

**MINUTES
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
SEPTEMBER 27, 1994**

1. CALL TO ORDER

Mayor Virginia Wine called the meeting to order in Council Chambers at City Hall, 1065 Ridgewood Avenue, Holly Hill, Florida at 7:30 p.m.

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

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

2. INVOCATION

The Invocation was given by Mr. Ron Berrian.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. AUDIENCE PARTICIPATION

None.

5. CONSENT AGENDA

- A. Approval of Minutes - Regular Meeting - September 13, 1994
Special Meeting - September 14, 1994

Mayor Wine said the minutes of September 13, 1994 should reflect Rev. McKeowan is from United Bretheran Church.

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

6. PUBLIC HEARINGS

- A. *Resolution No. 94-R-43 Setting Final Millage*

City Attorney Simpson read:

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

RESOLUTION NO. 94-R-43

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA,
ADOPTING A FINAL MILLAGE RATE FOR THE YEAR
BEGINNING OCTOBER 1, 1994 FOR THE CITY OF HOLLY
HILL, FLORIDA.**

WHEREAS, the City Council of the City of Holly Hill, Florida, is required by Florida Statute 200.065 to certify to the County Property Appraiser the general municipal millage rate established by said Council for the tax year beginning October 1, 1994; and

WHEREAS, the City Council of the City of Holly Hill, Florida, pursuant to Florida Statute 200.065, the TRIM BILL, has adopted a tentative budget and proposed millage rate, said proposed millage rate exceeding the rolled back rate by 1.2%; and

WHEREAS, the City Council of the City of Holly Hill, Florida is desirous of adopting a final millage rate, having given proper notice of both a proposed 1.2% tax increase and the Public hearing to be held with respect to same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLY HILL, FLORIDA:

Section 1. That the final millage rate adopted by the City Council of the City of Holly Hill, Florida, for the tax year beginning October 1, 1994 is 5.4695 (\$5.4695 per \$1,000), said final millage rate exceeding the rolled back rate by 1.2% which shall be the percentage increase in property taxes.

Section 2. That all resolutions made in conflict with this Resolution are hereby repealed.

Section 3. That this Resolution shall become effective immediately upon its adoption.

The within and foregoing Resolution was read before the City Council of the City of Holly Hill, Florida at its regular meeting held in council chambers at City Hall, 1065 Ridgewood Avenue, Holly Hill, Florida, on the 27th day of September A.D. 1994.

It was moved by Councilman J. D. Mellette and seconded by Councilman Arthur Byrnes that said Resolution be adopted. A roll call vote of the Council on said motion of the Resolution resulted as follows:

Mayor Virginia Wine	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>
Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

WHEREAS, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly authorized by the City Clerk, and has caused the official seal of said City to be affixed, all at the City Hall in the City of Holly Hill, this 27th day of September, A.D. 1994, for the purpose of authenticity as is required by law.

Mayor Wine asked for input from the citizens present for the meeting. There were no comments from members of the audience. The Mayor closed the Public Hearing.

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

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

B. Ordinance No. 2384 - Adopting 1994-95 budget

Mayor Wine opened the public hearing for discussion.

City Attorney read:

ORDINANCE NO. 2384

AN ORDINANCE ADOPTING THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1994, THROUGH SEPTEMBER 30, 1995, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT HERewith; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT

WHEREAS, the governing body of each municipality is required to make appropriations for each fiscal year, pursuant to Florida Statute 166.241; and

WHEREAS, it is necessary to adopt a budget, whereby the collection of revenues to offset appropriation expenditures is assured; and

WHEREAS, the City Council of the City of Holly Hill, Florida pursuant to Florida Statute 200.065, the TRIM BILL, held a public hearing and adopted a tentative budget, publicly announcing the percent by which the recomputed proposed millage rate exceeds the rolled back rate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. That the attached appropriation budget for the fiscal year October 1, 1994, through September 30, 1995, is hereby approved and adopted as a final budget.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Section 3. That this Ordinance shall become effective immediately upon its adoption.

Section 4. That this Ordinance shall be posted at City Hall as required by law.

Councilman Mellette moved to ADOPT the ordinance on second and final reading being seconded by Councilman Elliott.

There were no comments from the audience regarding the budget when Mayor Wine invited comments. Councilman Heyman asked if \$5,000 could be set aside for the Chamber of Commerce because she did not want to see the Chamber closed and thought Council should do more for them.

Mayor Wine said we just gave them \$3,500 in August and would be giving them \$3,500 more in October which should carry them until springtime.

Mayor Wine said the City would continue to try to help them. She said Mr. Hester said had suggested donating the bicycles the City usually auctions so they could have the proceeds from the sale of the bikes.

Mr. John Levin came forward as spokesman for the Chamber of Commerce. He addressed Council regarding the financial affairs of the Chamber. He said they wanted help becoming a viable entity so they wouldn't have to keep coming to the Council for help. He thanked Mrs. Heyman for bringing the matter to Council's attention. Mayor Wine closed the Public Hearing.

The motion CARRIED 5-0 and the ordinance was ADOPTED on the following roll call:

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

7. PRESENTATION FROM PSG REGARDING PRIVATIZATION OF THE WATER AND WASTEWATER PLANT

Mr. Jim Thompson, regional vice president of Marketing for PSG, introduced the southeast regional Manager of Operations Mr. Bill Harless who is the person all the plants in the southeast region report to who is a native of this area. Mr. John Machisko was also introduced.

He mentioned several water/wastewater facilities PSG currently runs (125 plants with 1500 employees) and listed the Florida locations they serve and showed pictures of them. Mr. Thompson assured Council his people have been to the Public Services compound and looked at out systems and maintain they will stick by the previous savings quoted in a letter to Mr. Hester.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Mr. Thompson said as a former city manager, he looks at things a little differently than someone who not been in government. He said the contract with his company provides for all the labor and management, operations and maintenance costs, maintenance services, administration, guarantees compliance, capital planning if requested and the regulatory interface with the State of Florida and provide technical support.

Mr. Thompson said his company normally saves between 10 and 15% the first year of a contract and the average increase is less than the rate of inflation on the longer contracts. He talked about their maintenance program being computerized and how it works. He said they are very sensitive to criticism of running equipment down and then leaving at the end of the contract.

Council was also informed that PSG pays 100% of any fines levied against the City if they fail to operate the plants in the correct manner. He also noted they do not pay fines caused by an "act of God". He also briefly explained how PSG acts as a funding source.

PSG will hire all the employees currently used by the City of Holly Hill and they will receive the same pay, probably more benefits as well as additional training. He said the only thing they will not do for the employees is provide the Florida Retirement System. PSG does have a retirement program as well as making a 401K plan available. The employees will have an opportunity to enhance their knowledge in all types of company operated facilities all across the country. He noted their vacation would carry over and whatever sick leave the City could not pay out would also carry over to their books. Mr. Thompson listed some of the opportunities the company provides and also talked about the bonus programs the company provides.

Mr. Thompson talked about numerous guarantees PSG provides in their contract, such as meeting compliance requirements, if a mistake is made, they pay for it and the cost is guaranteed. There are no surprises. He closed the presentation and invited questions.

Councilman Byrnes asked where was the closest plant they operate and was told it probably in West Melbourne. Others were also named. Mr. Byrnes said Council was told there would be no surprises in the first year, so he wanted to know what happens in the second year. Mr. Thompson said a review is taken with Council and show what has been done but in most cases the changes aren't even close to the Cost of Living. However, if Council changes the scope and want something different, the numbers will change accordingly. Mr. Thompson said the contract operations is not the money making program for these companies in the short term. Contract operations is an industry which believes in long term returns so the client must be satisfied. Ways out of the contract were also discussed.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Turnover rates of city employees picked up by PSG were discussed and it was learned the rate was very low. Council learned the Company would have a working manager in the plant in Holly Hill and he would live here in the area. Mr. Thompson said PSG would furnish a list of contacts for City employees to call to see how employees are treated when they become PSG employees. Out of 1,500 employees, 85% were former public employees.

Councilman Mellette asked if PSG would furnish a list of clients so Council could check on what is being said tonight. Mr. Hester said he probably had a list but it would be better if a new one was provided for Council. Council complimented Mr. Thompson on the presentation.

8. ORDINANCE NO. 2381 - REZONES PROPERTY AT 1369 RIDGEWOOD FROM B-4 (HIGHWAY BUSINESS DISTRICT) TO B-6 (RIDGEWOOD AVENUE BUSINESS DISTRICT) (SECOND READING)

This item was withdrawn from the agenda at the request of the property owner.

9. ORDINANCE NO. 2382 - AMENDS 1993-94 BUDGET

City Attorney Simpson read:

ORDINANCE NO. 2383

AN ORDINANCE AMENDING ORDINANCE NO. 2360, THE APPROPRIATIONS BUDGET FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1993, THROUGH SEPTEMBER 30, 1994, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT HERewith; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT

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

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

10. ORDINANCE ADDING NEIGHBORHOOD OFFICE PARKS AS A SPECIAL EXCEPTION IN B-3 NEIGHBORHOOD BUSINESS DISTRICTS

City Attorney Simpson read:

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

ORDINANCE NO. 2385

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED, BY ADDING NEIGHBORHOOD OFFICE PARKS AS A SPECIAL EXCEPTION IN SECTION 5.5.15, B-3, NEIGHBORHOOD COMMERCIAL DISTRICTS; ADDING A NEW PARAGRAPH AE IN SECTION 5.6.1, SPECIAL EXCEPTIONS, PROVIDING REQUIREMENTS FOR NEIGHBORHOOD OFFICE PARKS; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilman Mellette asked about Section 2 AE (b) and City Planner Bob Keeth said maybe that should be two paragraphs but after more discussion it was left alone. Councilman Byrnes questioned a density for the property and was told there could be 15 units per acre and the floor area ratio cannot exceed 2.5 % which equates to 10,890 square feet per acre. Mr. Byrnes said that is a pretty big building to be putting in a neighborhood.

Councilman Byrnes said a Neighborhood Office Park should serve the neighborhood and when he looks at the list of businesses, it is mostly people who are going to be coming here to pick up stuff and going somewhere else. He said he is not sure this really serves the purpose of a neighborhood office park.

Mr. Keeth said he did not disagree with Mr. Byrnes but the property at Center and Eighth Street for which this ordinance amendment is being drafted is somewhat special and as the ordinance is proposed, strikes a balance between maintaining the intent of the neighborhood commercial district and providing some reasonable use of the property.

Councilman Heyman questioned the parking of vehicles as provided in this ordinance. Mr. Keeth said most likely the businesses occupying this park wouldn't have large vehicles.

Mrs. Darlene Williams questioned the retail sales and service and density portions of the ordinance. She said eliminated retail sales has been eliminated in the proposed ordinance and it should be allowed because it is already permitted in the B-3 zone. The proposed ordinance allow 25% coverage of the property and she requested 30% coverage.

Councilman Byrnes said if these changes were granted this would be a mini mall. Mrs. Williams read what is allowed in B-3 neighborhood and also listed some special exceptions. Mayor Wine said she didn't have a problem with what Mrs. Williams is requesting. Councilman Heyman said she didn't object and Councilman Mellette said he didn't object either. Mr. Mellette asked Mr. Keeth if he had any strong objections. Mr. Keeth said he is more concerned about the number of establishments that might be

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

located on the site than he is about the lot coverage. He said he saw a site plan at one time which had 15 businesses per acre so that would mean 30 businesses could be located here. Mrs. Williams said she had no problem with density as far as the number of units. She is concerned about square footage of the buildings. He said there is a direct relationship between the size of the units and the amount of impact they will generate in terms of traffic, noise, demand on utilities, etc. Councilman Byrnes said she is only requesting a 5% increase.

More discussion ensued and then Councilman Mellette moved to APPROVE the ordinance on first reading with the amendments of 30% density, allowing retail sales also permitted in B-3, and Medical and Dental offices being added before the second reading. Councilman Heyman seconded the motion which CARRIED 5-0 on the following roll call:

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

11. ORDINANCE ADDING ADDITIONAL REQUIREMENTS FOR PARKING IN ZONING DISTRICTS NOT THE SAME AS THE PRINCIPLE USE

Mr. Keeth said this ordinance was initiated by the discussions Council had on at the rezoning of Heavenly Cheesecake to allow parking in a residential zone adjoining a commercial use which is expanding. The ordinance now provides for parking only on existing uses and not when a business is expanding. Mr. Keeth then explained the ordinance requires a buffer and restricts ingress and egress through the residential neighborhood.

Mr. Mitch Wine, 104 15th Place, asked Council what has happened about the democratic process. He said we have gotten so involved in the building process. He said he should be able to come to the City Hall and find out if he could build a structure or not without having to go to the City Council and hold a hearing. He said every time a building is built in Holly Hill, it seems to come before the Council, not the Building Official. Councilman Heyman agreed.

Mr. Keeth said anyone taking advantage of this ordinance would submit a site plan to the Building Official who would determine if it meets the terms and conditions. Councilman Byrnes asked what legal basis he would have to deny a permit. Mr. Keeth said the Building Official would have to make that determination.

Council had an in-depth discussion on buffers/visual screen and decided that they would like to change the ordinance from type "c" to "b" and this will come back to Council for consideration as a Special Exception.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

City Attorney Simpson read:

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 6.3.16 OF ORDINANCE NO. 2352, THE LAND USE AND DEVELOPMENT REGULATIONS, AS AMENDED, TO ALLOW REQUIRED PARKING FOR AN EXPANDED PERMITTED PRINCIPAL USE TO BE LOCATED IN A ZONING DISTRICT WHICH IS NOT THE SAME AS THE ZONING DISTRICT REQUIRED FOR SUCH USE, PROVIDED CERTAIN CONDITIONS ARE MET; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

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

12. ORDINANCE AMENDING CIVIL SERVICE ORDINANCE REGARDING DUTIES OF MEMBERS AND RETENTION REGISTERS

City Attorney Simpson read:

ORDINANCE NO. 2387

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 2-119(K), (CIVIL SERVICE BOARD), OF THE CODE OF ORDINANCES RELATING TO THE CIVIL SERVICE BOARD MEMBERS' ATTENDANCE AND RESPONSIBILITIES DURING EXAMINATIONS; AMENDING SECTION 2-231(a), (RETENTION REGISTRY), OF THE CODE OF ORDINANCE PROVIDING THAT AN EMPLOYEE MUST QUALIFY FOR A POSITION PRIOR TO OBTAINING SAID POSITION THROUGH THE RETENTION REGISTRY; AND AMENDING ORDINANCE NO. 2353 TO PROVIDE FOR REINSTATEMENT PRIVILEGES WHEN A VACANCY EXISTS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Councilman Byrnes asked Mr. Simpson to explain the difference between will and shall. Mr. Simpson responded that will is a weaker word than shall in a legal context but that it probably doesn't make a lot of difference.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

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

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

13. REQUEST FOR A VARIANCE ON REAR YARD SETBACK AT 738 CARSWELL - RELIEF OF 9'5"

Building Official Tim Harbuck presented this request for the variance to Council. This property is located at 738 Carswell Avenue. The owner is requesting a variance to construct a 5,000 foot addition with a 5'7" rear yard setback in lieu of 15' required by the code. The Board of Planning and Appeals approved the request 5-0 at their meeting.

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

14. REQUEST FOR SPECIAL EXCEPTION FOR COMMUNICATION TOWER FOR DIAL CALL, INC. AT 350 11TH STREET

Mr. Harbuck presented the request to Council and told them staff recommends approval as it complies with the following stipulations/conditions:

- Tower be approved by the FDOT.
- The tower be approved by a structural engineer to make sure it meets wind resistant of 125 mph.
- They need a statement from an electrical/sound engineer that it will not interfere with surrounding properties.

Mr. Harbuck told Council the applicant has agreed to meet all these stipulations.

Councilman Byrnes moved to APPROVE the request being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

15. DEVELOPMENT SITE PLAN REVIEW FOR CONSTRUCTION OF A 6,000 SQUARE FOOT ADDITION

Mr. Harbuck reported the Board of Planning and Appeals and staff recommended approval with the condition that an engineer approve the stormwater retention plan. Mr. Martin has looked at the plan and has approved it.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Mayor Wine questioned the need for additional parking and was told this would be use as a storage facility mostly and they would not be hiring more people.

Councilman Mellette moved to APPROVE the Development Site Plan being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

16. REQUEST FROM BONO'S BARBECUE TO RENAME 11TH STREET IN HOLLY HILL TO "LPGA BLVD."

Attorney Rob Merrill was present to represent Bono's owners. Mayor Wine asked Council how far down 11th Street Council wanted to rename and was told "all the way to Riverside". Mayor Wine said she contacted some people on 11th Street who have lived here longer than she and they did not have a problem with the request.

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

17. REQUEST TO VACATE A PORTION OF KANSAS AVENUE

Bob Keeth, City Planner, said Mr. Greg Fretwell is requesting the City vacate a 60 foot right of way between lot 14, block 15, Holly Hill Heights Subdivision,, Flomich Garden Section. This would enable him to build two single family homes on 80 x 125 feet lots.

Portions of the right of way from Anniston Avenue to Canal Avenue are used for drainage but the area in questions does not have any improvements. Councilman Heyman asked why the City did not vacate the whole length of the right of way. Mr. Keeth said the City may want to look at that before making a decision as part of it is being used for drainage. Mayor Wine said we should check into this and find out exactly what is being done with the property before we vacate it. She asked Mr. Hester if he had checked into this. He said he assumed this would be a preliminary discussion and that it would come back to Council for formal action. He said one of his questions is whether it wouldn't be more appropriate to vacate a whole block instead of a portion of it.

Councilman Byrnes asked what is the accepted practice for vacating a right of way. Mr. Simpson said the City would adopt on ordinance and from the center line each way the abutting property owner would be given half of the property.

Mr. Fretwell told Council he would appreciate anything Council could do for him. He said he has been working on this problem since the first of August.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Councilman Mellette moved to instruct staff to review the request and then prepare an ordinance for presentation at the next meeting being seconded by Councilman Byrnes.

Mr. Robert Bullock, 1701 Anniston, next to Kansas. He said he would hate to see a street go in there taking out the hundred year old trees. He said he much preferred the park-like setting.

The motion CARRIED 5-0 on roll call.

18. RESOLUTION APPOINTING A REPRESENTATIVE TO THE CITIZENS ADVISORY COMMITTEE TO THE MPO

Mayor Wine asked to hold this item over to the next agenda.

19. RESOLUTION APPOINTING A MEMBER TO THE LIBRARY BOARD

Mayor Wine said she would like to appoint Florence Davis to serve on this committee. Ms. Davis' name was inserted in the resolution and Mr. Simpson then read:

RESOLUTION NO. 94-R-44

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO SERVE ON THE LIBRARY BOARD FOR THE CITY OF HOLLY HILL, FLORIDA, FOR THE UNEXPIRED TERM OF SHARON LASORSA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

20. RESOLUTION APPOINTING A MEMBER TO THE BEAUTIFICATION BOARD

Councilman Heyman asked Mr. Simpson if she could appoint her daughter in law. Mr. Simpson said he would have to look into this so Council moved on to the next item.

21. STAFF REQUEST FOR APPROVAL OF A JOB DESCRIPTION 21. STAFF REQUEST FOR APPROVAL OF A JOB DESCRIPTION

Mayor Wine said this is a reclassification of a Utility Mechanic's position which has been in the Water Department. Mr. Hester said an analysis of the job. The person doing the job is doing computer programming and working on computers through out the City. He said that position

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

should be reclassified to reflect the work being performed. The Finance Director has done an analysis based on the job description and recommended a pay range.

Mayor Wine said he was glad to see this being done. A brief discussion was held regarding the person's pay and overtime. Councilman Heyman was concerned with the increase in pay but was told this would be a decrease as there would be no overtime.

Councilman Byrnes moved to APPROVE the change being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

22. REQUEST TO EXPEND LAW ENFORCEMENT TRUST FUND MONIES

Chief Finn requested approval to expend \$6,000 for the annual rental of a C.I.D. vehicle and \$1,485.95 as the local match funds for D.A.R.E.

Councilman Heyman moved to APPROVE the \$6,000 for the vehicle being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

Councilman Byrnes moved to APPROVE the \$1,485.95 for D.A.R.E. being seconded by Councilman Heyman. The motion CARRIED 5-0 on roll call.

23. CHANGE ORDER ON TENTH STREET

Mr. Hester on October 23, 1994 you were presented with a change order on Tenth Street and some of the work had been done. (The City Manager said he would get into that under his comments.) He said there is a representative from Upham here to address Council on thee issues. Mr. Hester said that overall there is a savings on Tenth Street based on the fact when the design process started, the City was looking at a dead end to the Nature Trail. We have since been successful in getting a permit to make Tenth Street open.

Mr. Roger Strucula, engineer with Upham, Inc., explained the change order on Tenth Street. He said what was proposed was to eliminate all the paving work from the contractor's work items due to the County coming in and paving Tenth Street where it terminates now, to across the railroad tracks to Carswell as part of the County project. He said they didn't want to do this work now because the design might change due to the railroad crossing so as a savings to the City, they proposed deducting all the paving work out of the Tenth Street project. In addition to that, they recommended to the City to change the endwalls from the original design. The original design were for sand-cement rip rap wall. These were proposed because Tenth Street was going to be a dead-end street, there was no reason to go with the concrete endwall. Since that time, the City obtained a permit for the FEC

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

crossing, it would be more advantageous to the City and more economical for maintenance so that is why Upham made the recommendations.

The changes to Tenth Street consisted of two concrete endwalls and 44 feet of iron pipe for the water main, overall the total adjustment was \$11,836 (credit) on this project.

Councilman Byrnes moved to APPROVE the Change Order on Tenth Street being seconded by Councilman Heyman.

More discussion ensued on the change order. Mayor Wine questioned why they changed the design of the endwalls was changed. Mr. Strucula said it was changed because the county the County probably would have made them tear out the sand-cement as they normally require the concrete endwalls on their projects. Mayor Wine said it could have happened but that does not mean it would have.

The motion CARRIED 4-1 on roll call with Mayor Wine voting No.

Mr. Strucula said the second request was for a change order brought about because the original design called for 120 feet of 36" pipe with a 100 feet of 54" casing. The change order requests 140 feet of 30" pipe and 120 feet of 42" casing. The net adjustment is the addition of \$3,040 to the contract. The drainage program was based on a study done by Russell and Axon (1986) and at the time they did the design, they were not aware of the railroad's requirement of 5 1/2 feet of cover from the bottom of the rail to the top of the pipe. This means the pipe which goes under the railroad is lower than necessary so you lose half of the pipe capacity so there is no reason to use the 36" pipe. Going to the smaller size pipe would have resulted in a savings if the railroad had not added more length to the project.

Mayor Wine said she did not understand why the engineers couldn't have found this without having to come back to the City for more adjustments. She said an addendum should have been sent out by fax. Mr. Strucula said this is an adjustment which was known at the very beginning of the project and was on the plans so the City was aware of the change.

Mayor Wine said this has not been done and she was not in favor of it. Mr. Hester agreed the work has not been done but the railroad would not let the work be done unless it is done to their specifications.

More discussion was held and then Councilman Byrnes said he wanted those people to get their drainage project so he moved to APPROVE the change order o Sixth Street being seconded by Councilman Mellette. The motion CARRIED 4-1 with Mayor Wine voting No.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

24. COMMUNICATIONS FROM CITY MANAGER

A. Disposition of bikes from Police Department

Council talked about disposing of the bikes by giving them to the Chamber for their garage sale. Chief Finn said he would also like to give the Chamber the other property but that he did not have a list with him tonight. It was decided to bring the list to the next meeting for formal action by the City Council.

Councilman Byrnes asked if there had been an interim auction for the bikes with the money going to the Youth Center. Mayor Wine asked how much was received and no one could remember. Mr. Byrnes said he had no objections to helping the Chamber but thought some of the money should to the Youth Center.

Mayor Wine said she thought it would produce more money if the City hired an auctioneer and held an auction. It will come up at the next meeting.

B. Change order on Ross Point Park

Mr. Hester told Council about the time constraints involved in the project. He said he and Mr. Martin have been talking about ways to increase the length of the dock to get it to deeper water. The contractor is proposing 1) change gravel to 3" 2) change bathhouse to block construction 3) eliminate dock lighting and 4) eliminate pickets along railing. The total changes would result in a reduction of \$18,500. This would enable the contractor to add approximately 100 feet to the length of the pier. This would not change the bid price of \$154,920.

Council talked about proposed change and then Councilman Mellette moved to APPROVE the Change Order being seconded by Councilman Heyman. The motion CARRIED 4-1 on roll call with Mayor Wine voting No.

C. Public Services Director Marc Chattin

This portion of the meeting is verbatim at the request of a member of Council.

Hester: The last order I have to discuss is a report I sent to you. As a little bit of background, on the meeting of August 23, when the original change order from Tenth Street was presented to the Council as a proposed change order, there was in fact construction already taking place in that the headwalls were already in the ground. I reported to

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

the Council when I learned the next day that had occurred, that I would do an indepth investigation and this particular packet is the result of that investigation.

I can give you a synopsis of it. Basically, it was the consensus of all of the players involved , the contractor, our Public Services Director, our representative from Upham that the work should be done. In fact our contract required the change order prior to the work being done. It was outside the scope of the scope of the authority anyone on City staff to do that without Council action and I am recommending to the Council that page number three in the packet.. I guess I prefaced the recommendation...Let me read it to you in its entirety so there is no misunderstanding.

"Recommendations

- Marc Chattin exceeded the authority of his position and my position by allowing work to be done without the approval of a change order as required in the contract.
- The action taken appears to have been in the best interests of the City, but deviated from City Policy and provisions in the contract between the City and the Contractor.
- Mr. Chattin was involved in a similar deviation from City Policy a year ago that dealt with the electrical work on the Ball Park Lights in Hollyland Park for which he was reprimanded (Attachment #6).
- The working relationship between the City Manager, his staff and the City Council requires a strong bond of confidence. In my opinion, Mr. Chattin, has jeopardized the confidence level that the Council has on Public Works matters presented to them for their action.
- A major portion of the City Council's Agendas are Public Works related items that Mr. Chattin is responsible for. If the Council has confidence that Mr. Chattin can continue to perform his work in a reduced capacity as the Public Works Manager then I am prepared to recommend that;

Mr. Chattin be demoted to the position of Public Works Manager, Pay Grade 25 with a reduction in pay to the salary range of the position and a three month probationary period be implemented to see if he can adequately perform at this level.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

In addition I would request that the Council authorize the implementation of the restructuring of the Public Works Department as presented in the LaRue Report (Attachment #7) with the Building/Grounds unit staying under the Public Works Department.

(Note: all positions affected by the restructuring will have wages reduced to the range of the position [Attachment #8])

Additionally, I am recommending that the Council select a City Engineer in an ongoing capacity, advisory to them, similar to the relationship that the Council had with Russell & Axon. The small day to day engineering work would still be done by D. Martin in house and site plan reviews."

Hester: I would recommend to Council go through the CCNA process that the state statute calls for, listen to the presentations directly from the engineers; develop an ongoing relationship they have confidence in and select the firm they wish to have the manager negotiate a contract for. This is all predicated on restoring some confidence between this elected body and City staff for ongoing projects because without the confidence of this Council, *the Administration cannot carry on the necessary day to day actions and interactions between the Administration and the Legislative branch here and I am putting the ball in your court at this point.*

Byrnes: This Councilman hasn't.. had no problems with the Public Works Director. We just approved a change order where he could've saved us \$13,000 by his actions. Certainly he deserves a slap on the hand for not completing the paperwork properly, but I don't believe that he deserves what this report is attempting to do to him.

Elliott: And what is it attempting to do?

Byrnes: A \$10,000 a year pay cut.

Heyman: Well, I think Mr. Chatman's work..I think he is spread too thin, personally and I have talked to Mr. Chattin. He admitted that to me, that he had too much work to do.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Mellette: If he is spread too thin, and we are going to demote him, put him in a lower capacity job, who is going to pick up the work he is going to have to..

Heyman: He just told you.

Hester: Your city engineer similar to Mr. Hallman in his roll would take on those long range engineering projects. The Supervisor under the LaRue report , the Utility Manager would report directly to me, Mr. Chattin in his roll as Public Works Manager would report directly to me and that would essentially be similar to what it was back in 1989 I believe, prior to my coming here.

Byrnes: The concern I have is that we do these restructuring the whim of whatever Council seems to be sitting at the time and in the past I have voted against messing with people's pay when we do this because if you will look at the last page, you will see that because of this, three people are going to be losing a considerable amount of money and I don't know about you, but if my company came along and cut my pay I don't think I 'd be as happy and motivated and as good working an employee as I...The employees shouldn't suffer because the whims of the politicians change as to how the thing is structured. These people are basically gonna be doing almost the work they are now and these reductions in salary are outrageous. I can see a 5% cut or something along that line, but we are talking about some major restructuring some major changes in pay...

Wine: I am not concerned. As the Mayor, I was elected by the people to have a responsibility to the people and when it...I see management making the mistakes that they were paid to.. they were hired.. When you have a manager or a Public Services Director that made a \$27,000 mistake last August and the taxpayers..and you yourself Mr. Byrnes was on that Council. You had a Special Meeting. He got a verbal written reprimand and it cost the taxpayers. The taxpayers are the one out there hurting, it's not you the individual up here, it is the taxpayer. Then you have another incident that happens regularly and if you have people that are managers or in that capacity they are not qualified to be there. You can't have people that are managers that are going to cost the taxpayers money. You have a responsibility as an elected official to take care of the taxpayers. And as one individual I can't, as you went back and read what Mr. Hester said. If you don't have any confidence when they get up here and present something to you, then how can you continue to keep them on staff if you don't have any confidence in them. And as one Mayor, I just do not have any confidence in this particular way this is handled. I like the way Mr. Hester has come up with restructuring. As the prior Council that did this restructuring before cost the

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

taxpayers many dollars and you object to being cut back to the way the way they should have been. It was the prior Council that did this. So , no, I don't have any confidence in the Public Services Director.

Heyman: I just say again, I think Mr. Chattin is spread too thin. Now what we are doing here is we are sitting here trying to save his job. Now, Mr. Byrnes, you don't have any problem with raising taxes, but you seem to have a problem when we go to cut somewhere.

Byrnes: Excuse me, Mrs. Heyman. We are not talking about, at this point, cutting or raising taxes. This is all in the budget. What we are talking about...

Heyman: Exactly and I'm talking about...

Byrnes: ...is the politicians mucking around with people's lives again. Now, ...

Heyman: What do you suggest we do?

Byrnes: Whether Mr. Chattin screwed up or not is an opinion we would have to come up with, but there are two other people on this list who are going to suffer because this whole restructuring...

Elliott: Only if we restructure.

Byrnes: That is correct because this whole restructuring is predicated on the fact of the report coming out with Mr. Chattin. Now, granted, if you people want to slap him because you don't think he is doing a good job, then do it. But don't make these other people suffer.

Wine: You can't have any decrease and reduce in costs if you don't restructure. Its been all put in there to the prior Council.

Byrnes: Its been done before.

Wine: It was done by the prior Council, Mr. Byrnes.

Byrnes: That's fine and Councils before that, Councils before that did things and councils before that did things. The point is...

Wine: That does not mean we have to continue.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

- Byrnes: The point is is that the employees should not..their lives shouldn't be mucked around with by the current political climate of the time and ...
- Heyman: I don't think that's what's happening, Mr. Byrnes, at all. I think you are way off base.
- Byrnes: I think when you start taking \$10,000 out of peoples' pay, it is a lot more than being off base.
- Heyman: Well, would you rather let an employee go?
- Byrnes: That's not the point here and that is what I just said. The budget was already made with these people doing what they are doing and so we don't have to let an employee go to keep these people.
- Wine: We did a..We had Mr. LaRue come in. His recommendation was the same thing but just because two people on the prior Council didn't see fit to do this, you still object to it when Mr. LaRue came in and we pay them. We pay these people to come in and be consultants for what? I mean they are a little more knowledgeable than some of us sitting on the Council in case you don't know it.
- Byrnes: Well..and some of us on the Council think we are more knowledgeable than the engineers, but, the point is there are always these restructuring and those type of things and the people who are doing the work for us at our direction should not be the one to suffer because the politicians have decided they need to be reporting to somebody else.
- Elliott: But the politicians didn't make him not provide the accurate account of what was going on...
- Byrnes: And I'm...
- Elliott: Are you agreeing on that?
- Byrnes: I'm agreeing that...
- Elliott: You are saying okay, we should slap him on the hand, but he did it it says something happened a year ago too. How many time are you going to keep slapping people?
- Byrnes: And I said earlier if you want to have a vote of no confidence against , that is one thing but to make these two other people suffer who are not mentioned in the report

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

and who haven't been shown to have done anything wrong, to cut their salary by almost...by more than \$10,000 and by almost \$10,000, that is wrong.

Wine: This is...

Unknown: Unable to transcribe---others talking at the same time.

Byrnes: And that is what the whole report leads up to is this restructuring.

Wine: Mr. Byrnes, the City Manager did a big study on this trying to come up because anybody prior to these people that you see here, when they get demoted, , in case you don't know it, they all get a cut in salary whether you want to believe it or not. I mean when you are demoted to a lesser job, you should have to take the consequences along with it. You should be paid for the job you do.

Elliott: I think...

Byrnes: These people are not being demoted because they did a poor job, one person...

Wine: They are being demoted because we are trying to restructure and do a little more management and do a little more productivity.

Byrnes: We have restructured before without cutting people's salary.

Wine: How well I know, that is what happened to the prior Council. They restructured before.

Heyman: There are too many chiefs and not enough Indians.

Elliott: I know..I know of some that got, one that got a \$6,000 cut. He is here tonight.

Byrnes: And I know that that same person had it happen to him without getting a cut. We can talk about the present. I'm talking about the fact you get five politicians mucking with people's lives. It is one thing to go and and slap somebody on the hand and do whatever you want because you believe that person did something wrong and I'm not saying that. What I am saying is there's two basically innocent people here who are going to be losing their, part of their livelihood because we've decided 'oh, we don't like it like this, let's try it like this for a while' and it might not even work.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Wine: Mr. Byrnes, when you demote an individual, makes no difference whether it is Mr. Smith or , you take a decrease in salary. This has been going on for as long as I was Finance Director so you cannot tell me anything that I am not aware of.

Byrnes: I'm sorry Madam Mayor. I do not remember any reductions of this magnitude.

Wine: Well, you may not have been on the Council but I was on the..in the Finance Department and some of it was as much as \$8,000 so I can take you back and show you the records so you don't want to argue with me cause I have had twenty-five years in there and I happen to know it to be a fact. You just don't want to believe it, that's your problem.

Byrnes: I'm not saying I don't believe it. I am saying that in the past, and I'm not saying that it was the full practice, but there are people...

Wine: We'll get with you in a moment Mr. Fink.

Byrnes: ...as Mr. Elliott stated, there are people in this room who have had reductions and who haven't had reductions and...

Mellette: That's right.

Byrnes: I'm saying that this whole last page...

Wine: But why do they get it? Why do they get it? 'Cause you restructured and they took a decrease because they were demoted. They restructured it. Did you know that?

Byrnes: Yes, Ma'am, I did know that but I do know that the point is.. that the point of the report that came from Mr. Hester was let's restructure because of alleged problems...

Wine: Of what?

Byrnes: ...with Mr. Chattin. Now..

Wine: They weren't alleged.

Byrnes: ... if that's why you are going to restructure...

Elliott: They weren't alleged.

Heyman: That was brought up before this, to restructure Public Works.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Byrnes: But this report tied them together and so now we are making...

Heyman: Now, wait a minute now. That was before this ordeal came up.

Elliott: It sure was.

Heyman: The City Manager wanted to restructure Public Works.

Wine: Yes, he did.

Mrs. Heyman and another member of Council were talking but I was unable to make out the comments.

Byrnes: Then what should have happened is that this report should have come out and said this person messed up, let's do something about this person.

Wine: He tried to do that...

Byrnes: And..huh?

Wine: He tried to do that and we didn't get a vote on it at one of the Workshops or one of the Special Meetings that we had. You have a very short memory at times and a good memory at other times.

Byrnes: All I know is that this report makes it look like there's two people are going to suffer because of one person's...

Wine: I'm still going to reiterate again, that when you're demoted, you get a cut in pay.

Byrnes: These cuts are major.

Wine: Well, the ones that were demoted back in 1987, \$7,000 - \$8,000 - \$6,000. You can't tell me a thing that I don't already know.

Heyman: There's been some major raises too if you will look at your log book. Major.

Wine: What is it you want, Mr. Hester? Why don't you just ask?

Hester: Madam Mayor, I guess what I am saying here in this report is...

Fink: I'll come back later.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Elliott: If we have confidence...

Hester: If you have confidence in Mr. Chattin's ability to take on a less involved job, that job would have to be the Public Works Manager.

Comment from Mayor unclear.

Hester: And we have to restructure because there is no lesser job at this time without restructuring. It was my understanding that the Council wished to look at ways to decrease the cost of running the City and part of Mr. LaRue's options...and there were a number of options included that...restructuring the Public Works Department... In fact, the people in those rolls mentioned, one of them is taking an early retirement, but those are essentially foremen positions. If the Council wishes to, they can freeze the amount of reductions but when you are making a reclassification, it's prudent for you to recommend at the beginning the salary be within the range of the job. I'm saying Mr. Chattin is spread kind of thin. Some things fell through the cracks. Last year they fell through the cracks. This year, if you read the report, it affects that they had sixty days between the preconstruction conference and the first time that you were presented with this to in fact to ask for a change order on those headwalls. That was discussed at the preconstruction conference. And in fact, the headwalls were in the ground for thirty days...

Elliott: Before they came to the meeting

Hester: ...before that Council meeting because I was made aware of it the next day. Mr. Chattin admitted to that fact. I believe he has been spread thin. I believe there is some value in Mr. Chattin's work. He has done a lot of good for the City and I believe if they have to find a place for him other than what he is doing now, that that restructuring will have to take place and that position would have to be the Public Works Manager or...

Elliott: And in that case..Unable to make out comment.

Hester: ...create different position.

Elliott: And in that case, the other two...

Hester: The reality of it all is that you have to have confidence in the product being presented to you tonight.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Heyman: Well, we had no problem awhile ago, Mr. Hester when we give the man a raise because we restructured his position, right? The computer guy?

Hester: Yes, ma'am. You in essence moved him up.

Heyman: So we gave him equivalent pay, is that right?

Hester: Yes.

Heyman: So what's the problem if you get demoted of giving you the equivalent pay. I don't understand.

Mayor Wine and Mr. Hester made remarks at this point but you cannot understand them.

Hester: I'm not saying you don't, I'm saying it is standard policy when you reduce somebody, either through a reclassification or a demotion, that you also reduce the pay and that has been standard in the industry for a number of years. It is the final analysis the Council prerogative. I'm just saying I believe there is some value for 's work for the City. I'm saying in order to keep 's work for the City, it is going to require a lesser position than he is in now, that's apparent unless Council changes their mind on that, but without a confidence in the man's work we are going to hinder operation of the City. My recommendation is if the Council has confidence that can perform well for future years for the City in this capacity then you approve it or not as you see fit.

Byrnes: So there's three issues here. One of them is does the Council have faith in what Mr. Chattin has done and is going to do and if so do you want to keep him as the Public Works Director, the Public Services Director..Yes or No. Okay, if it is no, then oh well, do you want to keep him around as a lesser person? and so and then if do, do you want to restructure all of Public Works and have people's salaries go down who have been working for us for many years and have been fine employees be cause you don't have confidence in one person or do you want to fill the job wish possibly somebody else that you might have more confidence in because we are getting the City Manager spread fairly thin? So there's all the issues we have to work with.

Heyman: No, you are looking at it all wrong . The issue was brought up before to restructure Public Works so what we are trying to do now is to give Mr. Chattin another chance to...where we can have more confidence in him. I think that is what we are trying to do here.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Hester: I believe that is correct.

Heyman: I believe we are trying to give the man a chance to go ahead and work for the City and try to do a good job for what the City Manager the position he is giving him in. Is this correct or not?

Wine: That's what the City Manager is trying to do.

Heyman: Right. Okay, but what is saying just get rid of him...

Byrnes: No, I did not say that.

Heyman: Wait a minute, you are saying get rid of him if we have no vote of confidence in him, then you are either going to get rid of him is what ..a round about way is what you are saying because you think that we are trying to punish the other two people. That is not true.

Byrnes: No. I'm saying...I'm saying because we want to...

Heyman: That is not true Mr. Byrnes and I certainly hope the newspaper don't pick it up like that.

Byrnes: I'm saying that because some members of the Council want to punish , these other two people are going to suffer. That's what I am saying.

Wine: They are being demoted the same as the other people were demoted five years ago Mr. Byrnes and you were a party to it.

Byrnes: If your salary gets cut by \$10,000, you'll suffer too.

Wine: You didn't mind saying no then, you didn't mind it a bid.

Heyman: There's been some hefty raises in the City but nothing is ever said about that. Now let's look at both sides of the fence. Let's be fair to the City of Holly Hill and to the citizens.

Byrnes: It is easy to cut other people's salary...

Heyman: Let's get a balance here.

Wine: In 1987 you did it and you didn't make one comment about it.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Heyman: It is not easy to cut...

Byrnes: I didn't come on the Council until 1988...

Heyman: I think it is very hard to cut. I think it is very easy to give a raise.

Byrnes: Those changes were made in 1987, and...

Wine: But it was done by Council.

Heyman: It is hard to cut anybody's pay I feel. It is hard for me to do something like that...

Byrnes: Certainly by the numbers we are talking about cutting.

Heyman: ...or get to get rid of anybody.

Byrnes: My point is the whole thing is going to look like two people are suffering because some members of the Council are not happy with Mr. Chattin's performance and that's why I wanted to have this..to have these issues settled individually.

Heyman: Mr. Mellette, what do you think about it?

Mellette: I have a tendency to agree with Mr. Byrnes.

Heyman: Okay. He made a good..good..very good point for the newspaper.

Mellette: I'm not saying that Mr. Chattin is totally right in everything he has done. He did do paperwork wrong.

Heyman: No. He admitted to me, Mr. Mellette, he admitted every bit of it to me that he knew he was wrong, that he had made a lot of mistakes. I mean, he didn't try to hide any of that at all and I respect the man for that. I really do.

Mellette: So he was totally right. I remember when he first came on, I wasn't involved in politics at that time but I kept up with what was going on. He was hired when we were building the new sewer plant and there was a lot of wheeling and dealing that ..you need to get this done if you can get it done cheaper, we will work out the details. That was fine back then, but it has changed now. The political scene has changed. That is not accepted. He should have picked up on that and followed through the course. He's wrong there. The man has done a lot of good for this City. I can see disciplining him. I'm like Mr. Byrnes, I hate to discipline other people

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

because of 1) I think the man has done a good job there. 2) The man could continue to do a good job. His mistake was that he did not pick up on the political feel...Things have changed and I need to change with them. That is where the problem is.

Heyman: You all are trying to make it political.

Wine: That is what you are trying to do...but if you restructure, you should consequently demote as what has been happening in the past. When somebody takes a job from account clerk one to cashier, they are demoted to that position. So when you are demoted, you are automatically given the salary commensurate with what you are paid to do in that particular position and we have a salary range we put them in.

Mellette: I agree if we demote him, the money should be taken away.

Heyman: I would have felt a lot better had told the Council at the last meeting that that work had already been done and I told him that. I said Oh Lord, I wished you hadn't done that. I mean he could have told us it was already done and...

Mellette: I don't disagree with that point.

Heyman: and that...that he overstepped his bounds and he was sorry about that but he thought he was saving the City money, I could've bought, that in a flash, but he didn't see, he didn't even tell us the work had already been done. That's the part that got me.

Mellette: I agree with you.

Wine: The part that gets me is that last August when you all, the prior Council, called a Special Meeting to okay a payment to a vendor that the City Manager didn't even know the City of Holly Hill owed a payment of almost \$25,000 to \$26,000 and I happen to have been elected by the people and I have a responsibility to the taxpayers and I object to having my taxpayers punished because somebody doesn't do their job properly and I call \$25,000 to \$26,000 a lot of money that you all called a Special Meeting on last year.

Byrnes: And I reiterate that do what you like to but these other people should not suffer because the Council is upset with Mr. Chattin.

Wine: I reiterate that if they are demoted to a lesser job, they should take the pay commensurate with it and that is what the City Manager has recommended.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Byrnes: And if they have been doing an acceptable job, then they should not be demoted. You normally demote people because they have been doing a poor job.

Wine: No, that is not why you do that at all.

Heyman: No, when people don't do their job you usually get rid of them. That is normal procedures.

Wine: That is exactly right. You document it and then you have to let them go.

Heyman: I know you do in the (private sector) anyway.

Byrnes: I bet there isn't a person on this Council who has ever taken a pay cut as high as we are asking these people to take.

Wine: Well, it happened five years ago Mr. Byrnes and the people are still working.

Byrnes: You?

Wine: I didn't say me, I said it happened five years ago.

Byrnes: I said there isn't a person on this Council that that has happened to and then I expanded and I said there is not a person at this table it has happened to.

Heyman: Would you have a problem giving somebody a \$10,000 raise?

Wine: No, he didn't. He did it.

Byrnes: I've sat here and tried to keep the politic out of it.

Heyman: That is not politics, that's fact. I'm just saying would you have a problem? I'm not...

Byrnes: People are taking pot shots and that's not...

Wine: Mr. Hester?

Byrnes: ...and that is not what I am trying to do. What I am trying to do is say these other two people should not suffer because of whatever Mr. Chattin did. All I've said the whole time...

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Wine: You have to do that if you are going to demote and they not be in charge and they go into a lesser job, that's what happens. It has been happening for twenty-five years. This is no different.

Hester: Background comment. Could not understand.

Byrnes: It is different because the whole restructuring as it appears in this report, because we turned it down before. When it was just brought to us as a restructuring, this Council did not act on it. Now it's brought to us as oh screwed up so we are going to restructure and now these people are going to suffer because of what we believe...

Wine: Whatever you say, you've reiterated it and it don't want to have to reiterate again to what you said Mr. Chattin, I mean Mr. Byrnes. This could go on...

Heyman: I would rather cut somebody back than have to lay them off in the future.

Wine: Let's get on with the business.

Byrnes: But that's not the point Mrs. Heyman. We are not talking about the budget. We are talking about politics.

Wine: We are not. We are talking about the cost of government .

Byrnes: We are talking about getting rid of a man because the Council is not happy with him. That's what we are talking about. We are not talking about anything else here. You keep talking about as a reduction and it is not a reduction. It is a restructuring because one man didn't do what you may think he should have done and what other people may not or whatever it is.

Wine: We are talking about restructuring.

Byrnes: The point is that two people in this thing that are going to suffer because somebody is removing .

Wine: We are talking about restructuring. We are talking about restructuring.

Byrnes: That's correct. We are talking about restructuring...

Wine: To reduce the cost of government because you also know that our budget is out of line. We are talking about giving the employees a decrease in salary and then all of a

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

sudden we are not talking about the cost of running the government. No, no, Mr. Byrnes.

Byrnes: Well, in this case we are not talking about budget. The budget was passed before this was given to us tonight so what we are talking about is a restructuring in black and white because the Council does not have confidence in and if you don't have that confidence in Mr. Chattin, do something to him but don't mess with those other two people's lives who have been doing a good job.

Elliott: I want to say something.

Wine: Mr. Elliott, did you want to say something? , Mr. Elliott wants to say something.

Elliott: I feel like that if in other businesses, this had happened more than one time, the person would be eliminated. Whether he was at the top, the middle or the bottom, he would be eliminated.

Mellette: Let Mr. Hester pick up his job and leave the other two where they are at.

Wine: He probably could.

Elliott: Do what?

Mellette: Eliminate the man and let the man sitting over there pick up his job.

Byrnes: Or fill it with somebody else.

Wine: We can fill it...he recommended an engineering firm in case you didn't hear him in his recommendation...that we would get an engineering firm in case you are interested Mr. Byrnes. That is why we are having so many problems as it is.

Byrnes: I understand that Mrs. Wine. and maybe my statement hasn't been clear. This whole time...

Wine: Oh, you've made a lot of statements that were clear Mr. Byrnes.

Byrnes: This whole time and my whole defense has not been here in defense of Mr. Chattin. My whole defense has been the fact that I...

Wine: You don't want to demote those two people.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Byrnes: I don't want two people to lose a major portion of their life because the politicians have decided to get rid of one person.

Wine: Well, see, there you go again. You should not enter..its the politicians...I mean you are a politician and you were in on it last August in the prior Council. Yes, Mr. Byrnes you are a politician.

Heyman: Well, I can assure you I don't play politics and I don't care what you say Mr. Byrnes.

Byrnes: And I am saying...

Heyman: I resent that.

Wine: I do too. I don't think it is called for Mr. Byrnes.

Byrnes: And I don't think it is called for to take people's salaries when you are after one person. If you do not...

Wine: Mr. Elliott.

Elliott: I already said the guy would be eliminated in a business and that is the way I feel it should be.

Byrnes: And I'm not here defending it. I am here to make sure that..that the other two people are not caught in the cross fire.

Elliott: In order to protect the other \$20,000 being cut from the other two people, we could eliminate the one and they wouldn't be touched. Right?

Hester: One of those two is taking an early retirement. Let me cloud the issue a little bit further...

Wine: Oh, that's all we need is to be clouded. Please let's don't use that word.

Hester: We've reached the point where the Council indicated directly and indirectly, based on Mr. Chatten's performance, that he can't perform well in the position he is at. There is no other position for him to perform at unless restructuring takes place. If you are concerned about the pay ranges, it is part of the Pay and Classification Plan adopted by resolution. The Council may elect to, in fact, change the ranges somewhere. Any action taken during a restructuring, that restructuring would take two readings of an ordinance in the whole month of October. Those affected employees that are in the

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

competitive status, the order would have to be stayed on them for a month to give the appeal rights to that.

At this point in time, we are asking if the Council does in fact have confidence in the work product being presented and can Mr. Chattin function in a lesser role? Mr. Chattin has indicated to me yes he wishes to keep his job. He wishes to assure the Council, he talked as Mrs. Heyman said to Mrs. Heyman, He can do that job. This is something we discussed this afternoon. If the Council has no confidence in Mr. Chattin, and there is no place for him to go, then Mr. Chattin has to be removed from the service of the City because there is a lot of day to day activities that require some confidence that when staff members come up to that podium, that is in fact a factual presentation and it is obvious to me we need an engineering firm for an ongoing relationship because we just went through two change orders on Sixth Street and Tenth Street and...and you know if , if that confidence in staff is not there, then the process as we know it is gonna pretty much grind to a halt. We are going to have a lot of midnight meetings. I guess I go back to the original premise here, I don't think that the Council is happy with Mr. Chattin's performance. If you want to say you are happy with his performance, we don't have to do any of this. But, I believe Mr. Chattin has something to offer to the City. He has been here a number of years. He has lot of information. For me to replace him is a training process for somebody else in that capacity for at least six months to a year.

Wine: Mr. Elliott, do you have any confidence? I mean do you want to answer it that way?

Elliott: I already stated .. I already state that I didn't.

Wine: I've already stated I didn't either.

Mellette: Do you have...you are stating you have no confidence in the position he is in.

Elliott: I don't know if...I don't know about the other position either.

Mellette: Cause my feelings are if you do not have confidence he holds, how could you confidence in a lesser position and second, if you do have the confidence and you put him there and take that kind of money away and he is under a probationary period, he is going to be disgrudglent so this whole thing is designed to fire him.

Wine: If that is what you think.

Mellette: So the thing is ... tape ended

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Elliott: At that meeting, I've to M...I talked with Mr. Chattin at length about a lot of things since I become a member of this Council and it is not just this that leads me to my conclusion.

Wine: And it is not just this that leads me to my conclusion and I know some things that happened today Mr. Byrnes. I'm not going to bring it up to the public and I do not have any confidence in Mr. Chattin in this position nor would I have any as Public Works Manager. I'm sorry but that is just the way I feel about it.

Byrnes: And I can understand members of the Council having that feeling and I have not denied any of you that feeling. What I do have a problem with is the other two individuals who will be caught in the flack of a restructuring.

Elliott: What are your feelings?

Wine: We are talking about the Public Services Director, that seems to be the one.

Elliott: Forget the other two people right now, let's go with the top..

Wine: Let's just take one at the time like you said.

Byrnes: Okay. I'm sitting her trying to put those feelings in order. Yes, there have been some mistakes and yes, as a policy maker, as a manager, there should be some slap on the hand but I don't believe that the restructuring is a slap on the hand that he deserves. I think he can be a good Public Works Director so I have not lost confidence in him personally.

Haven't heard from you Mrs. Heyman.

Heyman: Well, Mr. Byrnes, if you take a vote of confidence, then I would have to vote no I do not have any confidence in Mr. Chattin's ability to do the job he is doing right now. The man has already admitted to me, he is spread too thin. He already admitted to me that the fiber board that was going in the Police Dept., that he did not know that was the difference in the bid, when I asked him, Mr. Chattin why are those bids so far apart. He said, "I really don't know." Now he told me he did not know and I took him at his word. So, if he did not know, it was his job to know. He should have known what was going in that Police Department. Am I correct or not? Shouldn't he have known?

Byrnes: I'm just listening to your feelings.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Heyman: I'm asking you. I'm asking you. Should he have not known that? He admitted he should have known it so I'm just saying...I think what we are trying to do here is to save the man's job, you know, rather than letting him go...

Byrnes: And I...and I..

Wine: No, that's not necessarily...

Heyman: If we..If we vote with no confidence, then he has no job period,

Byrnes: Well, and my point is...

Heyman: What you are trying to do is make the whole thing political.

Byrnes: No, I'm not. What I'm trying to do is to say okay if we have a problem with Mr. Chattin, let's act on that and then decide if we are going to restructure. We may decide that instead of hiring a private engineer firm, we want to get a new Public Works Director. That might want to be the better...

Wine: How do you want to do this Mr. Hester?

Heyman: Yow, if it's going to get us home quicker, let's do something.

Wine: Mr. Hester...

Elliott: We need to get it all out.

Hester: Let...let me..

Wine: Why don't we just act on the one...

Hester: ...Let's just act on Mr. Chattin and let's revise for a moment the recommendation. The recommendation is just on Mr. Chattin. I'm asking that he be reduced to a position to be created by ordinance, a Public Works Manager, that his job be diminished that we hire an outside engineer, that the Utilities Manager answers directly to the City Manager and we return back to what we were in '88 for that structure and that has nothing to do with the other two positions. I think under those reduced circumstances, Mr. Chattin could function adequately for the City.

Based on concerns, that I have that he may develop an attitude or be less than productive, which I don't believe, because he is not that type of person, I have put in a

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

probationary period. Let's just deal with that. If the Council has confidence that Mr. Chattin could function as a Public Works Manager, that portion of the recommendation, then I would ask them to so state that and I would go through the process with the Attorney of changing the ordinance to reflect that. It takes 30 days.

Elliott: From my talking with Mr. Chattin for about two hours, couple or three weeks ago, I think he'd be very disgruntled about the loss in wages and I don't think we would perform. I really don't. It would be real hard for anybody to do that.

Wine: WE have had this in the past where the person was demoted, and the person has been very bitter about it and they didn't perform adequately. Then the other hand there's been one that performed well. They had a very hefty decrease and then you find people who are absolutely not going to cooperate if they get demoted in any manner and I don't think...I think Mr. Chattin is another one of those that I don't think he would be happy taking any kind of decrease because he likes the power and situation that he's in. That is he likes to do...and I don't think he will be happy in any position other than the one he's in as far as having productivity for the City. I'm only really concerned about what is happening to the taxpayers. I'm going to reiterate that one more time, that I'm only concerned how it affects the taxpayers. They are the ones that suffer, not me and you sitting on the Council. It is the taxpayers that suffer when they have to have increases all along the way because of poor management.

Heyman: Well, I say again if , you know, if you are taking a vote of confidence for the position he is in, I would have to vote no.

Hester: We were talking about a demotion to Public Works Manager and I had a lengthy discussion with him in the last few days and I offered him some other options. I offered to allow him, given that the Council would approve it, to go and qualify for the early retirement program with the severance pay package. He told me he really likes his job. He wants to try harder. He would like to be given a second chance. That was the reason I recommended this with a probationary period to hold him to his word and if that doesn't work, then I have no problems severing his employment with the City. The bottom line is when we have a product presented to the Council, you have to have some assurances it is correct and everything is as stated. That is a key requirement in this...but the issue was as Public Works Manager.

Heyman: Well, Mr. Hester, I'm willing to go along with your recommendation and give him a shot at it, but if he has a bad attitude or some reason you have to get rid of him, then

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Mr. Byrnes is going to say it was political and it was designed that way in order to get rid of Mr. Chattin.

Byrnes: I'm not the one that said that. That was Mr. Mellette that said that.

Heyman: I'm not willing to take anybody's job away for them if they, you know, if..if he feels that he can do that without having a bad attitude and do a good job for the City. I say give the guy a chance but if Mr. Byrnes would, you know, prefer that we take a vote of confidence, then it looks like to me, the man's not going to have a job.

Byrnes: Mrs. Heyman, if you are going to keep referring to my remarks, please refer to them properly. What I said was...

Mellette: I was the one who said that.

Byrnes: Mr. Mellette was made...made the comment about that. All I have said my complete comments were that I don't want two other people suffering because of what happens to Mr. Chattin. That's what I have said from the beginning and I state it again.

Wine: Would you state your piece Mr. Mellette?

Mellette: I stated my feelings.

Wine: He said the same thing, that he agreed with Mr. Byrnes.

Hester: Am I correct in assuming that there is a majority of the Council that is interested in giving Mr. Chattin a second chance in a reduced roll as Public Works Manager? If that's the case, I'll ask the Attorney to draft the appropriate ordinance for the meeting in October.

Byrnes: Is that what you said Mr. Mellette?

Hester: Is that correct Mrs. Heyman?

Heyman: That is what I said.

Hester: We some action at this time.

Simpson: I'm not sure that that is what has been said but if you are comfortable with it and there are three of you who agree with that, then I guess we are okay.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

- Mellette: Why do you say you don't think that is what was said here?
- Simpson: I wasn't sure if that's what you and Arthur said, J. D.
- Byrnes: I wasn't sure that is what you said either. You sounded like you said what Mr. Elliott said. That's why I asked you specifically.
- Mellette: No, I...I said I could understand why when you take that much money, the man would become disgrudgelant. This could be...If somebody wanted to get rid of you...
- Byrnes: Cut your pay.
- Heyman: Cannot understand - others talking at the same time.
- Mellette: This right here would be a perfect tool to do it with.
- Heyman: What do you all suggest should be done here?
- Mellette: I did not say that was what was meant to be done, I said it is something that could be.
- Heyman: J. D., you are a business man and...
- Mellette: I am a business man.
- Heyman: ...I'm surprised at you.
- Mellette: No. Because I have manufactured reasons to get rid of employees when I had to or when I wanted to. I know it can be done. That man sitting over there knows it can be done. This lady knows it. You know it. I know it. He knows it. Anybody in this room knows if you want to get rid of somebody , you can manufacture the reasons.
- Elliott: The reasons are right here.
- Mellette: I understand they are.
- Elliott: I didn't manufacture them.
- Heyman: Then why don't we just take a vote of confidence period then and let's go home.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Mellette: But I feel, I feel the man could do a good job for this City.

Wine: She wants you to take a vote of confidence, yes or no.

Heyman: I mean, I mean you all..I...I don't feel like sitting here all night. I mean Mr. Byrnes has kinda gave us the idea he would rather us get rid of Mr. Chattin than...than..

Wine: Mr. Hester.

Byrnes: That is absolutely not what I said.

Heyman: ...what he said is punish the other two people.

Elliott: He said work on Mr. Chattin and leave the other two alone..

Heyman: Yes...right.

Elliott: He didn't say get rid of him.

Heyman: No...same difference.

Elliott: You gotta listen to everything here. We are shooting things back and forth that are really ridiculous...

Heyman: Let's do something, okay?

Several people are talking at once. Cannot transcribe.

Elliott: Let's be grownup about what we are doing and do it discretely for crying out loud.

Mellette: My recommendation would be to give him the cut in pay, let him have the chance at this. If he does not perform, then it is time to take action. You are given three chances. He has had two now. When he messes up the next time, he is gone. Most any job that I've seen ...

Hester : Is that a motion?

Mellette: Yes, if you want it as a motion, I'll make it.

Hester: Yes, sir I would like that as a motion.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Wine: What was the motion?

Heyman: I wasn't even listening.

Wine: Repeat the motion.

Byrnes: Repeat the motion.

Mellette: The motion is to give him the reduction in pay to the lesser job and if he does not perform in that position, then he would be eliminated.

Heyman: Well then where does that put the other two people?

Hester: That is something we will have to be bringing back when we look at..

Heyman: We can't have three managers or nothing like that.

Hester: No, those other two are supervisors. There is a Public Works Manager and the other two are Foremen. We are going to have to revisit with the final draft from the LaRue report when we get the data on the Fire Department. We haven't got all that information yet. We are going to have to..

Wine: Well, you've made your recommendation and they only want to address it. That is just like when the report was brought up at the Special Called Meeting, they didn't want to address the whole thing. They only took out certain parts of it, Mr. Hester, to address. This is the same principal we are working on now, Mr. Byrnes, but it is not political you understand?

Byrnes: Certainly not because I am not wanting to make other people suffer because one person has messed up.

Wine: I didn't hear the motion. We are trying to get it understood now Mr. Simpson.

Simpson: As I understand Mr. Mellette's motion, it's to accept the first part of Mr. Hester's recommendation which is a demotion, a reduction in pay relating to Mr. Chattin only and a probationary period.

Mellette: That is what I understood. We were to take the one issue and deal with it and deal with the other one later.

Wine: You have the motion.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Simpson: And to proceed with it, you have to have a second.

Mellette: Yes, ma'am.

Wine: You have to have a second.

Byrnes: Then I will second it.

Wine: We have a motion and a second. Call the roll, please.

Blackwell: Councilman Mellette?

Mellette: Yes.

Blackwell: Councilman Byrnes?

Byrnes: Yes.

Blackwell: Councilman Heyman?

Heyman: No.

Blackwell: Councilman Elliott?

Elliott: No.

Blackwell: Mayor Wine?

Wine: No.

Byrnes: I thought we had agreed on that Mrs. Heyman.

Wine: We didn't agree on it.

Byrnes: (To Mrs. Heyman) You make a motion now. It is your turn.

Wine: We had a motion and a second and it was voted on, right?

Hester: Yes ma'am.

Heyman: I rest my case.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Hester: I would like..

Byrnes: But we did what you (Heyman) wanted. We kept him and we reduced him and we put him in a different position and you voted against it. That is just what we did.

Heyman: No, Mr. Byrnes. That was not it at all.

Byrnes: Okay.

Heyman: Not at all. You see, you don't listen either.

Wine: Mr. Hester, what do you want next?

Hester: Madam Mayor, I guess given that there is not confidence in Mr. Chattin's performance, I would respectfully ask the Council to allow me to consider him as a early retiree with a severance package and I will remove him from the service of the City with an amount not to exceed six months like we are doing with the other employees.

Wine: So you can just handle that yourself? You can just handle that yourself?

Hester: If that is the consensus of the Council.

Wine: I have no problem with what you recommend.

Byrnes: I think there needs to be a motion and a second.

Hester: I would prefer that.

Elliott: For what? Early retirement?

Hester: I would treat him the same way as I would the people that are going out on early retirement and allow him a severance package of up to six months.

Elliott: I'd like to put that into a motion.

Heyman: Give us no choice I guess.

Wine: Somebody has to second it.

Heyman: Second.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Wine: I have a motion and a second. Call the roll, please.

Blackwell: Councilman Elliott?

Elliott: Yes.

Blackwell: Councilman Heyman?

Heyman: Yes.

Blackwell: Councilman Mellette?.

Mellette: No.

Blackwell: Councilman Byrnes?

Byrnes No.

Blackwell: Mayor Wine?

Wine: Yes.

Byrnes: I can't believe after all that talk, we found a way to save his job after that you were saying and...

Wine: Do you...

Heyman: No, it wasn't...it wasn't that at all, Mr. Byrnes.

Byrnes: I understand.

Wine: Do you need to do anything about the other two? You gonna address that later? What do you wanna do?

Hester: We'll have to bring that back at a later time under the LaRue report.

Heyman: I tried real hard to save his job.

Byrnes: All you had to do was vote yes.

Wine: Do you have any more communications, Mr. Hester?

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Hester: No ma'am. That is all I have. Thank you.

25. COMMUNICATIONS FROM CITY ATTORNEY

Mr. Simpson said at the August 23rd meeting we had three issues that were acted upon, we had to prepare resolutions for all three and I would like for you to ratify those resolutions. He read the following:

RESOLUTION NO. 94-R-39

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT FOR DISTRIBUTION OF PROCEEDS TO LOCAL OPTION GAS TAX WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 94-R-40

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT FOR RECYCLING AND EDUCATION WITH VOLUSIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 94-R-41

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WHEELABRATOR CLEAN WATER SYSTEMS, INC. FOR THE DISPOSAL OF WATER AND WASTEWATER TREATMENT FACILITIES SLUDGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Councilman Mellette moved to ratify the resolutions as requested being seconded by Councilman Heyman. The motion CARRIED 5-0 on the following roll call:

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

26. COMMUNICATIONS FROM MAYOR AND CITY COUNCIL

Councilman Heyman commented on the Council Chambers and said the men did a good job on them.

MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 27, 1994

Councilman Elliott asked to be excused from the October 25, 1994 meeting.

Mayor Wine asked the Attorney if we needed a motion on that. Mr. Simpson if Council chose to do that it would be appropriate. Mr. Mellette said if he doesn't show up, what is the difference.

Mayor Wine asked Council to approve October being Clean-up Month. Councilman Byrnes. moved to APPROVE the request and there be no charge for extra garbage and trash being seconded by Councilman Elliott. The motion CARRIED 5-0 on roll call.

27. ADJOURNMENT

There was no further business to come before the Council so the meeting was ADJOURNED at 11:22 p.m.

ATTEST:

Mayor

City Clerk-Manager