



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • SEPTEMBER 22, 2020

City Commission Chamber Second Public Hearing Budget & Millage Rate Mtg

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 Mayor Chris Via Mayor Via led the invocation.

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

2. PUBLIC HEARINGS - BUDGET & MILLAGE RATE - SECOND AND FINAL READINGS

1. -2020-R-46 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Adopting the Final Levying of Ad Valorem Taxes for the City of Holly Hill for the Fiscal Year 2020-2021; and Providing for Severability; and Providing for an Effective Date.

(Requested by Stella Gurnee, Finance)

Attorney Simpson read the Resolution in its entirety for the record:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2020-2021; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 9, 2020, adopted a Fiscal year 2020-2021 tentative millage rate following a

public hearing as required by Florida Statute 200.065; and

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 22, 2020, adopted a Fiscal year 2020-2021 final millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, the City of Holly Hill of Volusia County Florida, held a public hearing as required by Florida Statute 200.065; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation Volusia County has been certified by the County Property Appraiser to the City of Holly Hill as \$707,177,324.

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

SECTION 1. The FY 2020-2021 final operating millage is 6.25 mills, which is greater than the rolled-back rate of 5.9014 mills by 5.91%.

SECTION 2. The Final Public Hearing was held on September 22, 2020 at 7:00pm.

Mayor Via opened public participation. No one spoke.

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

RESOLUTION

2020-R-46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2020-2021; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2020-2021; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 9, 2020, adopted a Fiscal year 2020-2021 tentative millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 22, 2020, adopted a Fiscal year 2020-2021 final millage rate following a public hearing as required by Florida Statute 200.065; and

WHEREAS, the City of Holly Hill of Volusia County Florida, held a public

hearing as required by Florida Statute 200.065; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation Volusia County has been certified by the County Property Appraiser to the City of Holly Hill as \$707,177,324.

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

SECTION 1. The FY 2020-2021 final operating millage is 6.25 mills, which is greater than the rolled-back rate of 5.9014 mills by 5.91%.

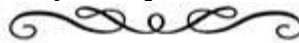
SECTION 2. The Final Public Hearing was held on September 22, 2020 at 7:00pm.

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 22nd day of SEPTEMBER, 2020.

Enacted and approved this 22nd day of September, 2020, in Holly Hill



2. -2020-R-47 Resolution

A Resolution of the City Commission of the City of Holly Hill, Volusia County, Florida, Adopting the Final Budget for the City of Holly Hill for the Fiscal Year 2020 - 2021; and Providing for Severability; and Providing for an Effective Date.

(Requested by Stella Gurnee, 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, Johnson

RESOLUTION

2020-R-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2020 - 2021; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA,

ADOPTING THE FINAL BUDGET FOR THE CITY OF HOLLY HILL FOR THE FISCAL YEAR 2020 - 2021; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 9, 2020, held a public hearing for the tentative budget as required by Florida Statute 200.065; and

WHEREAS, The City of Holly Hill of Volusia County, Florida, on September 22, 2020, held a public hearing for the final budget as required by Florida Statute 200.065; and

WHEREAS, the City of Holly Hill of Volusia County Florida, set forth the appropriations and revenue estimate for the Budget for Fiscal Year 2020-2021.

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

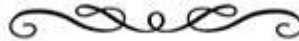
SECTION 1. That the City Commission of the City of Holly Hill, Florida pursuant to the Charter of the City of Holly Hill and Chapter 166, Florida Statutes, does hereby adopt the Final General, Enterprise and all other related Fund Budgets, which are attached hereto and incorporated herein as Exhibit "A", which may later be amended by the City Commission.

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 22nd day of SEPTEMBER, 2020.

Enacted and approved this 22nd day of September, 2020, in Holly Hill



3. PRESENTATION - HONORING MICHAEL COOMANS RETIREMENT FROM HHPD

1.

Proclamation Honoring Michael Coomans Retirement from HHPD
(Requested by Valerie Manning, City Clerk)

RESULT:	NO VOTE NEEDED
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4. PUBLIC COMMENTS

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

5. APPROVAL OF MINUTES - NONE**6. CONSENT AGENDA - ITEMS (1 - 10)**

Mayor Via asked if any member of the Commission would like to pull any item on the Consent Agenda for further discussion. Mayor Via asked if there was any member from the audience who wishes to speak to any item on the Consent Agenda. Heidi Heller stated she would like to speak to item number 9 there was no one else.

Commissioner Penny mentioned he would like to pull item number 8 and Mayor Via mentioned he would like to pull item number 9.

Commissioner Penny referencing item number 8, suggested that moving forward that if an RFP goes out, to ask staff to contact the current vendor either by email or letter to give them an opportunity to place a bid. Moving forward a policy will be put in place for that to take place.

Mayor Via opened public participation for Consent Agenda item number 8. No one spoke.

Mayor Via referencing item number 9, asked if staff could create a column for future surplus items so that the Commission is aware as to why that particular item is being surplus. Moving forward, that will be presented for any list of surplus items; there was an error in the agenda packet pertaining to figures and those will be set back to zero.

Mayor Via opened public participation for Consent Agenda item number 9.

Heidi Heller, Holly Hill spoke to the Mayor and Commissioners.

Mayor Via closed public participation.

1. -2020-R-48 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Sole Source Purchase of a Body Worn Camera System Including a Cloud Based Evidence.Com Data Storage System for the Police Department, from Axon Enterprise Inc., and Authorizing the City Manager to Execute Any Necessary Purchasing Agreements; Providing for Severability; and Providing an Effective Date.

(Requested by Steve Aldrich, Police)

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

RESOLUTION**2020-R-48**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SOLE SOURCE PURCHASE OF A BODY WORN CAMERA SYSTEM INCLUDING A CLOUD BASED EVIDENCE.COM DATA STORAGE SYSTEM FOR THE POLICE DEPARTMENT, FROM AXON ENTERPRISE INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY PURCHASING AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SOLE SOURCE PURCHASE OF A BODY WORN CAMERA SYSTEM INCLUDING A CLOUD BASED EVIDENCE.COM DATA STORAGE SYSTEM FOR THE POLICE DEPARTMENT, FROM AXON ENTERPRISE INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY PURCHASING AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill Police Department has identified a need for a comprehensive Body Worn Camera System with cloud-based data storage; and

WHEREAS, AXON Enterprise Inc., manufactures and offers a comprehensive complete Body Worm Camera System including a cloud-based data storage system; and

WHEREAS, this is a capital project identified in the FY 20-21 budget cycle; and

WHEREAS, this is a five-year contract contingent upon yearly appropriation of funds (\$16,902.00 years 2-5), for a total of \$108,652.70 over the entire contract; and

WHEREAS, the requested amount for initial authorization is \$41,044.70.

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

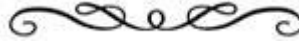
SECTION 1. That the City Commission of the City of Holly Hill approve the sole source purchase of a comprehensive Body Worn Camera system, including cloud-based data storage, from AXON Enterprise, Inc.

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 of part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon the beginning of the FY 20-21 budget cycle.

APPROVED AND AUTHENTICATED on this 22nd day of SEPTEMBER, 2020.

Enacted and approved this 22nd day of September, 2020, in Holly Hill



2. -2020-R-49 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving the Easement Agreement for 1065 Ridgewood Avenue and Authorizing the City Manager to Sign Said Easement Agreement to Florida Power and Light; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION

2020-R-49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE EASEMENT AGREEMENT FOR 1065 RIDGEWOOD AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN SAID EASEMENT AGREEMENT TO FLORIDA POWER AND LIGHT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE EASEMENT AGREEMENT FOR 1065 RIDGEWOOD AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN SAID EASEMENT AGREEMENT TO FLORIDA POWER AND LIGHT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TECO Energy will require an easement at 1065 Ridgewood Avenue to construct and maintain a gas service line; and

WHEREAS, this easement will be for the new generator to be installed at City Hall.

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

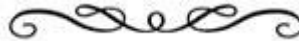
SECTION 1. That the City Commission of the City of Holly Hill approve the easement for TECO Energy to construct and maintain a gas service line for the new generator to be installed at City Hall.

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 22nd day of September, 2020.

Enacted and approved this 22nd day of September, 2020, in Holly Hill



3. -2020-R-50 Resolution

A Resolution of the City Commission of the City of Holly Hill, Florida, Approving Sole Source Purchase of a Drive Shaft for Softener #2 at the Water Treatment Plant from Westech Engineering, Inc., and Authorizing 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:	John Penny, District 1 - Commissioner
SECONDER:	Roy Johnson, District 4 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

RESOLUTION

2020-R-50

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING SOLE SOURCE PURCHASE OF A DRIVE SHAFT FOR SOFTENER #2 AT THE WATER TREATMENT PLANT FROM WESTECH ENGINEERING, INC., AND AUTHORIZING 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 SOLE SOURCE PURCHASE OF A DRIVE SHAFT FOR SOFTENER #2 AT THE WATER TREATMENT PLANT FROM WESTECH ENGINEERING, INC., AND

**AUTHORIZING THE CITY MANAGER TO EXECUTE
ANY NECESSARY PRICE AGREEMENTS; AND
PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the City has a drive shaft unit for softener #2 at the Water Treatment Plant that needs replacing; and

WHEREAS, this drive shaft unit is manufactured by WesTech Engineering, Inc., who is a sole source provider; and

WHEREAS, there is budget available in the Capital Project; and

WHEREAS, the requested amount for this authorization is \$113,067.00.

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

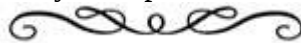
SECTION 1. That the City Commission of the City of Holly Hill approve the sole source purchase of a drive shaft unit for softener #2 at the Water Treatment Plant from WesTech Engineering, Inc.

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 22nd day of SEPTEMBER,
2020.**

Enacted and approved this 22nd day of September, 2020, in Holly Hill



4. **-2020-R-51 Resolution**

A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Modify the Agreement with Mead and Hunt, Inc., to Provide Professional Services for the Birmingham Avenue Water Main Replacement to a Not to Exceed Amount of \$16,703.00; Providing for Severability; and Providing for an Effective Date.

(Requested by Antoine Khoury, Public Works)

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

RESOLUTION**2020-R-51**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO MODIFY THE AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE BIRMINGHAM AVENUE WATER MAIN REPLACEMENT TO A NOT TO EXCEED AMOUNT OF \$16,703.00; 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 MODIFY THE AGREEMENT WITH MEAD AND HUNT, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE BIRMINGHAM AVENUE WATER MAIN REPLACEMENT TO A NOT TO EXCEED AMOUNT OF \$16,703.00; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has issued a purchase order for the Birmingham Avenue water main replacement that excluded bidding services and analysis of the bids received; and

WHEREAS, the City staff were able to patch the leaky pipe eliminating the need for an emergency repair which will allow for the plans to be advertised for open bids; and

WHEREAS, the Change Order will authorize Mead and Hunt to complete bidding services and the analysis of the bids received and make final recommendations on the award; and

WHEREAS, these additional services will require a Change Order to be issued to Mead and Hunt to complete bidding services in the amount of \$5,684.00.

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 Change Order to be issued to Mead and Hunt to complete bidding services in the amount of \$5,684.00 for a total purchase order amount not to exceed \$16,703.00.

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 22nd day of SEPTEMBER, 2020.

Enacted and approved this 22nd day of September, 2020, in Holly Hill



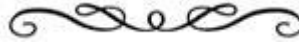
5.

Uncollectible Utility Account Adjustments

(Requested by Stella Gurnee, Finance)

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

Enacted and approved this 22nd day of September, 2020, in Holly Hill



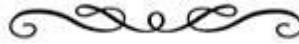
6.

Police Department - Thomson Reuters (CLEAR) Contact 2020-2023

(Requested by Steve Aldrich, Police)

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

Enacted and approved this 22nd day of September, 2020, in Holly Hill



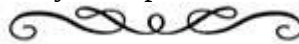
7.

Harris System Maintenance Agreements FY2020-2021

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 22nd day of September, 2020, in Holly Hill



8.

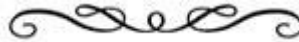
Towing Service Contract RFP 2020-PD-01- Towing Services

(Requested by Steve Aldrich, Police)

Mayor Via opened public participation. No one spoke.

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

Enacted and approved this 22nd day of September, 2020, in Holly Hill



9.

Authorizing the City Manager to Dispose of the Attached List of Surplus Equipment

(Requested by Antoine Khoury, Public Works)

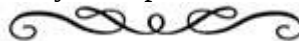
Mayor Via opened public participation.

Heidi Heller, Holly Hill, spoke to the Mayor and Commissioners.

Mayor Via closed public participation.

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 22nd day of September, 2020, in Holly Hill



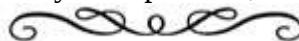
10.

Halifax Humane Society 2020-2021 Renewal Contract

(Requested by Valerie Manning, City Clerk)

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

Enacted and approved this 22nd day of September, 2020, in Holly Hill



7. REGULAR AGENDA**1. -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 mentioned that Councilwoman Lois Paritsky from the Town of Ponce Inlet and Debbie Darino, a local animal abuse fighting activist who lobbied Florida lawmakers to pass the “Ponce’s Law” which now makes it easier for prosecutors to punish anyone who maliciously kills an animal and asked if they would both like to come forward to say something. Ms. Paritsky and Ms. Darino came forward and thanked the Mayor and Commissioners for adopting the Ordinance on first reading and appreciated their support as many other cities have done the same.

Mayor Via opened public participation. No one spoke.

RESULT:	APPROVED AT 1ST READING [UNANIMOUS] Next: 10/13/2020 7:00 PM
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 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.

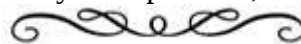
SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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 22nd day of September, 2020, in Holly Hill



8. PUBLIC HEARINGS - NONE

9. COMMUNICATIONS**A. City Manager & Staff Comments**

Mr. Forte showed the Mayor and City Commissioners a Livability, Greater Daytona/Volusia County magazine that goes out and the city has bought advertisements in this magazine in the past and this is will also be a digital version. Mr. Forte discussed the ad with them and it's a half page and mentioned that he took the approach to create an overall theme of Holly Hill. There was **consensus** to leave the city's original seal on the ad. Mr. Forte spoke to the Commission about the towing contracts and has met with staff already and gave them further instruction and when staff gets the time, we're going to talk to all of our Department Heads on the Purchasing Policy and do a refresher on that. Mr. Forte briefly explained the Purchasing Policy for RFP's, etc., through the Vender Link system and beyond that.

B. City Attorney Comments

None.

C. City Commission Comments

Commissioner Currie glad that the Commission came to a consensus on the millage rate and came to a conclusion and did a good job moving forward.

Commissioner Danio somebody he knows complimented on how Holly Hill is coming along.

Commissioner Johnson appreciated all the concerns and prayers when he wasn't doing well. There's a lot of good things still going on in Holly Hill.

Commissioner Penny reminded everyone about "Citizen of the Year" quickly approaching them. There was discussion about the Christmas Parade.

Commissioner Penny made a MOTION TO GIVE STAFF DIRECTION TO CONTINUE PLANNING THE CHRISTMAS PARADE AND TREE LIGHTING CEREMONY AS USUAL, seconded by Commissioner Danio.

Mayor Via opened public participation. No one spoke.

PASSED, 4-1 (Commissioner Currie, Nay)

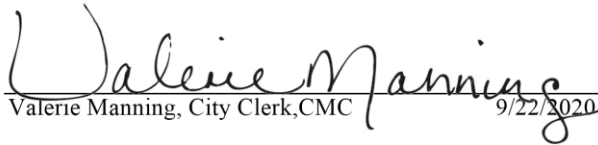
D. Mayor's Comments

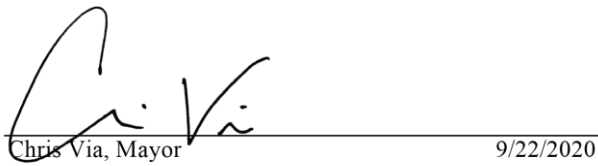
Mayor Via welcomed Commissioner Johnson back and is glad he is feeling well. Thanked Vice-Mayor Penny for standing in for him in a meeting with Synergy Billing and representing the Commission at that meeting. Mayor Via mentioned that he asked the American Legion Post 120, when the Commission was talking about the Veterans Memorial out front, to track down through their resources, any person that could have possibly died in service to our Country in the military that was from Holly Hill, a resident from Holly Hill and he just received that list back and there are ten people on the list. He knows of one other, recently, back about ten years ago, who had died in Iraq and he wasn't on that list and so, they are going to reach out to other sources as well because we want to make sure before we put those names in stone that we have everybody and that we're not missing anybody. The city would want to welcome their families to that

ceremony whenever the city gets that built and make sure the city honors them in the right way.

10. ADJOURNMENT

The meeting adjourned at approximately 8:00 PM.


Valerie Manning, City Clerk, CMC 9/22/2020


Chris Via, Mayor 9/22/2020