

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
March 19, 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 Buddy 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:

Mayor Duffy asked Vice-mayor Snowden to give the invocation and lead the pledge of allegiance.

DELETIONS OR MODIFICATIONS TO AGENDA

No deletions or modifications

COMMISSION ANNOUNCEMENTS

No announcements

Minutes

February 17, 2009

Commissioner Robbins made a motion to approve the minutes for February 17, 2009
Commissioner Burton seconded the motion.

All zones and the Mayor voted yes.

Consent Agenda

Bills – March 19, 2009

Commissioner Robbins said, “I have a question regarding the Stenstrom McIntosh bill for \$783.75. First of all, the bill was over \$3000 but it says ‘apply from trust’ which brought it down considerably. What does that mean?” **City Attorney Groot** did not know but said he’ll check on it. “Also, \$165/hourly charge for legal fees.....I checked the bills and the hourly charge changed from \$150 to \$165 but was never on the agenda for Commission approval.” **City Administrator Findell** said that it wasn’t necessary to do so and that neither he nor Mr. Groot were employed full-time with the City at that time. **Commissioner Robbins** continued, “\$15/hour for over a year adds up.” There was a discussion about legal expenses and

charges and it was determined that this took place during a staff transition time in the City. **City Attorney Groot** said he'd look into it. **Commissioner Robbins** added that a charge from the last set of bills in the amount of \$459.85 for toner wasn't paid and shouldn't have been paid. Toner is included in our contract for the copier but people still call trying to sell toner to unsuspecting people. She informed City Hall about this and the Finance Manager returned the product.

Vice-mayor Snowden made a motion to accept the bills as published
Commissioner Burton seconded.

All zones and the Mayor voted yes.

Presentations

No presentations for this meeting

Bi-Monthly Reports

City Engineer – no report

PLDRC – no report

Historic Preservation Board – no report

*Parks & Recreation Board – Betty O'Laughlin will speak later about her agenda item but added that Parks & Rec still has an opening for another member. The **City Clerk** said that Vince Cuda would like to be on the Board and he has filled out an application.*

Clerks Note: Items 6A and 6B should not be under the Public Hearings heading until second reading. For this meeting, they will be Commission Considerations and will be listed as 7A and 7B. Subsequent agenda item letters will be increased by two.

COMMISSION CONSIDERATION

Consideration of approval on first reading of Ordinance 2009-03 relating to special assessments

Mayor Duffy read the ordinance by title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA RELATING TO SPECIAL ASSESSMENTS WITHIN A CITYWIDE SPECIAL ASSESSMENT DISTRICT; PROVIDING FOR SPECIAL ASSESSMENTS UPON REAL PROPERTY WHICH REQUIRES LOT CLEARING, REAL PROPERTY MAINTENANCE OR NUISANCE ABATEMENT ACTIVITIES TO BE CONDUCTED BY THE CITY WHICH ACTIVITIES PROVIDE FOR A SPECIAL BENEFIT TO THE REAL PROPERTY; PROVIDING FOR ACTIONS AND EFFORTS BY THE CITY AT PUBLIC EXPENSE RELATING TO THE MAINTENANCE OF REAL PROPERTY AND NUISANCE ABATEMENT; PROVIDING FOR PROCESSES AND PROCEDURES RELATING TO THE COLLECTION OF SPECIAL ASSESSMENTS RESULTING FROM CITY ACTIVITIES PERTAINING TO

THE LOT CLEARING, REAL PROPERTY MAINTENANCE OR AND NUISANCE ABATEMENT; PROVIDING FOR A FORM OF A MUNICIPAL SPECIAL ASSESSMENT LIEN; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Burton made a motion to accept Ordinance 2009-03 on first reading as read.

Commissioner Robbins seconded

All zones and the mayor voted yes

Consideration of approval on first reading of Ordinance 2009-04 relating to subdivision signage.

Mayor Duffy read the ordinance by title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA AMENDING PROVISIONS OF ARTICLE 8, CODE OF ORDINANCES OF THE CITY OF LAKE HELEN, RELATING TO SIGN REGULATIONS; AMENDING PROVISIONS OF ARTICLE 13, CODE OF ORDINANCES OF THE CITY OF LAKE HELEN, RELATING TO NONCONFORMING SIGNS; AMENDING PROVISIONS OF ORDINANCE 2001-03, CODE OF ORDINANCES OF THE CITY OF LAKE HELEN, RELATING TO SIGNAGE IN GATEWAY CORRIDORS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Robbins said during these hard times, having to buy a sign permit every year is a hardship. She talked about how people who live in subdivisions and the developer of those subdivisions want to be recognized for being a more prestigious area. The **City Administrator** said to create a sense of community and a sense of oneness, Lake Helen historically has not encouraged subdivisions to be distinct parts of the city. When The Woods of Lake Helen was being planned, D.R. Horton wanted that subdivision to be integrated into Lake Helen and the PLDRC wanted to ensure whatever new development occurred in the city that it fit in.

Vice-mayor Snowden made a motion to adopt Ordinance 2009-04

Commissioner Lane seconded

All zones and the Mayor voted yes.

Consideration of request by James Evans to use the Lake Helen Police Department's pistol range.

According to state law, a person born after 1975 has to attend a state certified course before they can get a hunting license. What's required is eight hours of instruction on safety taught by a state certified instructor, followed by an exam and concluded by shooting one round from a .22 caliber rifle. The instruction will be conducted at the American Legion in Lake Helen on May 16th and 17th. After the exam on May 17th, he's asking for permission to use the Lake

Helen Police pistol range. **Commissioner Robbins** thinks this is worthwhile and that it will teach children proper handling of rifles. Chief Chester said the program Mr. Evans described is a very good one and he supports it.

Commissioner Robbins made a motion to approve this request pending outcome of insurance coverage

Commissioner Burton seconded

City Attorney Groot said we should carry a rider because the state won't cover this. He said he'd prepare one for the city and then asked **Commissioner Robbins** to amend her motion.

All zones and the Mayor voted yes

Vice-mayor Snowden thanked Mr. Evans for taking on this task so young children can learn the proper way to handle a rifle.

Consideration of request by the Parks and Recreation Committee to move July 4th festivities from Blake Park to the Equestrian Center.

Betty O'Laughlin said there are many people associated with the Saddle Club who can never make it to Blake Park during the festivities and she's suggesting that the celebration be moved from Blake Park to the Equestrian Center. All activities, with the exception of the grease pole, would be the same. She added that the Parks & Rec Board is not getting any volunteers and to have the festivities at two locations would make overseeing all the activities and events too difficult. **Mayor Duffy** said she's had several calls from people about the lack of trees at the Equestrian Center; most people feel there's more shade at Blake Park. Ms. O'Laughlin said they can solve that problem by putting up tents. **Mayor Duffy** added that it's tradition to have 4th of July activities at Blake Park. **Vice-mayor Snowden** thinks it would be too congested to have everybody in one place. There are activities at both locations and visualizing all those people in one place is too much, especially with the horse trailers coming in and out. Ms. O'Laughlin compared the crowd turnout to Equifest and said that the facility handled that number of people just fine. **Vice-mayor Snowden** disagreed adding that the pavilion at Blake Park is also used and the Equestrian Center doesn't have that. **Mayor Duffy** suggested that a sign be put up in Blake Park to let people know what's going on at the Equestrian Center. **Commissioner Burton** asked when the fireworks are scheduled. He said people on the west side of town don't drive by City Hall so they often don't know about city events. He said the churches are a good place to leave flyers. Keith Chester said he was part of the idea for switching everything to the Equestrian Center. He wants to create a new environment, one that will bring the groups together. **Commissioner Burton** suggested that we try to partner with Victoria Park – "make person to person contact." The conversation continued about the pluses and minuses of moving the venue to the Equestrian Center and how the events and activities would be laid out. Also discussed further was the inability to get any volunteers. The general consensus was that the 4th of July festivities should take place at Blake Park.

Vice-mayor Snowden made a motion to continue events at both locations as in the past
Commissioner Robbins seconded

All zones and the Mayor voted yes

Consideration of request by Keith Chester to establish a C.O.P. program

Keith Chester wants to table this until a later date. He said a lot of people are passionate about this and it needs to be thoroughly examined and thought out. **Commissioner Robbins** said it gets down to a financial issue. **Commissioner Burton** said that the budget is on everybody's minds. The Sheriff's Department may be able to help; Keith has a full plate as it is.

Vice-mayor Snowden made a motion to table this item until May
Commissioner Burton seconded

All zones and the Mayor voted yes

Consideration of an individual fee waiver for a Market in the Park vendor

Keith Chester reported that an individual has refused to pay her \$8 vendor fee because she had collected money on behalf of the City at one time and should be exempt now. She did not pay a vendor fee when she volunteered. **City Attorney Groot** said we should disclose the party involved in this open government. **Commissioner Robbins** talked to Amanda Hutchinson and said since she's not volunteering now, she shouldn't get a freebie.

*Jane Taylor
424 Hazel Street*

She gave the history of Market in the Park and said it's a judgment call of the person in charge as to whether fees are waived or reduced. Ms. Hutchinson took over from Ms. Taylor a couple years ago.

*Von Russell
Kicklighter Road*

She said Ms. Hutchinson is a senior citizen and we shouldn't hurt her feelings. Good judgment should be used when collecting fees.

There was general discussion about the vendor fees and specific discussion about Ms. Hutchinson's issue. **City Attorney Groot** advised the Commission on establishing a precedent if the fee for one individual is waived.

Nobody made a motion to waive the vendor fee

Consideration of request to use Melissa Park for the summer food program.

This program has been going on for many years. Food is served to children 18 years of age and younger. Breakfast and lunch is served.

Commissioner Robbins made a motion to allow Melissa Park to be used for the summer food program
Commissioner Burton seconded

All zones and the Mayor voted yes

Consideration of request to approve an updated list of City facility users for whom fees are waived.

Wendie Levings updated the list and a copy is available online and at City Hall.

Commissioner Lane made a motion to approve the list as presented.
Commissioner Robbins seconded

Mayor Duffy announced that the Shuffleboard Court no longer has use for the building they've used for many years so they can be removed from the list. They will be vacating the building in May.

All zones and the Mayor voted yes

Consideration of request to donate \$300 to the 13th annual St. Johns River Cleanup on 6/6/09.

We have always participated in this. **Mr. Findell** said this is also a condition of acquiring a NPDES permit.

Commissioner Robbins made a motion to donate \$300 to the 13th annual St. Johns River Cleanup on 6/6/09

Commissioner Snowden seconded

All zones and the Mayor voted yes.

Consideration of Resolution 2009-05 authorizing execution of a landscape maintenance memorandum of agreement with FDOT.

Mayor Duffy read the preamble to Resolution 2009-05:

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA AUTHORIZING EXECUTION OF A LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LAKE HELEN AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PERPETUAL MAINTENANCE OF CERTAIN PORTIONS OF THE EXIT 116 I-4 INTERCHANGE AREAS BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

City Administrator Findell said there have been many discussions with FDOT representatives regarding the proposed landscaping and maintenance plan. The result is landscaping that is being scaled back somewhat; the understory plants have been removed and the City's maintenance responsibilities have been minimized. **Mr. Findell** explained in more detail the revised landscaping plan and maintenance responsibilities. DOT listened to the City's concerns.

Commissioner Lane made a motion to approve Resolution 2009-05 authorizing execution of a landscape maintenance agreement with FDOT

Commissioner Burton seconded.

*Alan Cooke
Oak Tree Lane*

Mr. Cooke thanked **City Administrator Findell** for all he's done to make this happen. He said Don has worked tirelessly with DOT and the county to coordinate this effort.

*Von Russell
Kicklighter Road*

She asked for clarification of what is happening and Mr. Findell briefly explained the landscaping maintenance agreement to her.

All zones and the Mayor voted yes.

Consideration of Resolution 2009-06 proposing acquisition of surplus state lands from the State of Florida.

Mayor Duffy read the preamble:

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA PROPOSING TO ACQUIRE SURPLUS STATE LANDS FROM THE STATE OF FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR EXHIBITS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

There's a parcel available if we would like to acquire it. This resolution spells out a requirement of the legislature for the sale of surplus lands. They give local governments the first right of refusal which reserves our right to approve but doesn't obligate us. The property is north of the railroad bed and Melissa Park. Mr. Findell is hoping that when the state has the property appraised that it will have minimal value. If so, it could be beneficial to us for either storm water enhancement for development in the area, for recreation purposes or could be assembled with other properties.

Vice-mayor Snowden made a motion to approve Resolution 2009-06
Commissioner Lane seconded

All zones and the Mayor voted yes

Consideration of request by the Historic Preservation Board to remove the property located at 253 Connecticut Avenue from the Lake Helen Historic District.

This was incorporated into the Historic District by mistake. It was brought before the commission at one time but wasn't voted on. The house was probably built in the 1970's or 1980's. **City Attorney Groot** asked if there's a good representation on the land record of the historic district in Lake Helen. **Mr. Findell** said there is.

Commissioner Robbins made a motion to remove the property at 253 Connecticut Avenue from the Lake Helen Historic District.
Commissioner Lane seconded

All zones and the Mayor voted yes

STAFF REPORTS

City Attorney

Mr. Groot mentioned the motion for rehearing in the Troy case on March 12th. Also, since no motion was made previously about the hourly rate increasing for legal services provided to the City, Mr. Groot is going to return the rate the City pays to \$150/hr.

Police Chief

Chief Chester said that notices have been served to Century Liquidators at the Pyramax facility for the violations there. Also Billy Collins who has stored material behind Public Works for many years is finally removing it. **Mr. Findell** outlined the violations by Century Liquidator. Keith described some property issues in that area. Mayor Duffy thanked Chief Chester for escorting somebody out of town who was harassing Lake Helen citizens with obnoxious sales techniques.

Also, Don, Kelly, Ann and Don met to discuss the Café budget. He said, "There's not as much of a deficit as we thought. We thought we were down \$8,000 but it's more like \$1,100." **Commissioner Robbins** said, "Sometimes when it looks like you're in a deficit, you're not because you have items in stock." Mr. Chester continued, "We will be working on our menu, cutting costs where we can and raising some prices. We're moving forward and getting better."

City Administrator

Mr. Findell discussed Family Movie Night and the required licensing in the amount of \$505. The license is good for one year in one location. If you decide to discuss this at the next meeting it will be added to the agenda. We will also need to remove any flyers that are currently posted. This subject was discussed more, especially as it related to the Parks & Rec Board generating funds for 4th of July which was the initial intent.

Code Enforcement Officer

No report

MAYOR'S REPORT AND COMMISSION REPORTS BY ZONE

Zone 1/Commissioner Robbins

She had three more questions about the Café that she emailed to Don and Keith. Also, Public Works has started watering our streets and it's helping with the dust. She talked about River-of-Lakes, the upcoming Car Show and Arbor Day events.

Zone 2/Commissioner Burton

Mr. Burton discussed a couple agenda items that had been previously discussed and talked about the bleak economy. He also praised Mr. Findell for his hard work in getting a landscape maintenance agreement that was satisfactory to all parties involved.

Zone 3/Vice-mayor

Nothing to report

Zone 4/Commissioner Lane

Nothing to report

Mayor Duffy

Nothing to report

ADJOURNMENT

Meeting was adjourned at 8:50 p.m.

Joan L. Duffy, Mayor

Nancy Wilson, City Clerk