CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● NOVEMBER 15, 2016

City Commission Chamber	Special Meeting	6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

A. Roll Call

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

B. Invocation
Mayor Penny led the invocation.

C. Pledge of Allegiance to the Flag
Mayor Penny led the Pledge of Allegiance to the Flag.

Mayor Penny introduce Jim Cameron, Senior Vice-President Government Relations for Daytona Beach Regional Chamber of Commerce who introduced Thomas Self, Jr., Central Florida Regional Director for U.S. Senator Marco Rubio spoke on behalf of Hurricane Matthew and informed the Mayor and Commissioners and citizens that they are here to offer a helping hand and if there is anything they need for him to do, to contact him.

2. CONSENT AGENDA - ITEMS (1 - 2)

Mayor Penny stated he would like to remove Consent Agenda item 1496, Insurance Agent of Record for discussion and Mr. Forte would like to remove Consent Agenda item 1510 for further discussion. They will treat the Consent Agenda as two separate items this evening.

1.

Insurance Agent of Record RFQ Award of Contract

(Requested by Kurt Swartzlander, Finance)
Mayor Penny will complete FORM 8B - Voting Conflict for Municipal Officials and file it with the City Clerk.

Mayor Penny opened public participation. No one spoke.

RESULT:	**APPROVED [4 TO 0]**
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Danio, Via
ABSTAIN:	Penny

Enacted and approved this 15th day of November, 2016, in Holly Hill

2. Resolution

Resolution 2016-R-75 A Resolution of the City Commission of the City of Holly Hill, FL, Authorizing the City Manager to Enter into an Agreement with Ashbritt Environmental for Disaster Debris Removal, Reduction and Recovery Services Under Volusia County RFP-16-P-32 PW; and Providing for Severability; and Providing for an Effective Date.

(Requested by Mark Juliano, Public Works)
Mayor Penny opened public participation. No one spoke.

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

RESOLUTION

Enacted and approved this 15th day of November, 2016, in Holly Hill

3. RECESS THE CC MTG & CONVENE AS THE CRA

4. CRA AGENDA ITEMS (1 - 3)

1.

CRA - Florida Housing Fiance Corp, Work Force Housing - Beneficial Communities

(Requested by Joseph Forte, City Manager)
Mr. Forte stated if the Commission remembers about a year and a half ago or so, maybe last September, they had talked about this Fountainhead project and one of the elements of that project was the workforce housing element. In the changes to the site plan that have been negotiated over the last year, the exact location of where that workforce housing has differed a little bit. Back in early October the city had a request from the developer to go ahead and advertise this 5.4 acres, this is Walker Street (showing a picture on the overhead of the property) and this is Center, to advertise the 5.4 acres for affordable housing. The city went ahead and did that and then the city learned that the

south end of this property is not zoned properly. Last year, actually in 2014, Beneficial Communities actually sent a proposal in to the city for this property (showing the parcel on the overhead), this is still Walker and this is Center. This acreage here, 6 acres, plus or minus, was zoned for an RPUD to allow for senior workforce housing and the Commission approved that. Unfortunately, the developer did not win the power-ball for the affordable housing project so that was set aside. In the meantime, in the present day, the city is trying to look for a workforce housing project which would fit on this parcel (showing the parcel on the overhead). If the developer would have submitted a proposal based on this (showing the parcel on the overhead) the city could have moved forward, however, it would have had to been a senior affordable housing project not a workforce housing project. Otherwise, that would have required another zoning to change that from senior to workforce. We can't just swap it from senior to workforce, it would require a rezoning. He spoke with the submitter from Beneficial Communities and they had a couple of conversations about how to proceed forward. They determined that any decision that they make presently, if the city went with this version, it's senior affordable housing, it doesn't match up correctly with the proposal that Fountainhead is bringing in and that would require a modification there. If they went with this proposal, the backend would need to be rezoned, it wouldn't fit there because what they learned is part of the application to Florida Housing Corp is the property needs to be set. They can't come back and do legislative actions on the property. In speaking with Beneficial Communities, they decided the best option at this point would be to ask the Commission to recommend tabling this item to a date uncertain, it didn't need that level of requirement, so if they schedule it for a date uncertain, what would happen is the city can enter into a contract with Beneficial Communities and during that contract period the city can go ahead and start the zoning process so that this can be properly zoned and the zoning will take place upon the sale of the property. His original recommendation in the agenda packet tonight was to throw out bids but after speaking with the vendor, he thinks the best decision for the city to do is go ahead and table this for a date uncertain, authorize the staff to continue with a contract for sale of this property and to work on the proper zoning so that they can move forward with workforce housing.

Mayor Penny asked if any members of the Commission had questions for Mr. Forte.

Commissioner Currie stated Mr. Forte, either way, the city would have to work on the rezoning.

Mr. Forte stated it's going to require a zoning modification no matter which direction they go in.

Mayor Penny opened public participation. No one spoke.

*Commissioner Currie made a motion to **TABLE THE WORKFORCE HOUSING PROJECT TO A DATE UNCERTAIN**, seconded by Commissioner Danio.*

PASSED, 5-0.

RESULT:	**TABLED TO DATE UNCERTAIN [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

2. Resolution

Resolution 2016-R-71 A Resolution of the Board of Directors of the Community Redevelopment Agency of the City of Holly Hill, Florida, Approving an Incentives Agreement with Fountainhead, LLC for the Development of 9.42 Acres Located at 1200 Center Avenue, Holly Hill, Florida; Providing for Severability; Providing for Conflicting Resolutions; and Providing an Effective Date.

(Requested by Joseph Forte, City Manager)
Mr. Forte showed a PowerPoint presentation to the Mayor and Commissioners that were shown to them back in September 2015 in regards to this project. Both items, the development incentive agreement and the sale of 9.42 acres were discusses amongst the Mayor, Commissioners, Mr. Forte, Attorney Mark Watts from Cobb Cole for Fountainhead and Mr. Myer from Synergy Billing for his Fountainhead project located at 1200 Center Avenue.
Commissioner Via stated one thing he would like to see in the wording of the incentives agreement is that Holly Hill citizens will have a priority and a discount into the academy to get more of our citizens…
Attorney Simpson asked priority to get into the academy?
Commissioner Via stated, correct.
Mr. Forte stated he doesn't know we can do that.
Attorney Simpson stated maybe Mark or Jayson could answer it but if he was them he would say, maybe if all things were equal between two people then the priority could be given to Holly Hill but the truth is all things are never equal.
Mayor Penny asked isn't it easier to reduce tuition?
Attorney Simpson stated the reduced tuition may make a little more sense.
Mr. Jayson Myer stated and that is something they would be agreeable to.
Commissioner Currie stated she would rather see a reduced tuition or a scholarship.
Attorney Simpson stated we can insert language and we haven't had specific language about what that is.
Commissioner Via stated if that's agreeable to Jayson, I would like to see that in it and as Attorney Simpson stated earlier, retain the ownership until the MPUD is approved.
Attorney Simpson stated it's language basically saying that, "this is ultimately contingent on the City approving the submittal of the MPUD for review as the owner and approving it as the regulatory body."
Mayor Penny stated Commissioner Via, are you asking to just entertain the incentives tonight and the sales contract at a later date? That's what I heard you say.
Commission Via stated, correct. That's what I'm saying.
Mayor Penny stated he heard Attorney Simpson say that if they address them both

tonight, he can put language in there to protect the Commission's concerns. Is that correct?

Attorney Simpson stated we can put language in both contracts to address the concerns, yes.

Commissioner Via stated because that, then, shows you that we are invested in this and we want this to move forward but there are many questions that we have to rough out.

Attorney Simpson stated and he will defer to some of them but to him, the city has already approved the sales agreement once. They know we are willing to enter into a purchase and sale agreement and from an investment, you already spent $1.6 million buying the land, so the city is pretty well invested. This Commission has never said "yes" to the incentives and that's a major part of the whole thing. This is a new Commission. We have two new Commissioners who didn't see the incentives a year or so ago that told the Commission to go draft up this incentive agreement. He doesn't think it's realistic to think that we would approve the incentive agreement and then somehow we wouldn't approve the sales agreement. It's the incentive agreement that's the big thing. It's not a blank incentive agreement. It's an incentive agreement specifically with Fountainhead.

Attorney Mark Watts, Cobb Cole stated he thinks they would be agreeable to both of the terms with both agreements that they are talking about. He thinks that's understandable.

Commissioner Currie stated Mayor, if that language was in there to show Mr. Myer that we are committed to this project because at no point does she ever want you to feel we're not committed. I, just as a Commissioner, have to look out for some concerns and she hopes that Jayson understands that. He's a businessman. He knows. That's all she's trying to look out for. By all means, she wants this project to happen in our city. Out of good faith she would be willing, if that language is in there, to go ahead and approve it.

Mr. Forte asked if the Attorney could reword that language so we know how we're proceeding with our agreements and what that says.

Attorney Simpson asked if we are doing both?

Consensus from the Commission was yes.

Attorney Simpson stated basically the language would say that both agreements, the purchase and sale and the incentive agreement are contingent upon the city approving the MPUD submittal as the owner of the property and approving the MPUD Ordinance, rezoning the property, as the regulatory body over the property.

Attorney Mark Watts stated those are terms that they are certainly agreeable to and he thinks this addresses everybody's concerns and it really gets us to the point where we roll up our sleeves and work through the details the Commission is wanting to see in the MPUD.

Commissioner Via stated, correct.

Attorney Simpson stated and it addresses his concern. He wants to make sure, we keep, we're still in the ownership stage. If we're not happy as owners, this doesn't go forward because once we get out of ownership and we get into just regulatory, our restrictions are less, our flexibility is less and it should be because there are different rules. We're the owner of the property and we don't have to sell it to anybody if we don't want to.

Mayor Penny stated what he has heard here is mostly concerning the incentives. He thinks all of the Commissioners concerns have been over the incentives. If we are going to move to the sales agreement, he just has a little heartburn on the contract. He doesn't think it's anything big but it is performance based and he has a friend who has taught him about options on properties and that you don't take a property off the market for a year and a half for nothing. It's basically what the city has done. He thinks that it would be a….he thinks a $10,000 deposit on a project of this magnitude is peanuts. He doesn't know how it's typically done in real estate contracts, Attorney Simpson can tell him if it's five percent, ten percent of the purchase price but that kind of lets the city know that Fountainhead is moving forward also. If the thing falls apart you get your money back but it's kind of a good gesture. He doesn't know how that's done.

Commissioner Byrnes stated he doesn't think that's necessary since Attorney Simpson stated earlier exactly how I feel about this. If we don't get something done by February 2017, it's fish or cut bait. We're done. He doesn't think that a sum like that, when they are talking about this huge project, is going to make a difference. He would rather the Commission go out of there tonight with both sides…

Attorney Simpson stated if they wanted to do something, this is part of the due-diligence so up through February 28, 2017 Jayson and Fountainhead would have the ability to back out of the contract, get their deposit back, typically during the due-diligence period. After the due-diligence is over, and we can set a due-diligence period, then the deposits typically go hard so if they don't close after we went through all of this then we keep the deposit. That's really when the deposit becomes much more relevant than it is through the due-diligence period. Especially, given, the city is saying, "Look, within three months we're going to know one way or the other."

Mayor Penny stated maybe a small deposit and a larger deposit at the end of the due-diligence or right before the due-diligence.

Attorney Simpson stated or the whole deposit after the due-diligence period is over.

Attorney Mark Watts stated he thinks they can certainly provide for, when we get to February 28, 2017, we've gotten an approved MPUD, you had the property off the market, we have a larger deposit that goes in, he thinks that's a perfectly understandable. They can do that.

Mayor Penny stated you're either going to pay it now or pay it later. He thinks it's just a good faith gesture, he thinks, on both sides.

Attorney Mark Watts stated, yes.

Attorney Simpson stated and part of the reason if there was no deposit, initially, when we started the concept, we were financing the whole purchase. So there was no reason for them to put up money because we would just turn around and give it back to them. It was a different arrangement when we first started talking about it.

Attorney Mark Watts asked Mayor Penny, did you have a number that you wanted to see go in there?

Mayor Penny stated he doesn't know what's customary. He just thought $10,000 in a ten million dollar project is…

Attorney Simpson stated it's not ten million…

Mayor Penny stated he doesn't know if five percent is appropriate…$25,000, he doesn't know.

Attorney Mark Watts stated if you wanted us to include as a term, if you approve it this way tonight, add in there the term that on the February 28, 2017 deadline, assuming the MPUD passes and we have that in place, we put in an additional $15,000 down so the city meets that five percent number.

Mayor Penny stated he doesn't care what the number is.

Attorney Mark Watts stated, sure. We would be happy to do that.

Attorney Simpson stated and he would say do it sometime in March 2017. He doesn't want to do it the night of the meeting.

Attorney Mark Watts stated they are happy with that concept. They would be happy to work with staff on that.

Mayor Penny asked if anyone had any questions of the applicant or staff? ***There was consensus from the Commission that they did not.***

Mr. Forte stated the only thing that's outstanding in the incentives agreement is paragraph 8 and if the Commission is going to act on the agreement, he thinks paragraph 8 needs to be clearly understood, and he doesn't care which way it goes, it just needs to be clearly understood what paragraph 8 means to this Commission.

*"Notwithstanding any other provision in this Agreement to the contrary, reimbursement of Initial Redevelopment Improvements from the New Employee Incentive fund shall only be paid by the City and Agency upon issuance of the Certificate of Occupancy for **all** of Phase 1, which is the development of Parcel II."*

Attorney Simpson stated to a large degree, paragraph 8 is going to be dictated by what they put in Phase 1 and Parcel 2. Paragraph 8 says, "all". It has the word "all".

Attorney Mark Watts stated yes, it does. It has the word "all". For "all" improvements in Phase 1, Parcel 2.

Attorney Simpson stated "all" improvements in Phase 1, Parcel 2. It has the word "all" for Phase 1 and parcel 2 have to be CO'd before the city does the incentive. The word "all" is in there. Once the city gets the final MPUD then they will know what's in Parcel 2.

Mr. Forte stated, right.

Mayor Penny stated so the city's protection is, if there is not enough in Parcel 2 Phase 1, the Commission doesn't approve the PUD.

Attorney Mark Watts stated the city doesn't approve it as submitted.

Attorney Simpson stated that's his interpretation of it.

Joe stated it's CO'd of "all"…

Attorney Mark Watts stated, right.

Attorney Simpson stated it's CO'd of "all".

Mayor Penny stated it's CO'd of "all" is what they are agreeing too.

Attorney Simpson stated, right.

Attorney Mark Watts stated the city is not giving up on a check with that by approving the language in there. Our understanding, he thinks, is clear with the Commission's that it's the CO for "all" improvements to Phase 1 Parcel 2.

Attorney Simpson stated for "all" improvements, yes.

Mr. Forte stated it's the way he interpreted it.

Attorney Simpson stated, yes.

Mayor Penny stated so they have opened up two separate issues. The incentive package and the sale and purchase item. Would anyone from the audience…

Mr. Forte is showing the Commission on the overhead the 9.42 acres of the property, which is Parcel 2 that is on the north east corner of Walker Street and Center. He wants everybody to see at lease what the purchase and sale agreement is for. They own Parcel 1 which will have to be joined to this project at a certain point.

Attorney Simpson stated it's addressed in the MPUD. And basically the purchase option are two. There's the purchase option as it's outlined in here that the Commission has, the one between the two, below the workforce housing, that one, that's one purchase option and the property over here is another purchase option. The semi-circle on the overhead, is land that the city has to contain because it's a well field.

Mr. Forte stated the next slide is the purchase and sale agreement.

Mayor Penny opened public participation.

The following individuals spoke to the Mayor and City Commissioners:

Charlotte Holtzsizer, Charter Oaks, Holly Hill shared her concerns about the hurricane debris that is at the old middle school property. The resident at Charter Oaks are having a hard time breathing. The children that are at the headstart building can't breath either. They are having to put masks on. If the Commission doesn't approve this project with Fountainhead and get rid of the current situation that is there right now, she realizes that it was a catastrophe and everything else with the hurricane but if the residents can't breath over there, the city may as well bring Synergy Billing in because the residents are having health issues. She doesn't know who approved doing that over there. Can somebody tell her? She thinks its an atrocity over there and to the people.

Mr. Forte stated the 1200 Center property has been pre-determined by the State of Florida as an acceptable debris management site and that's where all the debris from the storm is being delivered. The city had two options. One was to bring the debris directly out to the landfill and the other was to bring it in locally and have it mulched and then brought to the landfill. The benefit of bringing it locally and having it mulched was that the city was able to collect a much quicker than cities that are bringing it out to the landfill and waiting in line. The city has collected quite a bit of storm debris. In addition to that, the city is cooperating with Volusia County because they didn't have a storm debris management site to cover this area of the unincorporated county to bring in their debris so that is also on site at 1200 Center Avenue. Mr. Forte stated he did go out to the headstart facility last week and originally he thought the problem was the mulching operation that was creating this dust and going in the air and depending on which direction the wind blows, that dust is traveling. It's not the mulching operation. It's actually the path that the trucks are traveling on the property that's kicking up the dirt and dust. The city tried to elevate some of that by laying down some of that mulch and they are soaking it down with water twice a day. It's an unfortunate, unintended consequence of the operation but the city had more debris...in the 2004 storms the city had approximately 85,000 cubic yards of debris. Already, the city is at 116,000 cubic yards and the city isn't done yet. There is much more debris but the alternative of having the debris remaining on the property, he thinks the city would probably get more complaints. He understands what the problem is. The city did try to address it recently, as of last Friday. They are wetting the mulch and trying to keep the dust down.

Jeanne Fish, DLP Realty, 1501 Ridgewood Avenue stated a couple of questions about the incentive package, the city is saying that they are assuming that there isn't going to be an impact on the infrastructure. If there is, is that going to be paid by Synergy Billing? Is that going to be paid from CRA funds? Is the city going to absorb that impact internally?

Mayor Penny stated there are several different impacts.

Mr. Forte stated if she's talking about the impact fees that they mentioned?

Ms. Fish stated, yes. You said there's an assumption that it would not...

Mr. Forte stated there's an assumption because the school was occupied that there was an impact to the water and wastewater system. So because that impact existed and now that the school is gone, it's going to be a new project on it, that until they meet or exceed the previous impact, they will not have to pay any additional impact fees.

Ms. Fish stated okay but if there is an impact then they will be responsible for that?

Mr. Forte stated if they exceed the amount of credits then they will have to pay the difference. Yes.

Ms. Fish stated okay, very good. There was a note in there that the CRA has the right to cancel this agreement if they cancel and there's money in that fund, where does that money go?

Mr. Forte stated it's not that they would cancel, it's that at a certain period when all of the performances are done and there is money that's left over, that remains in the CRA and it will have to be spent out in accordance with the State Laws of the CRA. Typically, they have three years to expend the dollars that are collected after the final is collected.

Ms. Fish stated, okay. As a real estate practitioner, we do usually enter into contract before we meet the contingencies of the contract, so she agrees with that. She is a proponent of the project and also in real estate, when we hold real estate off the market, when they talk about the options to purchase that real estate and the city has talked about the value of giving them that opportunity, we usually charge an option fee for that and so that is something that the Commission can consider when they have the option to purchase that land at the lower price even when the prices go up they can pay an option fee or that money could stay in the CRA so that if they don't exercise that option, that money does belong to the CRA.

Mr. Forte asked what is a typical option fee?

Ms. Fish stated it's negotiable.

(Inaudible name of person speaking) 500 South Beach Street, Holly Hill stated she thinks this project is fantastic. It's such a win-win for the opportunity for Holly Hill as well as for Fountainhead and she is really proud and impressed that the city has it under consideration and that Mr. Myer is stepping up to the plate to bring it up for consideration. Everything that Ms. Fish just said, she can concur with. They do need to have a contract in place before they can go on. She is a local real estate agent as well and that's just the way you do real estate. Congratulations and thank you.

Rose Shuchmacher, Executive Director for the Holly Hill Chamber of Commerce stated she was in favor of the project when it was first brought to the Commission and she is in favor of it now. Provided, that they all can get their act together with the PUD and if, by some chance, it doesn't work out, they all stay friends. It's a wonderful project if it comes to fruition and if it comes to fruition as it was proposed. She thinks it will enhance Holly Hill not just with jobs but with the surrounding area. What's good for Holly Hill is what's good for Daytona, Ormond and everything else because we are not fiftums, we are a County and what affects one city, it affects us all.

Claris Mac'Kie, Executive Director for Family Renew Community in Holly Hill, stated her community houses families with children. There are fourteen families at this location. There is a two-story apartment building in Daytona Beach and there are eleven families down there. Eighty percent of their families are mothers with children. They have transportation issues. They want to improve their lives. They want to learn skills. Votran isn't always running to *Trader Joe's* or *Tanger Outlets.* If the city had a school right here in Holly Hill so that they can get trained so that they can earn a decent income so that they can support their families and become citizens of our area it would improve all of our lives.

Jim Cameron, Senior Vice-President of Government Relations of the Daytona Regional Chamber of Commerce stated he wanted to expound on what Rose and Claris were saying earlier. Rose is right. We are all interconnected here in the Halifax Area. Again, that's one of the things that Daytona Regional Chamber is excited about this project. We see this as a major plus for the City of Holly Hill but it will be to the benefit of the citizens throughout this area as well. To add to what Claris was saying, he thinks this can open up possibilities and opportunities for individuals, not only in the city but some of the clients, perhaps, maybe at Claris' facility at Family Renew. That's one of the other things Daytona Regional is excited about. Daytona Regional is committed to this project. We see this as a benefit. We want to commend all of them for their work and diligence on this tonight.

Larry McDermott, 2140 LPGA Blvd., Holly Hill stated most of the time these projects are for beautification. This is one where they have commercial livability where the city is actually improving it's tax base on a piece of property and it's very exciting. One of the few city's in the area that have done this. Daytona did it about sixteen years ago on a project called *Caribbean Jack's* where they took *Old English Jim's Marina* which was an old bar. The point is, the city is being all very on guard here and they have a great company, one that has young leadership and not only leadership in their industry but also leadership in this area. He thinks this is going to come, not only as being a plum in Synergy or Fountainhead's own basket but it's going to be one for the City of Holly Hill and people in other areas not just in the Halifax area but out of State will come and look at this great project that they would be looking at for their own areas. He thinks this is a wonderful project. He thinks the city is doing it correctly. He thinks everything here looks and feels about the same as he has seen other projects come about and that he has had direct things to do with. He knows that Mr. Forte and with Mr. Simpson, the city is in great shape and in strong hands of the administration of this project.

Skip Lilly, 106 Emerald Oaks Lane, Ormond Beach, stated the opportunity standing before the Commission is paramount, he thinks. An individual like this who is local, who is investing and going through some struggles to get where he's at now and to create the vision and lead it and develop something. He is proud to know Mr. Myer and support the economic development effort that he is making. Secondly, its an opportunity for this community to diversify. As they know, we're heavy in hospitality alone and manufacturing and other things and we're looking for ways to diversify our economy and he thinks this is a great opportunity to have a different type of employer out there. Being in the HR field, we do struggle in this area maintaining great talent. He knows the struggles are real with what Mr. Myer is doing and to be able to create his own talent with education presence, he thinks, is paramount in being successful. He is very much in support of the project and hope the city moves forward.

Jeff Martin, 934 Jasmine Avenue, Holly Hill, stated his main concern right now is, of course, there's a $1.6 million dollar outlay and he knows that somewhere along the line that money has to be paid back. He is not entirely sure if that is the CRA money that has to be paid back by a certain date and time. What he is worried about is not having a similar time frame with that money already tied up, he knows that money has to be paid back and he would think that if somebody wants to do a project, that they would give

some little incentive to make sure the project continues and moves forward.
Mayor Penny stated the city already spent the money. There is no debt on the property.
Mr. Martin stated he understands that. His worry now is he doesn't want to see a stalled project. He has seen so many of them; not so much around here but he has seen them. His main concern is that they get started and it doesn't get finished because it does happen so many times. He thinks it's an excellent idea. He thinks it's probably the best idea that could have come along. Holly Hill needs....this is the second meeting that he has been to and said that certain projects needed to be here. The city needs these projects.
Mayor Penny closed public participation.
Commissioner Via made a motion to ***APPROVE Resolution 2016-R-71**, **the Incentives Agreement, contingent upon the city approving the MPUD submittal as the owner of the property and approving the MPUD Ordinance, rezoning the property, as the regulatory body over the property***, seconded by Commissioner Byrnes.
Mayor Penny stated his only comment pertaining to both of the Resolutions is that this puts all the pressure on the PUD. It puts a time frame…there's a lot of work to be done. He senses that this Commission wants to see a lot more specificity in the PUD rather than the ambiguity. This is easy do because the PUD is the safety valve. If it's not done to this Commission's approval then all this here tonight was for nothing.
Commissioner Byrnes stated the closer the PUD is to the original plans that were seen the easier it's going to be to approve it.
PASSED, 5-0.
Commissioner Via made a motion to ***APPROVE Resolution 2016-R-72, the Sale and Purchase of 9.42 acres located at 1200 Center Avenue, contingent upon the city approving the MPUD submittal as the owner of the property and approving the MPUD Ordinance, rezoning the property, as the regulatory body over the property and the $15,000 deposit after the due-diligence period by March 15, 2017,*** *seconded by Commissioner Byrnes.*
PASSED, 5-0.

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

3. Resolution

Resolution 2016-R-72 A Resolution of the Board of Directors of the Community Redevelopment Agency of the City of Holly Hill, Florida, Approving the Sale of 9.42 Acres Located at 1200 Center Avenue, Holly Hill, Florida.

(Requested by Joseph Forte, City Manager)
This item was voted and discussed in agenda item 1501.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Chris Via, District 4 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

RESOLUTION

Enacted and approved this 15th day of November, 2016, in Holly Hill

5. ADJOURN AS THE CRA & RECONVENE THE CC MTG

6. PUBLIC COMMENTS

No one spoke.

7. REGULAR AGENDA

1.

Florida Housing Fiance Corp, Work Force Housing - Beneficial Communities

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

*Commissioner Currie made a motion to **TABLE THE WORKFORCE HOUSING PROJECT TO A DATE UNCERTAIN**, seconded by Commissioner Danio.*

PASSED, 5-0.

RESULT:	**TABLED TO DATE UNCERTAIN [UNANIMOUS]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

2. Resolution

Resolution 2016-R-73 A Resolution of the City Commission of the City of Holly Hill, Florida, Approving an Incentives Agreement with Fountainhead, LLC. for the Development of 9.42 Acres Located at 1200 Center Avenue, Holly Hill.

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

Commissioner Byrnes made a motion to ***APPROVE Resolution 2016-R-73**, **the***

Incentives Agreement, contingent upon the city approving the MPUD submittal as the owner of the property and approving the MPUD Ordinance, rezoning the property, as the regulatory body over the property, seconded by Commissioner Via.
PASSED, 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Chris Via, District 4 - Commissioner
AYES:	Byrnes, Currie, Danio, Via, Penny

RESOLUTION

Enacted and approved this 15th day of November, 2016, in Holly Hill

3. Resolution

Resolution 2016-R-74 A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Sale of 9.42 Acres Located at 1200 Center Avenue, Holly Hill, Florida.

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

Commissioner Via made a motion to ***APPROVE Resolution 2016-R-74, the Sale and Purchase of 9.42 acres located at 1200 Center Avenue, contingent upon the city approving the MPUD submittal as the owner of the property and approving the MPUD Ordinance, rezoning the property, as the regulatory body over the property and the $15,000 deposit after the due-diligence period by March 15, 2017,*** *seconded by Commissioner Danio.*
PASSED, 5-0.

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

RESOLUTION

Enacted and approved this 15th day of November, 2016, in Holly Hill

8. PUBLIC HEARING

1. Resolution

Resolution 2016-R-70 A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Amending the Final Budget for the City of Holly Hill for the Fiscal Year 2015-2016; and Providing for Severability; and Providing for an Effective Date.

(Requested by Kurt Swartzlander, Finance)
Mayor Penny opened public participation. No one spoke.

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

RESOLUTION

Enacted and approved this 15th day of November, 2016, in Holly Hill

9. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte stated the MPUD is still going to be difficult. This incentive agreement was the easy part. They are going to still have some contentious meetings. I know it going in and Jayson knows it going in but at the end of the day, the same way the Orlando City Soccer found a home in Seminole County, Synergy Billing will find a home in Holly Hill. We will get there. We will have to get through a little bit of struggles but they will end up getting there. That being said, the work session they are going to plan for December 13th is probably going to be a long one. He knows the PUD is going to take some time when they sit together as this group to discuss it. He is recommending they hold that work session as early as possible. If 6:00 PM is the earliest they can start it then they will continue it after the regular meeting. He is going to ask if there is any direction from the Commission as they move forward with that MPUD. The Mayor had mentioned some expectations of the Commission and I would like to know if there are expectations that the Commission would be charging him with to move forward, now is the time to help steer him in that direction. The Commission had mentioned that the plan be similar to what it was before. It's going to be different. There's no question about it. The size and shape of the land is different. The uses are very similar but he doesn't want the Commission to think they are going to see what they saw a year and a half ago. It's going to be different.

Mayor Penny stated for himself, he would like to see building elevations not architectural styles, he would like to see architectural landscaping...a design of a typical 100 foot. He knows that's what...those were the terms he heard in the meetings he was in and he hasn't seen those. He understands there wasn't a level of commitment and there's money associated with these things but now that we've put our cards on the table, he expects to see more details.

Commissioner Via stated he would also like to see a traffic impact analysis too.

Commissioner Currie stated on the site plan, she would like to see some details as she did before as to what the buildings were anticipated to contain. What their uses are.

Commissioner Byrnes stated he agrees somewhat with the traffic analysis but he thinks they need to remember that it wasn't that long ago where hundreds of cars went there everyday to deliver students and so if the traffic isn't impacting more than that, he doesn't think the applicant should have any burden...

Mr. Forte stated he thinks what the Commission can expect from the traffic impact analysis is the commitment that he made of recommending the turning lane and understanding what the planner feels about the traffic analysis impact. He did commit to that and he stands behind that recommendation.

There was consensus from the Commission to pick the top left water tower with the logo.

Commissioner Currie made a motion to ***ACCEPT*** *the* ***TOP LEFT LOGO FOR THE WATER TOWER****, seconded by Commissioner Danio.*

PASSED, 5-0.

B. City Attorney Comments

C. Mayor's Comments

Mayor Penny thanked everyone involved in the discussions for the Fountainhead project. Thanked the Commission for working together and appreciates the Commission and the positive energy from everyone.

D. City Commission Comments

Commissioner Via thanked Mr. Myer and Mr. Watts. Proud to be in the partnership with them. Great project for Holly Hill.
Commissioner Danio thanked everyone for coming out. Mr. Myer, it was a pleasure meeting you yesterday. Looking forward to working with them.
Commissioner Currie glad they were able to work things out. She is looking forward to working together. Commissioner Via was appointed as an alternate for the TPO board and Commissioner Currie was appointed the alternate for the EVRWA.
Commissioner Byrnes thanked everyone for coming. Nice to get the project going. After Hours at the Iron Horse in Ormond. Commissioner Byrnes shared his concerns that Votran was not going to be providing transportation to the *Tanger Outlets.*

10. ADJOURNMENT

Meeting adjourned at approximately 9:00 PM.

Valerie Manning

Valerie Manning, City Clerk CMC 11/15/2016

John Penny, Mayor 11/15/2016