



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • DECEMBER 12, 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	Present	
John C. Danio	District 3 - Commissioner	Present	
Roy Johnson	District 4 - Commissioner	Present	

b. Invocation by City Commissioner John Danio

Commissioner Danio led the invocation.

c. Pledge of Allegiance

Mayor Via led the Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS

The following individual spoke to the Mayor and City Commissioners:
Jim Legary, Holly Hill.

3. APPROVAL OF MINUTES

1.

Minutes - November 28, 2023 - Regular City Commission Meeting

(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, Currie, Danio, Johnson

Enacted and approved this 12th day of December, 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 pull an item for further discussion. Mayor Via asked to pull Consent Agenda Item #1, Resolution 2023-R-78 for further discussion.

1. -2023-R-78 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida Waiving the Bidding Requirements for the Construction of the Mirage Pond Project and Awarding the Project to Cc Civil in an Amount Not to Exceed \$308,049.75 and Authorizing the City Manager to Execute the Same

(Requested by Antoine Khoury, Public Works)

There was some discussion amongst the Mayor, City Commissioners, and staff. Mayor Via mentioned that he would like to see the money used elsewhere and is not in favor of this. Commissioner Danio agreed.

Mayor Via opened public participation. No one spoke.

Mayor Via stated for the record, and he know Mr. Forte feels the same way, before the other two Commissioners come up with their own opinion, he wants to make sure that they know we're not sitting on our hands.

Mr. Forte stated, absolutely not. Absolutely we're not.

Mayor Via stated and what he's proposing is to do a different project.

Mr. Forte stated and he would agree with him 100%. If we don't do this, let's plan another one right away.

Mayor Via stated, right and he agrees with that. He just wanted to be clear with that.

Mr. Forte stated Mayor, before you go to a vote, Antoine, I don't know what the timing is for that contract that's on site but would the Commissioners be more comfortable if we move this item to a work session and had a storm water engineer come in and talk to us about it and get somebody that knows what they're talking about?

Mayor Via stated he would definitely be open to that.

Commissioner Currie stated she prefers that.

Mr. Forte stated why don't we table it to a work session.

Mayor Via asked would the maker of the motion withdraw his motion?

Commissioner Penny stated his concern is that when government says we're going to do something immediately that means 2025 or after and you're not going to see any impact for \$300,000 more than that much no matter what we do. He thinks the longer we wait, the more expensive it is. He has no problem waiting to hear a civil engineer tell us the effect but he thinks we have a plan and we need to stick to the plan and pick away at it. You know, how do you eat an elephant one bite at a time? We just need to just do that. He will withdraw the motion but he wants this to happen. We're not even going to meet again until January, so we're already into 2024. He doesn't want to kick this down the

road because if we have a workshop, it's going to be in February then we won't vote on it until March. Isn't there a contractor there doing stuff now?

Mr. Forte stated they're beginning to start the work. He doesn't know if they're in this area but that was part of the cost benefit, is that there wouldn't be a mobilization cost because they're already on site or a reduced mobilization cost because they're already on site.

Commissioner Penny stated so, yes. To mobilize that equipment it's probably \$50,00 to move that kind of equipment here.

Mr. Khoury stated, yes, the maintenance of traffic mobilization.

Commissioner Penny stated he's going to keep his motion. If it fails, it fails but he thinks we need to move forward and do something. Sitting around doing nothing is inexcusable.

Commissioner Currie stated she can agree with that.

Mayor Via stated alright, he does not withdraw his motion. We are going to need to take a vote.

(The entirety of this item and meeting is available on CD upon request in the City Clerk's Office or available online on the City's YouTube channel).

RESULT:	ADOPTED [3 TO 2]
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Penny, Currie, Johnson
NAYS:	Via, Danio

RESOLUTION

2023-R-78

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA WAIVING THE BIDDING REQUIREMENTS FOR THE CONSTRUCTION OF THE MIRAGE POND PROJECT AND AWARDED THE PROJECT TO CC CIVIL IN AN AMOUNT NOT TO EXCEED \$308,049.75 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA WAIVING THE BIDDING REQUIREMENTS FOR THE CONSTRUCTION OF THE MIRAGE POND PROJECT AND AWARDED THE PROJECT TO CC CIVIL IN AN AMOUNT NOT TO EXCEED \$308,049.75 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has identified the construction of the Mirage Pond as a Capital Project; and

WHEREAS, Public Works has requested a bid from the site contractor, CC Civil; and

WHEREAS, CC Civil has submitted a proposal at a value of \$308,049.75; and

WHEREAS, staff recommend the formal waiving of the bid procedure and award the project to CC Civil in an amount not to exceed \$308,049.75.

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

SECTION 1. That the City Commission of the City of Holly Hill approve the formal waiving of the bid procedure

SECTION 2. That the City Commission of the City of Holly Hill award the construction of the Mirage Pond project to CC Civil in an amount not to exceed \$308,049.75 and authorized the City Manager to execute the same.

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

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

APPROVED AND AUTHENTICATED on this 12th day of DECEMBER, 2023.

Enacted and approved this 12th day of December, 2023, in Holly Hill



2. **-2023-R-79 Resolution**

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Auction of a Donated 2007 30Kw Single Phase Kohler Generator According to Purchasing Policy Section 13.2 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION

2023-R-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE AUCTION OF A DONATED 2007 30KW SINGLE PHASE KOHLER GENERATOR ACCORDING TO PURCHASING POLICY SECTION 13.2 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE AUCTION OF A DONATED 2007 30KW SINGLE PHASE KOHLER GENERATOR ACCORDING TO PURCHASING POLICY SECTION 13.2 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Works Department has identified a donated 2007 30kW Single Phase Kohler Generator that is unable to be used for City owned assets; and

WHEREAS, public auction of surplussed equipment will generate revenue for the City to be placed in the general fund.

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 donated 2007 30kw Single Phase Kohler generator as surplus and authorizes the sale of this equipment at public auction with a reserve price set to \$2,000.

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

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

APPROVED AND AUTHENTICATED on this 12th day of DECEMBER, 2023.

Enacted and approved this 12th day of December, 2023, in Holly Hill



3. -2023-R-80 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Standardized Sole Source High Service Pump #2 Replacement and Installation Proposal from Tom Evans Environmental in the Amount of \$56,978.00 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION**2023-R-80**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE STANDARDIZED SOLE SOURCE HIGH SERVICE PUMP #2 REPLACEMENT AND INSTALLATION PROPOSAL FROM TOM EVANS ENVIRONMENTAL IN THE AMOUNT OF \$56,978.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE STANDARDIZED SOLE SOURCE HIGH SERVICE PUMP #2 REPLACEMENT AND INSTALLATION PROPOSAL FROM TOM EVANS ENVIRONMENTAL IN THE AMOUNT OF \$56,978.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Utility provides permitted water treatment system to help maintain the health and well-being of the community; and

WHEREAS, The water treatment system requires capital budget maintenance improvements from time to time to provide uninterrupted water services as equipment ages; and

WHEREAS, Tom Evans Environmental is the sole source municipal product representative of Peerless Pumps; and

WHEREAS, a proposal was received from Tom Evans Environmental for the replacement and installation of water plant Peerless high service pump #2 in the amount of \$56,978.00.

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

SECTION 1. That the Commission of the City of Holly Hill accept the standardized Peerless pump equipment purchase and installation service proposal from Tom Evans Environmental under the City's sole source purchasing policy.

SECTION 2. That the Commission of the City of Holly Hill approve a purchase and installation of the standardized Peerless high service pump system from Tom Evans Environmental for \$56,978.00, and authorize the City Manager to execute the same.

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or

impair the validity, force, or effect of any other section or part of this Resolution.

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

APPROVED AND AUTHENTICATED on this 12th day of DECEMBER, 2023.

Enacted and approved this 12th day of December, 2023, in Holly Hill



4. -2023-R-81 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Sole Source Purchase and Service Installation of Standardized Replacement Peerless Transfer Pumps, Piping and Valves from Tom Evans Environmental for a Cost of \$265,954.04 and Authorizing the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION

2023-R-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SOLE SOURCE PURCHASE AND SERVICE INSTALLATION OF STANDARDIZED REPLACEMENT PEERLESS TRANSFER PUMPS, PIPING AND VALVES FROM TOM EVANS ENVIRONMENTAL FOR A COST OF \$265,954.04 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SOLE SOURCE PURCHASE AND SERVICE INSTALLATION OF STANDARDIZED REPLACEMENT PEERLESS TRANSFER PUMPS, PIPING AND VALVES FROM TOM EVANS ENVIRONMENTAL FOR A COST OF \$265,954.04 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Utility provides permitted water treatment system to help maintain the health and well-being of the community; and

WHEREAS, The water treatment system requires capital budget maintenance improvements from time to time to provide uninterrupted water services as equipment ages; and

WHEREAS, Tom Evans Environmental is the sole source municipal product representative of Peerless Pumps; and

WHEREAS, a proposal was received from Tom Evans Environmental for the replacement of the water plant transfer pumps, valving and piping system in the amount of \$265,954.04.

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

SECTION 1. That the Commission of the City of Holly Hill accept the standardized Peerless pump equipment purchase and installation service proposal from Tom Evans Environmental under the City's sole source purchasing policy.

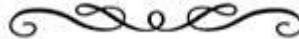
SECTION 2. That the Commission of the City of Holly Hill approve a purchase of the standardized Peerless transfer pump system with valving and piping installation service proposal for from Tom Evans Environmental for \$265,954.04, and authorize the City Manager to execute the same.

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

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

APPROVED AND AUTHENTICATED on this 12th day of DECEMBER, 2023.

Enacted and approved this 12th day of December, 2023, in Holly Hill



5. REGULAR AGENDA

1. -2023-R-82 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Amending the City of Holly Hill's Purchasing Policy, Which was Approved in Resolution 2022-R-17; Providing for Legislative Findings and Intent; Repealing All Resolutions in Conflict Herewith; Providing for Authority to the City Manager for Implementing Administrative Actions; and Providing for Scrivener's Errors, Conflicts Severability; and Providing an Effective Date.

(Requested by Michele Moore, Finance)

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Penny, Currie, Danio, Johnson
NAYS:	Via

RESOLUTION**2023-R-82**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CITY OF HOLLY HILL'S PURCHASING POLICY, WHICH WAS APPROVED IN RESOLUTION 2022-R-17; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AUTHORITY TO THE CITY MANAGER FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; AND PROVIDING FOR SCRIVENER'S ERRORS, CONFLICTS SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF HOLLY HILL, FLORIDA, AMENDING THE CITY OF HOLLY HILL'S PURCHASING POLICY; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AUTHORITY TO THE CITY MANAGER FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; AND PROVIDING FOR SCRIVENER'S ERRORS, CONFLICTS SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in an effort to be consistent with current laws, policies and practices, City Commission wishes for the City of Holly Hill to update/modify the existing City of Holly Hill Purchasing Policy; and

WHEREAS, a review recommended an update to the Purchasing Policy to strengthen procurement standards for federally funded grant projects.

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

SECTION 1. Legislative Findings and Intent. The City Commission of the City of Holly Hill has complied with all requirements and procedures of Florida Law in processing this Resolution. The above recitals are hereby adopted.

SECTION 2. Commission Approval. The City Commission of the City of Holly Hill, Florida, hereby deems it necessary to amend the Purchasing Policy incorporated herein as Exhibit "A".

SECTION 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed

appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

SECTION 5. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. 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 7. Effective Date. This Resolution shall become effective upon its adoption.

APPROVED AND AUTHENTICATED on this 12th day of DECEMBER, 2023.

Enacted and approved this 12th day of December, 2023, in Holly Hill



2. -2023-R-83 Resolution

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

(Requested by Michele Moore, Finance)

Mr. Forte stated the finance department is proposed adding a merchant fee on all credit card purchases in the fiscal year the city paid \$154,000 in fees on payments totaling \$5,228,700 made using credit and he wants to specifically call this one to them. It's very important that he makes this clear. What staff is recommending is that, probably since its inception, well shortly after its inception, we didn't charge the customer the credit card fee, the city absorbed that credit card fee, and the purpose of doing that is we wanted more and more people to use the credit card to pay their utility bill rather than letting it lapse where their water was being turned off. It was a means of convenience for them to do it. Well over time, a lot more people are using it and a lot larger water consumers are using it to the tune of it costing the city \$155,000 to pay credit card fees. So, in the Resolution, he added back credit card fees for utility bills. That if you don't want to do it remove that. If you do want to do it, leave it in but he wanted them to make a conscious decision to remove it. He wants to make sure that we were clear on that. The other fees were primarily for the building department. It's the plan reviews fees, the annual sign renewal fees, the technology fee, lien search fee, a merchant and the merchant fee of 3% and that would be on people coming in getting permits and things of that nature. He wants to be sure the Commissioners talk about that utility...the credit card fee on utility

bills. There's several options. There's credit card, debit card, cash, check, bank draft, going through AMSCOT on Nova Road. There's a number of ways to make a payment. They can call it in to the 800 number. There's a number of different ways they can do it. Mayor Via stated he has a few questions, specifically about the 3% fee that is proposed here to the end user. Mrs. Moore, have we always paid the credit card fees? Like, always?

Mr. Forte stated since the inception, initially, we had the customer paying fees and at some point we made a decision that the city would pay it. He thinks, and you can't quote him on when it was.

Mrs. Moore stated her understanding is that it happened during COVID.

Mr. Forte stated that's what he was going to say, COVID.

Mayor Via stated his second question is, is the \$154,000 in credit card fees that we currently pay, is that only from citizens or businesses paying us with credit cards? Meaning, you know, online I pay my water bill, right now I'm not paying the 3%. If this goes through, I would pay 3% extra to cover that credit card fee. Is that primarily where the \$5.2 million that we take in from credit cards are coming in?

Mrs. Moore stated, yes but we have some very large commercial accounts. The condominium.

Mr. Forte stated we have Marina Grande, Angelica, Metra. There's a number of large consumers that are now paying by credit card and that adds up quite a bit.

Mrs. Moore stated the condominium, their invoice, is averaging about \$55,000 and so, we're not recovering the 3% that we're losing on that.

Commissioner Penny stated imagine the points they're getting.

Mr. Forte stated, yes.

Mayor Via asked \$55,000 is what we're paying for Marina Grande?

Commissioner Penny stated, no.

Commissioner Danio stated that's what they're paying us.

Commissioner Penny stated a month.

Mayor Via stated oh, a month, okay.

Mr. Forte stated 3% on top of that, we're paying.

Mrs. Moore stated we're paying the 3% on their behalf.

Mayor Via stated, okay.

Commissioner Danio stated so, it's going to cost them an extra \$650 just to use a card.

Commissioner Penny stated, write a check.

Mrs. Moore stated or bank draft.

Commissioner Currie stated yes, she pays through my online banking.

Mayor Via stated when he looks at this, he looks at \$154,000 that could be recoverable but at the same time, he's not on auto draft like you guys, he thinks...did you just say you're...

Commissioner Currie stated no, she pays every month through my bank.

Mayor Via stated, me too. He's paycheck to paycheck, it's no secret. Any fee on that amount...

Commissioner Currie stated there's no fee on what she does.

Mayor Via stated correct, on bank draft. He's just saying for bank draft, for him, he budgets everything each time, and he doesn't have an automatic withdrawal for his water bill. He as to make sure everything's in line and he knows that's how a lot of our citizens are.

Commissioner Penny stated but you're not getting fee for that.

Mayor Via stated no, currently he's not but if this goes through he would.

Commissioner Penny stated, no. Only if you're paying with your credit card.

Commissioner Currie stated if you're paying through your bank...

Mayor Via stated and I'm paying through my debit card.

Commissioner Currie stated oh, no. I'm doing my online banking paying my bills.

Mayor Via stated maybe we come at this from a different standpoint. If the bill is \$55,000 for Marina Grande, maybe can we look at a differentiation between that? He means, the city is paying a lot of money for them to be able to pay that. Let him get the third question out. Is it easier for staff for a customer to pay online instead of at City Hall for Mrs. Moore's staff? Is it easier for our staff if a customer pays online or comes in and stands in line?

Mrs. Moore stated it's easier if they pay online because there is no entry involved in our staff, for our staff to do.

Mayor Via stated and the point to that is, when we talk about a convenience fee, I think it's a convenience to the city to be able to have this paid online. If you take a thousand people a month that are paying on debit card or however many probably more than that, and they come in to pay here, that's going to be a lot harder on staff than what this is. He understands convenience fee can mean you can sit at home and do it. They can see where he's going with this. He would like to take out the 3% out of the fee schedule, and that's where he's headed with this.

Mr. Forte asked if he could negotiate with the Mayor?

Mayor Via stated, yes.

Mr. Forte stated when I bought a car one time they said they'll only do a credit card on the first \$5,000 and I don't know if it's possible and I don't want anybody to commit to this but what if we said there's no credit card fee for the first \$200 of a bill and everything over that you pay the fee? Now, if that's a disaster set up in the system, which it may be...

Mayor Via stated that's not a bad idea.

Commissioner Currie stated so, in other words, if we charge this 3% the monies that are currently being spent, \$155,000, we could actually get one or two more employees in there to help for that kind of money. She understands what they're saying, it's a convenience for the city but it's also a convenience for the end-user. She chooses not to pay and not use my debit card. Instead she goes through her bank and pay it. They can drop it off outside in a check or a money order form. There's plenty of ways they can pay their bill without paying the fee but because they are also receiving the convenience of sitting at home and paying their bill or sitting at work and paying their bill, she doesn't think the 3% is too unrealistic because the city, citizens that may pay their bill in a free way, are basically footing the bill for \$155,000 for these convenience fees of other people that are choosing to utilize that way.

Mayor Via stated just one more thing on the fee schedule is, he just wanted to make it a point that with the lien fee search that we are still under, by increasing this, we are still

under the State average of \$85 but our fee is going from \$25 to \$75.

Mr. Forte stated that's a different item.

Mayor Via stated that's in the fee schedule as well Mr. Forte, and it's also in the next item.

Mr. Forte stated oh, yes. It's in the Resolution but it's in the orange data item.

Mayor Via stated, yes but specifically, he's speaking to the fee not the contract with the outside company but to address that, we are going to be saving staff time. There's 440 lien searches this year that happened and brought in about \$11,000, so by increasing this we should probably bring in an extra \$15,000. He just wanted to make sure that everyone's aware that the bank will be paying this fee but we are still under the State average. He appreciates staff listening to that as well.

Mayor Via opened public participation. No one spoke.

Mayor Via stated for the record, he will be voting no because of that not because of the other items. *(He was voting no based on the increase or implementation of the credit card transaction or convenience fee charged to consumers.)*

(The entirety of this item and meeting is available on CD upon request in the City Clerk's Office or available online on the City's YouTube channel).

RESULT:	ADOPTED [4 TO 1]
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Penny, Currie, Danio, Johnson
NAYS:	Via

RESOLUTION

2023-R-83

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

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, UPDATING 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 and on October 10, 2023 the fee schedule was updated for food trucks and body worn camera video fees.

4. Fee increases for Building and Permits, and Finance are proposed.

5. 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 January 1, 2024.

APPROVED AND AUTHENTICATED on this 12th day of DECEMBER, 2023.

Enacted and approved this 12th day of December, 2023, in Holly Hill



3.

PropLogix, LLC D/B/A Orange Data Systems Third Party Lien Search Provider
(Requested by Michele Moore, Finance)

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 12th day of December, 2023, in Holly Hill



6. PUBLIC HEARINGS

1. -2023-O-3067 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

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

Mayor Via opened public participation. No one spoke.

RESULT:	ADOPTED AT 2ND READING [4 TO 1]
MOVER:	John Penny, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Johnson
NAYS:	Danio

ORDINANCE

2023-O-3067

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION 114-904 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION 114-904 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that food service from mobile food vehicles has become a popular food service venue; and

WHEREAS, mobile food vehicles can be a source of business development and

provide dining options for residents and visitors; and

WHEREAS, the City Commission desires to clearly define mobile food vehicles, mobile food vendors, and related terms, and adopt regulations addressing their allowed operations within the city; and

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food vendors protecting and promoting the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by properly regulating the location and operation of mobile food vehicles.

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

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. That the entire language of Section 114-904 is repealed and replaced with the following:

Sec. 114-904. Mobile food vehicle and vendor regulations.

(a) *Definitions.*

Catering is the business of providing food for a private event, as a professional service, for a fee.

Commissary is a licensed or permitted food service establishment that provides required services to a mobile food vehicle (MFV). A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption. A commissary provides the necessary support for the MFV to operate in a safe and sanitary manner.

Hosting site is the property upon which a mobile food vehicle is parked and operating.

Hosting site property owner is the owner of the property upon which the mobile food vehicle is located and operating.

Mobile food vehicle is a truck, or van, including an enclosed food concession trailer, but excluding food carts and kiosk, that are approved to vend food and non-alcoholic beverage products and are classified as follows:

- (1) *Class I-Mobile kitchens.* In addition to the vending of products allowed for class II and class III mobile food vehicles, these vehicles may cook, prepare and assemble food items in the unit and serve a full menu. Such vehicles may have a relationship with a commissary.
- (2) *Class II-Canteen trucks.* These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of

foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations.

- (3) *Class III-Ice cream trucks.* These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages. These vehicles operate exclusively within public rights of way and do not park or stand at one location except when approved to do so as part of a special event.

Mobile food vehicle rally is where two or more mobile vehicles congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors. These events must receive a special event permit, or they can be approved as part of a city sponsored event.

Mobile food vendor is a person who prepares, dispenses, or otherwise sells food from a mobile food vehicle.

(b) *Licensing and permitting requirements.*

- (1) Prior to setting up at a location, a Class I or II mobile food vendor must provide the following to the city:
 - a. A copy of the mobile food dispensing vehicle license from the Florida Division of Hotels and Restaurants.
 - b. A completed indemnification statement for city files. To be updated annually.
 - c. A copy of the city approved permit from the property owner, or authorized tenant, to operate at the proposed location.
 - d. Evidence that the vehicle has passed any safety inspections required by the state, county or city.
- (2) Mobile food vehicles must be inspected by the city's fire marshal or fire chief or their designee, and comply with all city safety regulations.
- (3) The mobile food vendor must permanently display to the public in a clearly visible area, their license from the Florida Division of Hotels and Restaurants.
- (4) The hosting site property owner, or authorized tenant, shall obtain a permit from the city at least five days prior to hosting the mobile food vendor. The permit application shall be on a form issued by the city and contain at a minimum the following information:
 - a. Location address
 - b. A signed indemnification statement.
 - c. A sketch plan showing the subject property and the proposed location of the mobile food vehicle.
 - d. Owner contact information.
 - e. Vendor contact information.
 - f. License from the Florida Division of Hotels and Restaurants.

- (5) The hosting site property owner shall pay a fee as established by the city commission. All permits expire on September 29th of each year and must be renewed.
- (6) The hosting site property owner must have an active business tax receipt.
- (c) *Prohibitions and restrictions.*
 - (1) It is prohibited and unlawful for a mobile food vendor to create a nuisance condition to include, but not be limited to, loud noises, shouting or amplified music or sound. Any noise generated shall comply with the city's standard noise ordinance.
 - (2) The mobile food vendor shall not cause or allow any grease or liquid wastes used in the operation to be discharged from the mobile food vehicle.
 - (3) The mobile food vendor shall not sell anything other than food and non-alcoholic beverages.
 - (4) The hosting site property owner, tenant, and mobile food vendor, must not conduct business in such a manner that would restrict or interfere with proper ingress and egress for vehicles and pedestrians or constitute a traffic hazard.
 - (5) Except with permission of the city and as otherwise stated, mobile food vendors may not operate between the hours of 1:00 a.m. and 7:00 a.m.
 - (6) Overnight parking of mobile food vehicles on the hosting site or sidewalk is prohibited. Overnight parking and storage of the mobile food vehicle shall follow all applicable laws and regulations.
 - (7) A mobile food vehicle may not be located on private property upon which uncorrected code violations exist, or where there exist unpaid fines, fees or citations, or which is under citation for code violations.
 - (8) No mobile food vehicle may be located on a vacant lot, provided however this restriction shall not apply to an approved mobile food vehicle rally, also known as food truck courts or truck rallies, approved as a special event.
 - (9) Mobile food vehicles are not allowed in residential areas or the residential portion of a mixed-use PUD. This restriction shall not apply when the mobile food vendor is hired to cater a private event in a residential zone.
 - (10) The mobile food vehicle, or its seating areas, may not disrupt parking area operation. Mobile food vehicles may not be located in landscaped areas, right-of-way or designated public safety lanes.
 - (11) The same address, site or overall property, is prohibited from hosting a mobile food vehicle for more than four days in any calendar week, meaning Sunday through Saturday. Food truck operations approved as part of a city-sponsored special event or under a special event permit will not count against the day limitations of this section. A multiple tenant location is considered one property for purposes of this code provision.
 - (12) A hosting site property owner shall not permit a mobile food vehicle that does not meet all of the requirements of this section, to operate on property they own, nor shall they allow a mobile food vendor to set up on property they own without first having obtained a permit.
 - (13) A site may not host a mobile food vehicle for more than four hours on any permitted calendar day except:

- a) When a special event permit has been issued for the site that provides different hours of operations;
 - b) If a permitted date is a Saturday or Sunday, on only one of those dates, the hours of operation can be between 8:00 AM and 11:00 PM;
 - c) If a licensed food establishment owns and operates a mobile food vehicle on the same site as the licensed food establishment, the mobile food vendor can be operated during the same hours of operation as the licensed food establishment.
 - d) As otherwise provided in the City's regulations.
- (d) *Operating requirements.*
- (1) *Zoning requirements.* Except as otherwise stated in the previous section, the property on which the mobile food vehicle and vendor propose to locate, must be business, commercial, or industrially zoned. If the property is zoned as a PUD, the mobile food vehicle shall be located only in the nonresidential portion of the PUD. Churches and civic organizations in residential areas may host a mobile food vendor by obtaining a special event permit.
 - (2) Mobile food vending is an accessory use and shall only be allowed on properties that are developed with active permitted uses.
 - (3) Mobile food vehicles shall be equipped with a suitable trash container readily accessible to the public, in which the mobile food vendor's customers may deposit any litter, trash or waste. Prior to moving a mobile food vehicle from a sales location, the mobile food vendor shall pick up and remove all litter, trash and waste related to the mobile vendor's sales and within an area encompassing a radius of 50 feet from the sales area.
 - (4) Property owners hosting a mobile food vendor for more than one hour must provide readily accessible restroom facilities.
 - (5) All mobile food vehicles must park on a hard-stabilized surface such as a paved or asphalt surface.
 - (6) Signage on the mobile food vehicle must be mounted flat against the vehicle and cannot project from the vehicle. However, the mobile food vendor shall be permitted to place one sign, not to exceed six square feet on the subject property where the mobile food vendor is conducting business.
 - (7) All exterior body work of any mobile food vehicle, shall be maintained in good and clean condition and free of substantial scratches, chips, rust, dents, abrasions, or excessive wear or damage, as determined by the city.
 - (8) A mobile food vendor may not locate on any property that abuts a property with an active restaurant except with the written approval of the restaurant owner.
 - (9) Mobile food vehicles must be self-contained when operating including all utilities, power, water, and cooking fuel sources. Class I mobile food vendors must be associated with a commissary if available.

- (e) *Enforcement.* Failure of a hosting site property owner or tenant, to comply with the provisions of this section shall be grounds for denial or revocation of a permit. Violations of these regulations, including operating without a permit, or allowing a mobile food vendor to operate without a mobile food vendor certificate, shall be grounds to bring code enforcement action against the hosting property owner or tenant or both. Upon imposition of a mobile food vendor's third offense, the mobile food vendor will not be permitted to operate within the city for a period of 90 days. The special magistrate will have jurisdiction to enforce these provisions pursuant to F.S. Ch. 162, and any person determined to be in violation will be subject to penalties and remedies available as provided by law.

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 part 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 12th day of DECEMBER, 2023 for second and final reading.

Enacted and approved this 12th day of December, 2023, in Holly Hill



2.

817 Magnolia Avenue Side Setback Variance Request

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

There was some discussion amongst the Mayor, City Commissioners, Attorney Simpson, staff and Donnie Moore who was representing the applicant who was present during the meeting. Mr. Moore came forward and presented the request of the applicant, Mr. Carlos Barbecho and answered any questions and/or concerns that the Mayor and Commissioners may have.

Mayor Via asked if there were any ex-parte communications with the applicant. The following was disclosed for public record purposes:

Mayor Via stated he spoke with Mr. Moore today, a couple hours ago, just very briefly. Mr. Moore called him a couple times. He called him back today. Very brief conversation and told Mr. Moore his mind would be made up here.

Commissioner Penny stated he met Mr. Moore at the site so he could see it in person.

Commissioner Johnson stated he met with Mr. Moore and looked at the property as well. His only question was, that you, Mayor, already asked, does any neighbor have any complaints.

Commissioner Currie stated Mr. Moore contacted her today. She met with him, at his request, at the site, 817 Magnolia. We really didn't have a lot of conversation about it. It was Mr. Moore just wanting me to come out and look at the site.

Commissioner Danio stated the last time he saw Mr. Moore was when he fed him but there was no discussion about this item.

Mayor Via opened public participation. No one spoke.

(The entirety of this item and meeting is available on CD upon request in the City Clerk's Office or available online on the City's YouTube channel).

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

Enacted and approved this 12th day of December, 2023, in Holly Hill



7. COMMUNICATIONS

A. City Manager Comments

Mr. Forte reminded the Mayor and Commissioners about selecting a Citizen of the Year 2023; January 3, 2024 at 1:00 PM will be the groundbreaking ceremony for the new fire station; there was a **"no" consensus** that variance requests be at staff level for approval (the Mayor and Commissioners want them to continue coming before them).

Mr. Forte briefly discussed the Waste Pro contract with the Mayor and City Commissioners at this time. There was **consensus** to hold a workshop in January 2024 to further discuss it. **(The entirety of this discussion item and meeting is available on CD upon request in the City Clerk's Office or available online on the City's YouTube channel).**

B. City Attorney Comments

Attorney Simpson reminded the Mayor and Commissioners about the annual Christmas party Saturday night and wished everyone a Merry Christmas and Happy New Year.

C. City Commission Comments

The Commissioners wished everyone a Merry Christmas and a Happy New Year.

Commissioner Penny briefly discussed Pickleball parking; the Holiday Arts Festival that was at Sunrise Park; shared the outcome of the Community Christmas Club and how they were able to fill 950 boxes with food; great turnout for the community.

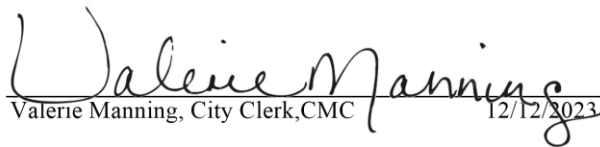
Commissioner Johnson mentioned that there is a TPO meeting tomorrow; last one for the year.

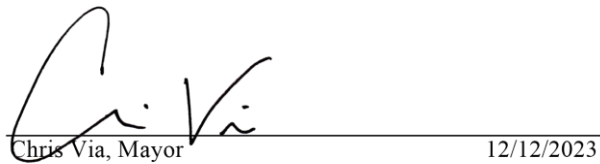
D. Mayor's Comments

Discussion for Business of the Year 2023 - Carmen Ruiz from Fast Signs and the Mayor's choice for Citizen of the Year 2023 would be Leslie Graham. It was asked for the Commissioners to bring their nominees to the first meeting in January 2024 so they can select someone. Movies with A Cop was great with the movie Elf showing; it was nice before the bad weather came.

8. ADJOURNMENT

The meeting adjourned at approximately 9:00 PM.


Valerie Manning, City Clerk, CMC 12/12/2023


Chris Via, Mayor 12/12/2023