



**CITY OF OAK HILL**

**REGULAR CITY COMMISSION MEETING**

**COMMISSION CHAMBERS - CITY HALL**

**234 South US Hwy 1**

**Oak Hill, FL 32759**

**386-345-3522**

**March 25, 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**

**C. CITY ADMINISTRATION REPORTS**

1. Jordan and Associates – CDBG Small Cities Grant

**Ronald Vanzant addressed the Commission about two requests for funds:**

<b>OH-01 Larosa -</b>	<b>\$38,647.68</b>
<b>OH-06 White -</b>	<b>\$7,306.40</b>

**The Vice Mayor made a motion, seconded by Commissioner Engele, to approve the requested funds as stated by Mr. Vanzant. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, abstained. The motion carried, 4-0.**

**Mr. Vanzant then presented the change order for the Howland Project; there is an additional charge of \$300 to repair the hot water heater. Mr. Vanzant also included the scope of work that is unfinished by the previous contractor.**

**Commissioner Engele voiced his concern that there needed to be a new permit and Notice of Commencement issued in the name of the new contractor. Also the previous contractor would need to issue a Release of Lien.**

**James Merrick of Merrick Services stated the assessment of the work completed was unfair.**

**Commissioner Bittle stated that the work Merrick Services had done was not done in a professional matter and by no means was it completed.**

**The Commission continued to discuss the work that was previously done.**

**The Mayor stated that the change order for this project needs to be approved so the new contractor can move forward and complete the job. He went on to state this money had**

already been allocated to this project and the only difference is \$300 for the repair of the water heater.

Vice Mayor Bracy made a motion, then the Mayor passed the gavel and seconded the motion to approve the change order for OH-08 Howland in the amount of \$300 for the repair of the hot water heater. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, No; Commissioner Livingston, Yes; Commissioner Bittle, abstained. The motion carried, 3-1.

#### **D. CITY ATTORNEY NON-AGENDA ITEMS**

The City Attorney stated the City Clerk had asked his opinion on banning certain businesses. He went on to explain that certain businesses are protected by the First Amendment and therefore cannot be banned; they can however be regulated and contained in only certain zoning, like industrial.

#### **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 March 25, 2013

Commissioner Bittle made a motion, seconded by Commissioner Livingston, 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**

1. Public Works Building

The Mayor stated he would get proposals for clearing a portion of the area behind City Hall and bring them to the next meeting.

2. Golf Carts

The City Attorney stated the normal process of allowing Golf Carts on City roads includes: a traffic study, permission from the entity that maintains the roads, and an Ordinance.

The City Planner agreed and went on to state that there are golf carts that are registered and tagged and therefore are allowed on certain streets without a special ordinance.

The Commission discussed further the options including a possible permit fee if golf carts are allowed on the roads.

The Mayor suggested the Commission ask the citizens their input on the use of golf carts before we move any further.

The Vice Mayor stated he would ask the residents of Lighthouse Cove for their input as well.

The Commission agreed to put this item on the next agenda.

### **3. Future Land Use Map (Commissioner Engele)**

Commissioner Engele stated he had been working with the City Planner on the Future Land Use Map; he is questioning the land use on River Road as some areas are considered commercial and the City should consider what that land use could ultimately allow on the riverside.

The Mayor asked when the Commission will be approving the final draft.

The City Planner stated it will go to the PLDRC in April and to the Commission in May.

## **I. NEW BUSINESS**

### **1. Tri-Party Agreement (Mayor)**

The Mayor stated he has been reviewing the Tri-Party Utility Agreement between the City of Oak Hill, City of Edgewater and Volusia County; and he has some concerns. First the agreement states the City of Oak Hill can only purchase the water retail; he felt the City should have the option to purchase the water wholesale. Also, the City has an option to charge a Utility Service Fee and that has not been initiated for Lighthouse Cove, Indian Harbor Estates or River Road. The Mayor stated now is the time for the Commission to express any concerns about this agreement as the City moves forward with water and sewer plans. The Mayor informed the Commission he had spoken to Edgewater and Glenn Storch and both parties are willing to work with the City any way they can in regards to obtaining water and/or sewer.

The City Attorney explained the reason this agreement only has an option to buy the water retail is because at the time of the agreement the City did not have the resources to provide the utility services such as billing, maintenance and repair for the infrastructure. He went on to explain the Utility service fee option was put in place as a benefit to the City, as it gives the City an opportunity to levy the fee for the reason of purchasing the infrastructure from the County for what they paid for it and not for the future worth of the infrastructure.

The City Attorney stated he also spoke to Glenn Storch and they agreed a meeting between Edgewater, Oak Hill and Mr. Storch would be beneficial for the discussion of future agreements.

The City Planner explained to the Commission the Utility Service fee: when the lines are brought down US 1 each parcel they pass becomes a potential customer and even though the property owner does not hook up to the water they can be charged a fee for the availability of the water. The Planner also suggested the Commission revisit the summary the City Attorney prepared January 21, 2013. Another source of information is Mr. Masiarczyk, former mayor of Deltona, as he experienced a Utility crisis during his tenure.

### **2. Video and Audio equipment for the Chambers (Mayor)**

The Mayor stated the recording system we currently have is antiquated and malfunctions often; the City is in need of a new system.

The City Clerk stated she is waiting on a quote from MTech Services and she will put it on the next agenda.

### **3. Fire Hydrants (Commissioner Engele)**

Commissioner Engele directed the Commission to an email that was distributed in the agenda packet; it states that the water lines within Indian Harbor Estates could accommodate fire hydrants. In the past the Commission was led to believe the lines could not accommodate fire hydrants. In light of this new information and the fact that most of Indian Harbor has been annexed into the City, he believes during the budget hearings the Commission should consider adding it to the next year's budget.

The Mayor agreed and stated a homeowner could save up to \$100 a year on their homeowners insurance if fire hydrants were present.

The Commission directed the City Clerk to obtain bids for installing 8 fire hydrants in Indian Harbor Estates.

### **J. BOARDS & COMMITTEES**

EZDA (Enterprise Zone Development Agency)  
Economic Development Board

Waterfront Committee

**Appoint Debi Malphurs**

Commissioner Livingston made a motion, seconded by Vice Mayor Bracy, to appoint Debi Malphurs to the Waterfront Committee. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, Yes. The motion carried, 5-0.

PLDRC (Planning & Land Development Regulation Commission)

**Appoint T. Gray Ames as an Alternate**

Commissioner Engele made a motion, seconded by Commissioner Bittle, to appoint T. Gray Ames as an alternate on the PLDRC. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, Yes. The motion carried, 5-0.

Parks and Recreational Advisory Board  
Historical Preservation Board

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

Mike Arman, Magda Lane, stated he has not received an answer from Jordan and Associates in regards to the FPL rebates for the CDBG Small Cities grant homes being built.

The Mayor stated he would personally get an answer from Jordan and Associates and then relay it to him.

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

Commissioner Livingston stated a citizen expressed their concern the lines on US Highway 1 are fading and in need of repainting.

Commissioner Engele stated that FDOT was in the process of cleaning out the County owned culverts and suggested the City inquire about who the contractor is and possibly utilize them to clear the City owned culverts as well.

Commissioner Engele asked the City Clerk to provide an update on the Bert Fish Medical Center purchase at the next Commission meeting.

Commissioner Engele informed the Commission that the Company that is installing the sidewalk has hired a few local citizens already and also Atlantic Steel is taking applications.

Commissioner Engele requested the Commission go and physically look at the City owned property on Nancy Street so that they can discuss it at the next Commission meeting.

**M. ADJOURNMENT – 9:00PM**

  
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**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.