M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
June 8, 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; Chief Building Official, Tim Harbuck; City Clerk, Jeaneen Clauss; and Finance Director, Brenda Gubernator.

2. INVOCATION

Former City Commissioner, Jim Elliott, delivered the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Citizen of the Year Honoree-presented by George Zoller - The Chamber of Commerce

Mr. Zoller stated that the Chamber has been meeting with the City since January for the August 12th Gym Dedication and Presentation of Awards to a Citizen of the Year and an Employee of the Year – all of which are firsts for the City. He advised that in selecting an individual for Citizen of the Year they were looking for the following traits: 1. community involvement, 2. character building, 3. awareness of the golden rule, 4. dedication to improve the quality of life in Holly Hill, and 5. an example for young people to follow. One person really stood out – Reverend Chuck McKeown of United Brethren Church. Mayor Arthur thanked Mr. Zoller. City Manager Don Lusk advised that the Gym was coming along ahead of schedule and that it would actually be open 6 weeks prior to it's dedication. Mr. Lusk also suggested that they hold their early July Budget Session in the multi-purpose room at the new gym. The Commission agreed.

5. CONSENT AGENDA

None.

6. AUDIENCE PARTICIPATION

A. Rick Beltrami with Metra Electronics delivered a check to the City for the phase II lighting of the new t-ball field.

B. Mr. Edward H. Perkins, 920 Riverside Drive, presented written information to the Commission to support his request that they overturn a hold order that had been placed on his dock construction. He advised that he had called the City zoning/planning department in June 98 and was told that as long as there were riparian rights on the property that he would be granted a dock permit. Mr. Perkins applied to the State, Federal, and Army Corps of Engineers and hired a contractor in February, with a start date of May 24th. The contractor advised him in March that they had State and Federal approval but the City would not issue a permit at this time. Mr. Perkins then went to City Hall and filled out an application for a dock permit, attaching a warranty deed and a survey showing that he has any and all riparian rights. He was not issued a permit because another entity was claiming ownership to the property south of 14th Street – he was given a copy of a letter on this. However, his materials were still delivered on May 24th, as previously scheduled, and the contractor started work. The City issued a stop work order to the contractor on that date. He was told by the Zoning/Planning Department that no permit could be issued until an interlocal agreement was signed between the County and the City. Mr. Perkins was concerned about his materials rotting in the meantime.

City Manager Don Lusk advised the Commission that the interlocal agreement that they were working on would let the City issue these types of permits. City Attorney Edward Simpson presented a memo to the Commission and provided Mr. Perkins with a copy detailing a meeting that City Attorney Scott Simpson had with the County on May 18th to discuss this issue. The memo is attached hereto, as exhibit A. Basically the County has asserted the position that they have riparian rights from 14th Street south, according to the original plat prepared in 1883. They are currently working on an interlocal agreement by which the County would grant to the City the right to administer the riparian rights but the City has not yet received a draft of this agreement. Council did not offer an opinion as to whether the County was right or wrong on this issue but advised the Commission that because the County has claimed a right of ownership it would be prudent to seek an interlocal agreement that allows the City to issue building permits in this area. The Commission clearly empathized with Mr. Perkins but determined it would be negligent on their part to jeopardize the future issuance of dock permits there by proceeding with this prior to signing an interlocal agreement.

The Commission requested a letter be sent to the County in an effort to expedite the resolution of this and asked for the interlocal agreement to be placed on the agenda for the next Regular Commission Meeting. City Attorney Scott Simpson will call the County to find out where they are in the preparation of this and if needed, City Manager Don Lusk suggested that Mr. Simpson draft an interlocal agreement and hand carry it over to Frank Gummey, Assistant County Attorney. The Commission agreed with this action.

7. FIRST READING, ORDINANCE NO. 2564, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, REDUCING THE MINIMUM LOT FRONTAGE AND AREA REQUIREMENTS FOR NEW AND USED CAR SALES LOTS.

City Attorney, Edward Simpson read Ordinance No. 2564 by short title.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, REDUCING THE MINIMUM LOT FRONTAGE AND AREA REQUIREMENTS FOR NEW AND USED CAR SALES LOTS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Via moved **APPROVAL** of the first reading of Ordinance No. 2564, seconded by Commissioner Heyman.*

Commissioner Byrnes stated that he thought this was much too small of a space to put a car lot on.

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

8. RESOLUTION 99R-17. AFFIRMING AND SUPPORTING THE REMOVAL OF PARKING IN FRONT OF THE LAMAR TRANSIT/VOTRAN BUS ENCLOSURES.

City Attorney, Edward Simpson read 99R-17 by short title.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AFFIRMING AND SUPPORTING THE REMOVAL OF PARKING IN FRONT OF THE LAMAR TRANSIT/VOTRAN BUS ENCLOSURES; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE.

Commissioner Via moved Approval of Resolution 99r-17, seconded by Commissioner Mellette.

City Manager Don Lusk stated that they don’t know why they are asking for this but you can’t park at a bus stop anyway and the State controls the parking along here. Commissioner Byrnes expressed concern over the increase in the size of the bus stop, causing a loss of parking to area businesses. Commissioner Byrnes stated that he could not support this resolution without a map of specifics incorporated into it. Mayor Arthur expressed concern over the letter they had received asking the City to agree to do the maintenance of these bus stops. Mr. Lusk advised that was a mistake and that they would not be agreeing to that. Commissioner Via inquired if the list attached to the resolution was all that they were supporting this for. Mayor Arthur asked that they find the footage and find out if any of these locations will cause a loss in the current parking for any of these businesses. Mr. Lusk suggested they place this item on the Special Meeting the next week. Commissioner Byrnes reminded them that he won’t be able to attend that meeting. If the findings are satisfactory, they will pass it at the Special Commission Meeting scheduled for June 15th, otherwise they will wait until

Commissioner Byrnes returns for the Regular Commission Meeting scheduled for June 22nd.

Commissioner Via withdrew his motion, second withdrawn by Commissioner Mellette. Commissioner Via moved to table this until next week at the Special Meeting of June 15th, seconded by Commissioner Heyman.

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

9. PROPOSED STORMWATER EXPENDITURES FISCAL YEAR 1999/2000.

City Manager Don Lusk gave some background information on this proposal. He advised that the stormwater fund is an enterprise fund and that they have a couple of big drainage projects that could take more than a year. They would to start towards that project now so they can be ready for construction in October. Therefore, they are presenting a tentative budget, which would actually be approved in October but would allow them to start the expenditures of purchasing the property and doing the engineering so that they would be out for bid in October. They have applied for a grant to assist with these costs. There is a total proposed budget of $422,500 for this project. Public Works Director Milt Hallman, showed the layout of Shadow Park on the overhead projector and the layout of the drainage area they are discussing. Mayor Arthur stated that he would like to see some sort of credit given to those who have put in their own retention ponds, like they do in Port Orange, and he wanted to see that put into this budget. There was discussion over the outcome of their workshop on this and it will be reviewed again at the next workshop. Mr. Lusk stated that this was not all the money that they have in stormwater, so they could still look into credits like the City of Port Orange does. He advised that the real purpose of this item tonight was to show them the financial plan for this project so that they would know that the money was there for the next agenda item – when he was requesting they approve the purchase of some property for a retention pond.

10. DRAINAGE PLAN FOR FISCAL YEAR 1999-2000

City Manager Don Lusk requested the Commission authorize the City Manager and the Public Works Director to secure the land that is needed to construct the retention pond. To proceed with total project as outlined in the Public Works Director's memo of June 1, 1999. Purchase of land for retention pond not to exceed #35,000.00. The Mayor confirmed there was no moving dirt, etc… and Mr. Lusk advised that it was a straight $35,000.00 plus closing costs (about $300) – she furnishes the title insurance and we are going to split the dock stamps.

Commissioner Via moved Approval of authorizing the City Manager and the Public Works Director to secure the land that is needed to construct the retention pond, seconded by Commissioner Mellette.

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

11. COMMUNICATIONS FROM CITY MANAGER

A. City Manager Don Lusk and Public Works Director Milt Hallman advised that they were working to get a Welcome Sign on the corner of Mason and Beach. It will be eight ft long and four ft wide, made of structural steel, lighted from the interior. PermaCraft was the low bidder. The Commission agreed that the wording "WELCOME TO HOLLY HILL" would be best, with the Seal in the center.

Commissioner Mellette moved for Approval of the Welcome Sign, seconded by Commissioner Byrnes.

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

B. City Manager Don Lusk reminded the Commission of the upcoming Alta Street Bridge Dedication / Ribbon Cutting ceremony on June 21st at 10:30 a.m. It is a joint City/County affair.

C. City Manager Don Lusk asked the Commission to approve the $5,000 final payment on the sod in Timber Trails, that they withheld until the problem was corrected, stating the Public Works Director advises that the man has now met his contract. Commissioner Byrnes indicated that he did not like "add on's" to the agenda and would prefer not to see this continue. Mr. Lusk stated that this item was presented to him just in the last few days and they were already behind in granting this reimbursement. Commissioner Byrnes said that he can understand then, if somebody made a mistake.

Commissioner Heyman moved for Approval of the $5,000 final payment, seconded by Commissioner Mellette.

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

D. City Manager Don Lusk advised that in response to a question brought up at the last meeting on the selection process for a City Auditor. If our present auditor does not bid, than you can't use him after you have begun the bid process unless you reject everyone and start all over. This auditor has said that he may not bid because the process is very expensive. Current auditing costs are $43,000/year. Commissioner Via asked how much less an auditor could be and Mr. Lusk advised they have heard from others that it could be as much as ten to fifteen thousand dollars. Mayor Arthur indicated it was their duty as stewards of tax dollars to look into the best interests. Commissioner Byrnes expressed concern over the potential of bids coming in higher but indicated it was a worthy venture. Commissioner Mellette stated that change was sometimes good and that a new auditor will look in new areas. Mr. Lusk referred to State Law for setting up a selection committee to make recommendations to the Commission and asked that Commissioner Heyman, Finance Director Brenda Gubernator, and he be appointed to this committee.

Commissioner Mellette moved for Approval of going out for bid for an auditor and appointing Brenda Gubernator, Don Lusk, and Shirley Heyman to the Selection Committee, seconded by Commissioner Via.

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

12. CITY ATTORNEY The City Attorney stated he had nothing further to report.

13. COMMUNICATIONS FROM MAYOR & COMMISSION

Mayor Arthur gave Commissioner Byrnes the floor first, since it was his birthday.

Byrnes – Commissioner Byrnes reiterated his concern over the dock issue that Mr. Perkins had brought forth tonight.

Mellette – Commissioner Mellette wished Commissioner Byrnes a Happy Birthday.

Heyman – Commissioner Heyman also wished Commissioner Byrnes a Happy Birthday and stated that she felt the Commission was doing a lot of good positive things for the City, due to the fact that the Commission and City Manager were working as a team and due to the good workers of this City. However, she was offended by some controversy that was going on in the City. She understood there is going to be an article in the News Journal on a City bucket truck putting letters on her sign. Commissioner Heyman stated that this had come about when approximately three months ago she had said to Mr. Lusk that she would like to see it operate and he suggested that they bring it over and change the letters on her sign, allowing her to see it operate and him to see if they knew what they were doing. Mr. Lusk advised her that she would have to pay for it – which she did. The whole job took about fifteen minutes and she didn't think it was any big deal. Commissioner Heyman apologized if she did anything wrong but she didn't think she had. She stated that the only person who said anything about this to her was the Mayor, who told her 3 times that he felt it was wrong. Mayor Arthur stated that he had been called about this because the City was not in the bucket truck business and he viewed it as unethical, though he didn't believe that Commissioner Heyman knew she was doing something wrong. He stated that he had been telling the News Journal everything that had been happening lately but he did not ask the News Journal to report this.

Via - Commissioner Via also reiterated his concern about the dock issue brought forth by Mr. Perkins. Mr. Lusk advised that City Attorney Scott Simpson had intended to workshop that item with the Commission but it was brought to them in this matter first. Commissioner Byrnes confirmed that this is would be handled within the next two weeks for the next Meeting, as they advised Mr. Perkins. Commissioner Via summarized the underlying cause of the heated discussion between Mayor Arthur, Commissioner Heyman, and Mr. Lusk, stating that an election was coming up and that the City Manager was hard and crusty but he really got good things done for the City. He hoped that they would remember what they have accomplished together put personalities aside and get back to working together as a team. Commissioner Via also wished Commissioner Byrnes a Happy Birthday.

Arthur – Mayor Arthur stated that he felt Mr. Lusk was an incredibly smart person but that he overshadowed the Commission. He stated that Mr. Lusk needed to treat people with respect – him, the Commission, and the people who worked for him. He also cited some examples of infraction notices that he had recently received, implying the City Manager was behind them. He added that he felt this was a great Commission and he enjoyed working with them. Mayor Arthur advised that he had received a letter from Joy Catts which referred to the flag out front – which needed replacement. This will be done right away. Mayor Arthur stated that he felt the Employee of the Year should receive their award from the Personnel Commissioner (Byrnes) and he felt that he should present the Citizen of the Year award. All agreed on this. There was discussion on who should select the citizen of the year and it was decided that it was best to leave it to the Chamber of Commerce, for this year, and they agreed wholeheartedly with the Chambers selection. Mr. Zoller will be the Master of Ceremonies. Next year a nomination committee will be created for Citizen of the Year, and the same if they decide to award a businessman of the year, in the future.

14. ADJOURNMENT

The meeting officially adjourned at approximately 9:40 p. m.

ATTEST: WILLIAM D. ARTHUR, MAYOR

JEANEEN P. CLAUSS, CITY CLERK