were very full. We're in competition with One Daytona who does free concerts on Friday nights and the Bandshell does free concerts on Saturday nights all throughout the entire summer. Pictona has its Dueling Pianos on June 15th and then in August and in October. There's an expense for the city to put these events on and we all want to try and recover as much on those expenses as possible but I think in this first year I think we need to stack the deck and we need to fill that stadium and if we fill the stadium with free or reduced tickets, the energy will be higher with six or seven hundred people there, the energy level won't double from three hundred, he thinks it will multiply three or four times that and create a better experience for everyone there. There was some further discussion by the Mayor and Commissioners. Commissioner Penny made a suggestion of making the next event free, the Dueling Pianos, by making the bleachers free and pack the place, charge $5.00 for parking because if we pack it we're going to have to have organized parking there and reduce the floor seats to $10.00. Just pack the stadium. He would like to have an experiment with this next one and make it free. If they can pack the stadium then maybe the $10.00 is the barrier. We have a world class facility and amazing entertainment over there and no one is going to see it. Maybe $10.00 was too much; $60.00 is a lot to go to one of these things when you can go to the Bandshell for free but when you go to the Bandshell you have to pay $12.00 to park.

Mayor Via stated he agrees with Commissioner Penny but he wants to remind the Commission that when we started this the goal and the goal still is to never make money. We had all stated that we knew that going into this the first year we were going to lose money. Anything we do as a service to the city, you can consider losing money so he doesn't consider it losing money. What we looked at as a new venue we knew that we were going to have to have to put out money that wasn't going to come back yet. For years they all heard from the constituents that they would like to see music in the park and that is what the Commission has provided. This is a public service that is provided. The amount of feedback that he gets is outstanding. He understands and is right there with Commissioner Penny. He is willing to…we have to invest. A lot of people still don't know the music venue or whatever venue it becomes, they don't know necessarily that it's happening yet and that's a thing that has to build momentum. There was some more discussion amongst the Mayor and Commissioners.

Commissioner Penny made a motion ***FOR THE DUELING PIANOS FOR JUNE 15, 2023 WE REDUCE THE COST FOR THE BLEACHERS TO ZERO AND THE FLOOR SEATS REDUCED TO $10.00 AND THE BOX SEATS FEE BE LEFT ALONE****, seconded by Commissioner Danio.*

Mayor Via opened public participation.

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MaryAnn (Commissioner Danio's daughter), Daytona Beach spoke.

Mayor Via closed public participation.

PASSED, 4-0.

D. Mayor's Comments

Mayor Via asked if Commissioner Penny was going to bring up the wind-pool stuff. He doesn't know if Attorney Simpson and Mr. Forte have looked into yet or not. Are you going to bring it up tonight?

Commissioner Penny stated he wasn't going to. He doesn't know if there's…

Mayor Via stated he doesn't know if they did research or not. He just wanted an update. Is there anything more on the wind-pool insurance?

Attorney Simpson stated, yes. He thinks he found the Statute that regulates that.

Commissioner Penny stated Attorney Simpson, the challenge that I had when I read through it is that it references JUA (Joint Underwriting Association), which doesn't exist and Citizens (Citizens Insurance Florida) wasn't around until 2002.

Attorney Simpson stated basically, the Statute is going to require us…and it started to refresh a little bit more of his recollection going through it but he thinks no one had ever actually asked to get "out" of the wind-storm pool, which is what South Daytona wanted to do. People try to get into the wind-storm pool and there's criteria that you have to show to do that. You have to show that there are mortgages being foreclosed in the area that due to the lack of wind-storm insurance and banks are not making new mortgages because of the lack of wind-storm. You have to show both of those.

Mr. Forte stated we don't even have any knowledge of that. I don't know how we would get that information.

Commissioner Penny stated and he gets that. He's trying to prevent that because it's coming.

Attorney Simpson stated but I guess we can't get in…

Commissioner Penny stated we can't get it until it gets bad.

Attorney Simpson stated, yes.

Commissioner Penny stated it has to get bad before it gets better.

Attorney Simpson stated it's not a proactive process, it's reactive. We have to get into a bad situation then we can ask to get in.

Mayor Via stated, okay.

Attorney Simpson stated that's at least the Statute he came across and he included to Mr. Forte the Statute, a couple of court cases and some articles…

Mr. Forte stated he forwarded it on to the Mayor and Commissioners.

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Mayor Via stated yes, you sent it out.

Mr. Forte stated there's a lot of information.

Attorney Simpson stated, yes. There's court cases where the court ruled that they weren't eligible to get in because they didn't meet all criteria. They only met part of the criteria or they couldn't use surrounding areas, problems with surrounding areas, for areas to get into. They were trying to get a particular part of one county into and they were trying to use other parts of the county as the problem as to support the area they were trying to get into and the courts didn't allow that either. But there is a process and you have to show all of those elements.

Commissioner Penny stated and it may not hurt to talk with our elected officials to see how the process might be changed.

Mayor Via stated that's what I was going to ask you, being an insurance guy, you obviously know a lot about this, is I wonder if this should be more of a State issue because this will affect more than just us. This is coming down the line and it's going to affect a lot of municipalities, citizens, business owners, correct?

Commissioner Penny stated from what he understands the problem with the line for the wind-pool is in South Florida. It's typically a straight line. They used I-95. In this part of the State it's willy-nilly, there's no rhyme or reason.

Attorney Simpson stated they did it by city limits.

Commissioner Penny stated, yes.

Attorney Simpson stated and then city limits change.

Commissioner Penny stated and the West of I-95 here wasn't…but then Daytona expanded west so that automatically expanded the pool, where they should have drawn the line at I-95 and put us in the pool and kept them out of the pool. In my opinion it makes sense to make a line…a river, the Halifax River, I don't know, I-95…there needs to be so it's all in the same place.

Mr. Forte asked is this a legislative thing?

Commissioner Penny stated, yes.

Mr. Forte asked should we get with our local delegates?

Commissioner Penny stated that's what I'm thinking.

Attorney Simpson stated, yes.

Mr. Forte stated maybe even go a little further, should the Volusia League of Cities take it on as a project as a delegation item for next year?

Commissioner Penny stated it's unique to us because most of the other cities are in it, we're out of it.

Mr. Forte stated and they don't typically do a one city request.

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Commissioner Penny stated, right.

Mayor Via asked are all the Eastern Volusia…in it? All of us? Even Daytona?

Commissioner Penny stated Daytona's in it, Ormond's in it…

Mayor Via stated New Smyrna, Edgewater, South Daytona.

Attorney Simpson stated Daytona is in it, Holly Hill is not in it. We are not in the wind-pool.

Commissioner Penny stated we are not in it.

Attorney Simpson stated he's not sure if Port Orange is or not.

Commissioner Penny stated parts of it are. He will get the map and you will look at the map and it makes no sense how can…

Attorney Simpson stated if he can get the map for the whole State because his recollection and he couldn't find the documents he was looking for but his recollection is this area is the only area in the State that did (? not audible here); it was more of a static line. We were by jurisdictional boundaries and there's no difference really between Holly Hill and Daytona to Nova Road, that's where our boundary ends more or less, why are we not in and Daytona, South Daytona are in. But there's another one that's not in and he thinks it would be Port Orange.

Commissioner Penny stated he thinks part of it is because Port Orange has some of it on the beach side and the beach side of Port Orange is in. That parts in.

Attorney Simpson asked the beach side is in?

Commissioner Penny stated beach side is in.

Mayor Via stated my thing is, Commissioner Penny, I don't know enough about this. This is not my forte. I do have talks all the time with our legislatures and to me it sounds like this isn't necessarily a huge problem right now but it really could become that and catastrophic and we, in government, sometimes don't act until it's too late and we may need to be more proactive as Attorney Simpson was mentioning. Mayor Via stated he doesn't understand this enough and he can't talk to Commissioner Penny outside the meeting because he doesn't know if maybe some day we will vote on this on as a Commission.

Attorney Simpson stated it's probably not a good idea to talk about it outside of the meeting because foreseeable it could come back for a vote.

Mayor Via stated it could come up to ask if we want to come in but he does see it more as a regional type of issue and he knows that Commissioner Penny is on the Volusia League of Cities Board if he wants to bring it up with them.

Commissioner Penny stated there's a meeting Thursday night.

Mayor Via stated, okay.

Attorney Simpson stated you may not have, even though you may think it would make

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sense to have unanimous support because this does make sense, say we drew the line at I-95 but you may have areas in Port Orange, Daytona and Ormond now that fall out.

Commissioner Penny stated, right.

Attorney Simpson stated we might get some opposition from them saying, "No, we like the lines where they are." So, there's those issues, potentially.

Mayor Via stated it's a complicated issue but he knows that Commissioner Penny is well versed in it and if he could report back to the Commission if he brings it up to the Volusia League of Cities in what their stance might be. Quite honestly, they probably don't know about it so Commissioner Penny may have to educate them. He thanked Commissioner Penny for that. Mayor Via stated another thing he wanted to bring up is that our thoughts and prayers are still with Officer Cronk. He hopes that he is doing well. At the last meeting he asked the Commission for support for implementing a Narcan policy being placed in the schools and he did send off that letter. The School Board is meeting tonight and he will follow up with that. He has spoken to Carl Persis and he was thankful for the city's support and appreciated the letter and he is in support for this policy as well and hoping they can get it in place for next school year. Last night he was with Representative Wright, Tremont and Leek and he expressed the city's sincere heartfelt thanks for the city's appropriations this year and he asked for the status of it. Specifically, from Representative Leek, he spoke with the Governor late last week and they had many questions about many appropriations but they did not have any questions on Holly Hill's appropriations. Representative Leek said that's a really good thing or it could be a bad thing that they didn't have to even ask him anything about it and maybe the Governor may have stricken the city's projects. Representative Leek said it in a laughing tone so I took it that it's hopefully a good thing. Mayor Via asked when should the city know and he said he should know probably in a week or so, maybe two weeks. He will update the Commission at the next meeting.

8. ADJOURNMENT

The meeting adjourned at approximately 7:20 PM.

Attachment: Minutes - May 23, 2023 - Regular City Commission meeting (4145 : Minutes)

HOLLY HILL
FLORIDA

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: **June 13, 2023**
FROM: **Antoine Khoury**
SUBJECT: **A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Sole Source Upgrade of the Filter Control Panel at the Water Treatment Plant by Roberts Water Technologies, Inc., and Authorizing the City Manager to Approve a Purchase Order in the Amount of $51,626.00; Providing for Severability; and Providing for an Effective Date.**
NUMBER: **2023-R-30**
APPLICANT:
PLANNER:

DISCUSSION:

The water filter controller interface is malfunctioning and will require a replacement due to its obsolescence. Filter controls and interfaces for the City of Holly Hill's Water Treatment Plant are proprietary to Roberts Water Technologies, Inc. Roberts has factory trained service technicians to inspect, repair and replace any of these products and is a sole source provider. The sole source letter is attached as 'Exhibit A'.

SECTION F - SOLE SOURCE AND STANDARDIZATION

Sole source or Standardization procurement is exempt from bidding procedures. The using department must submit to the Finance Department in writing for his/her approval the attempts made, or the data collected to substantiate declaring a product or service "sole source". The City Commission must approve the award of the contract if the dollar amount exceeds $25,000.

SOLE SOURCE

The following criteria must be met in order to satisfy the sole source or proprietary source requirement:

- It is the only item that will produce the desired results (or fulfill the specific need) …or
- The item is available from only one source of supply … or
- The item is available from more than one vendor but due to extreme circumstances, only one vendor is suited to provide the goods or services.

Sole source and proprietary source purchases are exempt from competitive requirements. However, all sole source requisitions exceeding $10,000 in value will be electronically advertised for a period of at least 5 business days. The steps to follow for sole source and proprietary source purchases are as follows:

a. The User Department/Department and the Finance Department shall attempt to locate competition. Staff will also check for piggyback contracts. If no other sources are found, the User Department/Department shall submit to the Finance Department a completed sole source/proprietary source form, indicating the requisition number.

b. A sole source or proprietary source form shall be used to justify and document the requirement. The form shall state why only one source can produce the desired results (or fulfill the specific need).

c. The Finance Department will electronically post on the City website a description of all requisitions meeting the requirements for competitive pricing per Florida Statute for a period of at least seven (7) business days after the receipt of a completed sole source form from the department.

d. The Finance Director shall review and approve or disapprove, in writing; sole source/proprietary source designation.

e. The User Department/Department shall be notified of disapproved requests and the purchase shall be made in accordance with standard procedures.

f. When the Finance Director approves a sole or proprietary source, staff shall conduct negotiations on price, delivery, and terms. The price must be determined fair and reasonable.

g. The Finance Department shall keep a log of sole/proprietary source purchases, which includes the vendor name, the amount, item description, justification, and the purchase order number.

h. For those instance that services are needed involving multiple years (i.e. maintenance of equipment, warranty, etc.) the request must be combined to capture the project, as a whole, and the proper approval must be obtained.

Roberts Water Technologies, Inc. submitted a proposal in the amount of $51,626.00 for the modification of the filter control panel, field instrumentation and field service for the upgrade to the filter control panel at the Water Treatment Plant which is attached as ‘Exhibit B’.

FISCAL ANALYSIS:

There are adequate funds in account 407-8110-580-6400 to provide for this work.

STAFF RECOMMENDATION:

Approve a contract with Roberts Water Technologies, Inc. as a sole source provider to upgrade the filter control panel at the Water Treatment Plant in the amount of $51,626 and authorize the City Manager to execute the same .

COMMISSION GOAL:

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

MOTION

APPROVE A CONTRACT WITH ROBERTS WATER TECHNOLOGIES, INC., AS A SOLE SOURCE PROVIDER TO UPGRADE THE FILTER CONTROL PANEL AT THE WATER TREATMENT PLANT IN THE AMOUNT OF $51,626 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.

ATTACHMENTS:

- Exhibit A - Roberts Water Technologies (PDF)
- Exhibit B - Roberts Water Tech Proposal (PDF)

Resolution No. 2023-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SOLE SOURCE UPGRADE OF THE FILTER CONTROL PANEL AT THE WATER TREATMENT PLANT BY ROBERTS WATER TECHNOLOGIES, INC., AND AUTHORIZING THE CITY MANAGER TO APPROVE A PURCHASE ORDER IN THE AMOUNT OF $51,626.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A CONTRACT WITH ROBERTS WATER TECHNOLOGIES, INC., AS A SOLE SOURCE PROVIDER TO UPGRADE THE FILTER CONTROL PANEL AT THE WATER TREATMENT PLANT IN THE AMOUNT OF $51,626 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the water filter controller interface at the City of Holly Hill Water Treatment Plant is malfunctioning and needs to be replaced due to it being obsolete; and

WHEREAS, the filter controls and interfaces for the City of Holly Hill Water Treatment Plant are proprietary to Roberts Water Technologies, Inc.; and

WHEREAS, by Section 30-71 of the Holly Hill Code of Ordinances, "Where there is a single source, where standardization is determined to be in the best interest of the city, or where solicitation of bids is otherwise deemed to be inappropriate, the purchase of supplies, equipment and contractual services may be made by negotiation without regard to the cost negotiated contracts with a cost in excess of $25,000.00 must be approved by the City Commission prior to execution by the city"; and

WHEREAS, Roberts Water Technologies, Inc., has submitted a proposal for $51,626.00 to perform this project.

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

SECTION 1. Roberts Water Technologies, Inc., is hereby determined to qualify as a sole source contractor pursuant to the City's Code of Ordinances.

SECTION 2. The City Manager is authorized to issue a purchase order to Roberts Water Technologies, Inc., to provide the required equipment, field instrumentation and

field service in an amount of $51,626.00.

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. That the Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 13th day of JUNE, 2023.

Roberts Water Technologies, Inc.
Innovations for Generations

180 Water Works Road • Coatesville, PA 19320
www.robertsfilter.com • p 610.583.3131 • f 610.583.0117

October 14, 2022

City of Holly Hill
1065 Ridgewood Ave.
Holly Hill, FL 32117

Attention: Mr. Jeff Jacobson

Reference: Holly Hill WTP
453 LPGA Blvd.
Holly Hill, FL 32117

Subject: Roberts' Filter Equipment at Holly Hill WTP

Dear Mr. Jeff Jacobson:

This letter is to confirm that the equipment supplied by Roberts Water Technologies, Inc. for the Holly Hill Water Treatment Plant is proprietary products of Roberts.
Roberts has factory trained service technicians to inspect, repair and replace any of these products.

Please let me know if there are any other questions regarding this matter. Thank you.

Respectfully yours,
ROBERTS WATER TECHNOLOGIES, INC.

Mike Patrone
Inside Sales

Attachment: Exhibit A - Roberts Water Technologies (2023-R-30 : WTP Filter Control Panel Upgrade)

Roberts Water Technologies, Inc.
Innovations for Generations

180 Water Works Road • Coatesville, PA 19320
www.robertsfilter.com • p 610.583.3131 • f 610.583.0117

May 25, 2023

City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, FL 32117

Attention: Mr. Jeff Jacobson

Reference: Holly Hill Water Treatment Plant
Roberts' Contracts No. 2839-T & 3605-T

Subject: Roberts' Proposal RO 22-1104-T

Mr. Jacobson:

Roberts Water Technologies, Inc. ("Roberts") is pleased to offer the below scope of supply equipment for upgrading the Filter Control Panel("FCP") at the Holly Hill, FL facility.

Filter Control Panel Modifications

1. The existing Hoffman NEMA enclosure will be reused.
2. The panel will have the following new items:
    a. Allen-Bradley("AB") CompactLogix Processor(pre programmed) 1769-L33ER with a 2 GB flash card
    b. 10" Allen-Bradley Panelview Plus7 HMI(pre programmed) with a 2 GB flash card
    c. Adapter plate for HMI
    d. Three(3) Allen-Bradley 16 pt Digital Input Modules 1769-IQ16
    e. Two(2) Allen-Bradley 16 pt Digital Output Modules 1769-OW16
    f. Two(2) Allen-Bradley 8 ch Analog Input Modules 1769-IF8
    g. One(1) Allen-Bradley 8 ch Analog Output Module 1769-OF8C
    h. One(1) Phoenix 8 port ethernet switch
    i. One(1) Allen-Bradley power supply 1769-PA4
    j. One(1) Ewon VPN router
    k. One(1) Rhino power supply, 24VDC, 735 amp
    l. A sufficient amount of new terminal blocks, fuse blocks, fuses ground terminals, end clamps, relays and circuit breakers.

Note: All of the above items will be installed and wired in the panel, by Roberts.

Attachment: Exhibit B - Roberts Water Tech Proposal (2023-R-30 : WTP Filter Control Panel Upgrade)

Field Instrumentation

1. Roberts will provide two(2) Flow Line Ultrasonic Level Transmitters.
2. Roberts will provide all the necessary brackets for installation of the Ultrasonic Level Transmitters.

   Note: Field wiring of the above instrumentation is by others, with guidance from Roberts.

Field Service

The supervisory services of a Roberts Representative shall be provided up to a maximum number of days and trips as listed below.

Six(6)) Days Service
One(1) Round Trip

Note: This proposal includes only supervisory service. NO installation, or equipment/labor is included.

Service to be provided by Roberts shall be strictly limited to the number of days and trips as detailed above, regardless of contractor's or engineer's interpretation of service requirements contained within the specifications.

No credit or refunds will be made for any unused service days and trips.

Additional services may be obtained at the per diem rate (plus living and travel expenses) in effect at the time services are rendered. The current per diem rate is $1,280.00 plus living and travel expenses. Field services are provided in accordance with the terms and conditions on attached form M-100422A.

Pricing

$51,626.00 Fifty-one thousand six hundred twenty-six dollars

23WA01
407-8110-580-647

Pricing quoted is:

1. F.O.B. shipping points via motor freight with freight prepaid and allowed to jobsite or to nearest regular motor freight stop if jobsite delivery is not possible.
2. Exclusive of any State or Local Sales or Manufacturer's Use Taxes.
3. For acceptance within thirty (30) days.

Drawings: O&M Manual to be provided

Shipment: TBD

Attachment: Exhibit B - Roberts Water Tech Proposal (2023-R-30 : WTP Filter Control Panel Upgrade)

Terms:

Refer to attached M6A-11/17 and M-100422A.

Work and Materials Not Included:

Roberts does not include any pipe, fittings, anchor bolts, thimbles, gravel retaining screens, telemetry, SCADA equipment and software, instrumentation, controls, valves, supports therefore, miscellaneous iron work, pumps, field wiring, motor starters, instrumentation, controls, field assembly nor installation, priming, painting, labor, start-up service, supervision, nor any other materials or services which are not covered within the above specified scope of this proposal.

We thank you for the opportunity of submitting our proposal to you for your review. We look forward to working with you on this project. Should you have any questions, please feel free to contact the undersigned or our sales representative whose name appears below.

Respectfully submitted,
ROBERTS WATER TECHNOLOGIES,

Ryan Odell
Regional Sales Manager

RO:msp
Enclosures: Forms M6A-11/17 and M-100422A
CC: Andre Razeek
484-477-8026
arazeek@robertsfilter.com

Accepted For: _____

Accepted By: _____

Date: _____

Attachment: Exhibit B - Roberts Water Tech Proposal (2023-R-30 : WTP Filter Control Panel Upgrade)

HOLLY HILL
FLORIDA

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: **June 13, 2023**
FROM: **Antoine Khoury**
SUBJECT: **Approve the State Highway Lighting, Maintenance, and Compensation Agreement Work Order (FY23/24) and Authorize the City Manager to Execute the Same.**
NUMBER: **(ID # 4149)**
APPLICANT:
PLANNER:

DISCUSSION:

The City of Holly Hill has an agreement with the Florida Department of Transportation, State Highway Lighting, Maintenance, and Compensation Agreement AOR06, to maintain the street lights located along US 1 and Nova Road. FDOT compensates the City on an annual basis for this maintenance.

With the exception of certain lights on Nova Road, the maintenance is completed by FP&L. On Nova Road, from Flomich Street to approximately Golf Avenue, the street lights are maintained by the City per FDOT Financial Project ID: 413615-8-78-06.

For the (federal) Fiscal Year of 2023-2024 Work Order which begins July 1, 2023 and ends June 30, 2024, FDOT will issue compensation in the amount of $42,793.56.

FISCAL ANALYSIS:

The FY23/24 Work Order represents a 3% increase over the FY22/23 compensation amount.

STAFF RECOMMENDATION:

Approve the State Highway Lighting, Maintenance, and Compensation Agreement Work Order (FY23/24) and authorize the City Manager to execute the same.

COMMISSION GOAL:

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

MOTION:

APPROVE THE STATE HIGHWAY LIGHTING, MAINTENANCE, AND COMPENSATION AGREEMENT WORK ORDER (FY23/24) AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.

- AOR06_Highway_Lighting_Work_Order_-_FY_23-24 (PDF)

DocuSign Envelope ID: 6A71350D-7116-4AF2-82B2-05C41D52DADF

Florida Department of Transportation

RON DESANTIS
GOVERNOR

1650 N Kepler
Deland, FL 32724

JARED W. PERDUE, P.E.
SECRETARY

May 10, 2023

Mr. Antoine Khoury
City Engineer
City of Holly Hill
1065 Ridgewood Ave
Holly Hill, Florida 32117

Re: **State Highway Lighting, Maintenance, and Compensation Agreement Work Order (FY 23/24)**

Financial Project ID: **413615-8-78-06**
Contract Number: **AOR06**
FEID No.: **VF-596000337012**
Work Order for Fiscal Year 23/24
Resolution No.: **2007-R-38**

Dear Mr. Khoury:

You are hereby authorized to perform maintenance of the State Highway Lighting Systems within your jurisdiction in accordance with the terms and conditions of the State Highway Lighting, Maintenance, and Compensation Agreement.

The total compensation for Fiscal Year 23/24 paid under this **Work Order is $42,793.56**. The compensation period for this work order will begin from **July 1, 2023, and expire June 30, 2024**.

Please execute and/or return the following documents directly to this office via email. In order to guarantee availability of funds, these documents must be emailed back to this office no later than June 7, 2023.

- **Sign this original work order confirming receipt and agreement of the compensation terms listed above and return.**
- **Sign and have notarized, the enclosed State Highway Lighting, Maintenance, and Compensation Agreement Certification and return.**
- **If the Resolution referenced above is no longer current, return a copy of your current Resolution.**

Attachment: AOR06_Highway_Lighting_Work_Order_-_FY_23-24 (4149 : Approval of FDOT State Highway Lighting, Maintenance and

DocuSign Envelope ID: 6A71350D-7116-4AF2-82B2-05C41D52DADF

Florida Department of Transportation

RON DESANTIS
GOVERNOR

1650 N Kepler
Deland, FL 32724

JARED W. PERDUE, P.E.
SECRETARY

State Highway Lighting, Maintenance and Compensation Agreement Work Order (FY 23/24)
Contract Number:
Page Two:

If you wish to receive payment for the Fiscal Year 22/23 Work Order, please submit an invoice to this office any time after May 19, 2023. Invoices for Fiscal Year 22/23 must be received no later than December 27, 2023. Per the State Highway Lighting, Maintenance, and Compensation Agreement paragraph 2.c. which states: "Invoices may be submitted anytime after May 19th of the fiscal year in which the services were provided, but no later than 180 days after the end of the fiscal year. Payment shall be made in one lump sum as provided in paragraph 4 hereof".

A sample invoice is attached for your information. Please verify that all information contained on the sample invoice is included on your invoice.

If you have any questions, please contact: **Tracy Rosenberg** at (386) 740-3437.

Attachments: State Highway Lighting, Maintenance, and Compensation Agreement Certification
Sample Invoice

FLORIDA DEPARTMENT OF TRANSPORTATION

DocuSigned by:
Christine Barone
8E2F6175CF02416...

Christine Barone, P.E.
Deland Operations Engineer

MAINTAINING AGENCY

Concurrence By: _____

Typed Name: _____

Title: _____

Phone: _____

Date: ____/____/____

Attachment: AOR06_Highway_Lighting_Work_Order_-_FY_23-24 (4149 : Approval of FDOT State Highway Lighting, Maintenance and

DocuSign Envelope ID: 6A71350D-7116-4AF2-82B2-05C41D52DADF

STATE HIGHWAY LIGHTING, MAINTENANCE, AND COMPENSATION AGREEMENT CERTIFICATION

I, _____, _____,
(Name) (Title)

_____, hereby certify that State Highway Lighting
(Local Maintaining Agency)

Facilities for Financial Project ID:_____, Contract No. **AOR06**

In _____VOLUSIA_____ County (Counties)

were performed to keep all Facilities fully operating, properly functioning, with a minimum of 90% of the lights burning for any lighting type (ex. high mast, standard, underdeck, sign) on the roadway system at all times for their normal expected useful life in accordance with the original design thereof, whether necessitated by normal wear and tear, accidental or intentional damage, or acts of nature.

All maintenance was performed in accordance with Agreement terms and according to the Manual of Uniform Traffic Control Devices; and, all other applicable local, state, or federal laws, rules, resolutions, or ordinances, and FDOT procedures.

_____
(SIGNATURE) (DATE)

State of Florida

County of _____

The foregoing instrument was acknowledged before me, by means of □ physical presence or □ Online notarization, this _____ day of _____, _____ (year) by _____

Notary Public, State of _____ at large.

My Commission expires_____

Attachment: AOR06_Highway_Lighting_Work_Order_-_FY_23-24 (4149 : Approval of FDOT State Highway Lighting, Maintenance and

DocuSign Envelope ID: 6A71350D-7116-4AF2-82B2-05C41D52DADF

INVOICE

Date: Date

INVOICE # _____

Contract #	Service Dates	Customer Number	Due Date

Qty	Description	Unit Price	Line Total
1	LUMP SUM		
	State Highway Lighting, Maintenance and		
	Compensation Agreement Certification must		
	accompany this invoice		
		Subtotal	
		Sales Tax	
		Total	

Make all checks payable to Company Name

Company Name Street Address City, ST ZIP Code Phone: Phone Fax: Fax Email

Attachment: AOR06_Highway_Lighting_Work_Order_-_FY_23-24 (4149 : Approval of FDOT State Highway Lighting, Maintenance and

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: **June 13, 2023**
FROM: **Valerie Manning**
SUBJECT: **River to Sea Transportation Planning Organization (TPO) Funding Agreement for FY2023-2024**
NUMBER: **(ID # 4151)**
APPLICANT:
PLANNER:

DISCUSSION:

Each year the city contributes funds for the operation of the River to Sea TPO. The contribution amount for FY2023-2024 is $1,196.00.

Each year the city has approved a funding agreement allowing for the city contribution and this agreement is due for renewal effective June 30, 2023. Per the TPO, the invoice does not need to be processed until July 2023.

FISCAL ANALYSIS:

The TPO's fiscal year 2023-2024 begins July 1, 2023.

The funding for this agreement is available in general ledger account 001-1101-511-5400.

STAFF RECOMMENDATION:

Staff recommends approval of the agreement and authorizes the City Manager to execute said agreement.

COMMISSION GOAL:

N/A

MOTION:

AUTHORIZE THE CITY MANAGER TO EXECUTE THE TPO FY2023-2024 FUNDING AGREEMENT AS SUBMITTED BY STAFF.

- TPO Letter FY23-24 Funding Agreement and Invoice (PDF)

- TPO FY23-24 Funding Agreement (PDF)
- TPO FY23-24 Member Assessment Invoice (PDF)

RIVER TO SEA TPO
Transportation Planning Organization
VISION - PLAN - IMPLEMENT
Ph.386-226-0422
www.r2ctpo.org

To: River to Sea Transportation Planning Organization Member

From: Mariel Lemke

Date: June 6, 2023

Re: FY 2023/24 Funding Agreement and Invoice

The River to Sea Transportation Planning Organization (R2CTPO) collects funding annually from each member to support the R2CTPO's functions necessary to achieve the desired role in planning the transportation system.

Enclosed you will find a Funding Agreement for the FY 2023/24 TPO member assessment. Please execute and return the original to the TPO office. An invoice for the FY 2023/2024-member assessment for your processing is also included. If you have any questions, please contact us.

Thank you for your support of the R2CTPO.

Mariel Lemke
Accounting Manager
River to Sea Transportation Planning Organization (TPO)
1 Deuce Court, Suite 100
Daytona Beach, FL 32124
☎ **386.226.0422 ext. 20423**
MLemke@r2ctpo.org
www.r2ctpo.org

Attachment: TPO Letter FY23-24 Funding Agreement and Invoice (4151 : River to Sea Transportation Planning Organization (TPO) Funding

Attachment: TPO FY23-24 Funding Agreement (4151 : River to Sea Transportation Planning Organization (TPO) Funding Agreement for FY2023-

MUNICIPALITY/
TRANSPORTATION PLANNING ORGANIZATION
FY 2023/2024 FUNDING AGREEMENT

THIS AGREEMENT, is made and entered into this ___ day of_____ 2023, by and between the **CITY OF HOLLY HILL**, a municipal corporation organized and existing under the laws of the State of Florida (hereinafter **"CITY"**), and the **RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION** (hereinafter **"R2CTPO"**).

WITNESSETH

WHEREAS, the River to Sea Transportation Planning Organization (R2CTPO) is the duly designated and constituted body responsible for carrying out the urban transportation planning and programming process for Volusia County and portions of Flagler County inclusive of the cities of Flagler Beach, Beverly Beach, and portions of Palm Coast and Bunnell; and

WHEREAS, Florida Statutes 339.175; 23 U.S.C 134; and 49 U.S.C. 5303 require that the urbanized area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area; and

WHEREAS, metropolitan planning organizations are the lead transportation planning agencies in urban areas throughout the United States; and

WHEREAS, the Fast Act provides metropolitan planning organizations with the authority and responsibility for transportation planning and funding; and

WHEREAS, the quality of life and economic vitality of our community depend on coordinating transportation issues and developing complementary plans and policies; and

WHEREAS, the R2CTPO has the lead role in formulating regional transportation plans and programs and coordinating transportation issues among local entities and the Florida Department of Transportation (FDOT); and

WHEREAS, the CITY desires to enter into this Agreement with the R2CTPO to provide it with funding to support the functions necessary to achieve the R2CTPO's desired role in planning the transportation system;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the CITY and the R2CTPO agree as follows:

1. **RECITALS.** The CITY and the R2CTPO hereby declare that the recitals set forth above are true and correct and incorporated herein.

2. **FISCAL YEAR 2023/24 FUNDING.** The CITY agrees to allocate **$1,196.00** to the R2CTPO. Such funds shall be paid to the R2CTPO upon receipt of an invoice from the R2CTPO to the CITY. The payment shall be used for the R2CTPO fiscal year (FY) 2023/24 budget effective July 1, 2023. The funding provided to the R2CTPO by the CITY is equal to $.10 per capita based on the 2018 BEBR estimates of population within each local governments jurisdiction as provided by the Bureau of Economic and Business Research, University of Florida.

3. **EFFECTIVE DATE AND TERMS.** The effective date of this Agreement is upon execution. The terms of this Agreement shall commence on the effective date and terminate on June 30, 2024.

4. **INTERPRETATION.** The headings contained in this Agreement are for reference purposes only and will not in any way affect the meaning or interpretation of this Agreement.

5. **MISCELLANEOUS**

   a. This Agreement constitutes the entire Agreement between the parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings and agreements, written or oral, between the parties hereto. Any amendments to or waivers of the provisions herein shall be made by the parties in writing. No other agreement, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind either party hereto.

   b. If any sentence, phrase, paragraph, provision or portion of this agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed an independent provision and such holding shall not affect the validity of the remaining portions hereto.

   c. The parties hereby acknowledge that they have freely and voluntarily entered into this Agreement and that each party has been given the opportunity to receive the advice of independent legal counsel for all negotiations in connection with this Agreement.

Attachment: TPO FY23-24 Funding Agreement (4151 : River to Sea Transportation Planning Organization (TPO) Funding Agreement for FY2023-

6. **CONTROLLING LAWS**

a. This Agreement and the provisions contained herein shall be construed, controlled and interpreted according to the laws of the State of Florida, and all duly adopted ordinances, regulations and policies of the CITY now in effect and those hereinafter adopted.

b. The location for settlement of any and all lawsuits, claims, controversies or disputes, arising out of, or relating to, any part of this Agreement, or any breach thereof, shall be Volusia County, Florida.

c. The parties to this Agreement agree to comply with all applicable federal, state and local laws, ordinances, rules and regulations pertaining to this Agreement.

7. **BINDING NATURE OF AGREEMENT**. This Agreement shall be binding only between the CITY and the R2CTPO, and inure to the benefit of the successors or assigns of the parties.

8. **NOTICES**. All notices, consents, approvals, waivers and deletions which any party shall be required or shall desire to make or give under this Agreement shall be in writing and shall be sufficient only when mailed by certified mail, first class postage affixed, addressed as follows:

CITY: City Manager
City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, FL 32117

R2CTPO: Colleen Nicoulin, Executive Director
River to Sea TPO
1 Deuce Ct., Suite 100
Daytona Beach, FL 32124

9. **AUDIT AND RECORD KEEPING PROCEDURES**. The R2CTPO shall maintain accurate public records of all services rendered in the performance of the agreement and shall provide access to such records in accordance with Florida Statutes, Section 119.07(1) (a), which states that the record can be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions and under supervision by the custodian of the public records. All records shall be maintained according to the State of Florida, *General Records Schedule GS1-SL for State and Local Government Agencies,* issued by the Department of State, State Library and Archives of Florida, in accordance with the

statutory provisions of Chapters 119 and 257, Florida Statutes. If any audit, litigation, claim, negotiation or other action involving the records has been started before the expiration of the retention period and disposition of the records, the records shall be retained until the completion of the action and resolution of all issues which arise from.

10. **PROVISIONS NOTWITHSTANDING**. Notwithstanding the provisions set forth above, nothing contained herein shall alter, amend or change those terms and conditions set forth in the bylaws of the River to Sea Transportation Planning Organization.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement as of the day and year first above written.

RIVER TO SEA TPO

Signature

Print Name: Colleen Nicoulin
Title: River to Sea TPO Executive Director

ATTEST:

Signature

Print Name: Donna King
Title: River to Sea TPO Administrative Assistant

(CORPORATE SEAL)

CITY OF HOLLY HILL

Signature

Print Name: _____
Title: _____

ATTEST:

Signature

Print Name: _____
Title: _____

(CORPORATE SEAL)

Attachment: TPO FY23-24 Funding Agreement (4151 : River to Sea Transportation Planning Organization (TPO) Funding Agreement for FY2023-

River to Sea TPO
Indigo Professional Centre
2570 W. Speedway Blvd., Suite 100
Daytona Beach, FL 32114
386-226-0422 Fax 386-226-0428

INVOICE

INVOICE NO: HH2023
DATE: June 1, 2023

DUE: July 1, 2023

Mr. Joe Forte, City Manager
City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, FL 32117

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	River to Sea TPO FY 23/24 Member Assessment		$1,196.00
		TOTAL DUE	**$1,196.00**

Make all checks payable to: River to Sea TPO
If you have any questions concerning this invoice, please call: Mariel Lemke, 386-226-0422 ext. 20423.

THANK YOU FOR YOUR PARTICIPATION!

Attachment: TPO FY23-24 Member Assessment Invoice (4151 : River to Sea Transportation Planning Organization (TPO) Funding Agreement for

HOLLY HILL
FLORIDA

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: **June 13, 2023**
FROM: **Antoine Khoury**
SUBJECT: **A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the FY2023/2024 CDBG Annual Plan Application as Submitted; Providing for Severability; and Providing for an Effective Date.**
NUMBER: **2023-R-31**
APPLICANT:
PLANNER:

DISCUSSION:

The U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program provides annual grants on a formula basis to states, counties and cities that achieve entitlement status. Volusia County qualifies as an urban county entitlement community and receives funds directly from HUD. The same formula used by HUD is applied to the award by the County to determine the allocation for the distributions to the participating cities. For the FY2023-2024 period, the City of Holly Hill has been slotted to receive $94,857 to carry out community development activities.

CDBG projects are selected based on meeting qualification criteria; these include that the project must be an eligible activity and must meet national objectives of the program.

For the FY2023-24 allocation, staff has selected the replacement of the playground at Sunrise Park North. The overall project cost is estimated to be $250,000 with $94,857 reimbursable through the grant.

Per HUD eligibility guidelines, CDBG funds may be used for Park Improvements provided a minimum of 50.35% of residents in the service area are of low to moderate income. Sunrise Park North is located in Volusia County Census Tract 810, Block Group 1. This block group has 70.05% residents of low to moderate income and is therefore eligible for funding.

FISCAL ANALYSIS:

Anticipated revenue in the amount of $94,857 and expenditures in the amount of $250,000 will need to be budgeted accordingly during the FY2023/2024 budget process.

STAFF RECOMMENDATION:

Due to the timeline of the grant process, the fiscal year 2023-2024 grant application was submitted to the County as a placeholder contingent upon Holly Hill City Commission approval. Staff recommends the approval of the proposed FY 2023/2024 CDBG Annual Plan as submitted to Volusia County Community Assistance.

The grant applications are included under Exhibit 'A'.

COMMISSION GOAL:

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

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

MOTION:

APPROVE THE FY2023/2024 CDBG ANNUAL PLAN APPLICATIONS AS SUBMITTED TO VOLUSIA COUNTY COMMUNITY ASSISTANCE.

ATTACHMENTS:

- Exhibit A - FY2023_2024 CDBG Grant Application (PDF)

Resolution No. 2023-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE FY2023/2024 CDBG ANNUAL PLAN APPLICATION AS SUBMITTED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE FY2023/2024 CDBG ANNUAL PLAN APPLICATION AS SUBMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Volusia County qualifies as an urban entitlement community and receives funds directly from the U.S. Department of Housing and Urban Development's Community Block Grant Program; and

WHEREAS, The City of Holly Hill is a participating City in the Community Development Block Grant program and is anticipated to receive $94,857 in grant funds to carry out community development activities; and

WHEREAS, staff has selected the Sunrise Park North Playground Replacement as the fiscal year 2023-2024 CDBG Project; and

WHEREAS, due to the timeline of the grant process, these projects have been submitted to Volusia County Community Assistance as a placeholder contingent upon City Commission Approval.

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 approve the FY2023/2024 CDBG Annual Plan Applications as submitted.

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 13th day of JUNE, 2023.

HOLLY HILL
FLORIDA

CITY OF HOLLY HILL
1065 Ridgewood Avenue Holly Hill, Florida 32117
www.hollyhillfl.org

Building, Zoning, Licensing & Inspections
386-248-9442
Fax 386-248-9498

City Clerk
386-248-9441
Fax 386-248-9448

City Manager
386-248-9425
Fax 386-248-9448

Economic Development
386-248-9424
Fax 386-248-9448

Finance
386-248-9427
Fax 386-248-9448

Human Resources
386-248-9440
Fax 386-248-9448

Information Technology
386-248-9449
Fax 386-248-9448

Public Works
386-248-9463
Fax 386-248-9499

Recreation
386-248-9460
Fax 386-248-9446

Utility Billing
386-248-9432
Fax 386-248-9448

May 23, 2023

Corry Brown, Operations Manager
Community Services
County of Volusia
121 West Rich Avenue
DeLand, Florida 32720

RE: City of Holly Hill FY2023/2024 CDBG Grant Application

Dear Ms. Brown,

Enclosed is a grant application on behalf of the City of Holly Hill for the FY 2023/2024 Community Development Block Program. This project will be titled: Park Improvements – Sunrise Park North Playground Replacement. Please note that this submission is contingent upon approval from the Holly Hill City Commission.

If any additional information is needed, please let me know.

Sincerely,

Steven Juengst

Steven Juengst, Administration Manager
Department of Public Works
City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, Florida 32117
sjuengst@hollyhillfl.org
www.hollyhillfl.org
(386) 248-9418 Direct Phone

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

Volusia County
FLORIDA

County of Volusia

FY 2023/24

Community Development Block Grant (CDBG) Program

Capital Improvement Project Application

City of Holly Hill

Applicant City or Department/Division

Park Improvements - Sunrise Park North Playground Replacement

Project Name

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

A. Application Checklist

FY 2023/24 CDBG Capital Project - Jurisdiction Funding Application Checklist

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

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

Note: When filing out this application please refer to the FY 2023/24 CDBG Funding Application Instructions and Guidance

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

Volusia County FLORIDA

2023 CDBG Jurisdiction Funding Application
Capital Project

B. Applicant Information

Name of Applicant (City, Department/Division: City of Holly Hill

CDBG Primary Contact Name and Title: (should be the same for all proposals): Steven Juengst - Public Works Administration Manager

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

Project Manager Name and Title: (Implementation): Steven Juengst - Public Works Administration Manager

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

Proposed Project Title: Park Improvements - Sunrise Park North Playground Replacement

Total Amount Requested: $94,857 Total Estimated Project Cost: $250,000

Additional Funds Available to Leverage, if applicable: $155,143

Source of Additional Funds, if applicable: General Fund

Physical Location of Proposed Project: 1135 Riverside Drive, Holly Hill, Florida 32117

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

Signature: _____ 5.18.2023

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

Title: City Manager

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

C. Project Description

Type of Project:

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

Exact location/project address:

Sunrise Park North is located at 1135 Riverside Drive, Holly Hill, Florida 32117

If applicable please indicate the following:

Address Start: _____ Address End: _____ Linear Feet: _____

Summary of project:

The City of Holly Hill has a public park named Sunrise Park North, located at 1135 Riverside Drive. It is bordered by the Halifax River and features a fitness court, large fishing pier, multiple gazebos, pinic tables, benches, barbeque grills, restroom facilities and an existing playground.

The Commission of the City of Holly Hill have prioritized improvements to Sunrise Park including the replacement of the playground. The playground currently in place was installed in 2013, and is in need of replacement. The City intends to replace the playground with a full playground system,including a border, safety surfacing and shade structures.

Project Need and Justification:

(Include demand and location of similar facilities)

Sunrise Park North is the most heavily used park in the City of Holly Hill. The nearest public park which offers a playground is Ross Point, located approximately one (1) mile to the south.

In addition to standard maintenance, since the playground at Sunrise Park North was installed in 2013, there have been sixteen (16) discrete work orders issued for repairs.

Anticipated accomplishments and/or outcomes:

It is anticipated that when the new playground is installed with safety surfacing and shade structures, this park will become more of a destination for not only Holly Hill residents, but for families throughout Volusia County.

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

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

Sunrise Park North is located in Volusia County Block Group 1, Census Tract 810. The percentage of residents of low/moderate income is 70.05%. It is fully anticipated that this park will be used at a minimum by all residents of Holly Hill. Holly Hill itself has a low/moderate income population of 59.95%.

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

D. National Objective

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

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

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

Area Benefit: *(if applicable)*

Census Tract	Block Group	Total Population	Low/Mod Population	% Low/Mod Population
810	1	1035	725	70.05
	Total	1035	725	70.05

Limited Clientele Benefit: *(if applicable)*

Qualifying group

Number of persons served

Similar Projects:

(Describe any past similar projects carried out, and the outcomes)

The City of Holly Hill replaced the playground at Ross Point, 611 Riverside Drive, as their 2015-2016 Community Development Block Grant program. This playground remains in good repair and enjoys usage from patrons visiting the park from the neighborhood as well as surrounding areas.

Feasibility of Maintaining Project:

(Explain future maintenance as a result of the project)

The replacement of the playground at Sunrise Park and installation of safety surfacing is anticipated to decrease the maintenance currently occuring at the park playground. The City of Holly Hill has (3) employees in the facilities division that provide maintenance to park playgrounds.

Citizen Participation:

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

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

A public outreach meeting was held on May 17, 2023 to gather ideas for CDBG eligible projects. Unfortunately, no residents were in attendance despite advertisement.

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

E. Project Timeframe

Implementation Responsibility:

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

Comments about implementation responsibility (if needed):

The City will purchase the playground, including installation at a fixed budget of $250,000. This playground will include safety surfacing, a border and shade structure(s).

Plan of Action:

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

This plan of action was developed by the Public Works Administrative Manager. This project is anticipated to move quickly as no formal engineering is required, however, ample time was considered in order to account for any supply chain disruptions.

CDBG FY 2023/24 Plan of Action		
Milestones	**Planned Date**	**Notes (not required)**
Authorization to Proceed Received	10/1/23	Remaining dates will adjust if ATP is not received by this date
Technical Design & Procurement Documents Complete	02/02/2024	
Complete Solicitation Package Submitted to Volusia County	02/09/2024	
Solicitation Package Approved by Volusia County (Allow one week)	02/19/2024	
Solicitation Advertised	03/03/2024	
Pre-Solicitation Meeting	03/12/2024	
Solicitation Opening	03/26/2024	
Contract Award	04/09/2024	
Pre-Construction Meeting	04/22/2024	
Issue a Notice to Proceed	04/22/2024	
Project Start Date	04/22/2024	
Project Completed	08/02/2024	

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

All Reimbursement Requests Submitted to Volusia County	**09/02/2024**	

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

F. Project Budget

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

Budget Categories	Project Cost Estimate	Sources of Funds		
		CDBG Funds	Applicant Funds	Other:
		AMOUNT	AMOUNT	AMOUNT
Materials Costs	$190,000	$72,200	$117,800	
Labor Costs	$60,000	$22,657	$37,343	
Engineering Services				
Other: _____				
Other: _____				
Other: _____				
SOURCE TOTAL (Column total)		$94,857	$155,143	
TOTAL PROJECT COST (the total project costs, all funding sources)	$250,000			

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

Description of Budget:

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

The City of Holly Hill will seek proposals from playground manufactures at a fixed budget of $250,000 including the playground, safety surfacing, shade structures and installation. When proposals are received, the City Commission will choose the playground that they prefer at the fixed cost.

The estimated line item budget for this project is:
$100,000 playground system
$80,000 shade structure(s)
$10,000 safety surfacing
$60,000 installation
Total Cost: $250,000

Leveraged Funds:

(Clearly explain what funds, if any, are being used to match CDBG funds for the project)

$250,000 in funds are being requested in the fiscal year 2023/2024 budget to replace the Sunrise Park North playground. These funds will be budgeted as a capital outlay, allowing for

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

the City to pay for this project in full and request reimbursement after project expenses occur.

Outstanding Balance:
(Explain any remaining CDBG balances from prior year capital projects)
The City of Holly Hill has an open balance of $100,119 from the FY2021/2022 CDBG project: Lift Station #19 Refurbishment. Although the construction phase of this project was awarded on September 27, 2022, this project has been significantly delayed by supply chain disruptions that are affecting much of the wastewater industy.

The City of Holly Hill has an open balance of $97,319 for the FY2022/2023 CDBG projects - School Zone Improvements and Ross Point Park Paving. The engineering portion of the Ross Point project is being considered by the Holly Hill City Commission on Tuesday, May 23 and the design of the School Zone Improvements portions is currently under review by the City Engineer/Public Works Director.

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

G. § 570.611 Conflict of Interest

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

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

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

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

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

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

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

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

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

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

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

Name	**Conflicts/Potential**

Joseph A. Forte	Steven Juengst
City Manager or Department Director (or authorized official)	**CDBG Liaison**
Signature	**Date**	**Signature**	**Date**
5-18-2023	5-18-2023

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

H. Procurement

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

- The municipality or agency purchasing and procurement policy
- All applicable federal procurement rules, most specifically those contained in 24 CFR 85.36
- A Volusia County CDBG entitlement program threshold of $50,000 for small purchases, which will be outlined in the FY 2023/24 Subrecipient Agreement. Purchases above this threshold must be awarded through a formal competitive bid or proposal process, even if the limit established in the subrecipient's or subgrantee's procurement policy allows a higher threshold for a formal competitive bid. In the event that the municipality or agency procurement policy requires a formal bid for purchases less than $50,000, the municipality or agency shall follow their policy.

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

What method of procurement will be used for this project:
Include the name of the procurement method, a brief summary of the steps that will be taken, and a reference to the procurement policy of the municipality or agency implementing the project. Attach the page of the policy that applies to the reference to this submission.
The procurement method employed will be a formal sealed bid where potential contractors submit their best playgrounds installed with safety surfacing and shade structures at the fixed budget of $250,000. The proposal that best fits the needs of the City of Holly HIll will be selected by the City Commission of Holly Hill.

Procurement Reasoning:
(Clearly explain why the method of procurement noted above is the best choice for this project)
This procurement stategy was successfully used for the fiscal year 2015/2016 CDBG Project and is in keeping with the City's purchasing policy, section 2.10. which states "The City reserves the right to award any and/or all bids on an item-by-item basis or in the aggregate, whichever is deemed in the best interest of the City."

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

Michele Moore - Finance Director

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

I. Certification of Construction Need

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

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

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

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

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

Email Address: akhoury@hollyhillfl.org Phone Number: (386) 248-9463

Proposed Project Title: Park Improvements - Sunrise Park North Playground

Project should be classified as:

☐ Maintenance ☐ Deferred Maintenance ☐ Rehabilitation ☒ New Construction

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

The City is proposing to removing the existing playground located in Sunrise Park North, 1135 Riverside Drive in Holly Hill and replacing it with a new playground, installed according to current building codes.

Antoine Khoury	Antoine I Khoury	5-18-23
Certifying Employee Printed Name	**Certifying Employee Signature**	**Date**

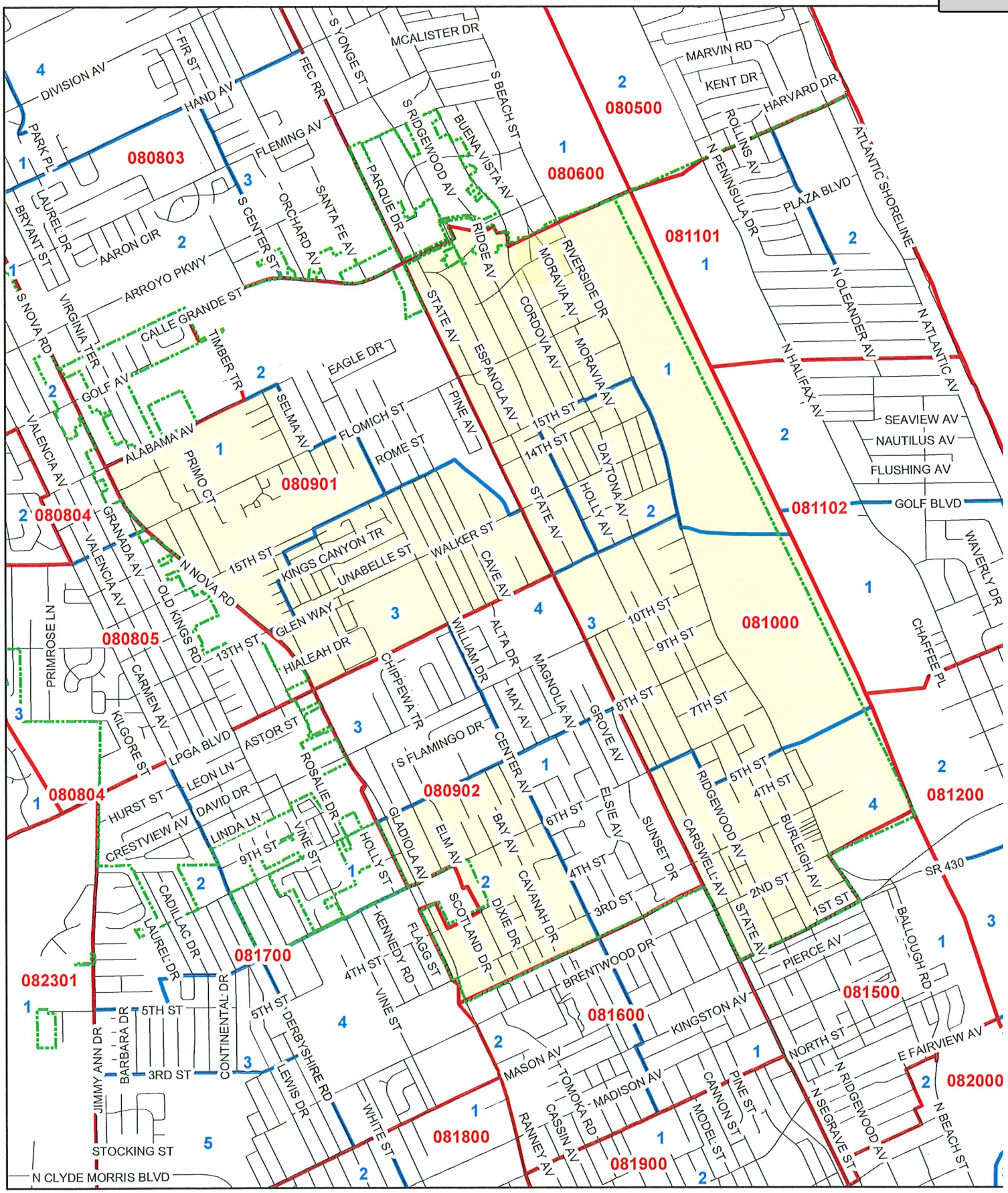
Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

City of Holly Hill

Park Improvements – Sunrise Park North Playground Replacement

LMI DATA/MAPS

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)



Legend

- Census Tract w/Tract Number
- Blockgroups w/ Blockgroup Number
- Blockgroups Greater than 50.42% Low-Mod Income
- City Boundary

HOLLY HILL

Volusia County FLORIDA

Date: 7/1/2014

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

geoname	Stusab	Countyname	State	County	Tract	Blckgrp	Low	Lowmod	Lmmi	Lowmoduniv	Lowmod_p	uclowmod	ucLowmod	MOE_Lowr	MOE_ucLowm
Block Group 2, Census Tract 801, Volusia County, Florida	FL	Volusia County	12	127	80100	2	150	270	650	1670	16.17		0	+/-9.04	
Block Group 2, Census Tract 805, Volusia County, Florida	FL	Volusia County	12	127	80500	2	140	400	540	1310	30.53		0	+/-10.46	
Block Group 1, Census Tract 806, Volusia County, Florida	FL	Volusia County	12	127	80600	1	325	760	1065	1535	49.51		0	+/-20.65	
Block Group 1, Census Tract 808.03, Volusia County, Florida	FL	Volusia County	12	127	80803	1	390	710	875	1455	48.8		0	+/-28.87	
Block Group 2, Census Tract 808.03, Volusia County, Florida	FL	Volusia County	12	127	80803	2	865	1190	1675	2190	54.34		0	+/-28.81	
Block Group 3, Census Tract 808.03, Volusia County, Florida	FL	Volusia County	12	127	80803	3	145	270	460	775	34.84		0	+/-22.45	
Block Group 4, Census Tract 808.03, Volusia County, Florida	FL	Volusia County	12	127	80803	4	180	320	490	1065	30.05		0	+/-13.62	
Block Group 1, Census Tract 808.04, Volusia County, Florida	FL	Volusia County	12	127	80804	1	755	1295	2260	4080	31.74		0	+/-7.48	
Block Group 2, Census Tract 808.04, Volusia County, Florida	FL	Volusia County	12	127	80804	2	875	1745	2410	2665	65.48		0	+/-15.68	
Block Group 1, Census Tract 808.05, Volusia County, Florida	FL	Volusia County	12	127	80805	1	760	1610	1885	2345	68.66		0	+/-23.28	
Block Group 2, Census Tract 808.05, Volusia County, Florida	FL	Volusia County	12	127	80805	2	250	565	880	1245	45.38		0	+/-24.42	
Block Group 3, Census Tract 808.05, Volusia County, Florida	FL	Volusia County	12	127	80805	3	280	965	1310	2430	39.71		0	+/-18.72	
Block Group 1, Census Tract 808.06, Volusia County, Florida	FL	Volusia County	12	127	80806	1	490	795	1175	2660	29.89		0	+/-9.77	
Block Group 1, Census Tract 809.01, Volusia County, Florida	FL	Volusia County	12	127	80901	1	740	1025	1415	1710	59.94		0	+/-18.83	
Block Group 2, Census Tract 809.01, Volusia County, Florida	FL	Volusia County	12	127	80901	2	250	385	480	605	63.64		0	+/-29.59	
Block Group 3, Census Tract 809.01, Volusia County, Florida	FL	Volusia County	12	127	80901	3	420	830	1375	1820	45.6		0	+/-13.79	
Block Group 1, Census Tract 809.02, Volusia County, Florida	FL	Volusia County	12	127	80902	1	140	405	455	615	65.85		0	+/-33.33	
Block Group 2, Census Tract 809.02, Volusia County, Florida	FL	Volusia County	12	127	80902	2	260	380	470	595	63.87		0	+/-33.95	
Block Group 3, Census Tract 809.02, Volusia County, Florida	FL	Volusia County	12	127	80902	3	435	835	1340	1550	53.87		0	+/-23.55	
Block Group 4, Census Tract 809.02, Volusia County, Florida	FL	Volusia County	12	127	80902	4	255	450	555	705	63.83		0	+/-36.74	
Block Group 1, Census Tract 810, Volusia County, Florida	FL	Volusia County	12	127	81000	1	590	725	900	1035	70.05		0	+/-25.70	
Block Group 2, Census Tract 810, Volusia County, Florida	FL	Volusia County	12	127	81000	2	500	865	945	1170	73.93		0	+/-39.40	
Block Group 3, Census Tract 810, Volusia County, Florida	FL	Volusia County	12	127	81000	3	185	265	360	640	41.41		0	+/-16.25	
Block Group 4, Census Tract 810, Volusia County, Florida	FL	Volusia County	12	127	81000	4	375	665	850	945	70.37		0	+/-23.81	
Block Group 1, Census Tract 811.01, Volusia County, Florida	FL	Volusia County	12	127	81101	1	325	590	950	1400	42.14		0	+/-15.71	
Block Group 2, Census Tract 811.01, Volusia County, Florida	FL	Volusia County	12	127	81101	2	250	395	535	740	53.38		0	+/-18.51	
Block Group 1, Census Tract 811.02, Volusia County, Florida	FL	Volusia County	12	127	81102	1	75	155	255	630	24.6		0	+/-12.54	
Block Group 2, Census Tract 811.02, Volusia County, Florida	FL	Volusia County	12	127	81102	2	285	485	760	1250	38.8		0	+/-12.96	
Block Group 1, Census Tract 812, Volusia County, Florida	FL	Volusia County	12	127	81200	1	335	780	865	1100	70.91		0	+/-41.64	
Block Group 2, Census Tract 812, Volusia County, Florida	FL	Volusia County	12	127	81200	2	640	1005	1075	1690	59.47		0	+/-17.75	
Block Group 3, Census Tract 812, Volusia County, Florida	FL	Volusia County	12	127	81200	3	535	755	1080	1115	67.71		0	+/-30.40	
Block Group 2, Census Tract 813, Volusia County, Florida	FL	Volusia County	12	127	81300	2	395	570	730	1300	43.85		0	+/-13.00	
Block Group 1, Census Tract 815, Volusia County, Florida	FL	Volusia County	12	127	81500	1	1265	1510	1725	1840	82.07		0	+/-17.88	
Block Group 1, Census Tract 816, Volusia County, Florida	FL	Volusia County	12	127	81600	1	315	685	850	1165	58.8		0	+/-21.97	
Block Group 2, Census Tract 816, Volusia County, Florida	FL	Volusia County	12	127	81600	2	615	1120	1230	1370	81.75		0	+/-26.28	
Block Group 1, Census Tract 817, Volusia County, Florida	FL	Volusia County	12	127	81700	1	670	1100	1235	1325	83.02		0	+/-29.81	
Block Group 2, Census Tract 817, Volusia County, Florida	FL	Volusia County	12	127	81700	2	450	690	1145	1435	48.08		0	+/-23.00	
Block Group 3, Census Tract 817, Volusia County, Florida	FL	Volusia County	12	127	81700	3	490	625	760	960	65.1		0	+/-38.13	
Block Group 4, Census Tract 817, Volusia County, Florida	FL	Volusia County	12	127	81700	4	1035	1190	1435	1560	76.28		0	+/-31.73	
Block Group 5, Census Tract 817, Volusia County, Florida	FL	Volusia County	12	127	81700	5	815	965	1240	1545	62.46		0	+/-28.35	
Block Group 2, Census Tract 820, Volusia County, Florida	FL	Volusia County	12	127	82000	2	210	260	315	325	80		0	+/-36.92	
Block Group 1, Census Tract 823.01, Volusia County, Florida	FL	Volusia County	12	127	82301	1	1315	1750	2120	2915	60.03		0	+/-22.78	
Block Group 1, Census Tract 832.03, Volusia County, Florida	FL	Volusia County	12	127	83203	1	370	1415	2045	4540	31.17		0	+/-9.27	
Block Group 2, Census Tract 832.03, Volusia County, Florida	FL	Volusia County	12	127	83203	2	160	485	850	2775	17.48		0	+/-9.98	
Block Group 1, Census Tract 832.05, Volusia County, Florida	FL	Volusia County	12	127	83205	1	10	35	350	855	4.09		0	+/-4.68	
Block Group 0, Census Tract 9900, Volusia County, Florida	FL	Volusia County	12	127	990000	0	0	0	0	0	0		0		

City of Holly Hill Park Improvements – Sunrise Park North Playground Replacement

Block Group 1, Census Tract 810, Volusia County, Florida

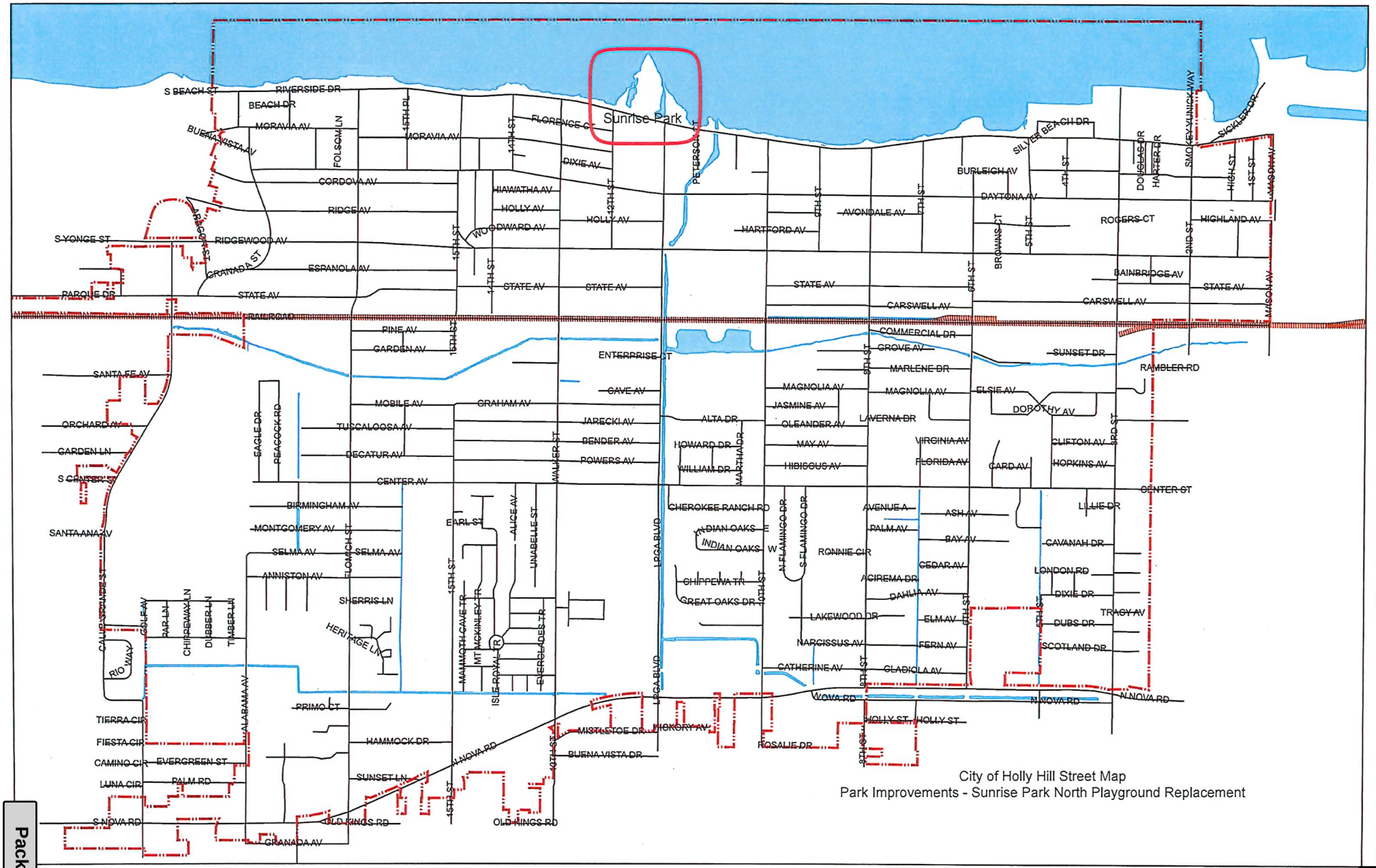
City of Holly Hill

Park Improvements – Sunrise Park North Playground Replacement

PROJECT LOCATION

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

City of Holly Hill Park Improvements – Sunrise Park North Playground Replacement
1135 Riverside Drive
Holly Hill, Florida 32117



City of Holly Hill Street Map
Park Improvements - Sunrise Park North Playground Replacement

City of Holly Hill

Park Improvements – Sunrise Park North Playground Replacement

COMMUNITY OUTREACH

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

City of Holly Hill

Park Improvements – Sunrise Park North Playground Replacement

Outreach Meeting

City of Holly Hill

Park Improvements – Sunrise Park North Playground Replacement

PURCHASING POLICY

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

No responsibility shall attach to a City employee for the premature opening of a bid not properly addressed and identified in accordance with the bid documents. The employee so doing shall not read or divulge the contents of the envelope or package. He/she shall reseal the envelope, note on it that it was not properly identified as a bid, and it was resealed and not read, initial and date the note, and put it in the bid file to be opened with the other bids at the date and time advertised.

POLICY 2.6 VARIANCES, ALTERNATES, AND MULTIPLE BIDS

Unless specifically provided for in the specifications, variances, alternates, and multiple bids shall not be accepted. The bid shall be rejected, provided that if a bidder clearly indicates a base bid, it shall be considered for award as though it were the only bid or proposal submitted by the bidder.

Multiple and alternate bids, and variances to specifications are acceptable, provided they are requested in the specifications, and the method of selection and award is clear in the specifications. A Performance Specification should be used in such instances when alternate or variances are acceptable.

POLICY 2.7 OPTIONS

When Options to a bid are requested, the lowest responsible, responsive base bid will be combined with such options, applied in such order as elected by the City that will produce a sum which is within the amount of funds available to finance the contract.

POLICY 2.8 BID EVALUATION

The bid, or contract, shall be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set for in the specifications. No bid shall be evaluated for any requirement or criterion that is not disclosed in the specifications.

POLICY 2.9 WITHDRAWAL OF BID

Bids may be withdrawn upon written request and presentation of proper identification by the bidder at any time prior to the time fixed for opening of bids, without prejudice to the right of the bidder to file a new bid. Withdrawn bids will be returned unopened. Negligence on the part of the bidder in preparing his bid confers no right for withdrawal of the bid after it has been opened. An email, telephone or telegraphic request to withdraw a bid proposal is not acceptable.

POLICY 2.10 AWARD

The bid shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the specifications.

The using department shall review the bids and make recommendation to the Finance Department. The Finance Department shall add his/her recommendation to that of the using Department Head, and forward to the Finance Director for award or for placement on Commission agenda for Commission's award.

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

All Invitations to Bid, Requests for Proposals, Requests for Qualifications, Requests for Acquisition of Design-Build Services, for the amount of $25,000 or less shall be awarded by the City Manager. All those over $25,000 shall be awarded by the City Commission.

A firm fixed-price contract (lump sum or unit price) shall be awarded to the responsive, responsible bidder, whose bid conforms with all the material terms and conditions of the Invitation to Bid, and is lowest in price or cost.

The City reserves the right to award any and/or all bids on an item-by-item basis or in the aggregate, whichever is deemed in the best interest of the City.

The City reserves the right to award a portion of a quantity requirement to more than one contractor. Such incremental awards are done when one contractor cannot supply the total required quantity, or if it is in the best interest of the City to have two suppliers because of commodity shortages, rationing, or the like.

The Finance Department shall notify the successful bidder(s) in writing of the award. The letter of award or contract is not notice to the awarded bidder to perform. Until a Purchase Order is issued, the awarded contractor shall not perform. Until a Purchase Order is issued, the funds have not been encumbered. In addition to price, all bid awards may take the following into consideration:

- The character, integrity, reputation, judgment, experience, previous performance, and efficiency of the bidder.
- The ability, equipment, capacity, financial strength, personnel resources, and skill of the bidder to perform the contract.
- The quality, availability, and adaptability of the supplies or contractual services to the particular use required.
- The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
- The quality of performance of previous contracts and whether the bidder can perform the contract within the time specified, without delay or interference.

In the event all bids exceed available funds as certified by the Finance Director, and the low responsive and responsible bid does not exceed such funds by more than 5%, the Finance Department may be authorized, when time or economic considerations preclude re-solicitation of a bid of reduced scope, to negotiate an adjustment of the bid price with the low responsive and responsible bidder in order to bring the bid within the amount of available funds.

POLICY 2.11 TIE BIDS

If there are tie bids, meaning everything except the information relating to the bidder is the same, the following methods shall be used in the order below to break the tie:

- Drug free workplace policy in place.
- The bidder that has a Business Tax Receipt (BTR) within the City limits.
- If one has or had a contract with the City and performance is or was satisfactory. If

Attachment: Exhibit A - FY2023_2024 CDBG Grant Application (2023-R-31 : CDBG Annual Plan FY2023-2024)

HOLLY HILL
FLORIDA

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: **June 13, 2023**
FROM: **Joseph Forte**
SUBJECT: **Request for Lien Reduction - 1016 Cherokee Ranch**
NUMBER: **(ID # 4152)**
APPLICANT:
PLANNER:

DISCUSSION:

The City has received a request for a Reduction of Lien "code enforcement liens" that have been placed on the real property located at 1016 Cherokee Ranch Road. The property is owned by Lucienne Gazler.

The request for a lien reduction is being submitted by Stephanie Imperato who has provided proof of Power of Attorney for Ms. Glazer since Ms. Glazer has been diagnosed with dementia. The property violations were presented to the Special Master on May 12, 2022. Based upon the Findings of Fact, Conclusions of Law the property was found to be in violation of section 114-727, maintenance requirements with regard to the property fence.

Since the property remained non-compliant until May 15, 2023, the property accrued fines which have total $16,900.00 plus administrative costs.

The POA representing the property owner was informed the City Manager would recommend a reduction in the lien to the City Commission in the amount indicated below. The City Manager is making the following recommendation as compensation to release the lien for which the POA has agreed.

FISCAL ANALYSIS:

Total lien	$16.900.00

Required Payment to Release lien

Special Master fee for 1 meeting	$ 250.00
Recording/Release fee	$ 20.00
Certified letters	$ 16.00
Code enforcement staff time 6 hours at 20.48 + 35%	$ 165.88
Community Development Director 1 hour @ 52.48 + 35%	$ 70.84

Percentage of original lien @ 10%	$1,690.00
Total	**$2,212.72**

STAFF RECOMMENDATION:

Reduce the lien from $16,900.00 to the amount **$2,212.72**.

COMMISSION GOAL:

Goal #2: Enhance City aesthetics through beautification and maintenance of city property and public rights of way, consistent enforcement of zoning and property maintenance codes, and development of reasonable design standards and a corresponding process which is applicable to all new developments and business improvements in the city.

MOTION:

REDUCE THE LIEN FROM $16,900.00 TO $2,212.72. PAYMENT MUST BE RECEIVED NO LATER THAN JULY 14, 2023. FAILURE TO PAY WILL RESULT IN THE LIEN NOT BE REDUCED OR RELEASE WITH NO OPTION FOR ANOTHER REQUEST AND THE CITY MAY FILE A FORECLOSURE ON THE PROPERTY.

- 1016 Cherokee Ranch Lien Reduction (PDF)

MEMORANDUM

DATE: MAY 23,2023

TO: CITY MANAGER

THROUGH: CODE ENFORCEMENT

FROM: CODE ENFORCEMENT

RE: CASE # 22-1071 CEB
REQUEST FOR REDUCTION OF LIEN

Please find attached the Request for Reduction of Lien for your review, as well as a copy of the history of the case. The lien totals **$16,900.00** in this case.

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

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

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

☐ FAILS
☒ DOES NOT FAIL

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

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

☐ FAILS
☒ DOES NOT FAIL

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

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

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

Petitioner,

-vs-

Lucienne Gazler, Owner

Respondent.

Parcel No. 4242-5200-0250
Case No. 22-00001071

ORDER OF NON-COMPLIANCE

The Holly Hill Code Enforcement Special Magistrate has heard testimony under oath at a hearing on the above styled case on the 12th of May 2022, and based on the evidence received, the Special Magistrate, thereupon issues its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER as follows:

FINDINGS OF FACT

That Lucienne Gazler, the Owner and Respondent of the property located at 1016 Cherokee Ranch Road, Holly Hill, Florida 32117 was given a Courtesy Notice on the 10th of March, 2022, Notice of Violation on the 1st of April, 2022 and a Notice to Appear on the 26th of April, 2022 for the violation of Section 114-727 Maintenance requirements. (a) All fences shall be maintained in their original upright condition. (b) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed. (c) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

At the hearing, the Code Enforcement Officer Ast provided evidence through testimony and photographs that the fence and gate on the property is covered in mold and mildew. The perimeter of the fencing also was photographed covered in algae mold and mildew. The Owner has not responded to any Code Enforcement Notices and no one appeared on behalf of the Owner at the hearing.

CONCLUSIONS OF LAW

That the Owner and Respondent of the property located at 1016 Cherokee Ranch Road, Holly Hill, FL 32117 is in violation of Holly Hill Zoning and Ordinances: Section 114-727 Maintenance requirements. (a) All fences shall be maintained in their original upright condition. (b) Fences and walls designed for painting or similar surface finishes

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

shall be maintained in their original condition as designed. (c) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

ORDER

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

The Respondent must bring all violations listed above into compliance within thirty (30) days of this Order. Failure to comply with this deadline shall result in a daily fine, per violation. The Respondent shall be required to pay a fine of fifty dollars ($50.00) a day, PER VIOLATION until the property comes into compliance.

DONE AND ORDERED this 17th day of May 2022, in Holly Hill, County of Volusia, Florida.

CITY OF HOLLY HILL
CODE ENFORCEMENT

By, Melody Pullen
Melody Pullen, Special Magistrate

Attest:
Code Enforcement Official

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 17th day of May, 2022 a true and accurate copy of the foregoing has been furnished by U.S. Mail to:

Lucienne Gazler
1016 Cherokee Ranch Rd.
Holly Hill, FL 32117

Code Enforcement Official

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

IMPORTANT NOTICE

The Respondent must notify the Code Enforcement Officer, when this order is complied with. Until the Code Enforcement Officer verifies the property is in compliance the fine will continue to accrue. This order will be recorded in the Official Records of the Office of the Clerk of the Court in Volusia County, Florida, and such recordation shall constitute a lien against the Respondent's real and personal property in Volusia County, Florida, said property to include, but not necessarily limited to that described above (EXCEPT HOMESTEAD)

The Respondent has the right to appeal whether the property is in compliance. The Respondent must file their appeal for a hearing within 20 days from the date the fine goes into effect. If the property is found to be still in non-compliance the fine will begin on the original date the fine was to go into effect. This hearing will only cover whether the property is now in compliance. It will not be a rehearing of the whole case which was previously ruled on.

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

LIEN REDUCTION REQUEST PACKET

Date: 05/22/2023

From: Leslie Montgomery

To: Randy Ast

ADDRESS: 1016 Cherokee Ranch Rd, Holly Hill, FL 32117

CASE #: 22-1071

Has the property been sold since the City's lien was filed? YES____ NO X

If the property has been sold then it does not qualify for a lien reduction. Return to Peg.

What date did the property become compliant? 5/15/23

If the property is not in compliance it does not qualify for a lien reduction. Return to Peg.

Has a lis pendins/final judgement been filed? YES____ NO X

If a lis pendins/final judgement has been filed then it does not qualify for a lien reduction. Return to Peg.

What date was the lien filed? 9/27/22

Who owned the property at the time our lien was filed?
Lucienne Gazler

What supporting documentation is attached?
NOV, Lien, Application authorization form, Power of Attorney, VCPA

Who owns the property now? Lucienne Gazler (Stephanie Imperato)

What supporting documentation is attached? Power of Attorney

NOTES:

CE Officer completing this form

5/23/23
Date

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

Lien Reduction Request Information Sheet

Property Address: 1016 Cherokee Ranch Road Date Prepared: 5/23/23

Owner of Property: Lucienne Gazler

Date of Notice of Violation: 4/1/22

Violations:

1. 114-727 Fence Maintenance Date of Compliance 5/15/23 Exhibit A
2. _____ Date of Compliance _____ Exhibit _____
3. _____ Date of Compliance _____ Exhibit _____
4. _____ Date of Compliance _____ Exhibit _____
5. _____ Date of Compliance _____ Exhibit _____
6. _____ Date of Compliance _____ Exhibit _____

Date of Special Master Hearing: 5/12/22 Daily Fines Start Date: 6/16/22

Daily Fines of $ 50.00 for 333 days equals 16,650.00 Dollars

Daily Fines of $ _____ for _____ days equals _____ Dollars

Notes if Applicable:

_____

_____

Fiscal Analysis:

_____ Grass Cutting

250.00 Special Master Administrative Fine(s)

16,650.00 Daily Accumulated Fines

10.00 Filing Fees for Liens

_____ Finance Department Cost (Amount of Staff Hours: _____)

_____ Code Enforcement Cost (Amount of Staff Hours: Randy - 6) Joe - 1, Brian - 1

10.00 Lien Release Fees

_____ Other: _____

_____ Subtotal

_____ Interest

_____ TOTAL

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

Prepared 5/23/23, 8:56:10 Case Master Inquiry - (CEN200I001) Page
Program HTDFTAL Screen detail for Program: CE CEN200I, Fees
User ID HLLHRSA Case 22-00001071

Property Information
Address: 1016 CHEROKEE RANCH RD
HOLLY HILL, FL 321173104
Location ID: 11806
PARCEL NUMBER: 4 2 42 52 00 0250
Short Parcel ID:
Zoning: R-2 R2 SFR - LOW-MED DENSITY
Subdivision:
Property Address Map
1016 CHEROKEE RANCH RD HOLLY HILL,FL 321173104 .00 .00 X 424252000250 11806

Case General Information
Case status: LN LIEN OPEN/CASE CLOSED
Status date: 10/21/2022
Case type: RPM RESIDENTIAL PROPERTY MAINT
Reported date: 3/10/2022
Origination: OI OFFICER INITIATED
Default inspector: RSA RANDY AST
Credit balance: .00

Owner Information
Owner name: GAZLER, LUCIENNE
Address: 1016 CHEROKEE RANCH ROAD
City: HOLLY HILL, FL 32117
Phone: 0
Notice: Y
Flip: Y

Violations

Type	Status	Location	Quantity	Date Established	Date Resolved
FENCE MAINTENANCE	LI		1	3/10/2022	10/21/2022

Case Data

Description	Data
CN CORRECTION DATE	
NOV POTENTIAL HEARING DA	
SPECIAL MASTER HEARING D	
2ND MAILING ADDRESS	
FINE	

Active Inspections

Type	Insp ID	Schedule Date

No scheduled inspections exist

Type	Description	Transaction	Amount Due	Amount Billed	Starting date	Ending date	Daily fee	Lien amount	Lien paid
40	SPEC MAG ADM FEE	250.00	250.00	.00	10/21/2022		.00	250.00	.00
50	SPEC MAG DAILY FINE	16650.00	16650.00	.00	6/16/2022	5/15/2023	50.00	.00	.00

Date of Compliance.

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

Prepared 5/23/23, 8:56:10 Case Master Inquiry - (CEN200I001) Page
Program HTDFTAL Screen detail for Program: CE CEN200I, Fees
User ID HLLHRSA Case 22-00001071

Type	Description	Transaction	Amount Due	Amount Billed	Starting date	Ending date	Daily fee	Lien amount	Lien paid
	(Continued)								
		16900.00	16900.00	.00				250.00	.00

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

APPLICANT AUTHORIZATION FORM

An authorized applicant is defined as:

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

I Lucienne Gazler (Owner's Name), the fee simple owner of the following described property (Provided Legal Description or Tax Parcel ID Number(s) LOT 25 CHEROKEE PARK 1ST ADD MB 26 PG 94 PER OR 3733 PG 2106 PER UNREC DC
Parcel ID 424252000250
hereby petition the Holly Hill City Commissioners to grant a release of lien in the amount of $ 16,900.00 for Case No. 22-1071, and affirm that is hereby designated to act as my / our authorized agent and to file the attached application for the above stated request and make binding statements and commitments regarding the request.

Lucienne Gazler by Stephanie Imperato, POA
Owner's Name

Owner's Name

Lucienne Gazler by Stephanie Imperato, POA
Owner's Signature

Owner's Signature

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

SWORN TO AND SUBSCRIBED before me this 22nd day of May, 20 23.
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Indiana and County of LaPorte to take acknowledgements, personally appeared Stephanie Imperato, who is personally known to me or who has produced Driver's License as identification and who executed the foregoing instrument and sworn oath.
WITNESS my hand and official seal in the County and State last aforesaid this 22nd day of May, 20 23.

Sandra L. Bendix
Notary Public in and for the County and State Aforementioned
My Commission Expires: May 20, 2026

SANDRA L. BENDIX
NOTARY PUBLIC
SEAL
LAPORTE COUNTY, STATE OF INDIANA
MY COMMISSION EXPIRES MAY 20, 2026
COMMISSION NO. 713350

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

CITY OF HOLLY HILL

CASE # 22-1071

REQUEST FOR REDUCTION OF LIEN

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH

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

Property Owner's Name: Lucienne Gazler

Property Address: 1016 Cherokee Ranch Rd, Holly Hill, FL 32117

Contact information where you can be reached during the day:

Cell Phone 219-210-0353 Email steph12276@att.net

Is the property now in compliance? X YES ___NO

(If No, explain in detail)

_____

_____

_____

_____

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

Are you claiming financial hardship? __ YES _X_ NO

If yes, please explain:

Are you claiming medical hardship? _X_ YES ___ NO

If yes, please explain without giving details of the injury or illness.

Lived with undiagnosed dementia. Was brought to Indiana in April .

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

Name: Stephanie Imperato

Relationship: Great Niece

I, Stephanie Imperato, do hereby submit this REQUEST FOR REDUCTION OF LIEN to request a reduction in the total amount of lien imposed and in support of the following statement:

Lucienne is a widow who was living with undiagnosed dementia. She did not realize she had the citation and did not realize there had been a lien placed on her residence. Once she relocated to Indiana and we did research on all her current and past due bills we reliized she the the citation and lien. We contacted a local power washing company and have corrected the citation issue relating to her fence. Current amount of the lien is $16,900.00 due to daily fees. We are requesting the lien reduction on her behalf.

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

Date: May 22,2023 Signed: Stephanie Imperato

Print Name: Stephanie Imperato

STATE OF Indiana

COUNTY OF: LaPorte

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgements, Stephanie Imperato, who after first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally know to me and has produced Driver's License as identification and did take an oath.

Date: May 22, 2023

SANDRA L. BENDIX
NOTARY PUBLIC
SEAL
LAPORTE COUNTY, STATE OF INDIANA
MY COMMISSION EXPIRES MAY 20, 2026
COMMISSION NO. 713350

Sandra L. Bendix
Notary Public

My Commission Expires May 20, 2026

RETURN COMPLETED, SIGNED AND NOTARIZED FORM TO

CODE ENFORCEMENT DEPARTMENT

1065 RIDGEWOOD AVENUE

HOLLY HILL, FL 32117

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

aperion care®
ARBORS MICHIGAN CITY

April 28, 2023

Aperion Care, Arbors
1101 E. Coolspring Ave.
Michigan City, IN 46360

To whom it may concern,

I have assessed Lucienne Gazler, and she is unable to make decisions regarding her healthcare or finances due to her diagnosis of dementia.

Dr. Umair Ahmed

Cory Soller
Director of Business Development
Aperion Care Arbors Michigan City
(219) 229-3855

JML

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

INDIANA DURABLE POWER OF ATTORNEY

THE POWERS YOU GRANT BELOW ARE EFFECTIVE EVEN IF YOU BECOME DISABLED OR INCOMPETENT

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER
HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, Lucienne Gazler, [Principal's Name] of 1016 Cherokee Ranch Road, Holly Hill, FL 32117 [Principal's Address] appoint Stephanie Imperato [Agent's Name] of 2902 Maple Street, Michigan City, IN 46360 [Agent's Address] as my Agent (attorney-in- fact) to act for me in any lawful way with respect to the following initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

Note: If you initial Item A or Item B, which follow, a notarized signature will be required on behalf of the Principal.

INITIAL

_____(A) Real property transactions. To lease, sell, mortgage, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any interest in real property whatsoever, on such terms and conditions, and under such covenants, as my Agent shall deem proper; and to maintain, repair, tear down, alter, rebuild, improve manage, insure, move, rent, lease, sell, convey, subject to liens, mortgages, and security deeds, and in any way or manner deal with all or any part of any interest in real property whatsoever, including specifically, but without limitation, real property lying and

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Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

being situated in the State of Indiana, under such terms and conditions, and under such covenants, as my Agent shall deem proper and may for all deferred payments accept purchase money notes payable to me and secured by mortgages or deeds to secure debt, and may from time to time collect and cancel any of said notes, mortgages, security interests, or deeds to secure debt.

_____(B) Tangible personal property transactions. To lease, sell, mortgage, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any personal property whatsoever, tangible or intangible, or interest thereto, on such terms and conditions, and under such covenants, as my Agent shall deem proper; and to maintain, repair, improve, manage, insure, rent, lease, sell, convey, subject to liens or mortgages, or to take any other security interests in said property which are recognized under the Uniform Commercial Code as adopted at that time under the laws of the State of Indiana or any applicable state, or otherwise hypothecate (pledge), and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, that I own at the time of execution or may thereafter acquire, under such terms and conditions, and under such covenants, as my Agent shall deem proper.

_____(C) Stock and bond transactions. To purchase, sell, exchange, surrender, assign, redeem, vote at any meeting, or otherwise transfer any and all shares of stock, bonds, or other securities in any business, association, corporation, partnership, or other legal entity, whether private or public, now or hereafter belonging to me.

_____(D) Commodity and option transactions. To buy, sell, exchange, assign, convey, settle and exercise commodities futures contracts and call and put options on stocks and stock indices traded on a regulated options exchange and collect and receipt for all proceeds of any such transactions; establish or continue option accounts for the principal with any securities or futures broker; and, in general, exercise all powers with respect to commodities and options which the principal could if present and under no disability.

_____(E) Banking and other financial institution transactions. To make, receive, sign, endorse, execute, acknowledge, deliver and possess checks, drafts, bills of exchange, letters of credit, notes, stock certificates, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of banks, savings and loans, credit unions, or other institutions or associations. To pay all sums of money, at any time or times, that may hereafter be owing by me upon any account, bill of exchange, check,

LG

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

draft, purchase, contract, note, or trade acceptance made, executed, endorsed, accepted, and delivered by me or for me in my name, by my Agent.
To borrow from time to time such sums of money as my Agent may deem proper and execute promissory notes, security deeds or agreements, financing statements, or other security instruments in such form as the lender may request and renew said notes and security instruments from time to time in whole or in part. To have free access at any time or times to any safe deposit box or vault to which I might have access.

_____(F) Business operating transactions. To conduct, engage in, and otherwise transact the affairs of any and all lawful business ventures of whatever nature or kind that I may now or hereafter be involved in. To organize or continue and conduct any business which term includes, without limitation, any farming, manufacturing, service, mining, retailing or other type of business operation in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity; operate, buy, sell, expand, contract, terminate or liquidate any business; direct, control, supervise, manage or participate in the operation of any business and engage, compensate and discharge business managers, employees, agents, attorneys, accountants and consultants; and, in general, exercise all powers with respect to business interests and operations which the principal could if present and under no disability.

_____(G) Insurance and annuity transactions. To exercise or perform any act, power, duty, right, or obligation, in regard to any contract of life, accident, health, disability, liability, or other type of insurance or any combination of insurance; and to procure new or additional contracts of insurance for me and to designate the beneficiary of same; provided, however, that my Agent cannot designate himself or herself as beneficiary of any such insurance contracts.

_____(H) Estate, trust, and other beneficiary transactions. To accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legacy, bequest, devise, gift or other property interest or payment due or payable to or for the principal; assert any interest in and exercise any power over any trust, estate or property subject to fiduciary control; establish a revocable trust solely for the benefit of the principal that terminates at the death of the principal and is then distributable to the legal representative of the estate of the principal; and, in general, exercise all powers with respect to estates and trusts which the principal could exercise if present and under no disability; provided, however, that the Agent may not make or change a will and may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the Agent unless specific authority to that end is given.

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

_____(I) Claims and litigation. To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching my property, real or personal, or any part thereof, or touching any matter in which I, or, my property, real or personal, may be in any way concerned. To defend, settle, adjust, make allowances, compound, submit to arbitration, and compromise all accounts, reckonings, claims, and demands whatsoever that now are, or hereafter shall be, pending between me and any person, firm, corporation, or other legal entity, in such manner and in all respects as my Agent shall deem proper.

_____(J) Personal and family maintenance. To hire accountants, attorneys at law, consultants, clerks, physicians, nurses, agents, servants, workmen, and others and to remove them, and to appoint others in their place, and to pay and allow the persons so employed such salaries, wages, or other remunerations, as my Agent shall deem proper.

_____(K) Benefits from Social Security, Medicare, Medicaid, or other governmental programs, or military service. To prepare, sign and file any claim or application for Social Security, unemployment or military service benefits; sue for, settle or abandon any claims to any benefit or assistance under any federal, state, local or foreign statute or regulation; control, deposit to any account, collect, receipt for, and take title to and hold all benefits under any Social Security, unemployment, military service or other state, federal, local or foreign statute or regulation; and, in general, exercise all powers with respect to Social Security, unemployment, military service, and governmental benefits, including but not limited to Medicare and Medicaid, which the principal could exercise if present and under no disability.

_____(L) Retirement plan transactions. To contribute to, withdraw from and deposit funds in any type of retirement plan (which term includes, without limitation, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and other retirement plan, individual retirement account, deferred compensation plan and any other type of employee benefit plan); select and change payment options for the principal under any retirement plan; make rollover contributions from any retirement plan to other retirement plans or individual retirement accounts; exercise all investment powers available under any type of self-directed retirement plan; and, in general, exercise all powers with respect to retirement plans and retirement plan account balances which the principal could if present and under no disability.

_____(M) Tax matters. To prepare, to make elections, to execute and to file all tax, social security, unemployment insurance, and informational returns required by the laws of the United States, or of any state or subdivision thereof,

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Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

or of any foreign government; to prepare, to execute, and to file all other papers and instruments which the Agent shall think to be desirable or necessary for safeguarding of me against excess or illegal taxation or against penalties imposed for claimed violation of any law or other governmental regulation; and to

pay, to compromise, or to contest or to apply for refunds in connection with any taxes or assessments for which I am or may be liable.

LC (N) ALL OF THE POWERS LISTED ABOVE. YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINE YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

Not Applicable

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

THIS POWER OF ATTORNEY SHALL BE CONSTRUED AS A GENERAL DURABLE POWER OF ATTORNEY AND SHALL CONTINUE TO BE EFFECTIVE EVEN IF I BECOME DISABLED, INCAPACITATED, OR INCOMPETENT.

(YOUR AGENT WILL HAVE AUTHORITY TO EMPLOY OTHER PERSONS AS NECESSARY TO ENABLE THE AGENT TO PROPERLY EXERCISE THE POWERS GRANTED IN THIS FORM, BUT YOUR AGENT WILL HAVE TO MAKE ALL DISCRETIONARY DECISIONS. IF YOU WANT TO GIVE YOUR AGENT THE RIGHT TO DELEGATE DISCRETIONARY DECISION-MAKING POWERS
TO OTHERS, YOU SHOULD KEEP THE NEXT SENTENCE, OTHERWISE IT SHOULD BE STRICKEN.)

Authority to Delegate. My Agent shall have the right by written instrument to delegate any or all of the foregoing powers involving discretionary decision-making to any person or persons whom my Agent may select, but such delegation may be amended or revoked by any agent (including any successor)

LC

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

named by me who is acting under this power of attorney at the time of reference.

(YOUR AGENT WILL BE ENTITLED TO REIMBURSEMENT FOR ALL REASONABLE EXPENSES INCURRED IN ACTING UNDER THIS POWER OF ATTORNEY. STRIKE OUT THE NEXT SENTENCE IF YOU DO NOT WANT YOUR AGENT TO ALSO BE ENTITLED TO REASONABLE COMPENSATION FOR SERVICES AS AGENT.)

Right to Compensation. My Agent shall be entitled to reasonable compensation for services rendered as agent under this power of attorney.

(IF YOU WISH TO NAME SUCCESSOR AGENTS, INSERT THE NAME(S) AND ADDRESS(ES) OF SUCH SUCCESSOR(S) IN THE FOLLOWING PARAGRAPH.)

Successor Agent. If any Agent named by me shall die, become incompetent, resign or refuse to accept the office of Agent, I name the following (each to act alone and successively, in the order named) as successor(s) to such Agent:

Christopher Imperato

Choice of Law. THIS POWER OF ATTORNEY WILL BE GOVERNED BY THE LAWS OF THE STATE OF INDIANA WITHOUT REGARD FOR CONFLICTS OF LAWS PRINCIPLES. IT WAS EXECUTED IN THE STATE OF INDIANA AND IS INTENDED TO BE VALID IN ALL JURISDICTIONS OF THE UNITED STATES OF AMERICA AND ALL FOREIGN NATIONS.

I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my Agent.

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party learns of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

IN WITNESS WHEREOF, I have set my hand and seal on April 18, 2023.

Lucienne Gazler

[Signature of Principal] Lucienne Gazler

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Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Huguette Creager

Witness Signature

HUGUETTE CREAGER

Witness Printed Name

118 Riviera Dr.

Address

M.C. IN. 46360

City, State Zip

Witness Signature

PIERRE IMPERATO

Witness Printed Name

2500 MANHATTAN ST.

Address

MICHIGAN CITY, IN. 46360

City, State Zip

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

Notary Acknowledgement (*Must be completed by Notary*)

State of Indiana County of LaPorte Subscribed, Sworn and acknowledged before me on April 18, 2023 by Lucienne Gazler, the Principal, who identified this instrument as her Durable Power of Attorney and signed the instrument willingly. Lucienne Gazler is personally known to me or has produced a Florida Driver's License as identification.

Notary Signature

Notary Public
In and for the County of LaPorte
State of Indiana
My commission expires: May 20, 2026

Seal

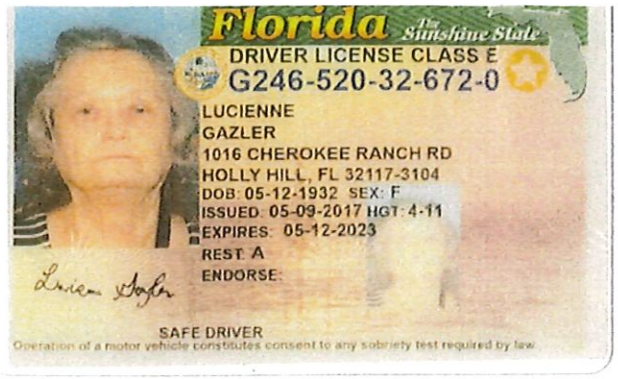
SANDRA L. BENDIX
NOTARY PUBLIC
SEAL
LAPORTE COUNTY, STATE OF INDIANA
MY COMMISSION EXPIRES MAY 20, 2026
COMMISSION NO. 713350

This instrument was Self-Prepared by:
Lucienne Gazler
1016 Cherokee Ranch Road
Holly Hill, FL 32117

With the assistance of:
Charmaine Imperato
2500 Manhattan St.
Michigan City, IN 46360

LG

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)



Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

INDIANA USA OPERATOR LICENSE

bmv.IN.gov
PETER L. LACY, COMMISSIONER

4d DLN 0900-27-5662 4b EXP 12/02/2027

1 IMPERATO
2 STEPHANIE ANNE

8 2902 MAPLE ST
MICHIGAN CITY, IN 46360

9 CLASS NONE 9a END L
12 RES NONE
15 SEX F 16 HGT 5'-04" 17 WGT 180 lb
18 EYES BRO 19 HAIR BRO
3 DOB 12/02/1976 4a ISS 03/07/2020
5 DD 03072039000026

12/02/76

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

9/27/2022 12:45:04 PM Instrument #2022223613 #1 Book:8317 Page:212 Laura E. Roth, Volusia County Clerk of Court

Return To:	
Name:	Brian M. Walker, Community Development Director
Address:	1065 Ridgewood Ave
	Holly Hill, FL 32117-2807
This instrument Prepared by:	
Name:	**Peggy Collier**
Address:	1065 Ridgewood Ave
	Holly Hill, FL 32117-2807
Property Appraisers Parcel ID Number(s): 424252000250	

Claim of Lien

State of Florida, County of Volusia

Before me, the undersigned Notary Public, personally appeared Brian M. Walker, Community Development Director
Who was duly sworn and says he/she is the lienor herein.

City of Holly Hill

whose address is 1065 Ridgewood Ave, Holly Hill, Florida 32117

Respondent ordered to pay fines, fees and cost as follows:
Special Magistrate Administrative Hearing Fine of $250.00 ordered on May 17, 2022, which remains unpaid.
Case # 22-1071

Fines of $50.00 per day per violation,(1 violation) commencing on June 16, 2022.

on the following described real property in Volusia County, Florida:
LOT 25 CHEROKEE PARK 1ST ADD MB 26 PG 94 PER OR 3733 PG 2106
PER UNREC DC

1016 Cherokee Ranch Road, Holly Hill FL 32117.

owned by Lucienne Gazler. Fine, fees and cost of Fifty Dollars ($50) per day per violation (1 violation) commencing on June 16, 2022 along with a hearing fine of Two Hundred Fifty Dollar Hearing Fine ($250.00), which remains unpaid as of September 14, 2022.

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

Lienor: City of Holly Hill

By _____ (Agent)

Print Name: Brian M. Walker, Community Development Director

Sworn to and subscribed before me this 14 day of September 2022.

Peggy C Collier
Comm.#GG971072
Expires: March 18, 2024
Bonded Thru Aaron Notary

Peggy C Collier
Notary Public

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)

VOLUSIA COUNTY PROPERTY APPRAISER
LARRY BARTLETT, JD, CFA
WE VALUE VOLUSIA

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

Property Summary

Alternate Key:	3205219
Parcel ID:	424252000250
Township-Range-Section:	14 - 32 - 42
Subdivision-Block-Lot:	52 - 00 - 0250
Business Name:	
Owner(s):	GAZLER LUCIENNE - 100%
Mailing Address On File:	1016 CHEROKEE RANCH RD HOLLY HILL FL 32117 3104
Physical Address:	1016 CHEROKEE RANCH RD, HOLLY HILL 32117
Building Count:	1
Neighborhood:	2713 - CHEROKEE PK 4242-51 CHEROKEE
Subdivision Name:	CHEROKEE PARK 1ST ADDITION
Property Use:	0100 - SINGLE FAMILY
Tax District:	203-HOLLY HILL
2022 Final Millage Rate:	18.7895
Homestead Property:	Yes
Agriculture Classification:	No
Short Description:	LOT 25 CHEROKEE PARK 1ST ADD MB 26 PG 94 PER OR 3733 PG 2106 PER UNREC DC

Property Values

Tax Year:	2023 Working	2022 Final	2021 Final
Valuation Method:	1-Market Oriented Cost	1-Market Oriented Cost	1-Market Oriented Cost
Improvement Value:	$170,950	$159,936	$128,514
Land Value:	$25,380	$24,675	$22,560
Just/Market Value:	$196,330	$184,611	$151,074

Working Tax Roll Values by Taxing Authority

Values shown below are the 2023 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2022 FINAL MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority		Just/Market Value	Assessed Value	Ex/10CAP	Taxable Value	Millage Rate	Estimated Taxes
0017	CAPITAL IMPROVEMENT	$196,330	$69,755	$30,000	$39,755	1.5000	$59.63
0012	DISCRETIONARY	$196,330	$69,755	$30,000	$39,755	0.7480	$29.74
0011	REQ LOCAL EFFORT	$196,330	$69,755	$30,000	$39,755	3.2340	$128.57
0050	GENERAL FUND	$196,330	$69,755	$69,755	$0	4.8499	$0.00
0055	LIBRARY	$196,330	$69,755	$69,755	$0	0.4635	$0.00
0520	MOSQUITO CONTROL	$196,330	$69,755	$69,755	$0	0.1781	$0.00
0530	PONCE INLET PORT AUTHORITY	$196,330	$69,755	$69,755	$0	0.0760	$0.00
0053	PUBLIC SAFETY FUND	$196,330	$69,755	$69,755	$0	0.0000	$0.00
0058	VOLUSIA ECHO	$196,330	$69,755	$69,755	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$196,330	$69,755	$69,755	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$196,330	$69,755	$49,755	$20,000	0.0320	$0.64
0100	HALIFAX HOSPITAL AUTHORITY	$196,330	$69,755	$49,755	$20,000	0.8606	$17.21
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$196,330	$69,755	$49,755	$20,000	0.1974	$3.95
0200	HOLLY HILL	$196,330	$69,755	$69,755	$0	6.2500	$0.00
						18.7895	$239.74

Non-Ad Valorem Assessments

Project	#Units	Rate	Amount
0203-HOLLY HILL STORMWATER	1.00	$96.00	$96.00

Estimated Ad Valorem Tax:	$239.74
Estimated Non-Ad Valorem Tax:	$96.00
Estimated Taxes:	**$335.74**
Estimated Tax Amount without SOH/10CAP ⓘ	$3,784.94

Attachment: 1016 Cherokee Ranch Lien Reduction (4152 : Request for Lien Reduction - 1016 Cherokee Ranch)