

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
April 15, 2010
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 Snowden** at approximately 7:00 p.m. Present were **Mayor Snowden, Commissioners Basso, Burton, Lane and Robbins**. Also present were **City Attorney Lonnie Groot, City Administrator Don Findell and City Clerk Nancy Wilson**.

Commissioner Burton gave the invocation and led the Pledge of Allegiance

There were no **DELETIONS OR MODIFICATIONS TO AGENDA**

COMMISSION ANNOUNCEMENTS

Commissioner Robbins announced the passing of Nancy Latin and our ex-Mayor George Wilkins. She also said Great Expectations, a choral group from Deland, will be at the Community Club dinner the following night. Mayor Snowden talked about Blaine O'Neal, Mayor of South Daytona, who died suddenly from a heart attack at the age of 43.

MINUTES: no minutes for this meeting

CONSENT AGENDA:

Bills – April 15, 2010

A minor change was made to the bills but the total was not affected.

Commissioner Basso made a motion to approve the consent agenda
Commissioner Burton seconded

All Commissioners and the Mayor said “Aye”

PRESENTATIONS: none for this meeting

BI-MONTHLY REPORTS:

City Engineer - no report

Local Planning Agency (PLDRC) – no report

Parks and Recreation Board

Sean Abshire, Co-chairman, said the 1st annual Spring Carnival was a great success and they made over \$1,000. He thanked Commissioners Lane and Robbins for their help. **Mayor Snowden** thanked Diane Jennings for providing the bounce house at no cost to the City.

Diane Jennings, from Parks & Recreation, discussed her interest in having a new playground built in Blake Park. She requested that a workshop be scheduled for her to present her proposal for a community built playground. Ms. Jennings gave the Commission an overview of this project and a workshop was scheduled for April 29th.

PUBLIC FORUM – none for this meeting

PUBLIC HEARINGS - none for this meeting

COMMISSION CONSIDERATION:

Consideration of application for vacation of portion of Hobart Avenue located on the east side of N. Goodwin Street (tabled from April 1st meeting)

Mr. Christopher Pfeiffer submitted an application for a right-of-way vacation which was presented to the PLDRC on March 22nd. He requested that the portion of Hobart Avenue that is adjacent to his property at 397 North Goodwin Street, as well as adjacent property located at 371 North Goodwin Street and 670 Jennings Avenue be vacated. The PLDRC unanimously recommended approval his request because it met the following conditions:

- A. The requested vacation is consistent with the Transportation Circulation Element of the City Comprehensive Plan
- B. The right-of-way does not provide the sole access to any property.
- C. The vacation would not jeopardize the current or future location of any utility
- D. The proposed vacation is not detrimental to the public interest and provides benefit to the City in that it will eliminate the potential for future City maintenance of this segment of Hobart Avenue. Plus, this will add additional property to the City's tax roll

Mr. Pfeiffer was asked indirectly to contribute something to the City in return for what the City is granting him. After some discussion, it was decided that he would provide the sound system for the 4th of July events.

Commissioner Lane made a motion to approve vacation of a portion of Hobart Avenue

Commissioner Basso seconded the motion

All zones and the Mayor voted yes

Consideration of request by Parks & Recreation for the City to contribute \$600 to the Miss Lake Helen Pageant

The Parks & Recreation Board says that \$600 is bare bones, plus, this year the event will be bigger than last year. The Parks & Recreation Board does not have a budget. The General Fund has a budget for Parks & Recreation activities of which this is one activity, thus, it is a budgeted function. Each year, around \$12,500 is budgeted for City cultural and recreational activities so all the events that are put on are ultimately funded through that budget. Some of that money is recovered by donations.

Commissioner Lane made a motion to approve \$600 to be used for the Miss Lake Helen Pageant

Commissioner Burton seconded the motion

Commissioner Burton personally donated \$200 to the event.

All zones and the Mayor voted yes

Consideration of Michigan Avenue/Orange Avenue Right-of-Way Survey project

The City sent out requests for proposals to about 15-20 firms to perform a right-of-way survey of Michigan and Orange Avenues from the Pleasant Street intersection to the Lemon Avenue intersection. Nine proposals were received with cost quotes ranging from \$2,625 to \$26,296. Each firm was provided with the same scope of services upon which to base their proposal/quote. Three quotes were less than \$5,000 thus eliminating the necessity to go out for formal bid on this project. Staff recommended awarding the project to the lowest bidder, Cullum Land Surveying, Inc.

The Commission discussed whether the lowest bidder is necessarily the best way to go. To some, the price seemed very low but given the difficult economic times, such low bids aren't unusual and don't indicate inferior service. The City is not bound to award the project to the lowest bidder yet the bidder is bound to conduct the work for that amount. Though the work is a significant work effort it is not a complicated one.

Commissioner Burton made a motion to approve awarding the project to Cullum Land Surveying, Inc. for \$2,625

Commissioner Robbins seconded the motion

Zone 1/Robbins voted "yes"

Zone 2/Burton voted "yes"

Zone 3/Basso voted "no"

Zone 4/Lane voted "yes"

Mayor Snowden voted "yes"

Consideration of Ordinance 2010-01 regarding Health and Sanitation

Mayor Snowden read the ordinance by title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA, AMENDING ARTICLE 22, CODE OF ORDINANCES OF THE CITY OF LAKE HELEN, RELATING TO HEALTH AND SANITATION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Article 22 of the Solid Waste Ordinance was rewritten as discussed at the 4/1/2010 meeting and is awaiting approval on First Reading.

Commissioner Lane made a motion to approve on first reading Ordinance 2010-01

Commissioner Basso seconded

All zones and the Mayor voted yes

Consideration of Resolution 2010-02 relating to Local Mitigation Plan (Hazard Mitigation)

This is a housekeeping item. The Plan was prepared over the last two years by staff from each of the local governments in Volusia County with assistance of a consulting firm. The plan must be adopted by resolution by each local government in Volusia County in order for the local governments to be eligible for disaster assistance from FEMA, as well as federal assistance in local hazard mitigation projects.

Mayor Snowden read the resolution by title:

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA APPROVING AND ADOPTING THE VOLUSIA COUNTY LOCAL MITIGATION PLAN; PROVIDING FOR FINDINGS; PROVIDING FOR ACCEPTANCE AND APPROVAL; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Basso made a motion to adopt Resolution 2010-02
Commissioner Robbins seconded

All zones and the Mayor voted yes.

COMMISSION DISCUSSION:

Discussion regarding the cleaning of litter from Lake Helen lakes

Mr. James Tyler wrote a memo asking the City to purchase a jon boat so Public Works employees can clean out the lakes as necessary. He has been removing litter recently. The City has neither the money to purchase a boat nor Public Works the time to perform this task. Public Works does, however, clean around the shoreline from time to time. The Commission and the City Attorney will look into having Mr. Tyler adopt-a-lake for Lake Helen and Lake Macy.

Discussion regarding interpretation of permitted land use

Mr. Bill O'Hara desires to operate a number of ventures at 155 E. Ohio Avenue (the "Pyramax" property), including a sports memorabilia retail business, a wrestling instruction business, and a wrestling entertainment business office. He also desires to conduct wrestling entertainment matches on a bi-weekly, monthly or other periodic basis.

The sports memorabilia business, wrestling instruction business, and wrestling entertainment business all fall within the specifically permitted uses in the Redevelopment Commercial/Downtown Commercial Land Use Districts where the 155 E. Ohio Avenue property is located. What is not clear is whether maintaining ongoing wrestling entertainment matches would be considered analogous to other permitted uses in the land use districts. Therefore, before Mr. O'Hara proceeds further, he would like the City Commission to determine whether conducting wrestling entertainment matches would be considered a specifically permitted use within the Redevelopment Commercial Overlay/Downtown Commercial Land Use Districts. If it's determined that the business venture is not a specifically permitted use, Mr. O'Hara would still have the option of making application for a special exception approval, since the Future Land Use Element provides that uses that are not specifically permitted uses, nor specifically prohibited uses, may be considered for special exception approval so long as those uses can be "conducted in a fully enclosed building, and can demonstrate, to the City's satisfaction, the ability through design and operational standards, to be compatible with residential land uses." In determining whether the proposed wrestling entertainment business is a specifically permitted use, the City Commission may find that the proposed use is consistent with the legislative intent of the land use district in which it is proposed to be located. The City Commission may also remand the issue to the PLDRRC for the PLDRRC to review, consider and make a recommendation for final action by the City Commission.

The Commission discussed this at length, asking **City Administrator Findell** for clarification and direction and advice from **City Attorney Groot**.

Commissioner Basso made a motion that the wrestling venue is not a specifically permitted use within the downtown commercial land use district and he must apply for a special exception

Commissioner Lane seconded

All zones and mayor voted yes

Because the proposed wrestling entertainment business is not a specifically permitted use, the Commission needed to vote on granting Mr. O'Hara a special event permit.

Commissioner Burton made a motion to grant a special event permit for the May 8th wrestling entertainment

Commissioner Basso seconded

All zones and the Mayor voted yes

STAFF REPORTS:

City Attorney - no report

Police Chief - no report

City Administrator – no report

Code Enforcement Officer – no report

MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE

Zone 1/Commissioner Robbins

She asked about where we stand on the Creative Arts Café reporting. **Mr. Findell** reported that Mr. Fred Tessier is working hard on this project and if you have questions, you are encouraged to contact Mr. Tessier directly. **Mayor Snowden** reiterated the diligence, thoroughness and work effort put forth by Mr. Tessier.

Commissioner Robbins reported on her Town Hall meeting

Zone 2/Commissioner Burton

He attended the funeral of Blaine O'Neal. **Commissioner Burton** was very impressed by all that Mr. O'Neal accomplished during his tenure. He also reported that a dumping area existed at the end of Ohio Avenue near Matanzas close to I4. He had pictures that showed an area resembling a dried up river bed about the size of a football field; it is a very large space filled with trash. The property is owned by somebody named Joe Taylor who resides in Jacksonville. Mayor Snowden reported that the "dump" has been there since the 1960's. This is a code enforcement issue.

Zone 3/Commissioner Basso – no report

Zone 4/Commissioner Lane

He suggested that the City move toward action minutes because we have audio recordings of the proceedings and official actions of the Commission should suffice. Both staff and Commission time would be saved. **City Administrator Findell** said when this has been brought up in the past, it's been noted that our minutes don't remotely resemble minutes produced in other communities since ours are almost verbatim. Producing verbatim minutes is extremely time consuming and we should do what's more representative of how other cities generate minutes so we can devote our time to more important and more productive activities.

The Commission agreed by consensus to have the City Clerk produce action minutes

City Attorney Groot said that when the action minutes are completed and approved, that will make it policy.

Mayor Snowden

He wanted the City Attorney to explain to the Commissioners the issues involved in attending the meetings of other Boards. **City Attorney Groot** said if a Commissioner intends to go to an inferior board meeting, the City Clerk should be informed so she can post a notice letting the public know that there may be more than one Commissioner attending the meeting. He recommends not attending inferior board meetings for a lot of reasons not least of which that issues can arise from matters that will be heard at both meetings.

Mayor Snowden has attended four funerals in the last two weeks and has run into old timers who attended those funerals. A lot of people have shown an interest in having a Lake Helen reunion. It was suggested that this event be combined with a Founder's Day event.

City Administrator Findell discussed the proposed tavern on Cassadaga Road. Randall Henry was unsuccessful in getting the necessary parking agreements with the adjacent property owners so he has decided to open a package store at that location which is a permitted use and there is sufficient parking to accommodate that endeavor.

The meeting was adjourned at 10:00pm

Buddy Snowden, Mayor

Nancy Wilson, City Clerk

