



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • OCTOBER 10, 2023

City Commission Chamber

Regular City Commission Meeting

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

a. Roll Call

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

b. Invocation by City Commissioner Roy Johnson Senior Pastor Vic Pruett from Holly Hill Church of Christ led the invocation.

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

Police Chief Jeff Miller presented newly sworn officer Anthony Bernal with his pin and welcomed him to the City of Holly Hill Police Department.

2. PUBLIC COMMENTS

None.

3. APPROVAL OF MINUTES

1.

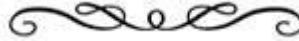
Minutes - September 11, 2023 Workshop, September 11, 2023 Regular City Commission and First Hearing on the Budget; and September 26, 2023 Regular City Commission and Second Hearing on the Budget

(Requested by Valerie Manning, City Clerk)

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 10th day of October, 2023, in Holly Hill



4. CONSENT AGENDA - ITEMS (1 - 4)

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

1. -2023-R-59 Resolution

A Resolution of the City of Holly Hill, Florida, Amending the Fiscal Year 2023-2024 Annual Operating Budget, Appropriating FDEP Grant Award to the Fiscal Year 2023-2024 Budget; Setting Forth Revenues and Expenditures; Providing for Severability; and Providing for an Effective Date.

(Requested by Michele Moore, Finance)

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

RESOLUTION

2023-R-59

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE FISCAL YEAR 2023-2024 ANNUAL OPERATING BUDGET, APPROPRIATING FDEP GRANT AWARD TO THE FISCAL YEAR 2023-2024 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE FISCAL YEAR 2023-2024 ANNUAL OPERATING BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city applied for a State appropriation grant for the Public Works department; and

WHEREAS, the City of Holly Hill City Commission adopted Resolution 2023-R-52 approving the Annual Operating Budget for Fiscal Year 2023-2024;

WHEREAS, the City requires all expenditures to be fully budgeted and requires a budget amendment to identify the revenue source and encumber the expenditure; and

WHEREAS, the City of Holly Hill City Commission desires to set forth and appropriate certain revenues and expenses.

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

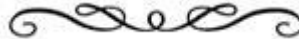
SECTION 1. BUDGET AMENDMENT. The grant award funds are hereby appropriated as set forth in Composite Exhibit “A” attached hereto, which reflects revenues and corresponding expenditures for the designated projects for fiscal year 2023-2024 budget.

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. The Budget item adopted in the preceding section shall govern the expenditures relating to operations and projects for the City during the current fiscal year effective October 1, 2023 through September 30, 2024 This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 10th day of OCTOBER, 2023.

Enacted and approved this 10th day of October, 2023, in Holly Hill



2. -2023-R-60 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, to Approve the Auction of Items Identified to be Surplused According to Purchasing Policy Section 13.2; Providing for Severability; Providing for an Effective Date.

(Requested by Michele Moore, Finance)

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

RESOLUTION**2023-R-60**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, TO APPROVE THE AUCTION OF ITEMS IDENTIFIED TO BE SURPLUSED ACCORDING TO PURCHASING POLICY SECTION 13.2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF HOLLY HILL, FLORIDA, TO APPROVE THE DISPOSAL OF ITEMS IDENTIFIED TO BE SURPLUSED ACCORDING TO PURCHASING POLICY SECTION 13.2; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fire Department has identified one (1) item, a 2001 Fire Truck Pierce Saber Custom Pumper, that is no longer in use with an original cost of \$204,204; and,

WHEREAS, that the fire truck to be donated has a value of less than \$5,000.00 based on a review of sales of similar equipment.

WHEREAS, The City of Daytona Beach has the means and expertise to rehabilitate the engine and return it to a serviceable condition. This engine will still be available to the City of Holly Hill on an as needed basis; and,

WHEREAS, the City of Daytona Beach has the means and expertise to rehabilitate the engine and return it to a serviceable condition. This engine will still be available to the City of Holly Hill on an as needed basis. This assistance saves the city of Holly Hill thousands of dollars per year; and,

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

SECTION 1. That the City Commission does hereby declare the items identified as surplus and authorize the disposal of the surplus equipment via donation, to the City of Daytona Beach Fire Department.

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 Commission.

APPROVED AND AUTHENTICATED on this 10th day of OCTOBER, 2023.

Enacted and approved this 10th day of October, 2023, in Holly Hill



3.

Edward Byrne Memorial Justice Assistance Grant (JAG) Award Name: D-R7036:
JAGD22 IN-CAR RADAR PROJECT City of Holly Hill

(Requested by Jeff Miller, Police)

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

Enacted and approved this 10th day of October, 2023, in Holly Hill



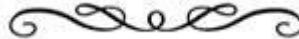
4.

UPS Temporary Holiday Package Storage Facility Agreement 2023

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 10th day of October, 2023, in Holly Hill



5. REGULAR AGENDA

1. -2023-R-61 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Amending Three Fees Specific to Business Use of Food Truck, Body Worn Camera Video, and Hollyland Park-Ball Fields for the Fiscal Year 2023-2024; Providing for Severability; and Providing for an Effective Date.

(Requested by Michele Moore, Finance)

Commissioner Penny mentioned that he is opposed to this. We never discussed raising...in all of our discussions the focus was on increasing the fee to the food trucks and then he believes he brought it to the Commission's attention that the State Law changed and we can't do that. The timing is just bad. It looks like a money grab that we couldn't get more money from the food trucks so now we're going to get more money from the food host. That's just how he feels. He thinks that's how the restaurants that host the food trucks will feel. In the words of Roland Via (former Mayor) this is a 66% tax increase and the argument is its only \$50.00 and that's what I used to say Mayor Via all the time. But he would put the percentages in and if we were talking about any other fee increasing by 66%, he thinks they would all be opposed to it. So, he's opposed to it.

Commissioner Danio stated one thing that you mentioned about the restaurants paying it, the restaurants aren't going to pay it because the restaurants aren't going to have the food trucks. Just to clarify that.

Mayor Via stated he thinks Commissioner Penny meant businesses.

Commissioner Penny stated, the businesses.

Commissioner Danio stated well, there's a difference between a restaurant and a business.

Commissioner Penny stated Fletcher's brings food trucks, they do.

Mayor Via stated he thinks Commissioner Danio was just saying its not a restaurant.

Commissioner Penny stated he gets it and that's okay because he still feels the same way. He misspoke.

Mayor Via stated and that's fair. He believes, Mr. Forte, when we were talking about this, did we talk about raising...he remembers there was discussion about raising the rate.

Mr. Forte stated we can't increase...we can't charge a fee to the food trucks any longer. They're licensed by the State and we don't have the ability to even issue them a BTR (Business Tax Receipt).

Mayor Via stated so the discussion was more about, were we initially speaking about raising it for the food trucks as opposed to the businesses?

Mr. Forte stated he doesn't remember. He remembers part of the conversation where there was reference to how much people in the northeast pay for a food truck permit or license and he figured if we are going to make this modification and we're doing an increase to the fee schedule, now's the time to introduce the change.

Mayor Via asked can you tell us then why you did prepare an increase because I thought we had talked about it but if we hadn't talked about it as a Commission...

Mr. Forte stated it was mentioned in all of that discussion. There was discussion about increasing the fee then we talked a little bit about, he thinks there's a \$25 application fee then a \$75 per year fee, which he thinks was still on the business. That was still on the business. The Business Tax Receipt was paid by the food truck but the business was always charged the \$75. We can't do anything to increase the fee on the food trucks so, he figured with that discussion, we would introduce a small rate increase to the business who is hosting the food truck.

Mayor Via stated I'm going to throw a wrench in some things now because, Commissioner Penny, I thought that our...as a Commission we talked about raising these rates we were okay with that as a give and take. Is that not your recollection?

Commissioner Penny stated from what I recall the focus was on increasing the fee to the truck. I, honestly, don't ever remember talking about increasing the fee to the host.

Mayor Via stated, okay. And we can't give it to the truck so...

Commissioner Penny stated and you can't do it to the trucks so, it just feels like since you can't do it to the trucks, so, now we're going to do it to the host.

Mayor Via stated he might be changing his mind here in real time for the fact of there's really no benefit to the city of raising this fee at all by \$50.00. How many a year...

Commissioner Penny stated there's less than five food trucks out there in the whole city.

Mayor Via stated, right. You're talking a couple of hundred dollars, is that correct Mr. Forte?

Mr. Forte stated with the number you have now.

Mayor Via stated, okay. Was there more reasoning behind you or your staff.

Mr. Forte stated, no. It was just brought up under the discussion on a rate increase...the fee increases so, he figured if we're going to do it, now's the time to do it but we would use this as an opportunity to talk about it.

Mayor Via stated let me ask Attorney Simpson, if I were to vote no on this it would be 2-2, would that fail?

Attorney Simpson stated it wouldn't pass.

Mayor Via stated but would it fail to not be able to be brought back up?

Mr. Forte stated not for a year.

Commissioner Johnson asked what if I just withdraw my motion.

Mayor Via stated you can withdraw the motion and then we can make a motion to approve the other two or you can...

Attorney Simpson stated you can make a motion to amend. You can do that as well.

Mayor Via stated he would rather Commissioner Johnson just withdraw his motion if the seconder of the motion is okay with withdrawing the motion.

Commissioner Johnson stated I'll just withdraw the motion.

Mayor Via stated you can make a different motion. We can speak about is not changing the fees for the food trucks, keeping it as is but then making these other two changes that are in here about the body worn camera video and Hollyland Park baseball fields fees. So, you can make that in your motion.

Attorney Simpson stated a motion needs to be made to approve the Resolution because the Resolution included all three. Based on the discussion instead of that being voted down we could withdraw your motion and then withdraw the second and then another motion be made to approve the other two changes but not approve the food truck fee increase.

Mr. Forte stated approve the Resolution minus the food truck fee increase.

Mayor Via stated okay, so they don't have to change it.

Mr. Forte stated just strike reference to the business use of food truck. It would still stay at \$75; there would be no increase to it.

Mayor Via asked so, you withdraw your motion Commissioner Johnson?

Commissioner Johnson stated, yes.

Mayor Via asked and you withdraw your motion Commissioner Danio?

Commissioner Danio stated, yes.

*Commissioner Johnson made a motion to **APPROVE RESOLUTION 2023-R-61, AMENDING THE FEES SPECIFIC TO THE BODY WORN CAMERA VIDEO AND HOLLYLAND PARK BALL FIELDS ONLY; STRIKING THROUGH THE BUSINESS USE OF FOOD TRUCK - THERE IS NO FEE INCREASE FOR THE***

FOOD TRUCK, THE RATE STAYS THE SAME, seconded by Commissioner Penny.
Mayor Via opened public participation.
Phil Wahby, Holly Hill.
Mayor Via closed public participation.
PASSED, 3-1 (Danio, nay)

RESULT:	ADOPTED [3 TO 1]
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Johnson
NAYS:	Danio
EXCUSED:	Currie

**RESOLUTION
2023-R-61**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING THREE FEES SPECIFIC TO BUSINESS USE OF FOOD TRUCK, BODY WORN CAMERA VIDEO, AND HOLLYLAND PARK-BALL FIELDS FOR THE FISCAL YEAR 2023-2024; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA CHANGING THREE SPECIFIC RATES FOR THE NEXT FISCAL YEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

1. On August 13, 2019, the City Commission reviewed the Utility rate study and adopted changes to the City of Holly Hill's Code of Ordinances Chapter 70 (Utilities).
2. On August 23, 2022 a Citywide Fee Schedule was adopted.
3. On September 26, 2023 the City Commission adopted a fee schedule increasing Water and Sewer rates.
4. The Schedule of Fees (which is attached hereto and incorporated herein as "Attachment "A") is being modified to reflect the changes that have been incorporated herein.

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

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

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

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

1. Do not exceed the actual or estimated reasonable costs to the City of providing the services to which the fees relate;
2. Are reasonable and necessary to enable the City to provide the benefit or privilege, service or product, license or permit, use or rental, fine or penalty, or property development to which they relate;
3. Have been allocated in a manner such that the costs to a payor bear a fair and reasonable relationship to the payor's burden on, or benefits received, from the City; and

SECTION 4. The City Commission hereby approves and adopts:

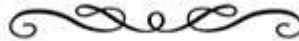
1. The FY 2023-2024 Proposed City Wide Fee Schedule (Attachment "A").

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

SECTION 6. The newly created fees, unchanged fees, decreased fees and increased fees listed in this Resolution and set forth in the FY 2023-2024 Proposed City Wide Fee Schedule (Attachment "A") become effective on October 10, 2023.

APPROVED AND AUTHENTICATED on this 10th day of OCTOBER 2023.

Enacted and approved this 10th day of October, 2023, in Holly Hill



6. PUBLIC HEARINGS - NONE

7. COMMUNICATIONS

A. City Manager Comments

Mr. Forte stated we got the report back from RCG Consulting (Redman Consulting Group) with regards to their evaluation of the commercial dumpsters throughout the city, he should say all of the commercial pickups throughout the city. There were 111, he will call them conflicts, and that can be something as simple as one commercial property was supposed to have one toter, one toter once a week, two pickups and it was one toter twice a week one pick up. So, that value was cost neutral. Just a clerical correction that has to be made in the system. Another example could be that a business had a lock mechanism on the dumpster and we're supposed to be charging them a fee for that and we're not and we need to continue to charge those fees so it's also not that big of a deal. Then there are a couple of scenarios where the billing is completely wrong and I'll give you an example. The worst case scenario is we have one business in the city that has a collection that we

get billed from Waste Pro for but we're not necessarily billing the customer. So, we have to go back and we have to bill that customer for that collection. On the other side of that we have a scenario where somebody may be charged for a four-yard dumpster but they really only have a two-yard dumpster. There's not a lot of them but all of them need to be corrected so, we're working on getting them all corrected now. We have a member in the Finance Department that's working on that and then we'll have to have a meeting with Waste Pro to kind of finalize everything and make sure everybody is on board. I don't think it's anything that will be debated. It is what it is. We're being billed, we're not charging...we're charging what's too much. We've got to fix it and make sure the two systems match. So, if anything has to come back to the Commission, I'll let you know. I don't know that it does except for that fact that if we haven't billed somebody, I need to get with Attorney Simpson and find out how far back we can bill them if we're going to make that correction and on the other side, if we've overcharged somebody, how far back do we make the correction. I will get back to you on that. Mr. Forte stated this past week I have been informed that MetroHealth would like to sponsor our 2024 concert series with a \$10,000 donation. It's a little less than what we were hoping for but it's still a significant donation. So, we're going to go ahead and accept that as them being one of the major sponsors, hopefully we can get others. I wanted to make that kind of an announcement to you and make you aware of that. I do think that we should have a work session to talk about what we charge for those concerts and whether we should consider doing those for free next year to try to build up participation or reduce the rates. We were looking to break even and sometimes that happens and sometimes it doesn't but I think another philosophical look on how we operate that portion of the business should be discussed.

Mayor Via stated he agrees because now we have data that we can base that on and then determine at what level do we want to support it or not.

Mr. Forte stated he will plan on scheduling that in the near future.

Commissioner Penny asked can the CRA sponsor those Mr. Forte?

Mr. Forte stated, yes. One more thing, we do still periodically post things on the water bill about things that are coming up. In fact, he just had a conversation with Rick about the concerts that we can post the concert series on the water bills but that list had only recently been finalized. We will try to continue to put more messages on that utility bill. The challenge with that is the timing because not all of the bills go out at the same time and when we know something is coming up we don't want to put it on the utility bill if it happened in the past. It doesn't get spread out but he appreciates Mr. Wahby bringing that up earlier and we will continue to try and get more information out. There should never be a time where that area is blank. There should always be something on there.

B. City Attorney Comments
None.

C. City Commission Comments

Commissioner Penny thanked everyone for a great job during National Night Out. It was a great turnout. Business news, Robin Hanger's business park transferred hands, the sale

was finalized last Wednesday. He met the new owners today and they are meeting with the architects. They are still moving forward with the project. LPGA cleanup was good;

Commissioner Danio stated that National Night Out was a great turnout; mentioned the Kayak rental program at Sunrise Park and asked for clarification on how to rent. Mr. Forte explained it to him. Movies with A Cop will start up soon.

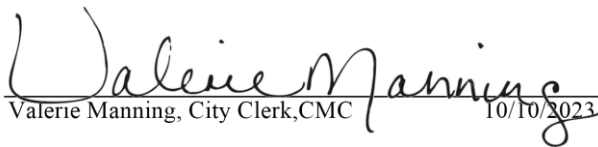
Commissioner Johnson mentioned the Holly Hill Chamber quarterly breakfast this morning, disappointed in the turnout; not many Holly Hill people there and it's kind of disturbing; mentioned the fuel farm in Ormond; LPGA widening.

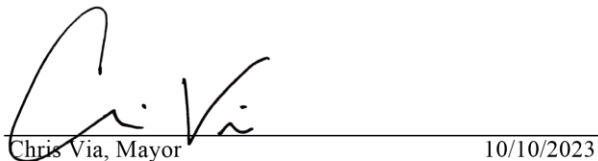
D. Mayor's Comments

Mayor Via mentioned National Night Out was an amazing event; Movies with A Cop starting up soon on the front lawn of City Hall; congratulated Chief Miller and his officers for the email he sent out today about the investigation where they caught a fugitive that fled from New York and was on the run; great job to all of the officers. Thanked staff and Mr. Forte for getting with and working with the Utility Billing Department with a few hiccups with the Water Department lately and for the corrections that have been made. They also noticed that the cut-off date was no longer showing on the bills but that has been fixed; public announcements will continue to be added to the water bills as well. Thanked Mr. Forte for reaching out to a couple of the County Councilmen regarding the Communications Tax that was happening. The city is making strides and working towards solutions to the city's flooding and we are working on this State grant for a Comprehensive Study and to tell us what exactly where the problems exist, where the grant money is to possibly fix it and what it would actually do. The city, every year, continues to work on its storm water system. It was mentioned to have a workshop with an engineer and make it into a town hall meeting and invite people in to learn about the city's flooding issues.

8. ADJOURNMENT

The meeting adjourned at approximately 7:00 PM.


Valerie Manning, City Clerk, CMC 10/10/2023


Chris Via, Mayor 10/10/2023