CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● JUNE 27, 2017

City Commission Chamber	Regular City Commission Meeting	7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call

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

b. Invocation
Commissioner Via led the invocation.

c. Pledge of Allegiance
Commissioner Via led the Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners: Jim Legary, Burleigh Avenue, Holly Hill and Jim Schultz, Ormond Beach.

3. APPROVAL OF MINUTES

1.

Minutes - June 13, 2017 - Regular City Commission and CRA Meeting

(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 27th day of June, 2017, in Holly Hill

4. CONSENT AGENDA - ITEMS (1 - 4)

Mayor Penny asked if any member of the Commisson would like to pull any item from the Consent Agenda for further discussion or if any member of the audience would like to discuss any item. ***There was no one to speak or pull an item.***

1. Resolution

Resolution 2017-R-35 A Resolution of the City Commission of the City of Holly Hill, Florida, Awarding the Bid to Hydro International to Perform the Project "WWTP Biological Treatment Units Cleaning" in the Amount Not to Exceed $39,150.00; Authorizing the City Manager to Execute the Agreement; Providing for Severability; and Providing for an Effective Date.

(Requested by Mark Juliano, Public Works)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

RESOLUTION

Enacted and approved this 27th day of June, 2017, in Holly Hill

2. Resolution

Resolution 2017-R-36 A Resolution of the City of Holly Hill, Volusia County, Florida, Urging Members of the State Legislature to Adopt Legislation Amending Current Animal Cruelty Laws to Impose Stricter, Harsher Punishment and Penalties for Acts of Animal Cruelty.

(Requested by Valerie Manning, City Clerk)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

RESOLUTION

Enacted and approved this 27th day of June, 2017, in Holly Hill

3.

Halifax Humane Society Agreement 2017-2018

(Requested by Valerie Manning, City Clerk)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 27th day of June, 2017, in Holly Hill

4.

Asset Surplus Request

(Requested by Mark Juliano, Public Works)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 27th day of June, 2017, in Holly Hill

5. REGULAR AGENDA

1.

Site Access Agreement 1200 Center Ave. to Outline Conditions Under Which Fountainhead Will be Permitted to Undertake Certain Activities on the Property Prior to Closing.

(Requested by Joseph Forte, City Manager)
Mr. Forte stated this is an agreement that staff worked with Fountainhead in putting together an agreement that will allow Fountainhead to go ahead and go on the property and do certain types of work both on the grounds and in the buildings. It is broken down into two parts. One is an allowance to do work prior to committment to funding, financing of the project and there is other work that can be done afterward because the concern that he had was if for some strange reason they don't get the financing, they aren't able to close, the city didn't want them doing significant work on the buildings where the city would have to go back and either fix or repair or continue if that's not what the city wanted to do. Mr. Forte stated at this point, he received a verbal comittment that the financing is in place. The city hasn't received a written comittment on that yet but with deposits that the city has in place, he thinks they are safe in allowing Fountainhead to move forward to do some site work on the property and some building work. They still need to pull a site plan, they still need to pull permits for the work that needs to get done. It's all going to be done by licensed contractors. The contractors are going to have to sign a release and provide proof of insurance.

Mayor Penny asked if there were any questions for Mr. Forte.

Commissioner Byrnes asked do they understand that anything that they do, is not reimbursable or removable if things change?

Mr. Forte stated, yes. They know that this is all at their own risk.

Attorney Simpson stated and also, Fountainhead has already completed the due-diligence period. If they go in there and they all of a sudden find something that they weren't aware of they can't back out of the contract for that reason. They can obviously not buy before with the closing and then they forefit their deposit but they don't have a legal right to back out and get their deposit back.

Mayor Penny asked if Attorney Mark Watts, Cobb Cole, had anything he would like to add.

Attorney Watts stated he was just here to answer any questions if they came up. He thinks this agreement is designed to get things jump started so that they can get moving and get into the site and hopefully, get some employees in there sooner rather than later.

Mayor Penny opened public participation. No one spoke.

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

Enacted and approved this 27th day of June, 2017, in Holly Hill

2.

City Planner Non-Union Position

(Requested by Valerie Manning, City Clerk)
Mr. Forte stated as was mentioned in the workshop session, they are planning to eliminate the contractural agreement the city has with the City Planner and bring on a full-time planner. Back several years ago, the full-time City Planner position was taken out of the job description so this is bringing it back to the Commission for them to authorize the job description for the City Planner and place into the appropriate wage classification, which would be equivalent to that of the Deputy Police Chief.

Mayor Penny opened public participation. No one spoke.

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 27th day of June, 2017, in Holly Hill

3.

Sport Pylon Air Races, LLC Agreement

(Requested by Valerie Manning, City Clerk)
Mr. Forte stated this is the agreement that they discussed at the workshop session that would allow Sport Pylon Air Races to install their windsocks, their signage and their decal in the entrance runway ramp at Sunrise Park. They are already in place. If the Commission remembers, he did that administratively on a temporary basis as Mr. Bailey went through the permitting process. He's still going through the permitting process, still have to have a few more inspections done. This agreement allows Mr. Bailey to do those things. There's also language in the agreement that prohibits mooring or tying up too...mooring into the intercostal and the landing strip area or tying up to any docks that are not specifically for that craft. In other words, if someone owns a home on Riverside Drive they can certainly pull a craft up to their personal dock and tie up there but they can't tie up to the dock at Sunrise Park or at Ross Point or any other place that's not designated because that cuts into the city's allocation for boat slips that are designated through the Manatee Protection Plan. In addition to that, in front of the Commission, that in the Commission's motion, they would like to attach this (***Security Plan***) to that agreement and this is the ***Halifax Sea Plan Base Security Plan*** that Mr. Bailey had to submit. Staff made some modifications to it that Mr. Bailey agreed to. This is a signed document that Mr. Bailey had to submit and in the Commission's motion, staff and Mr. Bailey would like that to be included, if the Commission approves the agreement, is to include this document with that.

Mayor Penny asked if there were any questions of Mr. Forte.

Commissioner Byrnes stated Mr. Forte, if a seaplane lands here and somebody wants to go to a restaurant, how would they get ashore if they can't moor?

Mr. Forte stated they will pull up into Sunrise Park and they will occupy a boat trailer slip. There are safety precautions, which is what this deals with (referring to the Security Plan) on how that plane is brought into Sunrise Park where it can stay. It cannot stay overnight. It's only allowed to be there from sun up to sun down because there are no night time take offs or landings. Anybody that wants to come in and do something in the area, they will use Sunrise Park as a place to bring the plane. Initally, they figure, a couple of planes a month. Maybe even a couple of planes a week, at best.

Commissioner Byrnes stated, sure.

Mr. Forte stated it's not going to be a busy airport. Hopefully, it will grow and that will be a problem for the city in the future, a good problem but right now, they expect it to be rather minimum.

Commissioner Byrnes stated so they won't be totally seaplanes, there will be amphibious planes.

Mr. Forte stated, yes. They're amphibious planes.

Commissioner Byrnes stated because if a seaplane lands there it can't dock anywhere.

Mr. Forte stated they are anticipating these to be amphibious planes. They run about $150,000. They are kind of an up and coming adult toy that's out there now and they're designed to...they're a very light aircraft that can either be pushed or pulled or used with a tractor mower or a golf cart to get them into their spaces that they need to go. Mr. Bailey serves as the airport manager and they will radio into him as needed. Anytime they are going to be here for a period of time, they are more than likely going to take up a trailer parking space in Sunrise Park.

Commissioner Danio stated the protection of revamping the park, how does that affect this?

Mr. Forte stated the city is still moving forward with the upgrade to the park. The problem that they have right now is that budget on the park came in about $300,000 over what the projected grant funding is. Staff is working with Beth Lemke to see if there's another avenue the city can go after for additional grant funds but the city can't go back to the people that awarded the city the dollars. It's capped so the city can't increase that. Staff is working with Ms. Lemke to explore another option. Otherwise, staff will have to come back and find another alternative way to fund that.

Commissioner Danio stated his question is, let's assume the city gets the necessary funds to do that, how does that affect this project?

Mr. Forte stated during the time of construction, there will be no place for a plane to pull up. It's not going to take a long time for that construction to take place. He doesn't see it being a big hindrance.

Attorney Simpson stated Mr. Forte has made it real clear that if any of this seaplane operation jeopardizes the funding of the park or the park then the seaplane operation is not going to go forward. The city has to make sure that nothing interferes with that grant, the funding and that park with this operation.

Commissioner Via stated to that question, what is the city's recourse if something were to go wrong? Say, the citizens come out and they just hate it, there's too many planes landing.

Attorney Simpson stated the agreement can be terminated.

Commissioner Via asked they can cancel it at any time?

Mr. Forte stated the city can cancel its agreement and what that does is it says Mr. Bailey would have to take down the windsocks and the signage but that doesn't mean he can't make an agreement with somebody else who owns property along Riverside Drive where they would put the windsock up and signage over there. The biggest challenge would be is where would the planes park if the city didn't allow them in the Sunrise Park.

Commissioner Via asked how many boat trailer slips does the city have there?

Mr. Forte stated he thinks there is going to be 36. Thirty-six will be there when it's done.

Mayor Penny stated there's about 18 or 20 now.

Commissioner Via asked how many trailer spots?

Mr. Forte stated there will be 36.

Mayor Penny asked if the applicant, Mr. Bailey, would like to add anything?

Christopher "Doc" Bailey, the applicant, stated he thinks the questions that the Commission asked are very important. His ambition here is to bring to the community not take anything away from or stifle any growth. To begin with, they are going to have very few aircraft mostly for filming and stuff to promote an event that they will have here. It's not like they are going to open the floodgates. He thinks the community will embrace this, especially the way they are introducing it small bits at a time rather than have a 100 planes a week. Everything they are doing is to bring to here with the events, so on and so forth. They are hoping it will change the way the community looks from the riverfront to Ridgewood Avenue. Like Attorney Simpson said, if anything happens and there are any issues or there are too many people complaining, he has no problem picking up the marbles and going home. To date though, they've had exceptional, positive feedback. The other thing that they are doing, they already have three, he thinks a good number is seven, that he is going to have is a community member board. Aviation is a wonderful thing but it's a double-edge sword. It can be a love-hate agreement.What they are trying to do is take out all the negativity and stuff first by being good neighbors, and having real quiet aircraft. That's one of the reasons he spent over a year doing a certified airport base. He could have had people just land here after doing the FAA and not have it certified but the reasons they do it certified is FAA inspections to keep up the safety. They will have a safety criteria as to how to get in, get out, how these pilots will be able to get this information and make it the safest way they can, where they can land and where they can't. This has been a well thought out and extremely labor intensive event to get to this point. The Commission may not realize it but there are only two certified seaplane bases in the State of Florida. This will be the third location. The community member board is a non-paying advisory board but he wants it to be the people of this community that will have a say-so and will have lived here and figures they would know what's best for the community rather than him as an outsider come in and say they are going to do this and that. They still have a couple of slots available for the board. Once they get through that, Mr. Forte will approve everything and set up a meeting and that way they can start a date and deadline for their event, which they are hoping to do is bring nationwide attention to this event and introduce all the new models of the airplanes, have a two to three day festival, what can that hurt? They are trying to do the right thing. Any input that the Commission would have, he will certainly welcome.

Commissioner Via stated it's his understanding that these planes are also not noisy. They are less than a lawn mower...

Mr. Bailey stated actually, the decibal on an airplane forty feet away or less than a lawn mower on these types of seaplanes and that's why they did the length of the air field at 4800 feet, at 5000 feet turbine aircraft could land, which would be noisy. These seaplanes are muffled.

Mayor Penny opened public participation. No one spoke.

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 27th day of June, 2017, in Holly Hill

6. PUBLIC HEARINGS - NONE

7. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte stated that he has a request from the YMCA to place a flutter flag on US1 and waive the fee that is required.
There was discussion amongst the Mayor and Commissioners to waive the fee.
Commissioner Via shared his concerns as to his opposition of not waiving it; that it would be unfair to the other businesses within the city that are required to pay it and that's why he opposes it.

*Commissioner Danio made a motion to **WAIVE THE SIGN FEE for the Flutter Flag for the YMCA**, seconded by Commissioner Byrnes.*

Mayor Penny opened public participation. No one spoke.

PASSED, 4-1 (Commissioner Via opposed).

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Mr. Forte stated that Evergreen Solutions is in need of one Commissioner to attend a meeting on behalf of the Commission to talk about their wage comparison on Wednesday, July 12, 2017 from 1:00 PM to 1:45 PM. ***Commissioner Danio offered to do it.*** / Mr. Forte gave an update on his office being fixed due to Hurricane Matthew; he
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would like to move Code Enforcement down to his area and move Virginia who is the Administrative Assistant for Code Enforcement outside his office. He would like to leave Diane in the Commission's office for more privacy when she speaks with employees if the Commissioners aren't using it. ***The Commissioners were okay with meeting someone in the large conference room when needed. Other than that, they don't need that office that Diane is in***. / Mr. Forte stated that he attended the School Board meeting earlier this evening and he is sure the Mayor is going to address this matter as well and that he read the Mayor's letter he wrote into the record as it pertains to our HHK-8 School and losing our school Principal who accepted a job at Matanzas High School in Flagler County. This city has gone through five principals in six years and the city is not happy with that, that has to change and they have to take this a little more seriously. During the school board meeting they did appoint Mr. Watson from Ormond Beach as the new school Principal for HHK-8. Mr. Forte stated that he has requested a joint workshop with the School Board to discuss the commonalities that they have in trying to create a successful school and trying to create a successful city and more importantly, trying to create successful children. He's not sure if he will ever hear from the school board. If we don't start standing up for ourselves, we are going to get stepped on. We have to start demanding the level of service that we want.

B. City Attorney Comments
None.

C. Mayor's Comments
Mayor Penny shared his concerns about the school and Mr. Reaves leaving HHK-8. Mayor Penny read the letter that Mr. Forte brought to the school board and read on his behalf. He has mailed it to the school board as well and sent a copy to the *Daytona Beach News-Journal*. This is just his opinion and his opinion only.

“Dear Chairman Johnson and Members of the Volusia County School Board:

The role of a school principal in primary education is extremely diverse and critical to the sense of place, unity and identity which anchor the foundation of successful schools. In addition to providing strong campus leadership, the principal sets benchmarks for success, develops a cohesive team, and builds strong bonds between the school and the community it serves.

These external relationships are all-important to meeting the holistic developmental needs of students and their families - and they generate community wide support for school programs and goals.

However, pride and a sense of belonging cannot occur in an atmosphere of unpredictability.

Unfortunately, after many years hosting both a middle and elementary school, the City of Holly Hill has experienced a series of critical disappointments in our dealings with the Volusia County School District.

After being promised a replacement for our aging middle school, we watched as Hinson Middle was given priority - which took both students, and funding, out of our community. Then, the District explained that the City of Holly Hill now lacked the student population to support a new middle school.

With virtually no input from our community - in 2011, the District formulated and built a hybrid Kindergarten through 8th Grade school - which remains the only one of its kind in Volusia County.

In 2011, prior to the consolidation, Holly Hill Middle School earned a successful "B" School Performance Grade - while Holly Hill Elementary School was ranked a "C" school. Following the merge in 2012, Holly Hill K-8 dropped from a "C" designation and held a consistent "D" ranking for three consecutive years - to include an effective "F" in 2013.

Although Holly Hill School earned a "C" rating in 2016, in my view, this trend of mediocrity is unacceptable.

In my view, these abysmal ratings are directly attributable to the constant change in senior administrators which has left Holly Hill K-8 among the poorest performing schools in Volusia County.

In the past six years, Holly Hill School has seen five principals and seven assistant principals pass through the revolving door - not to mention the astronomical turnover in teaching positions and support personnel.

This constant churn in leadership doesn't just give the appearance of instability, it contributes to it.

Our students - and our community - deserve better.

We recently received the devastating news that current Holly Hill Principal Jeff Reaves will be leaving his post for an opportunity with Flagler County Schools. As you know, earlier this year Mr. Reaves was named *Florida's 2017 Innovative Principal of the Year* for his technology-minded approach to leadership.

Obviously, his departure represents another distressing set-back for our school.

The City of Holly Hill continues to struggle with economic and social challenges, to include a sluggish real estate market and weak business inventory. The presence of a failing school - especially one with little sign of improvement - is counter to our economic development and revitalization efforts.

This failed experiment is unacceptable to my constituents - and to all families who rely on the Volusia County School District to provide a quality education for their children.

I hereby request that the Volusia County School Board consider a multi-year performance-based contract with the next principal of Holly Hill K-8 School. It is imperative that we stop this roil of *"here today, gone tomorrow"* inconsistency, and begin the vital process of repairing a situation that has left students and faculty with no sense of permanency - or stability.

I hope you agree, the academic deterioration of Holly Hill School simply cannot continue.

This matter is extremely important to the quality of life and continued health of our community.

Thank you in advance for your urgent consideration."

D. City Commission Comments

Commissioner Via spoke about the Civil Service Board that's in the Charter and he would like to have that board reinstated; fulfill the Charter requirement to have a five-member board even if it's once a year. There was ***consensus*** from the Commission to move forward with allowing Mr. Forte to send out Civil Service Board requirements to the Commission so that they can appoint someone to the board. Send the individual what the board is required to do so they are aware of what takes place.

Commissioner Danio, Currie, Byrnes stated that the letter to the school board was good; budget workshop went well; good job.

8. ADJOURNMENT

The meeting adjourned at approximately 8:00 PM.

Valerie Manning

Valerie Manning, City Clerk,CMC 6/27/2017

John Penny, Mayor 6/27/2017