



CITY OF OAK HILL

REGULAR CITY COMMISSION MEETING

COMMISSION CHAMBERS - CITY HALL

**234 South US Hwy 1
Oak Hill, FL 32759**

July 12, 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; City Attorney Scott Simpson, Present.

B. CITY ADMINISTRATION REPORTS

1. **Growth Project Discussion for Water and Sewer**

Project Discussion was postponed to a subsequently scheduled meeting.

C. CITY ATTORNEY NON-AGENDA ITEMS – No Report

D. POLICE DEPARTMENT RELATED ITEMS (Chief Young) – No Report

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

Mr. Fred Peters, 304 Marsh Landing Loop, asked when the Petition to Dissolve the City became public record. Attorney Simpson responded that the Petition became public record when it was presented to the Commission.

Mr. Richard Taylor, 210 Randle, questioned if Attorney Simpson could attend each meeting. Attorney Simpson responded that he is available by phone at the meetings he does not attend.

F. CONSENT AGENDA

1. Approval of the Bills and Paid Interim Bills for July 12, 2010
2. Approval of June 28, 2010 Regular Meeting Minutes

A motion was made by Vice Mayor Cook and seconded by Commissioner Marcello to approve consent agenda items 1 and 2. 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.

G. OLD BUSINESS

1. Approval of Agreement with City Planner (Commissioner Hyatt)

Commissioner Hyatt explained that she met with Mrs. Beamer several times and the Agreement was reviewed by the City Attorney.

A motion was made by Vice Mayor Cook and seconded by Commissioner Bittle to approve the Agreement with the City Planner Montye Beamer. 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.

2. ORDINANCE NO. 2010-04: SECOND READING OF AN ORDINANCE OF THE CITY OF OAK HILL FLORIDA ANNEXING BY VOLUNTARY PETITION, PROPERTY LOCATED AT 200 WEST PUTNAM GROVE ROAD CONTIGUOUS TO THE CITY OF OAK HILL; REDEFINING BOUNDARIES OF THE CITY OF OAK HILL TO INCLUDE SAID PROPERTY; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney Simpson)

Attorney Simpson read Ordinance No. 2010-04 by Title. Attorney Glenn Storch stated his appreciation for the County and City Staff cooperation in the matter. He requested in addition to the 2 historic trees to be removed that 1 additional previously fallen historic tree be added to the Development Agreement.

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to adopt Ordinance No. 2010-04 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.

3. ORDINANCE NO. 2010-05; SECOND READING OF AN ORDINANCE OF THE CITY OF OAK HILL,

VOLUSIA COUNTY, FLORIDA AMENDING THE CITY'S UNIFIED LAND DEVELOPMENT REGULATIONS BY CREATING A NEW ZONING DESIGNATION ENTITLED BUSINESS PLANNED UNIT DEVELOPMENT (BPUD); PROVIDING FOR TERMS AND CONDITIONS OF THE BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) ZONING DESIGNATION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney Simpson)

Attorney Simpson read Ordinance No. 2010-05 by Title. Mrs. Beamer explained that the City received acknowledgement from the County that this zoning was consistent with the zoning and comprehensive County Planning. Attorney Simpson explained the BPUD zoning and indicated this zoning was positive to have in place regardless of the annexation.

A motion was made by Commissioner Marcello and seconded by Commissioner Bittle to adopt Ordinance No. 2010-05 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.

- 4. ORDINANCE NO. 2010-06; SECOND READING OF AN ORDINANCE OF THE CITY OF OAK HILL, FLORIDA, AMENDING THE CITY'S UNIFIED LAND DEVELOPMENT REGULATIONS, BY REZONING APPROXIMATELY 12.5 MORE OR LESS ACRES LOCATED AT 200 WEST PUTNAM GROVE ROAD, OAK HILL, FL, SHORT PARCEL ID 9537-02-00-590 FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) TO CITY BUSINESS PLANNED UNIT DEVELOPMENT (BPUD); PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT. (Attorney Simpson)**

Attorney Simpson read Ordinance No. 2010-06 by Title. Mrs. Beamer stated that both parties had worked together on an acceptable agreement. Mr. Storch requested that the removal of one previously fallen historic tree and removal be added to the language.

A motion was made by Commissioner Marcello and seconded by Commissioner Bittle to adopt Ordinance No. 2010-06 with the added language as requested by the applicant. 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. Ms. Beamer pointed out that the change would need to be indicated on the concept plan as well.

- 5. RESOLUTION NO. 2010-12; A RESOLUTION OF THE CITY OF OAK HILL, VOLUSIA COUNTY, FLORIDA, AUTHORIZING THE LIMITED CARRY OVER OF ACCURED VACATION TIME FOR OFFICER IHNKEN AND CHIEF YOUNG BEYOND THE NORMAL LIMIT OF 240 VACATION HOURS SUBJECT TO TERMS AND CONDITIONS; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney Simpson)**

Attorney Simpson read Resolution No. 2010-12 by Title. He explained the two section 1 options. The Commission chose the second option and Attorney Simpson read the Section into the record.

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to adopt Resolution No. 2010-12 at first 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.

At this time the Mayor moved up items number 3 and 4 for discussion.

H. NEW BUSINESS

- 1. Petition for Contraction - Lighthouse Cove (Attorney Simpson)**

Attorney Simpson explained Chapter FS 171.051 concerning the petition for Contraction of Lighthouse Cove. He stated that a feasibility study was conducted within the required six (6) month period. He continued that certain criteria must be met and essentially a petition for contraction corrects an annexation that should not have occurred. Attorney Simpson stated that this contraction does not meet the legal criteria and staff recommends rejection of the contraction petition.

Mayor Lauer passed the gavel to Vice Mayor Cook. A motion was made by Mayor Lauer and seconded by Commissioner Hyatt to reject the Petition for Contraction as it does not meet the criteria defined in FS 171.052. 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.

- 2. Discussion Regarding Petition to Dissolve City (Mayor Lauer)**

Attorney Simpson explained two ways to dissolve a City per 165.051. 1) By a special act of the Legislature or 2) An Ordinance enacted by the Commission placing the question on the ballot for vote of the electors. He explained this process does not occur

by petition. He stated that prior to an Ordinance the City must meet with the County or other City to negotiate takeover of citizen services and debts. He stressed if the City is dissolved it would have no zoning or comprehensive plan which will create non-conformities. He reviewed that in the past when the City shut down the legislature never dissolved the City and the Charter remained active. Attorney Simpson responded to Commissioner Hyatt that the costs are unknown at this time and a petition does not have to be presented.

Ms. Charlene Hutchinson, 240 Lagoon Ave., For the Petition, requested a referendum for the voters to vote on dissolving the City. She listed all of the taxes received by the city from franchise fees. She stated that many citizens are on fixed incomes and many failed to pay their taxes last year. She continued the City is currently \$79,000 over budget. She requested that the Commission direct the City Clerk to submit the petition to the Supervisor of Election for certification at 10 cents per page for a total of \$40.50. Ms. Hutchinson presented the original petition with 405 signatures and cash in the amount of \$40.50.

Mr. David Lee, 130 N. Putnam Grove Rd., For the Petition, stated that the working citizens would like to see the leaders of the City step up and make needed changes because the citizens cannot afford the taxes. He suggested cutting staff at City Hall.

Mrs. Dana Thompson, 219 N. Gaines, Against the Petition, stated that the Commission was the voice in the community and she listed all the areas where the County had taken over. She questioned whether the County would make Oak Hill a priority. She stated that the citizens want to take over our local voice and are taking the community for granted. She encouraged working together to solve a common problem and bring about good change instead of negative. She requested that this referendum not be placed on the ballot.

Mr. Fred Peters, 304 Marsh Landing Loop, Against the Petition, stated that the Commissioners were elected officials and encouraged them to listen to the Attorney's advice. He stated that he does not want the City dissolved because the City would lose its independence.

Ms. Kristi Moehler, 281 Galbreath, For the Petition, stated that the residents were bearing the burden of property taxes and there is no benefit, services, boards, water/sewer and nothing is accomplished. She questioned why Oak Hill has the highest millage rate and suggested turning Police services over to the Sheriff.

Resident, 308 East Halifax, For the Petition, stated she would like some control and someone to talk to about the taxes. She listed some of the budget figures and expressed her surprise at the numbers. She stated that she has no problem with the City but taxes need to be cut back and maintain the small town atmosphere. She indicated if the City was dissolved we would still be Oak Hill.

Resident, 445 Sioux Blvd, For the Petition, stated that the City should tighten its belt, show initiative and work together to solve the tax problem.

Business Owner, 726 N. US Hwy. 1, Anchor Hardware, Against the Petition, stated that if the City is dissolved Oak Hill will become Edgewater. She asked that the charm of the town be preserved and if dissolved the City will lose its identity and voice. She encouraged the people to reconsider.

Mr. Richard Taylor, 210 Randle, For the Petition, requested that the Commission let the people make the decision and with this budget show cuts.

Mr. Gary Bittle, 291 Lagoon, Against the Petition, stated that he spoke with County Attorney Dan Eckhart who indicated that Oak Hill would become its own taxing district if dissolved. He voiced his disappointment in those residents who signed the petition, lived their entire life in Oak Hill and helped build the City.

Mr. Bill McGee, Halifax, Against the Petition, stated the he was born in Oak Hill and whether you are City or County you will pay taxes. He stated his passion for the town and asked the City to work on cutting back the taxes.

Mr. Mike Arman, 695 Magna Lane, Against the Petition, stated that he lived in the County for 38 years and the City is a tool for services and 80% of the taxes are County. He stated that City Police Protection is worth the tax.

Ms. Julie Wood, Against the Petition, stated that Edgewater wants to get Oak Hill and the City's tax numbers are inflated by the County. She explained that all of Oak Hill was an Enterprise Zone and that the City's uniqueness was worth preserving.

Mr. Hoot Hill, Home Owner, For the Petition, stated that he paid more in taxes than his property is worth now. He stated a line needed to be drawn somewhere.

Ms. Mary Thompson, 445 River Drive, For the Petition, stated that the issue is taxes keep going up and the citizens cannot afford them especially those on a set budget.

Ms. Dorothy Rivers, Resident, Against the Petition, stated that she loved the City and would not like to see it dissolved. She takes pride in the City and does not want to be Edgewater.

COMMISSIONER COMMENTS:

Commissioner Hyatt stated that she loved Oak Hill and wanted to work on the millage rate.

Commissioner Bittle stated she was born and raised here. She felt that we could work on the taxes.

Vice Mayor Cook stated that she does not want the City dissolved however voiced her concern over the 400 residents who signed the petition. She stated that at some point in time we would have to honor the petition.

Commissioner Marcello stated that he does not disagree with anything said tonight. He explained that he calls Oak Hill home and that there is heritage here and wants the City to have controlled growth. He stated that citizens would not be heard by the County. He noted that his savings going to the County would be approximately \$225 per year. He stated that he does not support dissolution or de-annexation however he would not stand in the way of the residents to vote. He encouraged the residents to do their homework before signing the petition.

Mayor Lauer explained how the City helped her in saving historic Oak Trees near her home. She voiced her concerns about County enclaves and asked the residents to do their homework on the issue.

Mayor requested the City Clerk to verify the signatures with the Supervisor of Elections.

3. Request to Increase Storage from 20 to 120 Spaces
Located at 562 N. US Hwy. 1, Claude Dowda (Building Official)

Mr. Claude Dowda, 562 N. US Highway 1, explained that his property currently had a special exception allowing 20 spaces and was requesting this be amended to include another 100 spaces for storage only of boats and RV's. Mayor Lauer inputted that she thought this would be an amended special exception request. Mr. Dowda stated that he had spoken with Building Official Dennis Fischer who had authorized the request and issued the permit because the property was located in B1 zoning. He explained that at the time of the approval of the special exception of 20 spaces, the Commission was concerned about the property becoming a junk yard. Attorney Simpson explained that this request would be an amended special exception for storage. Mr. Dowda indicated he would be opening on August 1, 2010 and disagreed with the requirements. Attorney Simpson stated he would speak with Mr. Fischer on the matter.

4. Emergency Management Plan (Mayor Lauer)

Mayor Lauer stated that she met with the Chief and City Clerk to review the Emergency Plan and all contact numbers were updated. Commissioner Hyatt inquired as to where the nearest special needs shelter would be. Chief Young responded that the County would designate that shelter and she would pass on the information.

I. BOARDS & COMMITTEES

EZDA (Enterprise Zone Development Agency) – No Report

Economic Development Board – Nora Jean Gillespie voiced her support on the recently approved annexation that created 45 jobs.

Waterfront Committee – No Report

PLDRC (Planning & Land Development Regulation Commission) - No Report

Parks and Recreational Advisory Board - No Report

Historical Preservation Board – No Report

Grant Committee – No Report

J. COMMENTS/CONCERNS FROM COMMISSION MEMBERS

A budget Workshop was scheduled for July 14, 2010 at 5:30 p.m.

Commissioner Marcello thanked Commissioner Bittle for removing the fallen tree.

K. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

DARLA A. LAUER/MAYOR

ATTEST:

VIRGINIA S. HAAS, CITY CLERK/ADMINISTRATOR

APPROVED FOR LEGALITY AND FORM:

SCOTT E. SIMPSON, CITY ATTORNEY