



CITY OF OAK HILL

REGULAR CITY COMMISSION MEETING

COMMISSION CHAMBERS - CITY HALL

234 South US Hwy 1

Oak Hill, FL 32759

May 24, 2010

6:00 P.M.

AGENDA

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. River of Lakes Scenic Highway Extension

Commission stated that the city attorney gave his ok and the commission as a whole felt that this is a good thing for the city.

2. Carry over of sick time and vacation time for Chief Young and Michael Ihnken

The Acting City Clerk explained that these two employees have had problems being able to use their vacation time and would the commission allow them to carry over the 240 hours at the end of the fiscal year. **Motion was made by Commissioner Marcello to make a resolution to allow both employees to carry over the 240 hours for two years and they must use this first and all other overages that are accrued are not included. Seconded by Commissioner Hyatt. 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. The acting city clerk informed the commission that Guy Grasso has won his unemployment. Asked if the city wanted to send a gift to city clerk. Halifax and Bert Fish hospitals would like to talk to the commission at the next commission meeting or at a special meeting, the commission agreed to have them at the next meeting. There is a current problem with parking at the VIA Hall. The city's Planner has resigned. The lightning sensor chose not to put their equipment on the building.**

C. CITY ATTORNEY NON-AGENDA ITEMS- not present

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

Richard Taylor asked the mayor how she felt about an employee calling people after hours and questioning him about something that happened at city hall. The mayor stated that it would have to file a complaint in writing to the department head, otherwise it is heresay. He also stated that a phone call was also made to an employee.

Bob Williams the CEO of Bert Fish Hospital talked about the the hospital becoming part of Florida hospital system. He wanted the city to know that they are having a meeting about this on Thursday 5pm at the hospital if anyone wanted to come.

E. CONSENT AGENDA

1. Approval of the Bills and Paid Interim Bills for May 10, 2010
2. Approval of the Bills and Paid Interim Bills for May 24, 2010
3. Approval of April 19, 2010 Special Meeting Minutes (2 Sets)
4. Approval of April 26, 2010 Workshop Meeting Minutes
5. Approval of April 26, 2010 Regular Meeting Minutes

A motion was made by Vice Mayor Cook and seconded by Commissioner Marcello to approve consent agenda items 1 and 5 with the additional bills as requested by the Acting City Clerk. 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. Budget Task Force Update (Commissioner Marcello)

The Acting City Clerk gave the names of the people who agreed to be on the board the commission ask that we get 5 members and 2 alternates or the best that we could and suggested a few more people to ask, then bring this back to the commission

2. Water and Sewer Update (City Attorney)

Pete Zahn and Will Weathers give status update on the Water and Sewer Project. The commission asked that a meeting with the County and City of Edgewater be set up so that the interlocal agreement could be worked on so that we could move forward.

3. Comp Plan Update (City Planner)

The commission feels that the city must continue with the comp plan and asked that an ad be put together for the paper to hire a new city planner. Ms Gillespie stated that New Smyrna Beach just released their city planner and he might be calling. **Motion was made by Commissioner Marcello to placing an ad in the paper for a city planner seconded by Commissioner Hyatt. 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**

4. **ORDINANCE NO. 2010-03: SECOND 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 Acting City Clerk read Ordinance No. 2010-03 by title only. The Commission requested that staff research what other cities charge for garage sales. Mr. Taylor questioned if it talked about how many days and where are the items to be stored. **A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to approve Ordinance No. 2010-03 at Second 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.**

5. City Parks Update (Commissioner Bittle)

Commissioner Bittle explained how the fence is the city property and is in need of repair. Commissioner Marcello stated that he directed the Roads and Street to mend the fence and put 1,500.00 on the next budget to have it fixed. Commissioner Bittle also explained that the big oak has to be looked at because it seems to be leaning over. Commission asked that Dennis Fischer look at the tree and see what can be done.

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

Tabled until the city clerk is back at work.

**7. Appointment of Jupp Norhausen to alternate seat on PLDRC.
(Acting City Clerk)**

The acting city clerk explained that the citizen has lived in the city longer then 1 month and the board did not require a residency time frame. The commission asked to see if city attorney could look into the city rights for doing background checks on board members. **Mr. Jupp Norhausen was appointed to the PLDRC by consensus of the Commission.**

G. NEW BUSINESS

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

The commission feels that no money should be returned to FEMA at this time until things are settled.

2. Minor Residential Construction Variance. (Building Official)

Dennis Fischer explained that there are times that during construction error happen and that the City of Edgewater made an Ordinance 98-0-08 to allow the building official to give the ok when it is a minor building error and for any reason errors keep happening the builder will be fined. The mayor liked the idea and asked that this be given to the City Attorney.

3. Insurance Limit Increase on VIA Hall. (Acting City Clerk)

This is to come back to the commission with more information on the amount of coverage. Also that inventory should be done on items in the building.

**4. Side Yard Setback Variance Request, 153 Apache Court,
Donald and Donna Hampton (City Planner Jim Smith)**

Dennis Fisher explained that the applicant is requesting to reduce their southerly side yard from 11.5 feet to five feet to accommodate a proposed expansion of their existing carport and storage room. The minimum required side yard in the MH-3 district is 7' so they are requesting

a 2' variance. The PLDRC approved this as long as they did not enclose the carport. **Motion was made by Commissioner Marcello to support the motion made by the PLDRC seconded by Commission Hyatt 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**

5. Discussion: Resolution Supporting the Intercity Rail Component of the FEC Corridor Project. (Commissioner Hyatt)

The commission wants the resolution drawn up and put on letter head.

6. Side Setback Variance for Existing Wood Deck, 337 Marsh Landing Loop, Rick and Theda Moody. (City Planner)

Dennis Fischer explained that the applicant is requesting an after the fact variance for a wood deck that was constructed after the certificate of occupancy was issued. The property is under contract and the attorney for the buyers is requesting the validity of the encroachments. The wood deck is constructed above the retention wall which is on or within one foot of the property line to the south side. No permit was issued or architectural review done for the work. The Mayor asked if the property owner will be getting building permits, Dennis said yes but they will be after the fact and an inspection will be done. PLDRC did pass this as long as they did not enclose the porch. **Motion was made by Commissioner Marcello to support the motion made by the PLDRC seconded by Commission Hyatt 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.**

Dennis Fisher explained that Light House Cove had placed this one within the required 7 foot side setback; it is only off by ½ foot. This is a construction error and the PLDRC passed it. **Motion was made by Commissioner Marcello to support the motion made by the PLDRC seconded by Commissioner Hyatt 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.**

7. Lagoon Mist Estates Subdivision Sidewalks Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, Lagoon Mist, Attorney Mark Hall. (City Attorney)

Mr. Mark Hall the attorney for Lagoon Mist explained that in the declaration of covenants that all sidewalks must be installed by June 30, 2010. Due to the market conditions the developer thought all houses would be build by now. The development agreement will still require sidewalks to be installed within 30 days from the issuance of any certificate of occupancy. **Motion was made by Commissioner Marcello to drop the June 30 2010 date and that the side walks will be put in when the house is complete. Seconded by Commission Hyatt 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.**

H. BOARDS & COMMITTEES

**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 from the Community Trust explain that the parking at the VIA Hall is beginning to be a problem and that they are having a meeting with the people who want to help bring a charter school here.

I. POLICE DEPARTMENT RELATED ITEMS (Chief Young)

1. **2010 Click It or Ticket National Mobilization Campaign May 24th to June 6th.**
Chief Young updated what the police department did in April and explained the points they earned for getting equipment for the new police car next year.
2. **Police Memorial Candle Light Vigil – Thursday, May 13, 2010 6 p.m. Sunrise Park - “We Will Always Remember”.**

Chief Young stated how well this went and was very pleased with those people who helped make it very special.

The commission asked for the staff to look for grants for helping in the cost of neutering and spaying dogs and cats within our city.

The Mayor asked to place the police dept. under city attorney on the agenda.

J. COMMENTS/CONCERNS FROM COMMISSION MEMBERS

Commissioner Cook wanted to go over the contract with city attorney for the new copier purchase and if Virginia had the right to purchase a new copier. She stated that she wanted to make sure that everyone knows that because you have money on the budget does not mean spend it . The Mayor wanted to go over the purchase policy next meeting. Commissioner Bittle is on vacation June 6 to 20 and Commissioner Marcello is on vacation next week.

K. ADJOURNMENT

There being no further business, the meeting adjourned at 8:06 p.m.

DARLA A. LAUER/MAYOR

ATTEST:

VIRGINIA S. HAAS, CITY CLERK/ADMINISTRATOR

APPROVED FOR LEGALITY AND FORM:

SCOTT E. SIMPSON, CITY ATTORNEY