CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● OCTOBER 13, 2020

City Commission Chamber	Regular City Commission Meeting	7:00 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.

Domestic Violence Awareness Month

(Requested by Valerie Manning, City Clerk)
Jessica Moore, The Programs Manager for the *Beacon Center/Domestic Violence Center for Volusia County*, the only certified center for domestic violence and they have been in Volusia County approximately 43 years and thanked the City of Holly Hill for recognizing Domestic Violence Awareness Month in October.

RESULT:	**NO VOTE NEEDED**

3. PUBLIC COMMENTS

The following individuals spoke to the Mayor and City Commissioners: Ariel Kavanagh, Holly Hill; Jim Legary, Holly Hill and Jim Schultz, Ormond Beach.

4. APPROVAL OF MINUTES

1.

Minutes - August 11, 2020 Regular City Commission Meeting; August 25, 2020 Regular City Commission Meeting; September 9, 2020 First Public Hearing on Budget and Millage Rate and Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)
Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 13th day of October, 2020, in Holly Hill

5. CONSENT AGENDA - ITEMS (1 - 9)

Mr. Forte informed the Mayor and Commissioners he would like to pull Consent Agenda item number 6, TNR MOU for further discussion.

Mayor Via asked if there was anyone from the audience that wish to speak on any of the Consent Agenda items. There was no one.

1. 2020-R-52 Resolution

A Resolution of the City of Holly Hill, Florida, Ratifying the Eastern Volusia Regional Water Authority 2020-2021 Budget; and Providing 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
2020-R-52
A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RATIFYING THE EASTERN VOLUSIA REGIONAL WATER AUTHORITY 2020-2021 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RATIFYING THE EASTERN VOLUSIA REGIONAL WATER AUTHORITY 2020-2021 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution 2010-R-78, the City Commission approved an Interlocal Agreement with the City of Daytona Beach and the City of South Daytona, creating the Eastern Volusia Regional Water Authority (EVRWA); and

WHEREAS, the Interlocal Agreement requires that the City ratify EVRWA's annual budget prior to it becoming effective and make required contributions toward the administrative portion of the budget; and

WHEREAS, the proposed budget prepared by EVRWA for the 2020-2021 fiscal year shows that the EVRWA has reserved funds on hand; and

WHEREAS, EVRWA proposes to use these reserved funds to pay for each member's required contribution toward the administrative portion of the EVRWA budget for the 2020-2021 fiscal year; and

WHEREAS, the City Manager and Public Works Director recommend that the City ratify EVRWA's annual budget.

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

SECTION 1. Based on the recitals above, the City Commission hereby ratifies the Eastern Volusia Regional Water Authority (EVRWA) 2020-2021 budget. No additional City funding is required in association with this ratification. A copy of the EVRWA's Budget FY ending 09/30/2021 is attached hereto and made a part hereof.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 13th day of OCTOBER, 2020.

Enacted and approved this 13th day of October, 2020, in Holly Hill

2. 2020-R-53 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Amending the Resolution to Approve a Contract with H&H Liquid Sludge Disposal, Inc., to Provide Sludge Removal, Hauling and Disposal Services; 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:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2020-R-53
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, AMENDING THE RESOLUTION TO APPROVE A CONTRACT WITH H&H LIQUID SLUDGE DISPOSAL, INC., TO PROVIDE SLUDGE REMOVAL, HAULING AND DISPOSAL SERVICES; 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 RESOLUTION 2019-R-66 AUTHORIZING ANNUAL CONTRACT EXPENDITURES WITH H&H LIQUID SLUDGE DISPOSAL, INC., FOR THE INITIAL CONTRACT TERM, TO PROVIDE SLUDGE REMOVAL, HAULING AND DISPOSAL SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill approved Resolution 2019-R-66 awarding a competitively bid contract with H&H Liquid Sludge Disposal, Inc., on October 8, 2019; and

WHEREAS, the City Commission approved an annual cost for fiscal year 2019-2020 of $147,785; and

WHEREAS, Resolution 2019-R-66 authorized a unit cost of $27.50/cuyd for year 1 and $28.00/cuyd for years 2 and 3; and

WHEREAS, the City of Holly Hill, wants to amend Resolution 2019-R-66 to authorize the annual not to exceed annual operating costs for the fiscal years of 2020-2021 (contract year 2) and fiscal year 2021-2022 (contract year 3).

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 does hereby authorize the amendment of Resolution 2019-R-66 to establish an annual not to exceed contract operating costs for the agreement with H&H Liquid Sludge Disposal, Inc., of $161,800 for contract years 2 and 3 contingent upon annual budget appropriations.

SECTION 2. 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. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 13th day of OCTOBER, 2020.

Enacted and approved this 13th day of October, 2020, in Holly Hill

3. –2020-R-54 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Sign a Lease Agreement Between the City of Holly Hill and the Council on Aging (COA) of Volusia County, Inc., Establishing the Terms of This Agreement; Providing for Severability; 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
2020-R-54
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT BETWEEN THE CITY OF HOLLY HILL AND THE COUNCIL ON AGING (COA) OF VOLUSIA COUNTY, INC., ESTABLISHING THE TERMS OF THIS AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT BETWEEN THE CITY OF HOLLY HILL AND THE COUNCIL ON AGING (COA) OF VOLUSIA COUNTY, INC., ESTABLISHING THE TERMS OF THIS AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill desires to continue its relationship with the Council on Aging of Volusia County, Inc., to provide Meals on Wheels and senior service programming at Sica Hall, located at 1065 Daytona Avenue, Holly Hill, Florida; and

WHEREAS, the Council on Aging of Volusia County desires to obtain permission to operate its Meals on Wheels and dine in Nutrition Program at Sica Hall; and

WHEREAS, the Council On Aging of Volusia County has a mission to promote healthy, independent living through caring and compassionate services; and

WHEREAS, the Parties hereby warrant to each other that each has the full power and authority to enter into this agreement.

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

SECTION 1. The City Commission of the City of Holly Hill hereby grants permission to the Council on Aging of Volusia County to enter upon the premises for the operation of Meals on Wheels and Dine In Nutrition Programs and other Council on Aging programs as agreed to as they arise during the terms and conditions of the attached Agreement.

SECTION 2. That the City Manager is hereby authorized to sign a lease agreement, attached hereto, for the use of Sica Hall Community Center.

SECTION 3. That the term of this agreement shall commence on October 1, 2020 and end on September 30, 2023. The agreement provides for two additional one year renewal terms.

SECTION 4. 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 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 13th day of OCTOBER, 2020.

Enacted and approved this 13th day of October, 2020, in Holly Hill

4. 2020-R-55 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving Price Agreements for the Purchase of the Fiscal Year 2020-2021 Supply of Water and Wastewater Treatment Chemicals for the Public Works Department and Authorize the City Manager to Execute Any Necessary Price Agreements; 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:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION
2020-R-55
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING PRICE AGREEMENTS FOR THE PURCHASE OF THE FISCAL YEAR 2020-2021 SUPPLY OF WATER AND WASTEWATER

TREATMENT CHEMICALS FOR THE PUBLIC WORKS DEPARTMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY NECESSARY PRICE AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING PRICE AGREEMENTS FOR THE PURCHASE OF THE FISCAL YEAR 2020-2021 SUPPLY OF WATER AND WASTEWATER TREATMENT CHEMICALS FOR THE PUBLIC WORKS DEPARTMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY NECESSARY PRICE AGREEMENTS; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill is in need of chemicals for water and wastewater treatment; and

WHEREAS, the City has secured pricing agreements utilizing various procurement methods permitted under the City's purchasing guidelines; and

WHEREAS, Chapter 287, Florida Statutes, grants the authority to piggyback the purchase of goods and services as a form of intergovernmental 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, By Policy 2.24 section F of the Holly Hill purchasing policy manual; "Standardization procurement is exempt form bidding procedures". Negotiated contracts with a cost in excess of $25,000.00 must be approved by the City Commission prior to execution by the city"; and

WHEREAS, the City Commission approves the price agreements for the purchase of Fiscal Year 2020-21 supply of water and wastewater treatment chemicals for the Public Works Department.

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

SECTION 1. That the City Commission does hereby approve price agreements for the purchase of the Fiscal Year 2020-21 supply of water and wastewater treatment chemicals for the Public Works Department and authorizes City Manager to execute any necessary price agreements.

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 13th day of OCTOBER, 2020.

Enacted and approved this 13th day of October, 2020, in Holly Hill

5. –2020-R-56 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute a Change Order to an Existing Contract with ABC Express Lawn Care in the Amount OF $43,740; Providing for Severability; and Providing for an Effective Date.

(Requested by Steve Juengst, Public Works)

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

RESOLUTION
2020-R-56
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO AN EXISTING CONTRACT WITH ABC EXPRESS LAWN CARE IN THE AMOUNT OF $43,740; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO AN EXISTING CONTRACT WITH ABC EXPRESS LAWN CARE IN THE AMOUNT OF $43,740; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has an agreement with ABC Express Lawn Care to provide landscaping maintenance of city parks in the annual amount of $73,950; and

WHEREAS, the City has found it necessary to terminate a landscaping maintenance contract of city facilities with Verdego, LLC in the amount of $56,240.54 annually; and

WHEREAS, the City has found ABC Express Lawn Care to be a strong contractor with competitive pricing; and

WHEREAS, the City desires to hire ABC Express Lawn Care to provide facility landscaping maintenance, increasing the current contract by $43,740.

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

SECTION 1. That the City Manager of the City of Holly Hill is hereby authorized to execute a change order with ABC Express Lawn Care adding facility landscape maintenance at an annual cost $43,740.00.

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 13th day of OCTOBER, 2020.

Enacted and approved this 13th day of October, 2020, in Holly Hill

6. 2020-R-57 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the Continuation of the Memorandum of Understanding by and Between the City of Holly Hill, Florida, and Concerned Citizens for Animal Welfare (CCFAW) Renewing a Trap/Neuter/Return (TNR) Program for the Control of the Free Roaming Cat Population; Providing for Severability; Providing and Allowing for Budgetary Concerns; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)
Mr. Forte stated item number 6 has to do with the Trap, Neuter and Release (TNR) Program through the CCFAW. When he had put the agenda item together, he had attached what was the fee schedule for the spay and neuter program through the Redinger Clinic and yesterday, he received an actual Redinger Clinic Agreement and there was a difference in the rates. The rates that he had in the original agreement said $40 and the actual rates are $45. He asked the City Clerk to attach it to the agenda item tonight but when he goes back and looks at the agreement that came from the Redinger Clinic it's actually an "agreement" and he thinks he wants to bring that back as a separate item to approve. Unless, of course, the Commission can make a motion to go ahead and authorize the approval of the CCFAW MOU, as well as, the Redinger Clinic, which is attached to the agenda item but just make that a double motion for both of the items.
Mayor Via asked if it was time sensitive?
Mr. Forte stated it's supposed to be effective October 1, 2020 so it is kind of time sensitive in that if the city has any cats that have to go out, he's sure they would honor the amount but the agreement is technically not in place.
Mayor Via stated he's comfortable with allowing a motion for approvals for both.

Mr. Forte stated what he would suggest is to approve the Resolution authorizing the continuation of the MOU by and between the City of Holly Hill, FL and the CCFAW renewing a Trap, Neuter, and Return (TNR) Program for the control of the free roaming cat population, as well as, approve and authorize the City Manager to execute the MOU with the Redinger Clinic.

Mayor Via opened public participation. No one spoke.

Commissioner Penny made a motion to ***APPROVE the Resolution authorizing the continuation of the MOU by and between the City of Holly Hill, FL and the CCFAW renewing a Trap, Neuter, and Return (TNR) Program for the control of the free roaming cat population, as well as, approve and authorize the City Manager to execute the MOU with the Redinger Clinic,*** seconded by Commissioner Currie.

PASSED, 5-0.

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

RESOLUTION
2020-R-57
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CONTINUATION OF THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF HOLLY HILL, FLORIDA, AND CONCERNED CITIZENS FOR ANIMAL WELFARE (CCFAW) RENEWING A TRAP/NEUTER/RETURN (TNR) PROGRAM FOR THE CONTROL OF THE FREE ROAMING CAT POPULATION; PROVIDING FOR SEVERABILITY; PROVIDING AND ALLOWING FOR BUDGETARY CONCERNS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CONTINUATION OF THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF HOLLY HILL, FLORIDA, AND CONCERNED CITIZENS FOR ANIMAL WELFARE (CCFAW) RENEWING A TRAP/NEUTER/RETURN (TNR) PROGRAM FOR THE CONTROL OF THE FREE ROAMING CAT POPULATION; PROVIDING FOR SEVERABILITY; PROVIDING AND ALLOWING FOR BUDGETARY CONCERNS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City recognizes that many free roaming cats are often deemed unadoptable and unfortunately euthanized; and

WHEREAS, by partnering with the Concerned Citizens for Animal Welfare (CCFAW), cat colonies can be safely maintained; and

WHEREAS, Trap/Neuter/Return programs have been operating in Holly Hill which have demonstrated promising cost savings.

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

SECTION 1. The City Commission supports the continued memorandum of understanding partnership with the Concerned Citizens for Animal Welfare (CCFAW) in order to better serve the animals, particularly feral cats, while providing the savings of tax dollars.

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

SECTION 3. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption of the fiscal year 2020/2021 final budget appropriation by the City Commission.

APPROVED AND AUTHENTICATED on this 13th day of OCTOBER, 2020.

Enacted and approved this 13th day of October, 2020, in Holly Hill

7. –DOC-2020-6

UPS Temporary Holiday Package Storage Facility Agreement 2020

(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 13th day of October, 2020, in Holly Hill

8. –DOC-2020-7

Interlocal Agreement with Volusia County for Supplemental Operational Assistance and Voluntary Cooperation for Animal Control Services

(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 13th day of October, 2020, in Holly Hill

9. DOC-2020-8

Correct Scrivener Errors in Adopted Fee Schedule as Set by Resolution 2020-R-39

(Requested by Stella Gurnee, Finance)

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 13th day of October, 2020, in Holly Hill

6. REGULAR AGENDA

1.

Team Volusia - Economic Development Agreement FY2020-2021

(Requested by Valerie Manning, City Clerk)
Keith Norden, CEcD, President and CEO, Team Volusia showed a PowerPoint presentation to the Mayor and City Commissioners.
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 13th day of October, 2020, in Holly Hill

2.

Tow Service Contract To Reject Any and All Submittals and Direct the Staff to Re-Bid the RFP for Towing Company Agreement Bid Number 2020-PD-01

(Requested by Joseph Forte, City Manager)

Mr. Forte stated the bid had gone out and the city received two proposals. One from Daytona Wrecker and the other from Universal Towing. The award was given to Daytona Towing because they had a significant increase in what the realty the city was getting from current vendor. Daytona Towing decided the day before the contract was supposed to be enacted to withdraw their bid. So, that left the city with one remaining bid and he felt that with only one bid to be considered, especially the way that the RFP was put out that the city didn't announce it to all of the local vendors who were able to do the job, that it would be in the city's best interest to have the Commission throw out the one remaining bid and to resolicit an RFP for Towing Services. Staff is asking the Commission to go ahead and throw out the remaining bid, to reject any and all submittals and direct the staff to rebid the RFP for Towing Company Agreement Bid Number 2020-PD-01 and require the staff to notify the current vendor and all local vendors of the RFP to acquire additional required responsible bidders.

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 13th day of October, 2020, in Holly Hill

7. PUBLIC HEARINGS

1. –2020-O-3030 Ordinance

FOR INFORMATIONAL PURPOSES ONLY: an Ordinance of the City of Holly Hill, Volusia County, Florida Annexing by Voluntary Petition Approximately 9.7 Acres Identified as Parcel Number 4244-01-04-0080 Contiguous to the City of Holly Hill; Providing for Severability; and Providing for an Effective Date.

(Requested by Brian Walker, City Planner)

Mr. Forte stated it's on the agenda and it's been advertised for tonight so what he thinks would be appropriate is to read the title into the record and have Mr. Walker come forward and explain to the Mayor and Commissioners why they need to delay this and then ask the Commission to table this to the next scheduled meeting. The Commission will need to take any public comments tonight if there are any and then at the actual public hearing meeting.

Brian Walker, City Planner, stated the city received a request for an annexation from Adolph Balboa through his attorney Glen Storch Law Firm to annex his property. It's approximately 9.7 acres of property on the northeast corner of the intersection of 10th and Vine Streets; the address is 1088 10th Street and it is in the unincorporated Volusia County. It contains a single-family home that was built in the 1950's and he would like to annex into the city. One of the things that staff checks for is to see if, according to Florida Statutes, they meet all of the qualifications to annex. It was noted in their review, that in their annexation and what they are attempting to annex they would create an enclave.

This is an area where, the area of Volusia County that's left, after the annexation, next to the annexation, would not be able to be accessed without going through Holly Hill. It's like an island of Volusia County that's completely surrounded by Holly Hill. Staff is working with the applicant's attorney and also with the County to resolve the issue and good progress has been made. The item was brought to the Board of Planning and Appeals on September 14, 2020 and the recommendation was made to recommend this annexation contingent upon a successful resolution of the enclave issue. At the BOPA meeting, they were split in their vote; two voted in favor of and two voted against recommending the annexation. At this point, the applicant is requesting a continuance to the November 10th City Commission meeting. In the meantime, staff is wrapping up some final issues to resolve the enclave problem and then staff will bring this back to the Commission for a vote for first reading.

Mayor Via opened public participation. No one spoke.

Commissioner Currie made a motion to ***CONTINUE TO A DATE CERTAIN OF NOVEMBER 10, 2020 AT 7:00 PM for FIRST READING OF ORDINANCE 3030, ANNEXATION****, seconded by Commissioner Danio.*
PASSED, 5-0.

RESULT:	**CONTINUED TO A DATE CERTAIN [UNANIMOUS] Next: 11/10/2020 7:00 PM**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

2. –2020-O-3031 Ordinance

SECOND READING - an Ordinance Amending Section 10-1, Definitions, and Adding Section 10-51, Cruelty, of Chapter 10, Animals, Article II., Care and Control, of the Code of Ordinances of the City of Holly Hill by Prohibiting the Tethering of Animals; Providing Exceptions and Conditions for the Humane Tethering of Animals; Providing for Enforcement; Providing Penalties for Violators; Repealing All Inconsistent Ordinances or Parts Thereof; and Setting for an Effective Date.

(Requested by Valerie Manning, City Clerk)
Mayor Via opened public participation. No one spoke.

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

ORDINANCE
2020-O-3031
SECOND READING - AN ORDINANCE AMENDING SECTION 10-1, DEFINITIONS, AND ADDING SECTION 10-51, CRUELTY, OF CHAPTER 10, ANIMALS, ARTICLE II., CARE AND CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL BY PROHIBITING THE TETHERING OF ANIMALS; PROVIDING EXCEPTIONS AND CONDITIONS FOR THE HUMANE TETHERING OF ANIMALS; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTIES FOR VIOLATORS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FOR AN EFFECTIVE DATE.

AN ORDINANCE AMENDING SECTION 10-1, DEFINITIONS, AND ADDING SECTION 10-51, CRUELTY, OF CHAPTER 10, ANIMALS, ARTICLE II., CARE AND CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL BY PROHIBITING THE TETHERING OF ANIMALS; PROVIDING EXCEPTIONS AND CONDITIONS FOR THE HUMANE TETHERING OF ANIMALS; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTIES FOR VIOLATORS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill desires to protect animals from abuse and neglect; and

WHEREAS, the improper and unsafe tethering of animals is a form of abuse or neglect; and

WHEREAS, the improper and unsafe tethering of animals may place them in harm’s way, including the risk of injury or death; and

WHEREAS, tethered animals that are left unattended without supervision may show increased aggressiveness; and

WHEREAS, the City Commission of the City of Holly Hill hereby finds that it will serve the best interests of the general health, safety and welfare of the community to adopt regulations that will prevent abuse and neglect of animals by prohibiting the tethering of animals except as otherwise allowed under certain conditions.

WHEREAS, words which are underlined (underlined) are additions to the text and words with strike through (~~strike through~~) the characters are deletions from the text.

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

SECTION 1. Section 10-1, Definitions, of Chapter 10, Animals, Article II, Care and Control, of the City of Holly Hill, *Code of Ordinances*, is hereby amended to add the following definitions:

Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tether shall mean a trolley cable, cord, rope, chain, strap, or any other linear thing that restrains, limits or confines the free unimpeded movement of a dog, cat, or other animal to a limited space or area.

Tethering or tethered shall mean the act of affixing or attaching a tether to a dog, cat, or other animal. The act of "tethering" shall not include the use of a leash or other restraint when utilized by a person while walking or exercising a dog, cat, or other animal; nor shall it include commercial safety restraint devices that are designed for use in vehicles for the protection of animals while they are being transported from one location to another.

Adequate shelter shall mean provision of and access to a secure weather resistant shelter that is suitable for the species, age, condition, height, size, breed and type of each animal; provides adequate air ventilation, adequate space for each animal to stand up and turn around; is safe and protects each animal from injury, rain, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded with a covering and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

[… all other definitions remain unchanged …]

SECTION 2. Adding Section 10-51, Cruelty, Chapter 10, Animals, Article II, Care and Control, of the City of Holly Hill, Florida, *Code of Ordinances*, to read as follows:

Sec. 10-51. Cruelty; tethering of animals prohibited; exceptions.

(1) No person shall unnecessarily overload, overdrive, torment, deprive of necessary sustenance or adequate shelter, or unnecessarily or cruelly beat, mutilate, or kill any animal, or cause the same to done, or carry in or upon any vehicle, or otherwise, any animal in cruel or inhumane manner.

(2) No person shall tether a dog, cat, or other animal on private property except as allowed in accordance with the following conditions:

(a) The tether must be made of a material, thickness, size, strength, and weight that is reasonable to safely secure the dog, cat, or other animal without placing or causing excessive strain or stress on the animal.

(b) Each end of the tether must have affixed to it a closed-end spring clip, carabineer clip, coupling, or other type of closed-end clip that is securely affixed to a swivel or pivot, all the components of which are made of high-strength metal, steel or composite material, and that allows the ends of the tether to freely rotate 360 degrees.

(c) The tether shall be at least five feet in length and no more than ten feet in length.

(d) The tether shall be no higher in elevation than the height of the tethered animal.

(e) One end of the tether must be securely attached to a commercially designed pet tie-out stake, commonly referred to as a spiral ground anchor or ground corkscrew, or some other commercial or non-commercial device that allows a tethered dog, cat or other animal to freely walk or move about the tie-out stake or device in a circular manner. The other end of the tether must be securely attached to the animal's collar or harness.

(f) The pet tie-out stake or device and tether must be placed in a location that prevents the dog, cat, or other animal from becoming entangled with objects or other tethered animals, and must not be placed in a location that prevents the tethered animal from accessing water, dry ground, shade, or adequate shelter.

(g) The dog, cat, or other animal must at all times be provided clean water, dry ground, and adequate shelter for protection from the sun, hot and cold weather, rain, and other inclement weather events.

(h) The dog, cat, or other animal shall not be tethered in extreme weather conditions, which shall be defined as being hot weather in excess of eighty-five degrees (85°), cold weather lower than fifty degrees (50°), thunderstorms, lightening, hail, hurricanes, tornados, tropical storms, flood waters, winds in excess of twenty miles per hour, and other natural and manmade calamities.

(i) The dog, cat, or other animal must at all times be accompanied while outside by, and be within visual range of, its owner or other person who is responsible for supervising the tethered animal, except that a tethered animal may be left unattended for short periods of time not to exceed thirty minutes in duration.

(j) In no event shall the owner or other person who is responsible for supervising the animal leave the property while the dog, cat, or other animal is tethered outside.

(k) A dog, cat, or other animal may never be tethered on unoccupied, vacant, or abandoned property.

(l) A dog, cat, or other animal may never be tethered or left unattended inside any structure that is unsafe, dilapidated, or has been abandoned.

(m) The dog, cat, or other animal must be at least six months of age; and must not be sick, injured, or afflicted with contagious disease.

(n) If multiple dogs, cats, or other animals are to be tethered, each animal must be tethered separately from the others, and tethered in a location that prevents them from becoming entangled with the other tethered animals.

(o) Tethering shall be prohibited between the hours of dusk and dawn.

(p) Tethering on public property shall be prohibited at all times.

(3) Violations of this section shall be shall be subject to enforcement in accordance with the special master code enforcement system as provided in Chapter 2, Article VII of this Code and/or criminal prosecution as provided by section 828.12, Florida Statutes, if applicable.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Any section, paragraph, sentence, clause and phrase of this Ordinance is severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on the 13th day of OCTOBER, 2020 for second reading.

Enacted and approved this 13th day of October, 2020, in Holly Hill

8. COMMUNICATIONS

A. City Manager & Staff Comments

Mr. Forte mentioned he has a couple of items. Pat and Pam contacted him to let him know they want to host the Holly Hill Arts Festival at Sunrise Park on April 10-11, 2021. He wanted to bring that to the Commissioners attention to see if there is any conflict or concern with that but they are planning to move forward with April 10-11, 2021. ***There were no objections from the Commissioners.*** Mr. Forte stated on Thursday, October 15th there is going to be a COVID-19 testing site here at City Hall. Staff will place that on the digital sign out front and on the city's Facebook page and the Health Department will go ahead and make that announcement on their social media pages as well. Pickleball is doing well. They have a large tournament coming up at the end of the month.

Commissioner Currie stated its next weekend.

Mr. Forte stated they have quite a few participants in that. They are expecting somewhere around 750 people to show up at the park that day. They have also been awarded the Bainbridge Cup International Tournament, which will take place in two years from now.

Commissioner Currie stated she thinks it's next April 2021.

Mr. Forte stated, even better. That's a big deal. That's an International Tournament that will be hosted here. Pickleball is really taking off. They are being contacted for these things. It's something that…many cities have something that they're known for, whether it's the World's Most Famous Beach or other beach access, things of that nature. He thinks Holly Hill will be put on the map with this Pickleball and he thinks the more the city embraces it, the more better off they will be because it is really out there and it is known. That's just his opinion. The Holly Hill Chamber is going to do a drive-thru Halloween event here through City Hall. If anybody is interested in participating, go ahead and get in touch with Sammy at the Chamber and she will get you set up for anything that you may want to do to participate with that event. The CARES ACT made a change. A couple of weeks ago, staff came to the Commission to request authorization to put in monies to be reimbursed through the CARES ACT for things like computer equipment and a number of other items that were on there. The CARES ACT came back and made a change and they said that first responders salaries would be included in that and in doing that, basically, our Fire Department response alone would be a reimbursable cost for the full $400,000, so administratively, staff made that change to go ahead and get reimbursed for that. It's kind of a one-time accounting procedure and then the savings that they have in their budget can be reallocated to go ahead and make purchases of those other items so they wouldn't have to do the tracking that they would need to. It's actually a positive step for the City of Holly Hill. Mr. Forte stated he wanted to remind the members of the Commission in January 2021 the city is going to be converting over from the T26 Health Insurance Plan to the HSA Plan and everybody on the Commission agreed that they would participate in the prerequisites and requirements to get that $1800 or up to $1800 into their HSA Savings Account. That time is drawing near and if the Commission wants to get that money into their account, they have to meet those milestones. If they have any questions, give Diane in Human Resources a call and she will help walk them through that.

Commissioner Penny stated he thinks December 18th is the deadline.

Mr. Forte stated lastly, he wanted to make mention to the Commission that last year, the last meeting in November, the fourth meeting in November, was not the same week as Thanksgiving. This year, the fourth meeting in November in two days before Thanksgiving. The same with Christmas. The last meeting, second meeting of December, is two days before Christmas and if the Commission wanted to consider cancelling those meetings, tonight would be a good night to do that so that staff can prepare the agendas moving forward so that they may be cancelling things that may be in the future.

Commissioner Currie made a motion to ***CANCEL THE NOVEMBER 24, 2020 REGULAR CITY COMMISSION MEETING AND THE DECEMBER 22, 2020 REGULAR CITY COMMISSION MEETING DUE TO THE HOLIDAYS,*** *seconded by Commissioner Penny.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

B. City Attorney Comments
None.

C. City Commission Comments

Commissioner Danio reminded everyone about Biketoberfest is upon them.

Commissioner Johnson commended Keith Norden and his organization and what they have done. Reminded everyone to be cautious about picking up the needles when cleaning up. The storm season is not over so just be prepared.

Commissioner Penny mentioned during this pandemic and time that everyone is in, there are new businesses coming to the community. They went to Holistic House on Riverside Drive today. It was very exciting to see a new business owner passionate about her business and her cause and thanking her mother for helping her to get to where she is. It was an honor to be there. Two restaurants have opened, Beto's Tacos on the 500 block of Ridgewood and the seafood market, J&L Seafood on the 600 block of Ridgewood. Thanked Ariel for coming to the Commission and doing what she and the others have done to clean that area up. He makes him think of the street sweeper for the beach that Daytona uses; is there any way that staff can reach out to Daytona to see if Holly Hill could borrow or rent out a piece of equipment and clean that whole place up in two hours. He thanked Ariel for her efforts.

Commissioner Currie thanked Ariel for her efforts. Hopefully, one of the dates she will be able to make it. Hopefully, the city can team up with her to get more things done. She appreciates that all of the Commissioners and the city recognize the issue of domestic violence; that's a very serious issue. Also, added on to the job fair for Saturday, Pictona is doing a food drop at 9:00 AM and they want people to enter off of 10th Street. There are a lot of food drops around this area and appreciates that.

Mayor Via stated also, in speaking of Ariel, Mr. Legary, please thank your daughter for going out there and cleaning up that area as well.

D. Mayor's Comments

Mayor Via welcomed Sammy, the Executive Director from the Holly Hill Chamber. The Vice Mayor and himself joined her today for a ribbon cutting for a new business called Holistic House located on Riverside Drive, across from Sunrise Park. This Saturday on the westside of Pictona there is a job fair from 9:00 AM until 12:00 PM and he will be there. Mr. Forte brought to his attention a business that was recognized in the *Daytona Beach News-Journal* for 35 years of great service here in Holly Hill, he wrote a proclamation for them and delivered it today to the Hub Cap House on Nova Road. Lastly, he wanted to thank Ariel Kavanagh for believing and loving the Holly Hill community. Thank you for putting the people together and for the passion and he asked that she continue that and staff will be ears open for ideas because all of the Commissioners want to make Holly Hill a better, cleaner, brighter place.

9. ADJOURNMENT

The meeting adjourned at approximately 8:20 PM.

Valerie Manning, City Clerk,CMC 10/13/2020

Chris Via, Mayor 10/13/2020