

**REGULAR MEETING  
LAKE HELEN CITY COMMISSION  
May 21, 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 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 Joan Duffy

**INVOCATION AND PLEDGE OF ALLEGIANCE**

*Vince Cuda, a member of the Parks & Recreation Board, gave the invocation and led the Pledge of Allegiance*

**DELETIONS OR MODIFICATIONS TO AGENDA**

*No deletions or modifications*

**COMMISSION ANNOUNCEMENTS**

**City Administrator Findell** reminded everyone about the 13<sup>th</sup> Annual St. Johns River Cleanup on June 6, 2009 from 8am – 11:30 am. Registration information can be found on their website (<http://www.volusia.org/cleanup/stjohns.htm>).

**MINUTES:** April 16, 2009, May 7, 2009

**Commissioner Robbins made a motion** to accept the minutes from April 16<sup>th</sup> and May 7<sup>th</sup>.

**Commissioner Lane seconded.**

**Zone 1/yes; Zone 2/yes; Zone 3/yes; Zone 4/yes; Mayor/yes**

**CONSENT AGENDA:**

- Bills – May 7, 2009
- Blood Mobile in Blake Park on July 4<sup>th</sup>

The bill list was updated and the **Commission** discussed what was changed. **Commissioner Robbins** said, "I have one question on the Volusia League of Cities 2009 Awards Banquet. I think that's for nine dinners; are the spouses still paying for themselves?" The answer was yes. **Mayor Duffy** said ten people are going including the spouses. **Commissioner Robbins** concurred and said that Don's (Findell) dinner was paid for.

**Mayor Duffy** said the Blood Mobile was in Lake Helen last year and we need to vote in order to allow them to come again. We wholeheartedly welcome them here.

**Commissioner Burton made a motion** to allow the Blood Mobile to park in Lake Helen and to accept the bills as read  
**Commissioner Snowden seconded**

**Zone 1/yes; Zone 2/yes; Zone 3/yes; Zone 4/yes; Mayor/yes**

## **PRESENTATIONS**

*None for this meeting*

## **BI-MONTHLY REPORTS:**

*City Engineer – no report*

*Local Planning Agency (PLDRC) – no report*

*Historic Preservation Board – no report*

*Parks and Recreation Board*

Sean Abshire, co-chairman of the Parks & Recreation Board, said, “The only thing on my report is what you’ve received about the 4<sup>th</sup> of July. On Tuesday night at a meeting at the Creative Arts Cafe, we revisited our options for festivities on that day. We have discovered that the only way we can do this and have it be successful is to have it at the Equestrian Center. I understand your concerns about the heat and sun and the tradition of having it at Blake Park but we feel that we need to have it at the Equestrian Center.” **Mayor Duffy** asked, “So you want to switch back to what was presented before?” She asked if they could vote on this again especially since it was just given to the Commissioners today. **City Administrator Findell** said they can vote on it but they should discuss the pros and cons first. **Commissioner Burton** said, “I was the only vote in favor of having it at the Equestrian Center. When I was a member of the Parks & Rec Board, it was a lot of work to pull it off and it required a lot of volunteers. I think what you are saying is that you don’t have enough volunteers to hold the event at Blake Park but at the Equestrian Center you’ll have more people to draw from for volunteers.” Mr. Abshire said that’s correct.

**Commissioner Burton** believed that moving the event from Blake Park would be a good thing the first time he voted and he still does. **Mr. Findell** said, “It might be helpful for me to explain the conditions under which you can vote on this issue. You’ve taken a previous vote. In order for you to vote on the issue again, one of the Commissioners that was on the prevailing side of the vote would have to request that the item be reconsidered. If the Commission determines that they want to reconsider the item by majority vote, you could then vote on the issue itself. You’d have to vote on reconsideration first, though.” **Mayor Duffy** asked Mr. Abshire where all the volunteers came from all of a sudden. He answered that Betty O’Laughlin would be available and so would some of her Saddle Club people. Ms. O’Laughlin said, “If we have it all together, I can pull some volunteers to help from the Saddle Club since we’ll all be over there. If it’s in Blake Park, I can’t commit to helping. I don’t anticipate having problems getting volunteers at the Equestrian Center because I’ll have a lot of people to draw from. It puts the celebration, like it always was, together again.” **Mayor Duffy** said, “Before we have any further discussion, we need to have someone from the dissenting side make a motion to have this item reconsidered.

**Vice-mayor Snowden made a motion** to again address this item from the Parks & Rec Board as it relates to the festivities on the 4<sup>th</sup> of July.  
**Commissioner Lane seconded.**

**All zones and the Mayor voted yes.**

Bart Gawlikowski from the Parks & Rec Board: "It was news to me that the Equestrian Center was being reconsidered as the venue. I was at first against it moving from Blake Park but after attending meetings and volunteering on that board, I changed my mind. I've seen the guests dwindle over the last 5 years. As an event planner, Blake Park supports a spotted atmosphere with the various activities spread out too thin. For the Equestrian events, parents are taking their children with them. I've noticed this for the last couple of years. This isn't good for what we're trying to accomplish. We're trying to condense the atmosphere to make it more fun. When I heard that we had the possibility of having it at the Equestrian Center, I thought this was a way to keep people together in a community setting. I understand that shade could be an issue but I think we will be able to provide an adequate amount of shade. Parents won't have to worry about their children if the events are on the same property. The Equestrian Center is set up favorably for what we want to do with events and vendors and makes the event easier to organize. I love Blake Park. I've been there for 6 years and have played a big part in this event but every year it's more spotty and we don't have good control over it." **Commissioner Robbins** had questions about the map that was provided to the Commission. She wanted to know if Market in the Park would take place that day. Mr. Gawlikowski said it would stay in the same area. She didn't think they'd be too happy about staying there. Mr. Gawlikowski addressed her concern by saying, "It's something to consider but it doesn't carry enough weight to alter what's best for the celebration. Moving the Market in the Park vendors probably wouldn't be a good idea. They should be considered a separate event." **Commissioner Burton** said the vendors are on the parade route so the parade would go past them exposing them to more potential shoppers. Conversation continued about the placement of the Market in the Park vendors. **Mayor Duffy** said, "I noticed that the Blake Park pavillion is scheduled for an old fashioned picnic. If you're going to be at the Equestrian Center wouldn't you picnic there?" **Vice-mayor Snowden** added, "For the benefit of the audience, perhaps I should read the memorandum from the City Clerk that the Commission received:

I'm writing on behalf of a group of folks who attended a special planning meeting on May 19<sup>th</sup> to discuss July 4<sup>th</sup> activities. We came away from that gathering feeling that the tradition of having games and vendors will be more of a challenge this year if Blake Park is the venue. The Parks & Rec. Board has spent a lot of time discussing how best to serve the community and has a plan to present to the Commission showing the proposed layout. Though they know that Blake Park is the preferred and traditional location for vendors and events, logistics don't support it. Scant volunteers, split activities and diminishing attendance doesn't lend itself to the status quo. The strategic placement of tents will help with the issue of heat and sun.

Please reconsider your previous vote to keep the 4<sup>th</sup> of July activities in Blake Park and let Parks & Rec. give it their best shot.

He continued, "I think the City Commission always defers to the various boards and generally favors their recommendations on things that come before us. Lake Helen is rich in tradition and we get used to doing things the same way all the time. When things change, it upsets the apple cart. I want more than anything for the City Commission and the volunteer boards to work together with a clear understanding that we're not stepping on each others toes or finding fault. This recommendation comes from the Parks & Rec Board and I want to support anything that you as volunteers put your heart and efforts into. I was concerned at the last presentation that we weren't going to have any events because if it stayed in Blake Park you couldn't get any volunteers. So I set out to find volunteers and in a short time, I had many people who committed to helping. I purposely told them that we wouldn't discuss our plans for Blake Park until you had your meeting. So nobody has committed to me nor are they locked in for anything at Blake Park. The biggest problem from my perspective is that some of the failures in the past, and this isn't taking away from the volunteers, were from inadequate organization and supervision. I think a lot of that is because there aren't sufficient volunteers." Mr. Gawlikowski said that is the biggest hurdle – getting volunteers. **Vice-mayor Snowden** continued, "Traditionally, the Volunteer Fire Department or the Jaycees and the city crew put together a picnic style event. They used the proceeds from the food sales to fund the following year celebrations. That was often what paid for the fireworks that the Volunteer Fire Department put on. The rules and regulations are more strict about pyrotechnics now so we can't do that anymore. The city payed it's way by using what we earned during celebrations. The arena was right next to the park then so it was consolidated and there was something for everyone. I have a couple issues with the layout, not the Equestrian Center part but some of the notes showing how things are going to happen. I talked to Chief Chester about Market in the Park and asked if it's a good idea to have it on same day as the celebration because where it takes place on Lakeview that is often two or three rows of cars deep to view the parade. Keith Chester said 'no', it has worked in the past with Market in the Park being up front but whatever they decide to do, it's fine with him. It gives them more pedestrian traffic. He was comfortable with it." **Vice-mayor Snowden** added, "To me, it's counter-productive to have a bunch of vendors set up in the park who will be leaving at about the same time that the parade ends." Mr. Gawlikowski said they aren't asking them to leave at a certain time. They can stay as long as the festival is going on. They can feed off that activity and the people who attend the event will have something else to do. **Commissioner Robbins** said, according to the map, Market in the Park will be along Washington and Pleasant. **Vice-mayor Snowden** said that was one of his concerns as well. Mr. Gawlikowski asked if it's a parking concern. **Vice-mayor Snowden** said not necessarily. He just wants clarification about whether or not it's a good idea to have Market in the Park that day. Keith (Chester) said it's a good idea and I trust his judgement. **Mayor Duffy** asked if it's going to be on Lakeview or Pleasant? Mr. Chester said it will work at either location. (difficult to hear). There are pros and cons at both locations. **Vice-mayor Snowden** continued, "The other issue that I have is the closing off of streets. At the conclusion of the parade, the parade vehicles will be directed to travel either eastbound on Ohio Avenue to Prevatt or southbound on Pleasant Street to the Mitchell Sports Complex. You indicate on the map that you want to close Pleasant Street from Ohio Avenue northbound basically to the lake. Pleasant Avenue should stay open until after the parade so the Saddle Club members, who are always at the tail end of

the parade, can take Pleasant Street to the Equestrian Center. The traffic typically dissipates rapidly at the conclusion of the parade so let's leave Pleasant Street open and give the people in the parade a chance to go ahead and find their final destination instead of having them go all the way around to Prevatt Avenue or down Pleasant Street to Kicklighter Avenue in order to get back to Lake Helen. The traffic congestion will be alleviated fairly quickly. If you want to close after that I don't see a problem." Betty O'Laughlin said her biggest concern was people moving back and forth across the street while the floats were going by but she conceded and said that everybody goes slow. "What you're asking us to do is not something that can't be accomplished, we just need to have some law enforcement there to help with that. I'll be there and the horse people will be there and we'll just tell people to be careful. Most of the horses are fine but some do act up, that's why we wanted to keep the traffic off that street. I'm even thinking of moving the horses in a different direction." **Vice-mayor Snowden** said he hopes that we can make this a self-sustaining event. "The city is on the hook for the fireworks at a cost of \$5,000 but it would be nice if the community would join in more so that we don't have to count on the Market in the Park vendor fees or beg from the business community. We certainly have the potential. When we get the outside vendors it's just like giving them a bonus. The city gets nothing in return except a little fee." Betty O'Laughlin agrees but she says we do need outside vendors because they offer different things. Local church members have been vendors. "I'm on the same page as you Buddy (Snowden). I want to utilize people in this town. I try to support as many of the local businesses as I can. I want to see the people in our town getting the benefit of this. We do have some vendors who have always supported the Fourth of July and they do bring some different things. We are careful about who we invite and at times there has been some minor duplication. I'd like to see this turn into a really big affair where we have a lot of people. This may be an opportunity for us to start from scratch and see what we can do. But I think your ideas are great. You should come to the meetings. It's good to have people speak up and let us know their ideas. This brought up the Sunshine Law. **City Attorney Groot** explained what the relationship can and cannot be as far as discussing things like this. He said, "I think the issue was whether or not an individual commissioner can discuss issues that are being discussed by the Parks and Recreation board with an individual Parks and Recreation board member. **Mr. Groot** said individual Commission members can speak with individual Parks and Recreation members. If two members of the City Commission were to attend a Parks and Recreation meeting, you couldn't discuss anything because you'd be discussing issues at that meeting which would conceivably be discussed at a Commission meeting. But individuals can discuss things without any restraint. **Commissioner Burton** said that Commissioner Benton was part of the Fourth of July committee which was separate from the Parks and Rec board. It wasn't a board, it was a committee and it worked out fine with him and it wasn't a conflict of interest. He was not acting as a commissioner he was acting as a volunteer. There were no issues that had to come in front of the Commission because everything had been approved prior to that. It was also brought up that the horse trailers' ingress and egress area has to be roped off. Also, the tents need to be removed before people start parking there for the fireworks. **Mayor Duffy** asked the Chief what he thinks of the layout to which he responded that he's looked it over but not carefully. **Mayor Duffy** asked Keith Chester if he thinks the police would have any problem with it. He said no. Betty O'Laughlin added that the layout is the

same as the Equifest layout. After events, that area clears out quickly. **Mayor Duffy** said she was worried about the streets and if there's a problem with having those blocked off. Keith Chester said no because we've done something very similar in the past.

**Commissioner Robbins** said, "Can I assume that there's not going to be any parking for customers along that area on Pleasant?" Keith Chester spoke from the audience but it was inaudible. The conversation continued about Market in the Park vendors and customers and where they would park. Mr. Chester is going to take a poll of the people at Market in the Park on Saturday (May 23<sup>rd</sup>) upcoming Saturday and see what they would like to do. It was agreed that he would do this and report back to the commission. We can go ahead with voting on the Fourth of July with the exclusion of Market in the Park. **Vice-mayor Snowden** asked, "So, any parking that would normally be at the Equestrian Center will be diverted to Blake Park. Is that correct?" Ms. O'Laughlin talked about this and she didn't think it would be an issue but they'll look into it. She's going to be there during the entire event so she'll be troubleshooting. "The event is over around 3pm. We post our flags and then start our show. We'll probably just have four events because of the heat and they're usually fast events."

**Commissioner Robbins** said, "In years past, the teen program basically used to run the games did they not?" The answer was yes. She continued, "Are they not going to be involved in the games anymore?" Bart Gawlikowshi clarified this for her by describing the games involved - there are the Teen Center games and the field games that consist of the sack races, egg toss, balloon toss etc . The Teen Center runs the vending games similar to carnival games. **Mayor Duffy** asked what happened to the grease pole. Mr. Gawlikowski said, "It's still up in Blake Park. I have to work on getting that moved. We've done a lot of things in the city so moving a stick from one area to another shouldn't be too hard. It's at the top of my list of games." **Vice-mayor Snowden** made a comment, "There's always been and probably always will be a division between equestrian related events and equestrian groups and others. I've heard that over and over. I try to dispel that even though there is a division. There are people who love to attend horse events and there are people who generally don't want to attend any of them." Betty O'Laughlin said, "That's the reason Bart's speaking tonight; I don't want people to think the event is being moved because of the horse people. I just think more children can participate this way. We are one community and we should work together."

**Vice-mayor Snowden** added, "I think what the Parks and Rec Board is telling us is that if it stays in Blake Park they're not going to do anything. Mr. Gawlikowski disagreed and said they feel the layout of Blake Park without the Teen Center games can't sustain the festival to the degree that they want. Bart Gawlikowski said, "I'm here because I think this move is beneficial to the foundation of this event in the future. I think it will be easier to sustain in this location. I've seen attendance go down each year."

**Mayor Duffy** said it's being advertised as a picnic in the park not a festival

**Commissioner Burton made a motion** that they reconsider having the Fourth of July celebration at the Equestrian Center and have Chief Chester find out how Market in the Park vendors feel about it.

**Vice-mayor Snowden seconded.**

**Vice-mayor Snowden** continued, "There really is an expectation by various people within the community who like to see some function at the park whether it be games, horseshoes, picnics, chicken baskets, whatever. There's the old town Lake Helen and the people who have enjoyed those events in the past are so accustomed to having something in the Park that to eliminate everything in the Park is not good."

**Commissioner Robbins** said that's the way we've always done it. **Mayor Duffy** said it's tradition. Betty O'Laughlin agreed with **Vice-mayor Snowden**, "but what I have seen is that people aren't supporting it anymore. People are saying that it's always been there and it's part of the tradition and it would be nice to continue it that way but it's not realistic. Remember part of the tradition was having a horse arena there and horses are part of this town but it had to be moved so I think what we need to get people to understand is sometimes we need to move things. It's not going very far, it's just across the street. The community can still come out but instead of going to Blake Park they're going to the equestrian park." **Commissioner Burton** mentioned the car show that was held in Blake Park a couple weeks prior. He said there were a number of people who came because the event was being held in Lake Helen. "I don't think that the majority of people that were in that park were residents of Lake Helen. If we utilize the resources that we have to a greater degree, we can get more visibility and make more money. It's safe to do things the same way with the same results but we don't move forward. I believe because of the economy people are looking to do inexpensive things. Whether it be a picnic in the park or watching the horses at the equestrian center or watching a parade. We have a resource here that we need to take advantage of. I think that it is somewhat discouraging to event planners or even people who would want to do things in this town if we are always giving the negative and being naysayers. So, I'm just saying that we need to open up our city because we are probably the best kept secret in Florida. There are so many people who don't know anything about what's going on in Lake Helen. We all enjoy it as citizens and we live here because we want to be here. I'm just saying that we should be as open as we can to expand the opportunities of what people can come and enjoy in our city."

**Commissioner Robbins** said she's going to vote to give it a try. I'm not a big fan of change but I think these people have worked hard and the least we can do is give them a chance. We can try it for a year and if it doesn't work, we'll move it back.

**Commissioner Robbins - yes**

**Commissioner Burton - yes**

**Vice-mayor Snowden - yes**

**Commissioner Lane - yes**

**Mayor Duffy - no**

**Vice-mayor Snowden** asked if anybody from the Parks & Rec Board would be offended if someone in Lake Helen wanted to have an activity in Blake Park. There are some volunteers who offered to help and if there are activities at Blake Park that are separate from what Parks & Rec is doing at the Equestrian Center, would that cause a problem? It was unclear to Ms. O'Laughlin what he meant so they will discuss this at another time.

## **PUBLIC FORUM**

*Larry Long*

"I have two things. I talked to the mayor about planting trees a year ago. I'd like to get together with the Garden Club and start replanting live oak trees throughout the City." **Mayor Duffy** said the city has been planting trees. **Commissioner Robbins** said we planted two on Arbor Day across from Hopkins Hall. Mr. Long said, "I'm talking about another 100 or 200 trees. Not all at once mind you. If we put in just a couple a month, that would be a good start." **Mayor Duffy** said we pay \$2 per resident per year toward trees and maintenance. **City Administrator Findell** said, "If Mr. Long has a source or a supply of trees of any number whether it be 5 or 500, certainly that would be something we would be very interested in." Larry Long said, "I just want to see if the City would agree to that proposal to plant them around the town. None of us here will ever see them big but someday the City will look great again. In the past, a lot of the water oaks and pin oaks were planted but I'm only talking about planting live oaks. I would like to see it expanded. Just down from us where the road splits, the city took out a couple of trees. I don't know if the road there is going to stay split but if it is, that's where I'd like to see the first two planted." **Mr. Findell** asked if he had a supply of trees. Mr. Long said he did and added that the reason he wanted to do this in conjunction with the Garden Club is so the money would be run through the Garden Club and nobody could accuse him of profiting from this endeavor. **Mr. Findell** said if somebody makes trees available, the city will find some place to plant them in an organized fashion. Mr. Long said he would plant them and all he asks from the city is that they water them. **Mayor Duffy** suggested that we ask the homeowner to water the tree(s) who lives at the site of where the tree is planted. Mr. Long said a lot of the trees would be planted between the curb and the sidewalks. **Mr. Findell** said typically that is where trees are planted - on the city right-of-way. "One of the issues we'd be concerned with is whether the trees would be planted on the side of the street where the power lines are. As we all know, one of the problems with planting oak trees or any kind of tree that grows to more than a moderate height is when they interfere with the power lines - when those trees are cut to keep them off of the lines, they become an eyesore." Mr. Long said they can cut them so that they don't look so bad but the general consensus was that they look pretty bad when a tree is cut that way. **Mr. Findell** said we need to look at this in an organized fashion and he suggested that Mr. Long, Public Works and he work together. The City would ultimately decide where the trees are planted. **Vice-mayor Snowden** said, "We're willing to work with you. The city would make efforts to meet with you and identify some places where trees could be planted." **Commissioner Robbins** said the City has a tree committee whose members are Lewis Long, Ricky Mullins, Ed Blackman and Eddie Robbins. They got money years ago from somebody who cut trees down illegally and was subsequently fined. The committee was formed and they purchased/planted about 20, 6 inch diameter oaks. That was about two years ago. There have also been memorial trees purchased/planted. Mr. Long said he sees trees being taken down all the time and nothing's being replaced, it seems a shame. We could start out with smaller trees; they grow pretty fast. **Commissioner Burton** said, "Many years ago, **Vice-mayor Snowden** told me about a parasite that was causing trees to die off at an alarming rate. Planting new trees would replace those that were lost due to parasites. It takes many years for a tree to die from the parasite so there may be more trees coming down that we should also replace." Larry

Long said if during the storms, the trees planted had been live oaks they would not have gone down. They are very strong trees.

"You all got my letter from April 26<sup>th</sup> about what went on at the B&B (Cabin on the Lake). The only thing I want to bring up about it tonight is that I believe this Commission and the Mayor believe in the Florida Sunshine Law. The rest of Florida does. *All the Commissioners and the Mayor affirmed that they believe in and abide by the Sunshine Law.* If you read my memo, you know that Officer Marcel (Fougere) was on the scene at the time at which point it became police business. **Commissioners Burton and Lane** showed up, I'm assuming, at the request of Heather Lindsay. **Commissioner Burton** was in the B&B first discussing I'm not sure what. Obviously no one knows. Shortly thereafter **Cameron Lane** went into the house also." **Commissioner Lane** said, "I did go up to the door and I knocked but no one answered so I left. I did not go in the house and I'm sure whoever was in the house will back me up on that. I did not go in. I knocked, nobody answered and I left. I had a meeting I had to go to anyway but I did not go inside that house." Mr. Long said the rest of the people couldn't see him once he walked up to the door and no one saw him leave." **Commissioner Lane** said, "I walked to the house, knocked on the door, went back to my car and drove away." Larry Long asked why Mr. Lane came to the house. **Commissioner Lane** answered, "Mrs. Lindsay called me and I told her there was nothing I could do." Larry Long asked, "So you work 24 hours a day?" **Commissioner Lane** said he is a public servant and he's always available. However, "There's sort of a social contract that people should respect. I don't expect people to contact me at two in the morning just to see if I'm happy that they did. Yes, if there's a problem, I'm a Commissioner and as long as I'm a Commissioner you may call any time." Larry Long said, "Well, that is your story and I understand that but what about you **Commissioner Burton** why were you there?" **City Administrator Findell** said that this is a public forum not a public debate. **Commissioner Burton** said "I'd just like to set the record straight. I showed up at the scene, as you called it, and I spoke to you and I spoke to the police officer. When **Commissioner Lane** came up, I walked away. He and I never discussed anything. I walked into the house. When we went into the house we went into the back. While we were in the back we talked. When I came back outside, no one was there. So when **Commissioner Lane** came and knocked on the door, nobody heard him and he left. When I came outside, there was no one there. The Sunshine Law is very clear. I've taken an oath to that regard and I respect it as you should. There was no discussion between **Commissioner Lane** and me so I don't know what you're alluding to or what you'd like to make out of this but as far as I'm concerned, there was no violation of the Sunshine Law and whatever you want to make out of it has nothing to do with what actually took place." Larry Long asked again why **Commissioner Burton** was there to which Mr. Burton responded it was none of his business. **Mayor Duffy** said, "I can ask the same question. Why were you people from Lakeview Drive there taking pictures?" **Commissioner Robbins** added, "If you have a complaint in regard to a Sunshine Law violation, you don't bring it before the City Commission you take it to the ethics Board. This sort of issue doesn't come before the Commission."

*Mary Dickinson*  
336 S. Lakeview Drive

"Tabatha, on High Street, her little child plays at Melissa Park and she asked me, because her daughter is graduating from high school and there was some kind of thing tonight or whenever, and she asked me if I would put it to the Commission if they could do some tree trimming at Melissa Park because some of the old branches are over the children's play equipment and they do not consider that a safe area for children because her child likes one of the particular little springy things or something and she can't allow him to play on it because of the tree branches." **Mayor Duffy** said she will submit a work in order in the morning.

## **PUBLIC HEARINGS**

*None for this meeting*

## **COMMISSION CONSIDERATION**

*Consideration of request by Holly Hollisi to present budget for the Miss Lake Helen/Cassadaga pageant.*

**Mayor Duffy** said that this is one more Parks and Rec item. Their budget for this year is \$1140 which we cannot afford. Holly Hollisi said they have cut it down to \$650. **Mayor Duffy** asked what was removed and Ms. Hollisi answered: "We took out the cash prize. We're trying to find sponsors who will pay for the cake and the drinks. We had callbacks today regarding that. We also removed the skating." **Mayor Duffy** said because of the economy and our depleted budget we've only been giving \$300 to other groups. **City Administrator Findell** said, "I think in general, activities that we have done in the past for \$300 we've allocated \$300 for. Some of those events have been held for a little bit less and some of those events are yet to be held. The amount that the Ms. Lake Helen/Cassadaga pageant has had to work with in the past has been about \$800. I knew that this was going to be an issue this year. I talked to Betty O'Laughlin about it this morning and asked her to get with Holly and see if they could take a closer look at the expenditures and see if they could pare down somewhat." **Mayor Duffy** said, "Since then I've heard that you've already ordered some things before you got approval. (trophies, sash and crown). You're committed for \$310. You should never do that before approval from the Commission. Okay? The cash prizes are out. The flyers we can do in house. The cake will be donated by Publix. Refreshments, drinks, plates, cups, etc., are being donated. What are we going to do about the dinner?" Betty O'Laughlin answered, "I've talked to someone to see if we could get a reduced price on the dinner. We're hoping he'll provide dinner for less than \$200. I haven't heard back from him yet. The skating has been cut out. Flowers are \$50 for three dozen. They are going to go to Wal-Mart or Winn-Dixie and make the bouquets themselves." **Mayor Duffy** asked if they could cut back on decorations and Holly said they're trying. Ms. O'Laughlin is going to help them with that. **Commissioner Burton** asked how many contestants there will be. Ms. Hollisi said registration is on the upcoming Saturday so she doesn't know. However, in the past they've had about 15 young girls and 7 teenage contestants. She's hoping for a big turnout.

**Mayor Duffy** said, "We've got it down to \$650."

**Commissioner Burton** asked if she's considered having the contestants get sponsors? The girls go out and they have people who would sponsor them or their parents could sponsor them. You may want to think about that. Also, girls can raise a lot of money so

at least you'd start with a foundation. The girls could conceivably generate their own funds and even the churches in the community might contribute. Holly responded that she doesn't know who the contestants are but said his idea was a good one. The event is on June 27<sup>th</sup> at 6:30 pm.

*Lou Benton*

*Lake Pearl Drive*

"Market in the Park was originally started to collect money for the Fourth of July activities. The pageant is part of the Fourth of July festivities. I know for a fact that Market in the Park has brought in around \$2500. Every year since I've been here the City has spent around \$800 on this event. To me, it's a crying shame that when I sat there as a Commissioner, I went to one League of Cities dinner and the taxpayers paid for it. You guys go all the time. Taxpayers are paying for this. Why don't you take it out of your own pockets so when there is an activity for the kids there's no problem. It's totally amazing that the City wastes money in other ways but when it comes down to the young kids then they have to connive and figure out how to get enough money and they have to eliminate this and eliminate that. The city's always given around \$800; they came back with a budget of around \$650 because they eliminated stuff. These young kids who put the show on, they do a good job. It's a crying shame that it seems like when someone from the public wants to do something, everybody who sits up there and tries to weasel them down. Meanwhile, adults come and ask for a donation for something else and they sure get it without any hesitation. To me I think it's wrong. The kids are our future. They're my future. You're setting the wrong example because I don't see any of the Commissioners digging in their pockets or not going to the League of Cities dinner. The reason I don't go is because it's not worth the \$30 you have to pay. I've been to two and the second one I had to go to because it was in our City. It's a crying shame."

**Mayor Duffy** said, "I think Holly and the rest of you can understand. Mr. Benton was on the commission when the budget was voted on at 4.2 mils which gave us a budget that was under what we needed for the year and that's one of the reasons we have a tight budget."

Lou Benton said nobody wants to decrease spending. Don't tell me I'm wrong.

**Mayor Duffy** told Ms. Hollisi that the City will certainly help her and ensure that she has what she needs. The Mayor has discussed this with Ms. O'Laughlin.

**Commissioner Robbins made a motion** to approve \$650 for the Miss Lake Helen Cassadaga pageant for 2009/2010

**Commissioner Burton seconded**

**Zone 1/yes; Zone 2/yes; Zone 3/yes; Zone 4/yes; Mayor/yes**

*Consideration to set date to hold a public hearing to solicit public input into the development of the FY 2009/2010 annual Work Plan*

**City Administrator Findell** said, "Each year we have to prepare an annual work plan for the expenditure of our Community Development Block Grant (CDBG) money. Prior to the submission of that work plan, we have to hold a public meeting or public hearing where we

solicit public input as it relates to the expenditure of those funds. This year our allocation will be \$62,400. Last year it was about \$57,000 so were actually getting a little bit of an increase. The project that we've been working on the last several years has been a phased project which is the South Summit Avenue Road improvement project. The Commission will have the opportunity to review the expenditure of the CDBG funds and maintain the South Summit Avenue project or to spend the funds on some other project within the CDBG target area which is a very limited target area which is why we chose South Summit Avenue. That project is about half done. Last year, we had the meeting at six o'clock prior to the City Commission meeting. So we will advertise the public meeting and conduct the meeting on June 4<sup>th</sup>. **Mayor Duffy** asked if this will complete Summit Avenue. **Mr. Findell** answered, "It would not but it will get us farther up the road. The part that were working on right now - we just submitted our stormwater management permit application for that section of the road that's beyond where we have currently paved and actually beyond the stormwater facilities that are in place. It would be going north from there. A portion of the money that we have in this year's budget will or can be used for paving. If we continue the use of the CDBG allocation in coming years then that would pay for subsequent paving of the length of the road that we could pave. It's a project that's phased over several years because the allocation is not sufficient to pay for the entire project at once."

This doesn't have to be advertised as a Public Hearing. It can be advertised as a Public Meeting.

**Commissioner Robbins** made a motion to hold an advertised Public Meeting for the CDBG allocation on June 4<sup>th</sup> at 6pm  
**Vice-mayor Snowden seconded.**

**Zone 1/yes; Zone 2/yes; Zone 3/yes; Zone 4/yes; Mayor/yes**

### **COMMISSION DISCUSSION**

*Discussion regarding bids for appraisal of State Surplus Lands parcel #30-17-3101-56-0010*

**City Administrator Findell** said, "This is a 1.9 acre parcel adjacent to the Woods of Lake Helen retention pond on Washington Avenue and Park Street. Just to refresh your memory, we discussed this a couple months ago. At that time, we adopted a resolution that we would be required to adopt in order maintain our first right of purchase on the state surplus land. When it was presented to you, it was presented to you in the context of if we were able to pick up this property for a minimal amount of money it would be of some benefit to the city to do so. Once the state is notified that we have an interest in the property the process is that they have an appraisal performed to determine the market value of the property. That appraisal is either done in-house or it is contracted for by the state. The reason the appraisal is done is because the state has to sell the property for no less than what the appraised value is. In this particular instance, because of the size of the parcel, the state would be doing the appraisal in house. They solicited proposals for appraisals. The three proposals or bids that they received were for \$2000, \$2400 and \$2500. My thought was that if the city could pick up the property for about \$2000 it could be of benefit or of value in the future. The property does have limited value because of its

topography. As I said in the memo, it's basically a bowl and it would lend itself to either stormwater management purposes or green space purposes. My concern is that if we spend \$2000 for an appraisal the appraiser could come back and say the property is worth \$15,000. The property itself cannot be developed so it really does have a limited use but still could be a benefit to the city. In retrospect, I can't recommend that you spend \$2000 on an appraisal. I think it's far too much money and it's about the amount we spent on the appraisal of all the other properties that we purchased previously. We spent \$250 reappraising the property on Daycare Drive. I think in this market that it's simply too much money and we should inform the state of that." **Mayor Duffy** said, "Knowing the cost of the other appraisal that we did for the Murphy property, this is pretty ridiculous. I got an appraisal for the largest piece and we only spent about \$250 for that so this is really out of line." **Mr. Findell** continued, "I think I know where it's coming from, it's coming from the standpoint that the property is 1.9 acres and the Appraiser is saying '1.9 acres - I'm going to assign a cost that's in that context.' Unless you're familiar with the property, you might think that the appraisal is more complex than it necessarily needs to be. The property is pretty simple. It's located between two retention ponds and its perimeter is formed by the old railroad grade." **Mayor Duffy** said so the only thing we could use it for is a retention pond." **Mr. Findell** said, "We could use it for stormwater management and it could be used for stormwater management purposes by somebody who would develop the property that is to the west of the Woods of Lake Helen property. So again, it has value potentially for us, potentially for somebody else in the future. Or we could just use it to maintain green space. In that context, the value to me in advising you is very low."

**Vice-mayor Snowden made a motion** for Mr. Findell to advise the state that we think the appraisal is too high and we're abandoning our interest in the property  
**Commissioner Lane seconded.**

**Zone 1/yes; Zone 2/yes; Zone 3/yes; Zone 4/yes; Mayor/yes**

*Discussion regarding adopting a spay-neuter ordinance.*

**Mayor Duffy** said, "I just want to say that at one of the mayor's meetings I was at this week, it was discussed how important it is to adopt this spay/neuter ordinance. The animal population is becoming overwhelming. I thought it was appropriate when I saw that we were going to talk about this." Officer Clarino was consulted and he thinks it's a great idea. "It's a good ordinance and I've talked to **Mr. Findell** about tailoring it to the needs of Lake Helen. In the long run, it will assist with the overpopulation that we have now." **Mayor Duffy** asked if we would still use Halifax Humane Society to which Office Clarino responded that is up to the Commission. **City Administrator Findell** said, "Let me provide some background for the Commission. I put this on the agenda for discussion tonight rather than to take any action on it. I really put it on the agenda to plant a seed in your minds and get you talking about animal control issues and animal population issues. For the entire ten years that I've worked for the City, this has been a topic of conversation at many managers meetings in the County. It's culminated with Volusia County adopting a spay/neuter ordinance. This is a spay/neuter ordinance related to spaying and neutering cats and dogs rather than chickens, goats, pigs and what have you. Obviously it's designed to reduce the animal population that we and all the other cities have to deal with

both from an unwanted animal population and from a taxpayer cost standpoint. A couple other cities in Volusia County have adopted the ordinance recently. Deland is considering adopting it as well. So I gave this to you to digest and you can come back and ask any questions, give me any feedback that you wish and see if in fact you are interested in pursuing such an ordinance. I think that most of you know that I've been involved in animal rescue for the past 12 or 13 years. I've been exposed to this type of ordinance for quite some time and in my experience, the ordinances are effective. Others will tell you that they are not necessarily effective. My experience in communities where I've worked that have adopted this ordinance, is that they have a reduction in the stray animal population. There's kind of a balance between intrusiveness of government into private matters and public benefit. That's often where the discussion goes on this type of ordinance. As Officer Clarino said, he is in favor of it from his standpoint as the administrator of the city's animal control function. He sees the issues associated with animal populations and unwanted populations and the cost of us doing business on a day-to-day basis. **Mayor Duffy** said, "From our discussion in the Mayor's meetings, it seems like there are more cities recommending this kind of thing. I spoke to Patrick (Clarino) also. If the Commission will remember, he spoke about turning the old commission chambers into a holding cell so he wouldn't have to run every day to the Humane Society to take in an animal. In Holly Hill they have a holding cell or a holding pen and they hold an animal for three days but they take a picture of it right away and put it on their website. If someone comes to claim their animal, they charge them \$25 plus \$5 for a license. I thought that was unique. They hold them for three days before they take them to Flagler Humane Society and they take them there instead of Halifax because it's about half the cost. So the cities are talking about this." **Commissioner Robbins** said, "I have six cats and a dog. All my cats were strays. I did the right thing and I got them all fixed. I'm sitting here wondering how this ordinance is really going to make people spay or neuter their pets. Are you going to have some sort of animal enumeration or some sort of thing where everybody has to register every animal they have and you have to show proof that they've been spayed or neutered? That's the way it was done in New York. We had an animal enumerator and on a certain day you had to take your pets down there and register them. I don't know how you're going to make everybody a responsible pet owner." **Mr. Findell** said, "You can't make everybody a responsible pet owner but this is designed to be a step in that direction. Typically, these ordinances in most communities are dealt with similar to code enforcement issues. You get a complaint about an animal on the loose and you pick up the animal and you know who the animal's owner is and you advise the owner. Then, the owners are advised to get their animal fixed. You would also have an educational forum where you advise the community that this ordinance has been adopted and now there's an obligation for people to have their cats and dogs spayed and neutered. One of the important things that you also have to know is that there is a fairly broad number of exemptions that are related to the ordinance primarily related to breed and show animals and that sort of thing. It's not an ordinance that is flawless. Its implementation is not flawless but at least it's a step in the right direction. It is a tool to help solve some of the issues that we have with the stray animals in the city and the animal control officer can use it to began to reduce the unwanted population. As Patrick said to me and it's true, if you could rely on everybody to do the right thing, we wouldn't have to do this. The fact of the matter is, you can't rely on people to do the right thing. A lot of people do the right thing

but there's enough of a percentage of people who don't do the right thing that we have the situation that we do." **Mayor Duffy** asked if there's some kind of low-cost spay and neuter plan in Volusia County. **Commissioner Robbins** said you just go to the Humane Society and buy a \$30 certificate and they give you a list of vets that perform the \$30 spays and neuters. Officer Clarino said, "We can apply for a grant and maybe get enough money to get the mobile spay/neuter bus to come to Lake Helen. There are some options that we can explore. I don't like not being able to offer something. Some veterinarians do pro bono work a few times a month. Their cost is \$35. This ordinance will give us a tool that can be used to solve some of the issues that we have with stray animals". **Commissioner Burton** said with the economic downturn, a lot of folks are leaving their animals behind when they move. There's been an increase in the number of unwanted animals that are let loose or that people walk away from. This does impact us because every time Patrick has to go to Daytona, we're losing a police officer for that amount of time. **Mr. Findell** said, "We often think of the cost to the city in terms of what we have to pay Halifax to have the animal impounded for X number of days. That's really the tip of the iceberg on costs and is probably the lowest part. What really costs us is the gas, the officer's time picking up the animal, time picking up the animal and dropping the animal at Halifax, the wear and tear on the vehicle and the officer's loss of time in the community. **Commissioner Lane** mentioned to me today that the cost is probably triple what we really think the costs are and I think he's probably right." **Commissioner Lane** said, "Yes, I think the cost probably is closer to \$18-\$20,000 a year. I can't see it being much less than that. However, I have a bent or a prejudice that I don't like to be a nanny state. I think if we can avoid micromanaging our citizens we should. Enforcement of this is difficult. I'll grant you, it's not intended to be an all encompassing, perfect tool it's just supposed to chip away at a problem, a legitimate problem. I think mostly it's not the type of ordinance that I would enjoy supporting." **Mayor Duffy** said that the only animals that are really going to be affected are the ones that run loose. Mr. Clarino agreed. "If everybody had city tags on their pets, I would not have to go to Halifax so often. I've caught dogs with tags and I take him home for the night and bring them in the next day to be reunited with their owners. We've always tried to work around it the best we can. But if people would get their city tags, it would make things easier for everybody involved. If you are a responsible pet owner, this ordinance would probably never apply to you." **Commissioner Robbins** wants to know more about the Volusia County animal services. Mr. Clarino said that Becky, who is the director of Volusia County animal services, can come speak to you at any time. She was our animal control officer around 20 years ago. Becky or Sergio would not mind coming to a Commission meeting and giving you more information. Like everything else, the mobile spay/neuter van is not cheap. They can do 30-35 spays/neuters per day.

*Larry Long  
169 N. Lakeview Drive*

"I talked to Patrick some time ago and he knows I've caught quite a few wild cats by my house. They were really wild. He did keep them for several days and then they got euthanized but it cost the city quite a bit of money to do that and at the time when he took my trap away he said that he was hoping in the future that the City could have their own

program of euthanizing wild cats. Everybody knows that feral cats kill hundreds of millions of songbirds every year.”

Mr. Clarino said he’s trained in chemical capture and he’d just have to take three short courses on euthanizing to be licensed. That’s something to consider in the future. It’s very involved and there are a lot of state laws that would apply plus a ton of regulations. We can do it ourselves or we can contract it out. The Commission has decided to contract it out to Halifax Humane Society. The current program we have with our limited personnel works best for us now.

None of the Commissioners supported having Mr. Findell or Officer Clarino work any further on this ordinance.

## **STAFF REPORTS**

### *City Attorney*

“The first thing I’d like to talk about is the Sunshine Law. I’d like to make something real clear that I think you all know but it needs to be said on the record tonight too. It is not a violation of the sunshine Law for two commissioners to be in the same place at the same time. Whether they are at church, a family reunion, dinner at a restaurant, an FSU football game, the Creative Arts Café or any other location on the entire Earth - unless there is business spoken that’s reasonably foreseeable to come before you at a subsequent Commission meeting, it is not a violation of the Sunshine Law for two Commissioners to be at the same place at the same time. That’s the law. That’s always been the law. And I’m telling it to you straight right here tonight.”

“Secondly, there’s something you may not want to hear and that’s about the public forum. On your agenda it says that individuals may speak for three minutes. It’s best to either not have the time listed or have a time that’s enforced routinely for all people. Otherwise, you set yourself up for allegations of distinguishing between people or leave yourself open to situations where you do not really have a public forum but rather an interrogation of the Commission.”

“The third thing is that there’s a Veteran’s Memorial Museum grand opening in Deltona this weekend. It’s a fascinating place and its grand opening is this Sunday at two o’clock. The ribbon-cutting is at 2:30 p.m. On Memorial Day, the museum is open from 11am to 4pm. It’s small but I think you’ll enjoy it all the same. It’s in Deltona on Elkcam Blvd. in Veterans Memorial Park.”

**Mayor Duffy** reminded everybody about the services and cleanup at Lake Helen Cemetery on the Sunday before Memorial Day.

*Police Chief – no report*

### *City Administrator*

“I just wanted to let you know that I’ve got a team coming next week from the Florida League of Cities to inspect City Hall to hopefully address or ascertain some of the issues were having with water intrusion in this building and potential mold issues. The League is sending a team to assist us and it’s going to be done at no cost to the city. The importance of this is that it will hopefully help us identify what the long-term problem is as it relates to maintenance of the building. There are a couple places that whenever we get a

heavy rain, there's water intrusion. It will also assist us with any financial claims that we may have with the League in the future."

*Code Enforcement Officer – no report*

## **MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE**

**Zone 1/Commissioner Robbins** – "I attended The River of Lakes Heritage Corridor meeting. They are offering two Quests which are scavenger hunts. One is in Enterprise and one is in Debarry. I have more information if anyone would like it, plus, information is also available on the web. This might be something that Lake Helen might want to do in conjunction with Cassadaga since we're both involved in Scenic Road. It's a fun thing and I think Jessi and Renee help you get things going with it. We might want to look at this the future.

Ricky and crew are working on sidewalk repairs and I'm glad to see that. Also, he has lit the flagpole and the sidewalk out front is being repaired. And the much needed solar light, he tells me it's working at the back entrance. We'll be able to check it out tonight. I'm thankful that you got that done, Ricky."

**Zone 2/Commissioner Burton** – "I attended the Stimulus Summit in Orlando . The stimulus package that was signed in February is still unfolding. There isn't much money available for small towns. Shovel ready projects in a small town vs. a big city are two very different things but the criteria are the same."

"Don mentioned that the League of Cities is coming. I wrote the letter that's in your agenda packets. In the last couple of days with all the rain, my work with Project Hope has me in a lot of people's homes as it relates to storm damage from Tropical Storm Fay. One of the things we've seen is that there's an increase of reported asthma cases related to mold infestation. When I was outside, I noticed that the north side of the building is filled with green mold on a steel bar between the 1<sup>st</sup> and 2<sup>nd</sup> floors. That bar penetrates the building. Ricky mentioned to me that there was caulking that was put up to abate the intrusion of water. The problem I'm outlining is that mold becomes a problem when there's a lot of rain, when there's a drought it's not an issue. We got a taste of what the rainy season is going to be about so we could be facing something serious. I'm glad Don has taken the step to get this addressed. My question was when we were going to get it done because we needed to go out for bid. If we can get it done for free, free is better than bidding. As long as it gets addressed the City would be well served as well as our employees." **Mr. Findell** said, "It may be that whatever repairs we have to do won't be free but one of the things we need to know is what portion of it will be covered by our insurance company because not everything is covered. It's important that we have their experts come out and prepare their report because whatever they advise will become the basis for any financial participation the League will have in the future. We have the benefit of using their experts in similar situations. Hopefully, they'll do a thorough job. If they require that we take additional air samples, that will be the basis for our follow-up and for our ongoing financial relationship with the League. In other places where I've dealt with the same issue, your remediation effort can be open ended thus your costs are open ended. I don't want to take the wrong step such that the League says 'no we don't have any involvement

because you took this action rather than that action'. So, I thought it was important for them to bring in their experts and go from there."

**Zone 3/Vice-mayor Snowden** – *nothing to report*

**Zone 4/Commissioner Lane** – *nothing to report*

**Mayor Duffy** - "I'm bringing this up early because it's important. They are stressing at all the meetings I've been going to that this fall, when the census is being taken, we need to make sure that everybody in our districts cooperate. A lot of people won't answer the door when they know the census person is there for numerous reasons. It's important because we get federal and state money depending on the number of heads they count. If they don't count the heads, we don't get the money so every commissioner needs to get out there and make sure they inform their constituents.

**Vice-mayor Snowden** added that the City is hosting the League of Cities dinner so we need to start planning for that.

**City Administrator Findell** added, "I'm meeting with the census coordinator next week to discuss that exact issue about how we can facilitate getting a good count."

**Mayor Duffy** - "We have to appoint a city representative to work with them while they are here. We only had a 67% response rate in 2000 so we need to do what we can to get people counted. The Mayor of Edgewater asked if people would write a letter to the Division of Forestry thanking them for their response to the recent fires in East Volusia. Also, there's a lot going on with VGMC and VCOG. What VCOG is proposing is not good for cities like us. We were saved from Deltona at one time by VGMC. Big cities want to do away with VGMC and they usually get their way but we can try."

**Meeting was adjourned at 9:27 p.m.**

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**Joan L. Duffy, Mayor**

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**Nancy Wilson, City Clerk**