

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
February 5, 2009
7:00 P.M.**

MINUTES

CALL TO ORDER: Mayor Duffy

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Lane gave the invocation and led the pledge of allegiance

DELETIONS OR MODIFICATIONS TO AGENDA

No deletions or modifications

COMMISSION ANNOUNCEMENTS

No announcements

MINUTES

December 18, 2008

Commissioner Robbins moved to accept the December 18, 2008 minutes.
Commissioner Burton seconded

All zone Commissioners and the Mayor voted yes.

CONSENT AGENDA:

Bills – February 5, 2009

Commissioner Robbins made a change to the bills prior to the meeting, moving a figure from a General Fund expense to a Utility fund expense.

Commissioner Robbins once again commented on the electric bill stating that we should be going green. Street lights - \$2822; shuffleboard court - \$176; Youth Center – \$359. The City did \$14,000 worth of renovations this year. We should check what other cities provide for their Boys & Girls Clubs. Maybe the Club could pay the electric bill. She believes the children are charged a fee to attend so they have some sort of budget. **Commissioner Lane** suggested a programmable thermostat; the lockable ones can be bypassed. **City Administrator Findell** said we have a contract with the Boys & Girls Club but he can't recollect the specifics. Ricky (Mullen) is getting a quote for timer lights at the tennis courts. Commissioner Robbins pointed out that City Hall's bill was just over \$400 so the Boys & Girls Club is very high. **Commissioner Snowden** thinks the back part of the building is used for refrigeration and cold storage for CAC and it may not be separately metered.

Commissioner Robbins made a motion to accept the bill in the General Fund: \$19476.55; Utility Fund: \$13986.46, Stormwater Fund: \$47.40, CAC: \$16230.77
Vice-mayor Snowden seconded

All zone Commissioners and the Mayor voted yes

Mayor's Proclamation proclaiming the month of February as a celebration month for Abraham Lincoln's 200th birthday

Proclamation was read by **Mayor Duffy**

PRESENTATIONS

No presentations for this meeting

BI-MONTHLY REPORTS:

*City Engineer – no report
Local Planning Agency (PLDRC) – no report
Historic Preservation Board – no report
Parks and Recreation Board – no report*

PUBLIC FORUM

*Ms. Lullabell Cody
825 Joe Smith Lane*

Ms. Cody had a concern regarding road work in her area off Church Street. She says that the stop sign is no longer there. Also, someone came off the overpass and hit the fire hydrant on the corner. The city came and put a red bag over the fire hydrant so there's no fire hydrant there now. She was worried about what would happen if there was a fire emergency. Public Works Supervisor Jeff Oransky said there was a problem replacing it because the road was built about 12 feet above where it was before and the valve is buried. They used ground penetrating radar but were unable to find the valve; they don't want to have to dig all that up. They are in the process of trying to locate more sophisticated ground penetrating radar.

There was more discussion about this issue and how the I4 construction project affected the city's water lines, etc. Ultimately it was discovered that Ms. Cody has a fire hydrant in front of her house and there are many hydrants in that area thus alleviating concerns of a fire emergency. The ornamental stop sign post is on order and the valve issue is being worked on.

PUBLIC HEARINGS

No public hearings for this meeting

COMMISSION CONSIDERATION:

Consideration of Certificate of Appropriateness application submitted by Chuck Locklin for property located at 287 S. Lakeview Drive.

Mr. Locklin wants to remove a knee-wall around the small front porch in front of this property. The issue was brought before the Historic Preservation Board and they recommended approval.

Vice-mayor Snowden made a motion to approve the removal of a knee-wall on the front porch of the property located at 287 S. Lakeview Drive.
Commissioner Lane seconded.

All zone Commissioners and the Mayor voted yes.

Consideration of recommendation to hire James Thorn as Teen Program Assistant at the rate of \$10.00 an hour.

Keith Chester said Mr. Thorn is a long time Lake Helen resident. He's retired and wants to help with the Teen Program. Nathan Sonnenfeld left thereby creating this vacancy. His hours will not be set but it's usually in the evening and usually for about 20 hours per week. His responsibility will be watching the kids, mentoring, helping with cleaning and performing maintenance. **Vice-mayor Snowden** said Mr. Thorn is a well rounded, likable and talented individual and will be a good mentor for the kids.

Commissioner Burton made a motion to fill the Teen Program Assistant position with James Thorne.
Commissioner Robbins seconded.

All zone Commissioners and the Mayor voted yes.

Consideration of Resolution 2009-01 supporting Volusia County School District recommendations.

Resolution was read by **Mayor Duffy**.

(00:30:00 – this time stamp occurred during the reading of this resolution)

Commissioner Burton said, "Orange County is cutting over 100 million from the school budget. Volusia County is cutting 13 million out of their school budget. The budget for 2009/2010 may be near \$40 million. I'm in favor of the resolution. So many people are unaware how much their voice can be an effective tool to get the state legislature to move on these actions. We need to take more of a proactive position. If a great effort isn't made, our kids will suffer." **Vice-mayor Snowden** said, "The Volusia League of Cities had a speaker from the school board at our last meeting, he said we've only seen the tip of the iceberg as far as what the city is facing." **Mayor Duffy** said she's been to many meetings on this subject. Volusia County has lost students because people who lose their houses and jobs are moving out of the state and because funding is based on the headcount of students, we're losing funding. Therefore, the money that they were counting on is gone. She continued, "There has been \$20 billion in tax cuts by the Florida Legislature in the past 10 years. General revenue has been reduced by 22%. Lottery money? When the lottery started, all the money went to general education. Then they redirected the money to bright students via the Bright Future Program that pays full college tuition for four years. I'm not knocking the program but it's reduced the

general education money from lotteries down to 16% out of what used to be 100%. Then the schools are told they have to do things that aren't funded but that they are required to do. Each county does not get the same amount of money. These decisions are made in Tallahassee. They decided for Volusia that since the county is on the ocean, we get a lot of money from tourism so they cut Volusia funding. We get 95 cents on a dollar. Each county is figured differently. Seminole County gets more than we do because they aren't on the water. That's how it's figured. Volusia County is hurting, they've closed schools, they've let teachers go, they've let administrators go. How much more can they cut and keep education going? The worst part is that the constitution of Florida points out that 'education of children is a fundamental value of the people in the state. It is therefore a paramount duty of the state to make adequate provisions for the education of all children residing within its borders. Adequate provision should be made by law for a uniform, safe, secure and high quality system of schools that allows students to attain a high quality education.' That is not being done. The resolutions that each city is drawing up is going to the Florida Legislature. Who knows how much it will help but we've got to try or we won't have funding that the kids need for a good education." **Commissioner Burton** commented on the lottery, "The lottery directs 16% of the revenue toward education. The lottery budget represents only 1% of educations' overall budget. Although a portion of the lottery revenue goes to education, in the overall budget, the lottery provides hardly anything. A lot of people who voted for the lottery were thinking that this was a good way to fund education. It hasn't worked out that way. The unfunded mandates are causing more havoc. They are having to do more but they aren't given the time or money to do it. No school vehicles go home with employees. They are considering cutting back on driver's education. There's going to be a rally in Tallahassee soon. One thing that's been proven in the past to work is direct action from citizens, they can make things can happen. I'm on the African American board of Volusia County Schools and I hear firsthand the problems we are facing. It's not a pretty picture. The realities are going to be more dire than we can imagine." Mayor Duffy reminded everybody that public education funding sources, such as sales tax and property tax, are continuing to go down.

Lou Benton

Lake Pearl Drive

I support education but on our tax bills, the percentage going toward schools is already very high. On the school boards, their lowest paid person makes more than teachers. Their salary range is \$45k to \$200k. They should go back to how it was in the '80's when there were a lot of volunteers. In their maintenance departments they waste tons of money. They buy equipment they never use. There's so much waste in the school board. They don't cut. Meanwhile the politicians then say you've got to tighten your belts but we're going to have you pay more taxes to have you pay for something else the School Board says they need. They have to be accountable for the money they spend. A set of drawings for a new school can cost up to half a million dollars. They can copy the drawings without spending all that money each time they want to construct a new building. There's no reason why they can't build two story buildings but they buy tons of land to build sprawling one story buildings. Everybody talks about kids not exercising. Put in a two story building and they'll have to go up/down stairs. It will do

them some good. Nobody holds the School Board accountable for the money they spend and waste. There's no control over their spending. Nobody's said anything about spending less. Just go to their Maintenance Department and look at all the waste. Wherever you find a convenience store, you find the school board trucks and the maintenance workers. That's our tax money. But they still want more money and they blame everybody else but themselves. You should add some notations to this resolution making them accountable for making cuts. New homeowners took a big hit in impact fees to pay for schools. I'm against what they are doing with the lottery money because they are discriminating; the less privileged kids suffer. So it's back to a one way street. The lottery situation reminds me of the service - rich kids didn't get drafted. That's what the Bright Futures Program is doing. Smart kids are getting better educations. Also, why isn't there any funding for vocational programs? If you don't have your tradesmen, you don't have buildings and with no buildings, you wouldn't have the technology you have today."

Commissioner Robbins agreed with a lot of Lou Benton's points. "We are going to start seeing more and more revenues declining. The School Board is so big that they need us now. What are they going to do for us?" **Mayor Duffy** said a lot of the problems now stem from the mandates that come down from Tallahassee that aren't funded. **Commissioner Robbins** said the last thing that should have been cut were teachers. **Commissioner Burton** said we are facing something that's unprecedented. He said everything is on the table. They're in a position that they're not hiring any substitute teachers so when a teacher is absent, the class is split among other classes. There's no longer a cap on class size and the teachers aren't compensated for having extra students in their classrooms. He then talked about the foreclosure situation and the trickle-down effect these foreclosures will have.

Commissioner Burton made a motion that we support Volusia County School District recommendations by approving Resolution 2009-01.

Commissioner Robbins seconded.

All zone Commissioners and the Mayor voted yes.

Mayor Duffy had one more comment. We get funding per head. Now they're going to start teaching classes on the web which will further reduce the head-count for calculating what funding we receive.

Consideration of Resolution 2009-02 requesting Congressman John Mica's assistance in securing the construction of an Interstate 4 noise abatement wall.

Resolution was read by **Mayor Duffy**.

(01:00:00 – this time stamp occurred during the reading of this resolution)

Commissioner Snowden asked that the beginning and end of that wall be identified. **City Administrator Findell** said the noise abatement wall, in order to be effective, would have to run along the vicinity of the ponds that were constructed along I4 to the north city limits. **Commissioner Robbins** said, "When Congressman Mica came here on Veteran's Day and met with Mayor Duffy, the distance discussed was approximately

a mile. If you start at Main Street and worked to the north city limits it's exactly a mile. There's also a section on the south end where Ms. Cody lives where the houses are very close to I4. Mr. Jones' house is sitting right there. I'm sure they're feeling the effects." **Mr. Findell** said a noise abatement wall has a very limited degree of abatement effectiveness. Even if a wall is put along the entire length of the city, it will only be effective in abating some of the noise to those houses located immediately adjacent to that wall. What happens is the sound hits the wall, goes over the wall and then comes back and runs laterally. One of the problems associated with that is that the sound actually increases as it passes the point of greatest effectiveness and magnifies as you get farther away from the wall. Regardless of whether a wall is built or not, vegetation is still needed to make it as effective as it possibly can be. That's why DOT plants vegetation along these walls.
A general discussion continued on this topic

Commissioner Robbins made a motion to accept Resolution 2009-02
Commissioner Lane seconded

All zone Commissioners and the Mayor voted yes.

Mayor Duffy read something that **City Administrator Findell** had given to her regarding the economic stimulus package. Volusia County local governments were asked by the County to submit a "wish list" of projects to be considered for funding from the economic stimulus package money. **Mr. Findell** has included on this list: citywide sidewalk repair, sidewalk construction, Baker and Connecticut Avenues potable water line installation, city roads resurfacing, city roads open grade asphalt stabilization, the noise abatement wall, expansion of and lighting for the equestrian center, the Lakeview Drive and New York Avenue storm water project, Tangerine Avenue storm water project and the S. Summit Avenue road construction project. These projects total \$4 million.

Consideration of qualifying dates for the 2009 elections.

City Clerk Nancy Wilson said it's up to the Commission when they would like qualifying to begin. The difference is two weeks. Qualifying can either begin on August 10, 2009 or August 24, 2009.

Vice-mayor Snowden made a motion to accept Monday, August 24, 2009 for the qualifying date for the City of Lake Helen

Commissioner Robbins seconded.

All zone Commissioners and the Mayor voted yes.

COMMISSION DISCUSSION

Discussion to establish a workshop date to further discuss unkempt property issues.

The Commission will determine if this topic is to be discussed at the next regular meeting or whether a workshop date should be set. The topics to discuss are:

- ordinance relating to rental properties
- properties subject to foreclosure
- special assessments and properties maintained by the city.

Commissioner Burton thinks a workshop is necessary due to the breadth of this issue. He talked more about the foreclosure problem and associated issues. **Vice-mayor Snowden** favors a workshop as well due to the far reaching nature of the ordinance. "It merits close attention and involvement of the community." **Commissioner Robbins** said, "Currently we have an ordinance on the books for unkempt properties. Could we not amend that to bring this into it rather than having to draft a new ordinance? There are a lot of ramifications here. The banks aren't going to know about our ordinance. How do we let the banks know our about it. Who is going to be responsible for letting them know? This would be an ordinance on the city books that you have to be in compliance with. The bank has to know and has to pay. This is going to be an insurmountable task." **Commissioner Burton** added "It's also insurmountable once the foreclosure rate goes higher. The more houses that go into foreclosure, the more vacant properties we're going to have, regardless of how the banks are notified." He added that banks are "procedurally savvy", however, and would handle such requirements properly. **Commissioner Robbins** and **Commissioner Burton** continued talking about the responsibility of banks, etc. **City Attorney Groot** said the special assessment wouldn't go on the tax roll unless the City took it that far but it would have the same priority as a tax lien. A workshop is a good idea. If you're going follow through on any of these suggestions, they would be separate ordinances. You really would need new ordinances. They are being considered statewide and nationwide. **Commissioner Robbins** concern is notifying the banks. Contacting lenders is an issue. There are a lot of policy issues involved. **Mr. Groot** said a similar situation in Lake Helen was the animal control ordinance workshop. It worked out well in one workshop but whatever you're comfortable doing...it's up to you. **City Administrator Findell** said, "You can have a workshop where this gets explained in more detail but you also take public comment. Details are then fleshed out. If you're able to satisfy yourselves that enough explanation has been accomplished for you to make a decision, you can move from that workshop to your first reading or drafting of the ordinance(s). On the other hand, after that meeting, if there's still considerable explanation to occur or a greater comfort level to be achieved then the workshop can be continued to another day." **Commissioner Burton** said, "We need to be proactive because catching up would be an overwhelming task. A workshop is definitely a start."

The necessity of a workshop was agreed upon and was scheduled for Tuesday, Feb 17 at 7pm.

STAFF REPORTS:

City Attorney - no report
Police Chief

Keith Chester had an update on the COP program. Representatives from the Sheriff's Department were there and gave us a lot of valuable information; the meeting went well. There will be a cost factor. **Commissioner Burton** and Mr. Chester are going to team up and present a report to the Commission. They are moving forward. They haven't decided whether the donated Orange City patrol cars will be used for this. We're not going to jump into anything fast. We want it to be viable. **Vice-mayor Snowden** pointed out that the graffiti was removed from the old bank building. Former Commissioner Lou Benton said it was removed using sandpaper. Mr. Chester added that there haven't been any arrests related to the graffiti but nor has there been more incidents.

City Administrator

"I met with DOT representatives regarding the I4 landscaping to further review the plans for plantings in the interchange areas. The goal was to reduce potential maintenance responsibilities to the parties involved. We discussed concentrating on planting trees rather than understory vegetation."

(01:30:00)

"The purpose of that is that understory requires the greatest maintenance. Reduction of that helps reduce maintenance responsibilities. DOT's idea of a typical maintenance plan funded project is different from our maintenance obligation. We want to revegetate an area that had been destroyed when construction occurred within the interchange areas. We want to revegetate in a natural sense not formal landscaping. After much back and forth, DOT recognized that's our goal and they've worked on a revised maintenance plan that's dramatically different from their normal maintenance plans. I now need to discuss this revised plan with the county part of which is eliminating the need to mow within treed areas. This levies a less rigorous responsibility on all parties for ongoing maintenance. It will be maintenance as needed vs. scheduled maintenance.

"Also, the PLDRRC discussed sign ordinance revisions relating to subdivision signs. They are satisfied with the proposed language so an ordinance will be drafted to present to the City Commission."

"The stimulus package. I've spent a lot of time at meetings and working on this package. The **Mayor** alluded to something earlier that's my largest concern and that is the way the legislation is crafted coming out of the House and Senate. It focuses on large scale regional projects. It does so because of the rules that have to be followed for funding to be received. Those of us in Volusia County who have been working on our list of all our projects realize there's only one project that meets those requirements and that's the extension of Dunn Avenue on the coast. With all these dollars being thrown out there by the press as being available for stimulating the US economy, I fear that the majority of the money will go to large scale projects. If that occurs, those things that we'd like to do for our citizens, to better Lake Helen, to improve the quality of life here and provide infrastructure improvement, will pass us by. I hope it doesn't materialize but I thought it would be a good idea to bring it up now so there wouldn't be any misconceptions. Projects that I've put together in my list are projects that can be

shovel ready in 120 days. They simply require permitting which can be accomplished in relatively short order. The other projects just require contracting or you piggyback on a county contract. So, in that sense, they are shovel ready. However, their definition of shovel ready is meeting the federal guidelines.”

Code Enforcement Officer – no report

MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE

Zone 1/Commissioner Robbins – no report

Zone 2/Commissioner Burton

“I want to speak about the James Massey Community Center. At last Saturday's event there were over two hundred kids. The plan is to rehabilitate that facility.” He talked more about the plans for fixing up that Center. Also, he put some flyers on the table about Project Hope. “Tropical Storm Faye hit last August. It was a storm that came and went fast. There were damages from this storm. The funding for this will run out at the end of July but there is still money available for victims who were affected by that storm. If we have another climactic event, will there be enough funds available for next catastrophe? We don't know but we do know that there is money available for this catastrophe. I'm now working for Project Hope, a non-profit organization. The federal government has set aside these funds and now the biggest task is to find the victims who didn't realize that there's money available. There are a number of people in Lake Helen who may qualify for this help.

Zone 3/Vice-mayor Snowden

“I've had a number of people contact me regarding their water bills this quarter. They are having a problem with their water bill or they are unable to pay. We are all feeling the crunch. I don't know what the solution is. I know that when you have a citizen come in the office and they have a problem and they feel intimidated and threatened by that problem, they look to the City to be big brother and help them solve their problem. There have been cases where good common sense prevailed and it was something that the billing clerk or Ricky or Don or someone may have been able to say ‘certainly this was an error, we can rectify this.’ For those that don't pass that hurdle, they get forwarded onto their zone Commissioner. I've talked to about six people. We have the ordinance that requires you to pay and you're given a grace period. If you don't pay within that period, you are subject to the additional charge of a cut-off and reconnect charge. I know when that came into being and I appreciate why it's there. It's another financial burden and I don't think it's impacted a lot of people but those who are really late in getting their money in to pay their bill and then they are hit with another penalty, that just compounds the problem. Part of the reason they can't pay their bill is that they don't have the funds, they've fallen on hard times, they say ‘I can't afford this how do you expect me to pay a greater amount?’ I don't know what the solution is but I had one person call and say I told them at the very least, pay your water bill. If your penalty has to be carried over to the next billing cycle, at least you paid your water bill. I'd rather see somebody pay their water bill and continue receiving bills and not be penalized or

cut off. There are horror stories about people who can't afford electric or water and it puts them at a disadvantage. He was just throwing that out for ideas.

Commissioner Robbins received an email from a customer. This person's normal bill was around \$60 -\$100 and their bill this quarter was over \$300. As late as last week, I'd received another email from that person that nothing had been done. She wondered if she should just pay her bill until the issue is resolved. **Ms. Robbins** agreed that's what she should do. **Mr. Findell** suggests that a late payer at least pay the base amount to hold them in abeyance until the issue is addressed. He's not sure it can be addressed to her satisfaction because we've gone through the normal routine of rereading the meter and checking/testing the meter. Both things were fine. However, when you check the usage since the time of the reading, the usage has gone back to normal. So something abnormal occurred. Whether it was an abnormality on the part of the equipment on our side or an abnormality on the owner's side, we may never know. I told her she wouldn't be cut off and that she would not be adversely affected in the meantime until this is resolved. Secondly, he's extended the opportunity for a number of people to utilize that section of the code that allows them to put down a portion of their bill toward their payment. On the bill is the date by which all that has to be accomplished. In a number of instances, individuals have not followed the letter of the regulations and **Mr. Findell** has been asked if we could afford them the opportunity and he said yes, in this particular incidence. One of the issues that we have as it relates to some of these bills and problems with people having leaks and receiving high water bills is the fact that we read meters quarterly so if there's a problem, it might not be caught for a couple of months. One of the options we're going to have to explore is going to a system where we bill more often or read more often than quarterly. The City has to weigh what the cost of implementing that system will be in terms of personnel resources and costs. Situations like this are bringing this topic up again. In addition, there are a lot of unpaid bills that we incur the expense for when people leave town and don't pay. We are losing revenue in that regard too. The flip side is it's going to cost more to do monthly reading. "I struggle with having the remaining rate payers pay for issues that result from a number of other people. Luckily, the rate payers that follow the rules and make payments on time or take care of their leaks are far greater in numbers than the ones who have individual issues."

Mayor Duffy asked **Commissioner Robbins** about monthly readings. She said postage alone would cost an additional \$500 plus all the staff resources.

Commissioner Burton said he spoke about a citizen with whom he had discussed his water bill and the man's inability to pay. He discussed other community help available to Cheryl set up a payment plan for the man. We are in a situation where we all have to start helping each other. There are those small number of people who will take advantage of the system.

Zone 3/Vice-mayor Snowden

Mr. Snowden said that people have been expressing an interest in reviving Founder's Day. It was quite successful several years ago. It's an event that brought people together. He'll speak with members of the Historic Preservation Board to see if we can get the impetus to have another one. Last thing for point of interest – When we do ordinances and resolutions we search for the correct verbiage. His understanding is, when we do a resolution we vote to **approve**? If we are adopting an ordinance, we

vote to **adopt** an ordinance. We had two tonight and different language was used. He doesn't know if this makes a difference. **Mr. Findell** said the intent was the same. A resolution is usually approved, as is a proclamation. An ordinance is adopted.

Zone 4/Commissioner Lane – no report

Mayor/Mayor Duffy

Lake Helen Day is on February 21st from 8:30 – 12:30. There's a book up here for people to sign up if they want help or need help. Last year, when it was over we got a tongue lashing that not one person from the City was there. In fact, nobody from Lake Helen was there. **Vice-mayor Snowden** said the dates are now firm dates and they fall on dates he can't attend.

ADJOURNMENT

Meeting was adjourned at 9:00 pm.

Joan L. Duffy, Mayor

Nancy Wilson, City Clerk