



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • AUGUST 13, 2019

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
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

Commissioner Johnson led the invocation.

c. Pledge of Allegiance

Mayor Via led the Pledge of Allegiance to the Flag.

2. POSITIVITY AWARD - NONE

3. PUBLIC COMMENTS

The following people spoke to the Mayor and City Commissioners about their properties on Flamingo Drive, pertaining to various issues that have taken place with the contractors that have been working over there to replace water lines.

Twila Milcent, 718 N. Flamingo Drive, Holly Hill and she was representing six houses of people that she knows that have had similar problems. Those addresses are 712 - 722 N. Flamingo Drive. Ms. Milcent brought with her, in a pot, sod that was put in and is dead and showed them what grew from the sod (weeds) and informed the Mayor and Commissioners that the residents have infected sod. The residents were promised that they would be getting what they had originally and that was not true. The grass was supposed to be what they had originally, which was Saint Augustine. The driveways were supposed to be replaced with what they all had originally, and that didn't happen. Many people were left with high water bills as well. The contractors dug up the lawn sprinklers, didn't cap them off and didn't tell people that they cut them, they didn't repair them or replace them. Many people spent their own money and repaired their own systems. Ms. Milcent turned in a bag of bolts and nails to the City Clerk that were left on her lawn by the contractors. She was afraid to mow the grass because of a nail possibly being thrown and hurt somebody.

Richard Parkhurst, 804 S. Flamingo Drive, Holly Hill, shared his concerns about the new water lines that are being replaced by his property. Mr. Parkhurst mentioned a box that was on his property and how a maintenance worker was jumping or pressing down on the box with his legs and feet and it the box sunk way down into the ground. Later that day he noticed that area was getting wetter around there and then the following morning there was a puddle in the street. The contractors dug into it and said that the issue was on my side and he explained to the contractors what he witnessed the maintenance worker doing the previous day to the box and that's what broke the line. Mr. Parkhurst had with him a pipeline that the contractors put in and it was already cracked before they put it in the ground. He's spent quite a few dollars to replace what he needed to and he was looking for some restitution for his bill.

Mr. Forte mentioned he spoke to Mr. Parkhurst and told him that he would have to get back to him.

Necolen Green Milcent, 722 N. Flamingo Drive, Holly Hill, shared her concerns about the contractors and water line replacement. She informed the Mayor, Commissioners and Mr. Forte that the lawns for 718, 720, and 722 were properly watered and has witnesses. Those lawns were watered so much because the sod was dead and it began to mold, mildew and rot because it was dead before it was put in. It was decaying when it was being watered. They just started cutting the sod last week because there was sprigs of it coming up, which obviously, wasn't Saint Augustine, it was field grass. Mrs. Milcent confirmed that there are gaps in her mother-in-law's lawn, Twila Milcent. Mrs. Milcent informed the Mayor and Commissioners that she had to replace her sprinkler system that got messed up as a result of all this mess so that she can water her lawn.

Kimberly Dibble, 824 Lakewood Drive, Holly Hill, shared her concerns about the contractors and water line replacement. Ms. Dibble mentioned she is at the other end of this whole mess and her property did get fixed. The whole ordeal has been completely horrendous. She has pictures of everything and because of that, a bunch of the neighbors came to her and she is the one that requested that Mr. and Mrs. Milcent come here tonight because what she's hearing from the neighbors is that they're thinking about going to Morgan and Morgan because they are not getting the responses that they would like and they should be able to have their property back to the way it was. The way this has been handled by these contractors is horrendous and should not have happened. The inspector that was there, supposedly from the city for two hours every day, she made sure she was home during this whole process, and she can assure the Mayor and Commissioners he was not. She thinks what would help a little bit and has never been done, is have someone come and talk to all the neighbors and find out what the issues are. The residents want their grass fixed the way it should be and she thinks that's reasonable. The inspector from the city should come out there and talk to all the residents to find out what the issues are and who is still having problems. That's the inspectors job and he didn't do it. When he did come out and talk to her a couple of times, he told her that's just the way it was and she's not taking "that's just the way it was" just the way a 95 year old woman would do and that's why her property got fixed.

Jim Legary, 342 Burleigh Avenue, Holly Hill, stated that Waste Pro isn't doing recycling and he was wondering if there was any way that the city could have a small committee so that they can do something about recycling and he knows that other communities have instituted

such programs and they've been able to pay for themselves. Mr. Legary asked about the Beautification Advisory Board and what was the outcome of that. Mayor Via informed him that the Commission decided not to bring that board back.

Commissioner Currie spoke briefly to those living in her district (Flamingo and Lakewood) and sorry to hear of their displeasure's. Whoever is stating that maybe Morgan and Morgan needs to get involved is unfortunate because she has only been notified by Ms. Dibble about any issues down there and the city took care of them. The city worked them out. Mr. Forte was diligent in making sure that they were taken care of and Ms. Dibble's situations that she had were taken care of. Commissioner Currie stated she didn't hear about anything else from anybody else. She doesn't know what's transpired with the Mayor. They can't communicate outside of here and she doesn't know what's been transpiring with the City Manager with any communication that's been going on. All of the Commissioners are at the residents leisure. All they have to do is contact them and they will do whatever they can to take care of a problem. She will tell them, if Mr. Forte goes down there next week and she's obviously going to go down through there as well, and Mr. Forte finds things a little differently, this may only partially work out the way that the residents want it to. So, please understand that. In the future, the residents can call her. Her number is on the website or they can get her business card from the City Clerk. She's always available.

Commissioner Penny asked Mr. Forte if the final payment has been made to the contractor.

Mr. Forte stated they have a retainer that's remaining, which is generally 5% of the balance of what's due. He'll go out there and he will look into this and see what he can come up with. Mr. Forte also responded to what Mr. Legary was saying about recycling. The city does have residential recycling but he can get with Mr. Legary and see if there's something he's not understanding.

Mayor Via assured the residents that their concerns are being heard and the Commission and staff are here to listen and very much, taken into consideration.

4. APPROVAL OF MINUTES

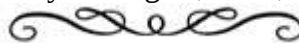
1. -DOC-2019-4

Minutes - July 23, 2019 Budget Workshop and July 23, 2019 Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 13th day of August, 2019, in Holly Hill



5. CONSENT AGENDA - ITEMS (1 - 6)

Mayor Via asked if there was anyone in the audience who wishes to speak on any item on the Consent Agenda or if any member of the Commission has further discussion?

Mr. Forte and Commissioner Currie stated that they would like to pull **Consent Agenda item No. 3, Resolution 2019-R-45, Calendar of Special Events** for further discussion.

*Commissioner Currie made a motion to **APPROVE CONSENT AGENDA ITEMS 1, 2, 4, 5, AND 6**, seconded by Commissioner Johnson.*

Mayor Via opened public participation for those agenda items. No one spoke.

DISCUSSION ON CONSENT AGENDA - RESOLUTION 2019-R-45, DESIGNATING THE SPECIAL EVENTS CALENDAR FOR 2020-2021

Mr. Forte showed the list of events to the Mayor and Commissioners. This list has grown beyond what its intended purpose was based on the Ordinance that's attached to this agenda item. This has turned into a city calendar of events and it really should be identification of Special Events, weeks or days because those are the days the Commission allows business owners to have outside sales and vendors on their property that they typically wouldn't be allowed. He wanted to get their approval to narrow this list down to what it really should be. Staff will keep a calendar of city events on the city's website but this list should be narrowed down and he would like the Commission's participation in it on which events should be classified as Special Event weeks. Obviously, Bike Week and Biketoberfest would be the two right off the top. Spring break used to be on that list many years ago but that was taken off but he doesn't really see anything else on this list, other than Bike Week and Biketoberfest that the city would declare as a Special Event.

There was some discussion amongst the Mayor and Commissioners.

*Commissioner Penny made a motion to **REMOVE all events except Bike Week and Biketoberfest from the Special Events Calendar for the remainder of the year and through 2021 and continuing forward**, seconded by Commissioner Currie.*

Mayor Via opened public participation.

Robin Hanger, 950 Ridgewood Avenue, Holly Hill, stated in keeping the Bike Week and Biketoberfest on there, he would like to suggest that or the City of Holly Hill, they have talked about this once before, lengthening the days of Biketoberfest and Bike Week to possibly allow Holly Hill vendors and the businesses here in town, to set up a couple of days before the actual date that Daytona's event happens. What it does, is people come from Orlando and Jacksonville the weekend before to see what's going on over here because there are vendors that are parked here waiting to set up. A business that is here and was allowed to put vendors out or put signage out, maybe don't allow them to put the vendors out but allow them to put their flags out and their promotional material for that business, it will let people know that are riding down here from Jacksonville or Orlando or from other cities since this thing has spread out so far now, Holly Hill is competing with a lot of places. A big Harley-Davidson shop is opening up in St. Augustine so that's going to stop a lot of people from coming down from the Jacksonville area. He would like to see some form of benefit for area

businesses to advertise prior to the 10-days. Daytona says it's a 4-day Biketoberfest but realistically, it's 2 days.

Mayor Via closed public participation.

There was some discussion amongst the Mayor and Commissioners.

Commissioner Penny made a motion to AMEND his original motion to allow Biketoberfest 2019 to be 10-days, treated similar to Bike Week, and the Commission will discuss Bike Week and Biketoberfest 2020 at a later date, seconded by Commissioner Johnson.

Commissioner Currie stated Mayor, just technically, because this is bothering her. Technically, I removes her "second" from the original motion.

Commissioner Penny withdrew his original motion and a **NEW** original motion was made and **NOT an AMENDED motion**.

Commissioner Penny made a motion to APPROVE AMENDING THE SPECIAL EVENT CALENDAR FOR BIKETOBERFEST 2019 TO BE A 10-DAY EVENT AND THE 2020 SPECIAL EVENT CALENDAR WILL ONLY INCLUDE BIKE WEEK AND BIKETOBERFEST AND THOSE DATES WILL BE DETERMINED AT A LATER DATE, seconded by Commissioner Johnson.

Mayor Via opened public participation.

Robin Hanger, 950 Ridgewood Avenue, Holly Hill, stated he's grateful for the 10-days, whatever they get there, that's fine. What his suggestion was to allow the businesses to promote 3 or 4 days ahead of time and for either event, so that the businesses have time to get vendors in, as vendors are coming into town too, prior to them setting up, they may see that there's a nice spot there that we didn't see before. To say that a vendor wouldn't make any money prior to an event, we don't know that. He thinks it's a win-win to be able to promote local businesses and be able to set up ahead of time so that they can catch people that are here or people that may be driving through and come back the next time.

Mayor Via closed public participation.

PASSED, 5-0.

1. -2019-R-43 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the Non-Union Exempt and Non-Exempt Employees the Option to Earn Personal Leave; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

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

RESOLUTION**2019-R-43**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE NON-UNION EXEMPT AND NON-EXEMPT EMPLOYEES THE OPTION TO EARN PERSONAL LEAVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE NON-UNION EXEMPT AND NON-EXEMPT EMPLOYEES THE OPTION TO EARN PERSONAL LEAVE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as a benefit to non-union exempt and non-exempt employees the city may offer the accrual and usage of personal leave in lieu of the current leave policy of vacation and sick leave; and

WHEREAS, these employees earning personal leave may accrue up to a maximum of 960 hours. These employees who separate from the city, for any reason, will be paid at their current hourly rate, at the time of termination, for their accrued personal leave not to exceed 960 hours; and

WHEREAS, this request is to simply combine the sick leave and vacation leave hours accrued in the current policy into a single accrued personal leave schedule. No additional time is actually earned, this would basically allow for a different way the employee may use the time off; and

WHEREAS, accruing Personal Leave, a Department Head may carry over 75% of earned Personal Leave to a succeeding year. No more than 75% of earned Personal Leave may be carried over to a succeeding year without written approval from the City Manager; and

WHEREAS, this benefit is recommended to be effective October 1, 2019 to include the provision that all new non-union exempt and non-exempt employees hired on October 1, 2019 or after will be required to accrue leave under this personal leave benefit schedule.

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

SECTION 1. That the City Commission authorizes the City Manager to offer Personal Leave to current non-union exempt and non-exempt employees and newly hired non-union employees effective October 1, 2019.

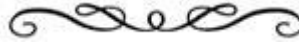
SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or

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 13th day of AUGUST, 2019.

Enacted and approved this 13th day of August, 2019, in Holly Hill



2. -2019-R-44 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into an Interlocal Agreement with Volusia County for Maintenance of Traffic Devices for the City of Holly Hill; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION

2019-R-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH VOLUSIA COUNTY FOR MAINTENANCE OF TRAFFIC DEVICES FOR THE CITY OF HOLLY HILL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH VOLUSIA COUNTY FOR MAINTENANCE OF TRAFFIC DEVICES FOR THE CITY OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The COUNTY is authorized by 125.01(p), Florida Statutes, to enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized functions; and

WHEREAS, Public agencies (including COUNTY and CITY) are authorized by 163.01(14), Florida Statutes, to enter into contracts for the performance of service functions of [such] public agencies, but shall not be deemed to authorize the delegation of the constitutional or statutory duties of ... county or city officers. The parties expressly deny any intent, expressed

or implied, in this Agreement to provide for a delegation by CITY of such constitutional or statutory duties of COUNTY; and

WHEREAS, Pursuant to 768.28, Florida Statutes, neither the COUNTY nor the CITY waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into this Agreement. This Agreement does not contain any provision that requires one party to indemnify or insure the other party for the other party's negligence, or to assume any liability for the other party's negligence; and

WHEREAS, The City is responsible for the maintenance and operation of Traffic Control Devices identified in Exhibit "A" of the attached agreement. This agreement contracts the County to maintain and operate these traffic control devices to ensure uniform traffic control of the road network. The coordination of the City's traffic control devices with the County promotes an integrated and balanced traffic network in Volusia County to the benefit of all residents. The County will also maintain and operate the auxiliary equipment such as overhead internally illuminated street name signs, fire preemption devices, transit priority devices, audible pedestrian signals and other devices associated with those identified in Exhibit "A" as requested by the City. The City and County may modify Exhibit "A" throughout the life of this Agreement to account for new or removed Traffic Control Devices.

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

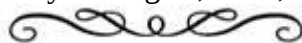
SECTION 1. Authorize the City Manager to execute the Interlocal Agreement with Volusia County for the maintenance of traffic control devices in the City of Holly Hill, Florida.

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 this 13th day of AUGUST, 2019.

Enacted and approved this 13th day of August, 2019, in Holly Hill



3. -2019-R-45 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Designating the Special Event Dates for 2020 - 2021; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

(See discussion at the beginning of the Consent Agenda).

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

RESOLUTION**2019-R-45****A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, DESIGNATING THE SPECIAL EVENT DATES FOR 2020 - 2021; AND PROVIDING FOR AN EFFECTIVE DATE.****A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, DESIGNATING THE SPECIAL EVENT DATES FOR 2020-2021; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Holly Hill has the opportunity to serve as a host for Special Events and to promote leisure services, recreation opportunities, and community-based events for the pleasure and cultural enrichment of our citizens and visitors; and

WHEREAS, the City of Holly Hill has determined that it is in the best interest of its residents and businesses to specifically list the Special Events that the City will acknowledge in 2020-2021.

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

SECTION 1. The City Commission hereby declares the following as Special Events in the City of Holly Hill:

CALENDAR OF EVENTS 2020

<u>DATE</u>	<u>DAY OF THE WEEK</u>	<u>EVENT</u>
March 6 - 15, 2020 <i>(10-day event)</i>		Bike Week 2020
April 4, 2020	Saturday	17 th Annual Easter Egg Hunt
May 25, 2020	Monday	Memorial Day Remembrance

October 6, 2020	Tuesday	National Night Out
September 11, 2020	Friday	Patriot Day/Memorial Walk- TBD
October 15 - 18, 2020 (4-day event)		Biketoberfest 2020
October 30, 2020	Friday	21 st Annual Trunk or Treat
(Halloween is on a Saturday this year - <u>event will be held on FRIDAY</u>)		
November 7, 2020	Saturday	4 th Annual Car Show
November 11, 2020	Wednesday	Veterans Day Remembrance
December 4, 2020 Ceremony	Friday	Christmas Tree Lighting
December 5, 2020 Parade	Saturday	61 st Annual Christmas

CALENDAR OF EVENTS 2021

<u>DATE</u>	<u>DAY OF THE WEEK</u>	<u>EVENT</u>
March 5 - 14, 2021 (10-day event)		Bike Week 2021
March 27, 2021	Saturday	18 th Annual Easter Egg Hunt
May 31, 2021	Monday	Memorial Day Remembrance
October 5, 2021	Tuesday	National Night Out
September 11, 2021	Saturday	Patriot Day/Memorial Walk- TBD
October 14 - 17, 2021 (4-day event)		Biketoberfest 2021
October 29, 2021	Friday	22 nd Annual Trunk or Treat
(Halloween is on a Sunday this year - <u>event will be held on FRIDAY</u>)		
November 6, 2021	Saturday	5 th Annual Car Show
November 11, 2021	Thursday	Veterans Day Remembrance
December 3, 2021	Friday	Christmas Tree Lighting Ceremony
December 4, 2021 Parade	Saturday	62 nd Annual Christmas

SECTION 2. EFFECTIVE DATE. That this Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 13th day of AUGUST, 2019.

Enacted and approved this 13th day of August, 2019, in Holly Hill



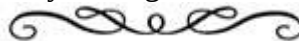
4. -DOC-2019-5

Halifax Humane Society 2019-2020 Renewal Contract

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 13th day of August, 2019, in Holly Hill



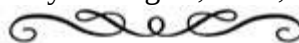
5.

Memorandum of Understanding (MOU) - Panama City PD and HHPD (ELVIS)
Electronic License and Vehicle Information System

(Requested by Steve Aldrich, Police)

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

Enacted and approved this 13th day of August, 2019, in Holly Hill



6. -DOC-2019-3

Memorandum of Understanding (MOU) - Division of Emergency Management and City
of Holly Hill Statewide Mutual Aid Agreement

(Requested by Steve Aldrich, Police)

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

Enacted and approved this 13th day of August, 2019, in Holly Hill



6. REGULAR AGENDA

1. -2019-R-46 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute the 2019-2022 Memorandum of Agreement with the Florida Department of Transportation for the State Highway Right-Of-Way Maintenance Agreement; 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

2019-R-46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2019-2022 MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE STATE HIGHWAY RIGHT-OF-WAY MAINTENANCE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2019-2022 MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE STATE HIGHWAY RIGHT-OF-WAY MAINTENANCE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has an agreement with the Florida Department of Transportation whereby the City is reimbursed for maintenance of highway roadsides and median strips located along US 1 and Nova Road. Under this contract the FDOT compensates the City for routine maintenance; and

WHEREAS, the contract expires October 5, 2019. FDOT has presented the attached contract; and

WHEREAS, Contract AS283 with the Florida Department of Transportation will provide a three year term from October 2019 to October 2022 for the maintenance of highway roadsides and median strips within the City; and

WHEREAS, the Florida Department of Transportation has requested the City of Holly Hill execute this new contract.

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

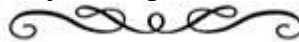
SECTION 1. That the City Manager of the City of Holly Hill is authorized to execute Contract AS283 with the Florida Department of Transportation for the maintenance of highway roadsides and median strips and authorize the City Manager to execute the same.

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 this 13th day of AUGUST, 2019.

Enacted and approved this 13th day of August, 2019, in Holly Hill



2. -2019-O-3019 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 14 (Buildings and Building Regulations) Creating Sections 14-3 and 14-4, to Add Regulations for Storm Protection and Damaged Structures, Amending Section 14-231, Adopting the International Property Maintenance Code; Providing for Severability; Providing for Codification; and Providing for an Effective Date.

(Requested by Brian Walker, City Planner)

Mayor Via opened public participation.

Kimberly Dibble, 824 Lakewood Drive, Holly Hill inquired about putting "shutters" language within the Ordinance for it to be more specifically for the residents before second reading. ***There was consensus from the Commission to do that.***

Mayor Via closed public participation.

RESULT:	APPROVED AT 1ST READING [UNANIMOUS]	Next: 8/27/2019 7:00 PM
MOVER:	John Penny, District 1 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Via, Penny, Currie, Danio, Johnson	

ORDINANCE**2019-O-3019**

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS) CREATING SECTIONS 14-3 AND 14-4, TO ADD REGULATIONS FOR STORM PROTECTION AND DAMAGED STRUCTURES, AMENDING SECTION 14-231, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS) CREATING SECTIONS 14-3 AND 14-4, TO ADD REGULATIONS FOR STORM PROTECTION AND DAMAGED STRUCTURES, AMENDING SECTION 14-231, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it periodically necessary to amend its Land Development Regulations in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the City Commission finds it necessary to provide regulations concerning the protection of damaged structures and to update language adopting the International Property Maintenance Code; and

WHEREAS, it is the intent of the City Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by taking steps to prevent economic deterioration and eliminate blight; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of Holly Hill to adopt the proposed amendments to the Land Development Regulations;

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

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. - That Sections 14-3 and 14-4, be created and added as follows:

Sec. 14-3 Damaged structures.
Damaged openings such as doors, windows or other apertures or holes in the building envelope or roof shall be allowed to be temporarily protected, but repairs or replacement of the damaged doors, windows, other apertures or holes in the building envelope or roof, must take place within 90 days. Materials used to protect or cover the opening can be any material approved for use by the then current edition of the Florida Building Code. If using wood structural panels, oriented strand board (OSB), plywood or any other natural wood product, the material used to enclose the building must be neatly fitted to protect the opening and shall be painted to blend in or match the rest of the building. This section applies to uninhabited or vacant and inhabited or occupied structures.

Sec. 14-4 Temporary storm protection of structures.

Openings on residential structures, such as doors, windows or other apertures may be temporarily protected up to 7 days prior to the projected landfall of any named storm or weather system. Temporary protection must be removed within 14 days after the storm threat has passed. Unoccupied residential structures using Florida Product Approved storm shutters may keep them attached for the entire hurricane season. After the official hurricane season is over, shutters must be removed or opened. Commercial structures may be temporarily protected up to 7 days prior to the projected landfall of any named storm or weather system. Temporary protection must be removed within 14 days after the storm threat has passed.

SECTION 3. That Section 14-231. - Adoption is hereby amended to add underlined language and remove language ~~stricken through~~ as follows:

Sec. 14-231. - Adoption.

~~There is hereby adopted by reference as if set out at length herein those publications known as the International Property Maintenance Code, 2012 Edition, including all appendices thereto except where amended or superseded by ordinance. A copy of said maintenance code shall be kept on file in the office of the city clerk.~~

The city hereby adopts and incorporates into the Code of Ordinances the most current edition of the International Property Maintenance Code (IPMC), including all future amendments and updates, except where superseded by ordinance. A copy of said maintenance code shall be kept on file in the Community Development Office.

SECTION 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance

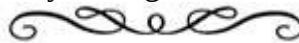
relative to the transitional application of the land development regulations.

SECTION 6. CODIFICATION. It is the intent of the City Commissioners that the Substantive provision of this Ordinance will become and be made part of the Land Development Regulations of Holly Hill and that the word "ordinance" may be changed to "section", "part", or other appropriate word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 4, 5, 6, and 7 of this Ordinance shall not be codified.

SECTION 7. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of AUGUST, 2019 for second reading.

Enacted and approved this 13th day of August, 2019, in Holly Hill



3. -2019-O-3020 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 110 (Signs) Section 110-11 (A), Off-Premises Outdoor Advertising Signs; Providing for Severability; Providing for Codification; and Providing for an Effective Date.

(Requested by Brian Walker, City Planner)

Mayor Via opened public participation. No one spoke.

RESULT:	APPROVED AT 1ST READING [UNANIMOUS]	Next: 8/27/2019 7:00 PM
MOVER:	Roy Johnson, District 4 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Via, Penny, Currie, Danio, Johnson	

ORDINANCE

2019-O-3020

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 110 (SIGNS) SECTION 110-11 (A), OFF-PREMISES OUTDOOR ADVERTISING SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 110 (SIGNS) SECTION 110-11 (A), OFF-PREMISES OUTDOOR ADVERTISING SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND

PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it periodically necessary to amend its Land Development Regulations in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the City Commission finds it necessary to update regulations concerning off-premises outdoor advertising signs (aka billboards); and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of Holly Hill to adopt the proposed amendment to the Land Development Regulations;

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

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. That Section 110-11. Off-premises outdoor advertising signs, part (a) be replaced entirely with the following language:

- (a) *Where allowed.* Off-premises outdoor advertising signs, also known as billboards, are allowed only on commercial or industrial zoned properties with frontage on Mason Avenue. Any billboard in existence on the effective date of the ordinance from which this chapter is derived, or on a later date when the property is annexed to the city, that would not be exempt under this chapter, and that was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which is not in conformance with the requirements of this chapter by reason of its size, height, location, design or construction, shall be deemed to be a nonconforming billboard. Such nonconforming billboard shall be allowed to remain in place and be maintained, repaired, or changed, provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing nonconforming billboard is permitted.

Nonconforming billboards that are located on vacant property in such a way that they significantly hinder the development of the property may be moved or rebuilt on the same property as long as setbacks and all other code requirements are met. A billboard will be considered a significant hindrance if it would not allow the property to be developed or if it would interfere with items such as the drainage or stormwater systems; access; or traffic circulation.

Billboards that are rebuilt under this provision may not be any larger or higher than the billboard replaced except that any minimum height required by code shall be observed. In no case shall a rebuilt billboard exceed the measurements, height or area, for billboards currently permitted by code. The determination as to whether a billboard's location significantly hinders the development of a property shall be at the sole discretion of the city and the city can deny any request to move or rebuild a nonconforming billboard. A site plan shall be required to move a

billboard.

SECTION 3. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

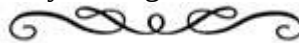
SECTION 4. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 5. CODIFICATION. It is the intent of the City Commissioners that the Substantive provision of this Ordinance will become and be made part of the Land Development Regulations of Holly Hill and that the word "ordinance" may be changed to "section", "part", or other appropriate word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 3, 4, 5, and 6 of this Ordinance shall not be codified.

SECTION 6. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of AUGUST, 2019 for second reading.

Enacted and approved this 13th day of August, 2019, in Holly Hill



4. -2019-O-3021 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations, by Amending the Official Zoning Map to Designate the Property at 1541 and 1567 North Nova Road as More Specifically Described in Attachment (A) from B-2 (Planned Shopping Center District) to B-5 (General Commercial District); Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)

Mayor Via opened public participation.

Twila Milcent, 718 N. Flamingo Drive, Holly Hill mentioned that she doesn't know what zoning restrictions are but she was wondering if that could possibly give the applicant the go-ahead to put in warehouses there. Payable businesses that walk in and out of all the time.

Brian Walker, City Planner informed the Mayor and Commissioners that they wouldn't be allowed to do storage, self-service personal storage; no warehouses.

Mayor Via closed public participation.

RESULT:	APPROVED AT 1ST READING [UNANIMOUS]	Next: 8/27/2019 7:00 PM
MOVER:	John Penny, District 1 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Via, Penny, Currie, Danio, Johnson	

ORDINANCE**2019-O-3021**

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY AT 1541 AND 1567 NORTH NOVA ROAD AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT (A) FROM B-2 (PLANNED SHOPPING CENTER DISTRICT) TO B-5 (GENERAL COMMERCIAL DISTRICT); 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 AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY AT 1541 AND 1567 NORTH NOVA ROAD AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A FROM B-2 (PLANNED SHOPPING CENTER DISTRICT) TO B-5 (GENERAL COMMERCIAL DISTRICT); 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 City Commission has determined that it is necessary to amend its Land Development Regulations as herein provided in order to more effectively implement its adopted comprehensive plan; and

WHEREAS, the City Commission has determined that the proposed amendment to the Land Development Regulations is consistent with 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 Attachment A as B-5 (General Commercial District.)

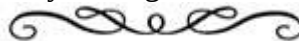
SECTION 2. Development of the property described in Attachment A shall conform to the Land Development Regulations of Holly Hill.

SECTION 3. 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 4. That all ordinances made in conflict with this Ordinance are hereby repealed.

APPROVED AND AUTHENTICATED on this 27th day of AUGUST, 2019 for second reading.

Enacted and approved this 13th day of August, 2019, in Holly Hill



5.

Request for a Front Yard (East) Setback Variance from Twenty-Five Feet (25) Feet to Ten (10) Feet to Construct an Open Porch Seating Area for an Existing Restaurant in the CC-1 (Commercial Corridor) Zoning District, for Property Located at the Southeast

Corner of 9Th Street and Ridgewood Avenue and More Specifically Known as 841 Ridgewood Avenue.

(Requested by Brian Walker, City Planner)

Mayor Via opened public participation. No one spoke.

Commissioner Penny disclosed ex parte communication with Mr. Hanger.

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



6. -DOC-2019-6

Request for Code Enforcement Lien Reduction - 163 Ridgewood Avenue

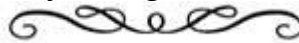
(Requested by Joseph Forte, City Manager)

Mr. Forte briefly discussed the staff report for the lien reduction request for 163 Ridgewood Avenue to the Mayor and Commissioners. Mr. Forte is requesting that the Commission reduce the lien to an administrative fee in the amount of **\$2,918.24** payable no later than September 15, 2019 and to execute the standard easement agreement used for the overhead to underground utility project. Failure to pay the lien by September 15, 2019, will cause the entire lien to remain in place without an opportunity to request an additional lien reduction.

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 13th day of August, 2019, in Holly Hill



7. **PUBLIC HEARINGS**

1. -2019-O-3018 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending Section 70-125, Section 70-276, and Section 70-277 of the Holly Hill Code of Ordinance to Change Rates and Methodology of Charging Water and Sewer Fees; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Stella Gurnee, Finance)

Patrick Luce from Stantec showed a PowerPoint presentation to the Mayor, City

Commission and the audience. (the slide presentation is available in the City Clerk's office).

Mayor Via opened public participation.

Heidi Heller, 460 Ridgewood Avenue, Holly Hill, mentioned she lives in a mobile home park and it's registered as a CC1 and not residential. Where would she fall into the water? Does she pay the \$7.95 opening amount for each mobile home plus the overages for water? How would that come up?

Commissioner Penny asked Mrs. Heller if she has her own water meter or does she have a master meter?

Mrs. Heller stated there's a master meter and then they come around and read each meter on our homes.

Commissioner Penny asked if it's the mobile home park's meter or is it the city's meter?

Mrs. Heller stated it's the parks meter.

Commissioner Penny stated she's going to be charged where it says "multifamily per unit."

Mrs. Heller stated, yes. The \$7.91 plus the water; so that's the increase.

Commissioner Penny stated it's a multiuse single meter.

Mr. Forte stated she's going to be very similar to Commissioner Penny's scenario.

Commissioner Penny stated exactly the same.

Mr. Forte stated she has a master meter and then everybody's charged behind the meters so they will be charged that \$7.91 per unit and then she'll be charged the actual...he doesn't know how the park management handles it.

Commissioner Penny stated the city doesn't know what her management is going to charge her.

Mayor Via closed public participation.

RESULT:	ADOPTED AT 2ND READING [UNANIMOUS]
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

ORDINANCE**2019-O-3018**

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 70-125, SECTION 70-276, AND SECTION 70-277 OF THE HOLLY HILL CODE OF ORDINANCE TO CHANGE RATES AND METHODOLOGY OF CHARGING WATER AND SEWER FEES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, REPEALING THE EXISTING CHAPTER 70, "UTILITIES" ARTICLE IV "WATER SYSTEM" DIVISION 2 "EXTENSIONS, DEPOSITS AND CHARGES" SECTION 70-125 "USAGE CHARGES GENERALLY" OF THE CITY OF HOLLY HILL AND REPLACING IT WITH A NEW SECTION CHAPTER 70 "UTILITIES" ARTICLE IV "WATER SYSTEM" DIVISION 2 "EXTENSIONS, DEPOSITS AND CHARGES" SECTION 70-125 "USAGE CHARGES GENERALLY"; REPEALING THE EXISTING CHAPTER 70, "UTILITIES" ARTICLE V "SEWER AND SEWAGE DISPOSAL" DIVISION 17 "SEWER SERVICE CHARGES" SECTION 70-276 "ESTABLISHMENT" AND SECTION 70-277 "ESTABLISHMENT" OF THE CITY OF HOLLY HILL AND REPLACING IT WITH A NEW CHAPTER 70, "UTILITIES" ARTICLE V "SEWER AND SEWAGE DISPOSAL" DIVISION 17 "SEWER SERVICE CHARGES" SECTION 70-276 "ESTABLISHMENT"; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR SCRIVENER'S ERRORS, CONFLICTS SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill deems it in the best interest of the City of Holly Hill to revise its Water system usage charges by the repeal of its current Chapter 70 "Utilities", Article IV "Water System", Division 2 "Extensions", Section 70-125 "Usage charges generally", of the City's Utilities Code, and replacing it with a new Chapter 70 "Utilities" Division 2 "Extensions", Article IV "Water System", Section 70-125 "Usage charges generally"; and

WHEREAS, the City of Holly Hill deems it in the best interest of the City of Holly Hill to revise its Sewer system usage charges by the repeal of its current Chapter 70 “Utilities”, Article V “Sewer and sewage disposal”, Division 17 “Sewer service charges”, Section 70-125 “Establishment” and section 70-126 “Establishment”, of the City’s Utilities Code, and replacing it with a new Chapter 70 “Utilities”, Article V “Sewer and sewage disposal”, Division 17 “Sewer service charges”, Section 70-125 “Establishment”; and

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 Utilities Code; and

WHEREAS, by providing for provisions that the usage charges be adopted by meter size, the fee schedule will conform to currently accepted national and local industry standards, increases equity among customer classes, enhances affordability to low volume users, promote resource conservation and improve the ease of understanding; and

WHEREAS, the revised Chapter 70, “Utilities”, includes adopted reference that the usage fee structure for Utilities will be established by resolution of the city commission and shall be binding on the city commission and all agencies, boards, committees, departments and employees responsible to the city commission; and

WHEREAS, the City Commission of the City of Holly Hill, Florida finds that the revised Chapter 70, “Utilities” maintains a sound and sustainable financial plan for the city.

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

SECTION 1. Legislative Findings and Intent. Chapter 70 “Utilities”, Article IV “Water System”, Section 70-125 “Usage charges generally”, of the City’s Utilities Code, and replacing it with a new Chapter 70 “Utilities” Article IV “Water System”, Section 70-125 “Usage charges generally”, is hereby amended by repealing the existing Chapter 70 “Utilities”, Article IV “Water System”, Section 70-125 “Usage charges generally”, of the City’s Utilities Code, and replacing it with a new Chapter 70 “Utilities” Article IV “Water System”, Section 70-125 “Usage charges generally”; to read as follows:

Sec. 70-125 Usage charges generally

(a) Monthly use rate and other charges. City water customers will be charged monthly base, volume, renewal and replacement and other charges as set forth by the City Commission in the following subsections:

- (1) Base charges. The base charges, determined by meter size, customer category (single-family residential, multifamily residential unit, and non-residential) and number of occupancy units, shall be established by resolution of the City Commission.
 - (2) Volume charges. Volume charges, determined by gallons used (per thousand gallons) and customer category (single-family residential, multifamily residential unit, and non-residential) shall be established by resolution of the City Commission.
 - (3) Renewal and replacement fee. The renewal and replacement fee shall be determined by the number of occupancy units served by the potable water meter installed at the location and shall be established by resolution of the City Commission.
 - (4) Other charges. The city commission shall establish by resolution the charges for collection administrative, meter bench test, connection charges, meter deposits, service charges, method of billing and any other fees and charges required by this article.
- (b) In the case of multiple occupancy units served by a single meter, each occupancy unit shall be considered a separate customer for purposes of establishing a minimum monthly base charge and a renewal and replacement fee. As used herein, an occupancy unit shall be defined as a structure, or separated part of a structure, with plumbing connections sufficient to enable the occupant to obtain potable water from, or return waste to, the municipal water and sanitary sewer system. Each connection, either individual outlet or individual return or combination thereof, shall be treated as a separate occupancy unit unless the occupant can demonstrate that the actual use of the multiple connections within a given structure are under the exclusive control of a single person. In case a meter is installed in the potable water connection to each individual occupancy unit, each monthly bill for water furnished to such unit shall be based on the above-mentioned minimum monthly base fee and shall include the renewal and replacement fee. In case a single meter is installed in the water connection to two or more such units, each monthly bill for water furnished shall be rendered for an amount not less than the above minimum monthly bill for each occupancy unit served, together with the above-mentioned volume charges for water plus the renewal and replacement fee per unit. This multiple unit provision shall apply to users of the potable water system..
- (c) The monthly potable **water minimum charge (renewal and replacement fee)** base charge shall not be suspended during vacation periods or such periods of time that a property is vacated and the minimum charge (renewal and replacement fee) shall be levied in the amount as provided and established by resolution of the City Commission.
- (d) Residents of the City of Ormond Beach shall be charged the same rate as residents of the City of Holly Hill as long as the City of Ormond Beach offers the same consideration to the residents of Holly Hill served by Ormond Beach.
- (e) Effective October 1, 2019, and on October 1 of each subsequent year for five years, the potable water usage charges (base rate, and volume charges) shall be increased by a percentage equal to 5.5%.
- (f) In addition to the adjustment provided in subsection (e) above, the City Commission may review the potable water rates as appropriate and adjust the potable water rates accordingly to reflect the anticipated cost of operating the system as well as the anticipated debt service on all outstanding obligations, and anticipated capital expenditures.
- (g) If the city or any department, agency or instrumentality thereof shall avail itself of the services and facilities of the water system, it shall pay for the use of such services and facilities at the established rates, and all water used by the city for municipal purposes shall be measured by meter, and the water service charges paid by the city.

SECTION 2. Legislative Findings and Intent. Chapter 70 “Utilities”, Article V “Sewer and sewage disposal”, Division 17 “Sewer service charges”, Section 70-125 “Establishment” and section 70-126 “Establishment”, of the City’s Utilities Code, is hereby amended by repealing Chapter 70 “Utilities”, Article V “Sewer and sewage disposal”, Division

17 “Sewer service charges”, Section 70-125 “Establishment” and section 70-126 “Establishment” and replacing it with a new Chapter 70 “Utilities” Article V “Sewer and sewage disposal”, Division 17 “Sewer service charges”, Section 70-125 “Establishment” , Section 70-126 “Establishment”; to read as follows:

DIVISION 17. - SEWER SERVICE CHARGES^[8]

Sec. 70-276. - Establishment.

(a) Monthly use rate and other charges. City sewer customers will be charged monthly base, volume, renewal and replacement and other charges as set forth by the City Commission in the following subsections:

(1) Base charges. The base charges, determined by meter size, customer category (single-family residential, multifamily residential unit, and non-residential) and number of occupancy units, shall be established by resolution of the City Commission.

(2) Volume charges. Volume charges, determined by gallons of water used (per thousand gallons) and customer category (single-family residential, multifamily residential unit, and non-residential) shall be established by resolution of the City Commission.

(3) Renewal and replacement fee. The renewal and replacement fee shall be determined by the number of occupancy units served by the potable water meter installed at the location and shall be established by resolution of the City Commission.

(4) The rate charged by the city for high volume water users, purchasers of over 100,000 gallons of water per month, shall be determined based on the following formula:

(a) For the first 100,000 gallons of water purchased per month the current sewer rate will be applied to the number of gallons of water purchased to determine the sewer charge;

(b) If a user purchases more than 100,000 gallons of water per month, the current sewer rate will be applied to only the number of gallons of sewage actually returned for treatment;

(c) The difference between the number of gallons of water purchased each month and the number of gallons of sewage returned for treatment each month for high volume water purchasers (in excess of 100,000 gallons per month) shall be charged a rate equal to 20 percent of the current sewer rate, provided, however, that in no event shall the total monthly charge for sewer service be less than 60 percent of the charges which would have been incurred by non high-volume waterpurchasers.

(d) subsection (3) of this subsection, such owner, tenant or occupant shall install a city approved meter so that the amount of sewage flow can be determined. This meter shall be calibrated annually to insure the accuracy of the readings. All costs associated with the installation and calibration are the responsibility of owner, tenant or occupant. The owner, tenant or occupant shall enter into an agreement with the city which shall include the above- described responsibilities of the owner, tenant or occupant.

(5) Other charges. The City Commission shall establish by resolution the charges for collection administrative, meter bench test, connection charges, meter deposits, service charges, method

(b) Occupancy unit for the purpose of sewer charges shall be defined in the same manner as occupancy unit for water usage shown in Chapter 70 “Utilities” Article IV “Water System”, Section 70-125 “Usage charges generally” (b).

(c) If the city or any department, agency or instrumentality thereof shall avail itself of the services and facilities of the sewer system, it shall pay for the use of such services and facilities at the established rates, and all water used by the city for municipal purposes (other than water which does not enter

- the sewer system of the city) shall be measured by meter, and the sewer service charges paid by the city.
- (d) The monthly sewer service charges (base and renewal and replacement) shall not be suspended during vacation periods or such periods of time that a property is vacated.
- (e) Residents of the City of Ormond Beach shall be charged the same rate as residents of Holly Hill as long as the City of Ormond Beach offers the same consideration to the residents of Holly Hill served by Ormond Beach.
- (f) Effective October 1, 2019, and on October 1 of each subsequent year for five years, the sewer usage charges (base rate and volume charges) shall be increased by a percentage equal to 5.5%.
- (g) In addition to the adjustment provided in subsection (e) above, the city commission may review the sewer rates as appropriate and adjust the sewer rates accordingly to reflect the anticipated cost of operating the system as well as the anticipated debt service on all outstanding obligations, and anticipated capital expenditures.
- (h) If the city or any department, agency or instrumentality thereof shall avail itself of the services and facilities of the sewer system, it shall pay for the use of such services and facilities at the established rates, and all sewer used by the city for municipal purposes shall be measured by water meter, and the water charges paid by the city.

Sec. 70-276. - Reserved.

State Law reference- User fees authorized, F.S. § 166.201.

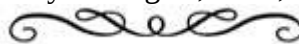
SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 4. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 5. That this Ordinance shall become effective October 1, 2019.

**APPROVED AND AUTHENTICATED on this 13th day of AUGUST, 2019
for second reading.**

Enacted and approved this 13th day of August, 2019, in Holly Hill



2. -2019-R-47 Resolution

Mr. Forte Stated that He is Going to Read Another Title: A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING CERTAIN FEES, DECREASING CERTAIN FEES, AND INCREASING CERTAIN EXISTING FEES FOR VARIOUS SERVICES, PERMITS, AND CERTIFICATES PROVIDED BY THE CITY, AND INCREASING WATER AND SEWER RATES BY 5.5% FOR THE NEXT FISCAL YEARS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Requested by Stella Gurnee, Finance)

Mr. Forte stated he wants to eliminate the part in the title of the Resolution where it says, “for the Fiscal Year 2019-2020”, and just say, “this Resolution sets the fees in place until they are changed.” Mr. Forte stated they don’t come back and update this annually. This stays in place unless they have a change to make. He’s going to re-read that title and eliminate that time off of there, if the Commission doesn’t mind.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING CERTAIN FEES, DECREASING CERTAIN FEES, AND INCREASING CERTAIN EXISTING FEES FOR VARIOUS SERVICES, PERMITS, AND CERTIFICATES PROVIDED BY THE CITY, AND ADOPTING A COMPREHENSIVE CITYWIDE FEE SCHEDULE. ~~FOR THE FISCAL YEAR 2019-2020.~~

Mr. Forte stated he will tell them for their discussion, in their agenda packet, they have a copy of Exhibit “A”, which is the Fee Schedule and in there, for the most part, the Commission is going to see all of the changes to the water and wastewater system. What staff also added to the Fee Schedule was a reduction in the address changes which wasn’t a part of the development plan going from \$100 down to \$50. They will also see an increase on waivers to a development of \$300 to go to the Board of Planning and Appeals. That’s pretty close to what they get for variances. At least the city will have a fee now if somebody wants to “not” do something that’s a requirement of the Code. Then they have the listing of all of the rates for the different meter sizes that the Commission saw on the PowerPoint tonight. It also reflects the 5.5% increase for the next five (5) years.

Stella Gurnee, Finance Director stated it’s actually in the Fee Schedule for just one (1) year so they will have to change it.

Mr. Forte stated so they’ll have to come back each year and change it. He didn’t want to do that. He wanted it to be for the five (5) years.

Commissioner Penny asked if it could be done automatically.

Mayor Via asked if they can do that?

Mr. Forte stated it’s in the Ordinance that there will be a 5.5% increase but it’s not in the Fee Resolution. He is trying to not have to bring it back so he’s wondering if they could, by the motion, announce that there will be a 5.5% increase to these rates for the next five (5) years. ***What he will do is call Attorney Simpson and see if he can get a legal opinion on that.***

Mayor Via stated for the time being, they will set this Resolution to the side and come back to it. We’ll start off with COMMUNICATIONS on the agenda.

Mr. Forte stated that he is going to read another title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING CERTAIN FEES, DECREASING CERTAIN FEES, AND INCREASING CERTAIN EXISTING FEES FOR VARIOUS SERVICES, PERMITS, AND CERTIFICATES PROVIDED BY THE CITY, AND INCREASING WATER AND SEWER RATES BY 5.5% FOR THE NEXT FISCAL YEARS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Via opened public participation. No one spoke.

*Commissioner Currie made a motion to **APPROVE Resolution 2019-R-47 as stated above**, seconded by Commissioner Danio.*

PASSED, 5-0.

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

RESOLUTION

2019-R-47

MR. FORTE STATED THAT HE IS GOING TO READ ANOTHER TITLE: A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING CERTAIN FEES, DECREASING CERTAIN FEES, AND INCREASING CERTAIN EXISTING FEES FOR VARIOUS SERVICES, PERMITS, AND CERTIFICATES PROVIDED BY THE CITY, AND INCREASING WATER AND SEWER RATES BY 5.5% FOR THE NEXT FISCAL YEARS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

For the record: Mr. Forte stated that he is going to read another title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING CERTAIN FEES, DECREASING CERTAIN FEES, AND INCREASING CERTAIN EXISTING FEES FOR VARIOUS SERVICES, PERMITS, AND CERTIFICATES PROVIDED BY THE CITY, AND INCREASING WATER AND SEWER RATES BY 5.5% FOR THE NEXT FISCAL YEARS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Florida, has made the following determinations:

1. On September 18, 2018, the City Commission adopted Resolution 2018-R-63, which was the most recent incorporation of annual modifications to various fees/costs, surcharges and administrative costs/fees relating to the Code of Ordinances, Land Development Code and various administrative costs/fees.
2. The Citywide Fee Schedule has been modified to incorporate recent changes in the City of Holly Hill's Code of Ordinances including Chapter 70 (Utilities) and various changes contained in the Land Development Code.

3. The Schedule of Fines, Fees, Costs and/or Penalties (which is attached hereto and incorporated herein as "Attachment "A") is being modified to reflect the changes that have been incorporated herein.

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

SECTION 1. Notice of the public meeting and public hearing at which this Resolution was considered was properly given, and all oral and written presentations made to and heard by the City Commission were properly considered.

SECTION 2. There is a reasonable relationship between the fees to be collected for the provision of various City services and the City's costs in providing those services.

SECTION 3. The fees which are newly created, increased, decreased, and unchanged- as set forth in the FY 2019-2020 Proposed Citywide Fee Schedule (Attachment "A"):

1. Do not exceed the actual or estimated reasonable costs to the City of providing the services to which the fees relate;

2. Are reasonable and necessary to enable the City to provide the benefit or privilege, service or product, license or permit, use or rental, fine or penalty, or property development to which they relate;

3. Have been allocated in a manner such that the costs to a payor bear a fair and reasonable relationship to the payor's burden on, or benefits received, from the City; and

SECTION 4. The City Commission hereby approves and adopts:

1. The FY 2019-2020 Proposed Citywide Fee Schedule (Attachment "A") which:

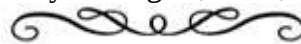
A. Creates, increases, decreases, or removes some fees.

SECTION 5. Any fee, rate, charge, penalty, fine, table, or schedule contained in the FY 2019-2020 Proposed Citywide Fee Schedule (Attachment "A"), as adopted in this Resolution, will prevail and apply in the event of a conflict with any other fee, rate, charge, penalty, fine, table, or schedule.

SECTION 6. The newly created fees, unchanged fees, decreased fees and increased fees listed in this Resolution and set forth in the FY 2019-2020 Proposed Citywide Fee Schedule (Attachment "A") become effective on October 1, 2019.

APPROVED AND AUTHENTICATED on this 13th day of AUGUST, 2019.

Enacted and approved this 13th day of August, 2019, in Holly Hill



8. COMMUNICATIONS

A. City Manager & Staff Comments

a.

Floating Holiday 2019

(Requested by Valerie Manning, City Clerk)

Mr. Forte stated that the Commission, each year, determines the floating holiday that's wrapped around Christmas and Christmas day is Wednesday this year. Staff polled the employees and the response was 70% that the employees would prefer the floating holiday be the day after Christmas, which is a Thursday. He needs the Commission's approval for that floating holiday.

*Commissioner Currie made a motion to **APPROVE the Floating Holiday to be the day "after" Christmas, which is Thursday**, seconded by Commissioner Penny.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0

Mr. Forte informed the Mayor and Commissioners that each year the city gets a Matching Safety Grant that the city gets reimbursement from for up to \$5,000 and this year the city was able to capture that grant early. If they noticed, there are cameras around City Hall both inside and outside for the safety of the employees and residents that visit City Hall, as well as, some other Public Works items the city was able to recoup, \$5,000 out of that Safety Grant and that comes from the city's insurance carrier so he just wanted to make the Commissioners aware of that. Mr. Forte mentioned that boat ramp at Sunrise Park. The boat ramp is well underway and there's been a number of Change Orders that have come in. Some of these Change Orders are exceeding his spending ability. He has the ability to spend 10% of the project or \$25,000, whichever is less. He shouldn't say "whichever is less"; as long as it doesn't exceed the \$25,000. Recently, he approved a Change Order for \$24,000 and there's another Change Order that came in for \$10,000. Accumulatively, it's exceeding his spending ability. The reason he did that, and he already approved the \$10,000 over is because that had to do with changes to the environment that they're working in. Out at the park, they found a storm drain pipe that went to nowhere. They had to lay a new storm drain pipe that came from the intersection of LPGA Blvd., and Riverside Drive out to the river. In doing that, as part of the storm drain that they're putting in, they're laying this pipe in the ground a couple of feet and they're finding enormous slabs of concrete and rebar. He went out there and saw it himself. In order for them to dispose of this, they have to haul this rebar out, this concrete; some of it was old palm trees. That area must have been used as a dumping ground at some point before it was filled and paved over. He told them he was going to come to this Commission meeting tonight and request approval of that Change Order, this was last Tuesday, and he has them on a tight schedule due to the grants that the city is getting from FIND and ECHO. He looked at the city's CEI, our construction and engineering inspector, from DMC, that's the marine contractor that's overseeing the project, and he asked him if this was an emergency, will this delay the project and the CEI said if the city doesn't approve this today, which was last Tuesday, this could delay the

project another seven (7) days, which would then put the city beyond the city's deadline and the city could, potentially, lose that grant money and he didn't want to lose the grant money, not for over a \$10,000 Change Order. So, he authorized that Change Order and he just needs the Commissioner's approval of that. The city is at about \$35,000 in Change Orders and he would like the Commission, by motion, to authorize him to go ahead and issue up to another \$10,000 in Change Orders because as they take off that parking lot that's in there, he doesn't know what they are going to find. Initially, they thought they were going to be able to remove that asphalt or concrete and then take the top layer of the dirt and use it as part of firm. Well, if they find slabs of concrete under there, they're going to have to haul that off and then they're going to have to haul in more dirt and that's going to create another Change Order. On top of that, they're Change Order, also, required...in order for them to stay on time, they're coming in on Saturday and doing work and there was \$5,000 worth of time in pay for them to come in on Saturday so that they meet the deadline. When he questioned that they said their operation is a Monday through Friday operation not a weekend operation. If they're ordered to come in on the weekend, the city has to compensate them for that.

Mayor Via asked does the motion that you seek, does it need that dollar amount allowance?

Mr. Forte stated he would like for the Commission to grant him another \$10,000 in Change Orders, not to exceed \$10,000.

Mayor Via asked and if it does?

Mr. Forte stated then he will have to come back.

Commissioner Penny stated well, we don't want to delay it. Can you spend \$25,000 anyways?

Mr. Forte stated the Commission can grant him another \$25,000.

Commissioner Penny stated he would be more comfortable with that.

Mr. Forte stated that's fine.

Mayor Via asked would that then be \$50,000?

Mr. Forte stated a total of \$50,000.

Mayor Via stated or would that be on top of \$25,000? Because you have your spending ability and then the Commission would grant you an additional...

Mr. Forte stated right now, he's authorized \$35,000.

Mayor Via stated, right.

Commissioner Penny stated his point is, can't he just authorize another \$25,000 on his own?

Mr. Forte stated, no. The Commission can. He's maxed out at \$25,000.

Commissioner Penny stated on this project.

Mr. Forte stated on this project.

Mayor Via stated oh, because it's "by project".

Commissioner Penny stated, okay.

Mr. Forte stated, right.

Commissioner Penny stated he thought it was by incident.

Mr. Forte stated no, he can't split it up. It's by the project so if the Commission wants to authorize to him up to another \$25,000 for this project, not to exceed \$25,000 that would be good.

Commissioner Penny stated, okay.

Mayor Via stated obviously, they have to make sure that they meet the deadline.

Commissioner Penny stated the city can't lose that grant.

Mayor Via stated they city can't lose that grant money. So, the City Manager would be seeking authorization for an additional \$25,000 spending ability if an emergency comes up.

Mr. Forte stated, yes.

*Commissioner Penny made a motion to **APPROVE** authorizing the City Manager to spend up to \$25,000 spending ability for this project in addition to the \$35,000 that the Commission is approving tonight, seconded by Commissioner Johnson.*

Mayor Via opened public participation.

Lynne Smith, 107 7th Street, Holly Hill asked if the contractors proposal or contract say that they would complete the project in "x" time period so that the city wouldn't miss the grant deadline?

Mr. Forte stated, no. Unfortunately, they were giving...the long story to this is the city rushed this back in January 2019 but they were given their Notice to Proceed, didn't start until later because they didn't want a Notice to Proceed until their equipment and materials were on site. They technically, by contract, have a later date to finish but he's holding them to the contract date.

Mrs. Smith stated she was just wondering why the city has to pay them extra money to work on Saturday if they said they were going to complete this project by "x" date.

Mr. Forte stated their completion date is after the city's deadline.

Mrs. Smith stated, okay.

Mayor Via stated and that was work that popped up unexpectedly.

Mayor Via closed public participation.

PASSED, 5-0.

Mr. Forte stated the last thing he wanted to mention, a couple of months ago the city lost Judy Hutchinson who was a staple in the Parks and Recreation Department and this week the city lost her boss, Chuck Beach. He's known Chuck for a very long time as long as he's been employed with the city, and he knows many of the Commissioners have. He knows the Mayor used to play baseball under Chuck's tutelage. Chuck was the coach and leader of the city's sports program. With losing Judy and now losing Chuck, he would confirm that this is the end of an era.



b.

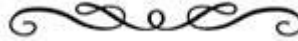
Safety Matching Grant - Risk Management

(Requested by Valerie Manning, City Clerk)



c.

Sunrise Park South Improvement Change Orders Request
(Requested by Antoine Khoury, Public Works)



B. City Attorney Comments
Not present.

C. City Commission Comments

Commissioner Johnson mentioned that he is happy that the city leans towards helping out the residents and businesses for Holly Hill. Helping people on Nova Road by moving the signs. There are so many things that the city can do that really doesn't hurt anyone and it doesn't really hurt the city any and the city gives a little bit and by giving a little bit, they get to take a lot because a lot comes back to the city. It looks good and it looks like the city is trying to move forward and make the city better and it's making it better for the people that live here just like when his business got annexed into the city from the County, the first thing that the city tried to do was drop the zoning on it. He had to come to City Hall and fight all of that but he won it and got it back and even the County said they couldn't do that. Sometimes the city just has to give and help the people and make it work. He saw a lot of that tonight and he really appreciates that.

Mayor Via asked Mr. Forte if he got a hold of Attorney Simpson but because they publicly advertised this, what we may do is just table this to a date and time certain for the next meeting. *(Attorney Simpson was returning Mr. Forte's call at this time)*

Commissioner Penny mentioned that he had the honor to represent the city and the Mayor while he was out of town to read a Proclamation to Bissy Holden who was recognized as Communicator of the Year 2019 for Public Relations work for Volusia and Flagler counties; this Flamingo thing concerns him but he believes staff will take care of it. Commissioner Penny mentioned that he received a call from a single-mother who received a water bill for over \$600 and he asked for her to come to City Hall and meet with Mr. Forte and the Utility Billing Supervisor and it was corrected, there was an error found. A lot of people's front yard, really isn't their front yard, it's the city's right-of-way. Hopefully, any gaps on the residents lawns on Flamingo Drive will be fixed. He trusts that staff will handle the concerns. Commissioner Penny mentioned that he has someone that would like to be on the Bicycle Pedestrian Advisory Committee (BPAC) with the TPO and he wanted to ask the Commission if it was okay to submit his name to be a representative. He is aware that Gilles Blais serves as that for Holly Hill but knows that Mr. Blais sits on another board with the TPO as a representative for the city. ***There was consensus from the Commission and Commissioner Currie, who serves on the TPO board and would have to be the one to appoint the new member, Ned Wolfarth, to have Mr. Wolfarth be the new representative. The City Clerk will notify by email that Mr. Wolfarth will be the new representative for the city to serve on the BPAC.***

Commissioner Currie mentioned that National Night Out was a great event, a lot of vendors and they were glad to be there; the Welcome Back to School at HHK-8 event on Monday, great to see all the kids; Flamingo Drive issues will be taken care of; thanked everyone for keeping her granddaughter in prayer; won't be able to attend the next TPO meeting on August 28th so Commissioner Johnson will be able to attend for her.

Commissioner Danio asked if Commissioner Penny can find out about FLC possibly changing their August annual conferences to the summertime because of it being the month the kids go back to school; asked what they thought about changing the Trunk or Treat event to Fridays from now.

Commissioner Penny suggested before they make a change on Trunk or Treat being on Friday's from now on, he recommends getting in touch with the Chamber of Commerce first because the businesses come in and support that. He suggested the city get the approval from the Chamber first before the Commission makes the decision.

Commissioner Danio stated he has no problem with that. He just thinks it will be advantageous to everybody if it's consistent.

Mr. Forte stated he will bring it up at the Chamber Board meeting tomorrow.

There was consensus to change Trunk or Treat to Friday's from now on if the Chamber of Commerce is on board with that.

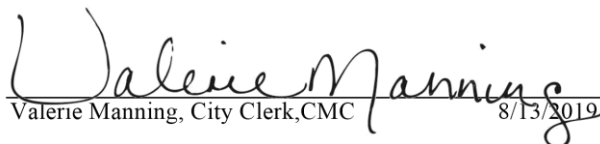
At this time, they went back to Resolution 2019-R-47 for discussion. ***(For this agenda item, go to that section of the meeting for the minutes)***

D. Mayor's Comments

Mayor Via mentioned that he, too, has received a lot of calls about Flamingo Drive and has spoken to Mr. Forte extensively about it and wants to thank staff because they have put a lot of time into this and there's a list of things that he knows staff is going through right now and he wants the residents to know that they hear them. Staff is going to see if help can be provided. Mayor Via stated that he is looking forward to the Florida League of Cities conference. Chuck Beach, my dad and him were good friends. Chuck was like the dad to all the kids who didn't have dad's out there. He took so many kids under his wing. He was a good guy. He always had the right demeanor and a calm guy, never got upset. Definitely, an end of an era, especially with what's going on at Hollyland Park. It's a rebirth of what's happening.

9. **ADJOURNMENT**

The meeting adjourned at approximately 9:30 PM.


Valerie Manning, City Clerk, CMC 8/13/2019


Chris Via, Mayor

8/13/2019