

REGULAR CITY COMMISSION MEETING

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

APRIL 26, 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, Excused Absence.

B. PRESENTATION – Proposed Scenic Highway

The Maytown Corridor extension was explained as a 26 mile addition to the byway and proposed to take 8 months to complete. City Planner Jim Smith inquired as to the unintended costs associated with this project because of the requested changes to the comp plan. Mr. Smith also asked about the effects possibly to the Farmton project. Mr. Hunt replied that there would be no impact on the potential I95 exchange and changes would only occur to billboard requirements. Vice Mayor Cook reported that the Arkansas Byway was beautiful and had no billboards. Mayor Lauer requested a copy of the CME Bylaws and requested a copy of the original referenced agreement. The Commission requested this item readdressed at the May 10, 2010 regular Commission Meeting. Mr. Hunt responded to Mr. Thompson that past taxes would be used to cover the costs associated with the project.

C. CITY ADMINISTRATION REPORTS

The City Clerk requested appointment to a PLDRC alternate position of a potential applicant. The Commission requested information on length of residency requirements.

D. CITY ATTORNEY NON-AGENDA ITEMS – Not Present

E. CITIZEN PARTICIPATION (Non-agenda - 15 Minutes)

Mr. Mike Thompson, 219 N. Gaines voiced concern over the recent complaints regarding the incidences surrounding the digging of his pond. He asked that residents be required to complete a complaint form as per City procedure. He noted that many agencies had visited the site including FL Wildlife, SJRWMD, State Agencies and Volusia County and they had all given him positive reports. He reiterated that complaints must be in writing. Chief Young replied that if a City Official can see a potential violation from the highway then the City is required to investigate. Mayor Lauer reported that the County no longer issues pond permits, therefore, the City would have to adopt its own ordinance for regulation. Mr. Thompson then asked if it was appropriate for Commissioners to talk with staff off City premises. He felt that these actions give the appearance of impropriety. Mayor Lauer responded that Commissioners are not allowed to speak with other Commissioners on issues that may come before the Commission. Commissioner Marcello replied that every City

Commissioner has the right to speak to the City Clerk. Vice Mayor Cook explained the meaning of the Sunshine Law and stated that another Commissioner drives her to the meetings however they do not speak of City business that could possibly be addressed at a Commission Meeting. Mr. Thompson replied that it best to keep a distance to avoid wasting citizens money on frivolous complaints. Mayor Lauer reported that all issues pertaining to the pond had been addressed.

Mr. Ron Engele, 131 Canal, expressed that he had issues with the City Police Department. Particularly with the weekend off duty officer incident and officers issuing unnecessary tickets to some elderly citizens. He indicated that should a vote occur, he would vote to abolish the Police Department. He stated that what occurs in the city and Police Department affect him and the value of his property. Chief Young responded that at any time Mr. Engele felt there was an issue with certain citations that she would be glad to meet with him in discussion.

F. CONSENT AGENDA

1. Approval of the Bills and Paid Interim Bills for April 26, 2010
2. Approval of April 12, 2010 Regular Meeting Minutes

A motion was made by Vice Mayor Cook and seconded by Commissioner Bittle to approve consent agenda items 1 and 2 with the additional bills as requested by the City Clerk. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes. Vice Mayor Cook reiterated limited use of the City Credit Card.

G. OLD BUSINESS

1. Proclamation for Albert Simmons Day (Commissioner Bittle)

This item was tabled to a future meeting.

2. Proclamation in Support of Community Trust (Mayor Lauer)

Mayor read the Proclamation in it's entirety and presented to Gary Bittle, President of the Community Trust. Mayor pledge the full support of the Commission in honor of the Community Trust.

3. Budget Task Force Names (Commissioner Marcello)

The Commission discussed several names. Commission Marcello mentioned Mrs. Euda Mary Alderman, Mr. Wood and Mr. Tom Warlick. Mayor Lauer recommended Mr. Bruce Burch. Commissioner Bittle recommended Mr. Mike Thompson. The Commission directed staff to contact all named persons and inquire as to their interest to serve on the Budget Task Force.

4. Draft Public Records Policy (City Clerk and Chief Young)

The City Clerk presented the Draft Public Records Policy to the Commission. Vice Mayor Cook indicated that she would like time to review. Mayor Lauer requested that the City Attorney review as well and place on the next agenda.

H. NEW BUSINESS

1. FEMA Request for De-obligated Funds (Commissioner Marcello)

Commissioner Marcello explained this is the third time FEMA has returned to the City and stated that we owe them a certain amount of de-obligated funds due to the 2004 storms. He indicated that Mr. Bill Redman, RCG Inc., had close out documents that state a zero balance however if Mr. Redman would work with FEMA he would be requiring a fee. Mayor Lauer responded that Mr. Redman had been paid twice to handle the issues with FEMA. Mayor Lauer requested staff to work with the City Attorney on this matter.

2. ORDINANCE NO. 2010-03: FIRST READING OF AN ORDINANCE OF THE CITY OF OAK HILL, VOLUSIA COUNTY, FLORIDA; AMENDING SECTION 32-30 (PERMIT FEES; DURATION OF SALES; NUMBER OF SALES PER YEAR) OF THE OAK HILL CODE OF ORDINANCES ESTABLISHING A PERMIT FEE; ESTABLISHING THE NUMBER OF GARAGE SALES ALLOWED PER CALENDAR YEAR; ESTABLISHING THE MAXIMUM NUMBER OF CONSECUTIVE DAYS EACH GARAGE SALE MAY LAST; AND REGULATING THE STORAGE OF ITEMS FOR SALE AT GARAGE SALE; AND PROVIDING FOR AN EFFECTIVE DATE (Attorney Simpson)

The City Clerk read Ordinance No. 2010-03 by title only. The Commission requested that staff research what other cities charge for garage sales. Mr. Engele questioned where the problem would be to which the Chief responded there had been ongoing issues on US Hwy 1.

A motion was made by Commissioner Marcello and seconded by Commissioner Bittle to approve Ordinance No. 2010-03 at First Reading. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes.

3. AMENDED RESOLUTION NO. 2010-07; A RESOLUTION OF THE CITY OF OAK HILL, FLORIDA ESTABLISHING A YEARLY BASE SALARY FOR THE POLICE CHIEF POSITION; ESTABLISHING A PROBATIONARY PERIOD; AND ESTABLISHING AN EFFECTIVE DATE. (Attorney Simpson)

Mayor Lauer noted that this was only a Resolution and could be later changed should a different Commission decide to act. The Commission discussed a change in salary. Commissioner Bittle stated that she felt Chief Young should be paid the same as past Chief Grasso. Mr. Thompson stated if this is a promotion that Chief Young deserves the same salary as a man. Commissioner Marcello explained that the salary is already budgeted. Mr. Engele stated that the City tends to take too much time making decisions and he felt that the City should act humbly and say thank you to Chief Young. Mayor Lauer stated that she did not object to the salary of \$39,520.00. Vice Mayor Cook stated that the fact still remains that we are eventually going to run out of money, however would be willing to go along with the salary increase bearing in mind that the City is in a budget shortfall of \$90,000.

Mayor Lauer passed the gavel to Vice Mayor Cook. A motion was made by Mayor Lauer and seconded by Commissioner Marcello to adopt Amended Resolution No. 2010-07 noting the effective date of March 8, 2010 and the salary increase to \$39,520.00. The motion carried 4-0

with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes.

4. Brief resolution as to Change in Administration Department Head (Mayor Lauer)

Vice Mayor Cook requested that this item be tabled to the next meeting as Commissioner Hyatt was absent.

5. Discussion – Writing of Evaluations (Mayor Lauer)

Mayor Lauer reported that Chief Young had given the City Clerk information on writing evaluations. Mayor Lauer stated that she would not be writing the Police Officer's evaluations. That is the responsibility of the Chief. She stated that she would be writing the Chief's evaluation and during the Chief's probationary period she would review Officers evaluations with Chief Young. Mayor Lauer stated that she did not like the delivery or contents of the Deputy City Clerk's evaluation. She requested constructive wording and no construed personal attacks. Commissioner Marcello stated that Chief Young and Ms. Haas should be writing all evaluations. Vice Mayor Cook would write the City Clerk's evaluations and ask for comments from the Commission. It was agreed that the Department Heads would help review and write evaluations. Mayor Lauer stated for the record that e-mails are public record and information stays on the server for 3 years and public records can be requested. It was noted that there was no definition of Department Head in the Charter.

6. Discussion – Comp/Flex Time (Mayor Lauer)

Mayor Lauer reported that comp time was addressed in the previous meeting. Staff is calculating what time was accrued after August and a memo will be distributed that all comp time must be exhausted by September 30, 2010. At this time no comp time will be recorded and the City no longer utilizes comp time. There was a brief discussion as to employees who have accrued over the allotted time for vacation.

7. RESOLUTION NO. 2010-10: A RESOLUTION AMENDING THE APPROPRIATIONS BUDGET FOR THE CITY OF OAK HILL, FLORIDA, BY BUDGET AMENDMENT FOR TRANSFER OF APPROPRIATIONS FOR THE FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney Simpson)

The Commission requested that Pete Zahn and Will Weathers be present at the May 10, 2010 Commission meeting to give status update on the Water and Sewer Project.

A motion was made by Commissioner Marcello and seconded by Vice Mayor Cook to adopt Resolution No. 2010-10. The motion carried 3-1 with voting as follows: Commissioner Marcello, Yes; Mayor Lauer, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, No.

The Commission requested an update from the City Planner as to the status of the Comp Plan. The City Planner is to justify with Commissioner Hyatt and the City Clerk his attendance at City Commission meetings and other meetings. Mayor Lauer indicated that the City may have to go out to bid for the City Planner Position.

I. BOARDS & COMMITTEES

EZDA (Enterprise Zone Development Agency) - NONE
Economic Development Board - NONE
Waterfront Committee – NONE

PLDRC (Planning & Land Development Regulation Commission)

Mr. Ron Engele, PLDRC Member, stated that the PLDRC had questions on the Comp Plan at their last meeting. He noted that sometime in 2003 the direction of the Comp Plan included a 420 Acre proposed City Center toward the South end of the City. He questioned that this plan should have never been accepted. Mayor Lauer directed that a memo be written by the City Planner and a copy of the minutes. Mr. Engele requested direction from the city on this issue. He also stated that another member had questioned what direction the Commission wanted to take concerning the School in Oak Hill.

Parks and Recreational Advisory Board - NONE
Historical Preservation Board - NONE
Grant Committee - NONE

Mr. Gary Bittle, Community Trust, reported that another Charter School had contacted them and toured the school. At their next meeting, the Charter School will be presenting the Board a proposal for the Charter School which emphasis is Performing Arts. The Charter School is already approved by the School Board and they feel they could have the school open by 2011. He noted in a recent article Ms. Margaret Smith had stated that items and equipment taken from the school would be returned.

J. POLICE DEPARTMENT RELATED ITEMS (Chief Young)

Chief Young reported that May 9th through May 16th was Police Officer Memorial Week with the theme “We Will Always Remember”. She requested that the flag be flown at half mast that week to which the Commission was acceptable. She reported that on Thursday, May 13, 2010 at 6:00 p.m. there would be a vigil at the river. Chief Young stated that on May 1, 2010 the Post Office would have a stamp cancelling ceremony for animal abuse. There would also be a people/pet look-alike contest/costume event. She asked for volunteer judges for the contest. She reported that there had been an off duty shooting and the matter is being investigated. Mayor Lauer commended Chief Young for coming in on the weekend to handle concerns.

K. COMMENTS/CONCERNS FROM COMMISSION MEMBERS

Commissioner Bittle addressed the response from the County regarding take over of the Parks by the City. The County is willing to turn over to the city certain equipment needed to maintain the parks and a ½ ton pickup truck. The Commission requested details and pictures of the equipment and generally was agreeable for Commissioner Bittle to make arrangements on the turn over of parks and equipment. Commissioner Bittle reported that a citizen had tripped on a damaged threshold at Mary DeWees Park and injured her arm. Staff will ensure the threshold will be repaired prior to any further use.

Commissioner Marcello reported that he would be out of town toward the end of May and he would announce the dates soon.

Mayor Lauer reported that she had spoken with Administrative Staff about the issues in the office. She agreed to a 30 day period for the problems to be addressed. The City Clerk replied that she had sent a number of suggestions to improve the office and would be gathering more items from the staff for submittal to the Commission for review.

L. ADJOURNMENT

There being no further business, the meeting adjourned at 8:19 p.m.

DARLA A. LAUER/MAYOR

ATTEST:

VIRGINIA S. HAAS, CITY CLERK/ADMINISTRATOR

APPROVED FOR LEGALITY AND FORM:

SCOTT E. SIMPSON, CITY ATTORNEY