CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● JUNE 26, 2018

City Commission Chamber	Regular City Commission Meeting	7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call
b. Invocation
Jeff Martin led the invocation.

c. Pledge of Allegiance
Mayor Penny led the Pledge of Allegiance to the Flag.

2. POSITIVITY AWARD - PARSONS & WHITFILED

1.

Jo Ann Parsons & Floyd Whitfield - 934 Jasmine Avenue, Holly Hill

(Requested by Valerie Manning, City Clerk)
Presentation given to Jo Ann Parsons and Floyd Whitfield who live at 934 Jasmine Avenue, Holly Hill.

3. RECESS THE CC MTG & CONVENE AS THE CRA

4. CRA AGENDA

1.

Resolution 2018-R-38 A Resolution of the Community Redevelopment Agency (CRA) of the City of Holly Hill, Florida; Authorizing the City Manager to Enter into an Agreement with AT&T; and Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)
The following individual spoke to the Mayor and City Commissioners: Jim Legary, 342 Burleigh Avenue, Holly Hill asked if it's customary to pay out front for this work?

Mr. Khoury stated it is typical to pay on these things because the utility services are on FDOT and on Florida Power and Light poles so that's the reasons they have to prepay with permits.

Mr. Legary stated so, nobody but AT&T will be able to use these lines that the city is paying for?

Mr. Forte stated they have FPL, AT&T, Brighthouse, ITS. They are their lines that are overhead…

Mayor Penny stated the city is paying them to move their lines.

Mr. Forte stated since the city wants them underground, the city has to pay to put them underground.

Mr. Legary stated if Verizon or Google or….

Mr. Forte stated if anybody comes in, in the future then they will have to do it in the underground.

Mr. Legary asked and they'll be able to use those lines or other lines?

Mr. Forte stated they may have to run separate conduits, separate lines.

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

Enacted and approved this 26th day of June, 2018, in Holly Hill

5. ADJOURN AS THE CRA & RECONVENE THE CC MTG

6. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners:

Dorothy Mayhue from Rise Above It Family Church, 1531 Center Avenue, Holly Hill, stated Dr. Warren Jackson is the Pastor and invited the Mayor and Commissioners to their *15th Pastoral Anniversary Celebration* from July 25-29, 2018 and wanted to know how she can go about getting Pastor Jackson the "Key to the City".

Mayor Penny stated the city doesn't have a key but he will be happy to do a Proclamation for the Pastor if she could get with the City Clerk and share some information with her and he will sign it for him.

Jim Legary, 342 Burleigh Avenue, Holly Hill, shared his concerns about not being able to participate in a Volusia League of Cities dinner a few weeks ago and wanted to know why.

Mayor Penny stated it's the League of Cities rules that the public is not allowed to attend the dinners, it's not the city's rules.

7. APPROVAL OF MINUTES

1.

Minutes - June 12, 2018 Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 26th day of June, 2018, in Holly Hill

8. CONSENT AGENDA - ITEMS (1 - 4)

Mayor Penny asked if any member of the Commission would like to pull an item from the Consent Agenda for further discussion or if any member of the audience wanted to discuss an item.

Mr. Forte informed the Mayor and City Commission that the ***Continuing Services Contract for Architectural Services*** needs to be pulled and placed on the **Regular Agenda** instead.

Items 1, 2, and 3 were approved. Item 4 was moved to the Regular Agenda as mentioned by Mr. Forte.

1. Resolution

Resolution 2018-R-39 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into an Agreement with the Florida Department of Transportation (FDOT) to Have Identification Markers Installed in the Right-Of-Way Owned by FDOT; Providing for Severability; Providing for Conflicting Resolutions; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION

Enacted and approved this 26th day of June, 2018, in Holly Hill

2.

CPI Rate Adjustment Request - Waste Pro of Florida, Inc.

(Requested by John McKinney, Finance)

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

Enacted and approved this 26th day of June, 2018, in Holly Hill

3.

TPO Funding Agreement for FY2018-2019 with City of Holly Hill

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 26th day of June, 2018, in Holly Hill

9. REGULAR AGENDA

1.

Continuing Services Contract for Architectural Services

(Requested by Antoine Khoury, Public Works)
Mr. Forte stated they went out to bid for Architectural Services. They received four bids back. The staff put a committee together and recommend and *Hall & Ogle Architects, Inc.*, as the number one firm. If the Commission agrees with this and approves the agenda item as presented the staff will then go back and negotiate terms and conditions.

Mayor Penny opened public participation. No one spoke.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 26th day of June, 2018, in Holly Hill

2. Resolution

Resolution 2018-R-40 A Resolution of the City Commission of the City of Holly Hill, Florida; Authorizing the City Manager to Enter into an Agreement with AT&T; and Providing for Severability; Providing for Conflicting Resolutions; and Providing for an Effective Date.

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

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

RESOLUTION

Enacted and approved this 26th day of June, 2018, in Holly Hill

3.

Utility Rate Study

(Requested by John McKinney, Finance)
John McKinney, Finance Director gave a brief staff report to the Mayor and City Commissioners pertaining to the Utility Rate Study. He informed them that a rate study has not been done in over 20 years and is needed.

Mayor Penny opened public participation. No one spoke.

Commissioner Byrnes opposed the rate study.

PASSED, 4-1.

RESULT:	**APPROVED [4 TO 1]**
MOVER:	John C. Danio, District 3 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Currie, Danio, Via, Penny
NAYS:	Byrnes

Enacted and approved this 26th day of June, 2018, in Holly Hill

4.

Lien Reduction Request for 430 Burleigh Avenue

(Requested by Joseph Forte, City Manager)
Mr. Forte gave an update on 430 Burleigh Avenue for the lien reduction request for this property. The following information was discussed with them from the staff report in their agenda packets. On August 22, 2017, the City Commission approved the following AMENDED motion by Commissioner Via: *"a motion finding that this property is a public nuisance and that city staff is directed to proceed with demolition unless the City Manager's determination a reasonable, viable, alternative to refurbish or rehab the structure is submitted prior to demolition, at which time the City Manager has the discretion to halt demolition and a time limit of 30-days to pull a permit or it's going to get torn down as directed by the City Manager, seconded by Commissioner Byrnes"*. This motion passed 5/0. Mr. Forte stated subsequently, James (Will) Nachazel, entered into an agreement (attached) with the City either to rehabilitate the property or have it demolished within a specific time period. Mr. Nachazel was unable to have the home rehabilitated which resulted in the home being demolished at the property owners expense. Mr. Nachazel has expended, according to his statement, over $38,000.00 in this process and is left with a vacant piece of land. Mr. Forte stated the original lien recorded was $297,254.00, which was negotiated to $5,000.00 under the terms and conditions set forth in the attached agreement. Mr. Nachazel is now requesting the lien be reduced from the negotiated $5,000.00 to $1,000.00. Mr. Forte stated in their agenda packet, he put together the city's out of pocket expenses is about $2,164.20. However, he made an error when he acknowledge the number of times the property went to the Special Master it was five times and he had accounted for $250.00 for each of those, however, the Special Master did not assess a $250.00 each time, they extended it. The number in their packet of $2,164.20 is really reduced by that $1,000 and the admin fee of 18% and the actual out of pocket cost for the city is about $984.35. Mr. Forte stated his position is that they entered into an agreement and both parties signed it for $5,000 and now they have, basically, a hardship claim that because of the amount of money spent, Mr. Nachazel is asking for that to be reduced. Mr. Forte stated he did inquire of Mr. Nachazel as to what his intension are with the property, whether he was going to eventually build on the property or sell the property and he is really unsure. Mr. Nachazel told him that depending on what happens with this, he may hold it and build in the future when he is ready to retire or he may decide to sell it now. Mr. Forte stated his big concern is that the property does stay in compliance and it doesn't become overgrown and it doesn't become an attractive nuisance. Mr. Forte stated he doesn't really have a recommendation. He is just telling the Mayor and Commissioners the facts that they had an agreement for $5,000, according to Mr. Nachazel has put $38,000 into it and is requesting that the city reduce it down to $1,000.

There was some discussion amongst the Mayor, Commissioner, Attorney Simpson and staff.

Commissioner Byrnes made a motion to ***APPROVE the Lien Reduction for 430 Burleigh Avenue in the amount of $1,000 payable within 30 days****, seconded by Commissioner Via.*

Mayor Penny opened public participation.

The following individuals spoke to the Mayor and City Commissioners: Jim Legary, 342

Burleigh Avenue, Holly Hill and Dennis Smith, Holly Hill.

Mayor Penny closed public participation.

FAILED, 2-3 (Currie, Danio and Mayor Penny)

Mayor Penny asked if someone would like to make a motion on the $5,000.

Commissioner Currie made a motion to ***APPROVE a Lien Reduction in the amount of $5,000 as originally agreed and they stand by the original agreement of the negotiated terms and direct the City Manager to move forward with sending an invoice for collection within 30 days and authorizing the City Manager to pursue all legal avenues for the collection of the $5,000,*** *seconded by Commissioner Danio.*

Mayor Penny opened public participation.

The following individuals spoke to the Mayor and City Commissioners: Jeff Martin, 934 Jasmine Avenue, Holly Hill.

Mayor Penny closed public participation.

PASSED, 3-2 (Byrnes and Via opposed)

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

Enacted and approved this 26th day of June, 2018, in Holly Hill

10. PUBLIC HEARINGS

1.

Capital Improvements Plan (CIP) Update - 2017-2018 through 2021-2022

(Requested by Brian Walker, City Planner)
Brian Walker, City Planner gave a brief staff report to the Mayor and City Commissioners for the Capital Improvements Plan (CIP) update for FY2017-2018 through 2021-2022.

Mayor Penny opened public participation.

Gilles Blais, 710 Magnolia Avenue, Holly Hill.

Mayor Penny closed public participation.

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

Enacted and approved this 26th day of June, 2018, in Holly Hill

11. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte informed the Mayor and Commissioners that he will be bringing an update to the Overhead to Underground Utilities to them. Several years ago, Mr. Harowski applied for sidewalk expansion projects on 15th Street, Flomich and Center Avenue; spoke about the trouble trying to get LAP Certified and the difficulties the city had with the County and he has hired some people that can be LAP Certified. He would like to withdraw the application and do it in-house.

Commissioner Currie made a motion to ***WITHDRAW the application****, seconded by Commissioner Byrnes.*

Mayor Penny opened public participation. No one spoke.

PASSED, 5-0.

Mr. Forte asked what was the length of time the Commission gave for outside displays because staff is working on the Ordinance to bring back to the Commission. There was ***CONSENSUS*** that it **was 6 months to sunset outside displays.**

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Via asked Tony Cassata to come forward and speak about the upcoming event that he will be hosting with the Holly Hill Sea Plane base splash event that will be coming up on September 1st - Splash In on the Halifax. Soft opening on the river, six air planes landing, food, free event, BBQ, they are trying to get fifteen to twenty airplanes, car show, the public is invited, they will take care of everything. Hoping for good weather. Mr. Cassata thanked the city for everything. The splash-in will be at hosted at Sunrise Park. They might need a little help with parking.

Commissioner Via agrees that its going to be a good event. He appreciates everyone's opinions and he thinks that's why there is five of them up there because they saw the difference in opinions sometimes.

Commissioner Danio wished everyone a Happy 4th of July; good discussion tonight.

Commissioner Currie likes the public involvement; continue to have more attendance; good discussion up here tonight and can be civil about it; looking forward to the Tony's event; more community involvement; Happy 4th of July.

Commissioner Byrnes took some time to go around and thank the current Commissioners for their services; didn't recognize any of the candidates or opponents in the meeting tonight; if they are running for office or the highest office they should be here.

D. Mayor's Comments

Mayor Penny thanked everyone for coming and if anyone has any questions or just wants to talk, he encourages them to speak to the Commissioners. Everyone is accessible.

12. ADJOURNMENT

The meeting adjourned at approximately 8:50 PM.

Valerie Manning

Valerie Manning, City Clerk CMC 6/26/2018

John Penny, Mayor 6/26/2018