



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • MARCH 28, 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 Penny

Commissioner Penny led the invocation.

c. Pledge of Allegiance

Mayor Via led the pledge of allegiance to the flag.

2. PRESENTATION

1.

FY2022 Annual Comprehensive Financial Report Presentation Presented by James Halleran, James Moore & Co., CPAs.

(Requested by Susan Lincoln, Finance)

The annual audit for 2022 was presented to the Mayor and City Commissioners by James Halleran, CPA from James Moore and Co., Accountants.

RESULT: NO VOTE NEEDED



3. PUBLIC COMMENTS

The following individual spoke to the Mayor and City Commissioners:

Jim Legary, Holly Hill.

4. APPROVAL OF MINUTES

1.

Minutes - March 14, 2023 Offsite Workshop at Sunrise Park North and March 14, 2023 Regular City Commission and CRA 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 28th day of March, 2023, in Holly Hill



5. **CONSENT AGENDA - ITEMS (1 - 4)**

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

Dawn Bolin, Holly Hill spoke on Consent Agenda Item #1, Resolution 2023-R-22 and Consent Agenda Item #3, Addendum to the Non-Ad Valorem Assessments Agreement.

Jim Legary, Holly Hill spoke on Consent Agenda Item #3, Addendum to the Non-Ad Valorem Assessments Agreement.

1. **-2023-R-22 Resolution**

A Resolution of the City of Holly Hill, Florida, Establishing Maximum Charges for Nonconsensual Tows, Including Trespass Tows and Storage Rates; Providing for Severability; Providing for Conflicting Resolutions; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

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

RESOLUTION

2023-R-22

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING MAXIMUM CHARGES FOR NONCONSENSUAL TOWS, INCLUDING TRESPASS TOWS AND STORAGE RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL,

FLORIDA, ESTABLISHING MAXIMUM CHARGES FOR NONCONSENSUAL TOWS, INCLUDING TRESPASS TOWS AND STORAGE RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, strikethroughs are removing language.

SECTION 1. The City Commission of the City of Holly Hill hereby adopts the following rates and charges for nonconsensual tows, including trespass tows, storage and no parking signs.

(a) The maximum rates for towing a vehicle when the point of origin of the tow is within the City limits of the City or for the storage of a non-consensually towed vehicle, including trespass tows, regardless of where the tow originated shall be as follows:

1. **Class A vehicles**

Towing of vehicles with a gross vehicle weight rating of up to and including

9,999 pounds ~~or a vehicle carrying a vessel 15 feet or less in length~~

~~\$75.00~~

a. ~~Trespass Tow (flat rate)~~

~~\$125.00~~

b. ~~Nonconsensual tow~~
~~\$125.00~~

c. ~~Nonconsensual tow, per mile over initial~~
~~ten miles, per full extra mile~~

~~\$3.00~~

d. ~~Nonconsensual tow, time beyond initial~~

~~30 minutes at scene, 15-minute block~~

~~\$25.00~~

e. ~~Trespass or nonconsensual tow daily~~

~~storage per day, inside storage~~

~~\$25.00~~

f. ~~Immobilization~~

~~\$75.00~~

g. ~~Outside storage, per day~~

~~\$20.00~~

~~Maximum daily storage (after 12 hours)~~

~~\$ 20.00~~

2. **Class B Vehicles**

Towing of vehicles with a gross

vehicle weight rating of more than
9,999 pounds and up to and including
19,500 or a vehicle carrying a vessel more than
15 feet, but less than 22 feet in length):
~~\$200.00~~

~~Maximum daily storage (after 12 hours) ————— \$30.00~~

- a. Trespass tow (flat rate) \$250.00
- b. Nonconsensual tow \$250.00
- c. Nonconsensual tow, per mile over initial
ten miles, per full extra mile \$4.00
- d. Nonconsensual tow, time beyond initial
30 minutes at scene, per 15-minute block \$50.00
- e. Trespass or nonconsensual tow daily storage
per day, inside storage \$30.00
- f. Immobilization \$75.00
- g. Outside storage, per day \$25.00

3. Class C Vehicles

Towing of vehicles with a gross
vehicle weight of more than 19,500
pounds but less than 25,000 GVWR
(which are upright and in a towable
condition) or a vehicle carrying a vessel more than 22
feet in length \$300.00

~~Maximum daily storage (after 12 hours) ————— \$ 60.00~~

~~Towing of vehicles with a GVWR of
over 25,000 pounds (which are upright
and in a towable condition) ————— \$400.00~~

~~Maximum daily storage (after 12 hours) ————— \$60.00~~

- a. Trespass tow (flat rate) \$375.00
- b. Nonconsensual tow \$375.00
- c. Nonconsensual tow, per mile over initial
ten miles, per full extra mile \$5.00
- d. Nonconsensual tow, time beyond initial 30

- minutes at scene, per 15-minute block \$75.00
- e. Trespass or nonconsensual tow daily storage
per day, inside storage \$60.00
- f. Outside storage, per day \$55.00
- 4. Class D vehicles (gross vehicle weight rating at more than 25,000 pounds):
 - a. Trespass tow (flat rate) \$500.00
 - b. Nonconsensual tow \$500.00
 - c. Nonconsensual tow, per mile over initial ten
miles, per full extra mile \$6.00
 - d. Nonconsensual tow, time beyond initial 30
minutes at scene, per 15-minute block
\$100.00
 - e. Trespass or nonconsensual tow daily storage
per day, inside storage \$60.00
 - f. Outside storage, per day \$55.00
- (b) An additional daily storage fee, as set forth above, may be charged for any vessel, trailer or other mobile item, whether motorized or not, which is mounted on wheels and attached to a towed vehicle.
- ~~(b)~~ (c) The maximum rates established in Section 1, subsection paragraph (a) above shall be a flat fee that shall be all-inclusive and, by way of illustration, no additional charges shall be made for:
 - (1) Any fees for special equipment or services such as double hook-up, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, dollies, trailer or flat bed, lifts, slim jims, go jacks, removing bumpers, airing up brakes, and mileage;
 - (2) Time spent at the scene of the tow; ~~other than those specified in the rate schedule;~~
 - (3) Release fees ~~regardless of the time of day;~~ during normal business hours (Monday - Friday, 8:00 am - 6:00 pm).
 - ~~(4) Storage for the first 12 hours.~~
 - (4) Access fees to allow the owner or the owner's representative to remove personal property or examine the vehicle;
 - (5) Yard fees, set-out fees, or gate fees for allowing the owner or any tow company designated by the owner or his insurance company to take custody of and remove the vehicle from the impound area;
 - (6) Fuel surcharge fees;
 - (7) Storage for the first six (6) hours.
- (d) No other fees of whatever kind may be charged for services rendered during the

first 12 hours that the vehicle is in the possession of the wrecker, beginning from the time the vehicle is delivered to the storage facility, except as specifically provided herein. Storage fees as set forth above may be assessed after the initial 12 hour period based on twenty-four (24) hour increments and not on calendar days. ~~An administrative fee not to exceed \$35.00 may be charged after the first forty-eight (48) hours so long as the wrecker has actually complied with the requirements of Section 713.78, Florida Statutes, including execution and mailing of the lien notice.~~ An administrative fee for compliance with statutory notice requirements may be charged after the first 48 hours so long as the wrecker service has actually complied with the requirements of F.S. § 713.78, including execution and mailing of the lien notice. The fee must be based on actual costs for such compliance. Further, a "tarpaulin fee" in the amount of \$15.00 may be assessed when the towing service reasonably finds it necessary to install and maintain tarpaulin coverage on any class A stored vehicle in order to protect the interior accessories or upholstery of such vehicle from damage by inclement weather. Tarpaulin fees for coverage of any other class vehicle must be reasonable and based on actual costs.

- (e) An after-hours (Monday-Friday, 6:00 p.m.-8:00 a.m., Saturday and Sunday and national holidays) release fee not to exceed \$35.00 may be charged.

~~(d)~~ (f) Prior to commencement of a tow, if a wrecker is hooked to a vehicle when the owner arrives, a "hook-up" fee not to exceed \$25.00 may be charged. For purposes of this resolution, a tow commences when a vehicle has been removed from the tow site and is en route to a storage site.

~~(e)~~ (g) No fee shall be charged by a wrecker to an owner who arrives at his/her vehicle prior to "hook-up" of the vehicle. The definition of "hook up" is the attachment of a towing device or equipment to a vehicle prior to the commencement of the tow.

~~(f)~~ (h) The initial application/permit fee for a No Parking sign shall be twenty five dollars (\$25.00). The annual inspection fee for a No Parking sign shall be five dollars (\$5.00) and shall be due on October 1 of each year.

~~(g)~~ (i) The maximum fees set forth herein may be changed from time to time by a resolution adopted by the City Commission.

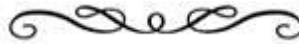
SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all resolutions made in conflict with this Resolution are hereby repealed.

SECTION 4. That this Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 28th day of MARCH, 2023.

Enacted and approved this 28th day of March, 2023, in Holly Hill



2. -DOC-2023-3

Pitney Bowes Renewal Contract - New Sendpro C425 Series Digital Mailing System
(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 28th day of March, 2023, in Holly Hill



3.

Addendum to the Non-Ad Valorem Assessments (NAVA) Agreement with the Volusia County Property Appraiser

(Requested by Valerie Manning, City Clerk)

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 28th day of March, 2023, in Holly Hill



4.

Memorandum of Understanding (MOU) for Participation in the FINDER Data Sharing Network (Florida - Region 5)

(Requested by Jeff Miller, Police)

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



6. REGULAR AGENDA

1.

Request for Lien Reduction - 1684 Ridgewood Avenue

(Requested by Joseph Forte, City Manager)

Commissioner Currie made a motion to **APPROVE** reducing the lien from \$1,404,600.00 to the amount of **\$5,000.00**. If the initial payment of \$5,000.00 is not received by 5:00 PM on September 29, 2023, the full amount of the lien shall remain in place without an option to reduce the fine in the future, seconded by Commissioner Johnson.

PASSED, 3-2. (Commissioners Penny and Danio voted NAY)

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 28th day of March, 2023, in Holly Hill



7. **PUBLIC HEARINGS - NONE**

8. **COMMUNICATIONS**

A. City Manager Comments

Mr. Forte asked the Mayor and Commissioners if they were okay with filing a Quit Claim Deed for the fire station relocation; currently its listed as the CRA and we just want to update and change the name of the parcels to City of Holly Hill. There was **consensus** from the Commission to do so. Mr. Forte showed the Mayor and Commissioners what the new “Welcome To Holly Hill” banner would like for any events that takes place within Holly Hill that we don’t have a banner for. This could be put up welcoming everyone coming through or staying in town. They were okay with the banner.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Penny mentioned that he went over to the HHK-8 school last week and helped paint the cafeteria for the school kids; briefly mentioned the Resolution for Pictona that was emailed to all of the Commissioners regarding a policy for marketing purposes for Pictona; this past weekend event at Pictona was great, another great turnout.

Commissioner Currie agreed that the event last weekend was great and the energy from the people in attendance was great; had an opportunity to speak to some of the athletes; likes the banner idea as well but suggested possibly painting the “Welcome To Holly Hill” on the building/wall where the camera shows/points in the direction when the tournaments are taking place; lots of good comments again and the announcer did a good

job announcing “Holly Hill” more often; mentioned receiving the Resolution as well for Pictona.

Commissioner Danio mentioned the Resolution and didn’t want to give the impression of the city strong-arming anyone; felt that it may be too much.

Commissioner Johnson reminded everyone about the ribbon cutting for his Volusia Sports Center on Friday at 4:00 PM and then the celebration on Saturday from 10:00 AM - 2:00 PM; mentioned the TPO meeting and LPGA Blvd.

There was consensus from the Mayor and Commissioners for Mr. Forte to speak with the Rainer’s about the marketing concerns that they all share and then have a workshop together with them and their marketing team.

D. Mayor's Comments

Mayor Via gave a brief update on the city’s appropriations and it looks like two of their three appropriations are looking to be funded and we had a surprise over the weekend of a new appropriation coming up and being put on the books and that’s the sewer service extension. That came up and I believe it came out of the Senate and then the House matched it and so it’s in both budgets. That’s a really good sign that it’s matched. For the Fire Station, we have allocated \$1.25 million in appropriation from the House and \$0.00 in the Senate and I don’t know the explanation why the Senate wasn’t done but since Chairman Leek is the Appropriations Chair in the House, apparently it may be an negotiation tactic by the Senate to try and get some of their stuff funded. Mayor Via stated he still has a lot of faith that it will be funded. He knows it’s a top priority for our sponsor Representative Chase Tramont, as well as, our Representative Tom Leek, who is the head of appropriations. That’s a good sign and he believes we’re still moving in a positive direction on that. If he hears anything more, he will let them know. Mayor Via mentioned the 20th Annual Easter Egg event taking place this coming Saturday, April 1 from 10:00 AM - 12:00 PM; afterwards is the April Pools Day party at the YMCA from 11:00 AM - 1:00 AM; free swimming lessons for the kids; he was contacted by a couple of the teachers from the HHK-8 School and they have been trying to plan a field trip to St. Augustine for the 4th Grade Class and there are 86 students. Unfortunately, they haven’t been able to raise enough money. They are approximately \$750 short and they are wondering if there are any people or way that could help. He wanted to mention it to the Commission in case they know of any businesses that could help and look for an opportunity to support the 4th graders to go on this trip. Mayor Via shared his concerns as it pertains to the marketing, advertising of Holly Hill during the tournaments that are taking place at Pictona. He is in agreement with Mr. Forte speaking with the Rainer’s and their marketing team to get some information, some ideas on how to make it better. Then after that, he is fine with having a workshop with them and let them all come together.

9. **ADJOURNMENT**

The meeting adjourned at approximately 7:30 PM.


Valerie Manning, City Clerk, CMC 3/28/2023


Chris Via, Mayor 3/28/2023