



**City Commission
Minutes • April 28, 2026**

City Commission Chamber	Regular City Commission	6:00 PM
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**City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117**

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

1. Call to Order

The meeting was called to order at approximately 6:05 PM.

Present:

Mayor John Penny
City Commissioner Debra Snow
City Commissioner Penny Currie, Vice-Mayor
City Commissioner Jeffrey DeLanoy

B. Invocation led by Mayor John Penny
C. Pledge of Allegiance led by Mayor John Penny

2. Presentations

1. Holly Hill Police Department - Promotions - Andrew Barrett - Lieutenant and Prudenciano Ibarra - Corporal

(Requested by Byron Williams, Police Chief)

2. Proclamation - On behalf of the Volusia County Council, honoring Roy Johnson, Vice Mayor/City Commissioner

(Requested by Valerie Manning, City Clerk and the Volusia County Council)

3. Proclamation - Fair Housing Month - The month of April

(Requested by Valerie Manning, City Clerk)

4. Acentria Public Risk (RFP - Broker Services, Medical, Dental, Vision, Firefighter Cancer & Life Insurance)

(Requested by Michele Moore, Finance Director / Jeaneen Witt, Human Resources Manager)

5. Gallagher (RFP - Broker Services, Medical, Dental, Vision, Firefighter Cancer & Life Insurance)

(Requested by Michele Moore, Finance Director / Jeaneen Witt, Human Resources Manager)

6. Brown & Brown (RFP - Brokers Services, Medical, Dental, Vision, Firefighter Cancer & Life Insurance)

(Requested by Michele Moore, Finance Director / Jeaneen Witt, Human Resources Manager)

Mayor Penny informed the Commission that he would not be voting on this item tonight due to his brother, who works for Brown & Brown, and there being a possible conflict of interest.

3. Public Comments

The following individuals came forward to speak to the Mayor and City Commissioners: Mike Cerbo, Holly Hill, submitted a letter to the Commission as part of the record for tonight's meeting; Marci Freeman, Holly Hill, submitted a letter to the Commission as part of the record for tonight's meeting; Kimberly Dibble, Holly Hill.

[REDACTED] 7-Page
Good evening.

My name is Mike Cerbo & as you know I am a city commission candidate for district 2.

I am very disturbed by the inappropriate behavior that I am seeing by city staff, city commissioners, current & prior city mayors & other commission candidates.

While there is not time to discuss this in detail because I have already discussed these rules & ethics violations with the volusia county supervisor of elections & the city manager, I am requesting that some of these documents be included in this meetings minutes.

At this time I will not be filing formal violations but I want to make it very clear publicly that this bad behavior must stop immediately.

I choose to take the high road. I got into this race to make sure the residents of Holly Hill have the best, & that we do the best we can for the community. I believe that there are more important issues to address & this should be my focus. I will not get pulled into this nonsense.

Let's take back the hill!

***Paid for by Mike Cerbo
City Commission Holly Hill
District 2***

Rcvd 4/28/20
during Public Comments -
cc mto

Distribution of Campaign Materials at
Public Meetings

From: Valerie Manning (vmanning@hollyhillfl.org)

To: vmanning@hollyhillfl.org

Bcc: MasterMikemik@aol.com

Date: Tuesday, February 24, 2026

Good morning,

Please be aware that distributing campaign or candidate materials during public meetings held at City Hall is not permitted. These meetings are conducted for official city business. It has long been the established protocol that election-related materials pertaining to a candidate's race are not distributed during these meetings.

We appreciate your cooperation and understanding. If you have any questions, please feel free to reach out to me.

Thank you and have a great day.

CARMEN ★ RUIZ
FOR HOLLY HILL



ENDORSEMENT

After 13 years of serving our city, I am confident that Carmen Ruiz has the integrity, vision, and commitment needed to lead us forward. I proudly endorse her and encourage our community to support a leader who will always put people first.

Penny Currie

PRIORITIZE • PROTECT • PLAN

CITY COMMISSION DIST. 2

PAID AND APPROVED BY CARMEN RUIZ, CANDIDATE FOR CITY OF HOLLY HILL COMMISSION, DISTRICT 2

CARMEN ★ RUIZ FOR HOLLY HILL



Debra Snow

ENDORSEMENT

I am honored to endorse Carmen Ruiz for Holly Hill City Commissioner, District 2. Carmen works purposefully to listen to our residents and achieve our common goals. Her commitment to the community is evident in everything she does.

She is dedicated to mastering the role of commissioner and advocating for Holly Hill both locally and county-wide. Driven by her faith and family, Carmen has the strength to make the tough choices our leadership requires.

She will serve with respect, compassion, and a tireless work ethic. As a fellow commissioner, I look forward to working alongside her to move our city forward with purpose.

PRIORITIZE • PROTECT • PLAN

CITY COMMISSION DIST. 2

Political Advertisement Paid for and Approved by Carmen Ruiz for Holly Hill Commission, Dist. 2

aboutblank

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What to expect

Join us as we kick off the Carmen Ruiz for Holly Hill Commission, District,2 Campaign at Sunrise Park.

Sunrise Park
Large Pavillion

RSVP at carmenruizforhollyhill@gmail.com

Attire: Casual
Food: Hot Dog, Soda and Chip with be

Food: Hot Dog, Soda and Chip with be provided



April 2026

Moyes / Franks Salvage Auto Parts

Located at 1335 / 1339 Center Ave, Holly Hill, FL 32117

Condition of property as follows:

1. Building deterioration includes missing roof, gaping holes in walls, broken and missing windows, faded and sun-bleached paint, tattered fabric fence covering, and a rusting and rotting blue trailer once used as "temporary" office.
2. Property has sprawling weeds, decaying "nuisance trees", climbing poison oak vines, termites, fleas, vermin, and varmints, littered with filth and debris, pieces of wood, metal, and glass. Gravel area adjacent to roadway stays littered with cans, plastic bottles and trash.

Safety and health concerns to residents adjacent to derelict property, and to neighborhood community at large.

1. General traffic hazard for school buses and parents collecting and dropping off students at school. Stopped traffic due to business forklift, employees carrying parts back and forth across the road, business customers pulling into and backing out of space adjacent to street. General hazard to children walking to school and home during business operating hours.
2. Possibility of future fires as demonstrated by history of past fires at business endangering surrounding homes and school.
3. Continued air quality issues due to car and forklift exhaust, cleaning and lubrication solvent fumes and high pollen levels due to overgrown and unkempt vegetation.
4. Possible injury / illness due to exposure from burrowing and nesting vermin and wildlife on property.
5. Possible injury and property damage to people and homes from airborne metal roofing, car parts, dead/decaying tree limbs and loose debris during high winds.
6. Possible hearing impairment due to high noise levels daily during hours of operation of forklift, machining equipment used for auto part restoration, air compressors, clanging / banging metal while stacking, positioning and repositioning salvaged cars and parts.

General devaluation of community home values due to derelict, slum like, unsafe conditions and appearance of business property.

RCD 4/28/26 during Public Comments - CC
mtg

Submitted by Marcie Freeman, 1329 Center Avenue Holly Hill, FL 32117. E-mail: marciefreem@yahoo.com

4. Approval of Minutes

1. Minutes - April 14, 2026 Workshop

(Requested by Valerie Manning, City Clerk)

Motion to Approve.

Result:	Passed [UNANIMOUS]
Mover:	City Commissioner Debra Snow
Second:	City Commissioner Penny Currie
Ayes:	John Penny, Debra Snow, Penny Currie, Jeffrey DeLanoy
Nays:	None

2. Minutes - April 14, 2026 Regular City Commission meeting

(Requested by Valerie Manning, City Clerk)

Motion to Approve.

Result:	Passed [UNANIMOUS]
Mover:	City Commissioner Penny Currie
Second:	City Commissioner Jeffrey DeLanoy
Ayes:	John Penny, Debra Snow, Penny Currie, Jeffrey DeLanoy
Nays:	None

5. Consent Agenda

1. 2026-R-21 - Surplus Vehicles and Equipment

(Requested by Steve Juengst, Deputy Public Works Director)

Mayor Penny asked if there was any member in the audience that wished to speak on the Consent Agenda or if any member of the Commission wished to pull the item for further discussion. There was no one.

Motion to Approve.

Result: Passed [UNANIMOUS]

Mover: City Commissioner Penny Currie

Second: City Commissioner Debra Snow

Ayes: John Penny, Debra Snow, Penny Currie, Jeffrey DeLanoy

Nays: None

6. Regular Agenda

1. 2026-R-22 - Amending Adopted Budget FY25-26 Mid-Year

(Requested by Michele Moore, Finance Director)

Mayor Penny opened public participation. No one spoke.

Motion to Approve.

Result: Passed [UNANIMOUS]

Mover: City Commissioner Penny Currie

Second: City Commissioner Debra Snow

Ayes: John Penny, Debra Snow, Penny Currie, Jeffrey DeLanoy

Nays: None

2. 2026-R-23 - Custodial Services

(Requested by Michele Moore, Finance Director)

Mayor Penny opened public participation.

Kimberly Dibble, Holly Hill.

Mayor Penny closed public participation.

Motion to Approve.

Result: Passed [UNANIMOUS]

Mover: City Commissioner Debra Snow

Second: City Commissioner Jeffrey DeLanoy

Ayes: John Penny, Debra Snow, Penny Currie, Jeffrey DeLanoy

Nays: None

3. 2026-R-24 - Brokers Service, Medical, Dental, Vision, Firefighter Cancer & Life Insurance

(Requested by Michele Moore, Finance Director / Jeaneen Witt, Human

Resources Manager)

RESOLUTION 2026-R-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AWARDED A CONTRACT FOR BROKER SERVICES FOR MEDICAL, DENTAL, VISION, FIREFIGHTER CANCER, AND LIFE INSURANCE TO SELECTED VENDOR; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill issued a Request for Proposals (RFP) on March 9, 2026, to obtain qualified firms licensed to do business in the State of Florida to provide broker services for the City's employee benefits program, including medical, dental, vision, firefighter cancer, and life insurance; and

WHEREAS, the city received proposals from Brown & Brown, Acentria, and Gallagher in response to the RFP; and

WHEREAS, an evaluation committee convened on April 15, 2026, to review the proposals based on qualifications, experience, responsiveness, and cost; and

WHEREAS, the evaluation committee identified Brown & Brown and Acentria as the leading proposers, noting Brown & Brown's consolidated, flat-fee technology model and Acentria's aggressive multi-carrier marketing strategy; and

WHEREAS, the evaluation committee, by a 2-1 vote, recommended Brown & Brown Insurance, Employee Benefits Division, as the firm providing the most advantageous service structure for the City's current needs; and

WHEREAS, the City Commission has conducted a review of the proposals and heard presentations from the firms on this date, and desires to award the contract to the firm determined to be in the best interest of the City.

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

SECTION 1. AWARD. The City Commission hereby awards the contract for broker services for medical, dental, vision, firefighter cancer, and life insurance to Brown & Brown.

SECTION 2. AUTHORIZATION. The City Manager is hereby authorized to negotiate and execute a broker services agreement with the selected firm, subject to approval by the City Attorney.

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager and City staff are authorized to take all necessary administrative actions to implement the terms of this Resolution.

SECTION 4. SEVERABILITY. If any provision of this Resolution shall be held or deemed to be illegal, inoperative, or unenforceable, such shall not affect any other provision herein or render any other provision invalid or unenforceable.

SECTION 5. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 28th day of APRIL 2026.

Mayor Penny reminded the Commission that he will not be voting on this item tonight due to his brother, who works for Brown & Brown, and there being a possible conflict of interest. At this time, Mayor Penny turned the gavel over to Commissioner Currie, Vice-Mayor, for the purposes of this agenda item, Resolution 2026-R-24.

Commissioner Currie, Vice-Mayor, opened public participation.

Kimberly Dibble, Holly Hill.

Commissioner Currie, Vice-Mayor, closed public participation.

Motion to **Select** Firm for Resolution 2026-R-24:

Commissioner Snow made a motion to **SELECT BROWN & BROWN, AS THE CITY'S BROKER SERVICE, MEDICAL, DENTAL, VISION, FIREFIGHTER CANCER & LIFE INSURANCE**, seconded by Commissioner DeLanoy.

PASSED, 3-0 (MAYOR PENNY ABSTAINED FROM VOTING; WILL COMPLETE FORM 8B, MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS, with the City Clerk within 15 days of this vote).

Motion to **Insert** Firm into Resolution 2026-R-24:

Commissioner Snow made a motion to **INSERT BROWN & BROWN INTO RESOLUTION 2026-R-24, AS THE CITY'S BROKER SERVICE, MEDICAL, DENTAL, VISION, FIREFIGHTER CANCER & LIFE INSURANCE**, seconded by Commissioner DeLanoy.

PASSED, 3-0 (MAYOR PENNY ABSTAINED FROM VOTING; WILL COMPLETE FORM 8B, MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS, with the City Clerk within 15 days of this vote).

Motion to Approve.

Result: Passed [UNANIMOUS]
Mover: City Commissioner Debra Snow
Second: City Commissioner Jeffrey DeLanoy
Ayes: Debra Snow, Penny Currie, Jeffrey DeLanoy
Nays: None

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>Curry John G</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>11th Full City Commission</i>
MAILING ADDRESS <i>119 7th St.</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>16th Precinct</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>09/28/26</i>	NAME OF POLITICAL SUBDIVISION
	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative, or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRA) under Sec. 163.366 or 163.367, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JOHN BENNY, hereby disclose that on April 28, 2026:

(a) A measure came or will come before my agency which (check one or more):

- ☐ Inured to my special private gain or loss;
- ☐ Inured to the special gain or loss of my business associate;
- ☒ Inured to the special gain or loss of my relative, Scott Benny;
- ☐ Inured to the special gain or loss of _____, by whom I am retained; or
- ☐ Inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

my brother is employed by one of the companies we were awarding a contract to.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

HOLLY HILL RECEIVED

APR 29 2026

Date Filed 04/29/26 City Clerk DEPT. Chapman Signature [Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

CE FORM 88 - EPT, 1/2013
Adopted by reference to Rule 34-7.010(1)(b), F.A.C.

PAGE 2

4. FIRST READING - Ordinance 3097 - Zahn Engineering, Inc., Business Planned Unit Development (BPUD) Rezone

(Requested by Brian Walker, City Planner / Assistant City Manager)

ORDINANCE 3097

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY DESCRIBED IN EXHIBIT "A" FROM CC-1 (COMMERCIAL CORRIDOR DISTRICT) TO BUSINESS PLANNED UNIT DEVELOPMENT (BPUD); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes; and

WHEREAS, the City Commission, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Regulations, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the City Commission has determined that it is necessary to amend its Land Development Regulations as provided herein in order to more effectively implement its adopted comprehensive plan; and

WHEREAS, the City Commission has determined that the proposed amendment to the Land Development Regulations is consistent with its adopted comprehensive plan.

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

SECTION 1. The Official Zoning Map of the City of Holly Hill is hereby amended to designate the property described in Attachment A as BPUD (Business Planned Unit Development) pursuant to the provisions contained in the attached Development Agreement, as Attachment B and incorporated in this Ordinance by

reference.

SECTION 2. Development of the property described in Attachment A shall conform to the Land Development Regulations of Holly Hill and the Master Development Agreement.

SECTION 3. 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 4. That all ordinances made in conflict with this Ordinance are hereby repealed.

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

ATTACHMENT "A"

LEGAL DESCRIPTION:

Lots 1, 2, 3, and the Southerly 20 feet of Lot 4; together with the southerly 20 feet of Lot 40; and all of Lots 41, 42, and 43, all in Block 10, RIO VISTA SUBDIVISION, as per map or plat thereof of record in Map Book 6, Page 150 of the public records of Volusia County, Florida, less and except any portion lying in the right of way of U.S. No. 1 Highway, A/K/A Ridgewood Avenue. LESS AND EXCEPT that portion conveyed to the Florida Department of Transportation in that Special Warranty Deed recorded in Official Records Book 7957, Page 4299, of the Public Records of Volusia County, Florida.

ATTACHMENT "B" - (within the agenda packet)

Joshua Steele, Senior Planner, went through the staff report that is in the agenda packet. It is the staff's recommendation that the City Commission adopt the Ordinance enacting a Rezone from CC-1 (Commercial Corridor District) to BPUD (Business Planned Unit Development) and approve the associated Development Agreement and Preliminary Plan for property located on the northwest corner of Ridgewood Avenue and Flomich Street aka 1600 Ridgewood Avenue. The applicant is requesting a rezone to BPUD (Business Planned Unit Development) in order to develop the property as a professional services office, a warehouse, a heavy equipment storage area, and material staging area. The property allows for professional services and light industrial use. Warehousing is only allowed as a special exception in CC-1, and heavy industrial uses do not conform with the CC-1 district requirements. The applicant is requesting allowance for industrial uses in that they are requesting to be able to store heavy equipment on the property as well as storage not permitted in the current zoning district. *(This meeting in its entirety is available upon request on a CD in the City Clerk's Office and available online under the city's YouTube channel).*

John Zemball, applicant/owner, briefly spoke in regard to the BPUD rezoning for property located on the northwest corner of Ridgewood Avenue and Flomich Street, aka 1600 Ridgewood Avenue.

Mayor Penny opened public participation.

Kimberly Dibble, Holly Hill.

Mayor Penny closed public participation.

Motion to Approve.

Result: Passed [UNANIMOUS]

Mover: City Commissioner Penny Currie

Second: City Commissioner Jeffrey DeLanoy

Ayes: John Penny, Debra Snow, Penny Currie, Jeffrey DeLanoy

Nays: None

7. Public Hearings

1. SECOND READING - Ordinance 3098 - Recovery Residence

(Requested by Brian Walker, City Planner)

ORDINANCE 3098

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS; CHAPTER 82 REPLACING IN ITS ENTIRETY SECTION 82-322; ESTABLISHING A PROCESS FOR THE REVIEW AND APPROVAL OF REQUEST FOR ACCOMMODATION FROM THE CITY'S RULES, POLICY, AND PRACTICES TO ALLOW A HANDICAPPED PERSON OR PERSONS TO HAVE EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING AND FOR THE APPROVAL OF CERTIFIED RECOVERY RESIDENCES PURSUANT TO FLORIDA STATUTES SECTION 397.487; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Federal Fair Housing Act requires a local governmental entity to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and

WHEREAS, court cases have held that before a local government can be sued for violating the above provision of the Fair Housing Act, a request must be made to the local governmental entity for a reasonable accommodation through the local governments established procedures used to adjust the rules, policy, practices or service in question; and

WHEREAS, the City's current variance process requires a variance request to be reviewed based on certain criteria, which may not be applicable to a request for a reasonable accommodation under the Fair Housing Act; and

WHEREAS, Section 397.487(15)(a), Florida Statutes, mandates that each municipality and county in the State of Florida must adopt an ordinance establishing procedures for the review and approval of certified recovery residences; and

WHEREAS, Section 397.487(15)(a), Florida Statutes, further mandates the inclusion within such ordinance of a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, Section 397.487(15)(b), Florida Statutes, provides that the regulation of the establishment of certified recovery residences must be consistent with the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 et seq.); and

WHEREAS, the City of Holly Hill Board of Planning and Appeals held a public hearing on April 6, 2026, with all required public notice, to provide recommendations to the City Commission on this Ordinance to amend the Land Development Code and recommend that the City Commission adopt the Ordinance; and

WHEREAS, adoption of this Ordinance ensures that the City of Holly Hill complies with Section 397.487(15), Florida Statutes, and that the best interest of the public health, safety, and welfare is served.

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

SECTION 1. The findings set forth in the recitals above are adopted and fully incorporated herein by reference.

SECTION 2. Chapter 82, Article V, Division 3 of the Land Development Regulations, is hereby amended to replace the current text consisting of Section 82-322 in its entirety with the following text: Section 82-322: Evaluation of request for accommodation pursuant to the Fair Housing Act. Definitions. Pursuant to § 397.311, Florida Statutes the following definitions are incorporated fully into this section. "Certificate of compliance" means a certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator. "Certified recovery residence" means

a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator. A certified recovery residence is not an Assisted Living Facility governed by FS Chapter 429 nor a Community Residential Home governed by FS Chapter 419 and is not considered transient living. Level I certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home. Level II certified recovery residence encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path. Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction. Level IV certified recovery residence is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite. "Certified recovery residence administrator" means a recovery residence administrator who holds a valid certificate of compliance. "Request for accommodation" means a request for relief from the city's rules, policy, and practices, to allow a handicapped person or persons to have equal opportunity to use and enjoy a dwelling and includes request related to a certified recovery residence. Application and processing for request for accommodation. Purpose:

The purpose of this section is to establish procedures to request an accommodation from the city's rules, policy, or practices to allow a handicapped person or persons to have equal opportunity to use and enjoy a dwelling including the review and approval of certified recovery residences as required by Chapter 397, Florida Statutes. b.

Application process for all request: A request by an Applicant for a reasonable accommodation under this section shall be made in writing to the Planning Division.

The reasonable accommodation request shall at a minimum provide the following information: The name and contact information of the property owner, applicant, or the applicant's authorized representative; The property address and parcel identification number; Specifically identify the rules, policies, practices or services from which relief is being requested. Identify the nature of the disability of the occupants of the dwelling. Outline the minimum relief that is necessary to allow a handicapped person to use and enjoy the dwelling. Described in detail how the requested relief is necessary to allow a person with the above identified disability to be able to reasonably use and enjoy the dwelling. A certification stating the following: I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST IS TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE INFORMATION WITH THIS REQUEST, MY REQUEST SHALL BECOME NULL AND VOID. The signature of the Applicant and date. Any additional information or documentation the Requestor feels is necessary to support the request for reasonable accommodation. c. Requirements for recovery residences: 1. A certified recovery residence must be a minimum of 1,000 feet apart from another recovery residence or community residential home. Distance is measured from the nearest lot line of the entire parcel of the proposed Recovery Residence to the nearest lot line of the entire parcel of the closest existing recovery residence or community residential home. 2.

The maximum number of occupants in a recovery residence shall not exceed the

greater of two people per bedroom or one person per 200 gross feet of livable space in the principal dwelling, but in no event shall total occupancy exceed either criterion. 3. The parking need for a recovery home cannot exceed what a typical household would generate. 4. If permitted by Florida law, a recovery home must obtain a Business Tax Receipt. d. Processing for recovery residences: 1. The Planning Division will date stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond. 2. Upon receiving a complete application, a request that meets all code requirements including a reasonable request for accommodation, will be approved at staff level. For purposes of this section, a request will be considered reasonable if it meets the following criteria: a. The request is clearly linked to the disability. b. The permitted uses, conditional uses and special exceptions allowed for the zoning designation of the property in question. c. Is limited in scope (not a blanket waiver of all regulations) d. Does not impose undue financial/administrative burden on the city. e. Does not fundamentally alter the nature of the zoning scheme. f. Does not create a safety risk. g. Is not excessive or disruptive. h. Ability of the existing dwelling to accommodate the requested variation, including bedrooms, bathrooms, outside parking and existing compliance with current building codes to determine the existence of any life and safety issues. The final determination on approval of a recovery residence shall be made by staff and

be issued no later than within sixty (60) days after receipt of the completed application. If a final determination is not issued within sixty (60) days after receipt of the completed application, the request is deemed approved, unless the applicant and the City agree, in writing, to a reasonable extension of time. The final determination must: a. Approve the request in whole or in part, with or without conditions; or b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration. c. Request that are denied can be appealed to the City Commission. 100.

Request for reasonable accommodation not involving a recovery residence.

The Board of Planning and Appeals will consider a request for special accommodation and issue a recommendation to the city commission to approve, approve with conditions or deny the request. The city commission will render the final decision. In considering the request, the Board of Planning and Appeals and the city commission shall consider the following: (1) The policies and objectives of the city's comprehensive plan, including the future land-use designation of the property in question. (2) The permitted uses, conditional uses and special exceptions allowed for the zoning designation of the property in question. (3) The surrounding neighborhood, including zoning and future land use designations of the surrounding area. (4) The capacity of existing city utilities and infrastructures to accommodate the requested use. (5) Existing traffic patterns and traffic problems in the area that currently exists or may become a problem if the requested relief were granted. (6) Potential for noise, dust or other impacts to the neighborhood. (7) Ability of the existing dwelling to accommodate the requested variation, including bedrooms, bathrooms, outside parking and existing compliance with current building codes to determine the existence of any life and safety issues. (8) The existence of any current code violations. The board of planning and appeals shall review the application and all relevant facts and laws and make a recommendation to the city commission to approve, deny or approve with conditions. The city commission shall make the final determination. D. Approval: In the event that an accommodation is granted, the applicant shall comply with any and all applicable building and/or engineering permitting processes required by the Code of Ordinances and/or the Land Development Code of the City.

2.

A reasonable accommodation is specific to the individual and does not run with the land.

3.

A reasonable accommodation does not alter an individual's obligation to comply with

other applicable federal, state, county, or City requirements, rules, regulations, or laws.

E. Revocation of reasonable accommodations approval: Any reasonable accommodation approved by the City Commission shall be deemed revoked if the applicant or the property upon which the reasonable accommodation is granted is found, by a court of law or by the special magistrate, to have violated a condition of approval or if the certification or licensure required under Chapter 397, Florida Statutes, for the certified recovery residence lapses, is revoked, or otherwise fails to be maintained, and the certification or licensure is not reinstated within 180 days of the date of lapse, revocation, or other means of expiration.

SECTION 3. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 4. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 5. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 28th day of APRIL 2026 for second and final reading.

Mayor Penny opened public participation. No one spoke.

Motion to Approve.

Result: Passed [UNANIMOUS]

Mover: City Commissioner Debra Snow

Second: City Commissioner Penny Currie

Ayes: John Penny, Debra Snow, Penny Currie, Jeffrey DeLanoy

Nays: None

8. Communications

- a. Mayor Penny mentioned that Mr. Forte and himself recently met again with the Volusia County School Board's Planning Department, and they were able to give them some ideas and perhaps rebranding the Holly Hill School. They are planning on meeting again sometime next week.
- b. Commissioner Snow stated that she attended her first TPO meeting since former Commissioner Johnson's passing. It was a bittersweet meeting. However, she appreciated being able to attend them while Commissioner Johnson was here because she was able to learn quite a bit. The TPO discussed some new projects coming forth, and she will be able to inform the Commission after their next meeting in May.
- c. Commissioner Currie clarified some comments that were made during the Public Comments portion of the meeting tonight as it pertains to the election campaigns that are currently taking place for Holly Hill and her endorsement for Carmen Ruiz, who has filed to run for District 2, City Commissioner.

9. Adjournment

The meeting adjourned at approximately 8:00 PM.