

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
CITY COMMISSION CHAMBERS
January 17, 2008
7:00 PM**

MINUTES

A REGULAR MEETING of the City Commission of the City of Lake Helen, Florida was called to order by Mayor Joan Duffy at 7:05 p.m. Present were Vice Mayor Buddy Snowden, Commissioner Lou Benton, Commissioner Alan Cooke and Commissioner Ann Robbins; City Attorney Ken McIntosh; City Administrator Don Findell; and Recording Secretary, Wendie Levings.

Mayor Duffy announced, to audience members, that any person wishing to speak at the commission meeting would need to fill out a blue card for commission agenda related items and/or a yellow card for non-agenda items. That person would be recognized by the chair; be allowed to approach the podium one time; and would be limited to three minutes. She stressed chair would not recognize anyone who did not speak from the podium.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Comm. Snowden led the invocation and pledge of allegiance.

COMMISSION ANNOUNCEMENTS:

1. MINUTES: Regular Meeting of November 15, 2007 and Regular Meeting of December 6, 2007.

a) Regular Meeting of November 15, 2007

Comm. Robbins noted page 2, Public Forum, b) of the November 15, 2007 minutes stated a request by Mr. Jim Morris that his statement be placed into the record of the minutes ,verbatim. She made a **MOTION** to honor that request.

Mayor Duffy inquired if a copy the verbatim statement could be attach to the November 17th minutes and then recognized Mr. Morris.

Mr. Morris of 333 John Street, Lake Helen approached and stated he had requested that a verbatim record of his statement of November 15, 2007 be included in the minutes. Mr. Morris

remarked that, in his opinion, it is was wrong that an edited version had been included in the minutes.

Admin. Findell indicated the City Attorney should have the opportunity to advise placement of items on the agenda as it was not the appropriate time to discuss the matter. Mayor Duffy noted Mr. Morris had submitted a yellow card to discuss the item during the public forum.

Admin. Findell noted there was a Motion on the floor. No one called a Second.

Atty. McIntosh advised, if the matter was to be considered, there would need to be a Second to the motion and then an affirmative vote.

SECOND by Comm. Cooke.

Atty. McIntosh advised, first the item would have to be acted on and then added as an agenda item. Mayor Duffy commented she did not wish to add agenda items.

Comm. Benton indicated Mr. Morris had the right to address the item, but at the appropriate time during the Public Forum.

There was a discussion regarding if it would be acceptable to add a copy of the Mr. Morris' verbatim statement to the November 15th submitted minutes with Atty. McIntosh indicating it would be an appropriate suggestion.

Admin. Findell pointed out when Mr. Morris made the request on November 15, 2007, the City Commission did not discuss the matter or take action, and therefore the minutes of November 15, 2007 did depict what action was taken. He articulated, the minutes have been prepared by myself and staff to present subject matter that is discussed and what action was taken. If the City Commission disagrees with what the minutes reflect, the Commission has the opportunity to amend the minutes at the next meeting.

Comm. Snowden reflected he thought the suggestion of attaching verbatim minutes would be appropriate but cautioned against getting into the habit of such requests as it would, inevitably, be considerable work load for city staff.

Comm. Robbins asked to take into consideration that there were two new members on the Commission approving minutes and they had not been advised that a motion was necessary.

Admin. Findell indicated if an individual requested verbatim minutes, that included information about another individual, then he/she should have the opportunity to, also, add verbatim minutes, etc. He added, once you allow that to occur you are opening meetings to allow 'free for all' requests to have statements included as verbatim minutes. It is a bad precedent to set and you won't find that occurring in other cities.

Mr. Morris countered, repeating he resented city staff editing his statement and felt his statement should be entered into the minutes, verbatim, per his November 15th request.

Mayor Duffy pointed out the statement printed on every Commission Agenda: "... If any person decides to appeal any decision by the Lake Helen City Commission ... he/she will need a record

of the proceedings, including all testimony and evidence upon which the appeal is based. To that end, such person will need to ensure that a verbatim record of the proceedings is made. The City of Lake Helen does not provide this record.”

It was noted that, at the beginning of the meeting, an announcement was given that it would not be acceptable to have discussion between the audience and the board; individuals from the audience needed to approach the podium, be recognized and identify themselves to be placed on the record.

Comm. Cooke observed the **Motion** and **Second** for adding Mr. Morris’ verbatim statement to the minutes and requested calling a vote.

Comm. Robbins-yes; Comm. Cooke-yes; Comm. Snowden-no; Comm. Benton-no; Mayor Duffy-yes.

Comm. Benton commented there had been one time he requested adding documents to minutes and the commission ruled on it. He reiterated “that is how it is done in any city; it has to be ruled on, then and there, by the commission”.

Atty. McIntosh agreed saying; “the law establishes that any matter to be attached as an exhibit to minutes must be acted upon when they were tendered to the commission for consideration. What has been done tonight is action of reconsideration. When these minutes were prepared no action was taken with reference to the attachment. That which has been accomplished tonight subjects the city to a rebuttal statement by an individual who was mentioned in that which you have attached to the minutes and we have opened ‘pandora’s box’ with reference to the subject”. Atty. McIntosh repeated the correct procedure to attach documents to minutes.

Comm. Snowden asked for clarification regarding rebuttal procedure asking if it would be necessary to file an additional motion to permit another party, named in an attachment, the same opportunity (of a rebuttal). Atty. McIntosh answered, no; “that will come about by law and due process”.

b) Regular Meeting of December 6, 2008

Comm. Robbins requested correction of page 3; sentence below ‘f’; to read public *forum* - not *form*.

Atty. McIntosh requested completing the amended action regarding the suggestion of attachment to the November 15, 2007 minutes with the new exhibit.

Mayor Duffy asked for a motion to approve the November 15, 2007 minutes with the action for attaching the statement by Mr. Morris and putting a notice on page 2, under public forum, to that effect.

MOTION by Comm. Robbins to approve minutes of November 15, 2007 as amended.
SECOND by Comm. Cooke. **Motion** carried 3 to 2 with Comm. Snowden & Comm. Benton voting no.

MOTION by Comm. Benton to approve the December 6, 2007 minutes as presented with the correction as suggested by Comm. Robbins. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

2. CONSENT AGENDA: a) Bills – January 17, 2008; b) Request for authorization to execute a lease agreement with IKON for the lease/purchase of a copier for the Police Department.

a) **MOTION** by Comm. Robbins to accept the January 17, 2008 Bills in the amount of \$48,755.68. **SECOND** by Comm. Benton. **Motion** carried unanimously.

b) **MOTION** by Comm. Benton to approve the execution of a lease agreement with IKON for the lease/purchase of a copier for the Police Department. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

Admin. Findell added, for Commission information, that the agreed upon copier for the Police Department had been upgraded at no additional cost to the City.

6. COMMISSION CONSIDERATION

A) Consideration of Resolution 2008-01, expressing the City's sincerest appreciation to former Mayor, Mark Shuttleworth.

Mayor Duffy read Resolution 2008-01 in its entirety.

MOTION by Comm. Benton to approve City of Lake Helen Resolution 2008-01. **SECOND** by Comm. Cooke. **Motion** carried unanimously.

3. PRESENTATIONS

A) Mayor Duffy will present a plaque of Resolution 2008-01 to Mark Shuttleworth.

Mayor Duffy presented a plaque of Resolution 2008-01 to Mark Shuttleworth commending his years of service to the City of Lake Helen. Mr. Shuttleworth accepted the plaque reflecting that acting as Mayor and Commissioner required a combination of patience, humility and all common sense that one could muster and expressed thanks for the learning experience.

B) Mayor Duffy will present a service of excellence award to Lewis C. Long, III.

Mayor Duffy presented a service of excellence award to Lewis C. Long, III and read the plaque in its entirety. Mr. Long graciously accepted the award and acknowledged the presence of his family saying: *When you are in politics your whole family is involved.* Mr. Long advised that Commissioners may not always agree but it was important for everyone to act as a team.

4. MONTHLY REPORTS:

a) City Engineer - No Report.

b) Local Planning Agency (PLDRC) - No report.

c) Historic Preservation Board

HPB Member, Richard Taylor approached and informed the Commission of HPB items that would be considered on the next Commission agenda including; meeting with Tina Waddoups regarding her donation to paint a mural at City Hall and Mr. Martin regarding the proposed fence to be erected at 142 S. Lakeview Drive (the old Lake Helen bank building). Mr. Taylor also announced that the Historic Preservation Board had three vacancies.

d) Parks and Recreation Board

P & RB Member, Betty O’Laughlin approached. She informed that Parks and Recreation Board members and volunteers had met at Melissa Park to appraise the interior of the building and to determine if volunteers could paint the interior and make small repairs. She said the board would present a budget and suggestion list to the Commission at the next meeting. Ms. O’Laughlin thanked Public Works for the new playground equipment at Blake Park.

e) Community Prosperity Council - No report

f) Ad Hoc Cemetery Committee

Ed Blackman approached to disseminate topographical drawings of the cemetery sections where fence was to be erected, noting the drawing depicted how the fence line would follow the grade. He explained a recent meeting with Mr. Lemoine where they had decided a solution to set 4 x 4 posts, in concrete, on which the fence could be erected. Mr. Lemoine would charge \$30.00 an hour and volunteers would drill holes and set the concrete. Mr. Blackman discussed the geography of each side of the cemetery enclosure; noted Richard Taylor had cleaned out a substantial amount of ‘tree line’ underbrush; and suggested leaving the south side and north side fence as it was (slightly buried).

The Commission discussed both the iron and chain link fencing with Comm. Cooke suggesting a meeting be set to discuss removal and relocation of the north fence and filling in the low area. Comm. Benton remarked it would cost around \$5000 to relocate the fence. Mr. Blackman preferred to move ahead and finish the project.

5. PUBLIC HEARING:

None

6. COMMISSION CONSIDERATION:

B) Consideration of Resolution 2008-02, supporting the Florida League of Cities priority legislative issues.
Mayor Duffy read Resolution 2008-02 by title.

MOTION by Comm. Benton to adopt Resolution 2008-02. **SECOND** by Comm. Cooke.
Motion carried unanimously.

C) Consideration to of a report by Rick Mullen, Public Works Superintendent, on repairs / improvements needed at the Boys and Girls club building.

Rick Mullen, Public Works Superintendent approached and reported he was in the process of gathering bids for cabinets and floor coverings/repairs from various contractors for the Boys and Girls Club. Mr. Mullen said Public Works was moving forward on repairs and noted the department had not ever, in the past, neglected repair of the building. It was always on an 'as needed' basis.

Mayor Duffy asked if epoxy paint for the floors would be possible. Mr. Mullen affirmed the possibility and explained he was looking into estimates for vinyl flooring, also. He indicated Public Works staff would take care of the painting and repair for the small bathrooms.

Comm. Benton inquired about the sand in front of the building. Mr. Mullen responded Public Works would put down railroad ties and mulch.

Mayor Duffy asked about the listed wiring issues. Mr. Mullen answered there was some wiring that needed to be upgraded to commercial.

D) Consideration of Policy P-30 relating to the collection of social security numbers.

Admin. Findell stated the memo included in the agenda packet was to inform the Commission the State Legislature had adopted new legislation that required agencies that collect Social Security numbers to adopt a written policy regarding such collection. "The policy must state the purpose of the agency's collection of the Social Security number, and a written statement outlining such policy/purpose must be provided to an individual when an agency obtains the individual's Social Security number. In order to achieve compliance with the new legislation, the Florida League of Cities recommended that the City adopt a policy which, upon adoption, be incorporated into the City's Policy and Procedures Manual and given to an individual who supplies their Social Security number to the City."

Comm. Benton indicated SS numbers were a serious matter and suggested that Social Security numbers on applications be blacked out if the file was copied. Admin. Findell agreed and proceeded to read the policy in its entirety.

MOTION by Comm. Snowden to adopt Policy P-30. **SECOND** by Comm. Cooke. **Motion** carried unanimously.

Atty. McIntosh informed the Commission he would report, to the Governor, the fact that the City had established the policy as required by Legislation, announcing control of redacting and shredding.

E) Consideration of a request by Comm. Benton that the PLDRC review and suggest appropriate changes to setback regulations in the Downtown Commercial Land Use District.

Comm. Benton expressed the opinion that past joint downtown commercial district meetings had not accomplished anything. He suggested that the assessment of changes to setbacks in the district should be sent to the PLDRC for review and input. "We still have a moratorium on town houses. We need to have some adjustments on front setbacks and perhaps create parking at the rear."

MOTION by Comm. Benton to send the issue of Downtown Commercial District setbacks to the PLDRC for discussion. **SECOND** by Comm. Cooke. **Motion** carried unanimously.

F) Consideration as to whether or not to extend the temporary amnesty period for off-premises real estate signage.

Mayor Duffy queried the information she received regarding the bridge opening on the weekend and was informed it would not open until the following weekend. She considered an extension of 30 days would be adequate for real estate signage temporary amnesty.

Comm. Cooke remarked that even if the bridge were to open next week, construction would be ongoing for a good while longer. Comm. Cooke suggested extending the temporary amnesty period for off-premises real estate signage to six months.

MOTION by Comm. Cooke to extend the temporary amnesty period for off-premises real estate signage to six months. **SECOND** by Comm. Robbins. **Motion** carried 3 to 2 with Comm. Benton and Mayor Duffy voting no.

G) Consideration of surface material to be used for construction of the nature/exercise trail at the Equestrian Center.

Admin. Findell explained the Equestrian Center has received both a FRDAP Grant and an ECHO Grant for construction of the center. The FRDAP Grant required an exercise trail element as part of the Equestrian Center, which was the only item left to be completed. The trail was to run along the north and east wood perimeter of the property then out into the open area, on the east and west, to complete the loop. Admin. Findell added there had been discussion regarding the type of material to be used on the trail including mulch and road base. The Public Works staff recommends a road base trail for ease of maintenance and trail delineation purposes. Mayor Duffy agreed. Comm. Benton expressed concern regarding use of the trail by residents with dirt bikes.

MOTION by Comm. Cooke to recommend road base be used to construct the nature/exercise trail at the Equestrian Center. **SECOND** by Comm. Snowden.

Atty. McIntosh advised the Commission recommend prohibition of motor driven vehicles on the proposed trail. Comm. Cooke suggested erecting a sign at each end of the trail. Atty. McIntosh added the prohibition of motor vehicles on the trail be prepared by appropriate resolution and enforced by law.

Comm. Cooke amended the **MOTION** to recommend road base to be used in construction of the nature/exercise trail at the Equestrian Center and to have prohibition of motor driven vehicles on the trail by means of a resolution and erection of signs at each end of the trail. **SECOND** by Comm. Snowden.

Comm. Snowden expressed concern, not only for possible motor vehicle traffic, but also for horse use traffic. It was the consensus of the Commission that the sign should read for pedestrian use (traffic) only.

Motion carried 3 to 2 with Comm. Robbins and Comm. Benton voting no.

7. COMMISSION DISCUSSION:

None

8. STAFF REPORTS:

a) City Attorney: No report

b) Police Chief: No report

c) City Administrator:

Admin. Findell reported the sound system being used that evening had been provided by LMG as a demonstration of how a properly set up sound system should work. Mr. Findell added that LMG was the only company he had contacted that had the equipment ‘in stock’ and could perform a demonstration.

Mr. Vince Venaro of LMG gave a brief history of his company; explained the equipment that was present and gave a demonstration using the mixer for sound and video screen with use of a laptop computer for display of the commission agendas; power point presentations; reference; etc. Mr. Venaro also explained the aesthetics and ease of use of the system.

Comm. Benton suggested ‘goose neck’ microphones be used on the commission dais. The Mayor asked if the sound equipment set up would be problematic with a removable dais. Mr. Venaro indicated there would not be a problem. Comm. Robbins also had concerns regarding moving the sections of the dais. Mr. Venaro outlined how microphones could be individually set up and cables recessed into the stage area.

The Commission agreed to have LMG submit costs and specifications for a sound system similar to the one present that evening.

d) Code Enforcement Officer: No report

MOTION by Comm. Benton to amend the agenda to move Public Forum above Mayor and Commissioner Reports. **SECOND** by Comm. Cooke. **Motion** carried 4 to 1 with Comm. Snowden voting no.

10. PUBLIC FORUM:

Ann Nehrig of 160 Rose Avenue, Lake Helen approached the podium and said at the December 6, 2007 Commission meeting Mr. Tony Troy had stated, as written in the December 6, 2008, minutes, (in brief) that construction in Roseville Subdivision had been permitted; the paved road was not going in until the water system was signed off; and the road had not been turned over to the City. Ms. Nehrig continued indicating there was a plat for the Roseville Subdivision, recorded by Volusia County on June 20, 2003, with a certificate of approval signed by Admin. Don Findell and Mayor Mark Shuttleworth, in which (Ms. Nehrig read the plat record verbatim) the subdivision is granted to the city. Ms. Nehrig noted she wished to set the record straight.

Admin. Findell indicated Ms. Nehrig was correct and explained the dedications had to be made in order for the plat to be approved, however the items dedicated to the city would need to be accepted by the City through a resolution or ordinance. Mr. Findell further informed; the infrastructure for the Edgewood Subdivision and Woods of Lake Helen Subdivision had not, as yet, been completed or accepted by the City.

Ms. Lynn Waldroup approached to commend former Mayor Mark Shuttleworth for his years of dedication and support for the city and residents of the city.

Mr. Jim Morris of 333 John Street approached and indicated his problem with freedom of speech issues in the town. Mr. Morris stressed his concern regarding the editing by city staff of his statement that was made at the November 15, 2007 Commission meeting and requested to have it entered as verbatim minutes.

Admin. Findell reiterated city staff would have had to been directed by the City Commission at that time to include his verbatim statement in the minutes.

Atty. McIntosh read from Florida State Statute, "Any citizen declaration that is desired to be included verbatim in the minutes must be acted upon by the assembly in accordance with a motion second and passage in order for it to be included verbatim in the minutes." The Attorney continued; the alternative is the responsibility of that individual who desires verbatim inclusion to bring a stenographer or secretary in fulfillment of the notice that is generally presented at the foot of all municipal notices and declarations. Atty. McIntosh advised action had to be taken by the commission at the time (November 15, 2007) by motion and second in order for the matter to be included in the minutes.

Mr. Morris conceded he would agree to having his verbatim November 15, 2007 statement attached to the minutes of November 15. Mr. Morris, again, stressed freedom of speech.

Comm. Benton pointed out the Commission did not take action on November 15, 2007 to include verbatim minutes. Comm. Benton communicated he had sat on many boards over the years and had never seen regular meeting minutes that were verbatim.

Mr. Ed Blackman of N. Euclid Avenue, Lake Helen approached and commented to be careful restricting horses from the Equestrian Center nature/exercise trail as the city was known for being horse friendly.

Admin. Findell remarked there was a trail available specifically for horses at the Equestrian Center. If the trail is considered to be a combined nature/exercise use trail the issue would be pedestrians that would not want to have to avoid horse manure. Mayor Duffy agreed saying she had received complaints regarding droppings on the city sidewalks and suggested contacting the West Volusia Saddle Club noting the citizens of Lake Helen needed to work together.

9. MAYOR'S REPORT AND COMMISSIONERS' REPORT BY ZONE:

Zone 1:

Comm. Robbins stated she had been a member of the Florida Municipal Trust Board as secretary for 4 ½ years and asked the Atty. if the position would be a conflict of interest with her position as City Commissioner.

Atty. McIntosh replied there would not be a conflict.

Comm. Robbins reported she had met with several citizens at Country Village to observe use of the wall as a noise buffer. She talked with homeowners who agreed the wall did, indeed, muffle traffic noise. Comm. Robbins suggested asking Mayor Duffy write a letter to Congressman Mica stating the City of Lake Helen was in favor of using a wall as a buffer (I-4 & Goodwin St.).

Comm. Robbins said she had talked with Admin. Findell about the unemployment comp reserve of approximately \$71,000 and asked him to check with the city auditor to see if all of the money needed to be retained in the fund or if some of it could be used to finish the museum room.

Admin. Findell reported a meeting had been set for the next week.

Comm. Robbins reported she had heard grant funds would not be awarded towards the Hopkins Hall project until the City Hall project had been completed.

Admin. Findell explained the city had received a draw for half the amount and the remaining half would be held until the City building had been completed. It just means the city will up front the money and then be reimbursed.

Comm. Robbins requested a status report on all grants and inquired about the status for filling Public Work positions. Admin. Findell replied interviews were scheduled for the following Thursday.

Zone 2:

Comm. Cooke commented he was looking at Murphy Act properties and would report at the next meeting. Mayor Duffy noted it be added to the next meeting agenda.

Comm. Cooke continued he had been working with Mr. David Hutcher with setting up a retail sales furniture business and auction in the building located at 151 W. Ohio, previously occupied by Mr. Fine's furniture sales and auction.

Zone 3:

Comm. Snowden requested his fellow Commissioners, when addressing and preparing to make a motion, that they think about the motion and clearly articulate all the elements of the motion for the benefit of the audience.

Comm. Benton commented it was common to say 'so moved'. Mayor Duffy said the motion could be repeated by the Mayor for clarification.

Zone 4:

Comm. Benton expressed concern regarding the City's right to restrict a new type of digital lighted billboard that were being erected along I-4. Mayor Duffy queried if the city had something in place to control it. Admin. Findell noted it was an item for research. Collection of fees for existing billboards was discussed.

Mayor:

Mayor Duffy requested the PLDRRC review the sign ordinance in regards to the new type of billboards.

Admin. Findell indicated City Clerk, Jeannie Barlow's last day at work was January 16th but that she had indicated a willingness to continue to help out on an 'as need basis' with the work load left regarding grant issues. Comm. Benton supported Ms. Barlow's return. Admin. Findell requested Comm. permission that Ms. Barlow be allowed to return at the equivalent of her salary with benefits and an additional \$10.00 per hour as Ms. Barlow would need to pay babysitting in order to accommodate the City.

Mayor Duffy commented she would like to go over Ms. Barlow's files. Admin. Findell added Ms. Barlow would need to come in and work with whoever was hired for the City Clerk position. Mayor Duffy commented she would like to hire a Certified Municipal Clerk. Starting salary for a City Clerk was briefly discussed.

Mayor Duffy indicated she would like to see City Hall offices finished as soon as possible so that the Office of the Mayor could be set up in order for her to be available a few days a week at City Hall.

ADJOURNMENT:

The Regular Meeting of the City Commission of the City of Lake Helen, Florida was adjourned at approximately 9:20 p.m.

Joan Duffy
Mayor

Wendie Levings
Recording Secretary