

**REGULAR MEETING
LAKE HELEN CITY COMMISSION**

**March 5, 2009
7:00 P.M.**

MINUTES

A REGULAR MEETING of the City Commission of the City of Lake Helen, Florida was called to order by **Mayor Duffy** at approximately 7:00 p.m. Present were **Mayor Duffy, Vice-mayor Snowden, Commissioners Robbins, Burton and Lane.** Also present were **City Attorney Lonnie Groot, City Administrator Don Findell and City Clerk Nancy Wilson.**

CALL TO ORDER: Mayor Duffy

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation and Pledge of Allegiance led by City Attorney Lonnie Groot.

DELETIONS OR MODIFICATIONS TO AGENDA

No deletions or modifications

COMMISSION ANNOUNCEMENTS

Commissioner Robbins said, "About three or four weeks ago, I had a call from Sean Abshire, the newest member of the Parks & Recreation Committee. He asked me if I would contact Congressman Mica and see if I could obtain an autographed picture for him. I emailed Congressman Mica's office and last Friday I got a call from Washington DC asking for my home address. The next day there was a Fed-Ex package and it was a picture for Sean and a clipping out of the newspaper. Our Congressman does know what's going on in Lake Helen. Mr. Mica said he hoped Sean would continue his interest in government and the GOP. I also got a letter that said, 'Ann, here are the photos you requested for Sean. The Wall may take a little longer but eventually we'll get there. Regards and best wishes, John Mica.'"

Commissioner Robbins added that Sean is a nice young man who has a lot of potential.

MINUTES

January 15, 2009

Commissioner Robbins wanted to add the minutes of February 5th to the agenda. They were given to her that morning and she'd already made corrections.

Commissioner Robbins made a motion to add minutes from the meeting of February 5th as a modification to the agenda and to accept the minutes from January 15th.

Vice-mayor Snowden seconded.

All zones and the Mayor voted yes.

CONSENT AGENDA

Bills – March 5, 2009

Mayor Duffy asked about the Youth Center repair for \$1850. Rick Mullen explained that a toilet overflowed and the building had about 1.5 feet of water in it. There was no damage. She also asked about the John Street Well expense of about \$57,000. That was for the new tank? Rick Mullen answered in the affirmative. **Mayor Duffy** continued, "I have a question about the platinum plus credit card charges on the bills. I don't know why we have to use credit cards when it's been requested that we use purchase orders. I think we need to collect these cards."

Commissioner Lane added that to have an expense listed as a credit card charge doesn't tell us what the charge was for. He said he knows they are separated into different funds but there should be something indicating whether it was a charge for maintenance, food or whatever. **Commissioner Robbins** said she usually looks over all the charges. "There were a few Creative Arts Café charges I'm questioning, and I hate to keep harping on this, but last meeting Keith mentioned that he was running at a deficit and yet there are two bills, one for American Favorite Coupon for \$159 and one for Clipper Magazine for \$399 that were included in the CAC charge of \$4148.98. I don't understand if you're running at a deficit, why we are doing buy one get one free or half off or whatever. Because, in essence, we're giving food away. I haven't seen any indication that the CAC is bringing in enough to make this up." Keith Chester said the advertisements have helped immensely in bringing in new business. We are actually meeting next week with Don (Findell) and we're getting a little committee together to review our expenses and revenues. We have suffered like everyone else in this economy. Advertisements are something that can be very beneficial but maybe we don't need to be doing as much. We're going to review everything. **Commissioner Robbins** asked if this is done every month and he answered yes. He also said that she's welcome to sit in on the meeting. **Commissioner Robbins** tallied the advertising costs for a year and if they continued with the current schedule it would cost \$6,700 a year. Keith Chester said most restaurants continue to advertise even in tough times because it makes people know that you're there. Our cost for the advertisement is not what's hurting us, I think it's the food costs that we have to balance out. Ultimately, we will have to raise our prices in order to make a profit. We're working on that diligently. Kelly's (Zender) has been doing a lot of research on this. **Commissioner Robbins** said, "At the last meeting, the meeting before, the meeting before, I keep talking about going green green green. I want to save money on electricity and I have yet to have anybody tell me what's happened with the cemetery lights. **City Administrator Findell** said Keith didn't think that was a good idea. He said the lights in the cemetery have been very beneficial for the Police Department. It's beneficial because kids are still going in even with the fence. Keith Chester continued, "Over the years I've been the one who's spent more time there than anyone. I can sit in the dark and see people come and the lights are a very good deterrent." **Commissioner Lane** asked about motion lights. Keith Chester answered that those lights come up very slowly. **Commissioner Robbins** then asked about the tennis court lights. She said that's one of the biggest expenditures the city has on a yearly basis - the line item of electricity.

Keith explained how there are now two meters at the CAC. One of the meters wasn't being read for a period of time and once the power company realized their mistake, they hit us with back payments; that's part of the reason why the bills are so high now. He agrees with **Commissioner Robbins** that we need to do the best we can with conservation. She said there are a lot of lights on at the café all around the building. Is there a way to turn off every other one? Keith said no because they're inline lights. He then added that when the Café was built they used low energy fluorescent bulbs that just use 13W and give 60W light. That's a security measure to keep those lights on. **Commissioner Robbins** said, "Let me put it this way. Is there a way that while the Café is open or the teen program is running to turn off the outside lights until closing? Keith said they come in and out so there is a safety issue. "If you've noticed, we have been turning off the main outside lights - the big floodlights. We've just been using the lights under the porch which are smaller lights. We're aware of it, we just need to consider security."

Rick Mullen said, "I did as you requested. I went out for three estimates and received two back. We got a price of \$872 for the timer at the tennis courts. Ted Roberts gave the lowest quote but KDT brought up something I hadn't thought of and that is that they need to use time delayed relays. With this necessary component included in the quote, KDT ended up giving us the better price. There will also be two plaques telling the operator that the lights will turn back on in 10 minutes. The lights between the two courts will stay on for safety reasons and to illuminate the path to the main switch." Keith Chester then added that the Café has timers on their lights. **Commissioner Snowden** asked Rick Mullen from whom we received quotes. The answer was that he requested quotes from LCS, KDT and Ted Roberts but only received responses from KDT and Ted Roberts. KDT reminded me that we need to use the time delay relay and that cost was factored into his quote so we will go with him even though his price was a little bit higher. He added that the lights at the tennis courts are controlled by the master switch. Ricky also said that he got a solar light for the flagpole.

Commissioner Burton made a motion that the timer be added to the tennis court lights.

Vice-mayor Snowden seconded

All zones and the Mayor voted yes.

Commissioner Burton thanked Ricky for being on top of this. **Commissioner Snowden** asked Ricky about the cleaning at the Youth Center and that cost \$1815. Ricky answered that they had to rent big heaters and blowers in order to salvage the \$7,000 floor that was just installed and prevent mold. It's expensive but it had to be done. So the floors wouldn't lift and buckle, the room had to be dried immediately. **Commissioner Robbins** said it cost \$1200 just for the heaters and \$200 for mold control. The problem stemmed from people trying to flush objects down the toilet that shouldn't have been flushed. **Commissioner Robbins** asked about the charge of \$105 from Atchley. Keith answered that it was most likely a part for the Café's stove.

Commissioner Robbins made a motion to approve the bills in the following amounts: General Fund - \$5020.71; Utility Fund - \$68537.03, CAC Fund - \$9370.71.

Vice-mayor Snowden seconded.

All zones and the Mayor voted yes

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:

Hannah McCarthy

244 Church Street

"I'm raising some money to help pay for the Deland Middle School chorus's field trip to New York. We are going to be singing at Lincoln Center in honor of President Lincoln's birthday. We're having a yard sale this weekend so if there is anybody who'd like to give us some items that you don't need, we can sell them. We can pick them up or you can drop them off at my house. It's on Saturday, March 7th and 8th from 9 a.m. to 5 p.m. at 244 Church St. 15 kids will be going and most of them dropped out so now we only have nine kids going. The other kids aren't going because they couldn't afford it."

Commissioner Robbins asked if each child had to raise their own money. Hannah answered yes. There are some fundraisers going on and that money will go to help those kids who otherwise wouldn't be able to go. There are a handful of kids who need help and we're trying to raise enough money to help them. It costs about \$600 per kid.

Mayor Duffy said we'll display your poster and we will do everything we can to donate to your garage sale. Keith Chester suggested donating about \$100 worth of the things the City was going to sell in the auction if that would be acceptable to the Commission. He said we could estimate about \$100 of that and give it to them.

Commissioner Burton made a motion to donate \$100 worth of the items that had been in the storage trailer to the garage sale so more kids could possibly go on the trip to New York.

City Administrator Findell said we are proactively declaring something surplus. That's the importance of Keith doing the list so that the list can be presented to the City Commission at a later date and they can retroactively approve it. **City Attorney Groot**

said what you're really doing is delegating Don and Keith the authority to declare surplus at approximately hundred dollars worth of material. You're delegating that authority.

Commissioner Burton restated his motion. He made a motion that City Administrator Findell be allowed to declare \$100 worth of items as surplus on behalf of Hannah McCarthy for her yard sale.

Vice-mayor Snowden seconded

All zones and the Mayor voted yes.

*Elisha Lee
Michigan Avenue*

"I was hoping to have an event at my store the Saturday before Mother's Day which is May 9th. I'm calling it "Mother Earth Day". There will be a few vendors, a friend playing drums and a few of my friends.

(00:30:00)

I'll be inviting people over from Market in the Park. There will also be some local artists in attendance. Basically, I want to have an event at my store to generate some business. It would start at around 11:30 a.m. so we will be able to park in the Post Office lot and on my property." **City Attorney Lonnie Groot** asked if she is requesting a permit. **City Administrator Findell** said this would fall under the special event permitting process. The request is to have a small festival at the location of Elisha's store. The purpose of having a special permit or approval by the City Commission is to ensure that the individual coordinates with the police department or any other department that might need to be coordinated with in order for the activity to occur. He said there's plenty of time to address this. The special event approval process is one that typically entails getting with Keith at the police department to ensure that he understands what the event is going to entail so that he can determine if there is a public safety issue or whether he needs to assign officers to address a potential public safety issue. Also, getting with Public Works to determine whether or not it requires Public Works assistance in any fashion and to provide as much detailed information about the event as possible so that we can bring it back to the Commission and get their approval. That can be done at the next meeting.

PUBLIC HEARINGS

No public hearings for this meeting.

COMMISSION CONSIDERATION:

Consideration of request by Community Roots, Inc. to have permit fees and a one day Hopkins Hall rental fee waived.

*Elisha Lee
2729 Haulover Blvd.
Deltona*

Community Roots is now incorporated. Chris Baker said he had mailed a package to

the City Attorney last Friday about the incorporation. **City Attorney Groot** said Community Roots is now a non-profit corporation abiding by the laws of the State of Florida. They are about to make application to the IRS for 501(c)(3) status. Chris Baker said the 501(c)(3) paperwork will be mailed tomorrow. The memorandum of February 26, 2009 itemizes what they're asking for. Chris Baker said they are asking to have the permit fees waived for the various permits that they need to get started. "There are permits for everything and we're asking for those fees to be waived. Everything we're asking for is listed in the memorandum." **Commissioner Robbins** asked if they have submitted their plans and drawings to the City. Chris Baker answered "no". He said each Commissioner has a copy of the draft of what they have in mind but he is working on drawings. He started the permitting process for the fence they want to put up and then realized that they needed to come before the Commission and ask about the permit fees. **Mayor Duffy** asked about part of the property that's marked "phase 2". Chris Baker answered, "The first phase is half of the land you see on the drawing which is three acres and that would take a period of time for us to develop so phase 2 is down the road a bit. That property is ours to use now. We have a five year signed lease with the Costa family at a cost of \$10 per year which is a good deal. Once this project takes off, I hope that we can move toward acquiring the property for the entire community's use. That would be a nice addition to this town." **Mayor Duffy** directed the Commissioners to look at their packet that outlines what the permit fees are. This was compiled by Wendie Levings, she has itemized these fees. Mayor Duffy asked if they have specifications of the sheds they want. With one size, you pay a certain application fee and with a larger size, you pay more. As far as us approving one or the other we can't do that because we don't know what you're putting up. Chris Baker said he has two sheds listed, one is 8' x 10' and one is 20' x 40' which is an enclosed shed that would have 10 foot overhangs. The 20' x 40' one would be erected on a cement pad, the dimensions of the pad would be 40' x 60'. There will be an enclosed area in the center of the shed which is where the tools will be stored and where washing of vegetables will take place plus all kinds of other activities. The propagation house is a greenhouse that will be 21' x 36'. **Commissioner Burton** said "I'm assuming that since this came from Wendie that she has a sufficient knowledge of what you are planning to do so that she could fix a cost to it." Chris Baker said, "Yes. Basically what we're asking for is a fence permit, two shed permits and an electrical permit. We understand that a well is permitted by the county." **Commissioner Burton** said, "What I'm getting at is the prices that are quoted here came from our building department." **City Administrator Findell** said he could clarify this. "What she's done is provide an indication of what the minimum building fee would be. That would vary depending upon what it is that's being requested." **Commissioner Burton** said, "If we were to approve this when you submit your drawing and the permit costs more than what we approved, you would have to pay the difference or ask the City to grant the same variance like they did on the first one. This is just to get the ball rolling correct?" Chris Baker said yes. **Commissioner Burton** continued, "I commend you for taking the time to go through the hoops the government requires you to do. This is an obstacle not a barrier." Chris Baker said there is a request on their memo for a water meter. In talking with the Volusia County people who do the permitting, they weren't too keen on us washing vegetables with well water or having the public wash their hands with well water so we're going to need to run a line for city water and pay those bills. Mr. Baker

said he's asking for financial help in installing the meter, not paying the ongoing bills. Chris Baker said we are going to use well water for irrigation. The county threw up some red flags saying that if you're going to be open to the public, you can't use a well for drinking without special filtering and testing. Using city water for small things will make configuration of our facilities a lot easier. We'll be using drip irrigation and will institute strict water conservation methods. **City Administrator Findell** said for the Commission's knowledge, there are a couple of permits listed that the Commission does not have discretionary power to grant waivers for. One is for any permitting done by Volusia County. That's separate from us and any fees they require are paid to them. The other is the water meter because the City has SRF loans and those loan covenants preclude the city from waiving fees for service. If you allow free service of any kind under the SRF loans it jeopardizes your relationship with the state and the state can say the city was in breach of contract and they can call the loans. It's a prohibition within the loan. **Commissioner Burton** asked Mr. Baker if he understood that \$480 might be something we can't waive. He answered yes. **Commissioner Robbins** brought up the necessary impact fees saying they hadn't been factored into the start-up costs. **Mayor Duffy** said two things that haven't been taken into consideration are the plans and specifications that our inspector reviews which have to fit in with Lake Helen's requirements. The building inspector is not a City employee, he's a contract employee so we have a contractual obligation to pay him for the services that he performs. **Vice-mayor Snowden** asked Mr. Baker if any of the buildings will have a septic system. He answered, "No, that would be a tremendous expense. We're hoping to use the restrooms at the trailhead and if that doesn't work out we'll get a porta-potty." **Mr. Findell** asked if he'd talked to the health department about that issue and whether they'll require him to have a septic tank. Mr. Baker said he hadn't spoken to anybody about this matter. **Mayor Duffy** said "I really hope you can get this project going. You have asked for a free rental of Hopkins Hall on April 4th. I'd like to propose that you put off trying to get the permitting fees until you collect some money. Since the silent auction would be your first event to raise funds I recommend that we approve the Hopkins Hall fee waiver so you can have your fundraiser and start collecting the money you need to get this going. You can then move forward." Chris Baker said the money is just not showing up. "I came here last May 15th to talk to everybody about pulling together as a community and create some food so we can be self sustaining. The economy has tanked. But I keep plugging along and now I've come to see if we can work together because the future is in urban agriculture. There are so many rules and that's the reason why there are no vegetable farms here because of all these complications and expenses. I spent a lot of time doing this and now we're to the point where we're sitting down with grant writers. I'm asking for about \$400,000 to do some of these programs and get things going. I'm not one to play around. This is a real community garden and can actually produce a lot of food. There will be an educational center that will provide a lot for the community and all we need is some funding. I'm just trying to find out if you guys are interested in trying to assist us a little. I really like the Costa property. One reason is because it is very visible. We can do a lot with the property because of the accessibility. We could be a big part of teaching other people how to grow organically in this area." **Mayor Duffy** said she's really in favor of this but we have to do it the right way. She asked for the other Commissioners input. **Commissioner Burton** said, "My concern is do they have the money? About a year or

so ago there was a proposed office building on the corner of Church and Main. It was supposed to be a real estate office as well as a mortgage investment brokerage firm. Obviously the stock market and the economy took care of that. Because they don't have the money, I don't think that should be an issue. **Commissioner Lane** said he's all for the project. It's a wonderful location. It's almost a match made in heaven and it would be perfect in a lot of ways. He hopes that they can keep the momentum going. He continued, "You've done a lot of work already. You're incorporated and you're moving right along from what I can see. You have knowledgeable and hard working people involved in this. I've attended a couple of meetings and I'm impressed by the organization. I would be willing to waive Hopkins Hall rental fees and to waive some generic fees, say the first \$500 of permitting fees to paid to the City of Lake Helen, we could make it vague for whatever came up." **City Administrator Findell** asked what grants they're applying for. Mr. Baker said, "I met with Michelle Moen who's with the Volusia County Soil and Water Management Commission. She's part of another organization made up of seven counties. They write grants and they take a percentage of the grant. All these nitty-gritty details just tear me up. I'm going to see if we can get some money from a grant. Getting money from private people is not working. It takes a lot of energy to get money from people. I was envisioning that all of us could come together and create this farm but it was unrealistic to think that I could get a lot of people together to work toward the same goal. Were brand-new at grant writing but it looks like it may be our only option. We are back down to zero after paying \$750 to set up our 501(c)(3). **Mr. Findell** said that sometimes grant money can be used to support the permitting. It would seem to me that the silent auction would be a good starting point. That's sort of your beginning fundraiser. The beginning fundraiser gives you the opportunity to gauge what your additional financial support needs to be and whether that is going to be sufficient for you to do anything in the short term. Let's just say you get enough money from the silent auction to initiate the permitting process.

(00:01:00)

At the point that you determine you have the money to proceed with one aspect of the project, that might be a more appropriate point to come to the Commission and ask for a permit fee waiver. Things will flow a little bit better that way and perhaps you'll have more confidence. Chris Baker said, "I'm confident or I wouldn't be here. When I explain my concept to people, they are very enthusiastic and they say the money will come." **Mayor Duffy** said, "I think it's important to know all the details first. If we were to approve waiving the two pages of permit fees we don't have a clue as to what the total is going to be. It will be over \$1000 not including inspector's fees and other miscellaneous fees. Let's do one thing at a time. Start with your fundraiser and getting grants.

Commissioner Lane made a motion to waive the rental fees for Hopkins Hall set tentatively on April 4th for Community Roots fundraiser.

Commissioner Robbins seconded.

City Administrator Findell said he wanted to once again make sure that everybody knows, including Chris and Elisha, that at some point down the road when you're talking

about waiving fees as it relates to building permits, it's not that you're simply making a paper transaction. The city is going to be paying the fee because the city is paying the fee to the building inspection company.

All zones and the Mayor vote yes

City Attorney Groot said when you waive fees, you really are paying them. You're paying fees for an entity, and that's why it's very important to be a nonprofit. However, there needs to be a public purpose for that particular entity. Then there are certain things, like the water meter, where the City is under a bond covenant and can't waive that fee. You can't waive impact fees but you can pay them because there's a public purpose. It's fine to do that but it's just important to know that you'll be setting policy if you do this once. You may be establishing a de facto policy. People can say in the future that they got cheated by the 501(c)(3)'s. Just keep that in mind. **Mr. Findell** said it's just information that everyone needs to be aware of. We're discussing this particular item on the agenda but the same information applies to future items. **Vice-mayor Snowden** said, "We're obligating the taxpayers to fund something that maybe few people would want to fund. By waiving the permit fees, the City ends up having to take the money from all the taxpayers saying it's all right for the City to pay for this but part of the population may not agree with us." **Commissioner Lane** added, "On the other hand, we have the Equestrian Center and the tennis courts. Not everyone rides horses or plays tennis but it's good for the community as a whole to have these nice facilities. Even though Community Roots is a private enterprise, a community farm would benefit everyone. I certainly understand the Commission's caution regarding the permits and inspection fees which we literally would be paying. In the infancy of this, I think we made a good decision by waiving the Hopkins Hall fee and waiting until later to decide on the permit fees." Mr. Findell clarified that the tennis courts were paid for by grants and impact fees. The citizens did not have to foot the bill on that project.

City Attorney Groot said, "If there's development on a site, whether it's done by the biggest developer in town or the Boy Scouts of America, if there's development that occurs that would cause bathrooms to be needed, you wouldn't tell one developer that they can use the park bathrooms. The rules need to be applied uniformly. We don't want to say that you don't have to build bathrooms because you can always use the parks'. That doesn't work." **Mr. Findell** said that's an issue they need to discuss with the health department because the health department is the jurisdictional agency and it's their rules that will determine the needs on a property. **Commissioner Lane** said that would be a blow to their budget. **Commissioner Burton** said, "We just approved an \$850 expenditure to install a timer at the tennis courts, the justification being that it would pay for itself over time. A community garden in this community would more than pay for itself plus it would be a value to the community. I think as a Commission, we need to be forward thinking and think outside the box. It's very easy to sit in the box and speak about what the City's money is going to pay for. We can agree to pay \$10,000 or \$50,000 for something that may or may not be productive over the short term but over the long term it may pay out. As far as the septic tank approval it's not for us to say. This is the infancy of this program and you may have been premature bringing this request for fee waivers to the Commission but we don't want to discourage you. This should not be something that discourages you. I feel that you are discouraged. We have to be stewards over the taxpayer's money so we're doing what

were obligated to do but we don't want to discourage you from doing something that in the long run will be beneficial to the community. In fact, we could even be a model for such programs. A lot of things we do here in Lake Helen provide us opportunities to look bad or good. My personal feeling is that Community Roots is trying to do something that would make Lake Helen look good and benefit the citizens." Chris Baker concluded by saying they haven't had an organizational meeting since last summer but there's a small group pushing forward. Everything seems to take a lot of time and there's a huge learning curve due to legal and government requirements. He will keep the Commission in the loop. Their next step is to erect a fence once they accumulate \$850. **Commissioner Lane** said he will do what he can to support this process.

Consideration of Resolution 2009-03 calling for municipal elections to be held in the City of Lake Helen, Florida.

Mayor Duffy read the preamble of the resolution:

A RESOLUTION BY THE CITY OF LAKE HELEN, FLORIDA, CALLING FOR MUNICIPAL ELECTIONS TO BE HELD IN THE CITY OF LAKE HELEN, FLORIDA, ON TUESDAY, NOVEMBER 3, 2009 FOR THE PURPOSE OF ELECTING ONE (1) COMMISSIONER FOR ZONE 1; AND ONE (1) COMMISSIONER FOR ZONE 3; AND A MAYOR, EACH OF WHOM SHALL SERVE A TWO (2) YEAR TERM OF OFFICE TO COMMENCE AT THE FIRST REGULAR CITY COMMISSION MEETING FOLLOWING THE GENERAL ELECTION; SETTING CANDIDATE QUALIFYING DATES, AND PROVIDING FOR THE LOCATION OF THE POLLING PLACE AS STATED BY THE VOLUSIA COUNTY UNIFORM MUNICIPAL ELECTION SCHEDULE.

This resolution is setting the dates for municipal elections to be held. This is a yearly resolution we have calling for elections. Qualifying is July 27, 2009 through August 7, 2009.

Commissioner Robbins made a motion to approve Resolution 2009-03
Commissioner Lane seconded.

All zones and the Mayor voted yes.

Consideration of Resolution 2009-04 supporting the enactment of legislation proposed in House Bill 119 and Senate Bill 874.

Mayor Duffy read the preamble of the resolution:

A RESOLUTION OF THE CITY OF LAKE HELEN, FLORIDA SUPPORTING THE ENACTMENT BY THE FLORIDA LEGISLATURE OF LEGISLATION PROPOSED IN HOUSE BILL 119 AND SENATE BILL 874.

City Administrator Findell said, "At the last meeting, we talked about issues relating to maintenance of abandoned properties, rental properties and foreclosed properties. This particular legislation does a couple things at the state level. It provides for the establishment of a statewide registry of lending institutions. It provides the ability for local governments to recover their costs for maintenance activities where they incur expenses. It also provides that the lien that is established for the recovery of those costs is a lien that is a superior lien as opposed to an inferior lien that's typical of a code enforcement lien. It's essentially the same as a tax lien." **City Attorney Groot** said,

“These bills, as they were introduced, were very positive for local governments. Hopefully, they will stay that way throughout the session. They are doing on a statewide basis what the City of Lake Helen was thinking of doing locally.”

Commissioner Robbins asked if the Commission passes this, will it be sent to the legislature. The answer by the City’s attorney was “yes”. **Commissioner Burton** said, “In the section where it says to permit local government to record a lien, assessing such properties, this is where the lien would have equal priority to property taxes. At the League of Cities lunch, I sat next to an attorney and I was explaining to him what we were planning to do regarding special assessments. When I said that, he became alert. What a special assessment does is give us priority so when it comes time to sell a house, when the bank has filed fines and liens against the property, those fines don’t get negotiated down, they have to be paid at their full value. Our code enforcement officer spends time in court only to have a lien reduced to almost nothing or a lesser amount. I feel that this does something that many municipalities will want to do.” The **City Attorney** said this helps local government. Municipalities are the ones who have to maintain these properties when they start to deteriorate.

Vice-mayor Snowden made a motion to adopt Ordinance 2009-04
Commissioner Robin seconded.

All zones and the Mayor voted yes.

City Attorney Groot added that this only has to do with foreclosure properties. The special assessment ordinance will be brought to the Commission shortly.

Consideration of reenactment of Emergency Ordinance 2009-01 opting out of the provisions of Chapter 95-462.

Mayor Duffy read the preamble:

AN ORDINANCE OF THE CITY OF LAKE HELEN, FLORIDA RELATING TO THE DATES OF CITY OF LAKE HELEN ELECTIONS AND THE QUALIFYING OF CANDIDATES FOR ELECTION TO OFFICE; OPTING OUT OF THE PROVISIONS OF CHAPTER 95-462, LAWS OF FLORIDA, AS AMENDED BY CHAPTER 98-506, LAWS OF FLORIDA; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE OF ORDINANCE AND AN EFFECTIVE DATE.

This is the ordinance the City had to prepare because of the change of elections in Volusia County. **City Attorney Groot** said the reason we’re enacting this through the regular process is so nobody can ever come back and say it wasn’t enacted properly. If after the emergency enactment, we bring it back and take it through the regular enactment process, there’s never any question about its legitimacy.

Commissioner Robbins made a motion to approve Emergency Ordinance 2009-01 on first reading

Commissioner Burton seconded

All zones and the Mayor voted yes.

Consideration of Ordinance 2009-02 relating to a speed limit and speed zone study/traffic study.

Mayor Duffy read the preamble:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA RELATING TO A SPEED LIMIT AND SPEED ZONE STUDY/TRAFFIC STUDY; PROVIDING FOR LEGISLATIVE FINDINGS AND PURPOSE; PROVIDING FOR ACCEPTANCE OF THE LAKE PEARL DRIVE TRAFFIC STUDY; PROVIDING FOR ESTABLISHMENT OF A SPEED LIMIT AND SPEED ZONE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

Lou Benton

340 Lake Pearl Drive

"I'd appreciate it if you'd pass this. Right now there are two signs, one on the corner of Lake Pearl and Lakeview and the other one is on the corner of Lake Pearl and Prevatt. About halfway down the street, we should put two more speed signs facing both directions in case drivers don't see the signs as they are turning onto Lake Pearl. There was a 24% increase in traffic from the first study to the second study. This issue has been going on for 10 years." He doesn't think there should be any leeway regarding speed when issuing tickets. If somebody is going over 25 mph, they should be given a ticket. People do not learn a lesson unless it costs them money. If there are no tickets given and people don't have to pay out of their pocket, the speed limit will be ignored. This road is very narrow and so it's even more important that the speed limit be obeyed.

Commissioner Robbins said, "Back a year ago, we did a significant amount of research as far as speed bumps were concerned. I haven't let up on checking these things out. While we were in Ohio last year we went through a residential zone. There was a very small sign displaying car speeds. I called the company who made it and they sent me to a Florida representative. These things cost about \$4000. I really think that it would be beneficial for the city to have something that could be placed strategically wherever we're having a problem with speeders. There are probably grants available.

(00:01:30)

I have the names of two or three companies. I called last week when we were in Orange City where we noticed another radar speed sign. It was a camera. They sell for approximately \$4000. They were having problems with drugs in that area so they purchased this camera that is connected to the officer's laptops. In that area of Orange city they have all but eradicated the drug problem. Every person that I talk to in regard to this radar speed sign thing told me that it is a traffic calming device that any city should have. We probably have enough assets that can be turned into money so that we could purchase one of these. I think that would be very beneficial to our city. It's a real deterrent." Keith Chester recounted that in his experience speed tables are very effective. Speed tables I've looked at were made out of asphalt but it's just asphalt and it's formed into a table and you have to have signage. From personal experience they are very effective. They had the same problem in Lake Mary that we have and they are the best calming devices out there. Before we spend \$4000 on a radar sign, it might be

interesting to do some research on the speed tables. The asphalt ones should be cheaper than the ones we were looking at before that ran around \$10,000. **Mayor Duffy** said the problem with that is that they'll just move to a road that doesn't have the speed table. Rob (Radosti) wants a sign that records speed. It has a recording device in it that will basically do a traffic study. It will tell you what time of day speeding is occurring. Keith Chester said at the same time that they're speeding on Lake Pearl, they're speeding in a school zone and they're speeding on Summit Avenue. Those are all routes to school or college. The speeding is all over the place. **Commissioner Robbins** said that will only help on Lake Pearl, not any other roads. I think the device I described would help everywhere. Keith said it would be a nice device to have but he doesn't think it's as effective as a speed table. **Commissioner Lane** said laying down a few asphalt tables would cost a great deal less. To make something that's movable is going to cost a great deal. He said he would check some prices.

Commissioner Robbins made a motion to approve Ordinance 2009-01 on first reading

Vice-mayor Snowden seconded

Commissioner Lane said he wasn't familiar with the traffic study Don (Findell) referred to. **Mr. Findell** said what the traffic study says is that it is essentially the same traffic study as the traffic study that was done previously with the exception of the last paragraph of the recommendation. The recommendation is that the 85th percentile speed indicates that the posted speed limit should be retained. That's based upon a typical traffic study analysis that looks at traveling speed. The 85th percentile is a marker that is used to determine what the posted speed limit should be. What we asked the county to do was go beyond the focus on the speed that the public was traveling and look at other mitigating safety factors associated with that road. So we asked them to evaluate those safety factors and asked him to evaluate those safety factors in the context of a traffic study rather than a speed study. We asked them to look at the substandard pavement width, the number of driveway cuts, the number of children in the area and the length of unimpeded roadway that allows you to go beyond the posted speed limit. That eventually is what they did. So their conclusion was based on the narrow roadway, lack of sidewalks, number of driveway cuts, poles and trees close proximity to the road and a pond located on a curve so it was ultimately determine that the speed limit should be lowered to 25 miles an hour.

All zones and the Mayor voted yes.

COMMISSION DISCUSSION

No discussions for this meeting.

STAFF REPORTS

City Attorney - no report

Police Chief

I have a memo pertaining to the COP program that I will be presenting at the next Commission meeting along with our planned use of the Orange City vehicles. We've

already addressed the Café and I've said that we're working on those issues and any of you are more than welcome to sit in with us during this meeting.

Some UCF students are going to be here throughout this week and next week. They were here once before working on film projects for school. We are partnering with them so some of our local teens can gain insight into a different career choice and they're able to talk with college students about college life and so forth.

One of our local kids was recently arrested in the CVS incident and that was very sad. Drugs are getting worse and worse. We worked with Daytona on that issue.

Market in the Park had died to where we were only having three or four vendors. Once Arvida started their outdoor market, our business took a nosedive. We've been taking it easy on the vendors who were still coming hoping they would continue to come.

Vendors are returning and we're going to start charging again. I didn't want to run off the few vendors we had so I didn't collect fees for a couple weeks. The vegetable vendor helps bring in other vendors. The charge will continue to be eight dollars."

Mayor Duffy pointed out that the money collected is for Fourth of July said she thinks nicer weather will bring them out again. **Vice-mayor Snowden** said he was approached by three vendors who said they had not been charged and they don't mind paying. **Commissioner Robbins** commented that attendance will probably die out toward the summer with the heat. It's just too much to try to set up in that hot sun. Keith pointed out that having this local vegetable vendor has been very popular. And he's heard feedback that his prices are very reasonable.

City Administrator

"We've talked at previous meetings about the stimulus bill and the work effort that we were putting together to try to acquire some stimulus funding for the City of Lake Helen. As part of that, we submitted projects to the Metropolitan Planning Organization for their review and ranking. At the last meeting, it was mentioned that the Lake Helen project that was recommended for approval by the MPO technical coordinating committee and the MPO staff was the resurfacing of County Road 4139 within the city limits of Lake Helen. The county staff had also requested approval of a recommendation for approval of resurfacing County Road 4139 in the unincorporated area. That went through the entire process and the Mayor informed me that the MPO board made the same recommendation and approved that project. It was submitted to DOT who also reviewed the project and it's my understanding it is to be funded. **Mayor Duffy** said we were the only city on the Westside of the county to receive funding. She said she was pleased to be on the board that approved it.

"Our other projects were all sidewalk enhancement projects and they made the B-list. Again, there was value to them being on the list. In fact, we may have been the only westside community on the B-list. All of the projects I submitted ended up being on that list. The projects recommended for approval on the A-list were all projects that had been in the works with the MPO for years. It was a foregone conclusion that they would be supported for recommendation for approval. And they were. What was not a foregone conclusion is that our project would rank as high as it did. Should funding materialize at a future date, our B-list projects may be funded. A third thing related to that is that DOT is also working with a consultant. They are working on a countywide study that may become a regional study that looks at safe access to and from schools. This project is important again because whatever we're able to get on the map that

ultimately will come out of that project is either a necessary sidewalk improvement or a trail improvement, proposed or projected, and will all have value in the future MPO planning process and in future funding. I met with Ginger Houck in a meeting with the Volusia Pines Elementary School staff the other day and added to that map a number of sidewalks that would be beneficial in providing access to Volusia Pines. We'll see what comes out of that.

At the previous meeting we approved the maintenance plan for the I4 landscaping at the interchange areas. I subsequently met with DOT staff this week to go over the landscape plans themselves which were being revised and the landscape plans will be reflective of what we've seen before without the understory plants. The second thing we discussed was tying the maintenance plan to the maintenance agreement. We have to execute a maintenance agreement with DOT for that landscaping and so what was important about the meeting was to discuss how that maintenance plan tied back to the maintenance agreement because if you took the maintenance agreement at face value it might lead you to a different conclusion as to what your maintenance responsibilities are than what the responsibilities are under the plan. The plan will be addressed as an attachment to that document and there are some verbiage changes that I have asked them to look at as well in the maintenance agreement which would be different than the traditional maintenance agreement which reflected back to what we agreed to with the plan. They're working on that as we speak and hopefully this will be ready to present to the Commission at the next meeting and we'll also have to adopt a resolution supporting that maintenance agreement."

Code Enforcement

Keith Chester said there have been quite a few complaints received about the Pyramax property. Patrick (Clarino), Don (Findell) and I have had several discussions about that and it is being dealt with. There are notices of violations that are going to be going out shortly mostly pertaining to the outside storage of trucks and so on. **City Administrator Findell** said he and Patrick sat down and prepared the notice of violation the other day. They addressed the various aspects of the operation down there that were in violation of the codes and Patrick (Clarino) was finalizing the document yesterday. It should be ready to be sent out next week and **Mr. Findell** will get a copy of the final draft to make sure it incorporates all the things we talked about

Commissioner Robbins

"I'm wondering if Mr. Findell can bring us up to speed on the communication tower." **Mr. Findell** said, "I corresponded with Kevin Barille a week or so ago to see if they had started their due diligence yet. Kevin indicated that he had not, he was waiting for the final revisions to the lease agreement which I had indicated to him there were some minor revisions that needed to be made in order for the lease agreement to be consistent with the provisions of the code. I basically told him that as far as I was concerned, he was given the go-ahead by the City Commission to initiate his due diligence once the Commission approved the project a couple months ago. I told him I would follow up with the revisions shortly which I have done and he has everything he needs. If he has not already started on his due diligence then the agreement will provide the incentive to do so." **Commissioner Robbins** asked if they'd done any testing. **Mr. Findell** said, "No. I have seen a number of these things happen in other

arenas and other development arenas. The economy is really putting a damper on a lot of different types of development activities. To give you an example - I talked to Doug Chapell the other day and he's putting off the construction of his project but he is still looking to move to Lake Helen. He's now considering leasing space in the Pyramax facility. We went through all the various aspects of that property and ultimately what he needs to do is initiate the special exception approval process. That's the direction he's going in now. He has to give his landlord in Ormond Beach 90 days notice and it will take about 90 days to go through the special exception process so hopefully the two will dovetail. But back to the communications tower, Kevin is very much interested in still putting it up."

Commissioner Robbins continued, "It's five months into the year and I was wondering if the other Commissioners were thinking that we should take a hard and fast look at the finances for the City before we're too far down the road and find out where we are. I'm not as concerned about spending as I am in the money coming in like taxes and state funds." **Mayor Duffy** said she was going to wait for six months. We haven't had any big or unnecessary expenditures, aside from the software. **Commissioner Robbins** said we had some pretty costly litigation, about \$20,000. **Mr. Findell** said, "You have to look at it in the context of what those legal expenses are for this fiscal year rather than what legal expenses have been incurred prior to this fiscal year." **Commissioner Robbins** said she's talking about what's over and above what was budgeted. **Mr. Findell** answered, "That's what I'm saying, only being 5 months into the fiscal year much of that litigation expense occurred last year so it may not have an effect on this fiscal year."

Commissioner Burton

"Back to the economy. I've taken on the task of being chicken little. The sky is falling. Every meeting I go to it's made clear. Everything that was planned, everything historical, everything cyclical has been tossed out the window. We're going to have to start thinking outside the box. We can't be operating under the old paradigm that this is how we do things. We're going to have to start doing things differently. I just want to keep that on the forefront. For instance, today we were talking about the Community Roots project. Keith just mentioned that Market in the Park was off but what was sustaining it was the vegetable guy. It's getting down to the basics. The people who go to the food banks now are not the same people you'd expect to come in. I think the people who came before us today may not be savvy about the ways of government but they have a very good plan, we should keep that door open. Someone's trying to do something that's going to make a difference. I think with all things considered we as the City Commission and US taxpayers need to tighten our belts and be ready for a bumpy ride because it does not look like it's getting any better. The sky really is falling. I was at a meeting earlier today and it came up about the excess fencing being put up at Suber Memorial Cemetery. The question came up what happened to it. **Mayor Duffy** answered the fencing is already up and looks great.

Vice-mayor Snowden – no report

Commissioner Lane

"I agree with Ann (Robbins) that we need to look at the finances. It's going to get worse before it gets better. I don't want to be a pessimist but it is going to get ugly. We've got some major things going on and it has a domino effect on things that shouldn't be affected by it. The fact that Citibank is trading at a dollar a share doesn't really change how many people are using their cell phones. It doesn't make sense. We've got a stable city in many ways. If we have to make some cuts, we'll be a lot better off if we make them early rather than late. We shouldn't wait until we're desperate. Let's be as proactive as we can be."

Mayor Duffy concluded the meeting by saying she's concerned about the use of the Visa cards. There are huge amounts charged on some of these cards. We need to take a look at that. She announced that she was going on vacation for a week.

Meeting was adjourned at 9:15

Joan L. Duffy, Mayor

Nancy Wilson, City Clerk