

**MINUTES
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
FEBRUARY 27, 1996**

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue at 7:30 p.m..

Answering roll call were Mayor Arthur, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Shirley Heyman and Councilman Jim Elliott.

Also attending were City Manager Donald Lusk, City Attorney Edward Simpson, Chief J. Patrick Finn and Deputy City Clerk Sue W. Blackwell.

2. INVOCATION

The Invocation was given by Milt Hallman, Director of Public Works.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CONSENT AGENDA

A. Approval of Minutes - February 13, 1996

Councilman Elliott moved to APPROVE the Consent Agenda being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

5. AUDIENCE PARTICIPATION

Mr. John Starr, 346 Clifton, talked to Council about a problem with D & W Paving on Third Street. He said he came to Council about five months ago and D & W removed the pipe but now they are letting the water and mud go in the street and it is causing a mess. He also mentioned the sod being peeled back from the asphalt in preparation for the paving program getting under way.

Mr. Hallman explained he would talk to D & W on Wednesday and also told about talking to the paving company and the County Inspector regarding the mess being created so far in advance of the paving. He said the officials have assured him they will look into the matter and that the work will be accomplished in a timely manner.

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6. ORDINANCE NO. 2420 - AMENDS NEW DEFINED CONTRIBUTION PLAN TO REFLECT A TOTAL CONTRIBUTION OF UP TO 10% (SECOND READING)

City Attorney Simpson read:

ORDINANCE NO. 2420

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING ORDINANCE 2417 TO REDUCE THE VOLUNTARY CONTRIBUTIONS TO CITY OF HOLLY HILL'S GENERAL EMPLOYEE'S DEFINED CONTRIBUTION PLAN FROM 10% TO 8%; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT the ordinance on final reading being seconded by Councilman Elliott. The motion CARRIED 5-0 on the following roll call:

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

7. ORDINANCE NO. 2421 - CREATES THE LIBRARY - YOUTH CENTER BOARD

City Attorney Simpson read:

ORDINANCE NO. 2421

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, FLORIDA AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VI (BOARDS, COMMISSIONS, ETC.), DIVISION 2 (LIBRARY BOARD) SECTIONS 2-391, 2-392, 2-393, 2-394, AND 2-395 TO CHANGE THE NAME OF THE LIBRARY BOARD TO THE LIBRARY AND YOUTH CENTER BOARD, TO INCREASE THE NUMBER OF BOARD MEMBERS FROM FIVE (5) TO A NUMBER NOT LESS THAN ELEVEN (11) AND NOT MORE THAN FIFTEEN (15), AND TO PROVIDE THE LIBRARY AND YOUTH CENTER BOARD WITH ADDITIONAL AUTHORITY REGARDING THE YOUTH CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes moved to ADOPT the ordinance on final reading being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call:

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

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8. RESOLUTION APPOINTING LIBRARY-YOUTH CENTER COMMITTEE MEMBERS

City Attorney Simpson read:

RESOLUTION NO. 96-R-15

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO SERVE ON THE LIBRARY AND YOUTH CENTER BOARD FOR TWO YEAR PERIODS, FOR THE CITY OF HOLLY HILL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Simpson listed the names of those being appointed as: James Price, Deronda Meyer, Hilda Episcopo, Marilyn Johnston, Florence Davis, Joanie Grounds, Tammi Carlucci-Fields Bonnie Samson, Geoffrey Williams, and Gail Hurtibise.

Councilman Byrnes moved to ADOPT the resolution being seconded by Councilman Mellette.
The motion CARRIED 5-0 on the following roll call:

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

9. AWARD OF BID FOR FIRE DEPT. EQUIPMENT

Mr. Lusk explained this equipment is referred to as a cascade system and is used to fill the air bottles for the Fire Department.

Councilman Mellette moved to APPROVE award of the bid as recommended to Channel Innovations for \$8,333 (low bid) being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

10. COMMUNICATIONS FROM CITY MANAGER

A. Early Retirement For Judith Stano

He said the City had an early retirement plan last year and you do these early retirements to save money over the long run for the City. Sometime when an employee retires, you can replace that employee with a salary which is \$10,000 to \$12,000 less than the retiring employee. Mr. Lusk

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said he is asking Council to authorize the Mayor to sign an early retirement agreement for Judy Stano. He said it would cost approximately \$12,000 for her to take an early retirement.

Mr. Lusk said he has talked with Mr. Harbuck where Judy works and the way they will fund this early retirement is by not filling the job for four or five months. When the position is filled, the salary will go from about \$26,000 to about \$15,000. He said that is the purpose for doing this. He also mentioned the pension savings which will be realized by the City as the newly hired person will not be under the Florida Retirement System. He said the agreement has been written and reviewed by the Assistant City Attorney.

Councilman Mellette asked if the employee agrees to this and Mr. Lusk said she is very satisfied.

Councilman Mellette moved to APPROVE the request to authorize the Mayor to sign the agreement being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

B. Structural Engineer

Mr. Lusk said pursuant to discussion during the goals sessions he is asking Council to approve an \$825 expenditure to have a professional check out the old school and tell the Council if it is feasible to restore it or if we must tear it down. This does not require proposals because this is the City's engineer of record.

Councilman Heyman moved to APPROVE the expenditure being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

C. Workshop Meeting

Mr. Lusk reminded Council of the Workshop to be held in Room 227 immediately following this meeting. He said the public is invited however, they should understand this is a session where Council and staff discuss items between themselves without public input unless invited and tonight the Personnel Rules and Regulations will be discussed.

Councilman Heyman asked if the audience could hear Council. When it was ascertained the citizens in the back of the Council Chambers could not hear, Councilman Byrnes said he thought someone had adjusted the black knob in the back. Mr. Lusk adjusted the output on the rear speakers. After the adjustment, the citizens could hear just fine.

11. COMMUNICATIONS FROM CITY ATTORNEY

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Mr. Simpson reported on the conclusion of a lawsuit against the City. He said the City demolished a dilapidated building several years ago. The ordinance required the City to give notice to the owner and give him an opportunity to be heard and give evidence at a hearing. Then give a notice to correct or cure the condition. If they don't do that, the City can demolish and post a lien on the property.

In this case the property owner received notice, came in and agreed the property was in a dilapidated condition, gave the City written permission to demolish the building. The City did demolish the building and posted a lien on the property. Shortly after that, the fellow who was holding the mortgage and foreclosed came in and said the City needed to pay him for the building the City tore down and that building became worth \$100,000. Fortunately, after the trial, the court ruled in the City's favor so they were not entitled to recover anything.

Mr. Simpson said in an abundance of caution he will probably recommend to Council the City change its practice and actually do a title search whenever we have a piece of property with a building on it the City is going to tear down. This will make sure a mortgage holder will know what the City is going to do. That would give the mortgage holder the opportunity to come in and spend the money to make the necessary repairs to the property. He said this makes good sense legally and probably makes good sense from a business standpoint because if there is a prior mortgage holder, the City's lien could be wiped out by the foreclosure of that mortgage. He said he probably will be bringing an amending ordinance to Council.

Mayor Arthur said he thought this was a very good idea so Council would wait for him to bring the amendment to them.

12. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Elliott - None.

Councilman Byrnes brought a copy of a resolution received from the City of South Daytona in support of the Beach Trust Commission. It was sent to the Chairman of the Charter Review Commission. Mr. Byrnes suggested this Council do the same. The idea was well received and it was agreed to adopt a resolution at the next meeting and send it to the Charter Study Commission.

Mr. Byrnes said by doing away with the Beach Trust Commission, it would cut off the cities ability to have input on how the beach is run and leave it up to County control.

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Councilman Mellette - None.

Councilman Heyman - None.

Mayor Arthur reported he attended an awards dinner at the Eagles where David Waffle was honored as firefighter of the year and Ross Blissett was named Policeman of the year. He said it was a nice affair. He said Chief Forte and Chief Finn gave nice speeches.

13. ADJOURNMENT

There was no further business to come before the Council so the meeting was adjourned at approximately 8:01 p.m. with a reminder from Mayor Arthur about the workshop immediately following this meeting.

Mayor

ATTEST:

City Clerk/Manager