



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • AUGUST 22, 2017

City Commission Chamber

Regular City Commission Meeting

7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call

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

b. Invocation

Commissioner Currie led the invocation.

c. Pledge of Allegiance

Commissioner Currie led the Pledge of Allegiance to the Flag.

2. PRESENTATION

1.

Mid-Year Update - Prospect Pipeline & US1 Inventory Overview

(Requested by Valerie Manning, City Clerk)

Nick Conte, CRA Coordinator/Economic Development Director showed a PowerPoint presentation to the Mayor and City Commissioners.



3. PUBLIC COMMENTS

The following individual spoke to the Mayor and City Commissioners: Jim Legary, 342 Burleigh Avenue, Holly Hill.

4. APPROVAL OF MINUTES

1.

Minutes - CRA Budget Workshop - July 25, 2017

(Requested by Valerie Manning, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John C. Danio, District 3 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

Enacted and approved this 22nd day of August, 2017, in Holly Hill



5. CONSENT AGENDA - ITEMS (1 - 5)

Mayor Penny stated that they are going to pull agenda items #2 and #3, Resolutions 2017-R-43 & 44 from the Consent Agenda. Mayor Penny asked if there was any member of the Commission that wanted to pull any other item for further discussion or if any member of the audience wanted to discuss an item. ***There was no one.***

*Commissioner Via made a motion to **APPROVE CONSENT AGENDA ITEMS 1, 4, AND 5**, seconded by Commissioner Danio.*

PASSED, 5-0.

Discussion for Resolution 2017-R-43 & 44

Attorney Simpson stated these Resolutions were modified from the original Resolutions that were on the agenda and there's some additional language that the title company has requested to be in these Resolutions and they are the new Section 1's, is the revised language that the title company wants and it basically authorizes the city to sell the land, disposing of the land, there's public interest in this land. He thinks the Commission already made the decision when they approved the contracts and did all that but there wasn't a formal Resolution that they wanted and it also authorizes the release of any...under State law there's an automatic reservation of rights to governmental entities unless it's waived so they want their authorized waiver of that and the execution of the deed. He would call it a housekeeping item so the sales go through which are scheduled to go through next week.

Mr. Forte stated Monday, Tuesday and Wednesday.

Mayor Penny opened public participation. No one spoke.

*Commissioner Via made a motion to **APPROVE RESOLUTION 2017-R-43 AND RESOLUTION 2017-R-44**, seconded by Commissioner Danio.*

PASSED, 5-0.

~~~~~

Attorney Simpson stated Mayor, one other item he was going to bring under his comments, that does relate directly to this, if he would like for him to address it right now?

Mayor Penny stated, sure.

Attorney Simpson stated there's a lien on the Fountainhead property for stormwater fees, the Holly Hill property, for unpaid stormwater fees that were supposed to be paid by the school district to the city and these fees occurred...the school district pays stormwater if you give them a user, a bill, a utility bill and it's a user fee they pay it. When you switch it and you do the non- ad valorem assessment collection process all of a sudden they don't pay it. Because they didn't pay it, every year they would get a tax bill when they were the owners that showed them just for the assessment itself, not for the taxes because they are exempt, but they never paid it and it ended up becoming a lien on the city's property. When the city bought the property from the County it was kind of a unique situation because if the Commission remembers, the city just had the right to buy it for \$30,000. It wasn't a typical closing that they went through. This is money owed to the city. As the seller of the property, the city has an obligation to satisfy this lien on the property. Attorney Simpson stated he is asking for approval, the city is going to deal with the bigger issue of getting the school board to pay at another time but just so they can go forward with the closing on the sale to Fountainhead, that the Commission authorizes the Mayor or the City Manager to execute the necessary documents to get that lien released and satisfied so they can get it off the property as they move forward.

Mayor Penny asked what kind of money are they talking about.

Mr. Forte stated the fees itself are about \$8,733 but with the penalties is \$18,412.54. They need to get these cleared off in order for the property to be cleared.

Mayor Penny stated so they will have to write them off or are they going to try and collect them at a later date?

Mr. Forte stated they're not going to collect them. They are basically going to wipe the penalties and the fees out.

Attorney Simpson stated they are going to come up with another way, probably prospectively to get the money back.

Commissioner Danio asked and we have to pay for it?

Attorney Simpson stated if the city pays for it, it will come back to them anyway.

Mr. Forte stated we pay ourselves.

Attorney Simpson stated normally what you do as the seller you would...there would be \$18,000 deducted out of the sale proceeds but it's money owed to us. So, it would end up coming back to the city anyway. It would be resolved.

Mr. Forte stated what he is looking for is a motion to clear the \$18,412.54 non-ad valorem assessment from this property.

*Commissioner Danio made a motion to **CLEAR THE \$18,412.54 NON-AD VALOREM ASSESSMENT FROM 1200 CENTER AVENUE**, seconded by Commissioner Currie.*

**Mayor Penny opened public participation. No one spoke.**

**PASSED, 5-0.**

Mr. Forte stated what they are going to do in the future is they are going to try to approach the school property not as a fee on the tax bill but go back to a separate stormwater....

Mayor Penny asked can they generate a physical bill and send it to them?

Mr. Forte stated the city has to go through a process to get the Commission to authorize staff to go ahead and do that.

Mayor Penny stated, okay.

Attorney Simpson stated that's what we're looking at doing.

1. Resolution

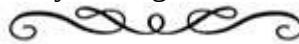
Resolution 2017-R-42 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Assign the Contract with Quentin L. Hampton Associates for General Engineering Services to Mead & Hunt to Execute the Agreement; Providing for Severability; and Providing for an Effective Date.

(Requested by Mark Juliano, Public Works)

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Chris Via, District 4 - Commissioner     |
| <b>SECONDER:</b> | John C. Danio, District 3 - Commissioner |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny        |

**RESOLUTION**

Enacted and approved this 22nd day of August, 2017, in Holly Hill



2.

Resolution 2017-R-43 A Resolution of the City of Holly Hill, Florida, Authorizing the Mayor and City Manager to Execute the Necessary Closing Documents to Transfer a Portion of the Property Located at 1200 Center Avenue, Holly Hill, FL, Pursuant to the Terms and Conditions of the Previously Approved Purchase & Sale Agreement; Providing for Severability; Providing for Conflicting Resolutions; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

**RESOLUTION NO. 2017-R-43**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA,**

**APPROVING THE SALE AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE NECESSARY CLOSING DOCUMENTS TO TRANSFER A PORTION OF THE PROPERTY LOCATED AT 1200 CENTER AVENUE, HOLLY HILL, PURSUANT TO THE TERMS AND CONDITIONS OF THE PREVIOUSLY APPROVED PURCHASE AND SALE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Holly Hill (City) has executed a purchase and sale agreement to sell a portion of the property located at 1200 Center Avenue; and

**WHEREAS**, the closing on the sale is set for August 31, 2017; and

**WHEREAS**, the Mayor and City Manager need authorization to attend the closing and execute the necessary closing documents on behalf of the City.

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

**SECTION 1.** The City Commission of the City of Holly Hill hereby (1) the land described in Schedule "A" has been determined to be unnecessary for its public purposes; (2) the governing body has determined that disposal of said land is in the best interest of the public; and (3) authorizing conveyance of the land described in Schedule "A" to Fountainhead, LLC (Buyer), by the individual executing said Deed, pursuant to the applicable Florida Statutes; and (4) said deed to specifically release any automatic reservation and right of entry in accordance with Florida Statute Section 270.11.

**SECTION 2.** The City Commission of the City of Holly Hill hereby authorizes the Mayor and City Manager to attend the closing on the sale of a portion of property located at 1200 Center Avenue, Holly Hill and to execute the necessary closing documents on behalf of the City.

**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, 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 resolutions made in conflict with this Resolution are hereby repealed.

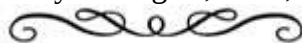
**SECTION 5.** That this Resolution shall become effective immediately upon its adoption.

**APPROVED AND AUTHENTICATED on this 22<sup>nd</sup> day of AUGUST, 2017.**

**PASSED, 5-0.**

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Chris Via, District 4 - Commissioner     |
| <b>SECONDER:</b> | John C. Danio, District 3 - Commissioner |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny        |

Enacted and approved this 22nd day of August, 2017, in Holly Hill



3.

Resolution 2017-R-44 A Resolution of the City of Holly Hill, Florida, Authorizing the Mayor and City Manager to Execute the Necessary Closing Documents to Transfer the Properties Located at 140 Riverside Drive, Holly Hill, FL and 101 2Nd Street (The Market), Pursuant to the Terms and Conditions of the Previously Approved Purchase and Sale Agreements; Providing for Severability; Providing for Conflicting Resolutions; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

**RESOLUTION NO. 2017-R-44**

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA,  
APPROVING THE SALE AND AUTHORIZING THE MAYOR  
AND CITY MANAGER TO EXECUTE THE NECESSARY**

**CLOSING DOCUMENTS TO TRANSFER THE PROPERTIES LOCATED AT 140 RIVERSIDE DRIVE AND 101 2<sup>ND</sup> STREET (THE MARKET), PURSUANT TO THE TERMS AND CONDITIONS OF THE PREVIOUSLY APPROVED PURCHASE AND SALE AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Holly Hill (City) has executed purchase and sale agreements to sell the properties located at 140 Riverside Drive and 101 2<sup>nd</sup> Street (The Market); and

**WHEREAS**, the closings on the sales are set for August 31, 2017; and

**WHEREAS**, the Mayor and City Manager need authorization to attend the closings and execute the necessary closing documents on behalf of the City.

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

**SECTION 1.** The City Commission of the City of Holly Hill hereby (1) the lands described in Schedule "A" has been determined to be unnecessary for its public purposes; (2) the governing body has determined that disposal of said lands is in the best interest of the public; and (3) authorizing conveyance of the land described in Schedule "A" to John Purner (vacant lot) and Holly Hill Market, LLC (The Market), by the individual executing said Deed, pursuant to the applicable Florida Statutes; and (4) said deed to specifically release any automatic reservation and right of entry in accordance with Florida Statute Section 270.11.

**SECTION 2.** The City Commission of the City of Holly Hill hereby authorizes the Mayor and City Manager to attend the closings on the sales of 140 Riverside Drive and 101 2<sup>nd</sup> Street (The Market) and to execute the necessary closing documents on behalf of the City.

**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, 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 resolutions made in conflict with this Resolution are hereby repealed.

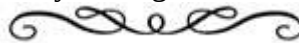
**SECTION 5.** That this Resolution shall become effective immediately upon its adoption.

**APPROVED AND AUTHENTICATED on this 22<sup>nd</sup> day of AUGUST, 2017.**

**PASSED, 5-0.**

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Chris Via, District 4 - Commissioner     |
| <b>SECONDER:</b> | John C. Danio, District 3 - Commissioner |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny        |

Enacted and approved this 22nd day of August, 2017, in Holly Hill

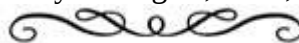


4.

Team Volusia - Economic Development Agreement 2017-2018  
(Requested by Valerie Manning, City Clerk)

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Chris Via, District 4 - Commissioner     |
| <b>SECONDER:</b> | John C. Danio, District 3 - Commissioner |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny        |

Enacted and approved this 22nd day of August, 2017, in Holly Hill

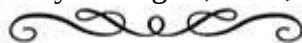


5.

Florida Department of Corrections Memorandum of Agreement - 2017  
(Requested by Steve Aldrich, Police)

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Chris Via, District 4 - Commissioner     |
| <b>SECONDER:</b> | John C. Danio, District 3 - Commissioner |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny        |

Enacted and approved this 22nd day of August, 2017, in Holly Hill



## 6. REGULAR AGENDA

### 1. Resolution

Resolution 2017-R-45 A Resolution of the City Commission of the City of Holly Hill, Florida, Assigning the Remaining Term of 13 Months of the Waste Management Agreement and Pursuant to Section 30-71 of the City's Code of Ordinances Waiving the Formal Bidding Process Requirements and Enter into Negotiations to Extend the Agreement with Waste Pro of Florida, Inc. for a Period of 10 Years and One Month Authorizing the Mayor and City Manager to Execute the Agreement for Solid Waste and Recycling Collection and Disposal Services with Waste Pro of Florida, Inc. Providing for Severability; Providing for Conflicting Resolutions; and Providing an Effective Date.

(Requested by Joseph Forte, City Manager)

Mr. Forte went over the following modifications to the Waste Pro Agreement with the Mayor and City Commissioners:

**Waste Pro Agreement List of Modifications**

- ☐ There will be no reduction in services currently provided by Waste Management's contract.
- ☐ The City will receive an assignment fee of \$50,000.00 when the Agreement is assigned from Waste management to Waste Pro.
- ☐ Move from a Side Arm Loader (SLR) to a two person vehicle which will be capable of picking up trash outside the toter.
- ☐ The Agreement will be for 10 years an one month.
- ☐ The rate charged to the City will be reduced \$0.50 per residential household.
- ☐ This is an exclusive Agreement to include temporary roll off container which will help the City account for roll off containers.
- ☐ Collection of residential trash will be twice per week dividing the City into four quadrants with pickups on Monday, Tuesday, Thursday and Friday. Recycling will be picked up once per week in each quadrant. Yard waste will be picked up on Wednesday and Bulk on Friday. Educational materials will be delivered to customers via door hangers, web sites, notice in the paper and in the utility bills through the transition. A transition plan will be provided to the City no later than August 25, 2017.
- ☐ Trash pickup on City property will remain at no cost to the City.
- ☐ Adjustments to the collection component will be determined by the Consumer Price Index for All Urban Consumers, South Size class B/C, for all items , or if that index ceases to be published, an equivalent index determined by the City. Effective on October 1, 2018, the collection component for residential and commercial customers set forth in Exhibit E will be adjusted based on the annual percentage change in the CPI Index for the period beginning on April 30, 2017, and ending on April 30, 2018.
- ☐ Adjustments for the fuel component will be on an annual basis with the base of fuel pricing being set at ten

(10%) percent above the fuel pricing as established on September 1, 2017 as per fuel pricing index known as: "On Highway Retail Diesel Price" Lower Atlantic Region, U.S. Department of Energy Information Administration published on the internet

- All vehicles and all required vehicular equipment are to be maintained in a reasonable, safe, working condition and bear the City of Holly Hill seal. Contractor must replace any vehicle deemed unsatisfactory by the City within fourteen (14) days of written notification from the City to the Contractor.
- The Contractor will provide all City solid waste utility customers with 96 gallon totes, recyclable bins, and to be used by Contractor for collection services under this Contract. All recycle bins must bear the name and seal of the City of Holly Hill or the Contractor's name and logo. The Public Works Director has the right to approve or reject the totes, bins, and mechanical containers proposed to be used by the Contractor to comply with the requirements of the Agreement.
- Administrative charges remain in place however, there is a list of violations that allow the hauler an opportunity to cure before a fine is administered.

Mr. Forte also mentioned the door knocker that will be going out into the community to notify all the residents as well which will show the designated areas of the city for the changes on the back of the door hanger, which he will show the Mayor and Commissioners shortly. Mr. Forte stated he wants to go on record that the city doesn't have a problem with Waste Management and the city didn't have a problem with Waste Management. This is an operational decision that is best for all parties, Waste Management, Waste Pro and the City of Holly Hill. Mr. Forte stated he is looking forward to working with Waste Pro. He also wants to thank Charlie who is here in the audience representing Waste Management for the work that they have provided to the city over the years they have held the contract.

Commissioner Byrnes asked if Mr. Forte could explain in general terms so the audience understands the main reason for doing this.

Mr. Forte stated the contract with Waste Management is due from a year now, October 2018. There was an operational agreement between Waste Pro and Waste Management. In short, Waste Management has a presence here in Volusia County that's surrounded primarily around Waste Pro and there's a similar situation in just the opposite in another area of the State that they basically assigning each other those contracts. The city had the benefit of having our contractor sign to Waste Pro. There's a \$50,000 assignment fee that the city will receive for doing that and then the city was negotiating, if the Commission recalls at the last Commission meeting, the Commission waived the procurement RFP (Request for Proposals) process for staff to negotiate with Waste Pro, a ten year contract, which actually reduced the cost to the city and in turn, the city will be reducing its cost to the residents.

Commissioner Byrnes stated, thank you.

Commissioner Danio stated and that's why its thirteen months of...

Mr. Forte stated that's why it's thirteen months this year because the city would have typically started this in October but once you start to do these kinds of things, the quicker you do it the better, this way the drivers and the customers will all get used to it rather quickly. It will start on Friday, September 1, 2017.

Commissioner Byrnes asked if there are citizens that are going to have to learn new pick up days?

Mr. Forte stated they will get into that shortly. The city is going to make notice as much as we possibly can. There will be door hangers that will be delivered, the hauler has to provide to the city by August 25<sup>th</sup> or the 28<sup>th</sup> a transition plan. It includes a door hanger that staff just reviewed and approved today, which will notify the customers of the changes. The residents trash pickup will remain the same throughout the city. The two biggest changes are is your yard waste is going to be picked up citywide on Wednesday and your recycling is going to be picked up on a different day; only one quadrant will remain the same. The other quadrants will be split up on the northeast, southeast, northwest, southwest and it's because the hauler is not going to share its drivers and equipment with another city so it doesn't make sense to combine all these onto a shorter period where then they got these days off where they're idle so they distributed the workload throughout the week.

Mr. Forte stated staff made one more change to it. These will start going out by the end of this week if this is approved by the Commission, staff will start to get these out. If bulk trash is put out during the week, Waste Pro will take it. If it's too big for the truck they will send the claw out by Friday. With yard waste, that's a separate pickup. They are not supposed to co-mingle yard waste with regular trash. That's moving to Wednesdays and it's possible that many people do their yard work on the weekend and they may put it out on Monday, that may be there for two days. Hopefully, people will get used to setting it aside on their property and then bringing it down on Tuesday evening for pickup Wednesday morning. Right now they have bulk sitting out there for several days, which will go away and that's the more eyesore items.

Mayor Penny stated, right. The mattresses, the refrigerators and those types of things.

Mr. Forte stated, right. So when they have people putting yard waste out that means their cleaning their property. The properties are looking better because their trimming, their cleaning, their pruning and their setting those out so that may be out there for a day or two longer than the city would anticipate in exchange for the bulk being out there longer. He thinks in the long run, it's going to be alright. Mr. Forte stated Bill Redman is here who is the city's consultant and Mr. Swartzlander, Mr. Juliano and myself worked rather diligently on this contract and they then met with Mr. Redman and Tim Dolan and they went through some modifications and they then gave it back to Mr. Redman for more modifications then it was given to Attorney Simpson for review, back to Mr. Redman for indexing so there was a lot of effort put into this.

Bill Redman, Senior Vice President with Redman Consulting Group (RCG) stated they have been in the city for a number of years. Mr. Swartzlander and himself worked on this back in 2012 and they projected the rates out back then and in four or five years for them to come within 3% of what the market is today and they are going to get that rollback, he thinks Mr. Swartzlander did a pretty good job with that. Mr. Redman stated the City of Daytona Beach is all on Wednesday for yard waste now. Currently, Holly Hill is Monday, Tuesday so half of the city is sitting out on Tuesday anyway. They have had great success in Daytona Beach with all the yard waste, the whole city being collected on Wednesday and then the cherry picker piles, the larger piles, those get scheduled anyway and some of them are pick up prior to, some of them are picked up within 72 hours. The contractor calls for a timeframe on that. Mr. Redman stated that the transition plan is due

on August 21<sup>st</sup>, the equipment list is due on the 28<sup>th</sup>.

Mr. Forte stated, okay.

Mr. Redman stated all the toters, Waste Management replaced all the toters in 2012 when they renegotiated the contract back then. He thinks, one of the things, from his side is, being the city's contract administrator, seeing the bulk go away with the garbage. The bulk has been a real issue for Mark Ballard in Code Enforcement and his group. When they put it into the tracking system, every Monday and Tuesday they put a lot of issues in the tracker where bulk is out on the wrong day and then Code Enforcement has to send those notifications out. He thinks the city is going to see a tremendous improvement in that area.

Mr. Forte showed the Mayor and Commissioners what the door hanger flyer looks like that will be going out to all the residents. If they will notice the changes are in RED.

### **WASTE PRO**

**Holly Hill Residents**

**Effective: September 4, 2017**

**Recycling and Yard Waste Collection Day Change**

**Yard Waste City-wide will be picked up every Wednesday**



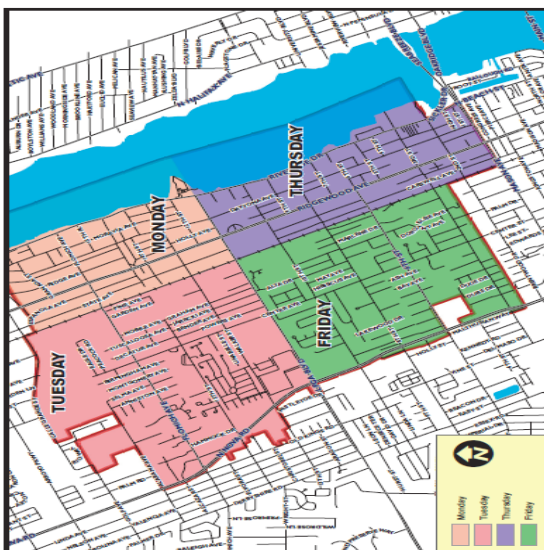
**See the map on back for new Recycle Day**

**No change to garbage collection schedules**



If you have any questions concerning this change, please call **City of Holly Hill**  
(386) 248-9432

Visit our website: [www.hollyhillfl.org](http://www.hollyhillfl.org)

**New Recycling Schedule**

If you have any questions  
concerning this change, please call  
City of Holly Hill (386) 248-9432



Mr. Forte stated the door hanger and map is rather self-explanatory. Staff anticipates phone calls to come in with the changes. They are prepared for that. The hauler is prepared to pickup. If it's out there, they are going to pick it up and if it's out there on the wrong day they are going to pick it up and they are going to tag it and get the residents used to the new schedule. Hopefully, it will be a seamless transition as the city can make it.

Mr. Redman stated he thinks one of the comments from Charlie, working with Waste Management, during this whole process is that they were going to work very diligently with Waste Pro and Waste Pro working with Waste Management to make this a seamless as possible transition and he thinks that they have accomplished that.

Mayor Penny asked Mr. Forte when will they be talking about bringing the rates back?

Mr. Forte stated right now our contract is set for what the hauler is going to charge the city. In September staff is going to be bringing a rate schedule back for the city. He has a proposal to reduce the rate to the customer by a \$1.50 per month.

Mayor Penny stated, thank you.

Commissioner Via stated he just wants to say thank you to Mr. Redman for working with the city and thank you, Mr. Forte. He hopes in the future, this Commission will have the opportunity to lower the rate going forward and he thinks this contract helps the city to do that. He appreciates everybody's work that went into it. He thinks it's a good deal for Holly Hill.

**Mayor Penny opened public participation.**

The following individual spoke to the Mayor and City Commissioners: Don Collins, 3143 International Speedway Boulevard, Daytona Beach, who is with Republic Services. They pick up garbage here in the County for about 46,000 homes. Mr. Collins shared his concerns about the ten year contract with Waste Pro and the city deciding not to go out for bids to give the opportunity to other businesses to contract with the city for solid waste services. Mr. Collins did agree with the swap deal with Waste Pro and Waste Management but shared his concerns about negotiating a contract with Waste Pro for ten years because of the pricing because he thinks it's extremely above what the market bares. Even with the discounted rate, the city's rate is still higher than what's out there in the market today. Mr. Collins thinks that the city should have a bid process since it hasn't been done in years.

Mr. Forte stated Mayor, I did have a chance to speak with Mr. Collins over the last weekend so I knew that he was aware of the change that was coming up. Mr. Redman is probably better suited to respond to some of the comments but I will just make you aware that it's not that easy just to do a rate comparison from one city to the other. Primarily because number one, the city owns the toters, the city doesn't charge the customer for the toter and that's the equivalent of about \$1.00 a month based a five year period so it's about \$0.50 a month on the fact that the customer is getting the toter at no cost. The other issue that's rather significant for Holly Hill and for whatever reason it is, it just simply is, the city has a great deal of bulk that comes out of this city and it's mostly because that was acknowledge earlier. The city has a very high rental community in this city and there's a great deal of turnover of people moving in and out and the city's bulk rate, which is included in this price, there's no additional cost for bulk pickup, in other cities they're charged for bulk pickup. That's another item that should be taken into consideration, that staff took into consideration when they developed the agreement. It's clearly...it's not an apples to apples comparison by any means. He thinks the level of service that the city provides is somewhat greater than some of the other cities. Again, when they look at some of the other pricing, Daytona Beach provides a facility to their hauler, which is why they are nearly \$2.00 less than what Holly Hill is. South Daytona's rate is a little bit less than Holly Hill but they have a multiplier that has the opportunity to be 2% higher than what Holly Hill's multiplier is per year. He thinks when they take all of the considerations in this basket of different options, he thinks they negotiated a rather good contract but that's his perspective. He can rely on Mr. Redman's opinion. He does this throughout the State and he could give them a different opinion because he's the city's consultant.

**Mayor Penny closed public participation.**

Commissioner Byrnes stated he would like to hear from Mr. Redman as per Mr. Forte's suggestion. As someone who knows pricing and deals with a lot of different companies, how is Holly Hill's price?

Mr. Redman stated he thinks the city's price is quite commensurate with the services that is being provided. They did a complete rate survey earlier this year and they provided that to Mr. Forte and his staff and the rate that Mr. Forte and Mr. Swartzlander and Mr.

Juliano requested of Waste Pro, did pull that rate back down to, with the average rate is throughout the Volusia County marketing on the residential side. When they talk about the bulk and the weights, there is a substantial amount of weight increase when you start looking at 37 to 38, 39 pounds per house on the average and you start looking at Holly Hill at 42, 43, 44 pounds per house and garbage plus the bulk, you start talking times 4500 units of 3 or 4 pounds times 4500 units twice a week, 52 weeks out of the year, you start talking about some pretty heavy disposal costs. Those disposal costs are included in the city's pricing as well as their commercial here is pretty industrial so it's a lot heavier and then the restaurants, the restaurants are going to be 225 pounds per cubic yard as opposed to 120 pounds per cubic yard, that starts mounting up. When they have twice a week service as opposed to once a week service, which Republic Services provides within the County at the present time, a once a week service to the County residents and he knows because he lives in the County, Holly Hill has, he thinks, significant amount of additional services provided with the amount of rate that Mr. Forte has negotiated.

Commissioner Byrnes stated he thinks it's significant that, it's been mentioned but folks may not understand it, that the bulk pickup, you put out a fridge, you put out a mattress it's picked up, they are not charged for it. In other cities they put a hanger on your door or they have some other way that you get charged for it. Commissioner Byrnes stated he remembers putting that in there all those years ago because it helps people from dumping those kinds of things because when they try to get rid of them and you want to charge them for it, they take it to the nearest empty lot and they dump their stuff.

Mr. Redman stated Commissioner Byrnes, you don't have a lot in the ditches, for the lack of a better term. They will see them at the curb.

Commissioner Byrnes stated, yes.

Mr. Redman stated because they do get picked up because of what Holly Hill did many years ago and said, "put it out, we'll pick it up."

Commissioner Byrnes stated, right.

Mr. Forte stated there is an excessive bulk rate and that's when it goes beyond a yard.

Mr. Redman stated, true.

Mr. Forte stated everything within that first yard is at no cost to the resident.

Commissioner Danio stated no disrespect to the restaurant rates but where in Holly Hill is there going to be \$1,000 garbage bill for a restaurant?

Mr. Redman stated he would have to ask Mr. Swartzlander that because he is not familiar with all of the city's billing.

Commissioner Currie stated thank you Mr. Redman for clearing that up because obviously she doesn't know about pickup and bulk.

Mr. Redman stated a lot of people think what they know about the garbage business is that if you put it at the curb, it goes away. They don't understand all the thousands of little things that happen every day to make it happen properly.

Commissioner Currie stated she appreciates him explaining the details like he did.

Mr. Forte stated the average for single-family pick up rate for the 211 is \$15.56. In our area...

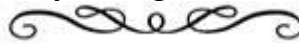
Commissioner Byrnes stated he was interested in the restaurant rate that Commissioner Danio asked about.

Mr. Forte stated they don't have it broken down that way. They just have residential and customer rates. They go as high as \$18.00 and change in Palm Coast as low as in Volusia County is at \$11 but there are other factors in that contract that need to be taken into consideration, in both of those contracts.

|                  |                                         |
|------------------|-----------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Chris Via, District 4 - Commissioner    |
| <b>SECONDER:</b> | Penny Currie, District 2 - Commissioner |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny       |

## RESOLUTION

Enacted and approved this 22nd day of August, 2017, in Holly Hill



2.

1538 Daytona Avenue - Lien Reduction Request

(Requested by Joseph Forte, City Manager)

Mr. Forte stated he received a lien reduction request for 1538 Daytona Avenue. This is a property that had been vacant for quite some time. The owners are deceased. There are no other relatives for this to go to. It's been left abandoned for quite some time. The city was in the process of actually going through a foreclosure and it ended up selling for the tax deed and it was sold and taken over by Richard and MaryAnn Trussell and they are the ones requesting a reduction in the lien. There are excess monies that are available as a result of the tax deed sale in the amount of \$34,078.80. There's a 90-day waiting period. After the 90-days the city can go ahead and request the excess fees to pay down the balance of the lien that the city has. The city's lien is \$57,327. They have already started making significant changes to the property. They already cleaned the outside up. They're working on the roof and the interior of the property. They own other properties in the area. Mr. Forte stated the recommendation that he has for the Commission today is to agree to reduce the lien from \$57,327 to \$2,000 that the Trussell's would pay the city but the city wouldn't release the lien until after the 90-day period has come so that the city can file the claim for the \$34,078.80, providing that there are no other lien holders, which

at this time he doesn't believe there are, the city should be able to recoup all or most of that \$34,000. The city is the only lien holder. There's no mortgage and Attorney Simpson did a title search and the city doesn't believe there are any other lien holders on that property.

Commissioner Via stated he was told that he should disclose ex parte communication. He had a brief discussion walking into City Hall with the property owner about future renovations.

Mayor Penny stated they've done an amazing job in a week or two.

Commissioner Byrnes stated Mr. Forte, the cost to the new property owner is only going to be the \$2,000?

Mr. Forte stated the property owner paid the full tax deed amount. That's where the excess funds come from so he doesn't want the Commission to think they are only paying \$2,000. They paid...he doesn't know what they paid but it has to be in an excess of \$34,000. That's the balance that's owed after the taxes were paid. So, what the city is going to do is reduce the \$57,000 lien that the city has to \$2,000 and not release that lien until we are able...if we release the lien, we basically release the \$34,000. So, we want to try to recapture that \$34,000 but it takes 90-days from the time that it was filed for us to request those dollars.

Commissioner Danio stated that's a contingency that they are putting into their...

Mr. Forte stated, right. It would be part of their motion.

**Mayor Penny opened public participation.**

Richard Trussell, the applicant for 1538 Daytona Avenue, stated they did take over the property. He's a retired CPA and CFO from Phoenix East Aviation International Flight School. It is his understanding that the \$34,000 will go to the city. They have a quiet title search being prepared at this time by Waterside Title. He has tried to make sure that most of the contracts that he's signed and the people that he has employed to clean the property and help them clean the property are all within Holly Hill. They are kind of in a vicious triangle here because they can't get the quiet title proceeded further until the lien is released. He would be in favor of showing the Commission the contracts. They will be signing a \$22,000 roofing contract tomorrow with Kay Simon. He has had people come in that wanted to put a roof on that thing for as much as...as little as \$9,000. He has another property at 1529, which is down the street across...down three houses. He wants to try and beautify the property. They beautified 1529 and they are working diligently on this other one. They haven't even had it but a month. He doesn't see that there's any way that they can hold the city's \$34,000 up. Mr. Trussell stated they paid \$41,200 for the property. The property taxes were paid by a firm down in Southern Florida and they've already received their money and they would be willing to release the lien. Mr. Trussell stated he would ask the Commission instead of the 90-days and he doesn't know if there is anything that he can do, he would volunteer if there is anything he can do with the County to make sure that money is released to the city before 90-days. Like he said, he's kind of in a...he's moving, excuse the expression "balls to the wall."

Mayor Penny stated so without the quiet title does that preclude him from pulling building permits and performing the work that you want to do? Is that how I understand it?

Mr. Trussell stated well, no. What the problem is going to be is the city doesn't want to completely release the lien for 90-days until everything is meeting the city's standards

and he understands that and until the city can get the \$34,000. The research that he has been able to do, there is nobody that is going to stand in the way to keep the city from getting the \$34,000. So, he is requesting the Commission to do, it won't take him 90-days to get that place beautiful and the quiet title search can't be continued until after the city's lien is satisfied. He would like to see if the Commission could cut that in half or 60-days instead of 90-days.

Mayor Penny asked does that time delay Mr. Trussell in any of his progress? He's confused.

Mr. Trussell stated if he gets everything done in time he won't be able to sell it because he won't have proper title yet.

Mayor Penny stated he sees, okay. He wants to fix it as soon as possible and then put it on the market.

Mr. Trussell stated, absolutely. He is going to fix it very, very nice and he thinks everybody can observe that drives up and down Daytona Avenue and Cordova what he has done so far. He is just asking that maybe the Commission can step it up instead of 90-days because then he would be, then he would have, possibly, another 60-days before the quiet title would be completed and he is trying not to borrow any money to do this flip.

Mr. Forte stated Attorney Simpson is going to tell them about the 90-day requirement but Mr. Forte will tell him, the 90-days doesn't start tonight, the 90-days started on July 25<sup>th</sup> so, Mr. Trussell is looking at November 1<sup>st</sup>, somewhere around October 5<sup>th</sup> to November 1<sup>st</sup> is when the city should be able to...the city already made application for the funds, they have to wait the 90-days before they can release them. So, Mr. Trussell is looking at probably the end of October the 1<sup>st</sup> of November for that to be released.

Commissioner Danio stated so he got a month's head start already.

Mr. Trussell stated he can live with that.

Mayor Penny stated, okay.

Mr. Forte stated it's not 90-days from tonight. It's 90-days from July 25<sup>th</sup>.

Attorney Simpson stated the city can try to call over there to see, explain the situation and see if the city does anything before they release the money would that jeopardize the city's claim to the \$34,000 since it was in existence at the time, the surplus funds came in existence and if they give the city something in writing saying, "no, you can go ahead and do that, that won't affect your money", then the city can accelerate the process.

Mr. Trussell stated if there is anything that he can do. If the present owner would have to sign off on anything, please call him and he will sign it.

Attorney Simpson stated well, maybe because...

Mr. Trussell stated he will sign it in a New York second, that means its fast.

Attorney Simpson stated maybe because he is thinking about the surplus proceeds and there are no creditors...he guesses it goes back to the original owner.

Mr. Trussell stated they do know there are no heirs. The parents were from Palatka, they passed away. They had no family.

Attorney Simpson stated then it may go to the State of Florida. He doesn't know. Attorney Simpson stated the city will try to accelerate it. Staff will let you know if they can.

Commissioner Byrnes asked Attorney Simpson can they word the motion that it's 90-days or when the city receive the funds?

Attorney Simpson stated, no. What the Commission's motion should say is they authorize the City Manager to release the lien upon the payment of \$2,000 contingent upon either the receipt of the surplus funds from the Clerk of Court for approximately \$34,000 or written verification from the Clerk of Court that releasing the lien prior to receiving the funds will not jeopardize the city's entitlement to the funds.

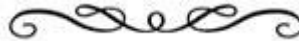
**Mayor Penny opened public participation. No one spoke.**

*Commissioner Currie made a motion to authorize the City Manager to release the lien upon the payment of \$2,000 contingent upon either the receipt of the surplus funds from the Clerk of Court for approximately \$34,000 or written verification from the Clerk of Court that releasing the lien prior to receiving the funds will not jeopardize the city's entitlement to the funds, seconded by Commissioner Via.*

**PASSED, 5-0.**

|                  |                                         |
|------------------|-----------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>             |
| <b>MOVER:</b>    | Penny Currie, District 2 - Commissioner |
| <b>SECONDER:</b> | Arthur J. Byrnes, Chris Via             |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny       |

Enacted and approved this 22nd day of August, 2017, in Holly Hill



## 7. PUBLIC HEARINGS

### 1.

Condemnation of Property Located at 430 Burleigh Avenue

(Requested by Joseph Forte, City Manager)

Mr. Forte stated this is being brought back to the Commission today. They heard this public hearing for condemnation for 430 Burleigh Avenue at their last meeting. The person who came to the meeting, Carlos Lira, wanted an opportunity to look inside the property and evaluate it a little bit better. Mr. Forte stated he did receive an email from Mr. Lira stating he was no longer interested in purchasing the property. To make sure the Commissioners were aware of that Mr. Forte forwarded Mr. Lira's email to each of them. At this time, staff is bringing the property back to the Commission for consideration for condemnation. If it's determined to be condemned by the City Commission they will then authorize staff to go ahead and have the building demolished. Mr. Forte stated all the evidence that was presented at the last meeting still remains in effect for this meeting. Mr. Forte stated he spoke to the listing realtor today and let him know that it was coming up on the agenda tonight and let him know that the city had interest from someone in California who wanted to buy the property but the message that he received was that he wasn't ready to do any work on the property for several months and then maybe he would come down here and work on it and retire here. Mr. Forte stated timing wise, he doesn't think that fits into what the expectation has been with this property being in disrepair for so long. He is also not sure that people that are not here to actually step foot on the property, have an opportunity to see the structural damage but he does send the engineer report out to anybody who inquires but when an engineer's report and a contractor's

report, who have been through the building and says the property has greater value without the building, and the cost to rehab the building would exceed any comps in the area, it kind of lets potential buyers know that it's really not an investment property. This is not your typical let's flip it type of a house.

Mayor Penny stated he needs to disclose some ex parte communication on this matter. He received a phone call from the gentleman from California yesterday, his name is Will Nichazel (?) He called him yesterday afternoon about 5:00 PM and wanted to know how he could stop this from happening and Mayor Penny basically reiterated what Mr. Forte said. He asked Mr. Nichazel (?) if he had seen the engineer's drawings and the Commission had to push it off for two weeks because the city had a professional contractor that was pursuing rehabbing it against the advice of the engineer's report from three years ago and once he went to the property, he withdrew his offer. Mayor Penny stated Mr. Nichazel (?) asked him how can he come here and plead his case and he told him he could certainly come here, this is a public hearing but he lives in California. His intension were is that he's been looking for a Spanish style house. Mayor Penny reiterated the meeting from the other night and told Mr. Nichazel (?) that the Historic Preservation Society actually came and they were in support of demolishing the house, which the Commission thought was unique and that if the house could be saved, anyone would save it. Mayor Penny stated then at 6:41 PM tonight, a text and he will read it to the Commission. It says, *"Hi Mayor Penny please don't let the city tear down 430 Burleigh, I will make the neighbors happy. The contractors are not calling back and the ones that do are twenty weeks out because of the last hurricane. If they do decide to condemn the house, can the city sell it to me after they foreclose the liens. Thanks. Will Nichazel (?), I spoke to you yesterday."* Mayor Penny stated with that being reported, would anyone from the public like to comment on this issue?

**Mayor Penny opened public participation.**

The following individuals spoke to the Mayor and City Commissioners:

Gilles Blais, 710 Magnolia Avenue, Holly Hill, stated he is a member of the Historical Society Review Board many years ago. When was the building built?

Mayor Penny stated he thinks in the 1920's.

Mr. Blais asked does it have any historical value to the neighborhood or to the City of Holly Hill? Certain people like to buy these little gems and rebuild them slowly. He is just wondering if that was looked into?

Mayor Penny stated he thinks it's an economic total, using an insurance term. You can fix anything but do you want to spend enough money to bring it back?

Mr. Blais stated because there was a house not too far from there twenty years ago, they stripped it all down, they put \$80,000 in it and after they got it done they were so happy to keep it, they wouldn't even sell it for \$180,000. Certain people have certain talents that they can use but once it's gone, like the house he was raised in on Daytona Avenue, 3337 Ridgewood was built in 1903, a Victorian style house, once it's gone, it's gone and that's

part of local history that's down the drain.

Jim Legary, 342 Burleigh Avenue, Holly Hill, asked if it's condemned, how long before it will be knocked down?

Mr. Forte stated the Building Official will start to get three price estimates and as soon as he gets them he will provide to the most lowest, qualified bidder.

Mr. Legary stated he lives within a block of this and have watched it deteriorate. He has attempted...he has a very talented building person who will be here tomorrow and if there's a way that I could get access to the engineering reports and so forth, I'm very interested in doing something with it. Mr. Legary stated and he's not looking to flip it; he's not looking to do anything like that. He would like to put one of his kids in it or something. He doesn't know what that requires or what kind of blessing he would need to get from the city but he would ask that if the city does condemn it, perhaps the city could put it off. He would be more than willing to comply with what it was that the city was asking of Mr. Lira.

Mayor Penny stated he thinks the problem is once it's condemned, the wrecking ball is coming.

Mr. Legary stated can he ask, can they put a contingency on the thing that if Legary doesn't come back in two days or can they put some kind of contingency on it?

Commissioner Danio asked weren't you here at the last meeting?

Mr. Legary stated, yes but Mr. Lira had the deal.

Commissioner Danio stated he backed out the next day.

Mr. Legary stated okay, but he wasn't privy to that information and like he said, he's been in the neighborhood for thirty odd years. The house was...

Mr. Forte stated as he understands it, there is a contract on the property that has a date somewhere in November for closing. The contract holder was assigning that contract to Mr. Lira at the last meeting and Mr. Lira has withdrawn his offer. The original contract holder still has an assignable contract. The only way that anything can be done, like this gentleman from California, he's working with the realtor and this other fellow, Anthony, has an assignable contract to buy that property. To buy the property and he doesn't remember off the top of his head, he thought it was somewhere in the neighborhood of \$30,000.

Mr. Legary stated he thinks it was \$22,000 or \$25,000 he believes.

Mayor Penny stated he thinks it was in the low \$20's.

Commissioner Via asked can the realtor walk people in there even though it's in

disrepair?

Mr. Forte stated it doesn't matter to him who goes in there.

Commissioner Byrnes stated well if they're in danger it should.

Commissioner Via stated yes, if it's about to fall in.

Mayor Penny stated his concern, Mr. Legary, is that they keep kicking this can down the road. If they hold it off for Mr. Legary or some guy from California, spend \$20,000 or \$30,000, they get in there and they find out they can't do what they really wanted to do, they wasted their money, a new owner, now the Code Enforcement problems starts all over again and some future Commission sits here three years from now addressing a problem, at that time, the city has a pile of rubble sitting there on a vacant lot. That's his concern.

Mr. Legary stated he understands but he doesn't see how it can be any worse than what it is. He will have an answer for the city in two days. He will have an answer tomorrow.

Mayor Penny stated I just don't know how we can entertain your request without considering the gentleman in California's request, when he sent me a formal request also. I don't know how we can give favor to you.

Attorney Simpson stated, if he could say, all this talk about someone buying, has really nothing to do with the issue before the Commission. The only question before the Commission is, is it this Commission's determination that this qualifies as a public nuisance and is it a threat to the public health, safety and welfare and if "yes", then Mr. Forte is given the direction to go and resolve that problem and all this discussion, the Commission can delegate to Mr. Forte but the Commission has given Mr. Forte the authority to tear it down. Now, if Mr. Forte wants to work with Mr. Legary in two days, and Mr. Legary comes back and says this is what he can do and he can work out something that Mr. Forte and Mr. Forte is satisfied, delegate it to Mr. Forte. The Commission's only question is, whether or not this is property is a public nuisance. That's it.

Commissioner Currie stated Attorney Simpson, the Commission makes the decision, the Commission wants to condemn the property, that's what the Commission's decision is. However, attached to that, the Commission says, "Mr. Forte, the Commission wants to give you two days, three days, whatever, to be able to consult with Mr. Legary to see if he feels as though this is going to be a project that he can take on legitimately and then that can be hashed out if not then the condemnation still goes on."

Mr. Forte stated what he can tell the Commission is that Mr. Lira had a contract for \$36,000.

Commissioner Danio stated he thinks it would be better to pretty much...

Commissioner Via asked what was \$36,000?

Mr. Forte stated the gentleman that was here at the last meeting was paying \$36,000.

Commissioner Danio asked would it not be better worded or somehow word it that the Commission approves to condemn the property unless the City Manager comes up with a better solution.

Commissioner Currie stated she's just asking Attorney Simpson to tell her if that's a possibility.

Attorney Simpson stated he doesn't think they need to give Mr. Forte...from a practical standpoint, they are not going to get bids and start that within two days.

Commissioner Currie stated, right.

Attorney Simpson stated practically, it's just not going to happen. He thinks Mr. Forte has heard enough of this to understand that the Commission made the decision that this is a public safety issue, resolve it. Now, the resolving it could be getting someone in there real quick if they want to buy it and fix it up and Mr. Forte is satisfied that it will be done in a timely manner, fine. If not, Mr. Forte has the discretion to move forward with demolition. The Commission's decision is there's a public safety hazard there and it needs to be resolved.

Mr. Forte asked is there any liability if the city condemns it?

Attorney Simpson stated, no.

Commissioner Byrnes stated but Attorney Simpson, there's more to this than that. There's already somebody else in the back of the room that seems interested, there's a person in California that...

Attorney Simpson stated but you're making more to it than...

Mayor Penny stated the question before the Commission is it a public safety or not. A public safety hazard.

Commissioner Byrnes stated and what we don't want to see as a Commission, as much as I would like to help Mr. Legary, what we don't want to see is exactly what the Mayor described. If this becomes a HGTV flip it thing that could take two years, that property is still dangerous to the people around it.

Attorney Simpson stated he agrees and that's why he said it's good for the Commission to address this issue every two weeks. Every two weeks the Commission is taking a shot at this. So, they have two times a month to try and address an issue over expediting a public safety issue.

Commissioner Byrnes stated, okay.

Attorney Simpson stated the only question is public safety. The Commission says, "Look, this property is condemned, City Manager resolve it." Now, Mr. Forte can resolve it either through demolition or working with somebody.

Commissioner Byrnes stated but we can't do something like require a bond or something like that if somebody is going to work on the property?

Attorney Simpson stated, no.

Commissioner Byrnes stated at the last meeting when the contractor said he could fix it up for \$50,000, he remembers the Building Official almost crying, he was laughing so hard because he thinks it's going to be much more than \$50,000 and that's the concern I have. People thinking they're buying it cheap, they're going to be putting a little bit of money in it and flip it and he knows Mr. Legary says he's not going to flip it and so that's why...if your solution is the Commission determines it's a public safety hazard and then Mr. Forte can decide if either of the people so far and anybody else.

Mr. Legary asked if he could talk to Mr. Forte tomorrow?

Mayor Penny stated that might depend on what happens here tonight.

Jason Cornwell, 1543 Center Avenue, Holly Hill, stated he is a realtor with Keller Williams Realty and he has a buyer who is considering purchasing the property at 430 Burleigh Avenue. The property was built in 1925. He did listen to the meeting minutes from August 8<sup>th</sup> and relayed that to the folks he represents. Their estimate of rehabbing the property is more along the lines of \$100,000 range. When he heard the \$50,000 range proposed by the previous contractor he kind of snickered himself because with a property at that state where it needs a lot of structural remodeling, they're going to spend a lot of time doing that. He is not the listing agent of the property. Like he said, he represents a potential buyer. His reason for being here tonight is mostly for clarification for them as to where this property is going to be heading. The property is actually still active on the MLS so in other words, there should not be a contract on it that is in effect.

Mr. Forte asked if he knew the guy Anthony he was talking about?

Mr. Cornwell stated he is familiar with the meeting minutes from last month. He spoke with the listing agent today and as far as what he has advertised on the MLS this property is still active. What that tells him is that there is no contract on the property because the listing agent should not be able to advertise as active if there's a contract on it.

Mr. Forte stated all he can tell him is that he has a contract from Anthony in Orlando, an assignable contract, that he was assigning to Carlos Lira.

Mr. Cornwell asked and has that contract expired?

Mr. Forte stated Anthony's contract is good to November. He had like a 90-day contract.

Mr. Cornwell stated, okay.

Mr. Forte stated Mr. Lira's contract has expired.

Mr. Cornwell stated there's obviously, a miscommunication on what's going on.

Mr. Forte stated now, unless this guy Anthony bailed out, he doesn't know.

Mr. Cornwell stated, right. That's what he's saying. There's obviously, some kind of miscommunication as to the status of the property as far as real estate is concerned. His main position here tonight is just to find out what the city intends to do with the property so he can advise his potential buyers what their next steps are. They are aware of the costs of rebuilding. They are not looking to flip the property. They are looking at it as a vacation home. The buyers are in Texas, and California has no relation to the folks that the Mayor spoke with.

Mr. Forte asked so your buyer is different than this Will person?

Mr. Cornwell stated, absolutely, yes sir.

Mr. Forte stated now there's three people interested in it.

Mayor Penny asked Mr. Cornwell if he was aware that there is over a \$200,000 lien on the property?

Mr. Cornwell stated he is aware of that and that was another thing that they are looking to address. He doesn't want to assume anything but from the meeting minutes or from what he heard of the recording, he spent a good 45 minutes listening to what was going on two weeks ago, he was under the impression that the city was willing to work with a potential buyer who that was going to rehab the property to Florida Building Code.

Mayor Penny stated that's happened in the past.

Mr. Cornwell stated he's fully aware of the previous meeting and the requirements that the city has. He is mostly expressing the interest his buyer has and seeing where this is going to go.

**Mayor Penny closed public participation.**

Mayor Penny stated it seems like they have come off the rails yet again and followed the shiny thing down the road but it's quite clear to him that this is a public safety health hazard. The Commission has driven past it and looked at it and that's the question before the Commission tonight that Attorney Simpson reminded them about. All this stuff about real estate transactions and contracts is something that Mr. Forte can address later but what the Commission is here tonight for is to determine whether this is a public safety health hazard and direct Mr. Forte to correct it. How it is corrected is not up to the Commission. It's up to Mr. Forte and the Chief Building Official and the city's building codes and the Code Enforcement Officers. So, whether that means it's torn down or whether it means it's shiny and new, a rental house or someone is living there or one of

Mr. Legary's kid's lives there, is not before the Commission tonight.

Commissioner Byrnes stated he disagrees with Mayor Penny's assessment. He believes that if the Commission decided it was a major health and safety issue, the Commission can direct Mr. Forte to say don't bother with these people, tear it down now. He believes that, that would be an appropriate motion not that he thinks they will make that motion tonight but if the Commission makes the motion and they want Mr. Forte to do these dealings then he thinks the Commission needs to make that clear in the motion because if the Commission just says it's a health and safety issue, deal with it, the interpretation could be okay, the Commission wants it torn down. He thinks the Commission should give the City Manager, in the motion, they should give him some guidance as to how long and how much dealings he wants to have with the interested buyers.

Mayor Penny stated I think you're looking at it completely opposite. If you want it torn down, I think your motion should say to condemn it and tear it down as soon as possible. If you don't want it torn down and you want these other people to have opportunities then I think the motion should be to condemn it tonight and trust staff to handle it. That's the motion that I'm wanting to accept right now.

Commissioner Via stated Mayor, my stance is, I would love for us, just like last meeting, my stance was to save it, a historic...we had a chance to possibly save a historical building. I'm all for that but I also agree and hearing from the Commission tonight and from the city's attorney, we're deciding if this is a public nuisance or not right now and I would say it is. I agree with you to the point of leave it to Mr. Forte but with the understanding that if there's a contract that can come through and within a certain amount of timeframe to be able to save this property, save a historic building, and have someone come in and redo it the right way, I am so much for that. My thing is and maybe it's more of a legal question, how tied are our hands is his question.

Attorney Simpson stated their hands aren't tied, legally their hands aren't tied. What he sees is the Commission tying their own hands.

Commissioner Danio stated he thinks they're making more of it.

Attorney Simpson stated, right. You are trying to resolve an issue with somebody that text you from California and then you have one guy that comes out at the last meeting and he's talking about all the things that he can do, and when he actually goes and looks at it, he backs out and we lost two weeks. Attorney Simpson stated he would suggest something along the line of saying a motion finding that this property is a public nuisance and that city staff is directed to proceed with demolition unless the City Manager's determination a reasonable, viable, alternative to refurbish or rehab the structure is submitted prior to demolition, at which time the City Manager has the discretion to halt demolition.

***Commissioner Via made a motion finding that this property is a public nuisance and that city staff is directed to proceed with demolition unless the City Manager's determination a reasonable, viable, alternative to refurbish or rehab the structure is submitted prior to demolition, at which time the City Manager has the discretion to halt***

*demolition, seconded by Commissioner Byrnes.*

Commissioner Currie stated she respectfully disagrees with Mayor Penny. Only because she feels that this Commission “has” determination over what they do with the property beyond it’s being condemned. That’s what this body is supposed to do. She understands what Attorney Simpson is telling her that the motion before her is to make that determination, however, beyond that, she can state, unfortunately, Commissioner Via made the motion before she had a chance to speak so now she’s stuck with either she agrees or disagree with the fact that Commissioner Via is saying the city just allow the City Manager to see what comes through down the pike, whatever but this is a historic building within the city. There’s not a whole lot of historic buildings left within the city. She’s not saying that the gentleman in California isn’t viable but that was a basic communication to her. The mere fact that she has realtor that comes in to present that he has clients, Mr. Legary is a resident, he’s lived in that neighborhood forever and a day, she would like to give them the opportunity to be able to come forward. She just doesn’t want to say the Commission is going to condemn it and then see what happens. She wants to know that she has given the opportunity for that property to be rehabilitated if that’s at all possible. Not just to say yes, I’m condemning it and see what can be done. She kind of feels that’s the loose end of that motion. That’s where she’s coming from. So, if Commissioner Via can tighten it up a little bit maybe.

Mayor Penny stated he thinks tightening it up puts more handcuffs on it. Leaving it loose gives it a better opportunity. He was going to ask to amend the motion exactly like Commissioner Via stated but putting a time limit of two weeks from tonight to entertain these other possibilities or direct demolition.

Commissioner Currie stated and that’s what would make her feel much better. To her, that’s tightening it up a little bit.

Commissioner Danio stated Commissioner Currie, he can almost guarantee, with that motion, something will be done or not, in a timely fashion.

Commissioner Currie asked with the amended motion?

Commissioner Danio stated with or without, it’s going to get the ball rolling. Once you put that condemn word out there, it’s not going to sit out there for two years.

Mayor Penny stated history has a tendency of repeating itself. The last contractor that came in made his decision within 48 hours. With all due respect, Commissioner Via, would you consider adding to your motion a time limit of 14 days from tonight for the City Manager to have that discretion within 14 days? If something comes in on the 15<sup>th</sup> day, I don’t want to be back here discussing this again.

Commissioner Via stated he just has a question though. Does Mr. Forte think, by allowing this, first of all, he trust in Mr. Forte to do the will of this Commission is, does Mr. Forte believe that two weeks would be enough time to be able to figure out if the city has a contract, if the city has a concrete contract, if the city has something that they can actually work with and save this house?

Mr. Forte stated he's never done it this way before. The first thing he would do is reach out to the listing agent and tell the listing agent that he now has to sell this, advertise this for sale, with a contingency of showing proof of funds to rehab the building satisfactory to the City Manager, pay whatever cost it is to sell the property, have money to pay down the lien, whatever that may be, it could be somewhere in the neighborhood of \$5,000, he doesn't know, and then enough proof of funds to rehab the building in excess of \$100,000 over and above those dollars. If somebody can't come...if somebody can't send him proof of funds to do this then his answer will be that it gets torn down. If somebody says, "hey, I got half a million dollars cash, can I go and do whatever I want?", then the possibility exists but if somebody doesn't have the financial wherewithal...and he's not talking about going to a bank. A bank is not going to loan anyone money on this house. It has to be a cash deal, cash buy, cash to pay the lien down, and cash to rehab. They will have to pull their permit within 30-days or it's going to get torn down because he can't sit on this any longer. He has more people come...he would love to see this historic house rehabilitated. He's a big fan of rehabbed old homes. He loves them. If they can get the right person in here to rehab it, he thinks it would be great for the community.

Mayor Penny asked Commissioner Via if he was more comfortable giving them 30-days.

Commissioner Via stated that's exactly where he was going. He believes he would feel a lot more comfortable with 30-days. Yes, he would amend his motion with the Mayor's suggestions but 30-days.

Commissioner Currie stated and she would like to make it clear, Mayor, that it has nothing to do with trusting the City Manager, because she has complete trust for the City Manager.

Mayor Penny stated no, he doesn't think anyone took it that way.

Commissioner Currie stated she just wants to make that clear.

*Commissioner Via AMENDED the motion to be as follows, a motion finding that this property is a public nuisance and that city staff is directed to proceed with demolition unless the City Manager's determination a reasonable, viable, alternative to refurbish or rehab the structure is submitted prior to demolition, at which time the City Manager has the discretion to halt demolition and a time limit of 30-days to pull a permit or it's going to get torn down as directed by the City Manager, seconded by Commissioner Byrnes.*

**Mayor Penny opened public participation.**

The following individual spoke to the Mayor and City Commission on the amended motion:

Jason Cornwell, 1543 Center Avenue, Holly Hill, stated he is a realtor with Keller Williams Realty, stated he has received communication since the last time he was up here earlier, there is a cancellation on that contract.

Mr. Forte stated, okay.

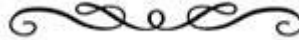
Mr. Cornwell stated he totally applauds the City Manager for this motion because it's fair to have somebody provide that proof of funds within this time. He thinks that's more than fair with what the city is going through.

**Mayor Penny closed public participation.**

**PASSED, 5-0.**

|                  |                                             |
|------------------|---------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                 |
| <b>MOVER:</b>    | Chris Via, District 4 - Commissioner        |
| <b>SECONDER:</b> | Arthur J. Byrnes, District 1 - Commissioner |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny           |

Enacted and approved this 22nd day of August, 2017, in Holly Hill



## 8. COMMUNICATIONS

### A. City Manager & Staff Comments

a.

Budget Amendment(S) - Staff Report Only City Manager Level Amendment(S)  
(Requested by Kurt Swartzlander, Finance)  
Informational purposes only

|                |                         |
|----------------|-------------------------|
| <b>RESULT:</b> | <b>INFORMATION ONLY</b> |
|----------------|-------------------------|

Enacted and approved this 22nd day of August, 2017, in Holly Hill



b.

Comprehensive Plan Review and Appraisal Notice to the Department of Economic Opportunity of the City's Intent to Review and Make Amendments to Its Comprehensive Plan Based on the Required Periodic Review.  
(Requested by Thomas Harowski, Board of Planning and Appeals)  
Information purposes only

|                |                         |
|----------------|-------------------------|
| <b>RESULT:</b> | <b>INFORMATION ONLY</b> |
|----------------|-------------------------|

Enacted and approved this 22nd day of August, 2017, in Holly Hill



c.

Cruisin the Hill for School Supplies - Special Event

(Requested by Joseph Forte, City Manager)

*Commissioner Byrnes made a motion to **ALLOCATE \$1,000 to the CRUISIN' ON THE HILL FOR SCHOOL SUPPLIES Special Event for Saturday, November 4, 2017**, seconded by Commissioner Via.*

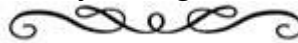
**PASSED, 5-0.**

Attorney Simpson stated that he will donate \$250.00 as well.

Mr. Forte mentioned that there will be a car show on the front lawn of City Hall on November 4, 2017 for a fundraiser for the "Cruisin on the Hill for School" event from 10:00 AM to 3:00 PM.

|                  |                                             |
|------------------|---------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                 |
| <b>MOVER:</b>    | Arthur J. Byrnes, District 1 - Commissioner |
| <b>SECONDER:</b> | Chris Via, District 4 - Commissioner        |
| <b>AYES:</b>     | Byrnes, Currie, Danio, Via, Penny           |

Enacted and approved this 22nd day of August, 2017, in Holly Hill



B. City Attorney Comments

None.

C. Mayor's Comments

Mayor Penny reminded the Commissioners that there will be a workshop on MONDAY, SEPTEMBER 11, 2017 at 6:00 PM. Remember that's the first public hearing for the budget which begins at 7:00 PM. Originally, the workshop was set up to talk about loosening up through special exception and allowable uses in the overlay district. He thinks that needs to be their main focus but Commissioner Currie and himself went to the Medical Marijuana Symposium during the FLC conference and she will be providing literature to them on that and they will probably talk about that but he doesn't think they will be able to talk about that and the overlay district and other things in one hour. Let's just remain focused on what's on the agenda that night and try not to chase the shiny things down the road like they do sometimes. He will have an excel spreadsheet with some statistics at the workshop when they do discuss medical marijuana. They may need to schedule a 3:00 PM or 4:00 PM afternoon workshop sometime and pound some things out.

Commissioner Currie stated the information that she has on medical marijuana will be sent out to the Commissioners by the City Clerk so that they will have enough time to look through the information.

Mr. Forte stated it's not too late to start that workshop earlier if they like.

Commissioner Byrnes stated he can't make anything before 6:00 PM. He has to be gone from 4:00 PM to 6:00 PM every day, Monday through Friday.

Mayor Penny stated maybe they can do 1:00 PM on a different day. Just something to think about. Get with Mr. Forte and tell him the best days but they need to commit two to three hours on some of these topics. He doesn't know that they are going to be able to do the overlay and the special exceptions in an hour. Mayor Penny stated this is something that's been bothering him, the recent things they've seen on the news about bigotry and hate in our communities, it infuriates him. He knows this city has a zero tolerance for bigotry and intimidation in our workforce, in our workplace but he wants to make sure that the city communicates that our city has zero tolerance for these actions. The city wants to be known for love, compassion, tolerance and positivity. He doesn't get it. It troubles him. He has many friends that are in law enforcement, we have a lot of first responders that work for our city and it just troubles him. For those in the audience, we saw Chief Brown who was the Chief of Police for Dallas, Texas when five police officers were murdered last year. Just phenomenal; what a leader that man is and to see that police officers are going out and doing their job, traffic control, and someone with no conscious can walk up behind them and shoot them in the head with a high powered rifle all in the name of hate and bigotry. As the Mayor of this city he wants to put that message out that this city will not tolerate it from our employees and our citizens. That's all he has to say about that matter.

D. City Commission Comments

Commissioner Byrnes hopes that it works out for Mr. Legary; hope it works out so it doesn't get torn down.

Commissioner Via mentioned he enjoyed the debate and discussions tonight, it shows how well the Commission works together and being at the FLC you can see how dysfunctional some other Commissioners are. He really appreciates serving with this Commission.

Commissioner Currie also appreciates the debate, compromise and she truly hopes that someone can come through and seek their dream out. This Commission does tend to work together 95% of the time quite well, being positive she'll say 99% well. The FLC conference had some good classes; the marijuana symposium was good; Homerule discussion. It's always good to be around city representatives because you realize how great your city really is and how great the people you work with and how your staff is great, it's amazing.

Commissioner Danio thanked Mayor Penny for talking him into going to the FLC conference because he learned a lot and got a lot out of it.

**9. ADJOURNMENT**

The meeting adjourned at approximately 9:00 PM.

  
Valerie Manning, City Clerk CMC 8/22/2017

  
John Penny, Mayor 8/22/2017