

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998**

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Commission Chambers at 1065 Ridgewood Avenue in City Hall.

Answering roll call with Mayor Arthur were Commissioners Arthur J. Byrnes, J. D. Mellette, Shirley Heyman and Roland Via.

Also attending were City Manager Donald Lusk, City Attorney Edward F. Simpson, Jr. and City Clerk Sue Blackwell.

2. INVOCATION

Commissioner Shirley Heyman gave the Invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA

Commissioner Via moved to APPROVE the consent agenda being seconded by Commissioner Heyman. The motion CARRIED 5-0 on roll call.

5. PRESENTATIONS – Service Award for 25 years of Service Brenda Gubernator

Mayor Arthur presented Finance Director Brenda Gubernator with her award for 25 years of Service. Mayor Arthur then presented Brenda with the GFOA Award for Financial Reporting Achievement.

6. AUDIENCE PARTICIPATION

John Starr, 346 Clifton Avenue, asked the Commission to consider looking at the minimum charges for water. Instead of charging senior citizens for 2,000 gallons of water per month he wanted to be charged for actual water used. Mr. Starr stated that Daytona Beach does this for their senior citizens and he would like the City Commissioners to look into this for our citizens.

Mr. Starr also complained about run off from the concrete company on Third Street when it rains and asked that this be looked into.

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998**

Ruthie Sager, 208 LPGA Blvd., asked the Commission what they plan to do about the change in Garbage Service. Ms. Sager wanted to know the reason for the change. Mayor Arthur said this would be addressed later in the meeting.

Frances Donnelly, 1628 Anniston Avenue complained about city crews cutting down her ginger trees and other plants along the right of way on her property. Mayor Arthur said City Staff will check into the problem.

7. CONSIDERATION OF CONTRACT FOR SOLID WASTE

City Manager Lusk outlined his reasons and recommendations for awarding the solid waste contract to Jennings (see attached prepared speech given at the meeting).

Commissioner Byrnes said Ms. Sager asked why we were considering this and asked Mr. Lusk to explain.

Mr. Lusk said, "First of all it would give this City the ability to cut the rates by over \$100,000 a year. It would save the City an additional \$130,000 which, over a ten year period, is about 2.5 million dollars in savings. Something else we were looking at too, when we talked with these companies, we didn't want the same service we've had. We want a better service. One of the things that we made these companies commit to was no additional charge for yard waste. Not only can we cut the rates a dollar a month, we can give you an expanded level of service. That's hard to walk away from. Both companies committed to buying new trucks for this City. Both companies committed to painting them white. They'll look just like the trucks you've always seen and hopefully you will have the same drivers."

"We think, and after listening to the employee benefit package, I'll be honest with you, Jennings' benefit package was better than this City's. Right now our employees pay their family coverage, which runs about \$300 a month. Jennings charges their employees \$50 for family coverage. It's a PPO through Humana, which is better than what we've got. Then they throw in vision, dental, short term disability and long term disability. That's a pretty darned good benefit package for \$50. They even include braces in their dental package. We don't even come close. This is a heck of a package and I would hope our employees would be willing to sit down and talk to Jennings before they make up their minds. I think they will be very surprised at what the Jennings company has to offer."

Mr. Lusk continued by saying, "I think everyone on this Commission knows, over the past three years, how Milt and I have felt about privatizing. We were opposed until we saw the figures."

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998**

Mayor Arthur said, "One of the interesting factors and this has been a real topic among the City, this is probably one of the toughest decisions we've had to make as Council people. It affects people who work for us."

Mr. Lusk said, "Let me apologize for something though, I would like to apologize to our employees because we have not talked to our employees and there is a reason for that. We have to follow labor law in this state. We are having to deal with their labor attorney, right now, through him. He has been notified and we have been told they will tell us when we can talk to the employees and I want the employees to know that. It's not that we're trying to pull something secret. We can't deal with the employees on this issue until your Union says we can talk to them and I really feel bad about that."

Mayor Arthur said "When we started talking about this, everybody had in their mind a figure that it would be worth talking about. That figure was much less than what we pay. They had to hit a certain figure before we were even going to consider it. We did that with BFI. They were no where in the ball park; it wasn't worth it. We thought that we could turn it around. We did. Our employees are fantastic. They did a great job. Not only did these people come and met that figure but they went probably \$100,000 below it and it was just impossible. They came up with figures that could change the outlook of this City where it would be irresponsible for us not to look at it. Both companies are fantastic. There is no question about it. We owe it to the citizens of this town."

Mr. Lusk said, "If there are any questions about the contract, I'll be glad to answer them. I can tell you this, we've already had two cities call and ask for copies of it. It's a good contract for this City."

At this point it was the consensus of the Commission to open the discussion to the public.

Mrs. Bernice Griswold – Presented a petition to the City Commission and asked the City Clerk Sue Blackwell to read the petition:

Mrs. Blackwell read:

"We the following residents of Sherwood Lane and surrounding area want you councilman and our mayor to know that we are very well satisfied with the solid waste service in Holly Hill and see no reason to change". Mrs. Blackwell said, "There are 22 signatures on the petition."

Mrs. Griswold said, "I could have gotten more (signatures) but I didn't have time. I didn't know anything about it until 7:00 a.m. this morning. Mr. Lusk wrote an article in Thursday the 12th paper. This was something that comes up every two or three years. It didn't sound like he was really interested so I didn't think anything about it. I'm satisfied and everybody I went to is satisfied and I can go out tomorrow and get maybe

MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998

200 (signatures). We've got good service if we have to pay extra for it, I'm willing. I would like to see it delayed and you all do a little more checking."

Also speaking in opposition were: **Kathy O'Brien, 1501 Tuscaloosa Avenue, Vince Catalano, Mobile Avenue, Janice Mensch, 241 Sherwood Lane and Jerry Page, 15 Howard Avenue.**

Mayor Arthur closed the audience participation portion of the discussion and opened the floor to the Commissioners.

*Commissioner Via moved to **APPROVE privatization as presented being seconded by Commissioner Mellette.***

Commissioner Mellette referred to Page 23, item "c", first paragraph of the contract. Commissioner Mellette asked Mr. Lusk if the telephone calls were not going to the company but coming to Public Works had been worked out.

Mr. Lusk said, "One of our concerns was when people have had a complaint they've always called the City. So, what we've decided is, we (the City) will deal with all of the complaints. The company will have two hours to respond to the complaint or we go into a penalty phase of the contract."

Commissioner Byrnes said, "My concern again is for the employees. Some of the numbers look okay. There's a couple of folks I'm a little bit concerned about. There's one person who's 20 years come up in a month and a half. I want to see that person gets the full 20 year credit." Mr. Lusk assured Commissioner Byrnes that the employee could be kept on the City payroll and let the company reimburse us. He (employee) would stay on our payroll, get his twentieth year which is about a month away and at that point he would go on Jennings payroll."

Mayor Arthur said, "One item they went through which was very hard. Everybody discussed all of the figures. What this came down to in the end was an opinion of which company would be best for the employees. The figures were there with both companies. Everything was equal. Staff making a decision, which was not a decisive decision. The whole matter, the last two weeks has been 'What about the employees? What are we going to do with the employees. Both people came and made presentations about the employees. That was a concern of this Council."

Commissioner Byrnes said, "There are some long term employees. Some of those folks will leave with a fairly substantial check. There are others though, who may have been looking forward to a City career, who are going to leave with very little. If they decide not to take the offer of Jennings, they will need some time to look for a job and I'm concerned about those people also. Mr. Lusk addressed people with more than 30 days."

MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998

Mr. Lusk said, "Yes sir. I think we should give at least a month's severance. My problem is we have an employee who has been here only a week. I'm not sure we should be giving him a month's severance. That's a lot of money for a week's work. Plus he's got a job. Jennings is ready to hire him right now."

Commissioner Mellette said, "But does he still gets the month even though he does go with the company?"

Commissioner Byrnes said, "Yes, that is what I want to happen so that if there is a problem if the person is not happy or doesn't want to work for Jennings, then he has that 30 days to find another position. I'm looking at what is fair. If you do not allow those people to have the resources to look for another job, you are doing them a great disservice. They came on board this City looking ..."

Mr. Lusk said, "Commissioner, I agree. I would like to recommend to the Commission that we give everybody a minimum of 30 days severance. We did promise them a job when we hired them, even if they've only been here two weeks."

Commissioner Byrnes said, "If the maker of the motion would accept that..."

Commissioner Via said, "*I'll amend my motion to reflect that.*"

A short discussion was held concerning the original intent of Commissioner Via's motion.

Commissioner Via said, "***The intention of the motion was to set in the motion the criteria that this Commission would accept the idea of privatization.*** I share in a lot of the emotion the audience has shared because I, too, am a citizen. It was never brought up, ever, until these companies approached us as to what these figures were. Holly Hill is in a growth time. We can always look for the bad no matter what service is provided to us whether its Holly Hill or Jennings or what used to be BFI. If you want to find something bad in it, you can. Amazingly enough, I got one telephone call in the midst of this. It has been in the newspaper. We haven't been quiet about it. We've made things open. We've made things public and we've published our legal notices. We've done what we could to research this. These emotions we're hearing in this crowd, from the last few days, are things that we've been going over for the past several weeks. We've asked some of the very same questions. It looks like we're down sizing our garbage service but in essence we're really up sizing. We're providing a much larger company. We're providing more people, more resources, more money. They have a huge financial backing. Someone said they would like to have this put to a vote. In reality it already has been because the people voted for us to make these decisions based on sound economic reasons. If we make this decision, we know this is precarious as far as our popularity goes. We know that this has something to do with future elections. None of us would vote for this if we thought in a moment that the quality of service would change

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998**

one iota towards the negative. Personally, I have looked at many of the positive things. I've seen where the quality of service can be dramatically increased much better than surrounding cities. There is a reason why surrounding cities have done this. This is a business decision. It's not a good old boy small town mentality anymore. We are a business here. We're looking at the opportunity to come up with about \$600,000 in instant dollars that this poor City needs. We're looking at 2.4 million dollars over the next 10 years. There is absolutely nothing this City could do to earn that kind of money."

Commissioner Via continued, "I waited for phone calls. I got one and the lady came up and spoke. I went and called people. I asked four questions. The questions were very simple. Number one, would you like to have your rates lowered by a dollar and they said 'yeah what's the catch?' I said well the catch is we'll provide holiday service and they said 'what do you mean, we don't have to wait that two week period now and we can get it picked up?' I said yes, everyday except Christmas Day and we'll do that on Saturday 'well really now what's the catch?'. How about if we give you unlimited yard waste? If we're very serious as a Commission and we want to start cleaning up this town, how about instead of two days a year we give you about a 104 days a year that you can put out unlimited trash out front and never have to pay extra. They said, 'Well that's really great. What's the catch?' Well, the catch is do you care what name is on the door on the side of the truck. They said generally as long as it wasn't offensive they didn't have any problem with it. Those were just some simple criteria. Then it got back down to employees. I trust this Commission has employees at heart. We're already starting to talk about money. When I started looking at it again and I found out they were going to make 8-10% increases in their salary when normally they get 2-3% raises here in the City. When I saw that their benefits were going to be dynamite, I started worrying about what our other employees were going to be thinking about this. When I saw the four employees that are really impacted by this, the people who are vested with our City, and I saw that \$10,000, \$13,000, \$18,000, \$19,000 dollars were going to be the checks immediately written to these people, I was hoping that maybe I could turn back the clock jump in there and be a garbage man for the past twenty years."

Commissioner Via said, "These were the things that we had to look at. I know that we have good service here. I know we're a small City. We pride ourselves on being a private community. We can't think that way anymore and continue to remain a viable source here in this County. We go to a lot of meetings of other organizations here. Holly Hill is looked at as being a second class citizen compared to some of the other cities. I think that is totally wrong. This Commission was voted into place for us to sit and consider all the dollars and cents and the bottom line. We are the purchasing agents for the City and it does get back to the bottom line. I think the emotions are here because not all the facts have been brought out to everybody maybe in the way they should be. I hope this helps clear up a little bit of the issue. The four criteria that I see as for privatization is: Lower cost to the citizens, lower cost to us, better service, more profit level and a guarantee that all of the above will take place. As far as the amount of money or what the rate is compared to what we've paid before, yes, we've made money where we could turn

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998**

it around and under the direction of this Commission from the past. We've been able to buy trucks for cash. Well, instead of doing that every year, now we're going to have cash left over. Essentially what we're going to be doing is earning about a quarter of a million dollars a year for adding one line on your water bill and sending it out and collecting the money for the garbage. We should have these rates remain pretty static for three or four years. We're hoping closer to five. You won't see any increases. This is one of the things we were talking about and better service. If there's any reason why this doesn't happen, this 30 page contract spells out all kinds of different ways for us to get out of it and them to get out of it and other ways to affect this. It's a tough, tough, hard decision. This is not a popularity contest. I'm hoping that the people will, if we should vote privatization in and we have a company, and that we'll give that company a chance to through our very same trucks and our very same employees to get up to speed. I don't think we're even going to miss a day or miss a can. I don't think anything will change at all. I think we'll go right along the way it was."

Commissioner Heyman said, "But Roland, doesn't this make you just a little bit nervous? Everything is so wonderful about this. This is what I'm trying to get across to you all. Mr. Lusk and I discussed this. I look at it. We hired Mr. Lusk and he is a smart man. I'm telling you he's a very, very shrewd businessman. None of us disagree with that. I believe we hired him and we hired Mr. Hallman, that was two of the best things we've ever done for this City. Our service is good. I get real nervous I've read the contract and it sounds wonderful, but I get real nervous because it does sound so good. I do not like the fact of us giving it up. I don't like the fact that we're not a full service City anymore. Like I said, I think Mr. Lusk and Mr. Hallman are smart enough that they can figure a way with this garbage deal without us having to give it up. I don't know how the rest of the Council feels. I have to speak the way I feel. I'm not totally against privatizing, don't get me wrong. I just think everything sounds so wonderful and it can't all be that good and I do think Holly Hill has good personal service. Me, personally I don't want to give it up. Maybe I'm being selfish. I don't feel comfortable turning it loose to another company. That's my feelings."

Commissioner Via said, "Change always does comes with a price. I realize that we're in a comfort zone here, but this City, if you look long term, if you look ten years down the road we cannot continue to be in that comfort zone. The price of our garbage at this point, can never go down. It can only go up. We have a chance to receive about \$600,000 in up front money from what's happening. We have a chance to start gaining a profit of about \$250,000 a year or 2.5 million dollars over ten years."

Commissioner Heyman said, "You can't just look at the money. You have got to look at the overall...."

Mr. Lusk said, "Can I add something though one of the concerns that Council should realize? Milt and I do run a pretty tight ship and we're pretty proud of that. But even

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998**

with that, this City has the highest rates in the County. We have the highest garbage rates.”

Commissioner Heyman said, “And we’ve probably got the best service and now Mr. Lusk since we hired you and Mr. Hallman we’re paying cash for our own trucks. That’s what makes me nervous. We’re doing so good and now all of a sudden we’re going to turn it over. It makes me nervous.”

Mr. Lusk said, “We’re doing good, but I still come back to we have the highest rates in the county.”

Commissioner Heyman said, “The people aren’t complaining.”

Mayor Arthur said, “We definitely have the best (garbage service). There’s no question about it. If we’re taking the additional money it is going to make. We’re guaranteeing the same service. This is on paper. If it doesn’t go through, we can change it. We’re guaranteed more money for the City. This money is going to the citizens. Every single person will benefit if nothing else one dollar. At best is all improvements this money will bring to this City. To me, its not even that’s who elected me. I was elected by the people to do the best job that I could for the people. In no means in this world am I trying to hurt anyone who works for this City. They (employees) have absolutely impressed me more so than I ever thought. Because of government and the way government runs and every opportunity they get, it’s impossible. At one time I even asked David Hood at Ormond if we could bid against BFI, when BFI first took it. Our garbage service I thought was so good that I thought we could actually bid and run Ormond Beach’s service. Although it was a very joking move, I was very serious about it. Is it possible for us to take over Ormond Beach’s garbage service.”

Commissioner Mellette said, “This is a very emotional issue. We have, as far as I’m concerned, the best garbage service in the County. It may not be the cheapest, but it’s the best. My job when I was elected was to do the best job to try to find the best way to provide the best service for the best price. Privatization is a very volatile issue a lot of people are for it and a lot of people are against it. I’ve got a divided household, dependant upon how I vote tonight may determine where I go tonight, but when I look at this contract, I have to guarantee that my citizens get good service for a good price. I have to be assured that my employees are going to be treated fairly. There are no guarantees in the world. You can only take what face value is and try to make sure it’s right and try to enforce it if it does go wrong. Yes, maybe it sounds too good. A lot of things do sound too good. That means you’ve got to be on your toes and watch them. When something goes wrong, correct it when it starts. If you see something you don’t like in it to start out with, correct it before you even vote on it. What I see here, I feel this City will be better off privatizing than staying the way we are. That’s nothing saying bad about our employees or the service they have delivered because we do have good service. I think we can give a better service for a better price with this contract.”

**MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998**

Commissioner Byrnes said, "In ten years sitting in this seat, this is probably one of the hardest decisions I've had to make. I look at people I've known for years who have done a good job. Then I look at other folks. The meeting started out by Mr. Starr saying 'can't you lower our water rates?' and we have the second highest solid waste rate in the County. For every person, like Mr. Starr, who has asked to me reduce the water rates I've had just as many say 'How come these other cities pay so much less than we do for their service?'. As Mr. Via said I have not gotten, except in this room, I have asked for comments. I have asked people, I have said similar questions to what Mr. Via has stated. The people tell me to do what I think is best for the City. Sometimes what's best for the City as a whole is not maybe what individuals think is best for them which is what makes this so hard because I look at these faces and I see some people who have put in time and don't want this to happen but I have to look at what the future holds, the future for us, if it continues the way it is. We won't be able to say we're the second highest. We're going to be the first highest, if we do not do something to contain costs. Mr. Hallman and Mr. Lusk had the task to show us how you can reduce costs. Their reply was they could not get the costs down to what the private contractors could get for us. I would think that five years from now when we look back at this night, we'll all think that we had a win win situation because we'll have a fine contractor whoever it is doing fine work for us. We'll have some people becoming vested in their second retirement and we'll have people who haven't really noticed a change in their service. As I said this is a tough decision. I agree somewhat with Mrs. Heyman, if its not broke, don't fix it. I have to reply okay do we just leave it alone and worry about raising the rates next year. I can't, I'll stop rambling. Thank you Mr. Mayor."

Mayor Arthur said, "Roland, would you like to change your motion?"

Commissioner Via said, "I'd like hear from them. One thing that impressed me by the way, Commissioners, Mayor, is we were given quite a bit of material by Florida Recycling and Jennings and these guys have really done a tremendous amount of work. I was given over 35 professional letters of approval from other cities and counties. There is just a long list. There are several hundred names of counties and cities and people these are commissions and councils who have come before us who have had to make similar decisions. I'd like to pride ourselves and think that we are different. Yes, we are different. We have the highest rates. I know we pride ourselves with what service we give. We give with honesty and integrity but I want to correct something. It's not the best service, not when you can have holiday service that Daytona Beach has and not when you can have unlimited waste pickup that Daytona Beach has for less rate. It's not the same. I pride ourselves in what we are able to do for the money we have, but best compared to what? I talked to some of these professional people and found out I was kind of wasting my time because I was getting a double positive. I'm just making this statement to reiterate that I want our City to be different that I want it to be different in a positive way where we're saving people money and providing a better service. That's really I think what we're saying."

MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998

Mayor Arthur at this point asked the contractors to make a short presentation. After a five minute break, Mayor Arthur called the meeting back to order.

After calling the meeting back to order, Mayor Arthur said he was going to stray from the regular agenda for a moment. Mayor Arthur then called Vipalb Vitel, Jason Aberman and Sorrell McCormick and presented them with Certificates of Recognition for studying American government and becoming involved in local government and attending the City Commission meeting.

Sid Vihlen, Jr. Governmental Liaison for Florida Recycling Services made a short presentation to the City Commission. Followed by Bob Hires, Vice-President of Governmental Contracts with Jennings Environmental Services who also made a short presentation.

Commissioner Via said, "Mayor what I would like to do at this time is ***amend my motion I would like to place a motion authorizing the Mayor and City Manager to enter into and execute a contract for solid waste service with Jennings Environmental Services, Inc., amend it to reflect twenty (20) work days severance pay for employees with less than one year service Commissioner Mellette amended his second.***

City Manager Lusk said, "I need Council to know something so you don't think I've mislead you about this contract. In this contract, it's dated for March 1st. We don't see that happening. We see April 1st as the date it will actually start. By doing it this way we can then start talking to our employees. Jennings can start talking with them. We will start the service around April 1st but somewhere between March 1st and April 1st is when you'll start your service."

Commissioner Byrnes said, "And the saddest part is that there's nobody from their Union here to address us here tonight."

City Manager Lusk said, "Their Union was informed."

Commissioner Byrnes said, "I know and we've heard nothing. I'm done. Call the question."

Mayor Arthur said, "In meeting with these people, I've met with them on different occasions. I've met with Florida Recycling a lot more than I have Jennings and Jennings is truly a great permit. I guess being a little City in a big bowl makes me tend to have a lot of feelings for a smaller company. I'd like to see a little company. It's not a little company. They've been there 30 years and I think they'll be there 30 more years. I've been very impressed by both companies and I will support whatever the Council does, but I wanted everybody to know a little bit of my feelings on it. Any further discussion? Call the roll please."

The motion **CARRIED** 4-1 on the following roll call:

Via, yes; Mellette, yes; Byrnes, yes; Heyman, No; Arthur, yes.

8. ORDINANCE NO. 2499- AMENDS CURRENT RULES AND REGULATIONS FOR OPEN BURNING (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2499

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE NO. 2485 WHICH ESTABLISHED RULES AND REGULATIONS FOR OPEN BURNING WITHIN THE CITY LIMITS OF HOLLY HILL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Mellette moved to **ADOPT** Ordinance 2499 on second reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

9. ORDINANCE NO 2500 – AMENDS CHAPTER 42 (PENSIONS & RETIREMENT) ARTICLE II (POLICE OFFICERS) SECTION 43-31 (PENSION BENEFITS) (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2500

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING CHAPTER 42 (PENSIONS & RETIREMENT), ARTICLE II (POLICE OFFICERS), SECTION 42-31 (PENSION BENEFITS) OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA, TO PROVIDE FOR AN ADDITIONAL MONTHLY BENEFIT FOR CERTAIN RETIREES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **ADOPT** Ordinance No. 2500 on final reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:*

Via, yes; Heyman, yes; Byrnes, yes; Mellette, yes; Arthur, yes.

10. ORDINANCE NO. 2501 – VACATING A SEWER EASEMENT (Second reading)

City Attorney Simpson read:

ORDINANCE NO. 2501

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA VACATING A SEWER EASEMENT ON PROPERTY MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Mellette moved to ADOPT Ordinance No. 2501 on final reading being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:

Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

11. ORDINANCE NO. 2502 – AMENDS THE COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTY (First reading) – Walgreen's

City Attorney Simpson read:

ORDINANCE NO. 2502

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2265, THE COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, BY REVISING THE FUTURE LAND USE MAP TO INCORPORATE CERTAIN ANNEXED PROPERTIES LOCATED ON THE NORTHWEST CORNER OF NOVA ROAD (SR 5A) AND LPGA BOULEVARD), AND ASSIGNING THE “WHOLESALE COMMERCIAL AND INDUSTRIAL” LAND USE DESIGNATIONS THERETO; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

City Manager Lusk recommended that City Commission slow down the annexation program in the area west of Nova Road. Instead of voluntary annexations, let the property come in under referendum in June.

Commissioner Mellette moved to APPROVE Ordinance No. 2502 on first reading being seconded by Commissioner Byrnes. The motion **CARRIED** 5-0 on the following roll call:

Mellette, yes; Byrnes, yes; Via, yes; Heyman, yes; Arthur, yes.

12. ORDINANCE NO. 2503 – AMENDS LAND DEVELOPMENT REGULATIONS BY REZONING APPROXIMATELY 1.70 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NOVA ROAD AND LPGA BLVD., FROM I-1 (VOLUSIA COUNTY) TO I-1 (CITY OF HOLLY HILL) (First reading) – Walgreen’s

City Attorney Simpson read:

ORDINANCE NO. 2503

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 1.70 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NOVA ROAD (SR 5A) AND LPGA BOULEVARD FROM I-1 (VOLUSIA COUNTY) TO I-1 (CITY OF HOLLY HILL); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

*Commissioner Mellette moved to **APPROVE** Ordinance No. 2503 on first reading being seconded by Commissioner Via. The motion **CARRIED** 5-0 on the following roll call:*

Mellette, yes; Via, yes; Heyman, yes; Byrnes, yes; Arthur, yes.

13. RESOLUTION 98-R-05 APPOINTS TWO MEMBERS TO THE FIRE PENSION BOARD

City Attorney Simpson read:

RESOLUTION NO. 98-R-05

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING TWO MEMBERS TO SERVE ON THE FIRE PENSION BOARD OF TRUSTEES FOR THE CITY OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Simpson said “there are no names in the body of the Resolution.”

City Manager Lusk explained the City Commission needs to pick two people to serve on this Board. It’s important the City Commission have members they have chosen and his recommendation, at this time, is for the City Commission to appoint City Manager Don Lusk to serve on the Fire Pension Board to represent the City Commission.

MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998

Mayor Arthur asked about the second appointment and City Manager Lusk asked to hold off on that appointment and bring his recommendation back to the next Commission meeting.

*Commissioner Mellette moved to **APPROVE** the appointment of City Manager Don Lusk to the Fire Pension Board for discussion purposes only being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on roll call.*

Holly Hill Firefighter Charles Cobb spoke on behalf of the Fire Pension Board and said appointing City Manager Lusk represents a conflict of interest. Mr. Lusk's interest in being on the Board is the interest of the City. A Pension Board's duties and responsibilities are to the Pension and for its Pensioners.

Commissioner Byrnes asked who makes up the shortfalls in the Fire Pension Fund. Mr. Cobb answered "you do (the City)". City Manager Lusk said the City has a true responsibility to see that fund get wealthy. The wealthier that fund gets, the less money this City Commission has to put in.

Commissioner Mellette asked why only one member is to be appointed this evening.

City Manager Lusk said he really doesn't want to serve on this Board and would like to sit down with the Fireman and he would like the fifth person to be Finance Director Brenda Gubernator. The City needs to have the Finance Director on this Board.

Commissioner Byrnes asked if the City could modify the Ordinance that creates the Fire Pension Board so that we (the City) do have one member who is a City Staff member. It was the consensus of the City Manager and the City Attorney that this is State Statute and the City does not have the authority to modify it.

Mr. Lusk explained this discussion started with Assistant City Attorney Scott Simpson who had read the State Statute that set up the appointments to the Board. The Firemen get two appointments, the City Commission gets two appointments but they must live inside the City and the fifth appointment does not need to live in the City. The fifth appointment is appointed by these four. Mrs. Gubernator is not a City resident and would have to be appointed by the other four members. Mr. Lusk is a City resident and the City Commission has the ability to appoint him to this Board.

Mr. Lusk said what he would like to do is work out an agreement where he and the two Firefighter appointments could appoint the fifth person. The fifth person being Brenda Gubernator at that point Mr. Lusk would resign and the City Commission would name two people.

MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998

Commissioner Mellette moved to **APPOINT** Don Lusk to the Fire Pension Board being seconded by Commissioner Heyman. The motion **CARRIED** 5-0 on the following roll call:

Mellette, yes; Heyman, yes; Via, yes; Byrnes, yes; Arthur, yes.

14. REQUEST COMMISSION APPROVE PURCHASE OF EQUIPMENT FOR SPARE BIOLOGICAL TREATMENT UNITS (BTU) DRIVE AND MOTOR (SPARE)

Commissioner Heyman moved to **APPROVE** the request being seconded by Commissioner Via. The motion **CARRIED** 5-0 on roll call.

15. COMMUNICATIONS FROM CITY MANAGER

City Manager Lusk said he had one item. The City will begin publishing a newsletter to go out with the water bills every other month. Each time a newsletter goes out one Commissioner will have the opportunity to write an article and tell the citizens what's going on in their district.

16. COMMUNICATIONS FROM CITY ATTORNEY

Mr. Simpson said he had one article which he needed to address. After the City Commission finished dealing with the contract for Solid Waste a resolution should be read. Then the City Commission should vote on the Resolution which in fact adopts the contract.

City Attorney Simpson read:

RESOLUTION 98-R-05-B

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE ATTACHED CONTRACT FOR SOLID WASTE COLLECTION WITH JENNINGS ENVIRONMENTAL SERVICES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE

Section 1 of that Resolution states: The City Commission of the City of Holly Hill hereby authorizes the Mayor and the City Manager of the City of Holly Hill to execute the attached contract for Solid Waste Collection with Jennings Environmental Services, Inc. amended to reflect 20 work day severance pay for employees with less than one year of service.

MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 24, 1998

City Manager Lusk said the start date officially in the contract is March 1st but that's not going to happen. What's going to happen is that last paragraph in the contract says we have to work out labor under State Statute before this contract can start. The City has to bargain impact.

*Commissioner Mellette made motion to **ADOPT** Resolution 98-R-05-B being seconded by Commissioner Via. The motion **CARRIED** 4-1 on the following roll call:*

Mellette, yes; Via, yes; Byrnes, yes; Heyman, no; Arthur, yes.

17. COMMUNICATIONS FROM MAYOR & COMMISSION

Commissioner Byrnes – Tough decision tonight. The toughest I've had to make since I've been up here. The other matter I didn't really finish as far as the Statute for the Pension Board was concerned. I don't like to play politics. Can we find out if there's a way we can do that through State Statute (appoint the Finance Director) where we don't have to make this appointment twice? I'd much rather have it codified so that two years from now we don't have to do the same thing.

City Attorney Simpson said he would look at it before the next meeting.

Commissioner Mellette – None

Commissioner Heyman – None

Commissioner Via – We made a great step forward tonight. We need to unify and make sure all our citizens understand this. Send out prayers for our neighboring counties that have been through the terrible tornado. Welcome back to Sue Blackwell, City Clerk.

Mayor Arthur – Congratulations to Jennings.

18. ADJOURNMENT

There was no further business to come before the Commission so the meeting was adjourned at approximately 10:22 p.m.

Mayor

Attest:

City Clerk