MINUTES
REGULAR CITY COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
MAY 26, 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 W. Blackwell.

2. INVOCATION

Fire Chief Joe Forte gave the Invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Arthur recognized Stan Rosevear, County Councilman. Mayor Arthur then recognized the Local Law Enforcement Block Grant (LLEBG) Advisory Board: Judge Julia Piggotte, Janice Simpson, Principal Ron Pagano, Chief Larry Walker and thanked them for participating on the Board.

At this point in the meeting Mayor Arthur passed the gavel to Vice-Mayor J. D. Mellette to announce winners of the Drug Prevention Contest so the Mayor could present the bonds. All winners were recognized and called to the podium and presented savings bonds funded by the LLEBG grant.

4. CONSENT AGENDA

A. Minutes of Regular Meeting – April 28, 1998
B. Resolution 98-R-18 – Appointing a Canvassing Board for the Special Annexation Election to be held on June 16, 1998.
C. Request Approval to Purchase Three Bicycles for Police Department from Law Enforcement Trust Funds.

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

5. AUDIENCE PARTICIPATION

Tammy Caldwell, 1504 Primrose Lane, Volusia County, commented on the proposed annexation. Ms. Caldwell, referencing the Proposed Budget, asked where money to pay additional Police Officers and Firefighters would come from. A short discussion was held concerning the annexation of the County area. City Manager Lusk explained the City of Holly Hill has a balanced budget with a 21% surplus. The proposed budget for annexation of the county areas is a balanced budget as well and represents revenues to be collected from that area of the County.

Michele Harris, 1162 13th Street, spoke to the Commission for her neighborhood regarding annexation. Ms. Harris voiced concerns about Code Enforcement and cleaning up county neighborhoods, garage sale permits and property taxes.

6. ORDINANCE NO. 2512 – GRANTING KMC TELECOM II, INC. A NON-EXCLUSIVE FRANCHISE TO USE THE CITY'S RIGHT-OF-WAY (First reading)

Acting City Attorney Simpson read:

ORDINANCE NO. 2512

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA GRANTING TO KMC TELECOM II, INC. A NON-EXCLUSIVE FRANCHISE TO USE THE CITY'S RIGHT-OF-WAYS FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A TELECOMMUNICATION SYSTEM IN THE CITY; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID NON-EXCLUSIVE RIGHTS, PRIVILEGES AND FRANCHISE MAY BE EXERCISED; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Byrnes said he would like to see this item tabled again. Commissioner Byrnes said he got a response from the City Attorney on the question he asked but it wasn't regarding the question he asked. Commissioner Byrnes said they (KMC Telecom) think he is asking for free service and he's not he's asking for a live tap to monitor the quality of their service (KMC Telecom) especially since they're using land that is owned by the citizens in order to do their private business. Commissioner Byrnes said he would like the question asked.

*Commissioner Mellette moved to **TABLE** Ordinance No. 2512 being seconded by Commissioner Byrnes.* The motion **CARRIED** 5-0 on the following roll call: Mellette, yes; Byrnes, yes; Heyman, yes; Via, yes; Arthur, yes.

Commissioner Byrnes said "for the record Mr. Simpson did answer the question and it was a very good answer but somewhere along the line my request got misinterpreted. I didn't want it to sound like you did the wrong thing."

At this point the City Clerk interjected that on advise of City Attorney Simpson the Commission needs to go back to item #4B, read the Resolution and adopt it separately.

4. CONSENT AGENDA

B. RESOLUTION 98-R-18

Assistant City Attorney Simpson read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA APPOINTING A CANVASSING BOARD FOR THE SPECIAL ANNEXATION ELECTION TO BE HELD JUNE 16, 1998 IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

The names contained in the Resolution are: Tim Harbuck, William D. Arthur, Roland Via, John Wooten and Donald Lusk.

Commissioner Via moved to ***ADOPT*** *Resolution 98-R-18 being seconded by Commissioner Mellette.* The motion **CARRIED** 5-0 on the following roll call:

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

7. ORDINANCE NO. 2513 – AMENDS THE LIBRARY YOUTH CENTER BOARD (First reading)

Assistant City Attorney Simpson read:

ORDINANCE NO. 2513
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING ORDINANCE 2421, CHAPTER 2 (ADMINISTRATION), ARTICLE VI (BOARDS, COMMISSIONS, ETC.) DIVISION 2 (LIBRARY AND YOUTH CENTER BOARD) SECTIONS 2-391, 2-392, 2-394, AND 2-395 TO CHANGE THE NAME OF THE LIBRARY YOUTH CENTER BOARD TO THE RECREATION BOARD, ESTABLISHING THE NUMBER, TERMS AND OFFICERS OF BOARD MEMBERS, AND TO PROVIDE THE RECREATION BOARD WITH ADDITIONAL AUTHORITY REGARDING RECREATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

City Manager Lusk explained after second reading and approval of this Ordinance, a Resolution re-appointing the current board members will be brought to the Commission for approval.

Commissioner Via moved to ***APPROVE*** *Ordinance No. 2513 on first reading being seconded by Commissioner Mellette.* The motion **CARRIED** 5-0 on the following roll call:

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

8. ORDINANCE NO. 2514 – ADOPTS INTERNATIONAL PROPERTY MAINTENANCE CODE (First reading)

Assistant City Attorney Simpson read:

ORDINANCE NO. 2514
AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Commission Byrnes said “this item was not workshopped”.

Commissioner Via moved to address this Ordinance at a workshop because of the depth of the information provided being seconded by Commissioner Byrnes. The motion **CARRIED** 5-0 on the following roll call:

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

9. AUTHORIZE THE CITY MANAGER TO NEGOTIATE THE PURCHASE OF KUHN PROPERTY

City Manager Lusk **REMOVED** this item from the agenda.

<u>10. AWARD P&S PAVING ASPHALT CONTRACT FOR FISCAL YEAR 1997-1998 PAVING PROGRAM NOT TO EXCEED $89,100</u>

City Manager Lusk explained the money is in the budget and this is part of the five year plan.

*Commissioner Mellette moved to **AWARD** Asphalt Contract to P&S Paving being seconded by Commissioner Byrnes.* The motion **CARRIED** 5-0 on roll call.

<u>11. REQUEST AUTHORIZATION TO PURCHASE CONCRETE FOR THIRD STREET, TENTH STREET AND FLOMICH STREET SIDWALK PROJECTS</u>

The City is currently working on the 1997-98 Sidewalk Plan which involves installing new sidewalks on Third Street, Tenth Street and Flomich Street. Public Works Director Milt Hallman received three quotes for concrete and Tarmac Florida, Inc. had the lowest quote. Mr. Hallman asked the Commission to authorize a purchase order for $11,900 to Tarmac Florida, Inc. for the needed concrete.

*Commissioner Byrnes moved to **APPROVE** purchase of concrete being seconded by Commissioner Mellette.* The motion **CARRIED** 5-0 on roll call.

<u>12. REQUEST COMMISSION APPROVE CONTRACT WITH LAMAR ADVERTISING FOR BUS ENCLOSURES</u>

City Manager Lusk explained the City Attorney negotiated a contract with Lamar Advertising and the City will receive 10% for advertising on the bus enclosures. Placement of the bus enclosures will be brought to the City Commission at a workshop.

*Commissioner Mellette moved to **APPROVE** the contract with Lamar Advertising for Bus Enclosures being seconded by Commissioner Via.* The motion **CARRIED** 5-0 on roll call.

Mayor Arthur called for a short recess. The meeting reconvened at 8:45 p.m.

13. <u>L.I.U.N.A. CONTRACT – Discussion</u>

Richard Siwica, of the law firm Egan, Lev and Siwica, 918 Lucerne Terrace, Orlando, the attorney for the Laborers Association gave the City Commission an opening summarization. Mr. Siwica gave an opening statement (copy attached and made a part of the record). There are five issues to be addressed Duration; Article 2, Union Security and Checkoff; Article 6, Management Rights; Article 21, Uniform and Tool Allowance; and Article 26, Wages

A short discussion was held concerning Article 6, Management Rights. City Manager Lusk said this issue can be resolved by the attorneys since it is a legal issue. City Manager Lusk stated the City Commission has done nothing to give up the City's rights under Article 6 tonight.

Duration – City Manager Lusk said "This Council has the right to set a contract from May 1st to September 30th. They can do one year or less and my recommendations is for this Council to do that."

Mr. Siwica proceeded with his presentation on the issue of duration (see pages 5-7 of the attached opening statements). It was then agreed the duration of the contract goes through the completion of this fiscal year, which is September 30, 1998.

Article 2 – Union Security and Check off

Commissioner Byrnes moved to keep the Union Security and Check Off the same being seconded by Commissioner Heyman. Motion **CARRIED** 5-0 on roll call.

Article 6 – Management Rights

Commissioner Heyman moved to keep this Article the same if the City can by law and if it is illegal it will be taken off and direct Mr. Siwicka and Mr. Gonzalez to get together and discuss it being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.

Article 21 – Uniform and Tool Allowance

Commissioner Byrnes moved to keep the $90 clothing allowance and the present tool allowance being seconded by Commissioner Heyman. The motion **CARRIED** 4-1 with Commissioner Via voting No.

Commissioner Via said "For the record I would have agreed to it in the first year, but I believe it should decline to the $200 level."

Article 26 – Wages

City Manager Lusk stated "For the record in no way are we (City) recommending no retroactivity to punish the employees for not doing a contract. That's against the law and we don't do that."

Commissioner Heyman moved to give a wage increase as presented in the City's proposal with no retroactive being seconded by Commissioner Mellette. The motion **CARRIED** 5-0 on roll call.

City Manager Lusk said, "The problem with impasse is that nobody won. When you get this far everybody loses. I would like to propose going back into immediate negotiations for next year's contract and start within the next week and try to work out some of the issues that came up tonight."

14. COMMUNICATIONS FROM CITY MANAGER

None

15. COMMUNICATIONS FROM CITY ATTORNEY

None

16. COMMUNICATIONS FROM MAYOR AND COMMISSIONERS

Mellette – None

Heyman - Asked that a suggestion box for the citizens be placed out where the water bills are paid.

City Manager Lusk suggested sending a note in the water bill which could say if you have a suggestion or complaint mail it back with your water bill.

Via – Mr. Heyman is still in our prayers and thanked American Legion Post #120 and VFW Post #1590 for the Memorial Day Service. Remember our veteran's who served for us.

Byrnes – "It's sad when we have to get to this point in the process because we all lose. As the Personnel Officer for the Council I like to work hard to help the employees everywhere I can and when it turns into an advisorial relationship like this, it's really sad. I want to do as much as I can for the employees within our budgetary limits and still have a City to continue with. I'm really saddened when it turns into an advisorial relationship."

Mayor Arthur – None

Mayor Arthur then announced the Workshop Meeting immediately following the Commission Meeting.

17. ADJOURNMENT

There was no further business to come before the Commission so the meeting was adjourned at approximately 10:40 p.m.

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Mayor

Attest:

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City Clerk