CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • AUGUST 8, 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	Excused	

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 came forward to speak to the Mayor and City Commissioners:

Heidi Heller, Holly Hill; and Leslie and Erin Graham, Holly Hill.

3. APPROVAL OF MINUTES

1.

Minutes - July 11, 2023 - Budget Workshop - Enterprise Funds; July 25, 2023 - Budget Workshop - Governmental and Special Revenue Funds; and the July 25, 2023 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:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

Enacted and approved this 8th day of August, 2023, in Holly Hill

4. CONSENT AGENDA - ITEMS (1 - 3)

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

1. 2023-R-39 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Piggyback of Volusia County Contract 22-B-41HO, Approving the Proposal from Inliner Solutions, LLC in the Amount of $233,219, 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:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

RESOLUTION
2023-R-39
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PIGGYBACK OF VOLUSIA COUNTY CONTRACT 22-B-41HO, APPROVING THE PROPOSAL FROM INLINER SOLUTIONS, LLC IN THE AMOUNT OF $233,219, 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 PIGGYBACK OF VOLUSIA COUNTY CONTRACT 22-B-41HO, APPROVING THE PROPOSAL FROM INLINER SOLUTIONS, LLC IN THE AMOUNT OF $233,219, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are identified multiple areas within the City of Holly Hill where stormwater pipes are failing; and

WHEREAS, Volusia County has an active Contract Number 22-B-41HO with Inliner Solutions, LLC to provide for pipelining; and

WHEREAS, Inliner Solutions, LLC has submitted a proposal in the amount of $233,219.00 to reline stormwater pipes throughout the City; and to the City of Holly Hill that is consistent with their awarded contract with Volusia County not to exceed $233,219.00 to reline the stormwater pipes; and

WHEREAS, the proposal received from Inliner Solutions, LLC has pricing consistent with their Volusia County awarded Contract 22-B-41HO.

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

SECTION 1. The City desires to have the stormwater pipes in various areas of the City of Holly Hill lined.

SECTION 2. Volusia County has an active Contract with Inliner Solutions, LLC for the lining of pipes.

SECTION 3. Inliner Solutions, LLC has submitted proposals in an amount not to exceed $233,219.00 for this project.

SECTION 4. The City desires to piggyback Volusia County Bid Number 22-B-41HO for the Stormwater Pipe Lining in various locations in Holly Hill, FL.

SECTION 5. 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 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 8th day of AUGUST, 2023.

Enacted and approved this 8th day of August, 2023, in Holly Hill

2. –2023-R-40 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Sole Source Purchase and Service Installation Proposal from Tom Evans Environmental for a Standardized Replacement Peerless Backwash Pump and Motor at a Cost of $69,872.00 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:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

RESOLUTION
2023-R-40
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SOLE SOURCE PURCHASE AND SERVICE INSTALLATION PROPOSAL FROM TOM EVANS ENVIRONMENTAL FOR A STANDARDIZED REPLACEMENT PEERLESS BACKWASH PUMP AND MOTOR AT A COST OF $69,872.00 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 SOLE SOURCE PURCHASE AND SERVICE INSTALLATI0N PROPOSAL FROM TOM EVANS ENVIRONMENTAL FOR A STANDARDIZED REPLACEMENT PEERLESS BACKWASH PUMP AND MOTOR AT A COST OF $69,872.00 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, a proposal was solicited for the replacement of the water plant backwash system funded by the approved FY 2022/23 capital budget in the amount of $69,872.00; and

WHEREAS, Tom Evans Environmental is the sole source provider of Peerless Pumps in our area.

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 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 Pump equipment from Tom Evans Environmental in the amount of $69,872.00, and authorize the City Manager to execute the same.

<u>SECTION 3. SEVERABILITY</u>. 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.

<u>SECTION 4. EFFECTIVE DATE</u>. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this <u>8th</u> day of AUGUST, 2023.

Enacted and approved this 8th day of August, 2023, in Holly Hill

3.

JAG Grant FY 2022-2023 Allocation of Funds

(Requested by Valerie Manning, City Clerk)
This item was on the Consent Agenda, however, it could have been placed under the City Manager comments. This was included in the voting as part of the Consent Agenda. Therefore, it was passed 4-0 by the City Commission.

5. REGULAR AGENDA

1. 2023-R-41 <u>Resolution</u>

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Approving a Grant Agreement with the State of Florida Department of Environmental Protection, Amending the Adopted Budget for the City of Holly Hill for the Fiscal Year 2022-2023; 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:	Penny Currie, District 2 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Via, Penny, Currie, Danio
EXCUSED:	Johnson

RESOLUTION
2023-R-41
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, APPROVING A GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AMENDING THE ADOPTED BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2022-2023; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLY HILL, FLORIDA, APPROVING A RESILIENCY AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AMENDING THE FISCAL YEAR 2022-2023 ANNUAL OPERATING BUDGET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill is the recipient of a Resiliency Grant with the Florida Department of Environmental Protection for a Vulnerability Assessment in the amount of $75,000; and

WHEREAS, this resolution, amending the budget, is to account for additional revenue from the Florida Department of Environmental Protection with an adjustment of $75,000.00 revenues and expenditures; and

WHEREAS, the budget adjustments will allow the City of Holly Hill to adjust the Fiscal Year 2022-2023 budget.

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 accepts the Resiliency Grant with the Florida Department of Environmental Protection in the amount of $75,000, and authorize the City Manager to execute the same.

SECTION 2. That the Commission of the City of Holly Hill amends the Fiscal Year 2022-2023 budget in the amount of $75,000.00.

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 8th day of AUGUST, 2023.

Enacted and approved this 8th day of August, 2023, in Holly Hill

2. –2023-R-42 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Proposal from Mead & Hunt, Inc., to Provide a Vulnerability Assessment on Behalf of the City of Holly Hill in the Amount of $75,000, and Authorize the City Manager to Execute the Same; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)
Mayor Via opened public participation. No one spoke.

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

RESOLUTION
2023-R-42
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE PROPOSAL FROM MEAD & HUNT, INC., TO PROVIDE A VULNERABILITY ASSESSMENT ON BEHALF OF THE CITY OF HOLLY HILL IN THE AMOUNT OF $75,000, AND AUTHORIZE 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 A PROPOSAL FROM MEAD & HUNT INC. TO PROVIDE A VULNERABILITY ASSESSMENT ON BEHALF OF THE CITY OF HOLLY HILL IN THE AMOUNT OF $75,000; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill is the recipient of a Resiliency Grant with the Florida Department of Environmental Protection for a Vulnerability Assessment in the amount of $75,000; and

WHEREAS, Mead & Hunt. Inc., is a continuing services consultant for engineering projects in the City of Holly Hill and have experience performing vulnerability studies; and

WHEREAS, the City received a proposal from Mead & Hunt, Inc.. to provide the vulnerability study at a cost of $75,000.

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 approves an agreement with Mead & Hunt Inc. to perform this vulnerability assessment in the amount of $75,000, and authorize the City Manager to execute the same.

SECTION 2. EFFECTIVE DATE. That this Resolution shall take effect immediately upon its adoption.

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.

APPROVED AND AUTHENTICATED on this 8th day of AUGUST, 2023.

Enacted and approved this 8th day of August, 2023, in Holly Hill

6. PUBLIC HEARINGS

1. 2023-O-3062 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Amending Chapter 42 (Pensions and Retirement), Article III – Firefighters Retirement System, of the Code of Ordinances of the City of Holly Hill, Florida, Providing for the Holly Hill Firefighters Retirement System to Provide Disability Retirement Benefits for Cancer Diagnoses Pursuant to Section 112.1816 of the Florida Statutes; Providing for a Repealer; Providing for a Savings Clause; Providing for Codification; Providing for Severability; and Providing for an Effective Date.

(Requested by Joseph Forte, City Manager)
Mayor Via opened public participation. No one spoke.

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

ORDINANCE
2023-O-3062
SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE III – FIREFIGHTERS RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR THE HOLLY HILL FIREFIGHTERS RETIREMENT SYSTEM TO PROVIDE DISABILITY RETIREMENT BENEFITS FOR CANCER DIAGNOSES PURSUANT TO SECTION 112.1816 OF THE FLORIDA STATUTES; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE III - FIREFIGHTERS RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA, PROVIDING FOR THE HOLLY HILL

FIREFIGHTERS RETIREMENT SYSTEM TO PROVIDE DISABILITY RETIREMENT BENEFITS FOR CANCER DIAGNOSES PURSUANT TO SECTION 112.1816 OF THE FLORIDA STATUTES; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Firefighters work in inherently dangerous situations, are exposed to many different carcinogens, and the incidence of cancer among firefighters appears to be higher on average than other occupations; and

WHEREAS, the Board of Trustees of the Holly Hill Firefighters Retirement System is vested with the sole and exclusive administration of and responsibility for the proper operation of the system; and

WHEREAS, Chapter 2019-021, Laws of Florida, amended the Florida Statutes to provide a conclusive presumption of disability upon a diagnosis of one or more of the 21 cancers identified therein; and

WHEREAS, an ordinance amendment is necessary to adopt the provisions of Chapter 2019-021, Laws of Florida, codified at Section 112.1816 of the Florida Statutes, into the Holly Hill ordinances governing the Firefighters Retirement System; and

WHEREAS, the City Commission has received, reviewed and considered an actuarial impact statement describing the actual impact of the amendments provided for herein; now, therefore,

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

SECTION 1. That Section 42-68 of the Code of Ordinances of the City of Holly

Hill, Florida is hereby amended as follows:

Sec. 42-68. - Disability.

* * *

(b) *In-line of duty presumptions.*

(1) *Presumption.*

* * *

(2) *Additional presumption.* The presumption provided for in this subsection (2) shall apply only to those conditions described in this subsection (2) that are diagnosed on or after January 1, 1996.

* * *

<u>(3) *Non-rebuttable conclusive cancer presumption*. The provisions of F.S. § 112.1816, as amended, are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules for the conduct of hearings relating to this presumption and for the determination of any disqualifying events as reflected in the statute.</u>

<u>SECTION 2</u>. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, all charter sections or parts of sections, and all resolutions or parts of resolutions in conflict herewith, are hereby repealed to

the extent of such conflict.

<u>SECTION 3</u>. If any word, phrase, clause, subsection or section of this ordinance be for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4. That codification of this Ordinance in the City Code of Ordinances is hereby authorized and directed.

SECTION 5. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on the 8th day of AUGUST, 2023 for second and final reading.

Enacted and approved this 8th day of August, 2023, in Holly Hill

7. COMMUNICATIONS

A. City Manager Comments

Mr. Forte showed the Mayor and City Commissioners the city's Organizational Chart and briefly discussed that.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Penny thanked Jim Legary for the books at the YMCA and the upkeep of those there at the facility; the pre-back to school BBQ at the school was great and well attended; next Monday, August 14th will be the Red Carpet Day, which is the first day of school where the Principal and anyone that would like to welcome the students back on their first day can come around 7:15 AM and say hello to the kids as they arrive at the school.

Commissioner Currie reminded the Mayor and Commissioners that a Voting Delegate for the annual conference will be needed.

Commissioner Penny made a motion to ***APPOINT COMMISSIONER CURRIE AS THE CITY'S VOTING DELEGATE DURING THE 2023 FLC ANNUAL CONFERENCE,*** *seconded by Commissioner Danio.*

Mayor Via opened public participation. No one spoke.

PASSED, 4-0.

Commissioner Currie agreed that the BBQ at the school was well attended and a great turnout and encouraged those that can to come to the Red Carpet Day on Monday to welcome the students back to school.

Commissioner Danio mentioned that he is a grandpa again, his son had a baby girl.

D. Mayor's Comments

Mayor Via mentioned that Commissioner Currie was going to be accepting the 2023 City Catalyst Grant for the Imagination Library in the amount of $2500 during the annual FL League of Mayors/FLC Conference next week because he will not be able to make it that day and thanked her for doing that for him and on behalf of the city. Mayor Via informed the Commissioners that a Community Library will be placed at Sunrise Park and it will be maintained by Carmen from Fast Signs; thanked Michele, Finance Director to help with the issue on the utility bills last week; spoke briefly about the Gas Tax, Telecommunication Tax and ECHO Tax with the Commissioners.

8. ADJOURNMENT

The meeting adjourned at approximately 7:00 PM.

Valerie Manning, City Clerk,CMC 8/8/2023

Chris Via, Mayor 8/8/2023