

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
May 20, 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 Lane gave the invocation and led the pledge of allegiance.

DELETIONS OR MODIFICATIONS TO AGENDA – Item 7D was moved to item 6A under Public Hearings. Item 7E on the amended agenda is now item 7D. Also, a payment request from Barracuda Construction was added to the bills in the amount of \$47,156.84. The documentation was reviewed by the county and the engineer and found to be in order.

Commissioner Robbins made a motion to accept the modifications to the agenda

Commissioner Basso seconded

All zone Commissioners and the Mayor voted yes

COMMISSION ANNOUNCEMENTS - none

MINUTES

Commissioner Lane made a motion to approve the minutes and to enter them into the public record with noted corrections

Commissioner Robbins seconded

All zone Commissioners and the Mayor voted yes

CONSENT AGENDA:

Bills - May 20, 2010

Commissioner Robbins questioned if damage to the fence around the cemetery on S. Summit Avenue was caused by Barracuda Construction. She also mentioned the higher

than usual Gilbert Propane bill. Chief Chester said he will look into it. He knew of a small leak but not one that would increase the bill by so much.

The Quentin Hampton charges were incurred because of the Ivy Hawn School planning so the city will be recouping those.

Mayor Snowden asked about shavings for the stalls at the Equestrian Center. The city has not bought shavings for several years and the stalls are in need of them to make them more rentable.

Commissioner Robbins asked about Mainline Supply amounts. The charges are a result of meter replacements. Some retrofitting and road repair is necessary which is why the charge is split between the General Fund and the Utility Fund.

Mayor Snowden asked about the Lowes charges. Rick Mullen explained that the charges were for materials used for fencing and repairs at the ballpark and other city parks.

Commissioner Robbins made a motion to approve the bills including the payment to Barracuda Construction

Commissioner Lane seconded

All zones and the Mayor voted yes

PRESENTATIONS - *none for this meeting*

BI-MONTHLY REPORTS:

City Engineer

City Administrator Findell reported that the S. Summit Avenue project is essentially complete. A walkthrough will be performed on Monday, May 24th to write up a punch list. The final cost was \$80,220.56 that included the extra paving up to the Williams' house. That add-on cost was around \$17,000. We will use impact fees to cover the extra amount so the General Fund won't be affected.

Local Planning Agency (PLDRC) – no report

Parks and Recreation Board – no report

PUBLIC FORUM - *none for this meeting*

PUBLIC HEARINGS

Consideration of Ordinance 2010-01 relating to Health and Sanitation, on second reading (formerly item 7D under Commission Consideration on original agenda)

Mayor Snowden read Ordinance 2010-01 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.**

Public Hearing opened

*Sharon Micheo
825 Sand Crane Lane*

Her concern is the timing of this ordinance and she wants to ensure that she's not negatively affected by it given the other legal issues in which she and her husband are involved. **City Administrator Findell** explained that the original ordinance was revised because of a request made by the Lake Helen Villas asking that their service be reduced, separate from the rest of Lake Helen. For that to happen, the City Commission had to agree to it and the original ordinance had to be revised to accommodate that request. The Commission approved lesser service and the ordinance was revised. Because of the age of the ordinance much of what was in there wasn't current. There were provisions that were conflicting and ambiguous. It was an opportune time to bring it up to 2010 standards. Issues that have been raised through the years were addressed related to public aesthetics: when garbage was put out for collection, where it was put and when the garbage receptacles were removed from the roadside. This will minimize the time animals can get into the trash and it will be more aesthetically unpleasing. Ms. Micheo says she travels and often needs to put her trash out early. She doesn't want to be a victim of a code enforcement violation. Mr. Findell discussed what is done in other communities and said the time Lake Helen allows garbage receptacles to be out is very generous being one day before pick-up and one day after.

*Diego Micheo
825 Sand Crane Lane*

Mr. Micheo also questioned the ordinance. Mr. Findell responded that the window in which garbage receptacles can be by the road before and after pickup is about 48 hours. Mr. Micheo said the City shouldn't be able to tell him what to do on a private road. Mr. Findell responded that the City is not telling him what to do on his road, only what he needs to do with his garbage; it has nothing to do with his road. **Mr. Findell's** comments were reiterated by the **City Attorney**. Mr. Micheo doesn't want the City telling him what to do on his property. **Mayor Snowden** explained that the ordinance applies to everybody in Lake Helen.

Public Hearing closed

Commissioner Robbins made a motion to approve Ordinance 2010-01 on second and final reading

Commissioner Burton seconded

All zone Commissioners and the Mayor voted yes

COMMISSION CONSIDERATION:

Consideration of request by Lou Benton to create a committee to promote the Equestrian Center

Lou Benton wants the Commission to permit him to form a committee to promote the Equestrian Center so more revenue can be realized from that facility. They are going to research what similar properties are charging then work with prospective renters to iron out details before the request is brought before the Commission. There are many considerations such as grant requirements, insurance, the total five acres of property, rentals of City property, security requirements, etc. Mr. Benton said the citizens pay to maintain the arena but there's no revenue from it. The Commission discussed this at length. The biggest concern was that this committee would be stepping on the toes of our Parks & Recreation Board.

City Administrator Findell restated Mr. Benton's request. The group wants to promote the facility and determine what a reasonable fee would be for a particular event. Once a group indicates that they want to use the facility, the committee would coordinate between the City and the group. Mr. Benton added that his group would factor in police needs, maintenance needs, etc.

City Attorney Groot said the fundamental question is if this is to be an independent committee or a city board. If it's an independent committee, then it doesn't have to be acted on by the Commission. If it's an ad-hoc group then the city doesn't need to act on it. If it's a formal city board, minutes would be required, the sunshine law would apply, by-laws would be required, etc. All the committee wants to do is bring recommendations to the commission. It must be made clear that the committee can't obligate the use of the facility.

Commissioner Robbins made a motion to entertain the recommendation and counsel of the four individuals relative to the use of the Equestrian Center

Commissioner Basso seconded

Commissioner's Robbins, Burton, Bass and the Mayor voted "yes".

Commissioner Lane voted "no"

Commissioner Lane explained that he voted no, not because he didn't think the committee was a good idea but because he didn't think a vote should have been necessary because the committee has a right to exist.

Consideration of Resolution 2010-03, calling for municipal elections to be held in the City of Lake Helen

Mayor Snowden read the Resolution by title:

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, AUGUST 24, 2010 (PRIMARY IF NEEDED) AND/OR TUESDAY, NOVEMBER 2, 2010 (GENERAL) FOR THE PURPOSE OF ELECTING A COMMISSIONER FOR ZONE 2 AND A COMMISSIONER FOR ZONE 4, 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 is a yearly housekeeping item required by the Elections Board.

Commissioner Basso made a motion to approve Resolution 2010-03.

Commissioner Burton seconded

All zone Commissioners and the Mayor voted yes

Consideration of Resolution 2010-04, appointing clerks and inspectors for the City's municipal elections

A RESOLUTION OF THE CITY OF LAKE HELEN, FLORIDA, APPOINTING CLERKS AND INSPECTORS FOR THE GENERAL ELECTION ON TUESDAY, NOVEMBER 2, 2010, TO BE HELD IN THE CITY OF LAKE HELEN, FLORIDA.

This is a yearly housekeeping item required by the Elections Board. **Commissioner Robbins** noted that the resolution didn't specify a Primary Election date. The City Attorney amended the Resolution to include the August 24th Primary Election date.

Commissioner Basso made a motion to approve Resolution 2010-04.

Commissioner Burton seconded

All zone Commissioners and the Mayor voted yes

Consideration of appointment of Code Enforcement Special Master (formerly item 7E on previously proposed amended agenda)

The law firm of de Beaubian, Knight, Simmons, Mantzaris and Neal has provided the City with code enforcement Special Master services for several years. They are requesting that attorney Stephen Jacobs be appointed by the City to replace our current Special Master Jack Morgeson.

Commissioner Lane made motion to appoint Steven Jacobs as our new Code Enforcement Special Master to replace Jack Morgeson.

Commissioner Robbins seconded

City Administrator Findell explained the role of the Special Master: The Special Master is a key component of a city's code enforcement process. If the Code Enforcement Officer makes a determination that there has been a violation, hopefully there will be voluntary compliance. When there isn't voluntary compliance, the Code Enforcement Office is compelled to take non-compliance to a Code Enforcement Special Master who acts as a hearing officer. The city's case is presented and the Special Master hears both testimonies then makes a determination as to if a violation has occurred and gives guidelines as to how to proceed. We've had a magistrate since the early 2000's but have used him infrequently.

All zone Commissioners and the Mayor voted yes.

COMMISSION DISCUSSION – *none for this meeting*

STAFF REPORTS:

City Attorney – no report

Police Chief – no report

Mayor Snowden said the City averages sending an officer on a call 6 times per shift and those are only the calls that go through the sheriff's office.

Commissioner Robbins asked Chief Chester for reports on Fines & Forfeitures.

City Administrator

Mr. Findell contacted the County about using the grant from the Division of Forestry as a match for a County tree grant. This issue has gone to their legal department. The typical grant from the County is in the range of around \$25,000.

Rick Mullen reported that millings have been placed on Pete Shortlidge's road and his problem has been resolved. The first roads we're going to put millings on are the ones that have the road base with the undesirable material in it which is – Tangerine, Craig to High Street and the entrance to Blake Park. We only bought seven loads of millings. It's applied about 3 to 4 inches thick.

Mr. Findell said several pieces of information from Fred Tessier was put in the Commissioner's boxes regarding the CAC: Fred's timeline, financials and an email from Mr. Tessier to Keith Chester that indicated where he was in the process and an overview of what he was doing.

Code Enforcement Officer – no report

MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE

Commissioner Robbins/Zone 1 – no report

Commissioner Burton/ Zone 2 - Ricky and his team did some work on Day Care Drive and Joe Smith Lane. He thanked Ricky and said his work makes the City look good.

Commissioner Basso/ Zone 3 – He said that being the City's representative on the MPO of Volusia County has been a great education and it's good for networking. At a recent seminar, it was emphasized that federal government makes sure that communities have a say in transportation. They are looking to the future regarding public transportation. His zone 3 meeting at Hopkins Hall was not well attended. Some questions came up and he's in the process of finding answers.

Commissioner Lane/Zone 4 – no report

Mayor Snowden – no report

Meeting was adjourned at 9:12pm