CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● JULY 9, 2024

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	Present	
Roy Johnson	District 4 - Commissioner	Present	

b. Invocation by Reverend Larry Edwards, Chaplain for State Attorneys Office
The invocation was led by Reverend Larry Edwards, Chaplain for the State Attorney's Office.

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

2. SWEARING-IN CEREMONY - POLICE CHIEF BYRON K. WILLIAMS

A. National Anthem - Jacqueline D. Williams
B. Police Chief Badge Pinning - Mrs. Ronette Williams
Mayor Via thanked many of the Police Chiefs that were present from various law enforcement agencies within Volusia County and outside the County, former Police Chief Mark Barker (who came forward to speak briefly and thanked the Mayor, City Commissioners and Mr. Forte in giving him the opportunity to come back to help even if it was for a short period of time), thanked Sheriff Chitwood for stepping up in the city's time of need who loaned the city one of his Chief's and a couple of staff members. Mayor Via appreciated and thanked everyone for being here tonight; the Daytona Beach Police Department had many of its Command Officers and Police Officers present to show support and to congratulate Chief Williams, the Police Chiefs from Ormond Beach, Daytona Beach Shores and Ponce Inlet who were there to help us through the selection process of going through over fifty candidates from across the nation. Mayor Via asked if all the Chiefs who were present to please stand so that they can be recognized.

At this time, Mayor Via came forward and read the Oath of Office for Police Chief with Chief Byron K. Williams.

Police Chief Williams took some time to saw a few words and thanked everyone that has been there to support him and to congratulate him. A lot of what he has to say is geared towards the audience that was present, his family and to the Holly Hill Police Department. He was appreciative and thanked his wife and family for being there to encourage him and to support him all throughout his career and as the Police Chief for Holly Hill.

Mayor Via read a little bit of Chief Williams resume for the audience and the reason why the city chose him as the city's Police Chief. Mayor Via stated looking out into the audience, to Chief Williams' friends, family, and people that love him, speaks volumes to his character and how Chief Williams holds himself. Mayor Via stated the future here, in the City of Holly Hill, is bright and I am so proud that we have a man of your stature 25 years of experience in law enforcement, a bachelor's degree in management and supervision from Daytona State College, a masters in Criminal Justice from Bethune-Cookman University, multiple certifications in leadership, decision-making and policing two-time recipient of the Hometown Hero Award, rose to the rank of Captain at the Daytona Beach Police Department and there he was appointed Emergency Operations Manager for the City of Daytona Beach, organized one of the largest narcotics warrant Roundup in the in the Department's history, received commendation for boosting clearance rates from Criminal investigations by 70% for homicide investigations and 50% for robber. Mayor Via encouraged the Holly Hill community to come out and support Chief Williams.

Several members of Chief Williams family and friends came forward to speak and wish him well and congratulated him.

Mayor Via recessed the regular City Commission meeting at approximately 6:30 PM for light refreshments.

3. PUBLIC COMMENTS

Mayor Via reconvened the regular City Commission meeting at approximately 6:50 PM.

The following individuals spoke to the Mayor and City Commissioners:

Kalpeshkumar Patel, 1107 Nova Road (Community Pharmacy), Holly Hill; Ray Plate, Holly Hill.

There was ***consensus*** to allow Community Pharmacy located at 1107 Nova Road to open since Mr. Patel had already had his application and signed lease before the current zoning changes were put into place for pharmacies if they were within a mile range.

Brian Walker, City Planner/Asst. City Manager stated Mr. Patel had started the process of getting his pharmacy in order January, which was approximately six months before the City Commission passed the Ordinance requiring at least a one mile separation between pharmacies. Mr. Patel already, during January, February, March had gone through getting his licensing through the State, he signed a three-year lease. Mr. Patel has made a substantial investment in being able to get the pharmacy, which at the time that he started it, they were allowed anywhere in the city. It wasn't now that he's at the end of the process and he submitted his paperwork a few weeks after the Ordinance was passed then he was informed that he wouldn't be able to do it because of the distance requirement. Staff has no objection if it's the will of the Commission to have him place his pharmacy within a mile of other pharmacies just because the process was started so long before the Ordinance was actually placed.

Mayor Via stated, thank you. Just so the audience is aware, the intent was not to not allow the pharmacy, that that you're operating sir, it had to do with medical marijuana facilities but being that they were already going through this process long before the Commission made any changes, Mayor Via would ask that there would be no objection to giving a direction to our City Manager to move forward with approving that permit and allowing that to happen there. We can discuss it if you would like but I'm going to ask if there's any objection to that.

Commissioner Currie stated Mayor, since they started the process so much, a couple of months ago, two-three months beforehand, I think it would only be right of us to do that.

Commissioner Penny stated, I agree.

Commissioners Danio and Johnson didn’t have any objection.

Mayor Via asked Attorney Simpson if an official motion was needed or can it be approved at staff level.

Attorney Simpson stated, let us look at that. Normally, the determining factor is when they file an application here. That's typically your cutoff date and I don't know if they filed anything here to put us on notice but you look at the rules in place at the time you file it. I would want to, ideally it might be best to amend our Ordinance to create an exception to those that who could show that they were actively and continuously proceeding to getting a pharmacy license. I just don't want to open a door up where everybody comes in and starts trying to work their way through it. I assume Brian has looked at the documentation and they can document…he said he had a lease, he did all these things, so if we have written documentation that we can create an exception, in my mind, might be best to create the exception by Ordinance as opposed to…because we adopted an Ordinance but I can talk to Brian about that.

There was ***consensus*** to allow Community Pharmacy located at 1107 Nova Road to open since Mr. Patel had already had his application and signed lease before the current zoning changes were put into place for pharmacies if they were within a mile range.

4. APPROVAL OF MINUTES

1. DOC-2024-6

Minutes - June 25, 2024 Workshop - Sunrise Park North Playground, June 25, 2024 Regular City Commission Meeting; and July 2, 2024 Workshop on Utility Rate Study

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

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

Enacted and approved this 9th day of July, 2024, in Holly Hill

5. CONSENT AGENDA - ITEM (1)

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.

1. 2024-R-47 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving an Agreement with Florida Power and Light Company for the Conversion of Halogen Lighting to LED Lighting at the Intersection of Nova Road and Golf Avenue and Various Locations on Ridgewood Avenue, and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2024-R-47
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING AN AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY FOR THE CONVERSION OF HALOGEN LIGHTING TO LED LIGHTING AT THE INTERSECTION OF NOVA ROAD AND GOLF AVENUE AND VARIOUS LOCATIONS ON RIDGEWOOD AVENUE, 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 AN AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY FOR THE CONVERSION OF HALOGEN LIGHTING TO LED LIGHTING AT THE INTERSECTION OF NOVA ROAD AND GOLF AVENUE AND VARIOUS LOCATIONS ON RIDGEWOOD AVENUE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY;

AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Power and Light Company desires to convert lighting from halogen lighting to LED; and

WHEREAS, City staff have found the terms of the proposal from Florida Power and Light Company to be reasonable and appropriate.

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 authorize the City Manager to enter into an agreement with Florida Power and Light Company for the conversion from halogen lighting to LED lighting at the intersection of Nova Road and Golf Avenue and at various locations on Ridgewood Avenue at no cost to the City.

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 9th day of JULY, 2024.

Enacted and approved this 9th day of July, 2024, in Holly Hill

6. REGULAR AGENDA

1. 2024-R-48 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving a Wastewater Facility Plan for Incorporation into the City's SAHFI Grant Application as Prepared by Mead & Hunt, Inc.; Providing for Severability; and Providing an Effective Date.

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

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

RESOLUTION
2024-R-48
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A WASTEWATER FACILITY PLAN FOR INCORPORATION INTO THE CITY'S SAHFI GRANT APPLICATION AS

PREPARED BY MEAD & HUNT, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A WASTEWATER FACILITY PLAN FOR INCORPORATION INTO THE CITY'S SAHFI GRANT APPLICATION AS PREPARED BY MEAD & HUNT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater facilities; and Florida Administrative Code requires the formal authorization by City Council to formally adopt a facility plan outlining necessary facility improvements to comply with State of Florida funding requirements; and

WHEREAS, formal adoption of the proposed Facility Plan is required for the City Utility to participate in the State Revolving Loan Fund Program; and

WHEREAS, the City Commission of the City of Holly Hill, Florida agrees with the findings and summary of necessary improvements as outlined in the Facility Plan for the purpose of creating a more resilient wastewater service.

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

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City of Holly Hill, Florida formally approves and adopts the Wastewater Facility Plan as written and presented to the City Commission on this date.

SECTION 3. This loan will be one hundred percent principal forgiveness. There will be no revenues pledged for the repayment of this loan.

SECTION 4. The City Manager is hereby designated as the authorized representative to provide the assurances and commitments required to implement the facility plan.

SECTION 5. The Mayor is hereby designated as the authorized representative to execute the Facility Plan which will become the foundation of all activities related to the wastewater facility improvements. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the Facility Plan. The Mayor is authorized to delegate responsibility to appropriate the City Manager to carry out technical, financial, and administrative activities associated with the Facility Plan.

SECTION 6. The legal authority for borrowing moneys to construct this Project is Section 166.111, Florida Statutes and Section 403.8532, Florida Statutes.

SECTION 7. All Resolutions or part of Resolutions in conflict with any of the provisions of this resolution are hereby repealed.

SECTION 8. 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 9. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on the 9th day of JULY, 2024.

Enacted and approved this 9th day of July, 2024, in Holly Hill

2. –2024-R-49 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving a Water Facility Plan for Incorporation into the City's SRF-SAHFI Grant Application as Prepared by Mead & Hunt, Inc., 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:	Penny Currie, District 2 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2024-R-49
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A WATER FACILITY PLAN FOR INCORPORATION INTO THE CITY'S SRF-SAHFI GRANT APPLICATION AS PREPARED BY MEAD & HUNT, INC., PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING A WATER FACILITY PLAN FOR INCORPORATION INTO THE CITY'S SRF-SAHFI GRANT APPLICATION AS PREPARED BY MEAD & HUNT; PROVIDING FOR

SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water facilities; and Florida Administrative Code requires the formal authorization by City Council to formally adopt a facility plan outlining necessary facility improvements to comply with State of Florida funding requirements; and

WHEREAS, formal adoption of the proposed Facility Plan is required for the City Utility to participate in the SAHFI Grant program being administered under the State Revolving Loan Fund Program; and

WHEREAS, the City Commission of the City of Holly Hill, Florida agrees with the findings and summary of necessary improvements as outlined in the Facility Plan for the purpose of creating a more resilient wastewater service.

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

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City of Holly Hill, Florida formally approves and adopts the Water Facility Plan as written and presented to the City Commission on this date.

SECTION 3. This loan will be one hundred percent principal forgiveness. There will be no revenues pledged for the repayment of this loan.

SECTION 4. The City Manager is hereby designated as the authorized representative to provide the assurances and commitments required to implement the facility plan.

SECTION 5. The Mayor is hereby designated as the authorized representative to execute the Facility Plan which will become the foundation of all activities related to the wastewater facility improvements. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the Facility Plan. The Mayor is authorized to delegate responsibility to appropriate the City Manager to carry out technical, financial, and administrative activities associated with the Facility Plan.

SECTION 6. The legal authority for borrowing moneys to construct this Project is Section 166.111, Florida Statutes and Section 403.8532, Florida Statutes.

SECTION 7. All Resolutions or part of Resolutions in conflict with any of the provisions of this resolution are hereby repealed.

SECTION 8. 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 9. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on the 9th day of JULY, 2024.

Enacted and approved this 9th day of July, 2024, in Holly Hill

7. PUBLIC HEARINGS

1.

VARIANCE – 217 Walker Street - Request a Variance from the Requirements of Sec. 114-742 (2) A. 2 Requiring that Accessory Structures in All Zoning Districts be Located Behind the Principal Structure on the Lot. Such Request is Made in Order to Place a 80 Square Foot Shed on a Parcel in the R-3 (Single-Family) Zoning District, Located on the South Side of Walker Street, Approximately 250 Feet West of Daytona Avenue, and More Particularly Known as 217 Walker Street; (Christina Sullivan, Applicant) (Brian Walker, City Planner).

(Requested by Brian Walker, Board of Planning and Appeals)
Christina Sullivan, applicant, thanked the Mayor and City Commissioners for the approval of the shed located on her property located at 217 Walker Street.

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 9th day of July, 2024, in Holly Hill

8. COMMUNICATIONS

A. City Manager Comments
Mr. Forte stated he just has one comment, and that is he thinks they hired the right Police Chief and he thinks from this point forward, things are going to get better.

B. City Attorney Comments
None.

C. City Commission Comments

Commissioners Penny, Currie, Danio and Johnson were thankful and supportive of Chief Williams and it was great to see the amount of support that he has from the various law enforcement agencies, family and friends that came here tonight. Commissioner Penny reminded everyone that the reading program over at the Holly Hill School is still taking place on Tuesdays and Thursdays; mentioned that he is bringing back the "Positivity" slogan back to the city and sees healing and joy and looks forward to working with Chief Williams. Agrees that the city did select the right Police Chief.

Commissioner Currie agrees with Commissioner Penny and it's a true testament when you have so many different law enforcement agencies that were represented here tonight because they don't just show up for anybody. She is looking forward to working with Chief Williams as well. They all came out to show their support. The negativity is behind us and positivity is ahead of us.

Commissioner Danio mentioned his favorite book of the Bible is in James when he talks about whenever you're going through trials, individual or family or your city, whatever, the Bible promises that better is on the other side; that things just come out better and to see the family, friends and the community come out to support Chief Williams, to see that, he thinks the city is in good shape.

Commissioner Johnson agreed and is looking forward to working with Chief Williams. Glad to have found out that the city hired Chief Williams because according to his friend, former Police Chief Craig Capri of Daytona Beach and Chief Williams former boss, said Chief Williams is a good one and then found out by Mr. Forte that Chief Williams was on the top of the list of being selected. He is so happy to see he was selected and it's going to better moving forward. Commissioner Johnson mentioned the LPGA issues and the widening and that it's one of the fastest growing roads. Everything is moving forward in Holly Hill and he loves it.

D. Mayor's Comments

Mayor Via thanked everyone for being here tonight. He encouraged the Holly Hill community to support the police department as he will continue to support them.

9. ADJOURNMENT

The meeting adjourned at approximately 7:30 PM.

Valerie Manning

Valerie Manning, City Clerk,CMC 7/9/2024

Chris Via

Chris Via, Mayor 7/9/2024