CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● SEPTEMBER 28, 2021

City Commission ChamberSecond 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
c. Pledge of Allegiance

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

1. -2021-R-72 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 2021-2022; Providing for Severability; and Providing for an Effective Date.

(Requested by Stella Gurnee, Finance)
Mayor Via opened public participation.

Heidi Heller, Holly Hill spoke.

Mayor Via closed public participation.

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

RESOLUTION
2021-R-72
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 2021-2022; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2021-R-72

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 2021-2022; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 13, 2021, adopted a Fiscal year 2021-2022 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 28, 2021, adopted a Fiscal year 2021-2022 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 $737,719,097.

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

SECTION 1. The FY 2021-2022 final operating millage is 6.25 mills, which is greater than the rolled-back rate of 6.0034 mills by 4.11%

SECTION 2. The Final Public Hearing was held on September 28, 2021 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 28th day of SEPTEMBER, 2021 for final reading.

Enacted and approved this 28th day of September, 2021, in Holly Hill

2. –2021-R-73 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 2021-2022; Providing for Severability; and Providing for an Effective Date.

(Requested by Stella Gurnee, Finance)
Mayor Via opened public participation. No one spoke.

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

RESOLUTION
2021-R-73
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 2021-2022; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2021-R-73

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 2021 - 2022; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 13, 2021, 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 28, 2021, 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 2021-2022.

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, 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 28th day of SEPTEMBER, 2021 for final reading.

Enacted and approved this 28th day of September, 2021, in Holly Hill

3. RECESS THE CC MTG & CONVENE AS THE CRA

4. CRA AGENDA

1. 2021-R-74 Resolution

CRA Mtg - a Resolution of the City of Holly Hill, Community Redevelopment Agency, Florida, Authorizing the City Manager to Execute the 1St Amendment to the Development Agreement with Martens Charities, LLC; and Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mayor Via opened public participation.

Heidi Heller, Holly Hill spoke.

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
2021-R-74
CRA MTG - A RESOLUTION OF THE CITY OF HOLLY HILL, COMMUNITY REDEVELOPMENT AGENCY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 1ST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH MARTENS CHARITIES, LLC; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, COMMUNITY REDEVELOPMENT AGENCY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 1ST AMENDMENT TO THE DEVELOPMENT

AGREEMENT WITH MARTENS CHARITIES, LLC; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill (CRA) is the owner of Hollyland Park located at 1082 Ridgewood Avenue, Holly Hill, Florida 32117; and

WHEREAS, Martens Charities, LLC (Developer) desires to develop Pictona at Holly Hill, Phase 2, in a portion of Hollyland Park, hereinafter described in Exhibit "A" and Exhibit "B" attached hereto (Property) to build and operate additional Pickleball Recreational Facilities and other improvements as hereinafter described (Project); and

WHEREAS, the CRA and the Developer desire to develop Phase 2 on the Property for the Project; and

WHEREAS, the CRA and the Developer have executed simultaneously herewith the 1st Amendment to the Incentive Agreement providing for the financial incentives to be provided by the City CRA fund; and

WHEREAS, this attached 1st Amendment to the agreement shall provide the terms and conditions of the development of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HOLLY HILL, COMMUNITY REDEVELOPMENT AGENCY, FLORIDA:

SECTION 1. That the Community redevelopment Agency approves the Development Agreement and the City Manager of the City of Holly Hill is authorized to execute the 1st Amendment to the Development Agreement.

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 by the City of Holly Hill, Community redevelopment Agency.

APPROVED AND AUTHENTICATED on this 28th day of SEPTEMBER, 2021.

Enacted and approved this 28th day of September, 2021, in Holly Hill

2. –2021-R-75

CRA Mtg - a Resolution of the Community Redevelopment Agency of the City of Holly Hill, Florida, Authorizing the City Manager to Execute the 1St Amendment to the Incentive Agreement with the Martens Charities, LLC (Developer); Providing for Severability; and Providing for an Effective Date.

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

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

Enacted and approved this 28th day of September, 2021, in Holly Hill

3. –2021-R-82

A Resolution of the Community Redevelopment Agency of the City of Holly Hill, Florida, Expressing Support for the Echo Grant Application for Pictona at Holly Hill, Phase 2, at Hollyland Park Located at 1066 Ridgewood Avenue, Holly Hill, Florida 32117; Providing for Severability; and Providing for an Effective Date.

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

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

Enacted and approved this 28th day of September, 2021, in Holly Hill

5. ADJOURN AS THE CRA & RECONVENE THE CC MTG

6. PRESENTATION

1.

Retirement Proclamation for Police Chief Stephen K. Aldrich

(Requested by Valerie Manning, City Clerk)

RESULT:	**NO VOTE NEEDED**

7. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners:

Gilles Blais, Holly Hill; Jim Legary, Holly Hill; Ray Plate, Holly Hill; and Heidi Heller, Holly Hill.

8. APPROVAL OF MINUTES

1. DOC-2021-63

Minutes - September 13, 2021 Regular City Commission and First Public Hearings on Budget Meeting

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

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

Enacted and approved this 28th day of September, 2021, in Holly Hill

9. CONSENT AGENDA - ITEMS (1 - 5)

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

Commissioner Penny stated that he would like to pull Consent Agenda Item No. 1, Resolution 2021-R-76, for further discussion.

1. 2021-R-76 <u>Resolution</u>

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

(Requested by Joseph Forte, City Manager)
Mayor Via opened public participation.

Jim Legary, Holly Hill.

Mayor Via closed public participation.

*Commissioner Penny made a motion to **APPROVE RESOLUTION 2021-R-76, YMCA LEASE AGREEMENT WITH THE FOLLOWING AMENDMENTS TO THE LEASE AGREEMENT - THE POOL SHALL REMAIN OPEN TWELVE (12) MONTHS OUT OF THE YEAR; THE POOL SCHEDULE MAY BE ADJUSTED ON MEMBER USAGE; THE POOL MUST BE OPEN AT A MINIMUM OF 5 HOURS PER DAY, EVERY DAY THE YMCA IS OPEN; IF THE POOL DOES NOT REMAIN OPEN***

FIVE HOURS PER DAY, THE CITY WILL DEDUCT $150.00 EACH DAY IT IS NOT OPEN, FROM THE NEXT QUARTERLY PAYMENT; *seconded by Commissioner Currie.*

PASSED, 5-0.

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

RESOLUTION
2021-R-76
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT BETWEEN THE CITY AND THE VOLUSIA FLAGLER YMCA; ESTABLISHING THE TERMS OF THIS AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN A 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, 2021 and end on September 30, 2022.

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 28th day of SEPTEMBER, 2021.

Enacted and approved this 28th day of September, 2021, in Holly Hill

2. 2021-R-77 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, "WTP Clearwell Transfer Pumping System Rehabilitation and Replacement" Not to Exceed $78,416.00; Providing for Severability; and Providing 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
2021-R-77
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, "WTP CLEARWELL TRANSFER PUMPING SYSTEM REHABILITATION AND REPLACEMENT" NOT TO EXCEED $78,416.00; 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 ENTER INTO AN AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE PROJECT, "WTP CLEARWELL TRANSFER PUMPING SYSTEM REHABILITATION AND REPLACEMENT" NOT TO EXCEED $78,416.00; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City staff have determined that WTP Clearwell Transfer Pumping System is in need of refurbishing and replacement of some old parts and wiring; 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, "WTP Clearwell Transfer Pumping System Rehabilitation and Replacement" not to exceed $74,827.00.

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 28th day of SEPTEMBER, 2021.

Enacted and approved this 28th day of September, 2021, in Holly Hill

3.

Annual Consumer Price Increase for Solid Waste Collection (Waste Pro)

(Requested by Antoine Khoury, Public Works)

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 28th day of September, 2021, in Holly Hill

4.

Property & Liability Insurance for FY 2022

(Requested by Stella Gurnee, 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 28th day of September, 2021, in Holly Hill

5.

2021-2022 VOCA Agreement Victims of Crime Act (VOCA) VOCA-2021-2022 Holly Hill Police Department

(Requested by Jeff Miller, Police)

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 28th day of September, 2021, in Holly Hill

10. REGULAR AGENDA

1. 2021-R-78 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute the 1St Amendment to the Development Agreement with Martens Charities, LLC; and Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
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
2021-R-78
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 1ST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH MARTENS CHARITIES, LLC; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 1ST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH MARTENS CHARITIES, LLC; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill (City) is the owner of Hollyland Park located at 1082 Ridgewood Avenue, Holly Hill, Florida 32117; and

WHEREAS, Martens Charities, LLC (Developer) desires to develop Pictona at Holly Hill, Phase 2, in a portion of Hollyland Park, hereinafter described in Exhibit "A" and Exhibit "B" attached hereto (Property) to build and operate additional Pickleball Recreational Facilities and other improvements as hereinafter described (Project); and

WHEREAS, the City and the Developer desire to develop Phase 2 on the Property for the Project; and

WHEREAS, the City and the Developer have executed simultaneously herewith the 1st Amendment to the Incentive Agreement providing for the financial incentives to be provided by the City CRA fund; and

WHEREAS, this attached 1st Amendment to the agreement shall provide the terms and conditions of the development of the Project.

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

SECTION 1. That the City Commission approves the Development Agreement and the City Manager of the City of Holly Hill is authorized to execute the 1st Amendment to the Development Agreement.

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 28th day of SEPTEMBER, 2021.

Enacted and approved this 28th day of September, 2021, in Holly Hill

2. 2021-R-79 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute the 1St Amendment to the Management Agreement with Pictona at Holly Hill; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mayor Via opened public participation. No one spoke.

The Commission discussed subparagraph 2 and suggested adding the following language to the First Amendment to the Management Agreement to read as follows: *"**a minimum of once every month** with the date and time to be coordinated with Pictona."*

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

RESOLUTION
2021-R-79
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 1ST AMENDMENT TO THE MANAGEMENT AGREEMENT WITH PICTONA AT HOLLY HILL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 1ST AMENDMENT TO THE MANAGEMENT AGREEMENT WITH PICTONA AT HOLLY HILL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill (City) is the owner of Hollyland Park located at 1066 Ridgewood Avenue, Holly Hill, Florida 32117; and

WHEREAS, Pictona at Holly Hill desires to manage and operate Phase 2 of the Facility in the designated portion of Hollyland Park hereinafter described in Exhibit “A” and Exhibit “B” attached hereto (Property); and

WHEREAS, the City desires to contract with Pictona at Holly Hill to manage and operate the Facility; and

WHEREAS, this amendment shall provide the terms and conditions of the development of the Project.

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

SECTION 1. That the City Commission approves the 1st Amendment to the Management Agreement and the City Manager of the City of Holly Hill is authorized to execute the Management Agreement.

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 28th day of SEPTEMBER,

2021.

Enacted and approved this 28th day of September, 2021, in Holly Hill

3. 2021-R-80 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute the 1St Amendment to the Incentive Agreement with the Martens Charities, LLC (Developer); Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
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
2021-R-80
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 1ST AMENDMENT TO THE INCENTIVE AGREEMENT WITH THE MARTENS CHARITIES, LLC (DEVELOPER); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 1ST AMENDMENT TO THE INCENTIVE AGREEMENT WITH THE MARTENS CHARITIES, LLC (Developer); AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill (City) is the owner of Hollyland Park located at 1082 Ridgewood Avenue, Holly Hill, Florida 32117; and

WHEREAS, Martens Charities, LLC (Developer) desires to develop a portion of Hollyland Park hereinafter described in Exhibit "A" attached hereto (Property) to build and operate additional Pickleball Courts and Educational and Training Facility and other improvements as hereinafter described (Project); and

WHEREAS, the City and the Developer desire to develop the Property for the Project; and

WHEREAS, the City and the Developer have executed simultaneously herewith a 1st Amendment to the Development Agreement providing for the construction of the property;

and

WHEREAS, this1st Amendment to the Incentive Agreement shall continue the terms and conditions of the original Incentives being funded through reimbursement from the City's CRA fund.

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

SECTION 1. That the City Commission approves the Amendment to the Incentive Agreement and the City Manager of the City of Holly Hill is authorized to execute the Incentive Agreement.

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 28th day of SEPTEMBER, 2021.

Enacted and approved this 28th day of September, 2021, in Holly Hill

4. 2021-R-81 Resolution

A Resolution of the City of Holly Hill, Florida, Expressing Support for the Echo Grant Application for Pictona at Holly Hill, Phase 2, at Hollyland Park Located at 1066 Ridgewood Avenue, Holly Hill, Florida 32117; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mayor Via opened public participation. No one spoke.

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

RESOLUTION
2021-R-81
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, EXPRESSING SUPPORT FOR THE ECHO GRANT APPLICATION FOR PICTONA AT HOLLY HILL, PHASE 2, AT HOLLYLAND PARK LOCATED AT 1066 RIDGEWOOD AVENUE, HOLLY HILL, FLORIDA 32117; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, EXPRESSING SUPPORT FOR THE ECHO GRANT APPLICATION FOR PICTONA AT HOLLY HILL, PHASE 2, AT HOLLYLAND PARK LOCATED AT 1066 RIDGEWOOD AVENUE, HOLLY HILL, FLORIDA 32117; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, In 2020, the voters of Volusia County approved the Volusia ECHO initiative which provides grants to not-for-profits, municipalities and county departments; and

WHEREAS, The program provides grant funds for projects that enhance the quality of life in Volusia County by insuring the availability of Environmental, Cultural, Historical and Outdoor recreational opportunities; and

WHEREAS, City staff has reviewed and prepared the grant application for the fiscal year 2021-2022; and

WHEREAS, the proposed project for the ECHO Application known as Pictona At Holly Hill, Phase II is to be constructed at 1066 Ridgewood Avenue; Holly Hill, Florida 32117; and

WHEREAS, the total cost of Phase 2 is $5,000,000.00 of which we are asking for $2,500,000.00 in ECHO funds. The 1:1% match is comprised of $1,000,000.00 of unencumbered cash, in the Community Development Fund for FY 2021-2022; $1,500,000.00 contributions from Martens Charities, and

WHEREAS, should the total project costs exceed the budgeted amount, said funds shall be paid out of the existing contingency in the CRA fund or through additional contributions from Martens Charities.

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

SECTION 1. That the City Commission of the City of Holly Hill does hereby support the ECHO Grant Application for Pictona At Holly Hill, Phase 2, located at 1066 Ridgewood Avenue, Holly Hill, FL 32117.

SECTION 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

SECTION 3. 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. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 28th day of SEPTEMBER, 2021.

Enacted and approved this 28th day of September, 2021, in Holly Hill

5. 2021-O-3043 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Volusia County, Florida, Annexing by Voluntary Petition Approximately 1.23 Acres Identified as Parcel Number 4244-01-07-0081 Contiguous to the City of Holly Hill; Redefining Boundaries of the City of Holly Hill to Include Said Property and the Adjacent Right-Of-Way of 8Th Street; 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 for an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)
Mayor Via opened public participation. No one spoke.

RESULT:	**APPROVED AT 1ST READING [UNANIMOUS] Next: 10/12/2021 6:00 PM**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

ORDINANCE
2021-O-3043
SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 1.23 ACRES IDENTIFIED AS PARCEL NUMBER 4244-01-07-0081 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE ADJACENT RIGHT-OF-WAY OF 8TH STREET; 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 FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 1.23 ACRES IDENTIFIED AS PARCEL NUMBER 4244-01-07-0081 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE

ADJACENT RIGHT-OF-WAY OF 8th STREET; 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, Bon-Properties FT 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 Attachment "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 Number 4244-01-07-0081 and the adjacent right-of-way of 8th Street)

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 Statues, 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 this 12th day of OCTOBER, 2021 for second and final reading.

ATTACHMENT "A"
LEGAL DESCRIPTION

The easterly ½ of the westerly ½ of the southerly ½ of Lot 8, Block 7, Mason & Carswell, Holly Hill, according to map in Map Book 2, page 90, Public Records of Volusia County, Florida. Except that portion in the road.

Enacted and approved this 28th day of September, 2021, in Holly Hill

11. PUBLIC HEARINGS - NONE

12. COMMUNICATIONS

A. City Manager & Staff Comments
Mr. Forte mentioned the YMCA and that there would be a Fountainhead agenda item coming forward on the next agenda.

B. City Attorney Comments
None.

C. City Commission Comments
Commissioner Penny mentioned that the wayfinding signs looks nice behind City Hall; the YMCA needs to have a board of directors like the other surrounding YMCA's; the event that took place at the Boys and Girls Club tonight was nice.
Commissioner Johnson suggested everyone begin to concentrate on the widening of LPGA Blvd., again; Volusia County Fair is taking place this year; looking forward to the Christmas parade this year and that he will be attending the TPO meeting coming up.

D. Mayor's Comments
Mayor Via informed the Commission that himself, Mr. Forte and Chief Miller will be attending a meeting in Daytona at the Ocean Center regarding the Truck Task Force tomorrow night; spoke briefly about the annual Golf Tournament put on by the Chamber of Commerce last Saturday, good turnout. Reminded everyone that the National Night Out will be on Tuesday, Oct. 5th in front of City Hall and that on Saturday, Oct. 2 at 11:15 AM the groundbreaking ceremony will be taking place at Pictona for Pictona Phase II, everyone is welcome to attend.

13. ADJOURNMENT

The meeting adjourned at approximately 7:35 PM.