



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • AUGUST 27, 2024

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	Absent	
John C. Danio	District 3 - Commissioner	Present	
Roy Johnson	District 4 - Commissioner	Present	

b. Invocation by Mayor Chris Via Mayor Via led the invocation.

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

2. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners:

Gabriel Varga, Ormond Beach; Dawn Bolin, Holly Hill; and Christina Bolin, Holly Hill.

3. APPROVAL OF MINUTES

1.

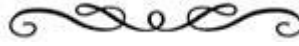
Minutes - August 13, 2024 Regular City Commission Meeting and Election Minutes - August 20, 2024 General Election

(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
ABSENT:	Currie

Enacted and approved this 27th day of August, 2024, in Holly Hill

**4. CONSENT AGENDA - ITEMS (1 - 3)**

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

1. -2024-R-56 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the Mayor and City Manager to Enter into an Agreement with Volusia County Regarding Transportation Impact Coordination; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)

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

RESOLUTION**2024-R-56**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH VOLUSIA COUNTY REGARDING TRANSPORTATION IMPACT COORDINATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH VOLUSIA COUNTY REGARDING TRANSPORTATION IMPACT COORDINATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Volusia County established a county-wide transportation thoroughfare road impact fee pursuant to its home rule authority, establishing common law regarding the creation and imposition of impact fees, and section 163.31801, Fla. Stat.; and

WHEREAS, the county-wide thoroughfare road system consists of all state roadways and any roadway that designated and shown on the Thoroughfare Road Map (Figure 2-1) contained in the Transportation Element of the Comprehensive Plan, connects municipalities and regions of the County and is an important component for the County and the Cities; and

WHEREAS, the County and Cities have coordinated on the imposition and

collection of thoroughfare road impact fees; and

WHEREAS, currently Volusia County collects the thoroughfare road impact fees for developments in municipal areas that impact the County thoroughfare road system; and

WHEREAS, Section 70-75 (b) of the Code of Ordinances, County of Volusia, requires that no county or municipal certificate of occupancy, local business tax receipt, or use permit, or any activity requiring payment of an impact fee shall be issued unless and until the thoroughfare road impact fee ("impact fee") has been paid; and

WHEREAS, CS/HB 479 (2024) creates a new paragraph j in section 163.3180(5), Fla. Stat., that require the entity issuing the building permit to collect the impact fees; and

WHEREAS, new subparagraph 163.3180(5)(j)(4) provides that the new paragraph j does not apply to a county or municipality that has entered into an existing interlocal agreement as of October 1, 2024, to coordinate the mitigation of transportation impacts; and

WHEREAS, the purpose of this interlocal agreement is to continue the existing system of the collection and enforcement of county wide transportation impact fees as well as to not modify the existing system for transportation concurrency for County thoroughfare roads.

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

SECTION 1. That the City Commission Approve the Interlocal Agreement Regarding Transportation Impact Coordination Between Volusia County and the City of Holly Hill.

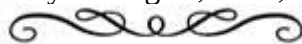
SECTION 2. That the Mayor and City Manager are authorized to execute said contract with Volusia County.

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 27th day of AUGUST, 2024.

Enacted and approved this 27th day of August, 2024, in Holly Hill



2. -2024-R-57 Resolution

A Resolution of the City of Holly Hill, Florida, Approving the Piggy-Back of the Toho Water Authority Agreement with A.C. Schultes for Maintenance and Repair Services for Water Supply Wells and Pumps at a Cost of \$58,684.07; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION

2024-R-57

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGY-BACK OF THE TOHO WATER AUTHORITY AGREEMENT WITH A.C. SCHULTES FOR MAINTENANCE AND REPAIR SERVICES FOR WATER SUPPLY WELLS AND PUMPS AT A COST OF \$58,684.07; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGY-BACK OF THE TOHO WATER AUTHORITY AGREEMENT WITH A.C. SCHULTES FOR MAINTENANCE AND REPAIR SERVICES FOR WATER SUPPLY WELLS AND PUMPS AT A COST OF \$63,445.16; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT ORDERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 287, Florida Statutes, grants the authority to piggy-back the purchase of goods and services as a form inter-governmental cooperative purchasing in which a public purchaser requests competitive sealed bids, enters into a contract, and arranges, as part of the contract, for other public purchasing units to purchase from the selected vendor under the same terms and conditions as itself in order to take advantage of the better pricing that large purchasers are able to obtain in order to reduce administrative time and costs involved in the procurement process (i.e., cost of preparing bid specifications, advertising, etc.); and

WHEREAS, pursuant to the City's purchasing policy, "piggy-back" contracts are allowed for existing government contracts; and

WHEREAS, the City has determined that in this circumstance piggy-backing onto an agreement entered into by Toho Water Authority, is the most economically advantageous way to procure these goods and services; and

WHEREAS, the City Commission of the City now desires to (i) authorize and approve staff to piggy-back a contract with A. C. Schultes for maintenance and repair services for water supply wells and pumps and (ii) authorize the City Manager to execute

an agreement in the amount of \$63,445.16 for the purchase of this service.

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

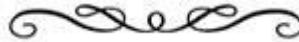
SECTION 1. That the City Commission of the City of Holly Hill approve a piggy-back of the Toho Water Authority contract and authorize the City Manager to execute an agreement for \$ 63,445.16 for maintenance and repair services for water supply well and pumps.

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 27th day of AUGUST, 2024.

Enacted and approved this 27th day of August, 2024, in Holly Hill



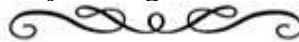
3.

2024-2025 Holiday Calendar

(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
ABSENT:	Currie

Enacted and approved this 27th day of August, 2024, in Holly Hill



5. REGULAR AGENDA

1. -2024-R-58 Resolution

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

(Requested by Michele Moore, Finance)

Mayor Via opened public participation. No one spoke.

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

RESOLUTION**2024-R-58**

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

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

WHEREAS, the City amends its annual budget as changes to the budget occur during the year, the City has amended the current budget for such changes by the following Resolutions; 2023-R-52, adopted an operating budget for Fiscal Year 2023-2024; budget amendments: 2023-R-59, 2023-R-68, 2023-R-69, 2023-R-71, 2024-R-4, 2024-R-9 and 2024-R-34 amended the operating budget for Fiscal Year 2023-2024; and

WHEREAS, this resolution, amending the budget, is to account for additional revenue from the Edward Byrne Memorial Justice Assistance Grant Program (JAGD) with an adjustment of \$2,577 revenues and expenditures in total pursuant to itemizations contained in Exhibit "A", which is attached hereto and incorporated herein; and

WHEREAS, the budget adjustments will allow the City of Holly Hill to adjust the Fiscal Year 2023-2024 budget.

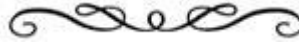
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. Amended Budget: The City Commission of the City of Holly Hill amends the Fiscal Year 2023-2024 budget by revising the budget in total pursuant to itemizations contained in Exhibit "A", which is attached hereto and incorporated herein.

SECTION 2. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 27th day of AUGUST, 2024.

Enacted and approved this 27th day of August, 2024, in Holly Hill



2.

Request for Code Enforcement Lien Reduction - 135 Walker Street

(Requested by Joseph Forte, City Manager)

The City has received a request for a Reduction of Code Enforcement Lien placed on the real property located at 135 Walker Street, Parcel # 424250020072. The original owner was Lorreen Sheldon and is now with Great Equity, LLC. Mr. Bobby Ellison is under contract with Greater Equity, LLC who is the assignor via an Assignment of Residential Purchase Contract with a closing date no later than August 31, 2024.

The code violation had been cited and the case brought to the Special Master on August 17, 2023. A finding of Fact and Conclusion of Law found the property to be in violation of several IPMC codes and city Ordinances that if not remedied, would accumulate fines in the amount of \$50.00 per day per violation plus a \$250.00 Special Master fee. The liens began to accrue and over time have accumulated to \$94,900.00.

The property is not in compliance however, the buyer of the property is entering into an agreement with the City to bring the property into compliance within an agreed upon time frame to have the lien reduced as recommended by the City Manager. Therefore, the property eligible for a lien reduction.

The City has determined a lien reduction in the amount of \$10,480.53 by August 31, 2024 and failure to pay the lien in full by August 31, 2024 will result in the lien remaining on the property subject to the city filing for collection on the lien.

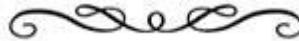
Mayor Via opened public participation.

Jim Legary, Holly Hill.

Mayor Via closed public participation.

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

Enacted and approved this 27th day of August, 2024, in Holly Hill



6. PUBLIC HEARINGS - NONE

7. COMMUNICATIONS

- A. City Manager Comments
None.

B. City Attorney Comments
None.

C. City Commission Comments

Commissioner Penny mentioned that he did mention this to Mr. Forte and Mr. Walker but he mentioned that one of the biggest complaints he gets is Code Enforcement. For example, living next to a house that should be brought into Code Enforcement, he gets complaints and he will ask staff, “Hey, what's going on with, you know, 123 Main Street”, for example, which is not a real place in our city and Code Enforcement will say they've been cited, they went to Special Master”, and they are accumulating \$250 a day forever and then we kind of just let it go and it goes and goes and goes, and it never gets addressed until it turns up to one of these houses like we did on Aniston or some house that we have to condemn. Commissioner Penny stated he thinks there has to be a better mechanism. He would like to see if staff, every six (6) months, would go back and pull all the houses that have liens against them and see the status and then send the owner a letter. Commissioner Penny stated because he believes a lot of these owners are absentee owners that are renting the properties out and these properties may be inherited. He saw one the other day that the father died several years ago and now the son owns it and there's this accumulating lien and maybe they don't know. He will give them the benefit of the doubt but he would like to see a letter sent to every person that has liens against them letting them know that Mr. Smith, in the past six (6) months you have accumulated \$548, in additional liens, how can we help you come into compliance? The answer that is being given to the citizens is that they went to Special Master and they're accumulating fines. He doesn't think it's acceptable. We can't just close that case; it might be more work for our staff but he thinks we need to have some type of mechanism to stay on top of this thing and remind them every six (6) months. Commissioner Penny stated he asked Mr. Forte if that was a possibility and he told Mr. Forte he was going to bring it up tonight at the Commission meeting and see if there's anyone opposed to something like that. He thinks it's something that might help if you live next door to the house you want something done and just to be told, “we've already handled that and when they come into compliance, we will be happy,” but then it gets like that house on Aniston, where you got hoarders there. There's several houses around the city if you just drive around. Actually, he challenges the Commission to walk the city, ride your bike or walk. You will see a lot when you walk our city and then you can report back to staff. “We know about that one; we've known about that one for 10 years, nothing's changed and we can't make him change.” Commissioner Penny stated he doesn't say we have to send him a certified letter because that's more expense, just send him a letter with a stamp on it send it to him. Mr. Forte said that he thought with the new software, it would be easy, not easy, but it would be attainable to do. Commissioner Penny stated he noticed that the city's retention ponds look terrible. He doesn't know if it's the heat that's growing the algae and stuff but if you drive down Nova Road, those two or three retention ponds on the east side of Nova Road, they're terrible. It looks like they need to be raked so he doesn't know if we can pay any attention to that. Commissioner Penny stated he got a call from Lori, one of the City Commissioners in Ormond Beach today, and he thinks she said she's going to meet with Mayor Via about undergrounding. She had some questions but I'm her mentor through the Volusia League of Cities, for newly elected people, they can reach out to someone that has more tenure in the seat and we talked about some issues. She brought up the

Rails to Trails issue where our bike path, some consider it a trail, some consider a bike path, some consider it a sidewalk, but the goal would be to have connectivity all along the east coast. We, as a Commission, brought it up several years ago as a city and we're told that we needed to have cooperation from a neighboring city it and it had to be a multi-jurisdictional project. If you ride the bike path on the Halifax River it stops, it doesn't go all the way to Granada and so the goal would be to get it to the Granada, go over the bridge and then go up to Flagler on A-1-A, the trail goes on there but so there's a broken piece and she said that was one of her goals. She was just recently reelected without opposition. She told him that if our staff and their staff could get together, that there might be more cooperation than there was in the past. He thought that was interesting to hear. Commissioner Penny mentioned the upcoming golf tournament. We're sold out. There's a waiting list for the golf tournament. All the major sponsors have been sold and we have 112 field with eight people on the waiting list already. It should be a successful fundraiser. Commissioner Penny stated one last thing, and he isn't sure what we can do about this or how we can accomplish it but he would like staff to look into hiring a Civil Attorney and to send a "Cease and Desist letter" to Gabriel Varga. He believes Mr. Varga is disseminating false and misleading information, which borders on the cause of cyber stalking. If you read the definition of cyber stalking, he believes Mr. Varga is committing cyber stalking towards our city, towards our City Manager. Commissioner Penny stated he doesn't know how far it can go but he would like to research it and see what it can do. He doesn't know that our city attorney can handle that. He would like to hire some outside counsel and look into that but to knowingly spread false and misleading information over and over and over is not acceptable and should be punished. He just doesn't know if he has any support for that.

Mayor Via stated he doesn't mind staff looking into that. His position on it is, he's fine with whatever is said about him and the Commission but he does think that there have been lines crossed here. Mr. Forte, certainly, or any other person that has been targeted, he thinks the way that he has, definitely has their own recourse. He just doesn't know if that's the City Commission's job to do that. He understands he could be outvoted here but that's just my take on it. He's not opposed to what Commissioner Penny is saying and he's glad with gathering those facts.

Commissioner Penny stated and he understands it's a delicate balance in that. There's First Amendment Rights that we have to consider. As an elected official you should be able to take it but as an employee, he doesn't believe they stand to that same commitment. So, he would like to do some research on it. He doesn't know what's available to us. Maybe Attorney Simpson can point us in the right direction but he just doesn't think it's fair that a public employee be rated...

Mayor Via stated and have to continually take it. Yes, I agree. I think we sign up for this when we run for office but our employees, they're doing their job day in and day out and they have a lot of things going on and when information has tried to be shared over and over and it doesn't go anywhere, that's when he thinks the line is crossed.

Commissioner Danio stated he totally agrees.

Commissioner Johnson stated he totally agrees as well.

Mayor Via stated, Commissioner Penny, I think you're asking if there's any opposition for staff to look into what type of options there are and so I don't hear any objection to that or at least I hear consensus on that. If you want to relay that, Mr. Walker, to Mr. Forte when he gets back.

Commissioner Danio shared his disappointment in the low turnout as well for voting. Commissioner Johnson stated it's a national election year, everybody should go out and practice voting and get ready for November. Hears a lot of good things from people about Holly Hill and the positivity he's been hearing and about Pictona. The Volusia Sports Center is at its capacity and doing really well and it's only been open less than two years. Flight Gymnastics is doing well. Commissioner Johnson mentioned LPGA and how much it has outgrown because of the increased traffic. He's hoping the rock climbing business is still moving forward. The RV Holly Hill Park is moving along nicely and will increase the traffic as well.

Mayor Via mentioned that Mr. Forte, Mr. Walker and himself met with some people from FDOT and some from the County and Miriam Gabi and it all sounds very positive but it will be long-term process for LPGA and the Florida League of Cities annual conference. Lots of nice things said about Pictona. We are focusing on our city and working with surrounding cities for projects, we all need to work together. We're all helping each other look better.

D. Mayor's Comments

Mayor Via reminded everyone that National Night Out is October 1st here at City Hall. It was well attended last year. The event is from 5:30 PM - 7:30 PM. Mayor Via congratulated Debra Snow for winning the District 1 City Commissioner seat and thanked Arthur Byrnes for running for office. Mayor Via shared his concerns about the overall low turnout for the city's election. Mayor Via encouraged the public to speak, to talk, to the Commissioners and reach out to them. It's hard to hear the public if they don't reach out to us. Mayor Via stated he always encourages everyone, we hear dissenting voices, and he thinks that's the beauty of the First Amendment. The beauty of America is that these people, no matter who they are, can come up and say and disagree with whatever they want but there's a process in place and we all ran on certain things and we're up here doing the best that we can and he thinks that each one of us as a Commission, has held true to our ethics and our moral values and do what we think is best for the city. Now we may not always all agree but that's the beauty of a rainbow. Is the difference of colors. Mayor Via stated his dad always said that to me, so hope he's listening at home, thanks Dad. Mayor Via stated with that being said, he just wants to encourage everybody to get out and vote. As he looks out here in the audience, we just have a few members here that could hear us. Hopefully, people are listening at home. Mayor Via stated as he moves off of this dais, he will be out in the community helping and trying to get the word out about things and trying to help the city to continually move forward.

8. **ADJOURNMENT**

The Mayor adjourned the meeting at approximately 7:00 PM.


Valerie Manning, City Clerk, CMC 8/27/2024


Chris Via, Mayor 8/27/2024