



CITY OF OAK HILL

REGULAR CITY COMMISSION MEETING

COMMISSION CHAMBERS - CITY HALL

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

October 11, 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, Excused Absent; Vice Mayor Mary Lee Cook, Present; Commissioner Kathy Bittle, Present; Commissioner Linda Hyatt, Present.

B. PRESENTATIONS

1. Oak Hill Song by Mr. Gene Gizzi – Mr. Gizzi presented the Commission with a framed copy of the Oak Hill Song. Mr. Gizzi performed the song and the audience clapped. He stated he would endeavor to get the song recorded and see that it is copyrighted for use by the City. **A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to issue a Proclamation adopting the Oak Hill Song as the official City Anthem. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.**
2. The Florida Trail Gateway Community Program, Michael Eurich. – This item was tabled to subsequent meeting.

C. CITY ADMINISTRATION REPORTS

1. **JOINT RESOLUTION OF THE CITIES OF EDGEWATER, NEW SMYRNA BEACH AND OAK HILL, FLORIDA IN SUPPORT OF BERT FISH MEDICAL CENTER REMAINING CLINICALLY AND FINANCIALLY STRONG.**

Vice Mayor Cook reported that an amended resolution was recently distributed to the Commissioners and she felt there had not been ample time for review. She recommended tabling the item. Attorney Simpson stated that due to the pending lawsuit he felt it was not appropriate for the City to adopt either resolution. Commissioner Marcello agreed. Mr. Bill McGee, 250 E. Halifax, stated that Mr. Steve Harold, Bert Fish Chief Operating Officer, was present and was under the impression that the Commission would be adopting the proposed resolution tonight. Mr. McGee stated that the revised resolution talks about items that were in the lawsuit and stated his disapproval. **A motion was made by Commissioner Hyatt and seconded by Commissioner Marcello to table the Resolution. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.** Mr. Harold stated that the hospital through the resolution was asking for City support.

2. Appointment of Personnel Board Members.

The City Clerk explained that there was a request pending for a personnel board review and the board needed to be reappointed. Attorney Simpson explained the structure of the board and stated that the City Clerk had contacted previous serving members to find out their interest in being reappointed. The Commission can provide the City Clerk with potential names to contact to see if they would like to serve.

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

Mr. Richard Taylor, 210 Randle, questioned why Officer Inhken was still on paid administrative leave. Chief Young responded that the State Attorney's Office was conducting an investigation. Mr. Taylor asked what the former charges consisted of. Chief Young responded that those records were public and could be requested from the Police Department.

Mr. Bill McGee, 250 E. Halifax, reported that it was the One Year Anniversary of the Wound Care Center and thanked Vice Mayor Cook and Commissioner Hyatt for attendance at the dedication.

E. CITY ATTORNEY NON-AGENDA ITEMS

Attorney Simpson reported that the City must terminate services with the current City Magistrate, Jerome Mitchell and select a new Magistrate. He explained two options: 1) Return to the previous submitted proposals and choose another applicant or 2) Continue out to bid for a new request for proposals. **A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to terminate services with Jerome Mitchell and bring forward applicants as received from the previous request for proposals. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.**

F. POLICE DEPARTMENT RELATED ITEMS (Chief Young)

Chief Young reported that the City was granted the COPS Officer Grant which would cover one officer in the amount of \$137,000 for three years. She reported that she completed the first week of FDLE training and was to return next week for additional training. Chief Young explained the Policeman Bill of Rights and suggested that a Resolution be drafted in order to allow her to speak to the City Clerk/Administrator regarding personnel issues. Commissioner Marcello recommended that a resolution be prepared appointing the City Clerk/Administrator as point of contact for the Police Chief. Attorney Simpson stated that he had Attorney General Opinions which he would like to forward to the Police Chief for review. He indicated that the Law Enforcement Agency establishes their policies and could include the City Clerk/Administrator as a conduit. Attorney Simpson replied to the Commission that details in an investigation could not be divulged however he would research how much information can be released.

G. CONSENT AGENDA

1. Approval of the Bills and Paid Interim Bills for October 11, 2010
2. Approval of September 27, 2010 Regular Meeting Minutes
3. Approval of September 28, 2010 Special Meeting Minutes

Vice Mayor Cook questioned the expenditure of \$1,117.43 by the Police Department in September 2010. Chief Young responded that these items were purchased as the result of the adjusted budget. The expense was uniforms and was approved by the Mayor. **A motion was made by Commissioner Hyatt and seconded by Commissioner Bittle to approve consent agenda items 1 through 3 to include the addition of one bill in the amount of \$10,116.54 from Waste Pro. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.**

H. CDBG BUSINESS

1. Second Public Hearing – Community Development Block Grant (CDBG) (Jordan & Associates)

The City Clerk explained that staff had conducted some additional research into the process of the Small Cities grant. The next steps would be to conduct a second public hearing, adopt a signature resolution and advertise for grant services. Mr. Blount Armstrong reported that initial scores appear strong and stated that had the City applied at this time last year the City would have already received a grant award. The Commission was in favor of moving forward.

I. OLD BUSINESS

1. **ORDINANCE NO. 2010-07; SECOND READING OF AN ORDINANCE OF THE CITY OF OAK HILL,**

**VOLUSIA COUNTY FLORIDA ESTABLISHING
ARTICLE III (WATER CONSERVATION STANDARDS)
OF CHAPTER 42 (UTILITIES) OF THE CITY OF OAK
HILL CODE OF ORDINANCES IN ITS ENTIRETY;
PROVIDING FOR CONFLICTING PROVISIONS,
SEVERABILITY AND APPLICABILITY; PROVIDING
FOR CODIFICATION AND AN EFFECTIVE DATE.
(City Attorney)**

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to adopt Ordinance No. 2010-07 at second and final reading. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.

- 2. ORDINANCE NO. 2010-08; SECOND READING OF AN ORDINANCE OF THE CITY OF OAK HILL, VOLUSIA COUNTY, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED AT 129 CANAL AVENUE 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. (City Attorney)**

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to adopt Ordinance No. 2010-08 at second and final reading. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.

- 3. ORDINANCE NO. 2010-09; SECOND READING OF AN ORDINANCE OF THE CITY OF OAK HILL, VOLUSIA COUNTY, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED AT 121 CANAL AVENUE 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. (City Attorney)**

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt to adopt Ordinance No. 2010-09 at second and final reading. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes.

4. Chief Young Six Month Review and Recommendation. (Mayor Lauer)

A motion was made by Commissioner Marcello and seconded by Commissioner Hyatt that Chief Young's six month evaluation period end effective immediately. The motion carried 4-0 with voting as follows: Commissioner Marcello, Yes; Vice Mayor Cook, Yes; Commissioner Bittle, Yes; Commissioner Hyatt, Yes. Mr. Bill McGee announced that if there were any further descent about Chief Young's performance then her past six month performance should prevail. Vice Mayor Cook agreed.

J. NEW BUSINESS

1. Feral Cats (Vice Mayor Cook)

Vice Mayor Cook explained that the City has too many feral cats. Chief Young stated that it is quite expensive to utilize the Human Society. Chief Young reported that area agencies are working together toward a solution and recently she and the City Clerk had attended a meeting which spoke of cat sanctuaries. One City had utilized this method recently with much success. There was some discussion about related ordinances and fees. Mr. Taylor suggested adding a cat household limit to the ordinance.

K. 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

Mr. Mike Arman requested if he could meet with the City Clerk/Administrator to discuss an RFP for Grant Free Lance Services. The Commission agreed.

Mr. Gary Bittle, Chair Community Trust, announced the October 30th Fall Festival and Pancake Breakfast at Mary DeWees Park. He reported that the Oak Hill Golf Tournament would be January 8th at Hidden Lakes Golf Course. He reported that the Charter School was approved on September 27th by the School Board. The Christmas Parade is scheduled for December 11th at 2 p.m. and the theme is “Magical Christmas”.

L. COMMENTS/CONCERNS FROM COMMISSION MEMBERS

Commissioner Hyatt reported she would be on vacation starting October 22nd and would not be present for the October 25th meeting.

Commissioner Bittle reported that an ordinance concerning animals at the park did exist however fines needed to be implemented. She reported that enter at your own risk signs were needed for the parks. Commissioner Bittle stated that there may have been some confusion regarding the park equipment. She stated the equipment received by the County is to be used to maintain the Parks and Public Works is to assist the Parks Department as needed. The equipment received from the County would be stored at the Parks to be utilized by the Parks Department. Commissioner Marcello replied that the equipment could be used as a shared resource and use could be documented for budgeting purposes.

Commissioner Bittle reported that the VIA Hall had not been cleaned correctly following a recent weekend event. It was suggested that a pre walk through and a walk through following an event occur prior to releasing the deposit.

Commissioner Marcello reported on the status of the Wood Avenue ditch. He reported on the status of the dead tree at Pine Road. He reported on the fence at Chung Park and the need for road repairs throughout the City.

M. ADJOURNMENT

There being no further business, the meeting adjourned at 8:08 p.m.

DARLA A. LAUER/MAYOR

ATTEST:

VIRGINIA S. HAAS, CITY CLERK/ADMINISTRATOR

APPROVED FOR LEGALITY AND FORM:

SCOTT E. SIMPSON, CITY ATTORNEY