

**SPECIAL MEETING  
LAKE HELEN CITY COMMISSION  
April 14, 2010  
8:50 P.M.**

**MINUTES**

**A PUBLIC MEETING** of the City Commission of the City of Lake Helen, Florida was called to order by **Mayor Snowden** at approximately 8:50 p.m. Present were **Mayor Snowden, Commissioners Basso, Burton, Lane and Robbins**. Also present were **City Administrator Don Findell** and **City Clerk Nancy Wilson**.

**Mayor Snowden** announced the sudden passing of Blaine O'Neal, Mayor of South Daytona.

**COMMISSION CONSIDERATION:**

*Consideration regarding amending the current City facility rental policy*

The current policy for the use of City facilities, including facility rental rates and exempt users, was discussed. This was brought before the Commission to decide who should be allowed to use City facilities without paying a rental fee. There was some question as to whether a new group called The Tuesday Night Scrapers should be given exempt status. Mayor Snowden said that historically groups that were granted use without being charged, benefitted the community and/or provided a community service.

The Commission discussed what determines "service to the community". It was made clear that there are a lot of interpretations of "service". **City Attorney Groot** drafted a memo on the issue and it follows:

The purpose of this memorandum is to discuss the policies of the City relative to the use of City-owned facilities which may be desirable, from time-to-time, for use by private persons or organizations for the purposes of meetings, social gatherings, celebrations, etc. The classic facility to which this matter relates, and which is in much demand in the City of Lake Helen, is, of course, Hopkins Hall.

In terms of allowing the use of City facilities, the City is generally not under any obligation to do so absent grant conditions or controlling law that requires property be placed into private use by the public. That being said, however, the City Commission of the City of Lake Helen, like most city and county boards, commissions, councils, etc., throughout the United States, allows the public to use City facilities for private occasions and event to which the facilities are specifically suited. For example, Hopkins Hall has become a very popular venue for weddings.

The key element of the City Commission's policies relative to the use of City facilities must be that all citizens and groups are afforded equal treatment and opportunity with regard to the availability and use of public facilities. Also, like groups should be charged like fees relative to the use of City facilities. To fail to treat all groups and individuals with equivalency and equality could result in assertions that the City has engaged in discrimination of other unfair practices. For example, the waiver of fees should only be implemented when it is clear that **any** like-situated group will, likewise, receive a fee waiver. That being said, the more waivers that occur, the less likely the charging of fees will be sustained and the more likely it is that fees will be viewed as discriminatory in effect. That is, some could argue that the waiver of fees to some and the failure to waive the fees for others indicates intent by the City to deny some the use of public facilities. Similarly, the granting of fee waivers for religious groups, or some types of religious groups, could be perceived to be acting in a discriminatory manner. Fees, of course, should only be charged in an amount commensurate with the costs to the City of maintaining the facility or program to which the fees relate. To do otherwise could result in the fees being deemed to be taxation without lawful authority.

**City Attorney Groot's** memo continued by citing examples from other communities on facility use policies.

At the conclusion of the meeting, it was decided that the Commission didn't want to open up the facility for all to use free of charge, nor did they want to over regulate.

**Commissioner Basso made a motion** to charge staff, in conjunction with the City Attorney, with taking their guidelines:

- Group must be formally organized
- Group must be non-discriminatory
- Group must be non-profit
- Group must serve the public and/or the community

then amending the current policy before coming back before the Commission to determine what groups should be granted fee waivers for use of City facilities

**Commissioner Burton seconded**

The Commission discussed this at greater length.

**All zones and the Mayor voted yes**

## **ADJOURNMENT**

The meeting was adjourned at 10:30pm

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Buddy Snowden, Mayor

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Nancy Wilson, City Clerk