



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • SEPTEMBER 26, 2023

City Commission Chamber Second Public Hearing Budget & Millage Rate Mtg

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call

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

b. Invocation by City Commissioner John Danio Commissioner Danio led the invocation.

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

2. PUBLIC HEARINGS - FINAL BUDGET & FINAL MILLAGE RATE - SECOND HEARINGS

1. -2023-R-51 Resolution

PUBLIC HEARING - SECOND READING - a Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Adopting the Final Levying of Ad Valorem Taxes for the City of Holly Hill for Fiscal Year 2023-2024; Providing for Severability; and Providing for an Effective Date.

(Requested by Michele Moore, Finance)

Michele Moore, Finance Director updated the Mayor and City Commissioners with updated information and stated originally we were at 6.25 with \$105,000 in contingency and that included the additional \$214,000 in services then we discussed going to 5.9, including the \$213,000 in services, we have a deficit of \$97,438. At 6.0 we have a deficit of \$36,000 and at 6.06 we have everything covered with nothing in contingency. She would like to point out that she did not estimate any revenue for the new position that we are including.

Mayor Via asked for the Code Enforcement position?

Mrs. Moore stated, yes.

Mr. Forte stated not knowing exactly what that revenues going to be, there should be

plenty of revenue in there to cover the shortfall. Certainly, of the \$36,000; potentially of the \$90,000. So, it's kind of where you're comfortable level is going to be. If you want to approve the budget at 5.9 knowing that there's a deficit of \$97,000 but no revenue showing that would come in as a result of that rental housing inspector. You know where those numbers are; they're pretty close to a 1,000 rental units already. We haven't determined what that fee would be but even if it was \$100 per unit, you're looking at \$100,000 of revenue. He thinks they should be safe covering it and on a worse case scenario, we end up having to do a budget amendment later on in the year.

Mayor Via stated and for the record, that's where he's at. He wants to see that self sufficient right away. He believes we will be able to have that up and running to have the revenues actually pay for that position for the inspector.

Commissioner Penny stated he's comfortable with the 5.9 with the budget we proposed. So, there will be a deficit of \$97,438.

Mr. Forte stated, right. That will include the three positions and the money set aside for the parks and he will be able to project for the Commission a revenue on the inspection position.

Mayor Via stated, good and we can continue that discussion on Item #2 when we speak about the budget. We can clarify those things but we're going to move forward with Item #1, Resolution 2023-R-51.

Attorney Simpson read the entirety of the Resolution into the record:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2023-2024; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 11, 2023, adopted a Fiscal year 2023-2024 tentative millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 26, 2023, adopted a Fiscal year 2023-2024 final millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, the City of Holly Hill of Volusia County Florida, held a public hearing as required by Florida Statute 200.065; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation Volusia County has been certified by the County Property Appraiser to the City of Holly Hill as \$921,791,272.

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

SECTION 1. The FY 2023-2024 final operating millage is 5.9 mills, which is greater than the rolled-back rate of 5.616 mills by 5.06%

SECTION 2. The Final Public Hearing was held on September 26, 2023 at 6:00 pm.

Mayor Via opened public participation.

Heidi Heller, Holly Hill, spoke.

Mayor Via closed public participation.

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

RESOLUTION

2023-R-51

PUBLIC HEARING - SECOND READING - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR FISCAL YEAR 2023-2024; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

THIS RESOLUTION WAS UPDATED AT THE REGULAR CITY COMMISSION MEETING TONIGHT DUE TO THE UPDATED INFORMATION GIVEN TO THE CITY COMMISSION DURING THE WORKSHOP THIS EVENING FROM THE FINANCE DIRECTOR. THE UPDATED RESOLUTION IS IN THIS AGENDA ITEM UNDER THE DISCUSSION SECTION OF THE ITEM.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2023-2024; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 11, 2023, adopted a Fiscal year 2023-2024 tentative millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 26, 2023, adopted a Fiscal year 2023-2024 final millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, the City of Holly Hill of Volusia County Florida, held a public hearing as required by Florida Statute 200.065; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation Volusia County has been certified by the County Property Appraiser to the City of Holly Hill as \$923,655,475.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION

OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The FY 2023-2024 final operating millage is 6.25 mills, which is greater than the rolled-back rate of 5.616 mills by 11.29%

SECTION 2. The Final Public Hearing was held on September 26, 2023 at 6:00pm.

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 26th day of SEPTEMBER, 2023 for final reading.

Enacted and approved this 26th day of September, 2023, in Holly Hill



2. -2023-R-52 Resolution

PUBLIC HEARING - SECOND READING - a Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Adopting the Final Budget for the City of Holly Hill for the Fiscal Year 2023-2024; Providing for Severability; and Providing for an Effective Date.

(Requested by Michele Moore, Finance)

Mr. Forte stated when they make the motion on this just make the motion that you mentioned that you have approved the budget as amended in the work session.

Mayor Via opened public participation. No one spoke.

Mayor Via stated he will entertain a motion now and as stated by Mr. Forte as what was discussed in their workshop earlier tonight.

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

RESOLUTION

2023-R-52

PUBLIC HEARING - SECOND READING - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2023-2024; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE

**CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA,
ADOPTING THE FINAL BUDGET FOR THE CITY OF
HOLLY HILL FOR THE FISCAL YEAR 2023 - 2024;
PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 11, 2023, held a public hearing for the tentative budget as required by Florida Statute 200.065; and

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 26, 2023, held a public hearing for the final budget as required by Florida Statute 200.065; and

WHEREAS, the City of Holly Hill of Volusia County Florida, set forth the appropriations and revenue estimate for the Budget for Fiscal Year 2023-2024.

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

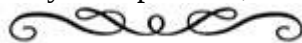
SECTION 1. That the City Commission of the City of Holly Hill, Florida pursuant to the Charter of the City of Holly Hill and Chapter 166, Florida Statutes, does hereby adopt the Final General, Enterprise and all other related Fund Budgets, which are attached hereto and incorporated herein as Exhibit “A”, which may later be amended by the City Commission.

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 26th day of SEPTEMBER,
2023 for final reading.**

Enacted and approved this 26th day of September, 2023, in Holly Hill



3. PRESENTATION

1.

FL League of Mayors and Business Watch - City Catalyst Grant Presentation

(Requested by Valerie Manning, City Clerk)

From the Florida League of Mayors Scott Dudley, Executive Director, Hector Samario from Business Watch presented a check in the amount of \$2,500 to the members of the Early Learning Coalition of Flagler and Volusia Counties. Erica Garris, Nancy Walsh, Allison Miller, and Serena Piper. The \$2,5000 will be matched by the Seabreeze Kiwanis

Club to assist in paying for books through *Dolly Parton's Imagination Library*. Children under the age of 5, living in Holly Hill, are eligible to receive a free book every month at no cost.

RESULT:	NO VOTE NEEDED
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4. PUBLIC COMMENTS

The following individual spoke to the Mayor and City Commissioners:

Dawn Bolin, Holly Hill.

5. APPROVAL OF MINUTES - NONE

6. CONSENT AGENDA - ITEMS (1 - 4)

Mayor Via asked if there was anyone in the audience who wished to speak on any item on the Consent Agenda or if any member of the Commission wished to pull an item for further discussion.

Commissioner Penny stated he would like to remove Consent Agenda number one, Resolution 2023-R-53, for further discussion.

Mr. Forte stated he would like to pull Consent Agenda number 3, Resolution 2023-R-46, for further discussion.

Mayor Via mentioned at this time they will make a motion to APPROVE CONSENT AGENDA ITEMS 2 AND 4.

Mayor Via opened public participation.

Dawn Bolin, Holly Hill spoke on Consent Agenda item number 2.

Mayor Via closed public participation.

*Commissioner Johnson made a motion to **APPROVE CONSENT AGENDA ITEMS 2 AND 4**, seconded by Commissioner Penny.*

PASSED, 5-0.

RESOLUTION 2023-R-53 DISCUSSION:

Commissioner Penny shared his concerns about this contract being extended for one year, year after year and year. He will vote tonight to extend the contract but he is really disappointed in the level of service that the Holly Hill YMCA receives based on the improvements and the money spent at all the other facilities in the organization and he thinks they need to negotiate fairly next year before this comes back. He's not in favor of one additional extension of the contract without some negotiation.

Mayor Via stated he concurs with that and he applauds Mr. Forte for keeping their feet to the fire. As we know, he has been a great negotiator on behalf of the city and making sure to hold them to their agreements. Especially, with this renewal coming up and the way that the head of the YMCA shot back at Mr. Forte when it was their fault that they didn't come to us and ask for whatever else that they wanted and then was offended that Mr. Forte asked them to come and present it to the City Commission. Mr. Forte let them know that we will approve this but they need to come back to the city in June or July 2024 to negotiate some things. We need to make sure we get everything we can for the Holly Hill YMCA.

Mr. Forte stated just in response back to the director of the YMCA, he told him that we will need to open up the entire contract and renegotiate all of the terms and conditions in this next year.

Mayor Via opened public participation.

Jim Legary, Holly Hill.

Mayor Via closed public participation.

*Commissioner Penny made a motion to **APPROVE CONSENT AGENDA ITEM 1, RESOLUTION 2023-R-53**, seconded by Commissioner Danio.*

PASSED, 5-0.

RESOLUTION 2023-R-46 DISCUSSION:

Mr. Forte stated this item has been pushed down the line for several meetings and it's because staff is waiting on a signed agreement from the FDEP. We finally received it and executed it. We sent it back and we're waiting on their executed copy to come back to us. What he would like to do is make this motion to be effective or to authorize him to execute this agreement after we receive the executed agreement from FDEP. The motion should say, *"Effective upon signing of the FDEP agreement, approve and authorize the City Manager to enter into an agreement with Parker Mynchenberg and Associates, Inc., to provide professional consultant services to extend the sewer force main further west across Nova Road at 10th Street in an amount not to exceed \$47,700".*

Mayor Via opened public participation. No one spoke.

*Commissioner Danio made a motion to **APPROVE CONSENT AGENDA ITEMS 3, RESOLUTION 2023-R-46 effective upon signing of the FDEP agreement, approve and authorize the City Manager to enter into an agreement with Parker Mynchenberg and Associates, Inc., to provide professional consultant services to extend the sewer force main further west across Nova Road at 10th Street in an amount not to exceed \$47,700**, seconded by Commissioner Johnson.*

PASSED, 5-0.

1. -2023-R-53 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Sign an Amended Renewal Lease Agreement Between the City and the Volusia/Flagler Ymca; Establishing the Terms of This Agreement; Providing for Severability; and Providing an Effective Date.

(Requested by Joseph Forte, City Manager)

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

RESOLUTION

2023-R-53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED RENEWAL LEASE AGREEMENT BETWEEN THE CITY AND THE VOLUSIA/FLAGLER YMCA; ESTABLISHING THE TERMS OF THIS AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED RENEWAL LEASE AGREEMENT BETWEEN THE CITY AND THE VOLUSIA/FLAGLER YMCA; ESTABLISHING THE TERMS OF THIS AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill desires to continue its relationship with the Volusia/Flagler YMCA to provide recreational programs at the FACILITY located at 1046 Daytona Avenue; and

WHEREAS, the YMCA has a nationally recognized reputation and long-term history of providing quality community recreation programs.

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

SECTION 1. That the City Commission approve the attached agreement and the City Manager is hereby authorized to sign the lease agreement, attached hereto, so that the Volusia/Flagler YMCA may continue to perform as a recreation provider at the Daytona Avenue FACILITY.

SECTION 2. That the term of this agreement shall commence on October 1, 2023 and shall continue for a period of (1) one year, expiring on September 30, 2024. The entirety of this Agreement will be negotiated for renewal providing each party has agreed upon new terms and conditions no later than June 30, 2024.

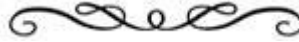
SECTION 3. SEVERABILITY. If any section or portion of a section of this

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 26th day of SEPTEMBER, 2023.

Enacted and approved this 26th day of September, 2023, in Holly Hill



2. -2023-R-54 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Piggyback of the City of Clermont, FL (Agreement No.2023-071), for Sanitary Sewer Manhole, Vault, and Lift Station Rehabilitation with Danus Utilities, Inc., Establishing an Annual Cost Not to Exceed \$75,000 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION

2023-R-54

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGYBACK OF THE CITY OF CLERMONT, FL (AGREEMENT NO.2023-071), FOR SANITARY SEWER MANHOLE, VAULT, AND LIFT STATION REHABILITATION WITH DANUS UTILITIES, INC., ESTABLISHING AN ANNUAL COST NOT TO EXCEED \$75,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGYBACK OF THE CITY OF CLERMONT, FL (AGREEMENT NO.2023-071), FOR SANITARY SEWER MANHOLE, VAULT, AND LIFT STATION REHABILITATION WITH DANUS UTILITIES, INC., ESTABLISHING AN ANNUAL COST NOT TO EXCEED \$75,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City utility system requires assistance with contract septic sewer

pumping services to provide for preventative maintenance, planned outages and emergencies to ensure uninterrupted services to the community and spill remediation; and

WHEREAS, Danus Utilities, Inc. has an active Agreement (No. 2023-071) with the City of Clermont, FL for the sanitary sewer manhole, vault, and lift station rehabilitation services which the City of Holly Hill may piggyback; and

WHEREAS, adequate funds are available within the sewer operating budget to pay for the purchase of services in an amount not to exceed \$75,000 annually.

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 piggybacking of the City of Clermont, FL Agreement (ITB# 08-23) with Danus Utilities, Inc.

SECTION 2. That the City Commission of the City of Holly Hill approve as needed service for purchase of sanitary sewer manhole, vault, and lift station rehabilitation services from Danus Utilities, Inc., in an amount not to exceed \$75,000 annually, and authorize the City Manager to execute the same.

SECTION 4. 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. That this Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 26th day of SEPTEMBER, 2023.

Enacted and approved this 26th day of September, 2023, in Holly Hill



3. -2023-R-46 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into an Agreement with Parker Mynchenberg & Associates, Inc., to Provide Professional Consultant Services to Extend the Sewer Force Main Further West Across Nova Road at 10Th Street in an Amount Not to Exceed \$47,700.00; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION**2023-R-46**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PARKER MYNCHENBERG & ASSOCIATES, INC., TO PROVIDE PROFESSIONAL CONSULTANT SERVICES TO EXTEND THE SEWER FORCE MAIN FURTHER WEST ACROSS NOVA ROAD AT 10TH STREET IN AN AMOUNT NOT TO EXCEED \$47,700.00; 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 PARKER MYNCHENBERG & ASSOCIATES, INC., TO PROVIDE PROFESSIONAL CONSULTANT SERVICES TO EXTEND THE SEWER FORCE MAIN FURTHER WEST ACROSS NOVA ROAD AT 10TH STREET IN AN AMOUNT NOT TO EXCEED \$47,700.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to extend the sewer force main at 10th Street further west across Nova Road; and

WHEREAS, Parker Mynchenberg & Associates, Inc., has provided a scope of services; and

WHEREAS, the City entered into a Professional Consultant Services Agreement for Engineering/CEI Services with Parker Mynchenberg & Associates, Inc., on January 25, 2022.

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 Parker Mynchenberg & Associates, Inc., to provide professional services for the sewer force main extension west across Nova Road at 10th Street at an amount not to exceed \$47,000.00.

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

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

APPROVED AND AUTHENTICATED on this 26th day of SEPTEMBER, 2023.

Enacted and approved this 26th day of September, 2023, in Holly Hill



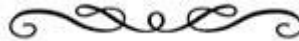
4.

Property & Liability Insurance for FY 2024

(Requested by Michele Moore, Finance)

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

Enacted and approved this 26th day of September, 2023, in Holly Hill



7. **REGULAR AGENDA**

1. -2023-R-55 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Awarding the Contract of Fire Station Construction to Sabounji Construction, Inc., in the Amount of \$3,375,700.00 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

Mayor Via opened public participation. No one spoke.

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

RESOLUTION

2023-R-55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDED THE CONTRACT OF FIRE STATION CONSTRUCTION TO SABOUNJI CONSTRUCTION, INC., IN THE AMOUNT OF \$3,375,700.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE

CITY OF HOLLY HILL, FLORIDA, AWARDING THE CONTRACT OF FIRE STATION CONSTRUCTION TO SABOUNJI CONSTRUCTION, INC., IN THE AMOUNT OF \$3,375,700.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Invitation to Bid was advertised for the construction of a replacement Fire Station; and

WHEREAS, five (5) proposals were received for this project; and

WHEREAS, Sabounji Construction, Inc., was the apparent low bidder for this project; and

WHEREAS, the proposal from Sabounji Construction has been vetted with a recommendation of award given by Hall & Ogle Architects, Inc.; and

WHEREAS, there is adequate funding in the current budget for this project.

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

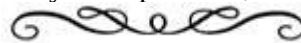
SECTION 1. That the City Commission of the City of Holly Hill award the contract of Fire Station Construction to Sabounji Construction, Inc., in the amount of \$3,375,700 and authorize the City Manager to execute the same.

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

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

APPROVED AND AUTHENTICATED on this 26th day of SEPTEMBER, 2023.

Enacted and approved this 26th day of September, 2023, in Holly Hill



2. -2023-R-56 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Amending the Water and Sewer Rate Schedule for the City of Holly Hill for the Fiscal Year 2023-2024; Providing for Severability; and Providing for an Effective Date.

(Requested by Michele Moore, Finance)

Mayor Via opened public participation.

Heidi Heller, Holly Hill; Dawn Bolin, Holly Hill.

Mayor Via closed public participation.

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

RESOLUTION**2023-R-56**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING THE WATER AND SEWER RATE SCHEDULE FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2023-2024; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA INCREASING WATER AND SEWER RATES BY 5.5% FOR THE NEXT FISCAL YEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

1. On August 13, 2019, the City Commission reviewed the Utility rate study and adopted changes to the City of Holly Hill's Code of Ordinances Chapter 70 (Utilities).
2. The Citywide Fee Schedule has been modified to incorporate 2022 changes in the City of Holly Hill's Code of Ordinances including Chapter 70 (Utilities) and various changes contained in the Land Development Code.
3. The Schedule of Fees (which is attached hereto and incorporated herein as "Attachment "A") is being modified to reflect the changes that have been incorporated herein.

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

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

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

SECTION 3. The fees which are increased, as set forth in the FY 2023-2024 Proposed Water and Sewer Fee Schedule (Attachment "A"):

1. Do not exceed the actual or estimated reasonable costs to the City of providing the services to which the fees relate;
2. Are reasonable and necessary to enable the City to provide the benefit or privilege, service or product, license or permit, use or rental, fine or penalty, or property development to which

they relate;

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

SECTION 4. The City Commission hereby approves and adopts:

1. The FY 2023-2024 Proposed Water and Sewer Fee Schedule (Attachment "A").

SECTION 5. Any fee, rate, charge, penalty, fine, table, or schedule contained in the FY 2023-2024 Proposed City-wide Fee Schedule (Attachment "A"), as adopted in this Resolution, will prevail and apply in the event of a conflict with any other fee, rate, charge, penalty, fine, table, or schedule.

SECTION 6. The newly created fees, unchanged fees, decreased fees and increased fees listed in this Resolution and set forth in the FY 2023-2024 Proposed Water and Sewer Fee Schedule (Attachment "A") become effective on October 1, 2023.

APPROVED AND AUTHENTICATED on this 26th day of SEPTEMBER 2023.

Enacted and approved this 26th day of September, 2023, in Holly Hill



3. -2023-R-57 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, in Opposition to the Proposed Construction of the Belvedere Fuel Farm Near Ormond Beach in the Unincorporated Area of Volusia County At, or About 874 Hull Road, Ormond Beach, Florida.

(Requested by Joseph Forte, City Manager)

Mayor Via opened public participation.

Dawn Bolin, Holly Hill; Jim Legary, Holly Hill; Sharon Miller, Holly Hill.

Mayor Via closed public participation.

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

RESOLUTION

2023-R-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, IN OPPOSITION TO THE PROPOSED CONSTRUCTION OF THE BELVEDERE FUEL FARM NEAR ORMOND BEACH IN THE UNINCORPORATED AREA OF VOLUSIA COUNTY AT, OR ABOUT 874 HULL ROAD, ORMOND BEACH, FLORIDA.

A RESOLUTION OF THE CITY COMMISSION OF THE

**CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA,
IN OPPOSITION TO THE PROPOSED CONSTRUCTION
OF THE BELVEDERE FUEL FARM NEAR ORMOND
BEACH IN THE UNINCORPORATED AREA OF VOLUSIA
COUNTY AT, OR ABOUT 874 HULL ROAD, ORMOND
BEACH, FLORIDA.**

WHEREAS, the proposed Belvedere fuel farm would consist of 16 tanks, some 40 feet tall, that will store more than 20 million gallons of gasoline, diesel, ethanol, biodiesel, additives, and propane and will feed a continuous stream of tanker trucks (approximately 164 trucks per day); and

WHEREAS, this is an extreme use of commercial zoning which has proximity to the residential neighborhoods of Bear Creek Retirement Community, Ormond Lakes, Ormond Grande Townhomes, Village of Pine Run as-well-as the Ormond Beach Sports Complex with its 29 sports fields. The presence of such a high-use terminal in proximity to residential and recreational facilities with its traffic and noise generated 24-hours a day would negatively impact the quality of life of many tax-paying residents; and

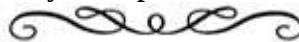
WHEREAS, there are potential safety issues that would exist with the proximity of Ormond Beach Municipal Airport and airport runway, which averages 119,000 operations (takeoffs or landings) per year. Operations include providing flight instruction to student pilots. The risk of potential collisions and catastrophic effects are a major concern; and

WHEREAS, there are numerous environmental concerns which would be created. Air quality is impacted by the release of harmful chemicals during fuel storage, transfer, and loading operations. These chemicals can cause a variety of health problems including eye, nose, and throat irritation; headaches and loss of coordination; damage to the liver, kidneys, or central nervous system. Fuel farm emissions, such as benzene, are known to cause cancer. There is also the risk of spills and leaks, which can release large amounts of pollutants into the environment. Spilled fuels can contaminate soil, groundwater, and surface water, posing risks to the aquifer and impacting our drinking water. Storage of flammable and combustible materials also adds additional risks.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA supports the efforts of the Volusia League of Cities and its members to oppose the construction of the Belvedere Fuel Farm in unincorporated Ormond Beach, and recommends the developer seek a more suitable location in a more remote location outside Volusia County.

APPROVED AND AUTHENTICATED on this 26th day of SEPTEMBER 2023.

Enacted and approved this 26th day of September, 2023, in Holly Hill



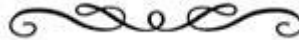
4.

Uncollectible Utility Account Adjustments

(Requested by Michele Moore, Finance)
Mayor Via opened public participation.
Dawn Bolin, Holly Hill.
Mayor Via closed public participation.

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 26th day of September, 2023, in Holly Hill



5.

Request that the City Commission Determine Whether or Not a Nuisance Exist at 1625 Anniston Avenue, and If So, Determine What Course of Action Should be Taken

(Requested by Brian Walker, Board of Planning and Appeals)

Brian Walker, City Planner went briefly went over his staff report and showed a PowerPoint presentation during his presentation. Mr. Walker further went on to state that the purpose of this agenda item is for staff to request that the City Commission determine whether or not a nuisance exist at 1625 Anniston Avenue, and if so, determine what course of action should be taken. Mr. Walker informed the Commission that Chapter 26, Section 26-61 of the Holly Hill Code, titled Special items declared a nuisance, provides a list of items that are declared to be and constitute a nuisance. These include items such as the accumulation of trash and debris, and storage of junk, as well as other items. Section 26-62 states that it is unlawful for any person to create a nuisance, or suffer or permit a nuisance to exist, upon property which is under their care, custody or control and Exhibit A - Sections 26-61 and 26-62 is in their agenda packet for further review. It is staff's position that the property known as 1625 Anniston Avenue has a long history of accumulating trash and debris, meeting the definition of a nuisance, and that the property owner has created the nuisance, and permitted the nuisance to continue. Mr. Walker briefly discussed the history of this property with the Mayor and City Commission and mentioned that the numerous Notices of Violation (NOV) related to junk, clutter, untagged and inoperable trailers and vehicles being stored on the property, and for conditions that provide harborage for rats, snakes, and other wildlife are in their packets as well. The last NOV was issued on April 4, 2023 and that is Exhibit B - Notices of Violation in their packet. Sample photographs of the property are attached and document the appearance of the property over a span of 10 years. They are titled by the dates taken and labeled as follows:

Pictures taken 02-03-13
Pictures taken 08-28-13
Pictures taken 12-21-22
Pictures taken 04-05-23
Pictures taken 09-14-23

The pictures demonstrate that although items have come and gone from the property, there has consistently been clutter and junk at varying degrees and that at no time during this span, has the property been in compliance with the City's regulations with regard to junk and clutter on a property. The property owner has been taken before the Special Magistrate numerous times for violations related to junk, clutter, debris, scrapping and inoperable vehicles on the property, and found to be in violation. For example, some of the dates that the property has been taken before the Special Magistrate for trash, debris and junk related items, are as follows:

July 26, 2013 - storage of junk, litter and trash, harborage for vermin

August 28, 2013 - storage of junk, litter and trash, harborage for vermin

August 26, 2015 - untagged boats, trailers and inoperable vehicles

September 23, 2015- untagged boats, trailers and inoperable vehicles

January 19, 2023 - conducting a scrapping business on the property, junk and debris

April 20, 2023 - Trash, junk debris, scrapping business, and received permission from the Special Magistrate (pending ruling of same by the City Commission) to enter the property and to remove all items declared a nuisance under Section 26-61, at the owner's expense.

(Exhibit C - Magistrate Orders and Related Recorded Liens)

Through the years, the homeowner has repeatedly stated that she would clean up the property. In her case notes of October 16, 2012, Code Enforcement Officer, C. Towne, documented that Ms. Hammond stated she was getting a shed permit to place items into, in an effort to clean up the yard. Yet the property was not brought into compliance. The Special Magistrate recorded in the write up of the meeting on January 19, 2023 that homeowner (Ms. Hammond) "advised that she will have assistance this upcoming week to help clear all the trash, scrap and debris from the property." This would have meant that the property would have been cleaned up by the end of January 2023. At another meeting of the Special Magistrate on April 20th, 2023, the Special Master recorded in her write up that Ms. Hammond, testified "that she is in the process of getting help in cleaning up her property." And on other occasions, Ms. Hammond has spoken with staff and verbally committed to cleaning up the property. The property was not cleaned up. Through the years, the Special Master has accessed accumulating fines for multiple violations related to the storage of junk, litter and trash and scrapping. Because the accumulating fines have not encouraged the homeowner to remove the trash and junk, they eventually became liens on the property. As of September 14, 2023, the liens total \$873,900 (Exhibit D). The property is homesteaded and not eligible to be foreclosed upon. This means that the nuisance of clutter and junk and scrapping, could potentially remain on the property for many years to come. Staff has spent many hours working to encouraging the homeowner to clean up the property. Complaints about the property have been responded to, numerous visits to the property have been made, notices of violation issued, paperwork and documentation created, discussions held with the property owner, scheduling appearances before the Special Magistrate, filing of liens, and so on, have cost many staff hours. The City's latest effort to encourage the property owner to come into compliance, consisted of writing and sending a certified letter on August 31, 2023, to Sherri Hammond, the homeowner, as well as to the property's mortgage holder. The letter is attached as Exhibit E, and was also posted and hand delivered to the property owner on September 14, 2023. The letter provided the homeowner additional time to

remove the nuisance, and advised that if the nuisance continued, staff would be bringing the issue to the City Commission in accordance with Ordinance 3059 which was adopted on February 14, 2023, in order for the Commission to decide as to whether or not a nuisance exist and if so, what if any action should be taken. Ordinance 3059 allows the City Commission to make a finding with regard to whether or not a nuisance exist. If the Commission finds that a nuisance exists, it must allow the homeowner additional time to bring the property into compliance. If the homeowner fails to do so by the specified time, the Ordinance allows the Commission to authorize City employees, subcontractors, and/or agents, to enter the property and remove all items declared a nuisance. Given the long history of the homeowner's failure to remove the nuisance of junk, clutter, debris and scrapping on the property, despite repeated efforts by staff, liens, and orders of the Special Magistrate over a period of 10 years, staff request the following in accordance with Ordinance 3059:

1. That based on the evidence submitted, the Commission make a finding that a nuisance exists, and has been allowed to exist for many years in violation of Section 26-61 and 26-62.
2. That the Commission give the homeowner no more than 30 days from the date of this meeting, to remove the nuisance based on Section 26-61, to the City's satisfaction in accordance with the Code.
3. That if the homeowner fails to remove the nuisance by October 26th, 2023, the Commission authorize City employees, subcontractors, and/or agents, to enter the property and remove all items declared a nuisance in accordance with Section 26-61, and to further authorize that all expenses incurred by the City for removal of such items be paid by the property owner, and that if the property owner fails to pay such cost and expenses, that they be recorded as a lien on the property, or if such expenses qualify, that they be added to the property's non-ad valorem portion of the property tax bill.

Cheri Hammond (mother), homeowner, and Christie Wilson (daughter) came forward to speak to the Mayor and City Commissioners about the property's condition and the pictures that have been presented tonight. Ms. Hammond and Ms. Wilson informed them that they are currently still working on the issues that have been presented tonight and asked if the city could help provide a dumpster. They understand that there is a problem and that it needs to be cleaned up and taken care of.

Kyle Mahanes, Code Enforcement came forward and expounded on the pictures that were presented, liens on the property and the various violations on the property, including the roof with the tarp. She is making some progress but it's an ongoing problem. It is being solved but it is not fixed.

Mayor Via opened public participation.

Dawn Bolin, Holly Hill.

Mayor Via closed public participation.

Mayor Via mentioned that he agrees with Attorney Simpson that they declare a nuisance here tonight and the City Manager can give a good faith of "up to" 30-days to come into compliance, if still not in compliance.

They all agreed that this property needs to be declared a nuisance; 30-days to come into compliance; leave the rest to Mr. Forte's discretion; willing to order a dumpster and pay for up to 2 dumps as long as Ms. Hammond agrees to a payment schedule for the next 12

months to be added to her utility bill and if Ms. Hammond fails to complete that within 12 months, the city will add it to her tax bill. This would be for the cost of the 2 dumps and the dumpster. There was agreement by the Commission that the city shouldn't do it for free. They agreed to work with Ms. Hammond since she can't afford the dumpster. It may take more than 2 dumps. They are in agreement to fronting the money for the dumpster with a 12-month payment (12 equal months) to pay it back and if Ms. Hammond can't pay it back in 12 months it goes on her tax bill. They agreed that they need to start somewhere and keep an eye on the progress and make sure that nothing gets backed up on it.

Attorney Simpson clarified the part of adding it to her tax bill. He can't answer the question, can they add it to the utility bill mechanically. He would not recommend cutting off utility service if they don't pay that as a collection method because if they pay for their utility but don't pay that aspect of it, he doesn't recommend cutting off service. He thinks there's a practical issue. They may not be able to get it on this upcoming year...not this current year but next year's tax bill because there's a notice provision and time to get it on a tax bill so if it's not paid in a year up to date then it would probably be on the following year's tax bill just so everybody knows that. That's the tax bill that it would probably go on and it would have to meet the requirements of that process plus the dollar amount. We could either do a collection on the utility bill divided one-twelfth of every month if that can physically be done and add it to the bill, that's fine.

Mr. Forte stated he thinks instead of putting it on the utility bill because that would jeopardize...a delinquent bill is a delinquent bill, we turn the water off for that so instead of doing that, he would rather see if we can't invoice Ms. Hammond on a monthly basis and just send an invoice through Finance. He thinks we should be able to do that. He would rather not put it on the utility bill because that would jeopardize turning off utilities and that's not the purpose.

Attorney Simpson made a recommended motion for the Mayor and Commissioners as follows:

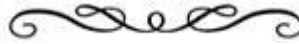
That based on the evidence present that the city finds 1625 Anniston to constitute a public nuisance; that the property owner brings the property into compliance and abate the nuisance within 30-days. If, based on the inspection of city staff, it is determined that the property is not in compliance then the City Manager will have discretion to allow "up to" an additional 30-days for compliance pending a, solely in his discretion, whether or not there's been a good faith effort to come into compliance by the property owner; that the city is authorized to provide for a deposit and to pay for up to 2 dumps of a 20 yard dumpster and that, that will be repaid by the property owner in 12 equal installments; if that is not collected that way, that the city is authorized to seek other means of collection; and ask city staff to see if there are other charitable or other means to provide or to reach out to churches or not-for-profits that might be able to provide help and might provide some assistance to the property owner.

Mayor Via stated he just wants to say again, for the record, they are not trying to get Ms. Hammond out of her house by any means. We are all here trying to get to the same goal. This Commission has been very aggressive on Code Enforcement across the board and many, many properties are coming into compliance and that's all we're looking to do. He hopes that Ms. Hammond and Ms. Wilson sees that the city tried to work with them here

and he hopes that they do get this done within 30-days so the city doesn't have to consider anything else.

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

Enacted and approved this 26th day of September, 2023, in Holly Hill



8. PUBLIC HEARINGS

1. -2023-R-58 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Adopting an Official List Identifying City-Owned Real Property Deemed Appropriate for Use as Affordable Housing Pursuant to Section 166.4451, Florida Statutes; Providing for Severability; Providing for Conflicts; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

Mayor Via opened public participation.

Dawn Bolin, Holly Hill; Jim Legary, Holly Hill.

Mayor Via closed public participation.

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

RESOLUTION

2023-R-58

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING AN OFFICIAL LIST IDENTIFYING CITY-OWNED REAL PROPERTY DEEMED APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO SECTION 166.4451, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING AN OFFICIAL LIST IDENTIFYING CITY-OWNED REAL PROPERTY DEEMED APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO SECTION 166.0451, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 166.0451, Florida Statutes, requires all municipalities in Florida to prepare an inventory list of real property owned by each municipality that is appropriate for use as affordable housing by October 1, 2023, and every three years thereafter; and

WHEREAS, section 166.0451, Florida Statutes, further requires each municipality to review the inventory list at a public hearing, to adopt a resolution that includes the inventory list of such property, and to post the inventory list on the municipality's website; and

WHEREAS, the City of Holly Hill has prepared and reviewed the City's official inventory list of city-owned property deemed suitable for affordable housing and now seeks to adopt the inventory list as required by section 166.0451, Florida Statutes.

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

SECTION 1. The City Commission does hereby adopt the official list of real property owned by the City that which is appropriate for use as affordable housing, pursuant to section 166.0451(1), Florida Statutes, hereto attached and made a part of this resolution as "Exhibit A".

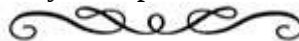
SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. CONFLICTS. This Resolution shall control over any Resolutions or parts of Resolutions in conflict herewith.

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

APPROVED AND AUTHENTICATED on this 26th day of SEPTEMBER, 2023.

Enacted and approved this 26th day of September, 2023, in Holly Hill



2. -2023-O-3063 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Volusia County Florida, Annexing by Voluntary Petition Approximately .83 Acres Identified as Parcel Numbers 4242-31-01-0291 and 4242-31-01-0290 Contiguous to the City of Holly Hill; Redefining Boundaries of the City of Holly Hill to Include Said Property and the Adjacent Rights-Of-Way of N Nova Road and Old Kings Road; Directing the City Clerk to File the Ordinance with the Clerk of the Circuit Court, with the Chief Administrative Officer of

Volusia County and with the Department of State; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED AT 2ND READING [UNANIMOUS]
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

ORDINANCE

2023-O-3063

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY .83 ACRES IDENTIFIED AS PARCEL NUMBERS 4242-31-01-0291 AND 4242-31-01-0290 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE ADJACENT RIGHTS-OF-WAY OF N NOVA ROAD AND OLD KINGS ROAD; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY .83 ACRES IDENTIFIED AS PARCEL NUMBERS 4242-31-01-0291 AND 4242-31-01-0290 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE ADJACENT RIGHTS-OF-WAY OF N NOVA ROAD AND OLD KINGS ROAD; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, LFC Holdings FC LLC, owner of the real property described

herein; and

WHEREAS, the owner filed, pursuant to Florida Statue 171.044, a petition for

voluntary annexation of said property as described in Exhibit A into the municipal limits of the City of Holly Hill; and

WHEREAS, the City Commission of the City of Holly Hill, has determined all of the property which is proposed to be annexed into the City of Holly Hill is within an unincorporated area of Volusia County, is contiguous to the City of Holly Hill, and is reasonably compact; and

WHEREAS, the map attached hereto as Exhibit B shows the property which is proposed to be annexed into the City of Holly Hill; and

WHEREAS, Exhibit A is the legal description of the property which is proposed to be annexed into the City of Holly Hill.

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

SECTION 1. The City Commission of the City of Holly Hill, based upon the above findings, hereby annexes into the City of Holly Hill by voluntary petition the following described property:

LEGAL DESCRIPTION: See Attached Exhibit A.

(Tax Parcel Numbers 4242-31-01-0291 and 4242-31-01-0290, and the adjacent rights-of-way of N Nova Road and Old Kings Road)

SECTION 2. The City of Holly Hill city boundary is hereby amended to incorporate the above described property.

SECTION 3. That within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court, with the Chief

Administrative Officer of Volusia County, and with the Department of State.

SECTION 4. That upon approval on first reading, the City Clerk is hereby directed to publish the Notice of Annexation required by Section 171.044(2), Florida Statutes, at least once each week for two (2) consecutive weeks in a newspaper of general circulation in the City of Holly Hill.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 6. That all ordinances made in conflict with this Ordinance are hereby repealed.

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

APPROVED AND AUTHENTICATED on the 26th day of SEPTEMBER 2023 for second and final reading.

EXHIBIT A

LEGAL DESCRIPTION

Parcel Numbers 4242-31-01-0291 and 4242-31-01-0290

THE NORTHERLY 75 FEET OF LOT 29, AND THE SOUTHERLY 20 FEET OF LOT 30, (EXCEPTING THEREFROM THAT PORTION DEEDED FOR HIGHWAY PURPOSES AND EXCEPT THAT PORTION IN ORDER OF TAKING FILED IN OFFICIAL RECORDS BOOK 3742, PAGE 550), BLOCK 1, LARSEN SUBDIVISION, ACCORDING TO THE MAP THEREOF, RECORDED IN MAP BOOK 11, PAGE 252, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS: COMMENCE AT THE NORTHWEST CORNER OF LOT 31, BLOCK 1, THENCE S25°48'33"E FOR A DISTANCE OF 180 FEET TO POINT OF BEGINNING, SAID POINT BEING 20 FEET NORTHWESTERLY FROM THE SOUTHERLY MOST CORNER OF LOT 30, BLOCK 1; THENCE CONTINUE S25°48'33"E FOR A DISTANCE OF 95 FEET TO A POINT THAT IS 25' NORTHWESTERLY FROM THE SOUTHERLY MOST CORNER OF LOT 29, BLOCK 1; THENCE N64°14'23"E A DISTANCE OF 300 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF LOT 29; THENCE N25°48'33"W FOR A DISTANCE OF 75 FEET TO THE NORTHEASTERLY CORNER OF LOT 29, BLOCK 1; THENCE S64°14'23"W A DISTANCE OF 100 FEET TO THE EASTERLY MOST CORNER OF LOT 30, BLOCK 1; THENCE N25°48'33"W FOR A DISTANCE OF 20 FEET TO THE NORTH LINE OF THE SOUTH 20 FEET OF LOT 30, BLOCK 1; THENCE S64°14'23"W A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION DEEDED FOR HIGHWAY PURPOSES AND EXCEPT THAT PORTION IN ORDER OF TAKING FILED IN OFFICIAL RECORDS BOOK 3742, PAGE 550), BLOCK 1, LARSEN SUBDIVISION, ACCORDING TO THE MAP THEREOF, RECORDED IN MAP BOOK 11, PAGE 252, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

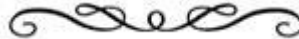
PARCEL NUMBER: 4242-31-01- 0291

THE SOUTH 25 FEET OF LOT 29, BLOCK 1, LARSEN SUBDIVISION, AS PER MAP IN MAP BOOK 11, PAGE 252, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, INCLUDING THE NORTH 75 FEET OF UNPLATTED PART ADJOINING SAID LOT ON THE SOUTH, EXCEPT THAT PART TAKEN FOR ROAD RIGHT OF WAY AS SHOWN IN DEED BOOK 558, PAGE 353, AND AS PER DEED RECORDED IN O.R. BOOK 3694, PAGE 1071, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS: COMMENCE AT THE NORTHWEST CORNER OF LOT 31, BLOCK 1, THENCE S25°48'33"E FOR A DISTANCE OF 275 FEET TO POINT OF BEGINNING, SAID POINT BEING 25 FEET NORTHWESTERLY FROM THE SOUTHERLY MOST CORNER OF LOT 29, BLOCK 1; THENCE CONTINUE S25°48'33"E FOR A DISTANCE OF 100 FEET ALONG THE EXTENSION OF THE SOUTHWESTERLY LOT LINE OF LOT 29, BLOCK 1; THENCE N64°14'23"E A DISTANCE OF 300 FEET TO A POINT ALONG THE EXTENSION LINE OF THE NORTHEASTERLY LOT LINE OF LOT 29, BLOCK 1; THENCE N25°48'33"W FOR A DISTANCE OF 100 FEET TO THE NORTH LINE OF THE SOUTH 25 FEET OF LOT 29, BLOCK 1; S64°14'23"W A DISTANCE OF 300 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION DEEDED FOR HIGHWAY PURPOSES AND EXCEPT THAT PORTION IN ORDER OF TAKING FILED IN OFFICIAL RECORDS BOOK 3742, PAGE 550), BLOCK 1, LARSEN SUBDIVISION, ACCORDING TO THE MAP THEREOF, RECORDED IN MAP BOOK 11, PAGE 252, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL NO. 4242-31-01-0290

Enacted and approved this 26th day of September, 2023, in Holly Hill



9. COMMUNICATIONS

A. City Manager Comments

Mr. Forte showed an updated rendering of the "Welcome To Holly Hill" that will get painted on the wall over at the courts for advertising of Holly Hill when tournaments are taking place. There was **CONSENSUS** from the City Commission that they liked the **scripted style font and he can email them what the guy sends them and as long as three of them agree, he can move forward with getting it painted on the wall.**

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Penny mentioned that he spoke to Ms. Gadson who lives on Jarecki and there are signs on the street that say no trucks but Deltona Septic trucks are constantly driving on the street.

Mr. Forte stated Code Enforcement will contact the business and tell them to stop going down there.

Commissioner Currie mentioned the school and the concerns the principal say they have there, she is in support now of it going to an elementary school.

Commissioner Danio mentioned the new fire truck and the city receiving the grant for the books.

Commissioner Johnson stated tomorrow is the TPO meeting; Brightline train is now running.

D. Mayor's Comments

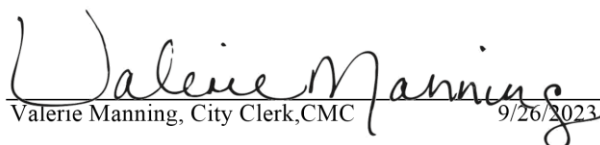
Mayor Via stated he wanted to make sure that the Commissioners were aware of a water bill issue, an erroneous due date that was put out and investigated by staff, thank you Mrs. Moore and Mr. Forte for looking into that, as well as, Mr. Gaitlin in Utility Billing for jumping on that. We determined that it was human error of how it was put into the mailing system but in the billing system nothing was wrong. Nobody was charged because the due date was wrong and it was fixed immediately when it was brought to their attention. Moving forward, mistakes happen, and especially it was human error, so moving forward Mrs. Moore is going to review that data before it goes out, is that correct or is it a member of your staff?

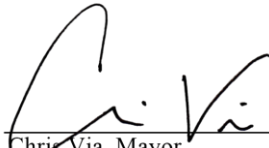
Mrs. Moore, Finance Director stated, yes. She's going to do that and they will always have a second person review.

Mayor Via stated for the record, she said they will always have a second person review. So that worked itself out. Thank you to your staff for doing that and Mr. Forte. Mayor Via gave an update on the Mayor's Roundtable meeting; great Holly Hill Chamber of Commerce breakfast; talk about the HHK-8 possibly going to just an elementary school.

10. ADJOURNMENT

The meeting adjourned at approximately 8:55 PM.


Valerie Manning, City Clerk, CMC 9/26/2023



Chris Via, Mayor

9/26/2023