M I N U T E S
SPECIAL COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
July 29, 1999

1. CALL TO ORDER – ROLL CALL

Mayor William D. Arthur called the meeting to order in Commission Chambers at City Hall, 1065 Ridgewood Avenue at 7:35 p.m. Present were Mayor Arthur, Commissioners Arthur Byrnes, Shirley Heyman, Roland Via, and J.D. Mellette.

Also attending were Assistant City Attorney Scott Simpson and City Clerk Jeaneen Clauss.

The Mayor gave an introduction as to why he called this meeting. There was discussion as to the order of the items on the agenda and the Mayor indicated that he wanted to skip Item #2. Commissioner Byrnes stated that the acceptance of Item #2 would negate Item #3. Assistant City Attorney stated that if the Commission wanted to accept the agreement than there is no reason to go through with Item #3. If the Commission chose not to accept the agreement, then they would move onto Item #3.

The Mayor asked the Commission if they wanted to go forward with Item #2, the Commission agreed.

2. APPROVAL OF AGREEMENT FOR ACCEPTANCE OF CITY MANAGER, DON LUSK'S RESIGNATION.

Commissioner Via made a ***motion to APPROVE the resignation agreement,*** *seconded by Commissioner Mellette.*

Motion **CARRIED** 5-0 on roll call: Via – yes, Mellette – yes, Heyman – yes, Byrnes – yes, Arthur – yes (later in the meeting, Mayor Arthur indicated that he disagreed with this agreement and wanted his vote to be "no")

3. RESOLUTION 99-R-25, REGARDING THE REMOVAL OF CITY MANAGER, DON LUSK, PURSUANT TO CITY CHARTER, SECTION 18.

This item was skipped, due to the approval of the previous item.

4. APPOINTMENT OF ACTING CITY MANAGER.

*Commissioner Heyman made a motion to **APPOINT** Joe Forte as Acting City Manager and Tim Harbuck as his Alternate, seconded by Commissioner Mellette.*

Discussion – Commissioner Via wanted to know the difference between acting and interim. Attorney Simpson stated that there was not any.

Commissioner Byrnes stated to Mr. Forte that this is a Commission-Manager form of government and that taking direction from any member of the Commission or the Mayor is not his job, as the job of the City Manager is to take the policy as voted on by the majority of the Commission is carried out.

Motion **CARRIED** 5-0 on roll call: Heyman-yes; Mellette-yes; Byrnes-yes; Via-yes; Arthur-yes.

Jim Gaither, 1525 Mobile Avenue, wanted to know what Mr. Lusk received by the City for his resignation? To which Commissioner Via responded that Mr. Lusk would receive $65,000, his name on any plaques associated with the gymnasium, and three months of paid health and life insurance. Attorney Simpson summarized the total cost difference between accepting the resignation and going through the termination process.

Dutch Mostert, stated that he felt there was a Sunshine Law violation made by the Commission because he felt they were using the Assistant City attorney as a conduit.

Laura Zonerky, Laura's Thrifty Boutique, wanted to know if this was standard procedure to give someone $65,000 for not doing his job? The Commission indicated that this is in line with normal city manager severance.

Jim Elliot stated that we need to have positive change for the City now and that begins with the Commission. He added that he wants the Commission to work for better things in the future.

5. ADJOURNMENT.

The meeting officially adjourned at approximately 8:10 p. m.

WILLIAM D. ARTHUR, MAYOR

ATTEST:

JEANEEN P. CLAUSS, CITY CLERK
(Transcribed by Kimberly Cline)