



## **CITY OF OAK HILL**

### **CITY COMMISSION MEETING**

#### **COMMISSION CHAMBERS - CITY HALL**

**234 South US Hwy 1**

**Oak Hill, FL 32759**

**386-345-3522**

**June 10, 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.**

**The Mayor stated that since Glenn Storch had not arrived yet and the City Attorney has a meeting at 7PM we would move the City Attorney Items to the beginning of the meeting.**

#### **B. CITY ATTORNEY NON-AGENDA ITEMS (Scott Simpson)**

1. Meeting attendance and procedure update (Mayor)

**The Mayor stated at the May 20, 2013 Commission Meeting it was stated he had violated the City's Charter by attending the Volusia County Council meeting and speaking about Space X. He has since reviewed the Charter and consulted the City Attorney and has found no violation.**

**The City Attorney stated that as long as an elected official states it is his/her opinion and not the opinion of the entire Commission and City, no violation has occurred.**

2. Animal Control Interlocal Agreement

**The City Attorney stated the Animal Control contract should reference the State Statute in matters concerning dangerous dogs.**

**Commissioner Livingston made a motion and it was seconded by Commissioner Engele to accept the Animal Control Agreement for dangerous dogs and dog bites with the City of Edgewater, with the added State Statute that applies. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, Yes. The motion carried, 5-0.**

**Vice Mayor Bracy stated the City needs to revisit the Animal Ordinance and put some teeth into it to help the City with Animal Control Issues. The Commission agreed to place this item on the next agenda.**

#### **C. PRESENTATIONS**

##### **Glenn Storch – Farmton**

**Glenn Storch explained he is the attorney for Miami Corporation which owns Farmton. He showed the Commission and Public a map of the Farmton area. He went on to say at this time his clients own 61,000 acres of which 40,000 are set aside for conservation; and no development will occur until 2025. Mr. Storch stated there are also plans to incorporate bike paths, hiking, parks and other recreation facilities.**

Mr. Storch stated Oak Hill is considered a partner in this endeavor and the City's input is important, especially in regards to the proposed interchanges off Interstate 95. He went on to explain that a traffic study will be done to look at the benefits and obstacles for interchanges at County road 5A in Mims and at Maytown Road in Volusia County. He informed the Commission there will be a meeting on that subject June 12, 2013 at the Volusia County Administration building.

After a short question and answer, the Mayor thanked Mr. Storch for continuing to keep the City updated on the progress.

#### **Sterling Carroll - Florida Rural Waters – CANCELLED**

The City Clerk asked the Commission if they would like to schedule a Workshop to discuss the Feasibility Study Draft that Florida Rural Waters Association (FRWA) prepared.

The Commission agreed by consensus to hold a Workshop on June 20, 2013 at 6PM and include FRWA Feasibility study on the agenda.

#### **D. CITY ADMINISTRATION REPORTS**

##### **1. Jordan and Associates – CDBG Small Cities Grant**

Ronald Vanzant presented the following change orders for the Commission's approval:

- 1) Client# OH-01 (LaRosa) – Change Order #2 in the amount of \$3,670.00 to provide upgrades to the septic system as required by the Volusia County Health Department.**
- 2) Client# OH-05 (Robinson) – Change Order #1 in the amount of \$1,040.00 to provide a new water pump and bladder tank.**
- 3) Client# OH-08 (Howland) – Change Order #2 in the amount of \$2,210.00 to replace a sub-panel of the electrical system, to install sod and to provide bathroom upgrades.**

Commissioner Engele made a motion, seconded by Commissioner Livingston, to approve the three change orders 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.

Mr. Vanzant then presented two requests for funds:

**Client OH-01 (LaRosa) for temporary relocation reimbursement in the amount of \$1666.32**  
**Client OH-08 (Howland) Final Payment to Merrick Services in the amount of \$12,690.00**

The Vice Mayor expressed his disappointment in how the original bidding was conducted on these projects; he stated the septic tanks should have been included with the original bidding. He also stated that he is frustrated with amount of change orders that have been presented.

Vice Mayor Bracy made a motion and it was seconded by Commissioner Livingston to approve the two request 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. Sidewalk Update**

The City Clerk informed the Commission that the FDOT sidewalk project is completed; she also informed the Commission she had spoken with George Workman (FDOT) and at this time the sidewalk maintenance is the responsibility of FDOT, until the current maintenance contract with the City is reviewed.

The Commission agreed by consensus to direct the City Clerk to send a letter to FDOT requesting a review of the City's current maintenance contract.

### 3. City Goals

The City Clerk presented the Commission a list of goals that was prepared in the early 2000's; she stated this would be a great start to move toward a Strategic Plan for the City.

The Commission agreed by consensus to include this item on the Workshop Agenda for June 20, 2013 at 6PM.

### 4. Back Up System for the City's server

The City Clerk informed the Commission the City's server is required to have an offsite back-up system in case of emergency. MTech has found Rackspace Hosting system that has a startup fee for \$125. Commissioner Engele suggested that the Mayor also be included as a user so that he can also authorize access to the records in time of emergency. The Commission agreed.

The City Clerk informed the Commission she was in talks with the county's hazardous material collector in regards to a Citywide Clean-up. The company estimated that the cost to accept hazardous materials such as paint, oil and pesticides would be between \$5,000 and \$8,000.

The Commission agreed by consensus that they did not want to spend those funds at this time.

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

### F. CITY PLANNER ITEMS (Montye Beamer)

The Mayor closed the Commission Meeting and opened the Public Hearing at 7:27PM.

The City Planner introduced herself and Ken Hooper; she went on to state that these Comprehensive Plan amendments have been compiled in conjunction with state statutes including the recent 2012 statutes recently passed by the legislation. The Planner read Ordinance 2013-01 by heading only.

### 1. ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY OF OAK HILL, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY'S COMPREHENSIVE PLAN PURSUANT TO THE EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS; TO INCLUDE REVISIONS TO THE FUTURE LAND USE ELEMENT, POPULATION SUB-ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, SANITARY SEWER SUB-ELEMENT, SOLID WASTE SUB-ELEMENT, STORMWATER SUB-ELEMENT, POTABLE WATER SUB-ELEMENT, NATURAL GROUNDWATER & AQUIFER SUB-ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, RECREATION & OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENT ELEMENT, CONCURRENCY MANAGEMENT SUB-ELEMENT, PUBLIC SCHOOL FACILITIES ELEMENT AND EACH ELEMENT'S APPLICABLE MAP SERIES; ESTABLISHING THE CITY OF OAK HILL COMPREHENSIVE PLAN 2025; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

The City Planner stated the PLDRC has reviewed the documents and has recommended to the Commission the Draft be transmitted to the proper organizations as required by state statute. She pointed out a sign-in sheet available this evening for anyone to request updates as the organizations submit their comments to the City.

The Planner asked the Commission if there were any questions or concerns.

Commissioner Livingston expressed his concern with the possibility of multi-unit residences; he stated he did not want to see that in Oak Hill.

The Planner explained there would need to be Water and Sewer and a development application would need to be filed to the City before it would be allowed. She went on to state she would be sure the County and St. Johns Water Management would also have a say in such a development.

Commissioner Engele inquired about the time frame as to when the City would receive comments from the other agencies?

The City Planner stated the City could begin to receive comments in about 90 days.

The Mayor asked if the public had any questions or concerns.

Commissioner Engele made a motion and it was seconded by Commissioner Bittle to approve the Evaluation and Appraisal (EAR) Comprehensive Plan Amendment's Final Draft for transmittal as required by state statute. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, No; Commissioner Bittle, Yes. The motion carried, 4-1.

The Mayor closed the Public Hearing and re-opened the regular Commission Meeting.

#### **G. CONSENT AGENDA**

1. Approval of the Bills and Paid Interim Bills for June 10, 2013
2. Approval of the Special meeting minutes of May 20, 2013.

Commissioner Engele made a motion and it was seconded by Commissioner Livingston to approve the consent agenda.

Commissioner Bittle stated that the roll call was missing from the 5-20-2013 Special Meeting Minutes. The Clerk stated she would make the correction.

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. Golf Carts (Commissioner Bittle)

Commissioner Bittle inquired about allowing golf carts on City streets and asked what the Commission needs to do.

The Mayor stated that state statute regulates the use of golf carts on the streets and the City only needs to abide by that.

The City Planner stated that the Ordinance for Indian Harbor Estates allowing golf carts was written because most of the golf carts in that community do not comply with state statute.

After further discussion the Commission agreed to contact the City Attorney in regards to compiling an ordinance to allow golf carts on City streets and to place this item on the next agenda.

- 2.

#### **ORDINANCE NO. 2013-02**

AN ORDINANCE OF THE CITY OF OAK HILL, VOLUSIA COUNTY, FLORIDA ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED AT 214 INDIAN CREEK 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 AN EFFECTIVE DATE.



Commissioner Engele made a motion and it was seconded by Commissioner Bittle to accept Ordinance 2013-02 as read. Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, Yes; Commissioner Livingston, Yes; Commissioner Bittle, Yes. The motion carried, 5-0.

### 3. Headline Surfer Proposal

The City Clerk reminded the Commission that Headline Surfer had presented the Commission with a proposal for providing web advertising. The Commission requested the proposal be on this Agenda so a decision could be made.

Vice Mayor Bracy made a motion seconded by Commissioner Bittle to accept the \$100 a month proposal for website advertising with Headline Surfer.

Commissioner Engele stated he did not see a positive rate of return on an investment of \$1200 for a year and therefore he cannot support it.

Roll Call Vote: Mayor Gibson, Yes; Vice Mayor Bracy, Yes; Commissioner Engele, No; Commissioner Livingston, Yes; Commissioner Bittle, Yes. The motion carried, 4-1.

## I. NEW BUSINESS

### 1. City Motto Contest

The City Clerk stated Mike Arman had presented an excellent idea of holding a contest for a City Motto and would like consensus from the Commission to move forward with the contest. The Commission agreed by consensus to move forward with the contest.

## J. BOARDS & COMMITTEES

EZDA (Enterprise Zone Development Agency)  
Economic Development Board

Mike Arman, Chairman, stated he had attended the Southeast Volusia Chamber of Commerce meeting and was pleased with the networking opportunity it brought. He will also be attending a future Business Expo as well.

Mr. Arman also spoke with a Dale Smith in regards to an email distribution and inquired if the Commission was interested in pursuing it further. The Commission stated they were not interested at this time.

Mr. Arman stated there were County funds available for wind mitigation improvements.

Mr. Arman informed the Commission he has been doing research in regards to legal advertising and has found that many Volusia County cities have been using a publication by the name of The Beacon for these ads at a lower rate than other publications. The Commission agreed by consensus to have City Attorney Scott Simpson look into this publication to ensure that it meets state statutes.

Waterfront Committee

Cynthia Livingston, Vice Chair, informed the Commission that she had attended the Spring Waterfronts Committee meeting in Fort Myers. She was extremely impressed with all the information and grants that are out there. She will be sharing this information with the Waterfront Committee at the next month's meeting as this month's meeting has been cancelled.

PLDRC (Planning & Land Development Regulation Commission)  
Parks and Recreational Advisory Board  
Historical Preservation Board

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

Barbara Newshafer, Randle Avenue, stated there is an issue with dogs roaming the community and she would like the City to address it.

Vicki Morgan, on behalf of Durwood Smothers, stated the Southeast Volusia County Hospital Board is still meeting on the proposals to buy Bert Fish Medical Center. There will be a meeting at Edgewater City Hall on June 25<sup>th</sup> and there is a possibility a decision may be made at that time.

Cynthia Livingston, Galbraith Avenue, stated she had seen adult entertainment businesses open up in Deleon Springs and she urges the Commission to do something to prevent that from happening here in Oak Hill.

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

Commissioner Livingston stated the area churches are looking for activities for teens this summer and welcome any ideas.

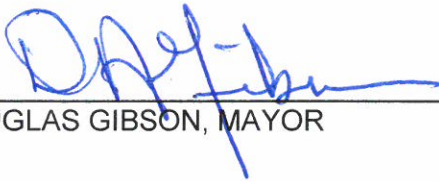
Vice Mayor Bracy stated that a portion of Brooks Circle is eroding. He feels the railroad department and its vehicles are contributing to the erosion and therefore the City should ask them if they could help in repairing it.

Commissioner Livingston stated he will contact the railroad and he is also looking at solutions to correct the erosion.

Vice Mayor Bracy stated in the past the City would mow portions of the cemeteries voluntarily and he would like to see the City begin doing that again.

The Commission agreed to discuss the mowing issue at the Workshop on June 20, 2013 at 6PM.

**L. ADJOURNMENT – 9:42PM**



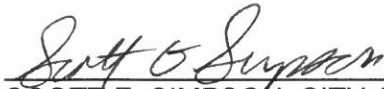
DOUGLAS GIBSON, MAYOR

**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.