CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● JUNE 27, 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	Present	
John C. Danio	District 3 - Commissioner	Absent	
Roy Johnson	District 4 - Commissioner	Present	

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

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

2. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners: Dawn Bolin, Holly Hill; Heidi Heller, Holly Hill; and Christina Bolin, Holly Hill.

3. APPROVAL OF MINUTES

1. -DOC-2023-7

Minutes - June 13, 2023 - Regular City Commission Meeting

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

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

Enacted and approved this 27th day of June, 2023, in Holly Hill

4. CONSENT AGENDA - ITEM (1)

1.

Memorandum of Agreement between the Florida Department of Corrections And Holly Hill Police Department A5299 - 2023

(Requested by Jeff Miller, Police)
Mayor Via asked if there was any member from the audience who wished to speak to the item on the Consent Agenda or if any member of the Commission wished to discuss the item further. There was no one.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Johnson
ABSENT:	Danio

5. REGULAR AGENDA - NONE

None.

6. PUBLIC HEARINGS

1. 2023-O-3060 Ordinance

SECOND READING - ORDINANCE 3060 - an Ordinance of the City of Holly Hill Florida, Amending the Comprehensive Plan by Amending the Future Land Use Map Designation of Certain Property Identified in Attachment "A", by Virtue of a Small Scale Future Land Use Map Amendment; Changing the Future Land Use Map Designation from Low Medium-Density Residential (LMDR) to Commercial and Further Adding Text to Restrict Commercial Development on Such Parcels to Specific Storage Uses; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date. And SECOND READING - ORDINANCE 3061 - an Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations, by Amending the Official Zoning Map to Designate the Property Described in Exhibit "A" from CC-1 (Commercial Corridor District) and R-7 (Medium-Density Multi-Family Residential) to BPUD (Business Planned Unit Development); Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)
Attorney Simpson reminded the Mayor and Commissioners that these two Ordinances will be presented as one item, however, they will be voted on separately.

Commissioners Currie, Penny, Johnson and Mayor Via all disclosed that Rob Merrell's office had reached out to them through email to see if they would like to meet with the applicant to discuss these Ordinances as proposed but no one responded or met with anyone.

Mr. Walker went through the staff reports for Ordinance 3060, amending the Comprehensive Plan by amending the future land use map designation and Ordinance 3061, amending the Land Development Regulations by amending the official zoning map. Mr. Walker went through each staff report in great detail for the audience, Mayor and City Commissioners.

Rob Merrell, Cobb Cole, Daytona Beach, was present on behalf of the applicant to answer questions and for any clarifications that were needed aside from Mr. Walker's presentation from his staff report.

Mayor Via opened public participation for both Ordinances. No one spoke.

Commissioner Johnson made a motion to ***ADOPT FIRST READING OF ORDINANCE 3060, AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY IDENTIFIED IN ATTACHMENT "A", BY VIRTUE OF A SMALL SCALE FUTURE LAND USE MAP AMENDMENT; CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM LOW MEDIUM-DENSITY RESIDENTIAL (LMDR) TO COMMERCIAL AND FURTHER ADDING TEXT TO RESTRICT COMMERCIAL DEVELOPMENT ON SUCH PARCELS TO SPECIFIC STORAGE USES***, seconded by Commissioner Penny.

PASSED, 4-0. (Danio, Absent)

Commissioner Johnson made a motion to ***ADOPT FIRST READING OF ORDINANCE 3061, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY DESCRIBED IN EXHIBIT "A" FROM CC-1 (COMMERCIAL CORRIDOR DISTRICT) AND R-7 (MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL) TO BPUD (BUSINESS PLANNED UNIT DEVELOPMENT)***, seconded by Commissioner Penny.

PASSED, 4-0. (Danio, Absent)

(A copy of this meeting in its entirety is available on CD upon request in the City Clerk's Office or on the city's YouTube channel).

RESULT:	**APPROVED AT 1ST READING [UNANIMOUS]**	**Next: 7/11/2023 6:00 PM**
MOVER:	Roy Johnson, District 4 - Commissioner	
SECONDER:	John Penny, District 1 - Commissioner	
AYES:	Via, Penny, Currie, Johnson	
ABSENT:	Danio	

2.

1660 Ridgewood Avenue - Special Exception Special Exception Approval to Allow a Warehousing and Distribution Facility on a Parcel in the CC-1 Zoning District Within the Redevelopment Overlay.

(Requested by Brian Walker, Board of Planning and Appeals)
Mr. Walker went through his staff report with the Mayor and Commissioners for the special exception request for 1660 Ridgewood Avenue, applicant Elghali Elakram was present as well. Mr. Walker mentioned this is a special exception for approval to allow a warehousing and distribution facility on a parcel in the CC-1 Zoning District within the Redevelopment Overlay. Mr. Walker stated the subject property is a developed site with a 10,413 square foot building. The applicant would like to use the facility as a wholesale and distribution business that supply's tobacco products to other stores. There will be a retail component as well. A detailed description of the applicant's activities is provided in Exhibit A in their packets. Use of the building for wholesale and distribution activities within the Redevelopment Overlay is permitted only as a special exception. The proposed hours of operation are from 6:00 am to 5:00 pm, 5 days a week. Deliveries will primarily be provided by commercial carriers such as UPS and FEDEX. Large trucks such as 18 wheelers will not be used at the site. Deliveries will consist of boxed tobacco products and not large pallets. Mr. Walker went over Section 114-709. - Warehousing and Distribution Facilities with the Mayor and Commissioners (this is also in their agenda packets as part of the staff report).
Mayor Via asked if the applicant would like to come forward and add anything that hasn't already been said.
Elghali Elakram came forward and mentioned some of the same things that Mr. Walker had previously stated in his staff report. Mr. Elakram did agree the tobacco products will be warehoused and distributed in boxes and that no 18 wheelers will be used, just vehicles such as cars, vans and box trucks for deliveries.
Mayor Via opened public participation.
Paul Hughes, Holly Hill spoke.
Mayor Via closed public participation.
(A copy of this meeting in its entirety is available on CD upon request in the City Clerk's Office or on the city's YouTube channel).

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

Enacted and approved this 27th day of June, 2023, in Holly Hill

3.

1340 Ridgewood Avenue Storage Facility Special Exception Special Exception Approval to Allow an Indoor, Climate-Controlled Storage Facility on a Parcel in the CC-1 Zoning District Within the Redevelopment Overlay

(Requested by Brian Walker, Board of Planning and Appeals)
Mr. Walker went over his staff report for a special exception located at 1340 Ridgewood Avenue for a storage facility. This is for approval to allow an indoor, climate-controlled storage facility on a parcel in the CC-1 Zoning District within the Redevelopment Overlay. Mr. Walker mentioned the background history of the property. The subject property is currently the site of a vacant building that once served as the offices of a Florida Healthcare Facility. It is zoned CC-1 (Commercial Corridor District) and is located within the Redevelopment Overlay. The applicant would like to convert the north portion of the building into a 3-story, indoor, climate-controlled storage facility containing approximately 86,980 square feet and 800 to 900 units. Access hours would be 6:00 am to 10:00 pm daily and the "office" hours would be from 9:30 am to 6:00 pm, Monday through Friday and 9:00 am to 5:00 pm on Saturday. In Exhibit A in their packets, will show them what the facility will look like. Development of the proposed facility, within the Redevelopment Overlay is permitted only as a special exception, subject to the provisions of Section 114-686 of the Land Development Regulations of Holly Hill. Mr. Walker went through Section 114-686. - Miniwarehouses as stated in their packets. Staff has reviewed the requirements, reasons for denial and the applicant's responses, and does not object to the application for a special exception, nor does staff find any reason to disagree with the applicant's responses.
Mayor Via asked if the applicant or someone for the applicant was present and if they wished to come forward and speak.
Corey Brown, Storch Law Firm was present on behalf of the applicant and was available for questions or clarifications.
Mayor Via opened public participation.
Heidi Heller, Holly Hill; Yessenia Gonzalez, Holly Hill; and Christina Bolin, Holly Hill.
Mayor Via closed public participation.
(A copy of this meeting in its entirety is available on CD upon request in the City Clerk's Office or on the city's YouTube channel).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Johnson
ABSENT:	Danio

Enacted and approved this 27th day of June, 2023, in Holly Hill

4.

Request a Variance from the Requirements of Sec. 114-765 - Schedule of Dimensional Requirements, Requiring that Principal Structures in the R-2 (Single-Family) Zoning District be a Minimum of Thirty-Feet (30') from the Front Property Line. Such Request is Made in Order to Install a 300 Square Foot Above-Ground Swimming Pool with Enclosure and or a 6 Foot Fence, on the West Side Property Line of the Existing House. the Property is Located on the Southeast Corner of Ridge Avenue, and Flomich Street, and More Particularly Known as 317 Flomich Street; V-2023-01 (Kate Smith and Joe Ducati, Applicant) (Brian Walker, Community Development Director).

(Requested by Brian Walker, Board of Planning and Appeals)
Mr. Walker went through his staff report with the Mayor and City Commissioners for the variance request located at 317 Flomich Street. The applicants, Kate Smith and Joe Ducati are requesting the variance from the requirements of Sec. 114-765 - Schedule of dimensional requirements, requiring that principal structures in the R-2 (Single-Family) zoning district be a minimum of thirty-feet (30') from the front property line. This request is made in order to install a 300 square foot above-ground swimming pool with enclosure and a 6-foot fence, on the west side property line of the existing house. The property is located on the southeast corner of Ridge Avenue and Flomich Street, and more particularly known as 317 Flomich Street where the swimming pool will be located. Mr. Walker discussed the background pertaining to the property. The property sits on a corner and therefore, is considered to have two front yards and two side yards. The property owner would like to install an above ground pool and enclosure on the west side of the home but is unable to meet the 30' rear setback as required by Sec. 114-765 - Schedule of dimensional requirements. On April 18, 2023 the property owner applied for a front yard setback variance. The property owner desires to install a pool and screen enclosure on the west side of the property. This is the most logical proposed location for the pool since it is functionally the side yard of the home and contains a 40-foot grassed ROW buffer between the road and property line. However, the applicant is unable to meet the required 30-foot front-yard setback as required and for this reason has applied for a front-yard setback variance. Should the variance request be granted, the applicant will be permitted to place a pool and enclosure, along with a 6 foot fence, on the west property line along Ridge Avenue. The request is to eliminate the setback requirement (0-foot setback) for an above ground pool and enclosure with 6-foot fence, on the property's west side. This request meets all the requirements in Section 82-317 and therefore, recommends approval of a front yard setback variance from the requirements of Section 114-765, from 30 feet to zero feet on the west property line only, to allow the construction of an up to 300 square foot pool and an enclosure and a 6 foot fence at the home located on the southeast corner of Ridge Avenue and 317 Flomich Street.
Mayor Via asked if the applicants were present and wished to add anything. Kate Smith and Joe Ducati were present but hand nothing else to add.
Mayor Via opened public participation.
Heidi Heller, Holly Hill; Dawn Bolin, Holly Hill; and Christina Bolin.
Mayor Via closed public participation.
(A copy of this meeting in its entirety is available on CD upon request in the City Clerk's Office or on the city's YouTube channel).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Johnson
ABSENT:	Danio

Enacted and approved this 27th day of June, 2023, in Holly Hill

7. COMMUNICATIONS

A. City Manager Comments

Mr. Forte mentioned that he received a letter from an attorney with regards to Walmart being part of the opioid settlement. The city already resolved that; turning all of our monies over to the County but Walmart is now a party to that and this settlement would allow any monies that Walmart contribute to go to the County as well. He has the document in front of him and Attorney Simpson has reviewed it and he feels it's okay for him to sign; he just wanted to bring it to the Commission's attention. Mr. Forte mentioned that the Florida League of Cities annual conference is August 10-12. He will ask the City Clerk to send the information to all of you and if you want to go get back with her. He is going to follow up tomorrow on 14th Street and State Avenue with people living in the storage facility. Mr. Forte stated the Union Congregational Church on Daytona Avenue behind City Hall is going to decommission as a church and they are asking if the city is interested in purchasing that. He met with the Historic Society last week and they have interest in going in there but before he gets into negotiations with them and he has gone over the details with some of the Commissioners, he thinks there's some opportunity for the city to own probably the last piece of property on Daytona Avenue, between 10th Street and LPGA. It might be in the city's best interest to acquire it and then work out the details for allowing the Historic Society to then lease the property. He wanted to see if there was any objection to him moving forward with that? ***There was no objection from the Commission in Mr. Forte moving forward.*** Mr. Forte stated the last thing he wanted to talk about was the Fountainhead letter. His thought was, what he put in that email, is that he would meet with the two attorneys that represent Fountainhead and get more detail and specificity about exactly what it is their looking from the city for and then bring that back to probably a work session with the Commission to get your input and Attorney Simpson's legal opinion on those because like he's told them it's not his personal opinion that matters anymore, it's the legal opinion, the four corners of the agreement, which in many cases he doesn't think have been met and he thinks if we offer a benefit that's in an expired portion of the contract, he thinks we're in violation of something. He doesn't know yet. But at this point, unless the Commission tells him otherwise, he would like to hear exactly what they have to say and once he gets that then they can have a work session and discuss how far the Commissioners want to go forward with it. At this time, he doesn't want to spend a lot of staff or attorney time in deciphering the letter. The city has done that before several times and we haven't really gotten anywhere with it. Unless anyone feels differently, let him know.

Mayor Via stated that's how he sees it too. Let's hear them out and see what their asking for and then the Commissioners can discuss it at a workshop.

Mr. Forte stated the last thing is the Volusia League of Cities dinner is supposed to be December 7th. He spoke with Rainer over at Pictona and they have an 8-day tournament that week. The following Thursday is available, December 14th. He doesn't know if the League would move it out a week and if they don't want to move it a week and they want to keep it on December 7th, we're really out of options other than Sica Hall if the Commissioners want to keep it within the city limits. He wanted to throw that out there. He sent an email off to the League to ask if they would consider moving it to December 14th. He will wait to hear back from them and get back with the Commissioners.

Mayor Via stated that's his first pick, at Pictona, where the city hosts it.

Mr. Forte stated as long as they move it to December 14th, he thinks they can do that.

B. City Attorney Comments
None.

C. City Commission Comments
Commissioner Penny mentioned this is something that he wanted to discuss at a workshop and he brought it up at the last Commission meeting and that is some type of potential branding with Pictona and we still have to figure out what the solution is for the Dueling Pianos. The last one was free and they still couldn't get people to come. He doesn't know what the solution is. He counted 160 people there. There was no charge for parking, no charge for admission and only 160 came. It's a great venue, a great night of entertainment. The people that were there had fun he thinks but its lack of participation. He doesn't know what the answer is.

Mayor Via stated he discussed this a little bit with Mr. Forte and they've all talked about this that it's going to take some time to ramp up and he would call 160 a failure; 160 people for an event is decent but he knows we want a lot more.

Commissioner Penny stated he agrees with the Mayor but when you look at a place that seats 1500 and there's only 160, it looks like a drop in the bucket.

Mayor Via stated your exactly right. He doesn't know the answer to this question and his question is how much are we competing with the Daytona Summer Series that's free and he knows it wasn't on the same night but we're kind of pulling from the same people. This was a Thursday night so maybe not as many people could go out on that night. What he said is it's going to be interesting if it ramps up during the winter months. Anything after August, their concert series ends in August he thinks and if the city sees that as a trend we can, he doesn't think we should throw good money at bad in trying to market better than them and steal some people away. Eventually, it will be organic with people knowing and watching the concert series. He thinks this is one of those things, with time more and more people…he guarantees them out of the 160 there was at least 40 new people and they're going to tell their neighbors how great of a time that they had and it was free and that they're going to look out for future ones. Not everybody is going to be able to go to every single one. For instance, for him, there was a family thing that came up and he wasn't able to go although he was planning on going. He thinks the answer, Commissioner Penny, is that it takes a little time and he thinks that's going to be tied into our branding discussion and how we move that forward but it's an extremely valid concern. He here for the talk of it.

Commissioner Penny stated he knows they can't resolve it tonight.

Commissioner Johnson mentioned tomorrow is the TPO meeting; he attended the PACE

Center annual breakfast at Embry-Riddle. It was very impressive and the stories that you hear and it's a great organization. The city is doing well. The weather is concerning that's coming up. The Sports Center is doing good and going well.

D. Mayor's Comments

Mayor Via stated he's been updating the Commission on a couple of things. For the publics knowledge as well, he is proud to say that the city's appropriations through the State were signed by the Governor. It's our city's first appropriations from the State for projects for this city. It's the first year we went after it and so he just publicly has to say thank you Representative Tom Leek who is the appropriations Chair for the State and he's also our State Rep here for our city and we received for the fire station $1.25 million signed by the Governor and also sewer service extension for $1.36 million. So the city got both of the appropriations that the city reached out for and Chase Tramont, his good friend, State Representative, he's the one that filed the Bill and then on the Senate side, of course, Tom Wright and all three of them went to bat for the city and he is just extremely grateful because we know how much those dollars mean to our city and to finally get some of that, we send tax payers money to the State and to get some of that money back, especially in such large bulk quantities like this, to be able to complete some really important projects is really special and he's looking forward to the next Session that will be coming up soon and maybe start thinking about some other projects that we can't afford to do right now but if we have the State's help we could go ahead and get an appropriation in and move forward on that. To better the city every chance they get. Mr. Forte always says one ring up the ladder and he thinks with this appropriations, we just went two or three up the ladder. This is a big deal for our city and he is very excited about it. On July 21st at the Daytona Tortugas, it will be Holly Hill Night. They're recognizing Holly Hill; it's open to the all the citizens who want to come out and join us.

8. ADJOURNMENT

The meeting adjourned at approximately 7:45 PM.

Valerie Manning, City Clerk,CMC 6/27/2023

Chris Via, Mayor 6/27/2023