

REGULAR CITY COMMISSION MEETING

COMMISSION CHAMBERS - CITY HALL
234 South US Hwy 1
Oak Hill, FL 32759

APRIL 12, 2010
6:00 P.M.
Minutes

A. OPENING

1. Invocation
2. Pledge of Allegiance
3. Roll Call

Commissioner Bill Marcello, Present; Mayor Darla A. Lauer, Present; Vice Mayor Mary Lee Cook, Present; Commissioner Kathy Bittle, Present; Commissioner Linda Hyatt, Present.

B. CITY ADMINISTRATION REPORTS

1. Presentation of Health Benefits Renewal Rates

Mr. Gene Gizzi reported that the City solicited bids for health insurance from 6 separate companies. He reported that only Blue Cross Blue/Shield had rates comparable to the plan we now have in place. He reviewed the Blue Cross/Blue Shield plan and noted that these plans had deductibles and coinsurance. He reviewed the three plans for FHCP and explained there would be positive changes coming for Brevard County residents. He stated that the current 625 was a very rich plan and that the new rate would be \$386 per employee. The current year rate for plan 625 is \$322.51. Mr. Gizzi reviewed the FHCP 650 and 651 and noted that this plan would transfer the rate changes over to the employees in out of pocket charges. Mayor Lauer expressed that she is looking for a plan that is good for the City as well as the employee. Mr. Gizzi responded that the new rates would take affect May 1st. He also went over possible review of the plan again in October. There was some discussion about employees paying into the health plan. Commissioner Marcello voiced he preferred to stay with the current plan and decide on employee contributions at a later date.

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to maintain the current FHCP 625 at the rate of \$386 per employee. The motion carried 5-0 with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.

Commissioner Hyatt reported that Mr. Gizzi would be performing a concert at Lighthouse Cove on May 29th at 7 p.m.

2. Establish Date for Mid Year Budget Workshop

The City Clerk explained that staff had made mid year budget adjustments and were able to cut over \$30,000 in line items and add over \$13,000 to two revenue lines that were short. She reported that a budget workshop may not be necessary and the only discussion would concern the status of the water and sewer project at a projected cost of \$20,000. Commissioner Marcello reported that a large payment of property taxes was made on March 31st. There was discussion on the concern of

potential high rises on River Road now that water and sewer was being installed. The Commission agreed to continue the water and sewer process.

3. Request from University of Mississippi

The City Clerk explained that the University of Mississippi requested to install lightening sensors at either the Library or City Hall in support of Kennedy Space Center Testing. Attorney Simpson stated that there is a question of liability but that a simple agreement on person and property could be drafted. The Commission agreed City Hall would be appropriate as long as a waiver of liability is signed and placement of the sensor is towards the rear of the roof.

C. CITY ATTORNEY NON-AGENDA ITEMS - NONE

D. CITIZEN PARTICIPATION (Non-agenda - 15 Minutes) - NONE

E. CONSENT AGENDA

1. Approval of the Bills and Paid Interim Bills for April 12, 2010
2. Approval of March 22, 2010 Regular Meeting Minutes

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to approve consent agenda items 1 and 2 with the addition of the City Hall Cleaning Bill in the amount of \$60.00. The motion carried 5-0 with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.

F. OLD BUSINESS

1. ORDINANCE NO. 2010-01; SECOND READING OF AN ORDINANCE FOR THE CITY OF OAK HILL, FLORIDA ADOPTING AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN; AMENDING CHAPTER 5, THE SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER AND NATURAL GROUNDWATER RECHARGE ELEMENT TO INCLUDE THE 10 YEAR WATER SUPPLY FACILITIES WORK PLAN AND RELATED AMENDMENTS; AMENDING CHAPTER 9, THE CAPITAL IMPROVEMENTS ELEMENT; AND AMENDING CHAPTER 10, THE INTERGOVERNMENTAL COORDINATION ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (City Planner Jim Smith)

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to adopt Ordinance No. 2010-01 at second and final reading.

Mr. Bill McGee voiced his concern about bringing water and sewer into the City and how would property owners benefit when location from connect is 650 feet or more. He encouraged the Commission to provide cost estimates as to what citizens will be required to pay during hookup. Commissioner Marcello responded that the city is in due diligence period and the engineers are writing feasibility studies and amending the tri-party agreement. Vice Mayor Cook reported that it was her understanding that hookup for residents on River Road was \$6,000. Commissioner Bittle voiced that she was against mandatory hookups. Attorney Simpson responded that this Ordinance is simply to bring the Comprehensive Plan into compliance.

The original motion carried 4-1 with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, No; Commissioner Hyatt, Yes.

2. ORDINANCE NO. 2010-02; SECOND READING OF AN ORDINANCE FOR THE CITY OF OAK HILL, FLORIDA AMENDING THE CITY'S UNIFIED LAND DEVELOPMENT REGULATIONS, BY REVISING THE FOLLOWING PARAGRAPHS OF SECTION 24-587, B-1, GENERAL COMMERCIAL CLASSIFICATION: PARAGRAPH (B), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING HOTELS AND MOTELS; PARAGRAPH (D) TO READ PERMITTED ACCESSORY USES AND STRUCTURES AND LISTING THOSE AS ANY ACCESSORY USE CUSTOMARILY INCIDENTAL TO A PERMITTED PRINCIPAL USE AND OPEN, COVERED OUTSIDE STORAGE AREAS PROVIDED A 6', OPAQUE FENCE IS PROVIDED ALONG ALL SIDES OF THE STRUCTURE TO SCREEN STORED MATERIALS FROM VISION; RE-LETTERING EXISTING PARAGRAPHS (D) THROUGH (H) TO READ (E) THROUGH (I); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to adopt Ordinance No. 2010-02 at second and final reading. The motion carried 5-0 with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.

3. Site Plan Approval for McBees, 139 S. US Hwy 1 (Requested by Building Official, Dennis Fischer)

Building Official Dennis Fischer explained the background on this request. He stated now that the final ordinance had been adopted site plan approval follows. Commissioner Marcello questioned the color of the building. Attorney Simpson reminded that the Ordinance is approving an accessory structure and noted that eventually a primary use would need to be established. Mr. Fischer responded that at this time the building is not occupied. It was reiterated that at some point the primary use needs to be named.

A motion was made by Vice Mayor Cook and seconded by Commissioner Marcello to approve the submitted site plan for 139 S. US Hwy 1. The motion carried 5-0 with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.

Mayor Lauer questioned the regulation of farm ponds. Mr. Smith explained that the Water Management District regulates large ponds and the city could adopt its own ordinance. Attorney Simpson suggested utilizing the current County ordinance to create a City Ordinance to regulate ponds. The Commission requested that Mr. Smith draft a City pond ordinance for amending the LDR.

G. NEW BUSINESS

1. Discussion: Budget Task Force (Commissioner Marcello)

Commissioner Marcello reported that New Smyrna Beach formed a resident task force to review the 2010/2011 budget and make recommendations to the Commission. The Commission was in general approval and each Commissioner would come back to the next meeting with potential names. Attorney Simpson reminded that this board would be subject to the Sunshine Law and all meetings would be open to the public.

2. Worker's Compensation Claims Drug Testing (Mayor Lauer)

Mayor Lauer recommended that employees injured on the job be drug tested as well as institute random drug testing. Commissioner Marcello questioned when is a drug test called for in relation to the type of injury. Attorney Simpson replied that he could solicit other city's language for reasonable suspicion and random drug testing for review. He indicated that some cities use computer generated random drug testing. Mayor Lauer stated that Attorney Simpson would prepare draft language prior to signing of any contracts.

3. Record Keeper (Mayor Lauer)

Mayor Lauer voiced concern over the personnel records and requested that a procedure be adopted where requesters and viewers of files are documented. Mayor Lauer requested that a Public Records Policy be adopted.

4. Parks and Recreation Letter of Request to County (Commissioner Bittle)

The Commission was agreeable with the contents of the letter however Attorney Simpson requested that the final paragraph be reworded and moved to the beginning. The City Clerk will revise and send to Attorney for final review.

5. Discussion: Ordinance No. 97-05 Concerning the Length of Time for Garage Sales/Yard Sales (City Clerk)

Mayor Lauer agreed that the Ordinance needed to be updated to reflect a certain number of days for Yard Sales. The Commission discussed sales of 4 times per year (one time each quarter) and each garage sale would be for 3 consecutive days. There was discussion about 2 consecutive days. The rain day would be allowed one time per year. Ms. Euda Mary Alderman indicated that in the past the City only allowed 2 sales per year. She stated that other sales could occur at the local flea market. The final consensus was for staff to re-write the ordinance to reflect 4 sales per year quarterly, 3 consecutive day with 1 allowed rain day per year.

H. BOARDS & COMMITTEES - NONE

EZDA (Enterprise Zone Development Agency)

Economic Development Board

Waterfront Committee

PLDRC (Planning & Land Development Regulation Commission)

Parks and Recreational Advisory Board

Historical Preservation Board

Grant Committee

Gary Bittle, Community Trust, reported that the Trust partnered with Bibleway Church in a recent event. He also stated that he would approach the Community Trust at their next meeting regarding the 4th of July Celebration.

I. POLICE DEPARTMENT RELATED ITEMS (Chief Young)

Chief Young reported that moral is up, arrests have doubled and citations were up 53%. She explained that a \$1,000 grant was received for purchase of the Police Department server. She also stated that the Police Department was in the running for two other grants for possible equipment and a police car. She requested that line items be defined to ease the posting of invoices. She thanked staff for being helpful during mid budget review. Chief Young thanked the Commission for appointing her Chief and requested that the resolution be brought back to address if she should have to return to the Lieutenant position. She explained some repairs to police cars. Mayor Lauer questioned if work on police cars requires person to be a certified mechanic. Chief Young noted that Mr. Tylutki saves the City much money in maintenance repairs and installation of car equipment. Attorney Simpson addressed the Commission that repairs done at employee's homes would be crossing zoning lines. Chief Young requested money in the car maintenance line item.

J. COMMENTS/CONCERNS FROM COMMISSION MEMBERS

Mayor Lauer reported that unfunded mandates will need to be reviewed during budget workshop meetings. She requested a letter of support or proclamation for Community Trust.

Vice Mayor Cook requested a Special Meeting to discuss administrative policies and procedures. The Commission agreed on Monday April 19, 2010 at 5:30 p.m.

Commissioner Bittle requested a proclamation in honor of Albert Simmons who had recently passed and was a tremendous asset to the community.

Commissioner Hyatt discussed that when the Commission voted on the Chief's salary that the agreed upon salary did not reflect the starting salary at the time for Chief Grasso which should have been \$39,500. She noted that the Commission insulted Chief Young with the adopted salary. Mayor Lauer replied that she voted as appropriate with budget concerns and employees will not dictate to her what their salary should be just because the employee is disgruntled. The Commission requested a copy of the Resolution appointing Chief Grasso.

Commissioner Hyatt reported there would be a photographer presenting at the Library on Thursday, April 22nd at 5:30 p.m.

K. ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

DARLA A. LAUER/MAYOR

ATTEST:

VIRGINIA S. HAAS, CITY CLERK/ADMINISTRATOR

APPROVED FOR LEGALITY AND FORM:

SCOTT E. SIMPSON, CITY ATTORNEY