CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● AUGUST 24, 2021

City Commission Chamber	Regular City Commission Meeting	6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call
b. Invocation by John Penny
Commissioner Penny led the invocation.

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

2. PUBLIC COMMENTS

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

3. APPROVAL OF MINUTES

1.

Minutes - August 3, 2021, Workshop with Fountainhead and August 10, 2021, Regular City Commission Meeting

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

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 24th day of August, 2021, in Holly Hill

4. CONSENT AGENDA - ITEMS (1 - 9)

Mayor Via asked if there was anyone in the audience who wished to speak on any item on the Consent Agenda or if any member of the Commission wanted to discuss an item. **There was no one.**

1. –2021-R-51 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the Continuation of the Memorandum of Understanding (MOU) by and Between the City of Holly Hill, Florida, and Concerned Citizens for Animal Welfare (CCFAW) Renewing a Trap/Neuter/Return (TNR) Program for the Control of the Free Roaming Cat Population; Providing for Severability; Providing and Allowing for Budgetary Concerns; and Providing for an Effective Date.

(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

RESOLUTION
2021-R-51
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CONTINUATION OF THE MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE CITY OF HOLLY HILL, FLORIDA, AND CONCERNED CITIZENS FOR ANIMAL WELFARE (CCFAW) RENEWING A TRAP/NEUTER/RETURN (TNR) PROGRAM FOR THE CONTROL OF THE FREE ROAMING CAT POPULATION; PROVIDING FOR SEVERABILITY; PROVIDING AND ALLOWING FOR BUDGETARY CONCERNS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CONTINUATION OF THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF HOLLY HILL, FLORIDA, AND CONCERNED CITIZENS FOR ANIMAL WELFARE (CCFAW) RENEWING A TRAP/NEUTER/RETURN (TNR) PROGRAM FOR THE CONTROL OF THE FREE ROAMING CAT POPULATION; PROVIDING FOR SEVERABILITY; PROVIDING AND ALLOWING FOR BUDGETARY CONCERNS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City recognizes that many free roaming cats are often deemed unadoptable and unfortunately euthanized; and

WHEREAS, by partnering with the Concerned Citizens for Animal Welfare (CCFAW), cat colonies can be safely maintained; and

WHEREAS, Trap/Neuter/Return programs have been operating in Holly Hill which have demonstrated promising cost savings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION

OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City Commission supports the continued memorandum of understanding partnership with the Concerned Citizens for Animal Welfare (CCFAW) in order to better serve the animals, particularly feral cats, while providing the savings of tax dollars.

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 adoption of the fiscal year 2021/2022 final budget appropriation by the City Commission.

APPROVED AND AUTHENTICATED on this 24th day of AUGUST, 2021.

Enacted and approved this 24th day of August, 2021, in Holly Hill

2. -2021-R-52 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving Piggybacking the State of Florida Master Agreement No. 87013945 with Wex, Inc., for the Fueling of All Gasoline Powered City Vehicles and Equipment for FY2021-2022 and Future Adopted Budgets through December 31, 2025; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2021-R-52
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING PIGGYBACKING THE STATE OF FLORIDA MASTER AGREEMENT NO. 87013945 WITH WEX, INC., FOR THE FUELING OF ALL GASOLINE POWERED CITY VEHICLES AND EQUIPMENT FOR FY2021-2022 AND FUTURE ADOPTED BUDGETS THROUGH DECEMBER 31, 2025; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE

CITY OF HOLLY HILL, FLORIDA, APPROVING PIGGYBACKING THE STATE OF FLORIDA MASTER AGREEMENT NO. 87013945 WITH WEX, INC., FOR THE FUELING OF ALL GASOLINE POWERED CITY VEHICLES AND EQUIPMENT FOR FY 2020-2021 AND FUTURE ADOPTED BUDGETS THROUGH DECEMBER 31, 2025; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has been using the Volusia County fueling facility on Walker Street for all of the gasoline fuel powered City vehicles and equipment; and

WHEREAS; the Volusia County fueling facility on Walker Street has been closed and sold; and

WHEREAS, the City is required to seek alternative locations for fueling of vehicles and equipment; and

WHEREAS, the State of Florida has a master agreement with WEX, Inc., for purchasing fuel; and

WHEREAS, the City desires to piggyback the State of Florida master agreement No. 78187101-21-NASPO-ACS) with WEX, Inc., for fueling all gasoline powered vehicle and equipment; and

WHEREAS, the WEX card is accepted at all fueling stations within the City; and

WHEREAS, the City will limit users to use either the Murphy station by Walmart at the corner of Nova Road and Flomich Street or Buc-ee's on LPGA Blvd, which is most convenient.

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

SECTION 1. That the City Commission of the City of Holly Hill approve piggybacking the State of Florida master agreement No. 7818701-21-NASPO-ACS with WEX, Inc.

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 24th day of AUGUST, 2021.

Enacted and approved this 24th day of August, 2021, in Holly Hill

3. –2021-R-53 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into a Railroad Reimbursement Agreement with the State of Florida Department of Transportation and the Florida East Coast Railway, LLC (Company) for the Installation of Certain Grade Crossing Control Devices Designated as Financial Project Number 448383-1-57-01 Located at 10Th Street, Which Crosses the Right-Of-Way of the Tracks of the Company at FDOT/AAR Crossing No. 273056X Located Near Holly Hill, Florida; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2021-R-53
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A RAILROAD REIMBURSEMENT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE FLORIDA EAST COAST RAILWAY, LLC (COMPANY) FOR THE INSTALLATION OF CERTAIN GRADE CROSSING CONTROL DEVICES DESIGNATED AS FINANCIAL PROJECT NUMBER 448383-1-57-01 LOCATED AT 10TH STREET, WHICH CROSSES THE RIGHT-OF-WAY OF THE TRACKS OF THE COMPANY AT FDOT/AAR CROSSING NO. 273056X LOCATED NEAR HOLLY HILL, FLORIDA; 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 A RAILROAD REIMBURSEMENT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE FLORIDA EAST COAST RAILWAY, LLC (COMPANY) FOR THE INSTALLATION OF CERTAIN GRADE CROSSING CONTROL DEVICES DESIGNATED AS FINANCIAL PROJECT NUMBER 448383-1-57-01 LOCATED AT 10TH STREET, WHICH CROSSES THE RIGHT OF WAY OF THE TRACKS OF THE COMPANY AT FDOT/AAR CROSSING NO. 273056X LOCATED NEAR HOLLY HILL, FLORIDA; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation is constructing, reconstructing or otherwise changing a portion of the Public Road System, on 10th Street, which shall call for the installation and maintenance of railroad grade crossing traffic control devices for railroad grade crossing over or near said highway; and

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

SECTION 1. That the City Commission of the City of Holly Hill authorize the City Manager to enter into an agreement with the State of Florida Department of Transportation and the Florida East Coast Railway, LLC (Company) for the installation and maintenance of certain grade crossing traffic control devices designated as Financial project Number 448383-1-57-01 on 10th Street, which crosses the right-of-way and tracks of the Company at FDOT/AAR Crossing No. 273056X located near Holly Hill, FL; and

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 24th day of AUGUST, 2021.

Enacted and approved this 24th day of August, 2021, in Holly Hill

4. –2021-R-54 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Recommendation of Award for the Lift Station 5 Rehabilitation to J&H Waterstop Utilities, Inc., and Authorizing the City Manager to Execute a Contract with J&H Waterstop Utilities, Inc., in the Amount Not to Exceed $239,600.00; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2021-R-54
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE RECOMMENDATION OF AWARD FOR THE LIFT STATION 5 REHABILITATION TO J&H WATERSTOP UTILITIES, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH J&H WATERSTOP UTILITIES, INC., IN THE AMOUNT NOT TO EXCEED $239,600.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE RECOMMENDATION OF AWARD FOR THE LIFT STATION 5 REHABILITATION TO J&H WATERSTOP UTILITIES, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH J&H WATERSTOP UTILITIES, INC IN THE AMOUNT NOT TO EXCEED $239,600.00; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has a lift station at Riverside Drive and 10th Street that is 57 years old; and

WHEREAS, the City desires to rehabilitate this lift station from a dry pit, can style to a duplex, submersible style lift station; and

WHEREAS, the City has received 5 bids for this rehabilitation; and

WHEREAS, J&H Waterstop Utilities, Inc., is the lowest bidder with a bid of $239,600.00; and

WHEREAS, the City's engineers are recommending the contract be awarded to J&H Waterstop Utilities, Inc.

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

SECTION 1. That the City Commission of the City of Holly Hill approve the recommendation of award for the Lift Station 5 Rehabilitation Project to J&H Waterstop Utilities, Inc.

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 24th day of AUGUST, 2021.

Enacted and approved this 24th day of August, 2021, in Holly Hill

5. –2021-R-55 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into an Agreement with Mead and Hunt, Inc., to Provide Professional Services for the Project Lift Station 19 Rehabilitation (21WW04) Not to Exceed $52,765.00; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2021-R-55
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE PROJECT LIFT STATION 19 REHABILITATION (21WW04) NOT TO EXCEED $52,765.00; 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 AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE PROJECT LIFT STATION 19 REHABILITATION (21WW04) NOT TO EXCEED $52,765.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City staff have determined that Lift Station 19 is in need of refurbishing; and

WHEREAS, the City has a continuing services agreement with and has received a proposal from Mead and Hunt, Inc., to perform the engineering services for this project.

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

SECTION 1. That the City Commission of the City of Holly Hill does hereby authorize the City Manager to enter into an agreement with Mead and Hunt, Inc., to provide Professional Services for the project Lift Station 19 Rehabilitation not to exceed $52,765.00.

SECTION 2. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 24th day of AUGUST, 2021.

Enacted and approved this 24th day of August, 2021, in Holly Hill

6. –2021-R-56 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Awarding the Contract "Lime Silo Exterior Refurbishment" to Lamphier & Company and Authorizing the City Manager to Execute a Contract in the Amount of Not to Exceed $29,500.00; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2021-R-56
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING THE CONTRACT "LIME SILO EXTERIOR REFURBISHMENT" TO LAMPHIER & COMPANY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF NOT TO EXCEED $29,500.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDING THE CONTRACT "LIME SILO EXTERIOR REFURBISHMENT" TO LAMPHIER & COMPANY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF NOT TO EXCEED $29,500.00; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's lime silo is in need of exterior refurbishment; and

WHEREAS, the City received 7 (seven) bids on the Lime Silo Exterior Refurbishment project; and

WHEREAS, Lamphier & Company were found to be the lowest bidder with a bid totaling $29,500.00; and

WHEREAS, the City desires approval to award the contract to Lamphier & Company; and

WHEREAS, the City desires approval for the City Manager to execute a contract with Lamphier & Company for the Lime Silo Exterior Refurbishment.

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

SECTION 1. That the City Commission of the City of Holly Hill award the contract for the Lime Silo Exterior Refurbishment to Lamphier & Company in an amount not to exceed $29,500.00.

SECTION 2. That the City Commision of the City of Holly Hill authorize the City Manager to execute a contract with Lamphier & Company for the Lime Silo Exterior Refurbishment.

SECTION 3. 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 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 24th day of AUGUST 2021.

Enacted and approved this 24th day of August, 2021, in Holly Hill

7. -2021-R-57 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into an Agreement with Mead and Hunt, Inc., to Provide Professional Services for the Project "3Rd Street Water Main Improvements" Not to Exceed $88,634.00; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION
2021-R-57
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE PROJECT "3RD STREET WATER MAIN IMPROVEMENTS" NOT TO EXCEED $88,634.00; 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 AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE PROJECT "3RD STREET WATER MAIN IMPROVEMENTS" NOT TO EXCEED $88,634.00; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to improve the 3rd Street water main; and

WHEREAS, the City has a continuing services agreement with and has received a proposal from Mead and Hunt, Inc., to perform the engineering services for this project; and

WHEREAS, the requested amount for this authorization is $88,634.00.

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

SECTION 1. That the City Commission of the City of Holly Hill does hereby authorize the City Manager to enter into an agreement with Mead and Hunt, Inc., to provide professional services for the project "3rd Street Water Main Improvements" not to exceed $88,634.00.

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 24th day of AUGUST 2021.

Enacted and approved this 24th day of August, 2021, in Holly Hill

8.

Granicus Master Subscription Agreement - IQM2 Agendas & Minutes Renewal for FY2022

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 24th day of August, 2021, in Holly Hill

9.

Team Volusia - Economic Development Agreement FY2021-2022

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 24th day of August, 2021, in Holly Hill

5. REGULAR AGENDA

1. –2021-R-58 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Approving a Local Government Support Agreement Summary of Terms and Authorizing the City Manager to Sign and Deliver the Letter for Inclusion in the FHFC Application Package; and Providing for Severability; and Providing for an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)
Attorney Simpson read the title of Resolution 2021-R-58.
Mr. Forte stated no, motion on that yet. This is the 3rd Street senior housing complex, Florida Housing Finance Corporation (FHFC) project. Mr. Forte stated he had asked to put this on the agenda before he had gone on vacation because it was his hope that Fountainhead would receive support from Volusia County and the city would go ahead and provide support to this project. In talking with Stacey Banick, what would happen is…what Mr. Forte didn't want to happen is the two projects to compete. The city's focus is the Fountainhead project and we want that to stay on track. Mr. Forte stated he was hoping that the city could do two that wouldn't compete against each other. Mr. Forte stated he spoke with Mr. Banick as late as today and what we would like to do is do the same letter of support that the city did for Mr. Banick last year but Mr. Banick will submit it as a Priority II, which means that it won't compete with Fountainhead's project and it will not be funded but it shows consistency in the application. Mr. Forte stated that he will hand out a letter, this is the same letter that the city did last year. If the Commission could just motion to do this and Mr. Banick will insert this letter into his application, it shows consistency in his application, it will be submitted as a Priority II, Patrick Kennedy is here and he can confirm that, that won't compete with the Fountainhead project and that was our big priority. Mr. Forte stated he was hoping that we could get two projects awarded this year but we don't want to put the Vistas at Fountainhead at risk.
Mayor Via stated good thinking Mr. Forte. He will give the Commission a minute to read the letter that was handed out by Mr. Forte. Mayor Via stated so this is the same as last year knowing that they wouldn't get funding?
Mr. Forte stated, correct because it will be Priority II.
Mayor Via stated, okay.
Mr. Forte stated the Commission can even put that in the motion that the city will offer this letter "only" if it's submitted as a Priority II.
Mayor Via stated, okay.

Mr. Forte stated this way it's not slipped in…but they're not because they already have three other projects. You can only put three in.
Mayor Via stated, okay.
Mr. Forte stated after you put three in then they're Priority II's.
Mayor Via stated, alright. Sounds good.
Mayor Via opened public participation. No one spoke.
Attorney Simpson stated just to make it clear, you're not approving the Resolution. This is a different motion.
Mr. Forte stated you're approving the letter being submitted.
Commissioner Currie made a motion to ***APPROVE THE LETTER TO BE SUBMITTED AS A PRIORITY II PROJECT,*** *seconded by Commissioner Johnson.*
PASSED, 5-0.
Attorney Simpson mentioned that the Resolution 2021-R-58 DIES; NO MOTION WAS TAKEN ON THAT.

RESULT:	**DIES FOR LACK OF VOTE/MOTION**

2. 2021-R-59 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Amending the Adopted Budget for the City of Holly Hill for the Fiscal Year 2020-2021; Providing for Severability; and Providing for an Effective Date.

(Requested by Stella Gurnee, Finance)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John C. Danio, District 3 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2021-R-59
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE ADOPTED BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2020-2021; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING THE ADOPTED BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2020-2021; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill, by Resolution 2020-R-47, adopted an operating budget for Fiscal Year 2020-2021; and

WHEREAS, the City of Holly Hill, by Resolution 2021-R-36, amended the operating budget for Fiscal Year 2020-2021; and

WHEREAS, the City of Holly Hill, by Resolution 2021-R-39, amended the operating budget for Fiscal Year 2020-2021; and

WHEREAS, the City of Holly Hill, by Resolution 2021-R-47, amended the operating budget for Fiscal Year 2020-2021; and

WHEREAS, the budget adjustment of ($148,640) revenues and expenditures in total pursuant to itemizations contained in Exhibit “A”, which is attached hereto and incorporated herein; and

WHEREAS, the budget adjustments will allow the City of Holly Hill to adjust the Fiscal Year 2020-2021 budget.

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

SECTION 1. Amended Budget: The City Commission of the City of Holly Hill amends the Fiscal Year 2020-2021 budget by revising the budget in total pursuant to itemizations contained in Exhibit “A”, which is attached hereto and incorporated herein.

SECTION 2. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 24th day of AUGUST, 2021.

Enacted and approved this 24th day of August, 2021, in Holly Hill

3. –2021-R-70 Resolution

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

   (Requested by Stella Gurnee, Finance)
   Mr. Forte withdrew this agenda item to the next City Commission meeting Monday, September 13, 2021 at 6:00 PM. This is being withdrawn because one of the documents that was submitted didn’t have all of the updated information.

RESULT:	**PULLED BY CITY MANAGER**	**Next: 9/13/2021 6:00 PM**

4.

Request for Lien Reduction - 1200 Jarecki Avenue

(Requested by Joseph Forte, City Manager)
Mr. Forte read the staff report for this lien reduction request. The applicant, Mr. Alton Kemp was present and spoke briefly about his request.

Commissioner Currie made a motion to ***APPROVE THE LIEN REDUCTION REQUEST FOR 1200 JARECKI AVENUE CONTINGENT UPON PAYMENT OF $1,000 FOR 30-DAYS, NO LATER THAN SEPTEMBER 24, 2021 BY 5:00 PM****, Commissioner Johnson.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

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 24th day of August, 2021, in Holly Hill

6. PUBLIC HEARINGS

1.

Proposed First Amendment to the Fountainhead Redevelopment Incentive Agreement

(Requested by Brian Walker, Board of Planning and Appeals)
Mr. Forte stated there is no agreement in the agenda item. That's because as we were working through trying to get this amendment done, a couple of other issues had come about that the city and the developer have not resolved and he thinks they should be resolved before they move forward with this item. So, I had originally was thinking about requesting a 30-day extension to the purchase options under the same terms and conditions that exist in the Incentive Agreement now. Mr. Forte stated he just spoke with Jayson Meyer as the meeting started and he has some timing conflicts and we've agreed that a 45-day extension would give us ample time to work through the issues. Mr. Forte stated I'm not saying that the city is right on the issues that are at hand and I'm not saying that they're wrong with the issues that are at hand. I'm saying there's a different interpretation that needs to be figured out. Attorney Simpson and I have been going

through minutes of meetings and emails leading up to the changes that took place in the Incentive Agreement at that time and I think we can be successful in getting some mutually agreed upon language in that 45-day time period, which would put us in time for the first meeting of October 12, 2021.

Mayor Via stated, alright.

Mayor Via opened public participation.

Patrick Kennedy, Crescent City, FL, stated he is here on behalf of Fountainhead Developers. Mr. Kennedy stated he just wants to make sure it's clear that, without prejudice to the ongoing discussions on the extension, just to make that clear that this is a…because the deadline, technically, is the end of this month so we want to make sure that we're not being…

Mr. Forte stated we are going to extend it for 45-days under the same terms and conditions of the current contract.

Mr. Kennedy stated, what Mr. Forte said. That's all we're looking for.

Mayor Via stated just extending it.

Commissioner Danio stated extending it, not pass six months.

Mr. Forte and Attorney Simpson stated 45-days.

Mr. Forte stated 45-days by the first meeting in October 2021 we will, hopefully, come back to the Commission with all issues resolved.

Commissioner Danio stated, right.

Mr. Kennedy stated we still like to finalize by six months but this gives us more time to do it.

Commissioner Danio stated, okay.

Commissioner Johnson stated so one of the current situations we have right now is they can't buy the other property because he doesn't have a Certificate of Occupancy (CO)?
Mr. Forte stated that's basically part of it. The basis is Mr. Meyer can't…he has an option to purchase other parcels once he gets the CO for the existing parcels and he doesn't have the CO and his time to exercise that option expires at the end of August 2021.

Commissioner Johnson stated so if Mr. Meyer gets the CO…I wasn't here on the original deal. I sort of got it on the back end. If Mr. Meyer gets the CO for this first project then he is allowed to buy the other parcels?

Mr. Forte stated if Mr. Meyer does it within the time frame that's in the contract.

Commissioner Johnson stated, okay.

Commissioner Penny asked does the closing on the property…so, we're extending this for 45-days. So he's clear. Does the closing have to happen within 45-days to honor the same thing or does Mr. Meyer's intent to exercise his option have to?

Mr. Forte stated he thinks there is language that says you have to exercise the option and then by the time the closing comes…he doesn't think it's contingent on the closing. He thinks it's the time that you enter into the option to purchase and then there may be a due-diligence period or a time period in there. There's language in there that talks about the closing.

Commissioner Penny asked and how close are we to getting that CO?

Mr. Forte stated they believe they can get it by February 2022.

Commissioner Penny stated, okay. So, the CO isn't going to happen within the next 45-days. Realistically, right?

Mr. Forte stated, no.

Mr. Kennedy stated he doesn't think realistically.

Commissioner Penny stated, okay. So, we're just kicking the can down to figure some things out for the next 45-days.

Commissioner Johnson stated the 45-days is for us to get our ducks in a row.

Commissioner Penny stated, right. I get it now.

Mr. Kennedy stated we're still seeking the six month extension that was discussed at the workshop.

Commissioner Penny stated, okay. I got no problem.

Commissioner Currie stated she just wants to state for the record that she's okay with the 45-day extension but she has no intentions of going beyond that.
Mr. Forte stated and the ultimate extension they're shooting for will still be February 2022. We're not going to move that.

Commissioner Currie stated, okay. Right.

Commissioner Danio stated it's not six months and 45 days.

Commissioner Currie stated, no.

Mr. Kennedy stated, no.

Mr. Forte stated, right.

Mr. Kennedy stated, right. We're still looking at February 2022, end of February; what they discussed at the workshop. This is just hashing out a couple of contract interpretations.

Mayor Via closed public participation.

Commissioner Penny made a motion to ***EXTEND THE PURCHASE OPTION FOR 45-DAYS UNDER THE SAME TERMS AND CONDITIONS CONTAINED IN THE INCENTIVE AGREEMENT WITH THE ITEM COMING BACK TO THE COMMISSION FOR THE OCTOBER 13, 2021,*** *seconded by Commissioner Currie.*

PASSED, 5-0.

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

Enacted and approved this 24th day of August, 2021, in Holly Hill

7. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte stated as the Commission knows, through accumulated efforts, the Fountainhead at Vistas were successful in getting the County's $462,000 of local match for their project, which is wonderful. It's what we've all been hoping for and this is just the one more step to go. We still have to get Florida Housing Finance Corporation (FHFC) to approve it. In doing that, and hopefully, they will, we have language in an agreement that says that the closing shall not extend pass February 1, 2022 and we need to change that to say February 28, 2022. So, I passed out a document to you, that in essence, changes that. They still have their due-diligence period, which is 90-days following that date. Mr. Forte stated we spoke with Attorney Simpson and we don't see any problem in doing this, in extending it to February 28, 2022, which would give them that additional time period that they need to get through the due-diligence, which gets them through that whole Florida Housing Finance Corporation time period.

Commissioner Penny stated he meant to ask this question earlier but you just mentioned the County money of $462,000…

Mr. Forte stated he believes it's $460,000. An even $460,000?

Mr. Kennedy stated it's $460,000.

Commissioner Penny stated, okay. Because that's the same contract that we had for Madison Bay and he just wanted to make sure.

Mr. Forte stated, yes. So, the only thing that changed in the document that they are reading because we had already approved a similar document is changing it from February 1st to February 28th. That's the only change that they will see in here.

Commissioner Penny made a motion to ***APPROVE THE VISTAS AT FOUNTAINHEAD AMENDMENT TO REAL ESTATE PURCHASE AGREEMENT LETTER FROM FEBRUARY 1, 2022 TO FEBRUARY 28, 2022,*** *seconded by Commissioner Johnson.*

Mayor Via opened public participation.

Ken Bowron, Beneficial Communities stated he was just present to answer any questions about why they had to change the date.

Mayor Via asked if he could answer that very quickly?

Mr. Bowron stated he was telling Mr. Forte there are two different worlds. Sometimes there's the real world and then there's the FHFC world. In FHFC they have a specific date their contract is good until and that date is February 28, 2022. How the language goes in the contract it says February 1, 2022 and then it can terminate. So, we just needed to go to that February 28, 2022 so it's not terminated so when our competition reads through our application, we don't get kicked out on a technicality.

Mayor Via stated, great. So, it's just a technicality. Thank you.

Mayor Via closed public participation.

PASSED, 5-0.

Mr. Forte informed the Mayor and Commissioners that he found out that Eddie Colosimo had passed away if they haven't already heard and thanked everyone for praying for his son, he really appreciated that.

B. City Attorney Comments
None.

C. City Commission Comments
Commissioner Penny mentioned that the pavers out front are looking great; thanked everyone for their thoughts and prayers on behalf of his grandmother who passed away.

Commissioner Currie spoke about the ECHO Friends Group that does the clean up along Riverside Drive (referring to Mr. Legary's comments during Public Comments) find a meeting location for the group or attend the Neighborhood Watch meetings and set up a table to help recruit people to help out.

Commissioner Danio spoke about the Veteran's Memorial and asked if it would be okay to give the pavers that don't have names on them to his son as a keepsake. There was ***consensus*** from the Commission to allow them to be given to Commissioner Danio's son. The ones that have names on them can be given to the family members.

Jeanette Duerr, Fountainhead, informed Commissioner Danio that if he wants to speak to his son, they can put the pavers in the plaza at Fountainhead if he wanted to do that as well.

Commissioner Johnson thanked everyone at the city and especially, Mr. Walker for helping him with his project on Nova Road.

D. Mayor's Comments
Mayor Via spoke briefly about Eddie Colosimo and appreciated all the dedication and passion that he had for the community and will be well missed.

8. ADJOURNMENT

The meeting adjourned at approximately 6:50 PM.

Valerie Manning
Valerie Manning, City Clerk,CMC 8/24/2021

Chris Via
Chris Via, Mayor 8/24/2021