CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● JULY 28, 2020

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 by Vice-Mayor John Penny
c. Pledge of Allegiance
Vice-Mayor Penny led the Pledge of Allegiance to the Flag.

Mayor Via is calling into the meeting from home due to the virus and Commissioner Currie is in Maryland a trip that she takes this time every year.

2. PRESENTATION

1.

Proclamation - Honoring Michael James Junker for 35 Years of Service to the City of Holly Hill

(Requested by Antoine Khoury, Public Works)
Vice-Mayor Penny read the proclamation into the record. Mr. Junker was not present for his presentation.

RESULT:	NO VOTE NEEDED

3. PUBLIC COMMENTS

None.

4. APPROVAL OF MINUTES - NONE

5. CONSENT AGENDA - ITEM (1)

1. –2020-R-34 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into an Agreement with Razorback, LLC to Provide Construction Services for the Replacement of the WWTP Sludge Holding Tank Walkway (20Ww04) Not to Exceed $96,000.00.

(Requested by Antoine Khoury, Public Works)
Vice-Mayor Penny 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, Currie, Danio, Johnson

RESOLUTION
2020-R-34
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RAZORBACK, LLC TO PROVIDE CONSTRUCTION SERVICES FOR THE REPLACEMENT OF THE WWTP SLUDGE HOLDING TANK WALKWAY (20WW04) NOT TO EXCEED $96,000.00.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RAZORBACK, LLC TO PROVIDE CONSTRUCTION SERVICES FOR THE REPLACEMENT OF THE WWTP SLUDGE HOLDING TANK WALKWAY (20WW04) NOT TO EXCEED $96,000.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill approved the proposed capital project as part of the fiscal year 2019-20 budget; and

WHEREAS, the City solicited a bid for this project and has received 4 bids; and

WHEREAS, Razorback, LLC of Tarpon Springs, Florida was the low bidder with a bid totaling $96,000.00; and

WHEREAS, the references for Razorback, LLC were checked and the feedback provided suggests they are capable of performing the work for this project.

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 does hereby authorize the City Manager to enter into an agreement with Razorback LLC to provide construction services for the project WWTP Sludge Holding Tank Walkway not to exceed

$96,000.00.

SECTION 2. 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. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 28th day of JULY, 2020.

Enacted and approved this 28th day of July, 2020, in Holly Hill

6. REGULAR AGENDA

1. –2020-R-35 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Amending the City of Holly Hill's Purchasing Policy, Which was Approved in Resolution 2018-R-30; Providing for Legislative Findings and Intent; Repealing All Resolutions in Conflict Herewith; Providing for Authority to the City Manager for Implementing Administrative Actions; and Providing for Scrivener's Errors, Conflicts Severability; and Providing an Effective Date.

(Requested by Stella Gurnee, Finance)
Stella Gurnee, Finance Director, gave an update from the staff report within the agenda packet to the Mayor and City Commissioners.

Vice-Mayor Penny opened public participation. No one spoke.

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

RESOLUTION
2020-R-35
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CITY OF HOLLY HILL'S PURCHASING POLICY, WHICH WAS APPROVED IN RESOLUTION 2018-R-30; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AUTHORITY TO THE CITY MANAGER FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; AND PROVIDING FOR SCRIVENER'S ERRORS, CONFLICTS SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF HOLLY HILL, FLORIDA, AMENDING THE CITY OF HOLLY

HILL'S PURCHASING POLICY; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AUTHORITY TO THE CITY MANAGER FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; AND PROVIDING FOR SCRIVENER'S ERRORS, CONFLICTS SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, in an effort to be consistent with current laws, policies and practices, City Commission wishes for the City of Holly Hill to update/modify the existing City of Holly Hill Purchasing Policy; and

WHEREAS, Federal guidelines 2CFR 200.313 require procedures for the acquisition and property control of equipment purchased with federal funds.

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

SECTION 1. Legislative Findings and Intent. The City Commission of the City of Holly Hill has complied with all requirements and procedures of Florida Law in processing this Resolution. The above recitals are hereby adopted.

SECTION 2. Commission Approval. The City Commission of the City of Holly Hill, Florida, hereby deems it necessary to amend the Purchasing Policy incorporated herein as Exhibit "A".

SECTION 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

SECTION 5. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. 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 7. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

APPROVED AND AUTHENTICATED on this 28th day of JULY, 2020.

Enacted and approved this 28th day of July, 2020, in Holly Hill

2.

Maximum Millage - Fiscal Year 2020-2021

(Requested by Stella Gurnee, Finance)
Mr. Forte stated in conjunction with the Notice of Proposed Property Taxes (TRIM Notice) pursuant to Section 200.069, F.S., the City Commission must authorize advertisement of the maximum millage rate for the upcoming budget year. The current operating millage rate is $6.25 per $1,000 of assessed taxable value; the current taxable value is $707,177,324. With the proposed rate preliminary ad valorem taxes for fiscal year 2021 would be $4,198,865 at 95%. The current year rolled-back millage rate is 5.9014 per $1,000 assessed value. With the current year rolled-back rate, the preliminary ad valorem taxes for the Fiscal Year 2021 would be $3,964,670 at 95%. The City Commission must establish public hearings dates within 35 days of the tax certification received from the Property Appraiser for the Fiscal year that ends September 30, 2020. This evening what staff is looking for is a motion from the Commission to set the maximum millage rate and establish those public hearing dates. There is a motion in the agenda item that if the Commission selects a maximum millage rate, he will go ahead and read the motion if somebody could move on that and they can take discussion at that point.

Vice-Mayor Penny opened public participation. No one spoke.

Commissioner Currie gave a millage rate number of 6.25.

Mr. Forte stated now that they have a number, he will read the motion that's in their agenda packet for this item and insert the millage rate number that Commissioner Currie gave and if she would like to move it then they can go from there.

<u>Mr. Forte read the motion</u>: For the City Commission to authorize the Holly Hill Operating maximum millage rate of 6.25 and to be advertised as part of the 2020 TRIM Notice and establish the budget hearing dates for Fiscal Year on September 9, 2020 at 7:00 PM and September 21, 2020 at 7:00 PM.

Commissioner Currie stated that would be her motion, seconded by Commissioner Danio.

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

Enacted and approved this 28th day of July, 2020, in Holly Hill

7. PUBLIC HEARING

1. 2020-O-3029 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations (LDR), by Rezoning the Parcel Described in Exhibit "A" from CC-1 (Commercial Corridor District) to BPUD (Business Planned Unit Development); Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)
Brian Walker, City Planner, discussed the staff report that was in the agenda packet for this item. The city owns this particular parcel, 224 Riverside Drive, is for sale. This is to request a PD Rezone - Consider a Rezone from CC-1 (Commercial Corridor) to BPUD (Business Planned Unit Development) and approve the associated written development agreement, for approximately .46 acres, located on the west side of Riverside Drive approximately 300 feet north of 2nd Street and more specifically known as 224 Riverside Drive. It is zoned CC-1 (Commercial Corridor) and has a future land use of General Commercial. The City is requesting a rezone to BPUD (Business Planned Unit Development) in order to permit uses that are most appropriate for the area and that support the current trend of development along Riverside Drive. The parcel addressed as 224 Riverside Drive sits directly in front of Marina Grande, a luxury residential condominium community with upscale retail and office space facing west along Riverside Drive. Approximately 350 feet to the south is The Market. A facility that the City remodeled and that now contains one of the City's finest dining restaurants. The parcel is also located within the City's Redevelopment District. Among other things, part of the stated purpose of the CRA District is to enhance the City's assets. The CC-1 zoning designation is very broad and allows uses ranging from a book store to light industrial and manufacturing. Staff has received inquiries from potential buyers of the property. General inquiries have centered on putting uses on the property, such as motorcycle repair, and others that are not compatible with this location or trend of development in this area. At its regular meeting on May 4th, 2020, staff discussed the issue with the Board of Planning and Appeals in order to receive feedback as to whether or not it might be appropriate to rezone the property, with the goal of ensuring that it be developed in a way that supports the trend of development in the area. After some discussion, the BOPA recommended that the property be rezoned to a PD in order to more specifically guide what uses are permitted on the property and ensure that it be developed following the architectural design guidelines as presented in the CRA Master Plan. This is the purpose of the proposed rezone. Mr. Walker stated per Section 114-771(4), a request to rezone to a planned unit development requires that the applicant provide a master development plan. The master development plan consist of two items, a preliminary plan and a written development agreement. The preliminary plan shows items such as the size and location of buildings, parking areas, open space, etc., while the written development agreement spells out the permitted uses on the property along with a variety of other details concerning zoning data, restrictions, easements, etc. Because this property is for sale, there is currently no preliminary plan or development proposal. The primary purpose of this proposed rezone is to establish permitted uses and provide detail

as required in the written development agreement. Staff request that once the property is purchased and the development proposed, that the site plan serve as the preliminary plan and that would then be incorporated into the Master Development Plan but as a minor amendment to the BPUD as long as it is consistent with the requirements and permitted uses stated in the written development agreement it won’t have to come back to BOPA and the City Commission. That is discussed in more detail in Item 10 of the Development Agreement. Another thing to keep in mind is that because the city doesn’t have a potential buyer the city doesn’t have someone to enter into an agreement with at this point. In speaking with the Commission, when the city sells the property the actual written development agreement, at that time, would be executed by the potential buyer. At this point, the actual recording and executing the written development agreement would not happen until there was a potential buyer for the property.

(To hear the full discussion amongst the Mayor and Commissioners and staff for this agenda item and the entire meeting, a request can be made for a CD or go online and listen to the meeting).

Marta Pascale from Realtor with Adams Cameron spoke. She commends the Commission for what they want across the street from Marina Grande. Just her opinion but she would allow things that Marina Grande would appreciate across the street from them. She thinks they would appreciate mini storage, boat storage, a farmers market, a coffee shop or a breakfast place. She thinks they would support that and appreciate that. The issue at hand is it’s a small piece of property and that does limit the market ability a bit. Stormwater drainage and things of that nature need to be taken into consideration. There has been interest but it has slowed down because the property is not actively on the market right now, pending this discussion and this issue.

Mayor Via made a motion to ***APPROVE adding mini warehouses as an allowed use and adding convenient stores as a prohibited use****, seconded by Commissioner Currie.*

Vice-Mayor Penny opened public participation. No one spoke.

PASSED, 5-0.

Vice-Mayor Penny opened public participation. No one spoke.

RESULT:	**APPROVED AT 1ST READING [UNANIMOUS] Next: 8/11/2020 7:00 PM**
MOVER:	Chris Via, Mayor
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

ORDINANCE
2020-O-3029
SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR), BY REZONING THE PARCEL DESCRIBED IN EXHIBIT "A" FROM CC-1 (COMMERCIAL CORRIDOR DISTRICT) TO BPUD (BUSINESS PLANNED UNIT DEVELOPMENT); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY REZONING THE PARCEL DESCRIBED IN EXHIBIT A FROM CC-1 (COMMERCIAL CORRIDOR DISTRICT) TO BPUD (BUSINESS PLANNED UNIT DEVELOPMENT); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes and;

WHEREAS, the City Commission, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Regulations, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the Holly Hill Board of Planning and Appeals has recommended that the requested rezoning be granted; and

WHEREAS, the City Commission has determined that it is necessary to administratively amend its Land Development Regulations as herein provided in order to more effectively implement its adopted comprehensive plan.

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

SECTION 1. The Official Zoning Map of the City of Holly Hill is hereby amended to designate the property described in Exhibit "A" as BPUD (Business Planned Unit Development) pursuant to the provisions contained in the attached Development Agreement, attached to this Ordinance as Exhibit "B" and incorporated in this Ordinance by reference.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption

APPROVED AND AUTHENTICATED on this 11th day of AUGUST, 2020 for second reading.

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 13 & LAND E OF HYWAY EXC W 175 FT SUB MB 6 PG 63 BLK 26 M & C HOLLY HILL PER OR 3957 PG 4470 PER OR 5418 PGS 3042-3043 PER OR 5744 PG 3085 PER OR 6413 PG 0202 PER OR 6589 PG 1308 PER OR 6935 PG 4383

APPROXIMATELY .461 ACRES

EXHIBIT B

DEVELOPMENT AGREEMENT

Enacted and approved this 28th day of July, 2020, in Holly Hill

8. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte mentioned that he emailed the Commissioners earlier in the week an add-on to this agenda having to do with the city's landscape maintenance company. What happened was the city had one company that we're not satisfied with their performance and the city has given them a notice of termination and the city would like to give the other company, which is a smaller company that did bid on this project when it was put out to bid, the opportunity to be able to do the work at a cost savings to the city of about $12,000. There's already been a Change Order to that smaller company and the city's purchasing policy doesn't allow him to exceed a certain percentage of the original contract. This is not a budgetary item because it's actually saving money, it's a procedural item that he can't modify an existing contract without going to the Commission. Staff is asking the Commission to authorize the City Manager to execute a Change Order to the existing contract with ABC Express Lawn in the amount of $43,740 in order to give them…swap the work from the first company to ABC Express.

Mayor Via made a motion to ***APPROVE authorizing the City Manager to execute a Change Order to the existing contract with ABC Express Lawn in the amount of $43,740****, seconded by Commissioner Danio.*

Vice-Mayor Penny opened public participation. No one spoke.

PASSED, 5-0.

Mr. Forte stated in their agenda packet on the millage item, there's an attachment and on number 16 of that attachment it states the current year roll back rate. As they discussed, it's 5.9014, however, in the attachment in the agenda, it says 9.040. He just wanted to bring that to the Commissioners attention. What he verbalized is correct but one of the attachments, the DR420 form had a typo in it so he is going to swap those documents out and he just wanted to make the Commissioners aware of that.

B. City Attorney Comments

Not present.

C. City Commission Comments

Commissioner Currie sent her sympathy to Valerie and her family. Dave is going to be missed. Echoed the Mayor's concerns about the COVID-19 testing and the situation she had with her husband's test as a first responder who had to wait 10 days and that test went to California.

Commissioner Johnson mentioned Dave's Celebration of Life Memorial that he attended the other day. He is part of the family. He's going to be missed a lot. This COVID-19 is a horrible thing. It's going to get better. The city is still doing great.

Commissioner Danio thoughts and condolences to Valerie and her family. Pickleball is doing well; congratulated Junker on all the years he served in the city.

Vice-Mayor Penny spoke about Pictona; The Kitchen over there is open. There's a lot of activity over there.

D. Mayor's Comments

Mayor Via thanked Mr. Forte about that landscaping contract. It's a good cost savings to the citizens. Thank Vice-Mayor Penny for running another great meeting and commended him on his prayer tonight in praying for Dave Manning, a former employee who recently passed away unexpectedly who put his heart and soul into this city. His heart, thoughts and prayers go out to his family. Mayor Via mentioned that he is home because he tested positive with COVID-19 a couple of weeks ago and his family has gotten over all of their symptoms and feel extremely healthy and the doctor says he is allowed to be out and about again. Mayor Via spoke about how long he had to wait for his results, self-isolating for 21 days. He helped pen a letter with the other Volusia County Mayors to send it to the Governor's office. Spoke about the Census as well.

9. ADJOURNMENT

The meeting adjourned at approximately 8:50 PM.

Valerie Manning, City Clerk,CMC 7/28/2020

Chris Via, Mayor 7/28/2020