

M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
MAY 25, 1993

1. CALL TO ORDER

Mayor Thomas C. Ryan called the meeting to order.

Answering roll call were Mayor Ryan, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Robert Chesnowitz and Councilman Jim Gaither.

Also attending were City Manager Ralph Hester, City Attorney Edward Simpson, Chief of Police Pat Finn and Deputy City Clerk Sue W. Blackwell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

The Invocation was given by Councilman Gaither.

4. MAYOR'S REPORT/COMMENTS

Mayor Ryan brought up the funding of the Volusia County/City Water Cooperative. He said he was at an executive meeting and they are looking for funding. The Mayor felt this item should be discussed as to how it should be handled with the upcoming budget. He feels the City should support the Water Cooperative.

Councilman Chesnowitz said he supports the Cooperative he just has a problem with the salary the director is getting.

Councilman Mellette felt we could not survive without a Water Authority. He had no problem with the salary.

Mayor Ryan said he felt the City needed to continue it's support and membership in the Water Cooperative.

Councilman Byrnes said the Water Cooperative is asking for four times their budget for the coming year and he feels a middle layer of bureaucracy is being created between the City and the St. Johns River Authority.

Councilman Byrnes said the Cooperative should show a written budget so the City could see exactly where the money is going.

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Councilman Gaither felt the City needed to support the Water Cooperative if we are going to have water in the future.

After a lengthy discussion Mayor Ryan said this would come up as a budget item and at that time the Council would have to decide if the City is to remain in the Water Cooperative.

Councilman Byrnes said if we do stay in the Water Cooperative and we do support them he felt we should show a separate line item on the water bills so the citizens can see exactly what they are being charged and where the money is going.

Mayor Ryan said what we pay the Water Cooperative should come out of the Enterprise Fund and not out of General Fund for Ad Valorem.

City Manager Hester said he would like to point out the City of Holly Hill has the lowest assessment at this time under the proposal from the Water Cooperative.

5. COUNCIL'S REPORT/COMMENTS

Councilman Byrnes said he would hold his comments until the end.

Councilman Mellette and Councilman Chesnowitz had no comments.

Councilman Gaither said he was at the meeting with Tillie Fowler and the new Motor Registration could become a problem since you can get your voter registration at the same time you get your license without proof of residency. He said Tillie Fowler suggested everyone get in touch with their respective politicians.

Councilman Gaither said Amtrak is still talking about running a train from Chicago to Miami. He said Holly Hill is still in the running to be a part of what Amtrak is doing.

Councilman Gaither said Tillie Fowler promised the East side of the County would receive more favorable grants than they have in the past.

Mayor Ryan said he felt the staff should be directed to send a letter to the Metropolitan Planning Organization to be included in the Transportation Improvement Plan for enhancement money for the Amtrak station.

6. ADVISORY COMMITTEE REPORTS

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Mr. Tony Lasorsa said it was passed by the Bob Martinson Bridge Committee to have a Bronze plaque mounted on the east side of the bridge for the three men who were killed while working on the Broadway Bridge.

The I-95 and 11th Street exchange bids will go out in June. The construction should be completed in 1995.

The 11th Street Bridge has been taken out of the East Volusia Long Range Plan completely.

Mr. Lasorsa said he felt more people should attend the different meetings to give their input.

Mayor Ryan said more people should attend the MPO meetings. He said the 11th Street Bridge had been taken out of the 2015 plan. He said a study was going to be looked at for a bridge north of Granada. The MPO has asked that the Seabreeze Bridge be looked at for a six lane bridge instead of four lanes. It could delay the Seabreeze Bridge two to four years but Mayor Ryan felt it was worth it.

7. AUDIENCE PARTICIPATION

None.

8. PUBLIC HEARING TO CONSIDER CONDEMNATION OF 1113 JARECKI AVENUE

Mr. Harbuck said the structure was abandoned and is in a state of disrepair. The City would like to see it demolished and removed or brought up to current code requirements.

After a brief discussion Mr. Simpson said we needed to do a search to verify the property owner since all mail has been returned. Mr. Simpson said if we do not have proof these people received notice then we haven't provided them with due process and he would be concerned someone would say we should not have taken the structure down. He said if we still could not get a response we would then go to a public notice and even a small title search.

Mr. Simpson suggested this item be tabled at this time.

Councilman Mellette moved to TABLE this item being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

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9. PUBLIC HEARING TO CONSIDER CONDEMNATION OF 1219 JARECKI AVENUE

Mr. Harbuck stated this property is in a state of disrepair and should be demolished and removed or brought up to code.

Mayor Ryan asked if anyone was in the audience to represent the property and no one replied.

Councilman Mellette moved to issue a certificate of condemnation within thirty days being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

10. PUBLIC HEARING TO CONSIDER CONDEMNATION OF 1624 SELMA AVENUE

City Manager Hester asked to have this tabled until next meeting. It has come to his attention the owner of this property may be a financial institution and he would like to have a chance to contact them.

Councilman Byrnes moved to TABLE this item until next meeting being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

11. REQUEST FOR A LIMITED SPECIAL USE PERMIT FOR JULY 4, 1993 AT SHAKEY JAKE'S

Councilman Gaither moved to approve the Special Use Permit for July 4, 1993 being seconded by Councilman Chesnowitz.

Ms. Lorraine Buckles, 140 State Avenue, complained about excessive noise the last time Shakey Jake's had a car show and she wanted to make sure there would be no excessive noise this time.

Mayor Ryan said if the problem happens again the Police Department could ask them to curtail their activities.

Ms. Buckles said she felt there should be more police to watch over the area when events like this take place.

The motion CARRIED 5-0 on roll call.

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**12. REQUEST TO APPEAL STAFF DENIAL OF A SPECIAL EXCEPTION
APPLICATION FROM MR. DONALD HAAS FOR KINGS GARDENS CONDOMINIUM**

Mr. Hester said Mr. Haas is here to ask for relief from Mr. Harbuck's decision. Mr. Hester also requested Mr. Bob Keeth, City Planner, to address the Council when Mr. Haas is finished.

Mr. Donald Haas presented the Council with documents he would be referring to in his presentation for appeal. (see attached)

Mr. Haas also gave the Council a brief synopsis of what he has done so far to get to this point.

Mr. Haas said he would also like to bring before Council a Minor Subdivision for three lots on Old Kings Road.

Mr. Haas asked the Council to keep in mind the history of the application request and the applicants actions to date. He also reminded the Council this process all started in late 1991 and continued with annexation May 26, 1992.

He stated not one single resident given notice had any objections to this project when given notice for the Board of Planning and Appeals.

He stated he is appealing to Council for the following items:

1. Instruct the City staff to initiate the filing of an amendment related to small scale development that is, the filing of a Comprehensive Plan agreement as it relates to a small scale development.
2. Instruct staff to expedite the installation of water and sewer lines to the Kings Garden site. To fund the same and to prepare easements as proposed by Deward Martin, City Engineer and as recommended by Mr. Chattin for granting by certain owners of the surrounding sites the primary owner being the owner of Parcel 3, fronting on Nova Road.
3. City Manager and City Council officially approve the Minor Subdivision request of the applicant for the three lots on Old Kings Road and that the chief building official be instructed to grant

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building permits with the conditions set forth by Mr. Simpson, City Attorney.

4. City Council instruct staff to remit the filing of a zoning change to the proposed R-4A, zoned simultaneous with the request of the site plan approval; both requests paralleling the request by the City of the above Comprehensive Plan Amendment related to small scale development.

Mr. Haas requests the consideration by Council so he can at least go ahead with the three single family houses on Old Kings Road.

Mayor Ryan asked Mr. Keeth to address Council on the items Mr. Haas had requested.

Mr. Keeth said it was very unfortunate it has taken so long for Mr. Haas and his group to get to this point. Mr. Keeth said he felt Mr. Haas was ready to move ahead with the Comprehensive Plan Amendment and the Zoning change under the City's regulations. He felt this was the best way and asked the City move forward as quickly as we can.

Councilman Byrnes said he thought it was a shame Mr. Haas had been marred in all this red tape but he did have a question as to whether this site plan would fit in the Holly Hill regulations at the time it was annexed or now without having to go to the Board of Planning and Appeals to get the project a Special Exception.

Mr. Keeth said Mr. Haas would have to go to the Board of Planning and Appeals to get the property rezoned and finally he would have to come before the Council.

There was some concern over the cost of an amendment to the Comprehensive Plan. Mayor Ryan suggested the City might add in this cost when doing a voluntary annexation. Mayor Ryan questioned if this would be the proper time to do the Comprehensive Plan amendment.

Mr. Keeth answered the Small Scale Amendment could be done at this time.

Mr. Haas offered to pay half of the cost of the small scale Comprehensive Plan Amendment. The Mayor and Council agreed to let him pay for half the cost.

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Councilman Mellette moved to proceed with the Small Scale Amendment and rezoning of the annexed property being seconded by Councilman Gaither.

Councilman Chesnowitz brought up the fact there might be some bad soil in the area where the Condominiums are to be built and Mr. Haas assured him if any bad dirt is found it would be removed and replaced with good dirt.

After a brief discussion the motion CARRIED 5-0 on roll call.

Mr. Haas remarked that items 2 & 4 had not yet been addressed. Item number two (2) deals with the water and sewer installation to the Kings Garden Site. Item number four (4) deals with filing a zoning change in conjunction with the small scale comprehensive plan amendment.

Mr. Haas said he discussed the Minor Subdivision with Mr. Simpson on May 21, 1993.

Mr. Simpson suggested a record be placed in public files that the property does not have water or sewer available so that anyone who might acquire the property would have notice.

Mayor Ryan asked what the small scale subdivision looked liked and Mr. Haas stated it would be three single family lots and he pointed out where they would be on the handouts he gave Council. (see attached)

Mr. Haas said he was willing to sign a document to be placed in public records as Mr. Simpson suggested.

Mr. Haas assured Mayor Ryan the Minor Subdivision would be for single family dwellings.

Mr. Simpson said Mr. Harbuck has approved the Minor Subdivision with only the stipulation there be a record placed in public records that there is no water or sewer service and Council gave approval.

Councilman Gaither moved to APPROVE staff's recommendation for the Minor Subdivision being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

13. ORDINANCE NO. 2349 ANNEXING BALANCE (125 FEET) OF JOHNSTON PROPERTY WEST OF NOVA ROAD

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City Attorney Simpson read:

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Mellette moved to ADOPT Ordinance 2349 as read on second reading being seconded by Councilman Gaither.

The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Gaither, yes; Chesnowitz, yes; Byrnes, yes; Ryan, yes.

14. ORDINANCE NO. 2351 CREATES COMMUNITY REDEVELOPMENT ADVISORY BOARD; PROVIDES MEMBERSHIP, ELECTION OF OFFICERS ETC.

City Attorney Simpson read:

AN ORDINANCE AMENDING ORDINANCE NO. 2080, CHAPTER 2, ADMINISTRATION, ARTICLE VI, BOARDS, COMMISSIONS, ETC., OF THE CODE OF ORDINANCES OF THE CITY OF HOLLY HILL, FLORIDA, BY ADDING DIVISION 5, COMMUNITY REDEVELOPMENT ADVISORY BOARD, SECTIONS 2-600 THROUGH 2-610; PROVIDING FOR THE CREATION OF THE COMMUNITY REDEVELOPMENT BOARD; PROVIDING FOR MEMBERSHIP, ELECTION OF OFFICERS, POWERS AND DUTIES; LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Mellette moved to ADOPT Ordinance 2351 as read on second reading being seconded by Councilman Chesnowitz.

Councilman Gaither said he thought at the last meeting it was agreed the City would provide the secretary for the Board and it does not say that in the body of the Ordinance.

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City Manager Hester said Connie Wines would be doing the minutes for the meetings and serve as recording secretary. He also said legally the minutes would have to go to Sue Blackwell and him self.

Mr. Simpson said they took out the part that stated a member of the board would serve as secretary and this board would be handled like all other boards with the City furnishing the recording secretary.

The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Chesnowitz, yes; Byrnes, yes; Gaither, yes; Ryan, yes.

15. ORDINANCE NO. 2352 ADOPTING LAND DEVELOPMENT REGULATIONS FOR THE CITY OF HOLLY HILL

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING CHAPTER 30 (ZONING); CHAPTER 22 (SIGNS); CHAPTER 25 (SUBDIVISIONS); CHAPTER 20 (PLANNING AND DEVELOPMENT), ARTICLE II (PLANNING BOARD); AND CHAPTER 9 (DRAINAGE AND FLOOD CONTROL); ARTICLE II (FLOOD HAZARD AREAS) AND ARTICLE III (STORMWATER MANAGEMENT; MINIMUM STANDARDS FOR ENVIRONMENTAL PROTECTION) OF THE CITY OF HOLLY HILL CODE OF ORDINANCES; ADOPTING THE REVISED LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

After a brief discussion Councilman Gaither moved to TABLE this item being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

16. ORDINANCE NO. 2353 AMENDS CIVIL SERVICE ORDINANCE

City Attorney Simpson read:

AN ORDINANCE OF THE CITY OF HOLLY HILL FLORIDA AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE III (OFFICERS AND EMPLOYEES), DIVISION 2 (CIVIL SERVICE SYSTEM), SECTION 2-116 (PERSONS SUBJECT TO CIVIL SERVICE), PROVIDING FOR PART-TIME EMPLOYEES; SECTION 2-227 (APPOINTMENT PROCEDURE), PROVIDING FOR APPOINTMENT PROCEDURE WITH PART-TIME EMPLOYEES; SECTION 2-229 (HOURS AND DAYS OF WORK AND LEAVE), PROVIDING ADDITIONAL REQUIREMENTS TO OBTAIN SICK LEAVE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Councilman Byrnes raised a question about the amount of time a job is posted, being five days and whether it was enough time.

Mr. Hester answered it is the same time frame as the City previously used.

Mr. Charles Sharp, 1300 Riverside Drive, Chairman of Employees Committee for the City of Holly Hill, requested this item be tabled or to let him voice his opinion on some items the "employees" are afraid might occur.

Council said they would like to hear what Mr. Sharp had to say at this time and not delay this item any longer.

Mr. Sharp voiced concern that Budgeted Full Time positions would be filled by permanent part-time positions and the employees were looking for some protection from this happening.

Mayor Ryan said if they pass this item there is no way they can give an assurance it would never happen because a new Council could come in and change things if they wanted.

Councilman Gaither and Councilman Mellette felt by giving an assurance like this they would be tying future Council's hands to be able to get rid of a position if it is no longer needed.

Councilman Byrnes said he understood and what Mr. Sharp wanted was to keep this Council and future Councils from being able to get rid of full time employee's and replace them with permanent full time employees.

It was the consensus of Council that it was not the intention of anyone to start getting rid of full time employees and replace them with part time employees.

Councilman Byrnes suggested adding the word "currently" to read "currently budgeted full-time positions".

Mayor Ryan suggested adding the Civil Service Board must be notified before any positions are cut.

Mr. Simpson said he did not feel the word "current" would accomplish what Mr. Sharp wanted.

Mr. Simpson said really there was nothing to really protect them since a new Council could do anything they want but to make it perceptually look better or to make the Employees feel better then

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he could add the Employees Committee and the Civil Service Board would have to be notified before any budgeted full time positions are to be cut.

Mayor Ryan asked if the intent of this Council could be added to the body of the ordinance.

Mr. Simpson said he could add another "whereas" and state the Council's intention was not to replace budgeted full time positions with permanent part time positions.

Mayor Ryan said he had no problem with adding the intent of the Council to the Ordinance if it would make the employees feel better about what they felt Council was trying to do.

Councilman Gaither moved to APPROVE Ordinance 2353 on first reading being seconded by Councilman Byrnes.

The motion CARRIED 5-0 on the following roll call:

Gaither, yes; Byrnes, yes; Mellette, yes; Chesnowitz, yes; Ryan, yes.

17. RESOLUTION NO. 28 APPOINTING COUNCILMAN JIM GAITHER TO SERVE AS THE CITY REPRESENTATIVE TO THE VOLUSIA CITY-COUNTY WATER SUPPLY COOPERATIVE AND NAMING RALPH HESTER AS THE ALTERNATE.

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING JAMES GAITHER AS THE CITY'S REPRESENTATIVE AND THE CITY MANAGER AS THE ALTERNATE FOR THE VOLUSIA CITY-COUNTY WATER SUPPLY CO-OPERATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Mellette moved to ADOPT Resolution 93-R-28 being seconded by Councilman Byrnes.

Councilman Byrnes questioned why this was being done.

Mayor Ryan stated he was currently the representative but he felt he was being stretched and felt Mr. Gaither would be the best choice since he is currently the City's representative to the Halifax River Task Force and he is environmentally in tune to the water needs.

The motion CARRIED 5-0 on the following roll call:

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Mellette, yes; Byrnes, yes; Chesnowitz, yes; Gaither, yes; Ryan, yes.

18. RESOLUTION NO. 29 ENCOURAGING THE VOLUSIA COUNTY COUNCIL TO ADOPT THE ADDITIONAL SALES TAX AS PROVIDED BY THE 1993 LEGISLATURE.

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA RECOMMENDING TO THE VOLUSIA COUNTY COUNCIL THE ADOPTION OF LOCAL OPTION GAS TAX AS PROVIDED IN HOUSE BILL 2315; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes moved to DENY Resolution 93-R-29. The motion died for lack of a second.

Councilman Mellette moved to ADOPT Resolution 93-R-29 being seconded by Councilman Gaither.

Mayor Ryan stated he requested this item come before the Council because he felt the County Council was looking for some guidance in this matter. He said they would in fact make the final decision on this item.

Councilman Byrnes said every person he has spoken with feels they already pay enough taxes and they are not interested in another five cents tax coming out of their pockets when they feel other government money is being wasted.

Mayor Ryan stated that thirty percent of the gas tax collected in the County comes from people who do not live in the County.

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

Mellette, yes; Gaither, yes; Chesnowitz, yes; Ryan, yes.
Councilman Byrnes voted no.

19. RESOLUTION NO. 30 APPROVING USE OF SICA HALL FOR AN EMERGENCY SHELTER AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER OF THE CITY OF HOLLY HILL TO ENTER INTO AND EXECUTE AN AGREEMENT OF UNDERSTANDING WITH THE AMERICAN RED CROSS MID-FLORIDA CHAPTER; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Councilman Gaither moved to ADOPT Resolution 93-R-30 being seconded by Councilman Byrnes.

The motion CARRIED 5-0 on the following roll call:

Gaither, yes; Byrnes, yes; Chesnowitz, yes; Mellette, yes; Ryan, yes.

20. RESOLUTION NO. 31 AUTHORIZING MUNICIPAL CODE CORPORATION TO DELETE ALL CHARTER AND CODE SECTIONS

City Attorney Simpson read:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, DIRECTING THE MUNICIPAL CODE CORPORATION TO OMIT FROM PRINT ALL SECTIONS OF THE CODE AND CHARTER THAT HAVE BEEN DELETED AND TO RENUMBER THE EXISTING TEXT ACCORDINGLY BEGINNING WITH THE NEXT SUPPLEMENT TO BE PUBLISHED; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to APPROVE Resolution 93-R-31 being seconded by Councilman Chesnowitz.

Councilman Byrnes questioned whether we could do the Codes in house instead of having it done by Municipal Code in Tallahassee.

Mr. Hester said staff would check into this and get back to Council.

The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Chesnowitz, yes; Gaither, yes; Byrnes, yes; Ryan, yes.

21. LETTER APPROVING DISTRIBUTION OF DARE FUNDS

Councilman Gaither moved to APPROVE the letter approving distribution of Dare Funds being seconded by Councilman Chesnowitz.

The motion CARRIED 5-0 on roll call.

22. SET WORKSHOP MEETING WITH BOARD OF PLANNING AND APPEALS - JUNE 7, 1993 IS BEING SUGGESTED AS THAT IS THE NEXT MEETING DATE FOR THE BOARD

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Councilman Chesnowitz moved to set a workshop for June 7, 1993 being seconded by Councilman Mellette.

The motion CARRIED 5-0 on roll call.

23. CITY MANAGER REPORTS/COMMENTS

Mr. Hester said the Marina Project would have to be carried over to next years funding since we only have a couple of weeks to put a package together and based on the feed back from the people that own the land we will not be able to do a lease in that time period.

He said with the concurrence of Council he would like to talk to Mr. O'Brian from the Port Authority tomorrow and release our hold on the funds for this year. He stated we can apply again next year starting in August and we can ask for up to two hundred and fifty thousand dollars (\$250,000) on any project.

Mr. Hester said a tentative schedule had been set for the Fire Department dedication for June 5, 1993 if Council approves.

Council said the date for dedication was fine.

Mr. Hester said staff is working up some activities for July 4, 1993 and he would have more on this at the next Council Meeting.

24. CITY ATTORNEY REPORTS/COMMENTS

Mr. Simpson said going back to Mr. Sharp's request, he was going to add in the last sentence in Section 1, Paragraph 3," Budgeted full time positions will not be replaced with permanent part time employees. Written notice of intended elimination of full time positions will be given to both Civil Service Board and Employee's Committee thirty (30) days prior to the first Budget Hearing of each Fiscal Year." Council had no objections to the proposed language.

25. MISCELLANEOUS COUNCIL COMMUNICATIONS

Councilman Byrnes said one of the few times Council members can speak to other Council members is at an open meeting. He stated he had been getting a lot of morale problems from Department Heads related to some requests from Mr. Chesnowitz. Councilman Byrnes said he hated to do this in an open meeting because it is "laundry" but he has concerns with a Councilman going through and asking for resumes, job description, ad postings and the results of background checks on people that occurred twenty five (25) years ago.

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Councilman Chesnowitz asked Councilman Byrnes what his problem with that was.

Councilman Byrnes answered it was two fold; first the effected people have concerns as to why this is occurring and they feel they are suddenly being brought under scrutiny by a member of Council. He said the Department Heads expect it from the public but not from a Council member and when a Council member does it there is a whole different viewpoint.

Councilman Chesnowitz asked Councilman Byrnes if any Department Heads had spoken to him.

Councilman Byrnes said he had talked to several Department Heads.

Councilman Chesnowitz said he had spoken to them prior to making the request and they had no objections to it.

Councilman Byrnes said certainly they would not. He said they would not tell Mr. Chesnowitz not to since he was their boss and they see him as their boss. He said they would not object but it causes morale problems because the underlying question is why is he doing this and what is going on. Councilman Byrnes asked why Mr. Chesnowitz was looking at information that was that old and if Council is doing it then why isn't the Council's appointed representative, Councilman Mellette, doing it.

Councilman Chesnowitz said he had a question in his mind and he wanted some answers. He stated it is public information and he requested it through Mr. Hester. He said Mr. Hester had no objections nor did the people he requested the information about.

Councilman Byrnes said it is the perception that is given to the employees that is the problem.

Councilman Mellette said what is reality and what is perceived are two different things. He said the way he viewed it, it looked like Council was running an investigation on all the Department Heads and if the Council is, then it should come from the whole Council not just one Councilman.

Councilman Chesnowitz stated there are other individuals on the Council who are requesting information individually and not collectively.

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Mayor Ryan said he did not think in the past anything has been requested by Council individually other than something to be brought before the Council. He said his question about the request is what is the good of requesting that information other than to give a bad perception.

Councilman Chesnowitz said every individual in the City has a right to request that information.

Mayor Ryan said no one is denying that.

Councilman Chesnowitz asked if he should ask a citizen to request the information and if that would be any different.

Mayor Ryan and Councilman Mellette said yes they thought it would be different.

Mayor Ryan said the question he has is, if it is information for the benefit of the Council then explain to the Council what it is.

Councilman Chesnowitz said he did not think Mayor Ryan wanted him to go through someone's personnel file without them telling him he could do it and he would not disclose what he saw in the files. He said he would not give the Council his reasons for it.

Mayor Ryan said unfortunately they all saw the same thing because they were made aware of the requests and they all know what those requests are. He said he was asking what the purpose of the requests were. He stated none of the Department Heads would have said, "No Mr. Chesnowitz I don't want you looking in my personnel file". If the Department Heads were so willing to give Mr. Chesnowitz the information, then, why couldn't he also ask them specifically, point blank what it was he wanted to know? If the Department Heads were so willing to let him see their personnel file, then why wouldn't they tell him what he wanted to know?

Councilman Chesnowitz said he seems to be bothering a lot of people with something that is public information.

Councilman Byrnes said let him reiterate, his complaint is there was a request from a member of Council concerning employee information.

Councilman Chesnowitz said it was only Department Heads excluding none.

Councilman Byrnes said that should have come from the Council as a whole or from the Council directing the Personnel Officer.

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Councilman Chesnowitz said any body can go and ask. As a matter of fact some of the information had Mr. Christenson's name on it so someone gave it to him.

Councilman Byrnes said the difference is Mr. Christenson is not a member of Council and it is a perception difference which is causing a morale problem. He said that is his complaint. He said he did not deny Mr. Chesnowitz the information.

Councilman Chesnowitz asked what sort of morale problem it was causing.

Councilman Byrnes said it is causing Department Heads to wonder what the Council is up to.

Councilman Chesnowitz asked, "Why Council when he was the one who requested the information?"

Councilman Byrnes stated to Councilman Chesnowitz, "You are a Council member".

Councilman Chesnowitz said he could not discuss any of the information with Council in private.

Councilman Byrnes said that was right and that is why he was doing this tonight.

Councilman Chesnowitz asked Council if they were sorry they got the information.

Councilman Mellette said he did not ask for it.

Councilman Chesnowitz said there was information he wanted to substantiate and that was his reason for requesting the information. He did not feel he put any pressure on any Department Head in the City as a result of it.

Councilman Byrnes said what you think is not as important as what was perceived and what was perceived was someone out on a "witch hunt" to put it bluntly. He said it was somebody who goes out and looks at all the records to see what they could find and what they could use for personal gain.

Councilman Chesnowitz asked Councilman Byrnes to name one Department Head who thought he was on a "witch hunt".

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Councilman Byrnes answered he could name several but he was not going to do that and he did not want to bring personalities into it.

He said he was here to say he was concerned about the morale of the Department Heads.

Councilman Chesnowitz said the next time he has a request like this he will present it to Council but he would still make his request whether they agreed or disagreed. The request would still be fulfilled.

Mayor Ryan said he thought it was a good idea to bring requests of a sensitive nature to the Council.

Councilman Chesnowitz said they could not discuss the thing individually and possibly there were things he saw that he did not want to bring out in public.

Mayor Ryan said that is why they have public meetings.

Councilman Chesnowitz said he did not want to bring them out in public because they could prove embarrassing to someone. He only wanted to find out if some information was true or not.

Mayor Ryan said Councilman Chesnowitz had a "cloak and dagger" attitude as if there is something in there that is going to ruin somebody. He said that's the whole perception of digging up the information.

Councilman Chesnowitz asked what the problem was since it is all public information.

Mayor Ryan said that is what we are asking you, Councilman Chesnowitz.

Councilman Chesnowitz said he would prepare a statement for the next Council Meeting with the things that do bother him in the personnel files and go over them in the meeting. He said he did not think it would be to Council's liking or anyone else's liking.

Mayor Ryan said the Council did not make the issue and he was not asking him for anything except that he did not carry out the perception that the Council was on any kind of a "witch hunt".

Mayor Ryan told Councilman Chesnowitz if he wanted a summary he could tell him that basically the Department Heads do not fit into the little square holes or the round holes that were created for the positions. He said in most cases the qualifications that were spelled out, if they were in fact spelled out, don't match the exact

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qualifications of the Department Heads that fill the position. He said that is no big secret and if that is what he was going to write up then he would save him the trouble. He said he did not have a problem with that and it did not seem to bother any other Councilman.

Councilman Byrnes said along those lines if Councilman Chesnowitz has a performance problem with a particular Department Head then he should bring it to the Council and the Council should take it to the City Manager and the City Manager should explain why there is a performance problem, if there is one, and if there is not then Council should stay out of the peoples private lives. He said no performance problem has been brought to Council.

Councilman Chesnowitz said he could bring these things to Council but he did not think they would like it.

Councilman Byrnes said he did not like the Department Heads having qualms about what the Council is doing. He said he was glad a majority of the Council is happy with the Department Heads performance and if there are performance issues then that is what they should be talking about. He said nothing in the request talks about performance. Councilman Byrnes said we hire the Department Heads perform.

Councilman Chesnowitz asked, "what about the qualifications?"

Councilman Byrnes said the issue should be performance and there are no performance problems. He said the Department Heads have total support from him.

Councilman Chesnowitz says he also supports them.

Councilman Byrnes said to Councilman Chesnowitz, "If you go into a Department Heads office as a Councilman, they are going to support you and they are not going to tell you that you have over stepped your bounds".

Councilman Chesnowitz said he did not want to get into this tonight but if the Council wants to pursue this then call a Special Council Meeting to discuss this.

Mayor Ryan told Councilman Chesnowitz he could place items on the agenda if he desired.

Councilman Chesnowitz said he has not done that and he does not want to be pushed into it.

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Councilman Byrnes said no one is pushing.

Councilman Chesnowitz said he was being pushed tonight and everyone knows, especially, the Department Heads that he asked them to look into their files.

Councilman Byrnes said that is why the Department Heads are upset because they know there is a Councilman on a "fishing expedition". Councilman Mellette said he knows if his boss says he wants to look in his personnel file and check everything out, then he is looking for something to "can" him for.

Councilman Byrnes said there was nothing in what he requested that says what Councilman Chesnowitz is doing. He said none of what he asked for had anything to do with performance.

Councilman Mellette said it goes back to what Mayor Ryan said about making a round person fit into a square hole. He said if you get someone perfectly molded to fit the square hole, then that's when you are going to pay the "big bucks".

Councilman Chesnowitz said he thought the City was paying a lot of "big bucks" right now.

Mayor Ryan said perception is in fact reality and when you do something you have to be extremely careful not to alienate. He said he would like to see requests that are of a nature that concern the employees or the operation of the City to go through the Council. He said he was a strong advocate of the City Manager form of Government. He felt it was the City Manager's job to run the City.

Councilman Chesnowitz asked Mayor Ryan, "If he would have brought it before the City Manager to bring to the Council, would it have been denied?"

Mayor Ryan said perhaps they would have been able to discuss it and find out specifically what Councilman Chesnowitz wanted and in discussion take care of the problem.

Councilman Chesnowitz said he wanted the information for himself. He said he had received information from other people and he wanted to get it verified.

Councilman Byrnes said if Councilman Chesnowitz was looking for information about a single individual it should not have involved the whole Department Head staff.

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Councilman Chesnowitz asked who said it was a single individual. He said he did not say that.

Councilman Byrnes said as a reasonable person he has not seen anything that has changed lately for a reason to go out looking into all these people's backgrounds who have been working for the City for many years and who have not had performance problems then to suddenly stir the "muck" and get them stirred up about why the Council was messing with them, just was not the thing to do.

Councilman Chesnowitz told Councilman Byrnes, "You are calling it stirring the pot". Councilman Chesnowitz said it is information he wanted.

Councilman Byrnes said the information was flashed around and it should not have been.

Councilman Chesnowitz said he did not flash information around and asked if he was the only one to request the information.

Councilman Byrnes said there was a fired consultant who was trying to do some "muck raking" who requested the information but that was not the concern here.

Councilman Chesnowitz said questions were asked of him by quite a few people and he had to get some answers because apparently Mr. Christenson circulated a lot of the information around.

Councilman Byrnes said the proper answer should have been, "the person who gave out the information was on a "muck raking" tour because he had been fired". He had been making a big media blitz about being fired.

Councilman Chesnowitz said if he upset any of the Department Heads he apologized but their information is public and there should be nothing in their files to be afraid of.

Councilman Byrnes said he did not think there was anything in their files they were afraid of, it was someone in Council going on a "witch hunt" that they were afraid of.

Councilman Chesnowitz asked if he wanted him to bring the information out in public.

Councilman Byrnes said only if there is a performance problem.

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Councilman Chesnowitz said the Department Heads had nothing to hide or nothing to be ashamed of in their files. He said the reason for asking for all Department Head files was so that no one person was singled out.

Councilman Byrnes said the perception was that Councilman Chesnowitz was looking through the files to see what he could find on any of them that he could use.

Mayor Ryan asked Councilman Chesnowitz if the Council was going to see this as an Agenda item or if this was over with.

Councilman Chesnowitz answered by saying, "Have you seen this as an Agenda item yet?"

Mayor Ryan said if there is a problem with personnel than it does belong on the Agenda.

Mayor Ryan said hopefully from this conversation they could bring sensitive items before the Council through the City Manager at a Council meeting under Council Comments so it looks like the Council is all going in the same direction.

Councilman Byrnes said that anything that one Council member does reflects on them all.

Councilman Byrnes said his concern was the morale problem this caused and that is the only reason he brought it up tonight.

Mayor Ryan said he wanted to thank Mr. Hester and the Finance Director for the budget review memorandum and that it was very helpful.

Mayor Ryan said City Hall has officially been placed on the National Register of Historical places. There may be some possible grants and tax breaks with this status.

He said he wanted to thank Miss Stephanie Alper for all the work she did in getting us placed on the register.

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26. ADJOURNMENT

With nothing further to come before Council the meeting was adjourned at 10:34 p.m.

Mayor

City Clerk/Manager