

**REGULAR MEETING
LAKE HELEN CITY COMMISSION**

**April 16, 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 **Vice-mayor Snowden** at approximately 7:00 p.m. Present were **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: Vice-mayor Snowden (standing in for Mayor Duffy this evening)

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation and Pledge of Allegiance led by Commissioner Lane.

DELETIONS OR MODIFICATIONS TO AGENDA

No deletions or modifications

COMMISSION ANNOUNCEMENTS

Commissioner Robbins said the Community Club's final pot luck dinner would be the following evening at Hopkins Hall. Their guests are the Great Expectations Choral Group from Deland that consists of about 28 men. We will be serving dinner and everybody is welcome but please bring a large covered dish. In the past three or four years they have closed out our year. The next season begins in October.

MINUTES

March 5, 2009

Commissioner Robbins made a motion to accept the minutes from March 5th.

Commissioner Lane would rather not second the motion because he hasn't had a chance to read them since they were not made available until this evening. They can be approved next meeting.

Commissioner Robbins withdrew her motion.

CONSENT AGENDA

Bills – April 16, 2009

Commissioner Robbins: "Regarding the Pennysaver ad for Market in the Park. We previously approved \$400 for advertising and I think we've probably gone over that. I'm just asking why we're still advertising." Keith Chester responded, "I just turned in \$328 for two weeks. The event has grown and several vendors have asked that we continue to advertise because they think it's helpful. We're typically having around 20 vendors a

week so it's more than paying for the ads and the ads do help. I asked Nancy to look into only running the ad on Wednesdays and not running it on both Wednesdays and Saturdays so it's costing much less." **Commissioner Robbins** said the bill wasn't specific; it just listed charges for 3/18 and 4/1. She didn't know if those were the dates of the ads or what. The **City Clerk** said she'd look into it. **City Administrator Findell** asked if the number of vendors has increased since the ads began. Keith Chester answered that he can't determine if the increased attendance and number of vendors was due to the advertising or better weather but the vendors said that it helped. "I'm also putting a listing for Market in the Park on Craigslist, on community bulletin boards and I've sent out press releases." **Mr. Findell** asked if the vendors who have made the request would be interested in paying a slightly higher vendor fee to help offset the cost of advertising. If the advertising increases their business it might be a good investment on their part. Keith Chester answered that he doubted it. "We're charging eight dollars which is the same fee that the Farmers Market is charging and they get a lot more traffic. The advertising helps." **Commissioner Burton** said he was there this Saturday and he got feedback from folks that the vegetable vendor is drawing in shoppers and vendors. Keith agreed and said the vegetable vendor's beefsteak tomatoes are so popular that they are the talk about town. Having a good vegetable vendor has been a huge help. **Commissioner Burton** added that it was a packed house when he was there. "I ran into a lady, an Avon dealer, who started vending recently and she is very pleased." Keith said it's become a nice social thing for the community too.

Commissioner Burton asked if it's helping business at the CAC to which Keith said he thinks it is.

Commissioner Robbins said, "I've brought up many times the Progress Energy bill as it relates to the tennis court lights and I'm happy to report that the bill is down \$222 for this month so the expense of installing timers is paying for itself. We are saving around \$200/month so it will only take four months to pay for the timers."

"I also noticed that the legal hourly charge is back down to \$150/hr. but I'm still not satisfied and want to know about the year we were charged \$165 an hour. I know you weren't here until November but I think it needs to be addressed. **City Attorney Groot** said, "I talked to Mr. McIntosh and he was under the clear impression that the City had been noticed so in good faith I did what I could." **Commissioner Robbins** said she looked back at all the minutes and didn't find any reference to an increase. **Mr. Groot** said, "The managing partners are never happy when you say you're reducing your rate but after I explained to them that you researched all the minutes during that time, I didn't feel comfortable not going back to \$150/hr. I don't know what more to do and I don't have the authority to do more than I've done. **Vice-mayor Snowden** asked if our research shows that the increase was previously approved will we be willing to readjust this to \$165/hr? **Commissioner Robbins** said, "I didn't find that we had ever approved it for \$165/hr. and I haven't done any sort of calculations as to what effect it would have if we'd been overcharged during that time period." **Mr. Groot** said, "Mr. McIntosh said that he notified the City that there was a change in rates which is the practice of most firms when rates change though it is not my practice. So that's where we are."

Commissioner Robbins retorted, "I don't ever recall getting a letter from the firm. I don't know if anybody else did and Don wasn't here at a time on a regular basis so I don't know where we stand." **Mr. Groot** said that he's not questioning her in the least but he's just telling her that what he did is all he can do. **Commissioner Robbins** said

okay. "I'm not happy about it but I have to live with it." **Commissioner Burton** questioned when this increase happened and the answer was around April 2008. **Commissioner Burton** asked if **City Attorney Groot's** office has a letter notifying the city when this happened. **Mr. Groot** repeated, "I talked to Mr. McIntosh and he said there was a letter and that's all I can say. I don't dispute that **Commissioner Robbins** researched the minutes. I don't dispute Mr. McIntosh either." **Commissioner Robbins** said, "It doesn't have anything to do with the firm but \$15 an hour is a pretty significant rate increase as far as I'm concerned. Every one of our city employees has had their pay frozen for almost 2 years so to give the legal firm \$15/hr. more an hour even though it's not a full-time thing is quite significant especially since it was during a time when there was a lot of litigation going on. So, the higher hourly charge was applied to our regular legal fees and the litigation fees. That's my point." **Mr. Groot** said we should see a significant drop in litigation charges. **City Administrator Findell** added, "In all fairness to the City Attorney's office, they kept their fees at the same rate for several years. Their initial fee was \$125/hr. and it remained at that rate for several years while most firm's fees in other jurisdictions went up to \$145/hr. - \$150/hr. Our rates are greatly reduced from what private clients are charged." **City Attorney Groot** concluded by saying in Deltona they just hired Special Counsel for \$270/hr.

Commissioner Burton made a motion to approve the bills as presented
Commissioner Lane seconded.

Commissioner Robbins-yes, Commissioner Burton-yes, Commissioner Lane-yes, Vice-mayor Snowden-yes

PRESENTATIONS

No presentations for this meeting

BI-MONTHLY REPORTS

City Engineer

City Administrator Findell said, "The City Engineer and I finished our latest response to the Water Management District's request for additional information on the Consumptive Use Permit. It was transmitted to them about a week and a half ago and we should hear something back from them shortly."

PLDRC – no report

Historic Preservation Board – no report

Parks & Recreation Board

Sean Abshire: "Betty O'Laughlin's not here tonight so I'm going to give the report from Parks and Recreation. As some of you may already know, I've been elected vice-chairman. Bart Gawlikowski stepped down at our last meeting. At Tuesday's meeting, our Board compiled the information necessary to establish a kickball league in Lake Helen. We are putting the information together now and it will be included in the next agenda package. We are still waiting to hear from Randy Molner regarding the licensing for movie night. The Easter egg hunt was a great success. 147 kids were

there. There weren't any glitches and everybody had a great time. It was a lot of fun. This week I put together a group from the Boys and Girls Club to clean off the foul language in the bathrooms at Blake Park. We got a lot of it off. They kids were very enthusiastic that we were able to remove the graffiti. The outside of the Boys and Girls Club is in need of painting and cleaning. Karen Greer and I are putting together another workgroup to accomplish this. We put together what this will entail and I've printed copies for all of you. (He passed those out). We're actively working on the Fourth of July activities and we will have another meeting on April 21, next Tuesday, to discuss this at length. Volunteers are desperately needed and we need a lot of help to get this going. The tire swing was fixed at Blake Park. There was a rusted bolt on it making the swing unsafe. Ricky got that fixed right away. **Vice-mayor Snowden** thanked Sean and said, "I've heard a lot of good reports about you and your enthusiasm and your dedication to this committee and we're proud that you have such a passion and desire to serve your community. You certainly are setting a good example.

PUBLIC FORUM: no cards were submitted

PUBLIC HEARINGS:

Consideration of adoption on second and final reading of Ordinance 2009-03 relating to special assessments within a citywide special assessment district.

Vice-Mayor Snowden read by title Ordinance 2009-03:

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.

Vice-mayor Snowden opened the meeting as a Public Hearing and asked if anybody in the audience desired to speak on this matter. After no response: "Let the record reflect that this closes the Public Hearing."

Commissioner Robbins made a motion to adopt on second and final reading Ordinance 2009-03.

Commissioner Burton seconded

Commissioner Burton is in favor of this Ordinance because of the special assessment which allows us to add a fee for anybody who has a building that's vacant and needs to be maintained. "In Florida 119,000 foreclosures have been filed. That's a 36% increase (time frame not mentioned) in the number for foreclosures. Those foreclosures mean

that what is happening is that these empty houses are causing neighborhoods to be declining because people are leaving their properties empty and they become unkempt. What this assessment would do is that it would allow the city to assess a property fee that will be paid upon disbursement of the property. Unlike having a code enforcement violation, where fees are often negotiated down, the special assessment would give the city the right to recoup the money expended on unkempt properties. I think this assessment will be helpful to Lake Helen especially during these economic times.”

Zone-1/yes; Zone 2/yes; Zone 4/yes; Vice-mayor/yes

Consideration of adoption on second and final reading of Ordinance 2009-04 relating to sign regulation.

Vice-Mayor Snowden read by title Ordinance 2009-04:

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.

Vice-mayor Snowden opened the meeting as a Public Hearing and asked if anybody in the audience desired to speak on this matter. After no response: “Let the record reflect that this closes the Public Hearing.” **Vice-mayor Snowden** said this a good housekeeping Ordinance and it clears up a lot of loose ends.

Commissioner Lane made a motion to adopt upon second and final reading Ordinance 2009-04.

Commissioner Robbins seconded

Zone 1/yes; Zone2/yes; Zone 4/yes; Vice-mayor/yes

COMMISSION CONSIDERATION:

Consideration of request by The Daughters of Ebony Excellence to have the fee waived for a half day rental of Hopkins Hall.

Jerrlyn Burton

690 W. Ohio Avenue

“I represent the Daughters of Ebony Excellence. It’s a ministry out of Mount Olive AME Church. We have been in operation for over a year now. This program is a mentoring program for girls 10 to 19 years old. We have eight week sessions where we introduce and give the girls information on health and wellness, career opportunities and try to uplift and empower them so that the future of communities will be enhanced by these young ladies. This year we are operating on donations alone. We are trying to get a journal out but the funds are not coming in because of the financial problems that everyone is under. We are a little strapped. We would like to have at the end of the eight sessions a culminating activity where the girls receive certificates for completing the sessions. We recognize those who have volunteered and we like to recognize those in the community who have come out and supported us. We have appreciated

the support that we get from the Commission, the Mayor as well as Commissioner Robbins who greet our girls at our opening kickoff and generally attend the meetings. We have been supported also by the Creative Arts Center. They've allowed us to use the classroom in the Center for our sessions and we've been very blessed that even without the donations and money coming in, we've still been able to do some of those things that we really wanted to do for the girls. We were invited to Star 94.5 radio station and we were able to get transportation, again from the City, so the young ladies could attend. Tonight, Dillard's is at the Creative Arts Center giving the girls a skin care lesson and glamour/makeup sessions. So, we're able to do some really nice things and we would like to continue to do that and to recognize them. It would be great to be able to do this at Hopkins Hall so were asking for your consideration to please waive the rental fee for that half day."

Vice-mayor Snowden said he was impressed with the letter that was submitted and the eloquence in which it was delivered. Ms. Burton gave Pastor Johnson the credit for the letter. **Commissioner Robbins** said, "I think this whole thing is very eloquent. This is the third year that I've been involved with it from right after I was elected. These two ladies and Reverend Johnson really need to be commended for what they're doing for these young people. I would ask Buddy and Cameron – you really need to go. It's unbelievable what they're doing for these girls. It's fun but it's just bringing them up in life and teaching them all kinds of social grace and things that they may not have a chance to have at their disposal. These two ladies are just doing great, just wonderful things for the teenagers."

Commissioner Robbins made a motion to waive the fee for the half day rental of Hopkins Hall for The Daughters of Ebony Excellence
Commissioner Lane seconded

Commissioner Burton said, "Because my wife is bringing this before the board, I don't want to vote on an issue where there may be a conflict of interest. When such a conflict exists, a Commissioner should abstain from voting and fill out a form explaining the conflict. So, I can comment on this topic but I can't vote on it. We did have a quorum even though only three people voted. (*quorum: the minimum number of members of a deliberative body necessary to conduct the business of that group.*)

Vice-mayor Snowden said he was impressed with Ms. Burton's delivery and the request in writing. It's an example that many should follow if they would take a lesson from her. **Commissioner Robbins** said, "Another point to make is this is part of the AME Church which, on the list of people we exempted a couple of weeks ago, churches were on the exempt list. So I don't know, in essence, if we really even had to bring this before a vote because it is part of the church."

Vice-mayor Snowden added that maybe her presentation will bring visibility to the group that might help their effort grow.

Zone 1/yes; Zone 2/abstains; Zone 4/yes; Vice-mayor/yes

COMMISSION DISCUSSION: none for this meeting

STAFF REPORTS

City Attorney

“**Vice-mayor Snowden** wanted me to address one matter. There is an issue that's being discussed in some local government bodies and in the state legislature regarding public meetings laws. You may have read a story recently where the City Commission in Deltona passed a procedure where they agreed that the Commissioners would not be allowed to text message during the course of a meeting. The **Vice-mayor** wanted me to tell you what the issues are and why it has become an issue. In some jurisdictions the Commissioners, such as in Seminole County, have computers installed or they bring laptops to the meetings and are engaging in e-mailing while sitting at the dais making decisions. Or, they might have a Blackberry which can receive e-mails and text messages. The issue is, in the course of a public meeting when a legislative body is discussing an issue of public importance, there are those that believe that when the public is watching the legislative body they ought to know what is being read by the legislative body during the course of the proceeding. The fear is with the e-mails, text messages or other forms of communication, that you might be getting a member of a legislative body who is receiving a private message from someone in the audience and that someone isn't at the podium speaking so that everybody else can hear. A presiding officer could get a message saying don't call on Commissioner “Jim” first, call on him last or things of that nature. This has become somewhat of an issue because the more communications there are of that nature, the less communications there are between a body and its citizens. The legislature is looking into it and the Attorney General has consistently issued opinions to ensure that the communications are open even to the point of issuing one opinion where he criticized members whispering to each other. It may not have had anything to do with the issue but the perception was that they were whispering about the meeting. The focus is on open government in Florida. There's a history of open government and there are rules against e-mails, text messages and other forms of communication during the course of the proceedings. This follows the tradition of open government.” **Vice-mayor Snowden** said it was expressed on the news that some Commissioners are encouraging attendees to turn off their cell phones upon entering a meeting and that this should be a regular practice. **City Attorney Groot** continued, “Many of the meetings I go to post a sign at the door telling people to turn off their phones before entering. Deltona's Commissioner Denizac brought forward that issue of turning off cell phones. It was her view that it interrupts a meeting, it's not transparent and it's rude. That was her view and that's why she made the proposal. The article that she wrote for the Beacon went out to the Florida League of Cities.” “In terms of Tallahassee, I haven't focused on watching the foreclosure legislation which would put obligations on lenders in terms of property that would be subject to foreclosure. I typically don't look at what the legislature is doing until the last couple of weeks. During the last two weeks is when there is usually more activity. What is going on now is that the bill we said was too good to be true that was originally introduced has indeed turned out to be too good to be true. It was very much like the ordinance we had discussed that had fines going back to local governments to pay code enforcement liens. Apparently, the banking industry, the mortgagee's of the world, have been lobbying the legislature and what they're trying to get the legislature to enact, if they do enact a bill, won't have any effect on the lender until the lender actually has title. So, during that period of time between the default and the certificate of sale on the

courthouse steps, the lender would have no responsibility. That's what the lobbying effort in Tallahassee is directed at right now. Lenders are strong lobbyists and they're trying to protect their interests and stay out of the fray."

"Finally, I want to talk about the voting conflict form that Commissioner Burton signed. He abstained from voting and my view is that when someone makes a judgment to abstain, they feel that there is an appearance. I do want to come to Mr. Burton's defense in some regard. We need to redo your form. You may have felt that you had the appearance and that was the right thing to do and I'm not going to tell you you're wrong. That was technically not a voting conflict. We need to have that form say that: *There was an appearance but it was not technically a voting conflict. The appearance mandated that I should abstain.* But I do want the form to spell out that you did not have a technical voting conflict."

Police Chief

Vice-mayor Snowden asked Chief Chester to comment on one of the expenses on the bill list for a seminar and related expenses and to explain how the City will benefit from it. Chief Chester said, "That class has not yet been attended by Lt. Walker. The funds for that seminar will come out of a special education fund that \$2 from every citation goes into and it can only be used for education. It's not really out of the general fund. We haven't sent anyone to classes in quite some time and this year we're going to try to send a few of our officers so they can upgrade their education in various areas." **Vice-mayor Snowden** said, "What a lot of the public doesn't realize is that law enforcement helps support itself through fines, forfeitures and educational benefits and career incentive monies that are targeted to day-to-day police work."

City Administrator

"I am just now beginning to work on the City's next 5-year NPDES (nine point discharge elimination system) work program and I'm also preparing our renewal permit for the NPDES permit. I bring this to your attention only to vent because this is a fairly time-consuming task. It involves my time, it involves Ricky's time but it involves primarily my time. The venting aspect of it gets back to the State Legislature. The NPDES permit program is one of those programs that was mandated that we participate in by the state legislature. It is another of the unfunded mandates. What I find to be really ironic about the whole thing, other than the cost involved in preparing the work program then the cost involved in implementing the program, is that we also have the pleasure of paying a permit fee associated with this program. As we know, the legislature, in order to plug some of their budget gaps, has increased fees. So this particular program is one of the areas in which they've increased fees. The fee increase for the permit has gone from \$3,700 to about \$5,700. So not only are we going to spend several thousand dollars of City time developing and implementing the program but then we're going to pay a very substantial fee on top of that. This information is just for your edification and education." "Secondly, I'll be taking a weeks vacation at the end of the month so Nancy will be acting in my stead. I'll be available by cell phone if anybody needs me for anything."

Code Enforcement – no report

MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE

Zone 1/Commissioner Robbins

“Monday I attended the Scenic Highway meeting. They have been designated for the 120 mile or so course from south of Palatka to the Volusia/Seminole border. We have a map in the museum of the route. They are going to be having an official celebration kickoff event on September 26th in conjunction with the Rivertown Craft Festival on Woodland Boulevard at 44. That’s also where the official ribbon cutting ceremony will be. Also, there will be a contingent of old cars from Osteen through Deltona to Cassadaga and Lake Helen where there will be official unveilings of the Scenic Highway signs by the Mayor or a designee of the City. The caravan will continue to the Boulevard for the ribbon cutting ceremony. There may be a small amount of money each city or participant is asked to expend. I don’t know what that will be yet. This is going to be major as far as ecotourism is concerned. It’s really been a pleasure to work on this. When Eddie and I travel we enjoy driving the back roads so it’s been a learning experience but it’s also been what we like to do so it’s been quite beneficial. I turned in a white paper that we’re going to be discussing at the May meeting. This is going to FDOT in conjunction with their engineers. That’s one of the fun parts of being Commissioner.”

“Next Friday on the 24th is Arbor Day. I spoke to Ricky today about planting a tree. He said that he has a location at the library and I was wondering what the Commission would like to do. It’s a good learning experience for children to get involved in this sort of thing. I think this is Earth Week. I was wondering if perhaps since it’s close to the library where the tree is being planted if we should invite some kids from the daycare center at Blake Memorial to participate and have their teacher explain what it’s all about. They’re little but it’s good to get kids involved at an early age. Trees are life’s blood. They put oxygen into the air we breathe. I think at 4 or 5 years old they could understand this concept. With the Commission’s permission, I’d be happy to contact the teachers at Blake daycare to see if they could bring half dozen kids down there to participate. I’ll be there and take pictures for our Tree City certification. I did print out a whole thing off the internet about Tree City. There is more than just making an application, which we do need to do fairly soon. The first three criteria are: a Tree Board, a Tree Care Ordinance and a Community Forestry Program with an annual budget of at least \$2 per capita. That’s the hard part. Ricky said he didn’t know we had that much money allocated. In previous years we’ve used fines from people who have cut trees down when they shouldn’t have. I haven’t checked with Don to see if we have any of that this year. The fourth criteria is an Arbor Day Observance and Proclamation. That would make us a Tree City again. I did look on the list of Florida cities and our name was not on it so I called and was told that they are updating the website so it should be on there. If you want me to do that I’ll be happy to contact Blake daycare.”

The Commissioners agreed it would be a good idea. “I think it would be a nice little 5 minute walk down there. It’s not as if they have to take all the kids.” **Vice-mayor Snowden** asked **Commissioner Robbins** to put a note in everybody’s box stating the time. She said she would after checking with the Daycare Center. **Vice-mayor Snowden** also asked the **City Attorney**: “Since this is a City event that’s taking place and two or more Commissioners may be in attendance, are we under any obligation to make notice of that?” **Mr. Groot** answered, “The best practice is whenever there’s going to be more than one Commissioner at an event, to Notice it. That’s my advice

regardless of the occasion.” **City Administrator Findell** added, “We would typically post the Arbor Day event. That should be more than sufficient. I would like to make a comment related to the \$2 per capita reference made by **Commissioner Robbins**. We do not have any Tree Funds. Unless the rules have changed recently, that \$2 per capita is not specifically for planting trees it’s for a forestry management program that includes maintenance of your trees in your existing urban forest. The amount we spend on an annual basis for tree maintenance far exceeds \$2 per capita.”

Vice-mayor Snowden asked **Commissioner Robbins** to comment on the upcoming car show. She obliged, “Next Saturday on April 25th, the Antique Auto Club of America is hosting a car show in Blake Park. John Meinelt addressed us three or four months ago. Last year they had around 200-250 cars and they may be expecting more this time. They look forward to coming to Lake Helen and I’m hoping the Mayor will be well enough to pick her car. They give a trophy for the Mayor’s choice. They cars start arriving right after 8am and I think the judging is done at 1pm and the show ends 3pm. It’s a good boon for Lake Helen that day and I hope everybody will turn out and support them.” **Vice-mayor Snowden** added, “It’s a good event. They clean up after themselves and put on a good show. It’s a good time.”

Commissioner Robbins continued with her report, “I requested and spoke of critiquing the current budget. Last year’s audit has not been done yet but I think we need to know where we stand financially. I think we need to maybe set a special meeting or workshop to look at what we’ve spent and what’s coming in. I know Cameron and Buddy agreed, I guess you all did, that when I first mentioned the budget, it was a 5 month deal but now we’re at 6 months, we’re halfway thru the year and we really don’t know where we stand at this point.” **Commissioner Burton** asked about the status of the new software. “The software has been installed but we’re not working on that software at this point. There’s still quite a bit to be done before it comes to that point. It’s not just a crossover thing where they can push a button and all the information from the old software goes to the new. Cheryl is pretty well stressed out. I know because I’ve been there and it’s an awful lot of work. She’s taking on a big task. I think she knows what she’s facing but I think we’re going to have to cooperate with her as much as we can because it’s an insurmountable task. Don, didn’t you tell me you’d have a 5 month report on our financial condition?” The **City Administrator** answered, “I have the raw data. What Cheryl has expressed having a problem with is producing the data in the manner that we’re familiar with basically profit and loss. However, I have all the individual line item detail for each of the accounts in the General Fund. Cheryl hasn’t been able to produce it for the Storm water or Utility Funds to this point.”

Commissioner Robbins continued, “What is your pleasure as far as setting up a workshop to take a look at where we are? The General Fund is the most important anyway. That’s what generates the taxes so it’s the important thing to look at. The Utility Fund is pretty much self supporting. I don’t think we’re losing there. But the General Fund has got all the big items in it and the state money that comes in. I just want to see where we are compared to a year ago as far as what kind of sales tax we’re getting and state revenue sharing, I don’t think that changes.” **Mr. Findell** interjected that state revenue sharing does change. “We’re obligated to get a certain amount but the amount we get changes based upon the revenues that the state receives. That’s one of the revenue areas that at least when I looked at the data a couple weeks ago, it appeared that we had guessed correctly on in reducing the amount of revenue that we

expected . Just in general, I can tell you that there are a number of areas where we anticipated that revenue would be less this year than we anticipated last year. In some of those areas, the revenue we projected to receive at a reduced amount is going to be fairly close. There's a possibility that the revenue that we receive from municipal services taxes will be more than we projected. On the other hand, sales tax revenue that we projected would be reduced has been reduced dramatically, more than anybody anticipated. That's pretty common knowledge. You just have to read the paper and watch the news as it relates to the state legislature. They are always talking about how much sales tax revenue is below what was estimated. That all trickles down to us. The other area where we will receive substantially less funds than we budgeted for is interest on our money that we have in the bank and with the SBA. Even though we anticipated that rates would be lower we didn't anticipate that they'd be 4% lower. Again, I told **Commissioner Robbins** that anytime she wants to come in and sit down and look at the raw data that she could." **Commissioner Robbins** asked if he could make copies of the raw data and put a copy in everybody's box so they could all take a look at it and possibly set a meeting in the future. **Mr. Findell** said that what he'd suggest is to see how close Cheryl is to posting for the 6 months. If she's posted or is close to posting I think it would be beneficial to wait and get the data as up to date as possible . If there are no objections to that, I'll pursue it with Cheryl.

Commissioner Robbins continued with her report. "Monday, when I was at the Scenic Highway Meeting, I spoke with County Commissioner Andy Kelly. When I was out taking pictures for my report I had to turn in to the Scenic Road Committee, I noticed quite a few times going toward Cassadaga, the little bridge by Robert Feathers house that was flooded last year and is deteriorating. I spoke to Andy about that since it's a County Road. He said he'd have Roads and Bridges take a look at it. CR4139 is supposed to be paved and he didn't know if there was any money specifically to rebuild or rework the bridge while they were paving CR4139. He said he'd heard that the paving dollars were cut by about half from \$600,000 to \$300,000." **Mr. Findell** interjected, "What happened there is that when I originally estimated the cost of paving CR4139 within the City limits, I estimated it would cost about \$420,000. The County had an estimate for the section of CR4139, both north and south, that's beyond the City's corporate limits which may have cost a total of \$600,000 or so. When it was discussed by the MPO, the county staff indicated that based upon the information they had, they felt the Lake Helen portion of the project could be done for about \$300,000. Since they were going to be ultimately responsible for the project, even though we were going to get it funded, the MPO recommended its funding at the level that the county suggested. When the list of recommended projects was forwarded from the MPO to the DOT, the DOT, in conducting their review of all the projects, went out and assessed the project as it related to CR4139. They assessed it with county staff and then brought to county staff's attention some additional items that needed to be done. There were some road improvements that needed to be made, as well, that would have increased the cost. So because local governments are responsible for making up any difference between the recommended and approved amount and what the actual cost is, the county had to come back and affirm that they would be responsible for paying any additional costs for those improvements even within the City of Lake Helen beyond the \$300,000 we had approved."

Commissioner Robbins continued with her report, "Even though this is not in my zone, but because I love Lake Helen and we could get storms again this year, I'm just wondering about the cleaning out of the stream bed that runs from I4 all the way down thru Beers Creek. Some is in my zone but most is in Vernon's. Cleaning out the stream beds on Ohio Avenue and Pleasant Streets that were flooded last year, might be a good idea. I'd rather be proactive than reactive. It seems to me that there's a lot more water up near the interstate now that could be possibly flowing down underneath through that area and I don't think we want to be buying any houses if they get flooded out like what happened in Deltona. Maybe this is something we need to take a look at." **City Administrator Findell** commented, "If the city needs to pursue this, it would have to go out to bid. This would not be easily accomplished. The County would have some ability to do stream maintenance but it would depend on their workload. We can check with the county and see what their work schedule is and what their crews and the mosquito control crews' ability and opportunity to do it is and the cost of doing it. I can tell you that the cost would shock you." **Vice-mayor Snowden** reminded everybody about when Commissioner Cooke was working with Mr. Tillman on clean-out with the county. There was a lot of back and forth constantly with the county and lots of confusion and they were reluctant to correct some issues they caused that contributed to the problem. **Mr. Findell** added that there would also be a permitting issue. You have to get an acknowledgment from the Water Management District that whatever you propose to do, it doesn't require a Storm Water Management permit. It's not a simple process and not one that can be accommodated in a short time frame. We can explore what the options are.

Zone 2/Commissioner Burton

"At Easter Sunday morning services that were held at Lake Helen, about 70 or 80 people showed up for these sunrise services. They had several denominations of churches that participated. It was a beautiful offering and was a well attended affair. DeBary has begun to have roundtable discussions with interfaith churches to set up possible response teams to react after hurricanes and disasters. So my job is to reach out to some of these communities. In DeBary, we had our second meeting today of the interfaith roundtable churches and what we came out of that meeting with is the ability to identify where churches can pitch in and how cities can work in conjunction with these churches. This may be an idea that Lake Helen is a few steps away from but what I saw on Sunday was the coming together of denominations of churches for a singular purpose.

Also, I went to a meeting in Orange County where different federal agencies attended to oversee the spending of money. There's a lot of money that the government has provided in ways of grants, law-enforcement, juvenile justice programs, etc. Some of this money that's available will go quickly. The meltdown has not yet ended. The loss of jobs and houses being foreclosed on has not ended. The loss of revenues to municipalities such as ours has not been updated. We have not dodged any bullets yet. I'm going to go to these meetings and my job will be to deal with the aftermath of floods and hurricanes and damages. The program that I'm with now will probably end at the end of June. Luckily we haven't had any rain storms since that time and people haven't been flooded out but we are getting near the time when there could be a catastrophic situation that we the City will have to contend with. People who are barely able to pay

their mortgages are letting their house insurance lapse. So now you have an unusual amount of people who are under default. These are all things that are going to impact us. I just wish that there were more people here because the more people who understand where we are will realize this is not over by a long shot. Back to what took place on Easter Sunday morning. We did not have the bathrooms open and there were about a hundred people there and unfortunately people had to be shuttled to the bathroom because there weren't enough. It was an oversight that won't be repeated but it was not good. This brought to my attention what has happened at Melissa Park. We have horseshoes, basketball, picnic tables and fire pits but there are no bathrooms there. The bathrooms there are locked so someone happened to come to me today and said, *Mr. Burton, when we come to Melissa Park, and we use it on a regular basis, in order to use the bathroom we have to go home or go into the woods.* Coming from Royal Park in Lake Helen and seeing elderly people having to be transferred to the bathroom, we find that to be appalling and 'gee whiz sorry that happened.' But those people at Melissa Park have been without a bathroom for a lot of reasons. The bathroom is in the facility that is locked so if you open up the facility to open the bathrooms then you are opening the facility to vandalism which is an expense to the city. Something we came up with was that maybe we could put in a Portapotty but that would be another expense to the city. So what do you do? So the kids, the adults, the men and the women have to go either in the woods or go home because we can't afford to let them go to the bathroom. Things that have been overlooked for a lot of reasons for a long time now come to the forefront. The people at Melissa Park say they know this is the deal because no one could open up the doors for us. That's something that we as a city should keep in mind that we are a city, we are a Tree City but we are also a people's city. The people who live in this city are entitled to everything that every other citizen is entitled to.

Talking about the streams and maintenance. Because of the lack of rain we've had in the last couple of months and because of the droughts that have occurred, because of the foliage that has died off or burned off and because of fires – when the rain does come, those streams will overflow and the roadway between Ohio Avenue and going up Church Street to the overpasses where the water will go under the road, that area has been in need of repair for quite some time. Even before I became a Commissioner I was one of the people who walked or ran over that bridge every day. Again those are things that are on the list of things that might need to be done but we won't find out how bad they are until we have a storm or until we have an emergency. I'm just putting it down here for the record. You can't say that you didn't hear it and you can't say that you didn't know it. We are having a lot of situations with regard to our economy and everybody is going to have to bite the bullet. The people who don't have a bullet to bite, they're going to have to take it on the chin.

At the last **City Commission** meeting there was an issue that was brought up about the litigation with Tony Troy. I made a comment that maybe Mr. Troy should remove himself from the Commission. One of the citizens spoke to me right after the meeting and suggested that I do my homework about what the position was. I just spoke to our **City Attorney** about an issue that has been brought to my attention which spoke about the limit of employment of Commission members. Neither the Commission or the Mayor shall have employment with the City. This is under section 112- 313 that says no officer or employee of an agency shall hold any employment or contractual relationship

with any business entity or any agency which is subject to regulation for doing business with an agency. Mr. Troy is not doing business with the PLDRC. So just to let you know that I am doing my homework. If there's any other information that I need to come up with, I am one person that speaks for myself. If you bring something to me, I will look at it. I'll look at it and if it doesn't make sense, I'll tell you. If it makes sense, I'll bring it up." **Commissioner Burton** asked the **City Attorney** to clarify what he just said. **Mr. Groot** said, "The question **Commissioner Burton** presented was can Mr. Troy do business with the city. The answer is, he can. He cannot do business with the PLDRC. That is the agency to which he belongs. You cannot do business with your own agency. The agency that Mr. Troy is a member of is the Planning Board so he could not be a consultant to the Planning Board while sitting on the Planning Board." **Vice-mayor Snowden** said, "This issue surfaced once before when Mr. McIntosh, who represented the City at that time, gave us a ruling expressing the lack of conflict on Mr. Troy's part as a servant on the Planning Board. The Commission was therefore guided by his interpretation of rules as they apply to committees and conflicts. That's the direction that the City took. Also, Commissioner Burton, I appreciate your efforts and your comments particularly about the churches and communities drawing together because the church community is a large grouping of citizens and we all share the same fears and concerns and problems when problems arise. We do have in Lake Helen churches that are part of an emergency response preparedness team. At one time, we had about four churches in the community that were involved in and tied into emergency response teams locally and regionally. I'm glad to hear that you are thinking along those lines as well."

Zone 4/Commissioner Lane

"I'd like to commend former Commissioner Lou Benton on our passage of Ordinance 2009-03. That was largely due to your input to the City and I appreciate it. I want to say it on the record that you did a good thing for the City. As to what **Commissioner Burton** said in his self proclaimed title of chicken little, you did a good job explaining several aspects of a that. There's something else that I think we're going to see in this City that you didn't touch on that's part of the larger economic cacophony that's going on around us. I think we are going to see some fairly extensive devaluing of the dollar. We are printing money which devalues the dollar. A lot of money has been put into the system by the government that is trying to stimulate things but none of it is being spent. The sales tax revenue is still low and a lot of people are hoarding that money. That money is being set aside. Hoarding has a negative connotation but it's probably not negative. They're setting aside their holdings and are waiting to see what's going to happen. At some point people are going to start feeling better and start spending. When it all comes out at the same time, it's going to put a tremendous inflationary pressure on prices which has the same effect as devaluing the dollar. Our reserves, therefore, will be worth a lot less than they seem to be now. As a city, we're going to see an additional significant pressure on us as a municipality, as well as, all the unfunded mandates that we're always complaining about. I think that's something as we start working on the budget that we need to keep in mind. I wasn't planning on mentioning this but I went to the Tea Party at the Deland City Hall. It was a heartening thing to see people getting involved again. I don't know how much good it's going to do but it was a heartening thing."

Commissioner Robbins added that the event was organized by just one girl. **Commissioner Lane** continued with his report, "We are stewards of the City's money so we've got to set a precedent. We, as a municipal body, need to hear what people across the nation are saying at every level. Governmental spending is disturbing to the population. So much of what we do at the local level is much less discretionary. We have things that we have to do that just have to be done. A lot of what the federal government says they have to do, 'have to' is a stretch. We need to hear that the people are upset with spending and we need to continue being diligent in our efforts to keep ourselves in check. I appreciate how well we do that and I want us to continue that effort. Our upcoming budget effort will have to reflect that."

Vice-mayor Snowden

"Thank you all for being so pleasant this evening. To our staff, I appreciate your efforts, especially the ones that sacrifice the time that we don't often think about; what they give when we drag things on until late at night sometimes. We appreciate you being here."

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Joan L. Duffy, Mayor

Nancy Wilson, City Clerk