M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
May 25, 1999

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at 7:30 p.m. Present were Mayor Arthur, Commissioners Arthur Byrnes, J. D. Mellette, Shirley Heyman, and Roland Via.

Also attending were City Manager, Don Lusk; City Attorney, Ed Simpson; Public Works Director, Milt Hallman; Police Chief, Larry Walker; Economic Development Director, Ira Corliss; Chief Building Official, Tim Harbuck; Personnel Director, Diane England; City Clerk, Jeaneen Clauss; Finance Director, Brenda Gubernator and City Planner, Bob Keeth.

2. INVOCATION

The Public Works Director, Milton Hallman, delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

Mayor Arthur welcomed and introduced the new City Clerk - Jeaneen Clauss.

A. Mr. John Vodenicker, a partner with Ernest & Young, LLP, presented the Comprehensive Annual Financial Report for the Year ending September 30, 1998.

Commissioner Mellette moved APPROVAL of the report, seconded by Commissioner Via.

The motion **CARRIED** 5-0 on roll call: Mellette, yes; Via, yes; Heyman, yes; Byrnes, yes: Arthur, yes.

5. CONSENT AGENDA

A. Minutes of April 14, 1999
B. Minutes of April 27, 1999
C. Minutes of Workshop, April 27, 1999
D. Minutes of May 11, 1999 (Correction to page 3 of the minutes)

*Commissioner Via moved **APPROVAL of** the consent agenda, seconded by Commissioner Mellette.*

The motion **CARRIED** 5-0 on roll call: Mellette, yes, Via, yes; Heyman, yes; Byrnes yes; Arthur, yes.

6. AUDIENCE PARTICIPATION

No Audience Participation was brought to the Commission.

7. AUTHORIZATION TO PURCHASE TWO SLUDGE GERBER DISCFLO PUMPS FOR THE WATER AND WASTEWATER PLANTS, THE COST NOT TO EXCEED $67,000.00.

City Manager Don Lusk noted that this was a sole source for these items. He feels that the city really does not have a choice because the pumps need to fit where they are putting them and these are the only ones that can be used for that purpose. Commissioner Byrnes asked if this was the one brought up at Commission Day? Mr. Lusk and Mr. Hallman both agreed that it was.

*Commissioner Byrnes moved **APPROVAL** of Authorization to Purchase, seconded by Commissioner Mellette.*

The motion **CARRIED** 5-0 on roll call: Mellette, yes; Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

8. RESOLUTION 99R-16. A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, TO ACCEPT THE ECS (EMERGENCY COMMUNICATIONS SYSTEMS) CONTRACT.

City Attorney, Edward Simpson read 99R-16 by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ACCEPTING THE CONTRACT FOR PROFESSIONAL SERVICES FOR FIRE RADIO COMMUNICATIONS FROM ECS (EMERGENCY COMMUNICATION SYSTEMS); PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE

Commissioner Mellette moved Approval of Resolution 99R-16, seconded by Commissioner Heyman.

City Manager Don Lusk stated that this is the contract to have the city's fire department be dispatched by the same people that are dispatching the City of Ormond, which will give the city the ability to do closest response. Mr. Lusk said that by October the City of Daytona would be doing the same. He added that in fire dispatch you have certified fire dispatchers just like there are certified police dispatchers. When you are in a small city like ours we only have police dispatchers. One of the reasons to get away from that is the liability of only having police dispatchers, also that the city can participate in closest response.

Commissioner Byrnes stated that he has been against this from the beginning. He went on to say that he would much rather have his firemen dispatched by a dispatcher that knows the city intimately, than someone that just does it as part of a job. Commissioner Byrnes feels that the city would be giving away part of it's fire service and that is why he is willing to vote against it.

Commissioner Mellette moved APPROVAL of the contract, seconded by Commissioner Heyman.

The motion to **APPROVE** the contract, **CARRIED** 4-1 on the following roll call: Mellette, yes; Heyman, yes; Via, yes; Byrnes, no; Arthur, yes.

9. SPECIAL EXECPTION REQUEST – TRINITY LUTHERAN CHURCH TO OPERATE A SCHOOL AT 1205 RIDGEWOOD AVNEUE.

FOR:
Mr. Dennis Shelly, Attorney, 313 S. Palmetto Avenue, Daytona Beach, represents the applicant, Trinity Lutheran Church. Mr. Shelly begins by saying that he would like to address the Memorandum from City Planner, Bob Keeth, dated May 20, 1999. Mr. Shelly addressed several of the issues sited in the Memorandum:

1) Item #2 – The northern most classroom building appears to be to close to the property line. The parcel immediately to the north of that building is owned by the church and is zoned residential, but has been cleared and fenced.
2) Item #5 – The existing recreation area. That originally was a problem with a neighbor concerning the noise level. The solution was to install a solid fence, which has been done. Also the playground was moved to a different location to the west of the classroom buildings.
3) Item #6 – Issue about sidewalks. The way the property is designed, sidewalks would not be a use to the facility. The Commission brought up the fact that usually this is only enforced when a new building is being built. At this time the church is not planning to build any new buildings.

Mr. John Whisberger, President of Trinity Lutheran Church, presented some of the history of the church. He went on to revisit some of the issues brought up by Mr. Shelly. Mr. Whisberger addressed the Commission with gratitude for allowing Trinity to grow and prosper here in Holly Hill.

Ms. Carol Felderman, Principal of Trinity Lutheran Church, stated that she wanted to speak on behalf of the children. She summarized that the children want to remain in the school where they are happy.

Ms. Chris Shultz, 754 Hunt Club Trail, Port Orange, stated that she drives her children to Trinity Lutheran to attend school. She stated that she is very much in support for the school.

Miss. Chris McCabe, student at Trinity Lutheran, stated that she would like to continue attending the school for 6th grade.

Ms. Barbara Barlow, Current Chairman for the Board of Education at Trinity Lutheran School, stated she feels that the school is not any nosier than any other group of children.

Ms. (unknown name), owner of Sorrento's, stated that her children would not have been as productive as they have become if it were not for Trinity Lutheran.

Mr. John Fritenstein, Member of Trinity Lutheran Church, gave a brief history of his life in a private Lutheran school.

OPPOSED:

Mr. Jerry Hemple, 1247 Holly Avenue, across the street, brought up the solid fence surrounding the playground, he stated that it is not a noise buffer. Mr. Hemple then brought up the little motel on the corner, he stated that he does not have a problem with it since the new manager took over. Mr. Hemple reiterated the noise problem with the playground. He stated that he has made several complaints both to the church as well as the city.

Mr. Denver Jenkins, 1311 Woodward Avenue, stated that he has no complaints about the church school except for the noise factor when the children are at recess. He feels that the fence has not helped the noise level.

Mr. Walter Foster, 315 S. Palmetto, Daytona Beach, for Mr. Hemple, brought up the issue of the church operating an illegal daycare for years. He stated that the church playground does not meet the 75 feet set back ordinance. Mr. Foster summarized that he feels allowing a school being placed on such a small area is detrimental to the residents in the area.

Ms. Ann Jones, Unabelle Avenue, was over at Mr. Hemple's house and heard the screaming of the children. At one point she said that she called the principal of Trinity and was told by the principal that she tells the children to go outside and scream so that they are better when they come back to class. She stated that the noise level is intolerable.

Ms. Ruth Sober, 223 Walker Street, feels that the noise level is very alarming. She states that the children are extremely noisy.

Mayor Arthur closed the open forum so that the Commission could discuss this matter.

Mayor Arthur stated that he feels that the biggest complaint seems to be the noise factor, which needs to be addressed.

Commissioner Byrnes asked Building Official Tim Harbuck if he has personally observed the noise problem, to which Mr. Harbuck replied he had. Mr. Harbuck does not know what can be done about the noise.

City Manager Don Lusk stated that the City now has a daycare that brings their children to the park everyday to play and that maybe that might be one solution.

Commissioner Byrnes stated that he did not see that noise was one of the 3 issues that would call for denial of the school. He stated that he did not see where approving or disapproving the special exception request would change the noise level.

*Commissioner Byrnes moved **APPROVAL** of the Special Exception request, seconded by Commissioner Via.*

Mayor Arthur stated that he hopes that the church does try to take care of the noise issue.

Commissioner Via stated that he lived behind a school and feels that no amount of set back would help the noise level. He is greatly receptive to the residents of the area and hopes that the school does something to help curb the noise level.

Commissioner Byrnes would like to have it on the record the he feels that any new buildings will not be included in this special exception.

The motion to **APPROVE** the Special Exception Request, **CARRIED** 5-0 on the following roll call: Mellette, yes; Via, yes; Byrnes, yes; Heyman, yes; Arthur, yes.

10. COMMUNICATIONS FROM CITY MANAGER.

A. City Manager Don Lusk reported that he would like the Commission to decide on the policy briefly described below. The City has not proceeded with this item; it is waiting on the approval of the Commission. Mr. Lusk read the paragraph.

A Request for Proposal – Audit Services

THE CITY OF HOLLY HILL, FLORIDA IS SOLICITING PROPOSALS FROM QUALIFIED INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS, LICENSED OT PRACTICE IN THE STATE OF FLORIDA, TO SUBMIT PROPOSALS FOR THE PERFORMANCE OF AN EXAMINATION OF FINANCIAL STATEMENTS AND RECORDS OF ITS GOVERNMENTAL AGENCIES FOR THE THREE YEAR PERIOD BEGINNING OCTOBER 1, 1998 AND ENDING SEPTEMBER 30, 2001 FOR THE PURPOSE OF FORMING AN OPINION ON THE GENERAL PURPOSE FINANCIAL STATEMENTS TAKEN AS A WHOLE AND EXAMINATION TO DETERMINE WHETHER OPERATIONS WERE PROPERLY CONDUCTED IN ACCORDANCE WITH LEGAL AND REGULATORY REQUIREMENTS. PROPOSALS WILL BE ACCEPTED UNTIL 5:00 PM ON MONDAY, JUNE 21, 1999.

Mr. Lusk stated that this was concerning the numerous requests of auditors that want to bid on the business of the city. If the Commission approves this request, Mr. Lusk suggested that a committee made up of the City Manager, Finance Director and one Commissioner would evaluate proposals and make a recommendation to City Commission. Commissioner Byrnes asked City Attorney Edward Simpson that if the City looked at proposals could they decide not to do anything with them? Mr. Simpson replied yes the city could, assuming that Ernst & Young gives a proposal. Mr. Simpson stated that he would look into see if the city can deny all proposals. Commissioner Mellette stated that he would like to wait to see what Mr. Simpson finds out.

B. City Manager Don Lusk spoke on the Local Government Study Commission. He feels that it is turning into a consolidation movement, which is fine except that they want to hire a consultant that will cost $70,000 that the cities would have to share the cost. Mr. Lusk does not feel that the City should help pay for something that the Commission is totally opposed to. He asked the Commission for direction on this matter. The Commission all agreed with the City Manager's view and gave the City Manager and the Mayor the approval to speak on behalf of the Commission, in regards to opposing the Consolidation.

C. City Manager Don Lusk brought a change order to the Commission. The architect that was working on the air conditioners for the Youth Center came back with a cost of $53,000.00. This amount includes drywall, painting, tile, doors, three 5-ton air conditioners, electrical and some landscaping. It is the architect's recommendation that the city go ahead with the change order. Mr. Lusk is asking for approval from the Commission on the change order.

Commissioner Byrnes moved APPROVAL of change order, seconded by Commissioner Heyman.

The motion to **APPROVE** the change order, **CARRIED** 5-0 on the following roll call: Byrnes, yes; Mellette, yes; Heyman, yes; Via, yes; Arthur, yes.

11. COMMUNICATIONS FROM CITY ATTORNEY.

The City Attorney had no communications at this meeting.

12. COMMUNICATIONS FROM MAYOR & COMMISSIONERS.

Heyman – Commissioner Heyman commended the city on the super job that is being done all across the City from the medians to the gym.

Via – Commissioner Via welcomed the new City Clerk, Jeaneen Clauss. He reiterated that the gym is coming along great.

Byrnes – Commissioner Byrnes wanted to say that who ever was involved in the moving of the bar-b-que pit did a wonderful job.

Arthur – Mayor Arthur, again, welcomed the new City Clerk. He stated that Barbara Davis of the MPO gave her resignation. The mayor expressed his disappointment in missing the Conference of Mayors. The Mayor would like the budgeted amount be used for one of the Commissioners go to the Rail Volusian in Dallas.

13. ADJOURNMENT

The meeting officially adjourned at approximately 9:43 p. m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

JEANEEN P. CLAUSS, CITY CLERK