



## **CITY OF OAK HILL**

### **REGULAR CITY COMMISSION MEETING**

**COMMISSION CHAMBERS - CITY HALL  
234 South US Hwy 1  
Oak Hill, FL 32759  
386-345-3522**

**February 11, 2013  
6:00 P.M.  
MINUTES**

#### **A. OPENING**

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

**Present at Roll Call: Mayor Douglas Gibson, Vice Mayor Jeff Bracy, Commissioners Kathy Bittle, Robert Livingston and Ron Engele.**

#### **B. PRESENTATION – Florida Rural Waters – Tom Gustafson – Rescheduled – February 25, 2013 at 6:00PM**

#### **C. CITY ADMINISTRATION REPORTS**

1. CDBG Small Cities Grant – Jordan and Associates

**Ronald Vanzant, Jordan and Associates, stated Client #OH-08 and the Contractor have agreed to terminate their contract.**

**The Vice Mayor stated his concern that these jobs were not being inspected more frequently and he felt if there were a representative inspecting often issues could be avoided.**

**Commissioner Engele disagreed and stated he did not see that as the responsibility of Jordan and Associates. He also stated the City does not need to approve the termination of agreement because that is between the owner and contractor.**

**Ron stated although the contract is between the owner and contractor, the City is also involved as the lender. Also, the Commission needs to decide whether this job goes out to bid or goes to the second lowest bidder. The lowest bidder stated he would be willing to accept the job.**

**Commissioner Livingston made a motion and it was seconded by Vice Mayor Bracy, to accept the termination of Contract between Irene Howland and Merrick Services and to award the remainder of work to the second lowest bidder Conner Construction. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, abstained. The motion carried, 4-0.**

**Ron stated three requests for funds need approval: OH-05 Conner Construction, OH-06 Merrick Services and OH-07 Miller Construction.**

**A motion was made by Commissioner Engele and seconded by Commissioner Livingston to accept the three change orders and three requests for funds as presented by Jordan and Associates. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, abstained. The motion carried, 4-0.**

2. City Survey

The City Clerk stated the City survey is complete and ready for the Commission's review.

Commissioner Engele stated he is very pleased with the survey as it gives an excellent picture of the property and now the City will be better prepared to discuss placement of the proposed Public Works building.

The Mayor requested the Public Works building be placed on the next Agenda.

### 3. Volusia County Mosquito Control Request

The City Clerk explained Volusia County Mosquito Control needs permission to spray aerially for mosquitoes in the City.

Commissioner Engele stated the light on the tower at City Hall is out and needs to be fixed; also there may be a protected bird nest they will have to be aware of.

Commissioner Livingston made a motion, seconded by Vice Mayor Bracy, to allow Volusia County to spray for mosquitoes by plane. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, Yes. The motion carried, 5-0.

D. CITY ATTORNEY NON-AGENDA ITEMS (Scott Simpson) - NONE

E. POLICE DEPARTMENT RELATED ITEMS (Captain Summers) - NONE

F. CITY PLANNER ITEMS (Montye Beamer) - NONE

### G. CONSENT AGENDA

1. Approval of the Bills and Paid Interim Bills for February 11, 2013
2. Approval of January 8, 2013 Workshop Minutes, the January 26, 2013 Workshop Minutes, the January 28, 2013 Regular Meeting Minutes

Commissioner Bittle made a motion, seconded by Commissioner Engele, to approve the Consent Agenda. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, Yes. The motion carried, 5-0.

### H. OLD BUSINESS

### I. NEW BUSINESS

1. Variance for 304 Palm Avenue

The City Clerk stated the variance is asking to build a home with 950 square foot of living space in R1 zoning which requires a 1200 square foot of living space. She went on to explain the PLDRC has reviewed this variance and recommends denying the variance.

Ron Vanzant, Jordan & Associates, explained granting this variance would ensure that the project moves forward quickly without depleting funds. But denying the variance would cause a delay as he would need the recommendation from the State on how to handle the bid since this would be a substantial change in cost. Ron stated at this time available funds are estimated at \$29,000.

Commissioner Engele stated the Commission should respect the PLDRC's recommendation.

Vice Mayor Bracy said he felt a 950 square foot home would be an upgrade from the old trailer that was there previously.

Commissioner Engele requested the home owner approach the podium and express his opinion.

James Jaeger, Palm Avenue, stated he will accept the Commission's decision in this matter as he is grateful to be getting a new home. He did state his wallet is hurting right now due to paying both a mortgage and rent.

Peter Amodeo, Howes Street, stated as an adjoining property owner he objected to building a smaller home than required. He stated we make rules for a reason.

Tom Klinard, Palm Avenue, stated you have the means to build a 1200 square foot home.

Mike Arman, Magda Lane, stated FPL has rebates available, and applying for them could replenish some funds for the grant.

Bill Fox, Howes Street, stated he is also benefitting from the grant funds and he wanted to know how denying this variance would affect him and the other recipients of the grant if they were to need additional work done and there were no funds available.

The City Planner stated the State looks at a variance of 10% or less as insignificant but anything more is significant, and this variance is 20%.

Vice Mayor Bracy made a motion to approve the variance; and then he rescinded the motion.

Commissioner Engele made a motion to approve the variance at 304 Palm Avenue, allowing for a home with 950 square foot of living space instead of the required 1200 square foot in R1 zoning; the motion died due to lack of a second.

Vice Mayor Bracy inquired if the Commission could approve a 1000 square foot home or maybe 1100 square foot; then it would be within the 10% threshold and would not cost as much.

Commissioner Engele made a motion; the Mayor passed the gavel and seconded the motion to approve the variance at 304 Palm Avenue, allowing for a home with 950 square foot of living space instead of the required 1200 square foot in R1 zoning. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, No; Commissioner Engele, No; Commissioner Livingston, No; Commissioner Bittle, abstained. The motion failed 1-3.

The Commission continued discussing the matter.

Vice Mayor Bracy made a motion seconded by Commissioner Livingston to approve the variance at 304 Palm Avenue, allowing for a home with 950 square foot of living space instead of the required 1200 square foot in R1 zoning. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, No; Commissioner Livingston, Yes; Commissioner Bittle, abstained. The motion carried, 3-1.

## 2. Parking of Equipment and dirt on City Property

Commissioner Engele stated the company constructing the sidewalk would like to use City property to park their vehicles and dirt needed for the project. If the Commission agrees the City Attorney has drawn a 'Hold Harmless' agreement; he would also suggest having the City be named as an additional insured and confirming the ones signing the agreement are listed on Sun-Biz.com. The Commission agreed by consensus to all the terms.

## J. BOARDS & COMMITTEES

EZDA (Enterprise Zone Development Agency)  
Economic Development Board  
Waterfront Committee  
PLDRC (Planning & Land Development Regulation Commission)

**K. CITIZEN PARTICIPATION (Non-agenda – 15 Minutes)**

Gary Bittle, Lagoon Avenue, came to inform the Commission that Burns Sci-Tech Charter School had won awards for their Anti-Bullying Program. Everyone applauded.

Vicky Morgan, Randle Avenue, stated her fellow neighbors were concerned with a neighboring property that has moved a mobile home onto their property without a permit.

Mayor Gibson informed Ms. Morgan the City is aware and is correcting the matter in due process.

**L. COMMENTS/CONCERNS FROM COMMISSION MEMBERS**

Mayor Gibson stated he had a meeting with Mary Connors and the utility engineers. The meeting was positive and he received information that will help in the future; he also found that the water lines on River Road cannot be extended due to the size of the pipe.

Commissioner Engele suggested the Commission drop the subject of the bus bench advertising proposal with Waverly Media due to the recent accusations they are facing.


Commissioner Engele inquired if the Commission had looked at the three properties owned by the City.

The City Planner stated she had researched the properties and found the property on Nancy Street is a result of unpaid property taxes in which the County took possession of the property and then turned it over to the City. She went on to recommend if the city decides to deed the property to the adjacent property owner they also combine the lots at the same time to avoid future confusion.

The Planner stated she is still working on researching the Flamingo Road property.

The Planner has also looked at the property on River Road and has found that property is flooded wasteland.


**M. ADJOURNMENT – 8:00PM**

  
DOUGLAS GIBSON, MAYOR

**ATTEST:**

  
KOHN EVANS, CITY CLERK/ADMINISTRATOR

**APPROVED FOR LEGALITY AND FORM:**

  
SCOTT E. SIMPSON, CITY ATTORNEY

Note: In accordance with Resolution 2006-17, a three (3) minute time limitation per speaker will be imposed. A speaker may address the Commission for a maximum of three (3) minutes during the Public Participation portion of the meeting, and for a maximum of three (3) minutes during any specific Agenda topic. Pursuant to Florida Statute 166.041 (3) (A), if an individual decides to appeal any decision made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made.