

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
June 4, 2009
7:00 P.M.**

MINUTES

CALL TO ORDER: Mayor Duffy

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Lane gave the invocation and led the pledge of allegiance.

DELETIONS OR MODIFICATIONS TO AGENDA - Mayor Duffy asked that Commission Consideration, item 7F be moved to 7A so that the representative from pack 590 won't have to sit through the whole meeting.

Commissioner Robbins made a motion to move item 7F to item 7A and push the other Commission Considerations items down one letter.
Commissioner Burton seconded.

All zones and the Mayor voted yes

COMMISSION ANNOUNCEMENTS

Vice-Mayor Snowden said, "For the benefit of the residents and members here tonight, I want to say that Lake Helen lost one of its longtime residents yesterday. Mr. Randy Wilson passed away on June 3rd. He's been a resident of Lake Helen since the early 1940s. He certainly was a gentleman's gentleman and was very involved in the community, in the American Legion and was involved in many ways in the community for many years. It's a sad loss. He was our parade marshal several years ago for the Fourth of July. For the benefit of his memory and his family, I'm asking the Commission approve the writing of a proclamation recognizing him in our community." **Mayor Duffy** said, "I know Mr. Wilson and some of the things he's done since I've lived in Lake Helen. With that in mind can I have a motion.

Commissioner Robbins made a motion to approve the writing of a proclamation for Mr. Randy Wilson
Vice –Mayor Snowden seconded.

All zones and the Mayor voted yes

MINUTES: March 19, 2009, May 21, 2009

Mayor Duffy said the reason why the March 19 minutes were delayed is because that was the night the machine didn't work and Ms Wilson had to get input from different sources. **Commissioner Robbins** had two minor corrections on the May 21st minutes that she spoke to the City Clerk about; those changes have been made.

Commissioner Robbins made a motion to approve the minutes from March 19 and May 21

Vice-mayor Snowden seconded

All zones and the Mayor voted yes.

CONSENT AGENDA:

- Bills – June 4, 2009
- Proclamation affirming partnership with the U.S. Census Bureau in support of the 2010 Census

Mayor Duffy read the Proclamation:

**MAYOR'S PROCLAMATION
CENSUS 2010 PARTNERSHIP PROGRAM
CITY OF LAKE HELEN**

WHEREAS, the U.S. Census Bureau is required by the Constitution of the United States of America every ten years to conduct a count of the population, which provides a historic opportunity for Lake Helen to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, more than \$300 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based on census data, including healthcare, community development, housing, education, transportation, social services, employment and much more; and

WHEREAS, census data determines how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts; and

WHEREAS, the 2010 census creates hundreds of thousands of jobs across the nation; and

WHEREAS, every Census Bureau worker takes a lifetime oath to protect confidentiality and ensure that data identifying respondents or their household not be released or shared for 72 years; and

WHEREAS, a united voice from businesses, government, community-based and faith based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census.

NOW, THEREFORE, I, Joan L. Duffy, Mayor of the City of Lake Helen, Florida, on behalf of the Lake Helen City Commission, do hereby proclaim supporting the goals and ideals for the 2010 Census, disseminating 2010 Census information to encourage

participation, asking local businesses and organizations to partner in order to achieve an accurate and complete count, and encourage people in Lake Helen to participate in events and initiatives that will raise overall awareness of the 2010 Census and increase participation among the population.

IN WITNESS WHEREOF, I hereunto set my Hand and cause the Seal of the City of Lake Helen to be affixed this 4th day of June, 2009.

**Vice-mayor Snowden made a motion to approve the Consent Agenda
Commissioner Lane seconded.**

All zones and the Mayor voted yes.

PRESENTATIONS:

Jose Martinez-Garriga, representing the U.S. Census Bureau, will present the Census Bureau's partnership program.

“Mayor Duffy and the City Commissioners, on behalf of the Census Bureau I would like to thank you for partnering with us to raise awareness of Census 2010. The foundation of our American democracy is dependent upon fair and equitable representation in Congress. In order to achieve an accurate assessment of the number and location of the people living within the nation's borders, the U.S. Constitution mandates a census of the population every 10 years. The goal of the partnership program is to increase the mail back response rate. The census questionnaires will be mailed out in mid-March 2010. U.S. residents are expected to return them by April 1, 2010. With one of the shortest questionnaires in history, the 2010 census only asks the name, gender, age race, ethnicity, relationship and whether you own or rent your home. It only takes about 10 minutes for the average household to complete. The questions on how we live as a nation, our diversity, education, housing, jobs and more are now covered in the American Community Survey which is conducted every year throughout the decade and replaces the census 2000 long form questionnaire some of you may remember. Responses for the 2010 census questionnaires are required by law. All responses are used for statistical purposes only and are strictly confidential. I want to thank you very much. I have a brief DVD I'll leave with **Mr. Findell** for you to view later.” He distributed some bags for the City Commissioners. **Mayor Duffy** asked if there were any questions from the audience. “We'll be talking about this from now until next spring. I think that I reported last meeting that our city only had a 67% response rate for the 2000 census. We're encouraging everybody this time to please fill out the survey. We have information in the office for anybody who's interested and we will certainly keep pushing participation. One thing we need to stress, as we get toward next spring, is that the census data is used to determine the need for additional funding which is essential to many communities. It all depends on population because the money is distributed based on headcount.”

BI-MONTHLY REPORTS:

City Engineer – no report

Local Planning Agency (PLDRC) - Commissioner Robbins said, “I have one thing to bring up under PLDRC. One thing that we do not have on our agenda is old business. Almost 2 years ago, October 2007 to be exact, the PLDRC met in session

and they approved the appointment of two members, Commissioner Troy and Commissioner O'Laughlin, to three-year terms expiring on September 30, 2010. However, through oversight or whatever, it never went to the Commission. I checked the DVD today of the November 1, 2007 meeting which was the meeting before you and I were put on the Commission. It did not go at that point and I do not ever remember it being approved by the Commission since then. Under the Planning and Land Development Regulation Commission section 10-02-00 A, which says 'the membership will consist of seven members appointed by the City Commission for a term of three years. Initial appointments however shall be staggered, no elected official....' Then, under section 10-02-02 Powers and Duties B: The PLDRC is hereby designated as the local planning agency as required by section 163.316.1 of Florida Statutes and it goes on. So this was something that we have two members who have been acting as commission members on the PLDRC who have never been approved." Joan Duffy said she knew one member was Mr. O'Laughlin, who was the second member.

Commissioner Robbins said Mr. O'Laughlin and Mr. Troy. **City Administrator Findell** said, "If I remember a previous conversation with City Attorney McIntosh, he indicated that whenever an individual is appointed to a board, that individual remains appointed to that board and continues in that capacity until the individual is either reappointed or replaced." **Commissioner Robbins** asked, "And it doesn't have to come back before the Commission?" **Mr. Findell** said, "It should come back before the Commission and typically it would have come back at the meeting following the recommendation of the PLDRC. The issue that you've raised is whether or not they can continue in that capacity or should have continued in that capacity without having been reappointed by the City Commission. Mr. McIntosh said, by default, they would continue in that capacity until such time as they were reappointed or replaced. **City Attorney Groot** said, "That's the general law but the law abhors a vacancy in office so if there is a failure to appoint someone into a vacancy and that position is currently held by an incumbent that incumbent continues in that office until someone new is appointed or they are reappointed. The ideal situation is not for people to be serving because they are there. The ideal situation is to be serving because you were appointed to an appropriate term." **Commissioner Burton** asked, "So if the term is for three years and three years is up and you have not been reappointed, then your three-year term is extended by default." **Mr. Groot** responded, "If you haven't been reappointed and no one else has been appointed to that slot - yes, you are correct. The law says you continue in office until a successor is appointed." **Commissioner Robbins** said, "I think why I bring this up is that other people have been reappointed since that time and it has come to the City Commission to approve them. In the case of Mr. Adams, I think that came in the last six months. I can't remember who the other ones were. I think there were two." (Someone from the audience yelled Ann Nehrig). **Mr. Groot** said, "Your point is well taken. The doctrine of law that I just described is usually utilized just to cover intermittent gaps in service. If those terms ended October of 2007 that's an inordinate amount of time to continue without the slot being acted upon by the City Commission. **Mayor Duffy** asked **Commissioner Robbins** what her initial statement was - that the PLDRC had recommended reappoint? **Ms. Robbins** answered, "Yes, after meeting on Oct 22, 2007." **Mr. Findell** said, "If that information is correct, and the City Commission did not discuss the reappointments at a later date, then that's work that remains to be done. So they've continued, based upon the law, to operate in the

capacity to which they were appointed. However, if that reappointment did not occur by the City Commission, then they need to take action on it at a future date.” **Mayor Duffy** said it needs to be agenda’d. **Mr. Findell** agreed. **Commissioner Robbins** continued, “That’s why I said we need on our agenda, we need a topic of old business. This was something that fell through the cracks because there’s no old business. I can remember Mr. McIntosh giving us a ‘loose ends’ list of items that needed to be brought back to be discussed again.” **Mayor Duffy** replied, “Those were memos that he gave to me of things that needed to be done the next day about that week’s agenda.” Mr. Findell added, “It wouldn’t have come up under old business anyway because it would have been business that the City Commission had never discussed. So obviously, if it didn’t occur it was an oversight and it needs to be addressed.” **Commissioner Robbins** continued, “In looking at the DVD, that was the evening when Mayor Shuttleworth made the presentations to Wayne Bishop for the dais. Lewis Long made the ‘thank you’ to Gordon Carter for the podium and the man made the presentation on the rain barrels and this kind of thing. And there was also something about the infill lots and that was a major part of the discussion during that evening.” **Mr. Findell** added, “It will be easy enough to backtrack because the appointments are scheduled agenda items and not ad hoc items so if it did not appear on a subsequent agenda then it simply wasn’t done.”

Heather Lindsay
222 Tangerine Avenue

“I would just like to ask **Lonnie Groot**: You did mention that the state law supersedes Lake Helen, is that correct? State law supersedes Lake Helen Law is that correct? If there’s a state law to do with anything in particular that’s a state law.” **City Attorney Groot** said generally yes but not always, sometimes the state does defer to local government to make the law. Ms. Lindsay continued “I mean, is the government state law higher than Lake Helen if it’s the law to do with something pertaining to that type of thing, it would supersede Lake Helen? My next question would be the codes and ordinances. I presume Don and the Commissioners write the code and ordinances, is that correct? Whose responsibility is it to let the Commissioners know that these board members terms is arising. Where and what are the written procedures to say that a board member’s position is coming up. Why were they not informed? Why was it just passed through? Nobody knew about it until now. Whose responsibility is it to uphold these laws of Lake Helen when everybody else has to adhere to them but the board members seem to not have to. If he’s not a legal position because he wasn’t legally put in as the codes and ordinances and the laws of Lake Helen says that everyone else adheres to then I think the Commissioners should put a motion and get him off. Mr. Troy, by the way.

Mary Dickinson
336 S. Lakeview Drive

“I was here when you were putting new commissioners in on the PLDRC and at the commission meeting that Ann Nehrig was appointed, you also reinstated Gary Adams. Now, if Gary had to come and be reinstated, there is no reason why the constitution of the laws have to be distributed equally, have to be enforced equally, why Mr. Troy and Mr. O’Laughlin were not reinstated by the City Commission per your codes and ordinances. It seems that the codes and ordinances are adhered to at will and **Mayor**

Duffy, don't shake your head at me. You need to really think about it because they didn't have to come before the Commission but they're still on the board but Mr. Adams had to come before the Commission to be reappointed. He's been on the Commission forever. That's why I don't understand why you had to bring him before the Commission if you didn't have to bring the others." **Mayor Duffy** said because evidently it never got on the agenda. There was a change of Commissioners and the Mayor, at that time, and it was never put on the agenda. Ms. Dickinson continued, "Exactly. So basically if it was never put on the agenda something should be done now that it is brought to your attention. Not two weeks from now if it ever makes an agenda." **Commissioner Burton** said, "What Don pointed out which was in agreement with **Commissioner Robbins**, was that it was an oversight and as it was an oversight, it was, as the attorney agreed, I would assume that the natural order of things from this point would be a motion to have that agenda item, made an agenda item and to be voted on and that would clarify that. To look backwards to see who was at fault would not be serving as it is to look forward. We have been apprised of it and we know where we stand and it would be on this Commission's head to make sure that we follow the regulations that we're made aware of. If we're not aware of it, ignorance of the law is not an excuse, but we do have the abilityWe are your representatives and this is your house and if you find there is something that we should become aware of, which is what you've done, it's upon us to make sure that we address this and I think we will in all good respect." Ms. Dickinson, "And maybe you can put it on the Commission Discussion tonight because a lot of things get put on at the last minute and they're discussed and they're passed. So, maybe expeditiously would be fantastic." **Commissioner Burton** said, "Expeditiously or not, we will have to have at least both sides heard and a public notice of the agenda would then give both sides the ability, if there are both sides, it may be just one side."

(00:30:00)

Mr. Findell said, "May I make a suggestion to have the City Clerk check the agendas during that time period to see if the reappointment was ever placed on an agenda. If it was not placed on an agenda, it would be placed on the next agenda."

Historic Preservation Board – no report
Parks and Recreation Board – no report

PUBLIC FORUM

Raphine Pierce
800 Sand Crane Lane

"I'm directing this to Buddy (Snowden) since he's the Commissioner in our area but I'm asking all of you for your help. Commissioners, we need a little help. I'm really asking for help for myself personally - for assistance from Lake Helen and from law-enforcement. Ordinances regarding the placement and pickup of garbage.... Can we get a little help? I understand that we don't have any ordinances in the City of Lake Helen regarding when and where you can place any sort of trash or debris. I believe that it's a situation that's going on in different areas around town. I understand from Officer Clarino that it's a situation where he's really trying to be helpful and he just

needs a little bit of power to help. In our particular instance, we have a situation where any time before trash day, we have lots of trash, debris, garbage and large items and they are basically placed in the middle of the roadway. The garbage is not placed at an individual's gate and it's placed long in advance of trash day. In a recent example, garbage was placed out there on the Memorial Day holiday and people who came up and down the road had to move the items just to drive by. I don't expect to get some sort of solution here tonight but what I'd like to know is what the process is for asking the Commissioners, the City Administrator or the City Attorney, Keith or whoever to start the ball rolling to get this fixed. I know that Volusia County has specific ordinances about it and I know that the cities of Deland and Deltona have ordinances also. We just need a little bit of help. If people would just put their garbage out on the morning of garbage day at their own gate it seems that would be pretty simple. If it's a roadway on which the City of Lake Helen is able to enforce code ordinances, building code ordinances and things like that, then certainly our police officers should be given the tool to enforce garbage and debris in the middle of a road. Currently they don't have that tool. So, respectfully I'm asking if you guys might be able to do something about that and help us. Is this the path I would take to get that help?" **Commissioner Burton** said, "With regard to code enforcement. Our code enforcement system is complaint driven so if there's a complaint that has been made about an obstruction in the roadway that would fall under not only code enforcement but also under obstructing traffic. So I'm just questioning if anybody made a complaint about this on the particular day in question. Because after the fact, if the officer comes out he can't go by hearsay. The moment it happens, that's the time to call." Ms. Pierce said, "May I defer the answer to that question to either **Mr. Findell** or **Mr. Snowden**?" **Mr. Findell** said, "What Ms. Pierce is asking for is for the City Commission to consider adopting an ordinance which would specify what time and what locations individuals may place their garbage, trash and solid waste for pickup. Some communities have very specific ordinances that say you can't put a trash can out later than a particular hour or earlier than a particular hour. Some of them say specifically where the trash or waste can be placed. Our solid waste ordinance does not do that. I think the Commission has a Commissioner from time to time who has broached the subject as to whether there's an interest on the part of the Commission to adopt such an ordinance. It really hasn't gone anyplace. There are a couple ways of doing this. One, the Commission can consider taking such action and direct staff to prepare such an ordinance or two, the individual can request that the code be amended and that individual then files an application for a code amendment. Once the application is filed, if it's a code amendment that deals with issues that the PLDRC deals with, it goes to them first, if not, it's one that the City Commission would consider directly. **Commissioner Robbins** said we did have something similar to this but it was in reverse. We talked about when trash cans had to be brought back in from the curb. Ms. Pierce said it is that way with our neighbors too but I would sure like to ask the Commission to be the ones to handle this particular issue. **Commissioner Robbins** added, "It's like that all over town it's not just your area. Quite frankly, I think many of the older citizens put their trash out the night before. I know we put ours on the right-of-way before we go to bed at night." Ms. Pierce said, "That's fine, but in our particular instance, we have a situation where a particular resident is putting it in the middle of the road. In the middle of the night on our unlit road, cars and trucks can come upon the trash with no knowledge that it's there. It's not put at the gate it's being put in the road."

That's why I'm respectfully asking that the Commission expedite this one. We need your help."

PUBLIC HEARINGS: *none for this meeting*

COMMISSION CONSIDERATION:

Consideration of request by Lake Helen Cub Scout Pack 590 to conduct a fundraiser on Prevatt Avenue on the evening of July 4th

*Diane Jennings
151 N.Prevatt Avenue*

"Last year the Boy Scouts of Lake Helen were allowed to sell hot dogs, glow sticks and water on Prevatt and the request is for them to be allowed to do that again this year between Ohio Avenue and Lemon Avenue on Prevatt. I understand a couple years ago the request was turned down but last year the answer was yes and I would like to resubmit the request for this year for July 4th." **Mayor Duffy** said there might be an issue with the health department. Keith Chester, from the audience, indicated that the health department would need to be contacted. Diane Jennings said she would do that. **Commissioner Robbins** asked if she would be doing it in front of her residence. The answer was no, the hot dogs are cooked onsite on Lemon Avenue where it is blocked off for the festivities. **Commissioner Robbins** then said that Lemon Avenue is a city street but Prevatt is a county road. Is it in our jurisdiction to say that you can have something on Prevatt or not? **City Administrator Findell** said that you could approve their request contingent on approval from the County. Keith Chester said he would recommend that the Commission approve allowing them to set up on Lemon Avenue on the west side of Prevatt. **Commissioner Burton** said, "Last year the Chief was gracious enough to give us a concession stand to raise money for a child who was going to the inauguration. We were on Lemon Avenue and there was not a soul on that road. From my own personal experience, it would be most advantageous for the Boy Scouts to stay in a stationary position on Prevatt in order to be around the greatest number of people. Hardly anybody was on Lemon Avenue. Diane Jennings said that their hub would be on Lemon but they'd be selling up and down Prevatt Avenue.

Commissioner Lane made a motion to allow the Boy Scouts to set up and prepare their food on Lemon Avenue on the 4th of July

Commissioner Burton seconded

All zones and the Mayor voted yes

*Consideration of request by Saprina Franklin to reduce the rental prices at
Melissa Park*

Ms. Franklin was not present. Mayor Duffy said, "Ms. Franklin's letter is requesting a reduction in rental rates for Melissa Park on June 12th and June 14th. It is not for a city organization or a church or that type of thing it's strictly for a family get-together. She has held this in her own home previously but now wants to use the park."

Commissioner Burton asked what the rates are. (The rates are \$100 for a whole day and \$50 for a half day). **City Attorney Groot** said that he distributed a memo to

everybody on the subject of waiving fees. "Since the applicant isn't here, if you don't do anything you haven't denied, you haven't approved. With the applicant not here, I would recommend that you not even act. In the meantime I would suggest that if you do want to have a framework in which to act in the future, you read the memo, evaluate its content and determine if you want to set up a process and standards by which to evaluate these types of requests. Right now, there's not a policy to tell people you can't request this so they can but then there's no standard with which to evaluate it. I'd recommend that you take no action." **Mayor Duffy** agreed with **Mr. Groot**. "We need to reevaluate that policy. It's getting to the point where we can't waive fees for everyone. It's come to my attention, at Melissa Park especially, that cooking is going on inside the building. In any of our facilities that have a stove, Hopkins Hall, the Shuffleboard Court or wherever else none of them are licensed or approved by the health department for any cooking. You can heat things but you cannot cook. I have a report from last week that the Melissa Park building was reeked of fried fish. They are frying fish in that building which is against the law. They were told they cannot cook in there and evidently they are still doing it. If the health department came along they'd shut us down. None of the buildings are approved for cooking. Since Ms. Franklin is not here to ask, I would suggest that we not vote on this item. I think we need to change or look at our policy about this and I would suggest that we do it soon. We have to deny this one because there's not enough time before the next meeting to revisit this. In the meantime we should look at our policy and get it on the next agenda." **Commissioner Robbins** said, "She hasn't been here for two meetings and I had a couple specific questions to ask her. If it's a large family gathering, the rental fee could be split among everyone. That would probably amount to only a few dollars per person. I talked with Don about an organization I belong to and we have an annual event for seniors. Everybody give five dollars which provides us with the funds to rent the pavilion for the following year. They may want to do something like that. That would help defray their expenses but if she's not here to answer any of our questions, then I would move that we deny it." **Mr. Groot** said, "You can do that if you want but if you don't act the same effect occurs without a vote." **Commissioner Robbins** withdrew her motion. **Mayor Duffy** said the request dies without a motion.

Consideration of request by The League for Better Living to use the city bus for the Biennial Christmas Home Tour on December 5th and 6th

*Roger Kircher
560 Macy Avenue*

"I'm a representative from the Home Tour committee in charge of transportation. We do have the money for Butler's Train this year but we don't have the money for the Votran trolley that costs \$750. What we really need the bus for is to go out to the Shoestring Theater and two nearby churches where there will be choirs and the ladies make their homemade goodies. We are willing to pay the driver a fee but if you can help us any other way we'd appreciate it." **Commissioner Robbins** questioned if a policy exists for waiving the fees for use of the city bus. **Commissioner Burton** said, "I think it's going to be good publicity for Lake Helen and I think the city would also benefit by the tour so that's something we could give that would be worthwhile for the city."

Commissioner Burton made a motion that the city allow the League for Better Living to use the city bus for the biennial home with the provision that they pay for the driver's salary.

Commissioner Robbins seconded

All zones and the Mayor voted yes

Consideration of budget compiled by Parks & Rec. for July 4th activities
Vince Cuda Vikki Loeffler
119 N.Lakeview Drive 814 Pleasant Street

The budget for 4th of July was in the Commissioner's agenda packets. **Mayor Duffy** said, "I have a problem with the bounce house. There were major problems with it last time with children misbehaving and running into the smaller children and nobody being there to monitor it. Plus we were never reimbursed our \$200 deposit." Ms. Loeffler said it was the water slide that we had major problems with and we aren't having that this year. It takes four people to monitor the slide and we do not have the volunteers for that so we are not going to do it. The bounce house itself was not a problem. This year we have two bounce houses, one for the smaller children and one for the bigger children. We're hoping that the Commissioners and the Mayor will participate in the dunking booth activity. **Mayor Duffy** asked how the budget could be cut. Ms. Loeffler said, "That is the minimum. We are not having a DJ in the Park which we normally have. I'm trying to get somebody to donate their time to do the face painting if we buy the paint. We're not giving out trophies, we're not giving out prizes, we're only giving ribbons. We really cut about as much as we can. I want to remind you that I do have the jugs out all over town. Last year I brought in between \$500 - \$600. The year before it was \$700. These are hard times and I'm not getting the money I was hoping for but I collected money from the jugs yesterday (\$90) and today (\$113) and we still have four more weeks. Even if we collect just \$500, we'd only be asking for another \$700." **Mayor Duffy** said, "I would like to report that the money has not all come in yet from the letters that were sent.

(01:00:00)

We have at the moment \$4787 towards the fireworks." Mr. Cuda said, "One of the things that we talked about was that when you have certain activities, and I've done a lot of fundraising, there are ways to have a lot of fun for little cost. We would like the Commission to participate in the pie throwing contest and the dunking activity. I've done this before and it's a good way to raise a lot of money. We do have a prop that allows for two faces to go up behind the prop and then pies could be thrown for donations. It would be a good opportunity for the Commission and our city to come together and have a good time. If I were on the Commission, I would not have a problem with it. I've done this before, I've done it for our church, and we raised quite a bit of money." Mr. Cuda discussed further the activities and the potential benefits of them. "This is obviously not mandatory. It is something that I think would be fun for the community. It's different. We're really hoping this will be the best Fourth of July we've ever had. People could definitely use it. Dunking and pie throwing could just be the activities that would make it successful." **Mayor Duffy** said she doesn't have a problem

with that sort of thing but she wanted to go back to the bounce house. "Is it the same person who supplied it last year?" Mr. Cuda said it's somebody different. They are getting such a good price for the two bounce houses and the dunk tank that they are allowing the vendor to place his sign to advertise his business at the Equestrian Center on that day. The business is called "Jump for Fun" on Lake Helen Osteen Road. They carry their own liability insurance. The only problem with the bounce houses is when you have a five-year-old in with eleven-year-olds and that's why we got two of them so we could divide the children by age group. The price includes two bounce houses and a dunking booth. **Commissioner Burton** said, "For the past two weeks, I've been out in Daytona Beach. I'm a crisis counselor out there. I can just say from the economic downturn and the storms that we've had so close to Fourth of July that I think people need a break and I think as a City it is our responsibility to provide this break. \$1200 is a drop in the bucket considering what the benefit could be and I'm always looking for the benefit of what something can bring to the community. I take on the mantle of being chicken little when it comes to certain budget items but with regards to the health and well-being of the citizens, I think that anything that we can do from this position is our responsibility." **Vice-mayor Snowden** said he had a concern about the band at Royal Park . It's a big ticket item at \$450, and serves relatively few people. It serves just those people who congregate around the lake. "For us to lock into \$450 for a two hour segment that serves just an isolated group of people and with times being what they are I think that's a lot of money." **Commissioner Robbins** and **Mayor Duffy** agreed. **Commissioner Burton** asked if it could be negotiated. Since it's an issue we would like to have it be revisited. I agree, it is a big-ticket item and services relatively few people. Ms. Loeffler said she'd get with Tammy Johns and try to negotiate a lower price. She also added that she's never been there but she's heard a lot of people say they really enjoyed it. **Vice-mayor Snowden** reiterated that the band was one of his concerns. **Commissioner Lane** agreed but added that "everything else looks wonderful plus you got a great price on the bounce houses." Mr. Cuda asked if the Commission would approve the request at a certain dollar amount so it would give them something to work with.

Commissioner Lane made a motion to approve the budget as submitted with the exception of Tammy John's Royal Park line item of \$450. That can be brought to us at a subsequent meeting.

Commissioner Robbins seconded.

Vicky Loeffler said, "I'm going to need a little time to negotiate with Tammy Johns. Can you tell me what you're willing to do because he's got to let his band members know. If I wait until the next meeting it will be too close to July 4th." **Commissioner Burton** suggested approving a \$1000 budget and having Parks & Rec be responsible for the other \$200. Ms. Loeffler said that would work and asked if the money collected in the jugs could be used. A long discussion ensued about whether the money in the jugs is for fireworks or for a general 4th of July fund which led into a discussion about how the budget for this event is handled. **City Administrator Findell** said that any money that is collected goes into the General Fund. The money is used to offset all of the 4th of July expenses. Money is not allocated for future years.

(01:30:00)

Commissioner Lane said we're getting close to the wire on time and it's difficult to approve something then barter. We don't have time to negotiate with Tammy Johns. Discussion reiterating each Commissioner's position continued.

Commissioner Lane withdrew his earlier motion.

Commissioner Burton made a motion to approve a \$1000 budget for the 4th of July events.

This motion failed for lack of a second.

Commissioner Robbins said since this is the highest price item on this list I think we need to do away with music this year.

Commissioner Burton said that he has never been to an equestrian event but he doesn't have to attend an event to realize its value to the community. So even if you don't hear the music yourself, it might be something that others enjoy. It's for the citizens, not for our personal consumption.

Alan Cooke and Raphine Pierce said they would each contribute \$100 toward the band.

Commissioner Snowden made a motion to authorize a budget for 4th of July events in the amount of \$750 (he clarifies that the \$750 is the total asked for minus the cost of the band for \$450)

Commissioner Lane seconded

Zone 1- yes; Zone 2 – no; Zone 3; yes; Zone 4 – yes; Mayor - yes

Consideration of request by Chief Chester to approve two title changes in his department

Keith Chester said, "I feel it necessary to empower our employees in the city in any way we can considering the economic times and the fact that the chances of raises are slim to none. In Lt. Walker's case, he serves in a position which is second in command at the police department but he holds the title of Lieutenant. I would like to ask the Commission's approval to change his title to Commander as opposed to Lieutenant. Usually, those who are second in command hold the title as either Assistant Chief or Commander. He is well aware that the title change would not come with any monetary compensation. I'm asking for your support to change his title from Lieutenant to Commander. His job will be the same and what he does on a daily basis will be the same but he will be given a more appropriate title given the position that he truly holds as second in command. The second title I'm asking to have changed also does not include any money, it is for Officer Clarino's title. He is a fully certified police officer. He is fully trained in the area of code enforcement and animal control but he is commonly referred to as the 'dog catcher'. It's confusing because he holds so many different positions. I would like to see his title changed to Community Improvement Officer. It gives him more credibility and we can maybe move away from him being called 'dog catcher' because he's far more than a dog catcher. Those are my two requests. I feel it's necessary that we do all we can to empower our employees and show that we appreciate them as best we can considering these economic times. There's no way to

do anything monetarily.” **Vice-mayor Snowden** asked if these title changes would in any way change their duties or responsibilities. Mr. Chester answered, “No, the job descriptions will remain the same.”

Commissioner Lane made a motion that the request to change Lt. Michael Walker's title from Lieutenant to Commander and Officer Clarino's title be changed to Community Improvement Officer be granted.

Commissioner Burton seconded.

Commissioner Robbins wanted to make a couple comments. “Having worked for the city for 29 1/2 years I could have cared less whether I was called bookkeeper, clerk office assistant or whatever. Titles have never been a big thing with me. I talked to Mike (Walker) today and I told him that we want to keep Lake Helen small. Everything about Lake Helen is always ‘let's keep it small’ except titles. This is the only place I have ever been where if you didn't like your title you went to the commission and had it changed. I don't think that is right. When you take the job you know what the responsibilities and you know what the job title is. I don't think anything of being called a dog catcher because that's the job. You pick up the dogs if you're called to pick up a dog. They're recompensed for the job they do and it may not be what they would really like to get but at this point in time I think that our employees need to be thankful that they have a job let alone what their title is. That's just my opinion but I think....I'm sitting here representing 2,850 people and I think a lot of the people and the citizens in the town feel that way.” **Commissioner Lane** said, “It used to be that peoples' salary was what drove how much they liked their job. A lot of that has changed. When you bestow titles or give people titles that accurately reflect what they do, it changes the way they see their job and affects their self-fulfillment in that job. Salary is number four on the list about what people most care about in their job. Title makes a difference. It does need to reflect accurately what they do particularly in a police department. It sounds like these changes will more accurately reflect what they do.” Keith Chester said, “**Commissioner Robbins**, you said while you were here, you didn't care whether you were called bookkeeper or whatever. The fact is that when you were known as the Finance Manager, you were the person who looked after the finances of the city. If you called and told somebody you were a Bookkeeper or Finance Manager, in certain circles it did make a difference as to what title you held. This is the same situation we have. If I need Lt. Walker to represent the City of Lake Helen as the second in command of the Police Department when he goes to a Chief's meeting or something, it does make a difference what his title is and it does make a difference as to how they look at the position or the person. The fact is, he is second in command at the Police Department and whenever he goes and says Lt. Walker that does not signify the second in command.” **Commissioner Robbins** said, “You have to remember that everyone knows how small Lake Helen is. How many chiefs do you have? How many indians do you have?” Mr. Chester answered, “That's why I went with the title of Commander and not Assistant Chief.” **Commissioner Burton** said, “I spent 10 years in law enforcement and when you go to places where there are ranking commanders or people of rank your rank does hold some authority. It's true that the people in Lake Helen know Mike Walker as Mike Walker. Outside of the City of Lake Helen, however, where he goes and he is on an agenda as the Commander it does give some stature to

his position and it also gives stature to Lake Helen because any time you send someone of a high-ranking nature to a particular organization you're showing respect to that agency because you sent the Commander as opposed to a Lieutenant or Sergeant. Again it's not costing the city a dime. I know from speaking with Chief that many of our employees are not being given their just recognition. It's enough to say that you should be glad that you have a job but then to people who are doing five or six jobs and not getting appreciated, that can have its own negative effects. I don't see a problem with elevating their titles. It's not like we're bringing the title up to date with a pay raise because nobody's getting a raise." **Mayor Duffy** added, "A couple of months ago I was at a Mayor's meeting. One of the cities represented sent their Vice-mayor, who also is an elected official. She was very nicely asked to leave because she was not a Mayor. Titles do make a big difference. Not too long after I was elected, we went over the titles and I thought Assistant Chief or Commander, either one, for Mike Walker, and Community Improvement Officer for Patrick Clarino, would be appropriate titles. Patrick isn't just a dog catcher he has to deal with everything else and it's true when you go out in the community and represent the city you should have a title that represents your position. I go along with this change." **Vice-mayor Snowden** said, "I agree with a lot of what's been said. There is some small expense associated with these changes such as stationery and cards and badges. Those are minimal costs however. Those title changes are more appropriate and sound more professional. For a long time, the City of Lake Helen had marshals and that was a unique title and a highly revered title because it came from years in the past. It had a certain connotation to it. You weren't just a constable or a deputy you were the marshal." **Commissioner Robbins** continued, "Buddy I would like to remind you of one thing, when we ended up changing from the marshal position to the police chief position that's when the budget went to hell in a hand basket. I've been around, not as long as you, but almost 35 years and I can remember those days. I can remember Willie Smiley was a marshal. You were the marshal. That was before I came. But the other night I spent a good hour on the phone with a lady who was nearly attacked by a dog on Saturday morning. She called me and I asked her if she'd called her zone commissioner and she said no because 'I know you', she said. I'm sure she knows you as well Buddy but she said she felt more confident calling me. The woman was nearly attacked as she was walking with her dog on a leash at 10 o'clock in the morning by a female dog who had just had puppies. I don't know if the dog had gotten out or what but she was fearing that she was going to be viciously attacked. She called me on Tuesday after two days trying to get a hold of somebody to try to report this. These things come out all the time. And I think about that when we start talking about title changes in all this. I feel compelled for you people who did not know about this. Keith knew about it, Don knew about it and I knew about it because the lady confided in me or didn't confide in me but ask me what course of action she should take. And so having known her for quite a few years I told her she needed to get in touch with Keith, Don and Patrick. She e-mailed them and I have copies of the emails. Don wrote her an email saying, 'I have asked Keith Chester to follow up on your inquiry and respond back to you. Please let me know if I can be of further assistance.' She did not understand the process. I don't think she understood that animal control is under the Police Department. I explained that to her because she did not quite understand why if she called animal control why the police were investigating it. So I explained to her that the situation was that he comes under the

Police Department. He is a police officer, he is a code enforcement officer and he is an animal control officer. But I get these calls from people and they all go off but nobody else cares about them. I just think that we're giving out titles haphazardly. Maybe they've earned them but like I said I'm not big on titles, I never have been and I probably never will be. You worked as Marshall and you could've cared less. But when you were unhappy, probably not with the title change, you went on and furthered yourself by going to the sheriff's department. I think, especially at this time when the economy is so bad, we have gotten wages up for most of these people, half way decent. The benefits for Lake Helen are as good as any other city in the county." **Commissioner Burton** said, "I don't think any police officer or fireman when they are called to respond gives a hoot about their title. They don't care if they are on the clock, they don't care what their pay grade is which is generally not high enough. I don't think any of us who have ever had to wait for a cop or fireman have ever stopped to think if they are being paid enough. So the only time you need them is when you need them. To have the time to say we appreciate you for what you do is not enough."

Zone one – no; Zone two – yes; Zone 3 – yes; Zone 4 – yes; Mayor - yes

Mayor Duffy said, "Since the meeting began and we passed *Consideration of request by Saprina Franklin to reduce the rental fee at Melissa Park* she has since arrived. **City Attorney Groot** said, "Here is my view and it might sound a bit harsh. First, that item is over with. Second, we've passed the public forum part of the meeting. Third, right now there's no basis or standard to approve this request and there's no reason to place yourself in the position of having to deny it. In my judgment, you should deem the matter over with and that's it for this evening in terms of that particular matter. Unless you raise it yourselves I don't think it's necessary for that matter to come before you." **Mayor Duffy** told Ms. Franklin that this matter will not be heard tonight. "We have no policy that would address this because you are not a church or a public organization. And you don't even live in Lake Helen. This is over with and this can't be addressed until we decide on a policy."

Consideration of approval on first reading of Ordinance 2009-05 relating to Stormwater Pollution Prevention

Mayor Duffy read the ordinance by title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA, RELATING TO STORMWATER POLLUTION PREVENTION; PROVIDING FOR FINDINGS OF FACT AND LEGISLATIVE INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ILLICIT DISCHARGE PROHIBITION; PROVIDING FOR ILLICIT CONNECTION PROHIBITION; PROVIDING FOR STORMWATER POLLUTION PREVENTION PLAN; PROVIDING FOR REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES (BMPs); PROVIDING FOR WATERCOURSE PROTECTION; PROVIDING FOR NOTIFICATION OF SPILLS; PROVIDING FOR INSPECTION AND MONITORING;

PROVIDING FOR VIOLATIONS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE.

City Administrator Findell said, "You've heard me talk from time to time about the National Pollution Discharge Elimination System Program (NPDES). That program has been around for quite some time. It is a program that was established by the federal government under the federal Clean Water Act. The purpose of the program is to basically, in concert with the Clean Water Act, address issues that deal with or are responsible for water pollution. So, the goal of the Clean Water Act which has been around since the 1970s has been and continues to be to restore or maintain or clean up the nation's waterways and to prevent pollution from entering those waterways in the future. The city is permitted under an NPDES permit. The authority of permitting has been delegated from the United States Environmental Protection Agency to the Florida Department of Environmental Protection. Each agency that is permitted has a list of permit conditions that they have to comply with to maintain that permit. The list of conditions is related to a variety of areas dealing with clean water issues. So in each of those sub-areas you have requirements that you have to meet to maintain your permit. We have within our permit a requirement to address illicit discharges. We have a requirement to address illicit connections. We have a requirement to address the use or lack thereof of best use practices. We have a requirement to address erosion and sediment control issues. For the sake of efficiency, what I did for our permit was to lump each of these subject areas together, that we might have to adopt individual ordinances for, into what is called a storm water pollution prevention ordinance which is also a commonly used term. We're not the only community that does this or who has done this or who will do this. The ordinance is designed to reduce or minimize the introduction of pollutants into lakes and other watercourses in the city. These are pollutants that originate or emanate from storm water runoff - illicit discharges to the storm water drainage system, illicit connections to the storm water drainage system and that emanate from non-maintained properties along the watercourses. The provisions that are contained within the ordinance were prepared in accordance with both state and federal guidelines and regulations and recommendations. As you work your way through this, you should have noticed that there is a focus on the prohibition of illicit discharges and illicit connections. These are also referred to as illegal discharges and illegal connections and there is a focus on the new requirement for the use of best management practices on construction sites which our current storm water management and some of our ancillary ordinances in the current code do as well. This just brings them all together so that when the Department of Environmental Protection comes and audits us for compliance with that permit we can pull out this one ordinance and say we have addressed all of these issues that we've been required to address by the permit. They are addressed by this one ordinance rather than having to wind your way through a myriad of sections of the current code." **Commissioner Robbins** asked how often we have to apply for the NPDES permit. **Mr. Findell** answered, "It's a five-year permit. We just completed our application for the coming five years. This permit expires this year and the application for the new permit had to be submitted by May 16th." **Commissioner Burton** asked about the expense. **Mr. Findell** answered, "It's expensive but maybe we'll get lucky. "

(02:00:00)

"I told you that when I was working on both the NPDES report and on the new application that the state had increased its permit fees. They have increased the permit fees for NPDES for small cities from \$3000+ to about \$5,700. There's an obscure section of the Florida statutes that relates to this permitting. I've attempted to use this obscure statute to reduce our rate because this obscure statute provides a mechanism by which a fee can be reduced by the water management district or by the Department of Environmental Protection. The way in which that's done - it's a formulaic calculation that's based on income for your area and your taxable values compared against the statewide average. I've tried to present a case in the submission of our permit application that we meet the criteria for reduction of permit fees and we've submitted a payment of \$100 rather than \$5,700. I hope that works because it will save us a considerable amount of money. This is a mandate without funding and it's a mandate of the federal government that's passed on to the state that's been passed on to the local governments." **Commissioner Burton** asked if there's anything in the stimulus package that would cover this fee. **Mr. Findell** answered, "Unfortunately, most of the money that's been made available and will continue to be made available through the stimulus package, unless the legislation changes, will go to very large projects rather than small projects and it will go toward larger communities rather than smaller communities. It doesn't mean the smaller communities won't get something but it's so heavily weighted in favor of large projects. The criteria that they use for that allocation is weighted so very heavily in favor of large projects, large communities. They look at projects of a regional significance or a national significance or statewide significance before they look at that anything local if they even look at it. We continue to pitch away but it's not easy to crack that nut unless you've got something that you can tie to a county project or state project.

Vice-mayor Snowden made a motion to approve on first reading ordinance 2009-05
Commissioner Burton seconded

All zones and the Mayor voted yes

COMMISSION DISCUSSION

Commissioner Burton said, "Around t the corner from him on Goodwin and Ohio, a lady's house practically burned to the ground from an electrical wiring issue. She was at church when someone passed the house and saw the flames coming out of the roof and called the fire department. Luckily nobody was injured. She has several grandchildren and last I heard the house was in her name and the insurance policy for the house was in the name of her grandmother who is deceased. The insurance company was mulling over how they were going to address it. As of now, her house is still unrepaired and the insurance company has not made a determination as to whether or not they are going to be on the hook for it. She's one of our neighbors.

STAFF REPORTS:

City Attorney - no report

Police Chief - no report

City Administrator

"I attended an emergency management meeting yesterday the purpose of which was to inform us that Volusia County and the cities in Volusia County are required to update their local mitigation strategy also known as the 2020 plan. The timeframe that has been established to update that plan, which is usually done over the course of about a year or a little bit longer, has been condensed to about two months. It has to be prepared by August and submitted to the state by August. There's going to be a considerable amount of time and effort put into this over the next couple of months. It's not something we were anticipating but it's something we have to do. I also want to elaborate on something **Commissioner Robbins** said regarding the lady that called her about the dog. She indicated that I had responded back to her by saying that I had forwarded her e-mail onto the police chief and asked him to investigate it and respond. The woman e-mailed me back thanking me. Keith had responded to her almost immediately and she got a response from the police department today. Once Keith and I knew about it, we got back to her immediately with the information that she requested.

Code Enforcement Officer – no report

MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE

Zone 1/Commissioner Robbins – no report

Zone 2/Commissioner Burton

"I've been working in Daytona since the floods. I'm a Crisis Intervention Specialist and what we've been pressed into service to do as a result of the floods is to man the FEMA stations in Daytona. I might say that the first three days before President Obama declared it an emergency, the state was in charge of the facilities. At the facility where I work in Holly Hill we collected approximately 1500 applications. When FEMA took over, they came in almost like the Marines were landing and everything inside the facility changed. By Friday morning there was no one in the facilities. Only 33 people came in on Friday and Saturday. Two days ago they had a meeting in Daytona Beach between the feds the state and the city to determine what went wrong. I imagine that's why you're hearing from FEMA and why their timeframe was shortened (per **Mr. Findell's** earlier conversation.) I can say from where I sat and watched this disaster go down that if we have to wait for the federal government to save us we're going to be in a lot of trouble. Those 1500 or so applications that got filled out are missing. FEMA came in with their own application and procedures but nobody who'd previously filled out an application knew to fill out this new one. Those people who stood in line through the sun and rain for days and hours on end - they believe that they've filled out the proper paperwork but they haven't."

Zone 3/Vice-mayor Snowden

Vice-mayor Snowden brought up the League of Cities dinner and inquired about who is designated to coordinate the event. **Mayor Duffy** answered that the City Clerk and Wendie will be working together to plan it. **Commissioner Robbins** said if she's available, she could probably help some with it. **Mayor Duffy** added that the Crafty

Ladies might be able to do something. Also, we have to determine the price and hopefully we can talk about this at the next meeting. **Vice-mayor Snowden** said it's typical that the hosting city has a larger contingent of people in attendance. I think we should extend the invitation to those Commissioners who have served since the last Lake Helen League dinner.

Commissioner Lane – nothing to report

Mayor Duffy

She reminded people of the June 6th St. John's River cleanup. "This has been a month of meetings as it always is. One of the things that I was most concerned about and got involved with was the Volusia County Growth Management Commission which I was on for 10 years and chaired for four years. They had a first reading of the draft document that no one knew about at the first meeting. It then came out what they were doing. I don't know how many of you would remember back to when Growth Management helped Lake Helen defend itself against Deltona who was reaching out trying to grab everything they could. With Growth Managements help, we were able to prevail over Deltona. So, recently, what they were planning on changing with the Growth Management charter was in the first paragraph. They took out the word Growth Management will "determine" and they changed it to "presume". So right there they took all the meat out of the charter. I did write a letter and I did go to the meeting when they were supposed to be having their second reading and I think half of Volusia County showed up; they were against the changes as well. The Commissioners voted to send the whole document back to the group that was changing it. That was a good thing for all cities and especially small cities. The discussion against the changes by citizens from Volusia County went on for three hours. There was only one man and two attorneys at the end who got up and spoke about the changes being a good thing. Everyone else was very upset. We should work to save the Volusia Growth Management Commission."

ADJOURNMENT

Meeting adjourned at 9:25 p.m.

Joan L. Duffy, Mayor

Nancy Wilson, City Clerk