M I N U T E S
SPECIAL COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 11, 1996

1. CALL TO ORDER

Mayor William D. Arthur called the meeting to order in Conference Room 227, at City Hall, 1065 Ridgewood Avenue at 3:30 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, and Deputy City Clerk Sue W. Blackwell.

2. EARLY RETIREMENT PACKAGE

Mayor Arthur said the reason for the Special Called Meeting is to authorize the Mayor to sign an early retirement package for Lamar Hutchinson. He said he needs a motion, second, and discussion.

City Manager Lusk said he was going to ask for a different kind of motion than Council usually makes because it won't be signed until tomorrow by the other party. There might be some minor changes in wording because when his attorney looks at it, everybody wants to make little changes. Mr. Lusk said he would like Council to authorize the Mayor to sign an agreement (copy attached) not to exceed "Exhibit A" (attached). Exhibit A lays out the amount of money being paid. So, the motion should be to authorize the Mayor to sign an agreement not to exceed the amounts shown in Exhibit A. That way if some words are changed in the body of the contract, the Mayor can still be able to sign the agreement. The City Manager assured Council there would not be any monetary changes but sometimes attorneys want to change "and" to "also" and Mr. Hutchinson's attorney may have a few of those things he wants to do but the amount of money will not change. He then asked Mr. Simpson if that is okay with him.

Mr. Simpson said that was okay.

Mr. Lusk said Council might want to go ahead and make the motion so they could discuss the matter.

Councilman Byrnes said it can be discussed before a motion is made. Other members of Council agreed.

Councilman Byrnes said this is the first time he has seen or heard about this document. The problem is that Exhibit A talks about everything the City will do. Is there something in here

where it is going to hold us ...?

Mr. Lusk assured Mr. Byrnes the whole body of the contract is our settlement where he (Hutchinson) is saying what he is not going to be able to do.

Mr. Byrnes said he does not want to be sitting here having some kind of settlement issue coming back to the City later.

Mr. Lusk agreed. He said the contract was originally written by Scott Simpson. It has been reviewed by Mr. Butch Simpson. Mr. Lusk said he talked to the people in Tampa to be sure what we are doing is okay. He said we want a total and complete settlement and we think we have it in the body of the contract and to get that total and complete settlement, we give him Exhibit A. We specifically named a couple of things people could do; like the Family Leave Act is specifically named in there.

Mayor Arthur asked about changing wording. Mr. Lusk assured him it would be like "and to also" if his lawyer wants to do that. He said we are not going to negotiate any money. Exhibit A is not going to change or he would come back to Council and probably recommend not to do this. So what I want Council to feel comfortable with is that this is all the money we are going to spend and we are guaranteed to be released from any kind of claims in the future. Mr. Lusk said that is what he wants Council to feel like when they walk out of here.

Mayor Arthur said he believes that is what Council is worried about.

Mr. Lusk said on this contract, when it gets signed, your attorney has to sign it for form and substance. It is more important to the attorney that we don't get sued than to him (Lusk). Mr. Lusk assured the Mayor the City would not sign the agreement until Mr. Hutchinson signs it.

Councilman Mellette said section (4) " a" and "b" basically say that he (Hutchinson) waives his rights. Mr. Lusk agreed and said if his attorney wants to change any kind of wording, it will be because Mr. Simpson says it is okay before our Mayor signs.

Mr. Lusk said he didn't want to have to come back to Council to change "and to also" or that kind of change. He said he wouldn't want Council to find out he gave seven months severance pay instead of six months.

Mr. Simpson said there are a couple of ways to do this. One, you can wait until they have signed it and brought it back before you (Council) approve it and if you want to do that, that is an option you have.

Councilman Heyman told Mr. Simpson she trusted him. Council agreed. Mayor Arthur said he did not believe that would serve any purpose. Councilman Mellette said as long as the dollar figures don't change and the City's exposure doesn't change, he has no problem with the contract.

Mr. Simpson said if Council wants to, an appropriate motion would be to" *authorize the Mayor to enter into and execute an agreement which provides for early termination, payment of an amount of money not more than that set forth in Exhibit A and a full release of all pending and future claims that the employee has or may have against the City*" and that is the agreement Council is looking for.

Councilman Byrnes said "so moved" and Councilman Mellette said "second" **.**

Mayor Arthur asked if there was any more discussion.

City Manager Lusk said he would like to add something and tell Council why this is being done. He said this is an employee who is making $31,000 a year. This is a true early buy out. We will replace him with an employee making about $18,000 a year and we will get our money back within a year. That is not a bad deal. Mr. Lusk said we should do these even more as the older employees...Your older employees are the highest paid people. If you will notice all through the contract, he (Hutchinson) approached the City just like Mrs. Stano approached the City. It is a real money savings for the City and that is why we are recommending to Council not only do this but in the future, we may do others.

Councilman Mellette said we are getting rid of a disgruntled employee

Mayor Arthur said he probably has a little bit of justification in being disgruntled but that is gone and as far as he is concerned the discussion is over with him. He asked for further discussion and when none was forthcoming, asked the roll be called on the motion.

The motion CARRIED 5-0 on roll call.

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William D. Arthur, Mayor

ATTEST:

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City Clerk/Manager