

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
June 17, 2010
7:00 P.M.**

MINUTES

A REGULAR MEETING of the City Commission of the City of Lake Helen, Florida was called to order by **Mayor Snowden** at approximately 7:00 p.m. Present were **Mayor Snowden, Commissioners Basso, Burton, Lane and Robbins**. Also present were **City Attorney Lonnie Groot, City Administrator Don Findell and City Clerk Nancy Wilson**.

Commissioner Lane gave the invocation and led the pledge of allegiance.

DELETIONS OR MODIFICATIONS TO AGENDA - none

COMMISSION ANNOUNCEMENTS

Commissioner Robbins announced that Susan and Robert Hughes who live on Hazel Street donated 12 dozen t-shirts with a 4th of July design on them. They plan on doing this every year. This was a very generous donation and the shirts are available at Lake Helen Coffee & Tea. They cost \$15. The proceeds are going to the City for fireworks.

Also, Dave Butler had a mini-stroke and is currently in Ridgecrest Nursing Home and is doing well. He won't be in the July 4th parade this year but hopes to be back for Christmas Tour of Homes.

Commissioner Burton mentioned the Harry Whites reunion on June 19th. This date marks the end of slavery in 1865 when the last remaining slaves were actually freed. The reunion runs from 3pm – 7pm at Melissa Park.

Commissioner Basso will be away for two weeks.

Mayor Snowden said that the fireworks this year will be the grandest in Volusia County this year according to Four Seasons. Invite everybody you know.

MINUTES

June 3, 2010.

Commissioner Robbins made a motion to approve the minutes of June 3, 2010
Commission Burton seconded

All voted Aye

CONSENT AGENDA:

Bills – June 17, 2010

Commissioner Basso made a motion to approve the bills of June 17, 2010

Commissioner Lane seconded

All zone Commissioners and the Mayor voted yes

PRESENTATIONS: none

Bi-MONTHLY REPORTS

City Engineer – City Administrator Findell said the S. Summit Avenue storm water system and road construction has been completed. He, the City Engineer and Rick Mullen did a walk through and found some areas of pavement thickness that didn't meet specifications near the upper and lower ends of the street. P&S Paving agreed to remove and redo that work using a better mix on the repaved portion. Their work is guaranteed for the next 2.5 years.

PLDRC – no report

Parks & Recreation – Sean Abshire gave an update on the 4th of July festivities and said that they didn't meet their fundraising goal of \$10,000 but did collect \$5,000. He requested a check to pay for supplies and asked which Commissioners would be willing to take a pie in the face. Commissioners Burton and Robbins and Mr. Abshire will take a pie. Volunteers are starting to step up to the plate to help.

He outlined donations for July 4th so far:

\$348 – jugs placed around town

\$2139 – Market in the Park

\$1027 – Spring Carnival

\$800 - sponsors

\$500 – individual donation

The fireworks display costs \$5000. T-shirt sales will make up some of the discrepancy and they will also be collecting money on the day of festivities plus they have 3 more weeks of fundraising. Bracelets for activities will be sold for \$5.

Commissioner Robbins made a motion for Sean Abshire to spend up to \$1000, of the money collected, on 4th of July supplies

Commissioner Burton seconded the motion

All zone Commissioners and the Mayor voted yes

It was also announced that the Parks & Recreation Board has vacancies. Mr. Abshire asked the Commission for recruiting help. **Mayor Snowden** said we'll need letters of resignation from those who plan on vacating their seats.

Diane Jennings gave an update on the Playground Project. Design Day was a success. There were 130+ people in attendance and she has received a lot of calls of support from individuals and schools. She signed up 55 volunteers. A meeting to review the initial schematic is going to be held next Wednesday at 7pm. Once she receives feedback from that meeting and gets it

back to Leather and Associates, we'll get a final draft of material, supplies and cost. Another goal is to get an idea of when we want to build.

Ms. Jennings has applied for a \$25,000 grant from Lowes and they said our chances look good. She's also sold 20 pickets at \$50 each. Play area has about 1500 pickets. Funds committed are about \$4500. The Playground website is going up this weekend with paypal for online donations. Dennis Geyer from DTS has offered to raffle \$3,000 worth of services and we'll start selling those raffle tickets on July 4th.

Fundraising plans are moving along and there's a lot going on behind the scenes.

The Lake Helen Historical Society is going to get involved in the historical wall design

PUBLIC FORUM

Debbie Eckert

247 Vermont Street

Ms. Eckert would like to form a group called Friends of Lake Helen and Cassadaga and Suber Cemeteries so we can take care of our loved ones and our history. She doesn't want the cemeteries to be neglected and forgotten and she also thanked the City for getting the headstones righted at the Lake Helen cemetery. She mentioned the fence and gate repairs that are necessary. A clean-up day was discussed.

Commissioner Burton said the Suber Memorial Committee meets on a regular basis. He'll get them in contact with each other.

City Administrator Findell thanked Biometric Utilities who donated the equipment and some manpower to help with the headstones and mentioned that the back gate is not for public access.

PUBLIC HEARING – none

COMMISSION CONSIDERATION

Consideration of facilities use list review

Mayor Snowden said there have been several meetings on this topic including usage, list refinement, policies as related to use and fee schedules for facilities and tonight should be the last meeting. The discussion began with a question about who ultimately makes the decision to waive fees. **City Administrator Findell** said that the policy is not clear on what the specific criteria are so it would be difficult for staff to make a decision about waiving fees which is why these requests come before the Commission. He added that one required criteria is that the organization serves the public and/or community. **City Attorney Groot** said that with proper policy language, that decision could be delegated to staff. **Mr. Findell** added there would be the subjective determination of what "serving the public and/or community" means. Discussion ensued regarding the criteria used to determine fee waivers then moved to cooking in the facilities. **Commissioner Burton** said Wendie Levings told him that no cooking is allowed in any of the City's rental facilities - only warming of food is permitted. Chief Keith Chester explained that these are fire department restrictions because the facilities aren't ventilated adequately. Also, our equipment isn't on any maintenance program.

Commissioner Burton clarified that the facilities are adequate for heating up food. Consistency of use is important among facilities. The Commission doesn't want the liability from allowing cooking nor do they want to over regulate those who rent City facilities. None of our facilities are designed for cooking especially when there's frying with grease.

Commissioner Basso made a motion that use of the cooking facilities in City buildings is prohibited unless specifically permitted, in writing, by the City but frying is prohibited under all circumstances.

Commissioner Robbins seconded the motion

Cooking limitations, liability and the necessity to be unambiguous was discussed further. Rules must be specified in writing.

Heather Lindsey
222 Tangerine

Ms. Lindsey said that if you have a public facility and you're serving food to the public, you have to be very careful about liability and health department standards.

Commissioner Robbins – yes; Commissioner Burton – yes; Commissioner Basso – yes; Commissioner Lane – no; Mayor Snowden – yes

Discussion moved on to the facilities user list and criteria for having fees waived. This applies to a request initially made by **Commissioner Robbins** to waive fees for use of the Shuffleboard Court on Tuesday nights by her group called *The Tuesday Evening Scrapers*.

Commissioner Robbins discussed the fee waiver list trying to make a case for her request based on whether or not an organization was incorporated. **City Attorney Groot** said legally "non-profit" means nothing and he suggested grandfathering all groups currently on the waived list that are long standing in the community and apply the new criteria for any new requests.

Mayor Snowden said that staff and the City Attorney have spent many hours and thousands of dollars to accommodate **Commissioner Robbins'** group that had already been accommodated. A system was in place that worked. However, when her group was excluded from using the CAC based on ECHO criteria, the City was asked to accommodate a request from Ms. Robbins to use another City facility on an ongoing basis and to have the fees waived even though the CAC was available for them to use on other days and times. The groups on the list are longstanding groups that contribute to the community and **Mayor Snowden** doesn't feel that Commissioner Robbins' program fits that bill. He also feels that given all the trouble and expense that this request has caused, that she should have backed out of the situation. The rules should not be flexed for one person.

Commissioner Robbins claimed she was unfairly denied use of the CAC facilities because she had spoken out about the Café and she is being "punished" by Mayor Snowden. She claims that her group is no different from the Crafty Ladies. After input from the City Clerk and the Police Chief who recounted ECHO grant requirements and specifics, **Mayor Snowden** concluded by saying that we've spent thousands of taxpayer dollars on something that should

never have gotten to this point. **Commissioner Burton** pointed out that the City needs to follow ECHO grant requirements and compared her analysis of the bills to this situation. He disagreed with her characterization of the City Commission that they were picking on her. **Commissioner Robbins** continued to discuss the situation as she saw it. **City Administrator Findell** added that the scrutiny under which ECHO has placed the City resulted from **Commissioner Robbins** discussion of our grant's potential shortcomings with County officials which has resulted in the city spending hundreds of hours and thousands of dollars unnecessarily to address nitpicky concerns that other grant recipients don't experience.

Commissioner Basso made a motion to grandfather all of the groups that were originally on the waived list before March 4, 2010 when Commissioner Robbins asked for this exemption as well as accepting the policies and rules of use with the cooking caveat added.

(He clarified that he did not want to include the Scrapbooking class on the list.)

Commissioner Lane seconded the motion

Commissioner Robbins: refrained from voting; Commissioner Burton: yes; Commissioner Basso: yes; Commissioner Lane: yes; Mayor Snowden: yes

Commissioner Robbins will fill out a Voting Conflict form and submit it to the City Clerk for the Public Record.

Mayor Snowden said Mr. Costa, who has property that has to be sectioned off for July 3rd, is willing to use pasture land on his property for parking, charging a fee and turning the proceeds over to the City . He's checking on liability issues.

COMMISSION DISCUSSION - none

STAFF REPORTS

City Attorney – no report

Police Chief – He commented on the effort by Rick Mullen and his team with help from Biometric Utilities to right the headstones. This project had been in the pipeline for a long time. Mr. Chester gave a report on the Creative Arts Café using input from Fred Tessier on their work toward making the Café more profitable. He is working on cleaning out the old Commission Chambers that is full of furniture and miscellaneous items. The history of the old commission seating was discussed and **Commissioner Robbins** said the seating was not given to the City but was purchased by the City.

Commissioner Lane made a motion to declare the old commission seating property as surplus and to authorize Keith Chester to convey the seating to the Ivy Hawn Charter School, which is a non-profit organization.

Commissioner Basso seconded the motion

All Zone Commissioners and the Mayor voted yes.

Commissioner Basso asked if we are close to getting a monthly Profit and Loss statement from the Café. As long as we are moving forward and breaking even, he doesn't want to micromanage. Mr. Chester said some Policies & Procedures will be presented to the Commission for approval by the next meeting.

City Administrator – Mr. Findell said if any Commissioner plans on attending the Florida League of Cities Annual Conference from 8/19-8/21, they need to commit soon. That person needs to be appointed as the City's voting delegate.

He has started working on the budget early and has anticipated that the revenues from property taxes will be down substantially. He has started preliminary discussions with department heads to see how and where we'll trim. The budget schedule is:

Pre-preliminary taxable value information from the property appraiser – June 1st

Preliminary taxable value information from the property appraiser– July 1st

Budget must be submitted - July 15th

First meeting should be two weeks after the July 15th date

Commissioner Basso asked about the 2009 audit. Mr. Findell answered that he needs up-to-date revenue detail though he has up-to-date expense detail. Major sources of revenue are franchise fees, municipal services tax, property taxes and sales tax and he's waiting to receive these figures from the State. The property tax revenue will be off about 15%, that translates into about \$70,000. All our major revenue sources are substantially less than they have been. The audit won't be prepared before the budget. You can look at line item detail in the budget as a tool to help you understand it.

Code Enforcement Officer – Officer Clarino is attending Code Enforcement School to get State Mandatory continuing education units.

Zone 1/Commissioner Robbins – She discussed The River of Lakes Heritage Corridor Scenic Highway Corridor Management Entity and that the Commission, at a previous meeting, had discussed possibly contributing a set amount of money per resident to that organization. Our contribution would be approximately \$500.

She discussed the extensive vandalism at the Cabin on the Lake B&B.

Mr. Findell reported that the survey for the Orange Avenue project has been completed. The survey stakes will be on either side of the roadway and will be photographed so we have a permanent record of where they are. With the stakes in place, we can act upon the sidewalk project when the time comes. The painting of City Hall may be put on hold until we know the source of funding for our capital projects. If the money is available, it could be put in a reserve account and earmarked for painting.

Zone 2/Commissioner Burton – He also discussed the disturbing nature of the vandalism done to the Bed & Breakfast.

His Zone Commission meeting was well attended and representatives from five churches also attended. County Councilman Andy Kelly was there and answered questions that were county related. One issue brought up by residents is the lack of communication in the community and another issue is how the Woods of Lake Helen landscaping is not being maintained. Progress on the Melissa Park bathrooms was brought up. Lou Gutshall had inquired about how the donation by the Home Tour Committee was being handled.

Zone 3/Commissioner Basso – He asked if Law Enforcement had any leads regarding the recent vandalism at the B&B. It's disturbing that this property has been targeted more than once.

Zone 4/Commissioner Lane – He reiterated the concerns of the other Commissioners regarding the vandalism.

Mayor/Mayor Snowden – no report

MEETING WAS ADJOURNED AT 10:15 PM

Buddy Snowden, Mayor

Nancy Wilson, City Clerk