

**REGULAR MEETING  
LAKE HELEN CITY COMMISSION  
June 18, 2009  
7:00 P.M.**

**MINUTES**

**CALL TO ORDER:** Mayor Duffy

**INVOCATION AND PLEDGE OF ALLEGIANCE – City Attorney Lonnie Groot** gave the invocation and led the pledge of allegiance

**DELETIONS OR MODIFICATIONS TO AGENDA** Commissioner Robbins said, "I would suggest that since we do not have a full Commission tonight that we delete item 7B." Mayor Duffy asked if there were any other comments. Vice-mayor Snowden said, "Inasmuch as Commissioner Robbins brought this up at the last meeting to be discussed at this meeting, perhaps we will heed her request." Mayor Duffy asked if the Commission needed to vote on this. City Attorney Groot said, "You don't need to take a vote. No action means that the people currently in office continue in office. If there is a new appointment it will be for a three-year term whenever that commences." City Administrator Findell said, "What you're requesting is that this be tabled for this meeting and brought back when there's a full City Commission?" Commissioner Robbins answered yes. Mr. Findell continued, "Since they're going to delete the item from the agenda they need to take a vote to delete the item, do they not?" Mr. Groot said, "If there's no action, it's deleted. But you can officially delete it from the agenda if you like but if there's no action there's no action. Where you are right now with the PLDRC members is that there are two people who are continuing in office because there was nobody appointed to replace them. You can replace them at any meeting or reappoint them at any meeting. If you reappoint them it's for a three-year term, if you replace them it's for a three-year term. That's where you are right now so no action means that they continue in office for another two weeks or month or until the next meeting." Mr. Findell said, "For clarification, if the request is that the item be tabled then that request ought to be made when the item comes up for discussion and then the Commission will vote on tabling that item for a subsequent meeting. There's a difference between deleting and tabling an item. When you delete an item from an agenda it's off the agenda until it's put back on at someone's request. If you table an item you are continuing it to a date certain."

City Attorney Groot asked Commissioner Robbins, "Is it your desire to appoint somebody at the next Commission meeting and have that as part of the potential action of this Commission?" Commissioner Robbins answered, "If we have a full board, yes. I think this is important enough that it needs all five of us to vote on it." Mr. Groot continued, "But is it your desire to not just discuss these two members but actually to appoint somebody?" Commissioner Robbins said, "No, we just need to vote for or against and go on. Their appointments would have been in September of 2007 and it would have been for three years until 2010 and that would be what we would be voting

on until 2010, would it not?" **Mr. Groot** answered, "That's what I was asking, because if you're just discussing these members that's one thing, but, I just heard you say that it is your desire to actually consider who to appoint." **Commissioner Robbins** said that's not what she meant. "I brought it up because they had never been voted on so we need to take a vote on those two people." **Mr. Groot** said, "The answer to the question of whether you need to vote on these two individuals is no. What you need to vote on is who to appoint to a three-year term. There's no action to be taken on these two people right now unless it's either to reappoint them or not reappoint them. If your desire is to have the ability to appoint somebody, whoever it would be, to these positions that's what I think needs to be made clear - if at the next meeting you want to be able to appoint somebody." **Commissioner Robbins** said "right". **Mr. Findell** said, "That is not what the Commission has indicated that they wish to do at this point. They simply wish to consider reappointment of these two members as recommended by the PLDRC." **Mr. Groot** said, "If you vote not to reappoint somebody, that person will stay in office because you haven't appointed someone else. The fact that you vote not to reappoint them doesn't stop them from being in office. There is the potential to think that not reappointing means they're not serving anymore but they would continue to serve." **Mayor Duffy** said, "The issue before us now is the fact that this was not brought before the Commission when the Planning Board recommended them for reappointment. That's what we were going to do tonight - recommend or not recommend." **Vice-mayor Snowden** said, "I don't know why the other Commissioners aren't here and I'm sure they have a good reason for not being here but each Commissioner knew from last meeting that this was an agenda'd item for this meeting and I certainly came prepared to discuss that. We do have a quorum. I can appreciate what **Commissioner Robbins** says inasmuch as she brought it up initially." **Mayor Duffy** asked if the matter should be tabled? **Mr. Findell** said, "If you're going to table it, you need to wait until you get to that particular agenda item and then you table it until a date certain or meeting certain."

## **COMMISSION ANNOUNCEMENTS**

**MINUTES:** June 4, 2009 Public Meeting, June 4, 2009 Regular Meeting

**Commissioner Robbins** said the CDBG meeting began at 6 p.m. not 7 p.m. so that change needed to be made to the minutes.

**Commissioner Robbins made a motion** to accept the minutes from the June 4, 2009 Public Meeting

**Vice-mayor Snowdon seconded**

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

The minutes from the regular June 4, 2009 meeting were tabled until the next Commission meeting because the Commissioners weren't given enough time to review them.

## **CONSENT AGENDA:**

Bills – June 18, 2009

Resolution for Randy Wilson, 2009-10.

**City Administrator Findell** said this is a modification to the agenda because the original agenda had this as a Proclamation and it has been changed to a Resolution.

**Mayor Duffy** asked the members of Mr. Wilson's family to come forward. **Vice-mayor Snowden** met them at the podium.

**Mayor Duffy** read the resolution:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA  
RECOGNIZING AND HONORING RANDY WILSON.**

**WHEREAS**, on behalf of our community, we wish to recognize and honor the memory of Randy Wilson for his exceptional efforts on behalf of the betterment and well-being of the City of Lake Helen; and

**WHEREAS**, it has pleased Divine Providence to remove from our midst a true friend and faithful servant, Randy Wilson, bringing to an untimely end a life filled with kindness, courtesy and generosity; and

**WHEREAS**, throughout his lifetime of sacrifice, discipline and respect for others, earning him the respect, admiration and affection of all who proudly called him friend; and

**WHEREAS**, Randy Wilson received two purple hearts while defending this great nation in the U.S. Marine Corps; and

**WHEREAS**, this posthumous recognition is given to honor the memory of Randy Wilson for the great example he set for others as an exemplary citizen of this community, one whose quiet good works and unassuming good will improved the quality of life for this community; and

**NOW, THEREFORE, BE IT RESOLVED** that the Honorable Mayor and the City Commission of the City of Lake Helen, Florida, make public and official recognition of his long and faithful service to our community and express to his family our sincere appreciation for his dedication and our deep realization of the loss we have all sustained.

**THIS RESOLUTION DULY PASSED AND ADOPTED** this **18th** day of **June, 2009**, by the City Commission of the City of Lake Helen, Florida, at its Regular Meeting duly assembled.

**Vice-mayor Snowden** said, "These are two of Randy's daughters. Randy has four daughters. He had the most beautiful daughters in the city of Lake Helen. All the boys in Lake Helen who knew Randy were afraid to ask them on a date so they married out-of-towners. We certainly have a lot of fond memories of Randy Wilson. He meant a lot to a lot of people and he probably made more of an impact on my life and it will stay with me forever. He has a great family and we deeply miss him." One of Mr. Wilson's daughters spoke fondly about her father and about how he was so deeply involved in the community and worked so hard. The story she recounted was inaudible. He was married to their mother for almost 65 years.

A copy of the resolution was presented to the ladies in honor of their father, Randy Wilson.

**Commissioner Robbins made a motion** to accept the consent agenda  
**Vice-mayor Snowden seconded**

## Both zones and the Mayor voted yes

**PRESENTATIONS:** no presentations 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, Parks & Rec, Vice-chairman.*

“The kickball league is running smoothly. We have 40 kids signed up and we're in the process of making third and fourth teams. We have plenty of volunteers to umpire and coach. **Commissioner Lane** has umpired a couple of times for us. It's become a pretty big thing.”

*Betty O'Laughlin, Parks & Rec, Chairman*

“Sean has done an awesome job with this. It's been his baby and we've just been a backup, but he's done a great job and he's benefitting a lot of kids in Lake Helen. I went to one of the games and watched the children and parents cheer and it just seemed like a great thing. I hope it can continue. The Fourth of July planning is going along well. People are coming out and we are getting a lot of support. I just talked to a couple more vendors today to make sure we have enough in the Park. I've talked to Ricky and he's told me what the city crew does which set my mind at ease. We're going to really wrap this up by Tuesday and get the layout finalized. We're going to work with Ricky to put up the tents where they won't interfere with parking for the fireworks. I'm still looking for more volunteers to help with the games. I just got the ribbons for the field games.”

**Commissioner Robbins** had a question for the attorney. “There are now three insurance companies involved: Lake Helen's, the Saddle Club's and the bounce house people. God forbid if anything should happen. Is there one predominant insurance? Is the City's insurance the one that they go after first? How would that work? There's a potential for liability that scares me.” **City Attorney Groot** said, “There's not an easy answer to that. It would depend upon the incident. If something happens at that type of event, the City would end up being a defendant because governments are always perceived as having deep pockets. You really answered your own question, there would be multiple defendants. Everybody's insurance company would be brought in. Everybody would be brought in and then it would be a matter of finger pointing and the like.” **Commissioner Robbins** said, “It would probably depend on if somebody got hurt, what they were doing at the time or would they just sue everybody involved?” **Mr. Groot** said that's the way it usually works. **Commissioner Robbins** said she just wanted to bring that up. Betty O'Laughlin said that liability is always an issue but we will hopefully not have any issues this year. The only people who will be allowed in the horse arena area will be the people who own horses. People will not be allowed on the backs of the horses but they will be allowed to pet them. We have three areas where you can move your horses fast: the big arena which is locked until we have shows; the practice arena and the round pen where horses can be run. Horses cannot

run on the property other than in those three places. We really watch that very carefully and I'm adamant about that. I'm the arena manager so I can remove somebody from the property. During show time I am the boss. I will have people there and we are always very careful. There's more of a danger of people not watching their children than of anything else." Vince Cuda, a member of Parks and Rec: "I have a background in insurance and you always have primary and secondary. No matter what the city does, it could always be named as a defendant. There's no way to get out of that no matter what you do." He cited some examples. "The way it normally goes is that anybody and everybody who is even possibly or remotely involved is going to be named in a lawsuit. In the spirit of community maybe that won't happen. Moving on, I want to talk about something that could possibly make the city some money. We have a pie throwing prop. I say this because if I were on the Commission I would be willing to take a pie; I've done it before. I'm hoping I'll have other takers. We have one individual who's willing to pay \$100. The last time I approached the Commission we brought forth our minutes and our proposal for the budget that we had to cut back \$450. The individuals of Lake Helen raised the difference in order to allow the band to still play. It didn't cost the City anything. In the spirit of unity it would be nice if we could raise that money and put it back into the general fund to offset expenses. If you guys would go ahead take a pie, that would be great. It would be fun. I did this for our church and it was a wonderful event and everybody loved it. If you want to, we could even take bids and the highest bidder, if they're willing to pay \$250, will step up to the plate. But that's something for you to think about. We'll need to do something soon because Fourth of July is quickly approaching. We don't have to have it but it sure would be nice." He asked if he had any takers. "If it's a hot day, you could refresh yourself in the dunk tank if you don't want to get a pie; so you have two options. I'll leave it with you but please let us know if you'd be willing to do that. It would be a great way to advertise." Nobody volunteered. Mayor Duffy said that we are going to go with the same fireworks display that we had last year.

#### **PUBLIC FORUM:**

*Jerrilyn Burton  
690 W. Ohio Ave*

"I just want to respond to **Commissioner Snowden's** statement about the missing Commissioners. I can speak for **Commissioner Burton**. He had an important legal matter he had to attend to regarding his late stepmother in North Carolina so he had to be out of town. I believe he spoke to the Mayor and left messages and submitted something in writing." *Clerks Note: Commissioner Burton had left a voice message, an email message and had spoken to the Mayor regarding his absence prior to the meeting date of June 18, 2009.* **City Administrator Findell** added that **Commissioner Lane** was on vacation.

#### **PUBLIC HEARINGS**

*No public hearings for this meeting*

#### **COMMISSION CONSIDERATION:**

*Consideration of request by The League for Better Living to provide landscaping at Hopkins Hall*

*Lou Gutshall  
160 South Euclid*

She is co-chairperson of the Christmas Home Tour Committee which is part of the Lake Helen League for Better Living. "What we would like to contribute is landscaping at Hopkins Hall. This is money that we raised during the 2007 Home Tour. We were originally going to do some beautification at the entrance to Lake Helen but the state and county work hasn't been done and we probably wouldn't have had enough money to do what we wanted to do anyway so this was our second choice. We also gave money to the library. We've done many, many projects in Lake Helen over the years. If you've looked at the landscape plan, this particular company deals mainly with natives or plants that tolerate our heat. They work with non-profits so we don't have to pay the sales tax that's shown here. We think he gave us a fair price. The only thing we want to add, this was Ed Blackman's suggestion, are some plants on the Euclid side by the sun room. We are within budget for the money that we have to do this. We also paid for the new piano cover and for storage for the piano and the year before we did a lot of restoration to the piano and the piano that's in the commission chambers and we did all the lighting at Hopkins Hall so each year we do something that the whole community benefits from." **Mayor Duffy** said she thinks it looks great. Ms. Gutshall said she spoke to Ricky Mullen and he's going to fix the sprinkler system. Also, the three of us are going to meet before they begin planting. We will have to do some watering during the first month or two after these are planted. On the weekends, Nancy Wilson and I will take turns watering to ensure the plants stay adequately moist. I think it will be a nice addition and it will make Hopkins Hall look a lot nicer for the Christmas Home Tour. As an aside, the tour is coming along nicely. We have seven maybe eight houses plus the museum, Shoestring Theater and several churches. It's going to be another really good year." There was some discussion about when the planting should be done. There will either be too much heat or not enough rain. Ms. Gutshall continued, "**Mayor Duffy** mentioned placing stepping stones between the front sidewalk over to the parking area. That was a great idea, so there will be a break in the plantings where people can cut through the lawn using the pavers. If a break is not put there, people will step over the bushes anyway." She concluded by saying she would coordinate her efforts with Rick Mullen. The City Clerk requested that work on the landscaping start after July 23<sup>rd</sup> when the city is hosting the League of Cities dinner.

**Vice-mayor Snowden made a motion** to approve the landscaping plan as presented by Lou Gutshall.

**Commissioner Robbins seconded**

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

*Consideration of reappointment of Tony Troy and Mike O'Laughlin to the  
PLDRC*

**Mayor Duffy** said, "**Commissioner Robbins** has previously said she'd like to table this item until our next meeting when we have a full complement of Commissioners."

**Commissioner Robbins made a motion** to table the agenda item until we have a full city commission to vote on it.

**Mayor Duffy** asked for a second.

**Vice Mayor Snowden** said he was not going to second her motion.

**Mayor Duffy** said, "Without a second we have to address this. We do have a quorum."

**Commissioner Robbins** suggested that **Mayor Duffy** pass the gavel to **Vice-mayor Snowden** and second this.

**Mayor Duffy** replied that since we have a quorum she'd just as soon go ahead with this and avoid another three weeks of rumors and what-not. She continued, "This was an oversight. In October 2007, the appointment as recommended by the PLDRC should have been brought before the City Commission for their approval. At the time, our City Clerk, Ms. Barlow, delivered her twins so she wasn't here. Jeannie compiled the agendas and since she wasn't here, that item never got added. The next meeting was when **Commissioner Robbins** and I were sworn in. It just never got on an agenda. It is that simple." **Commissioner Robbins** pointed out that it was two meetings after that that they were sworn in. **Mayor Duffy** repeated, "It was an oversight and it wasn't something anybody did purposely. It just never got on the agenda. So here we are, all this time later needing to approve or disapprove the appointments as recommended by the PLDRC in October 2007. I believe they were both on the Planning Board at the time so it is a reappointment. "

**Commissioner Robbins made a motion** to reappoint Mike O'Laughlin to the PLDRC for the term expiring on September 30, 2010

**Mayor Duffy** said she asked Betty O'Laughlin to check with her husband to make sure he wants this reappointment and he does.

**Vice-mayor Snowden seconded.**

**City Attorney Lonnie Groot** said, "As I recall from reading the city code recently, the appointment is for a three-year term." **City Administrator Findell** said, "Their terms expired in 2007. The terms that they would be appointed to would be their three-year term upon that expiration date, so their normal expiration date would be September 30, 2010." Mr. Groot disagreed. "They are continuing in office now because they were incumbents. The way the code reads is that you get appointed for a three-year term so if they're appointed today then it's for a three-year term commencing today." Mr. Findell continued, "I think the way the by-laws read, their terms expire on September 30." The **City Attorney** reiterated, "The code says a three-year term. They are not in a term right now, they are just continuing beyond their expired term so if they're appointed, they're appointed to a three-year term. So whenever the appointment occurs the term begins." **Mayor Duffy** asked, "So from this date forward, if they were to be reappointed it would be three years from today?" **Mr. Groot** answered in the affirmative. **Vice-mayor Snowden** said there are staggered terms in the PLDRC so how would this affect that? **Mr. Findell** said, "It would set a different date for the staggering of those terms. This won't affect the overall staggering because the timeframe will be such that it's a June timeframe whereas the other appointments have been made in September. That's the way the city has traditionally done it. There will just be some appointed in June and some appointed in September. Even though a member may not have been reappointed on September 30, the subsequent reappointment will be for a period ending September 30." **Mr. Groot** said that literally read it says a three-year term. **Mr. Findell** continued, "That's where there's a conflict between the code and the bylaws." **Mr. Groot** responded, "The bylaws aren't adopted as ordinance. They're interesting but not law."

The code controls and the code says the term is for three years. Based upon the language in the code alone it sets appointments for a three-year term. So whenever the appointment is made the term begins.” **Mr. Findell** asked **Mr. Groot** if he would suggest, based on this discussion, that we continue with tradition and amend the code to be consistent with tradition.” **Mr. Groot** answered yes, if that's the desire of the Commission, then the code should be amended.” **Mr. Findell** added that it would certainly be easier to track administratively. He will bring an amended ordinance back to the Commission that addresses that particular issue. **Mayor Duffy** said she didn't remember this issue coming up when she was on the Planning Board. **Mr. Findell** said members have traditionally been appointed for a term that would expire three years from September 30. “That certainly was the intent and if the code reads differently, we should amend the code accordingly.” **Mr. Groot** said, “This happens in every city. They all have issues about keeping their appointments current.”

**Vice-mayor Snowden** said, “I would be more inclined to continue with tradition, even if it means amending the code to keep us on the same timeframe. This was merely an oversight and we're just trying to catch up to correct that oversight. I would certainly favor amending the code to clarify that because it doesn't really address situations such as this.”

**Mayor Duffy** said, “We are considering the reappointments of Tony Troy and Mike O'Laughlin to the PLDRC to terms expiring September 30, 2010. We will have to amend the ordinance to reflect those terms in the future.”

There was a motion and a second on the floor to reappoint Michael O'Laughlin.

### **Zone 1, Zone 3 and the Mayor voted yes.**

**Mayor Duffy** said, “Mr. O'Laughlin is reappointed to the PLDRC and his term expires September 30, 2010. Next, we have Tony Troy. **Vice-mayor Snowden** asked **Mr. Groot** that if there's no action taken on this next candidate will he continue to serve. **Mr. Groot** answered in the affirmative.

*Tony Troy  
421 Roseville Lane*

“It is very odd that this whole issue has come up. It was an oversight and we could have just served out our terms until 2010. I don't know why I'm being singled out though I have an idea why. I've been on the Planning Board and I've been doing my job. Several people tried to get me off the Board several months ago and they were told that they couldn't do what they were trying to do. Now, because of the oversight by Jeannie Barlow, there is another attempt to get me off the Planning Board. I really enjoy being on that Board; I'm very proud of it but because of retaliation, I'm being singled out. I hope you're just considering me as a member of the Planning Board not somebody who's been accused of many things by people. I did have a lawsuit with the City but that's over. I never wanted to have a problem with the City and I never plan on having any more problems with the City but I did what I thought was right. I hope that you will just consider me as a normal citizen on the Planning Board for reappointment. This has become a political issue but all I want to do is serve on the Planning Board without interference.”

*Lou Benton  
Lake Pearl Drive*

"It's amazing how some people move in town and all of a sudden we have problems. This whole problem has divided the city unbelievably. False allegations have been made about different people who've sat on Boards and the Ethics Board said they weren't legitimate but it just keeps going on and on and on. I talked to somebody who said Mr. Troy is under investigation. That's another lie. It's totally ridiculous. He's one of the people who's been in the construction industry and knows development and knows how to read drawings. There's nobody else there who's as qualified as he is. He knows elevation. He looks at a set of drawings and he can tell you what the elevations are, no one else there can do that. People ought to look at experience and not listen to those who have their own personal agendas. When those people don't get what they want, they right away start throwing knives. It's a crying shame that we have Commissioners sitting up there who will listen to that instead of using their heads the proper way. You're making it into a personal vendetta and that's what this whole thing is all about. I've been proud living in this town. I've done a lot of things in this town for free and allegations were made against me. The people who make the allegations don't do anything and that's the part that bothers me. People who don't even live here make allegations and that bothers me too. I think it's wrong. Mr. Troy has never violated any of the Florida statutes that pertain to what he's supposed to do and he's always done his job. He might not have the same agenda that someone else has but it doesn't mean he's not doing his job. All the years I've been here, I've never known of any person who was denied who wanted to be reappointed to the Planning Board or any of the other Boards. I think that some people should stop and think and have more respect for other people in town instead of going around and passing false rumors about people. They always come back and that's the amazing part, they always come back to one group and it's getting tiresome."

**Vice-mayor Snowden** said, "I feel compelled to make a statement to clear the air for this Commission and the listening public and for Mr. Troy. There was a point when I had personally spoken with Mr. Troy and asked him if he would consider stepping down from the Planning Board and the reason for that was there was a lawsuit with the city. I thought that he had put himself in an adversarial relationship with the City and I didn't think it was fair to him to come under ridicule and criticism for doing what he is legally entitled to do. After our discussion, Mr. Troy said that he enjoyed serving on the Planning Board, that he enjoyed being able to do that for the community and he had no intention of stepping aside. I respect that. His lawsuit with the City was something that any citizen is entitled to do and he opted to do that. That's water under the bridge. I can say that in all the time that Mr. Troy has served on the Planning Board, he has done so in a professional manner. He has represented his position, his thoughts and his recommendations to the city in a professional manner. I cannot say that he ever did anything out of vengeance or mean-spiritedness or anything else. I came prepared tonight because I had a number of calls and I've talked to a number of people in the community who think that this entire agenda item is a continuation of neighborhood disputes and I don't think that the City Commission should be in a position to further that one way or the other. The fact is, it was an oversight that the recommended reappointments weren't made. Both Mr. Troy and Mr. O'Laughlin were recommended

unanimously by the Planning Board. In fact, **Commissioner Burton**, who was sitting on the Planning Board at the time, made the motion. He is not here tonight. If the Commissioners who aren't here tonight had strong concerns about this, they had their agenda packets enough ahead of time so that they could have talked to the City Administrator or the Mayor and made a note to move it to a later date. We have a quorum here tonight. I am certainly satisfied with the service that has been delivered by Mr. O'Laughlin and Mr. Troy and I would submit that we continue in that direction."

**Mayor Duffy** said, "You have taken the words right out of my mouth. I feel that the Planning Board, on which these two people served, recommended reappointment because they were doing their jobs. I have no reason to believe that either one of them is incompetent to serve on the Board. I have never had any negative reports about either of them. That goes for all the Boards. What they do on the Board and what they do outside of the Board are two different things. I don't believe either Mr. O'Laughlin or Mr. Troy have any reason to be removed and they should be reappointed."

**Commissioner Robbins** said, "The only thing I have to say is that I feel that anybody who sits on the board is above reproach. They can't sit there and make laws and not follow them themselves. Mr. Troy, on numerous occasions and I know this to be a fact, has come and pulled permits and paid his fees in the beginning. I went to City Hall today and spoke with Wendie. There was one permit for a window - voided. There is another permit for the driveway for \$10,000, he had paid the pre-qualifying fees - voided. Mr. Troy, can you explain why you didn't have to pay for a permit for the \$10,000 worth of concrete or cement or asphalt or whatever you poured?" Mr. Troy said, "This was cleared up with Patrick: code enforcement came out, the building inspector came out, this was all part of my original building permit on my property. I did not need to pull a permit for that. At the time, the person who complained said that I had loads of concrete coming in and loads of block coming in and I was building a structure. There was nothing going on. Patrick came over and I showed him that it was on my original building permit application and I wasn't required to get a permit for the work that I was doing." **Commissioner Robbins** continued, "Can you further explain to us the situation with your Roseville Subdivision sign permit that you never obtained a sign permit for?" Mr. Troy said, "This has all been taken care of, Ann, you are not fully aware of the facts. The people who watch everything I do make these complaints and then I get notified by Don (Findell) or code enforcement. Ann, this is all taken care of, I'm sorry. I didn't do anything I wasn't supposed to do." **City Administrator Findell** said, "I can enlighten the Commission in regards to those three items. The window and the driveway were initially the subject of a code enforcement complaint and a code enforcement action. Midway through the action, the Code Enforcement Officer and the Building Inspector, upon review of the applicable building code, made a determination that neither of those two activities required a building permit. So, the Code Enforcement Officer concluded that no further action was necessary. The complainants were advised of that in a letter by myself. As far as the Roseville Subdivision sign was concerned, I think that Mr. Troy indicated at one of the Commission meetings and certainly at one of the PLDRC meetings that he thought that the sign permit had been obtained by his partner. We subsequently checked to see if a permit had been issued. It had not and he suggested that we check with the sign company to see if they had obtained the sign permit and they had not. As a result, that issue was subject to code enforcement action as well. We determined that the sign permit had not been obtained

and I went out and inspected the sign to see if it had a permit and it didn't. "So when I reviewed the application for the sign permit, that was subsequently submitted, my review indicated that where the sign was placed was not in compliance with the code so Mr. Troy went out and basically measured off the distance from the property line to where the sign was installed and measured the distance between the road and where the sign was installed and we determined that the sign was 7 feet in arrears with the code. He was required to move that sign 7 feet to come in compliance with the code which he subsequently did and a permit was issued." **Commissioner Robbins** said, "Where does the Roseville subdivision stand as far as the bonding and the status of the subdivision itself?" **Mr. Findell** answered, "That was also in a letter that I wrote to the complainants and provided the City Commission with a copy. But basically what that said was that for all intents and purposes what Mr. Troy has at this point in time is a private house at the end of a driveway. He has a subdivision which is a subdivision of record, a platted subdivision, is a subdivision noted in the county records. However, Mr. Troy is unable to obtain any building permits for any construction within that subdivision until such time that his infrastructure is put in place. I indicated also that the Commission had the option of calling the bond for that subdivision. The reason we have a bond is that at some point in time if the Commission wishes to put the infrastructure in themselves then the Commission could move forward in doing so. However, the risk that the city runs at that point, if they call the bond, is that the obligation then falls to them for the permitting, construction management, the bidding and everything else that goes with a construction project. The Commission has taken no action on that and has given me no direction as to whether they wish to pursue that." Mr. Troy said, "The only infrastructure that has not been completed and signed off on is the paved road. We will get to that at some point. Right now it's basically my private driveway. It's dirt and there's all kind of wildlife back there and I'm enjoying having it like that. I will pave the road. The fire hydrant, underground power, cable and everything else is there except the paved part of the road. Once I pave the road and I actually turn it over to the city, it becomes a maintenance responsibility of the city. I'm enjoying not having people come down the road." **Mr. Findell** added, "Just to repeat this and I think it's important to say this: the leverage that the City has over this project is a very simple but a very robust leverage and that is: no building permit can be issued for other lots in that project until that road is in. The water line is in. It has been paid for and has been approved by the state. The ancillary storm water improvements that come with the installation of the road will need to be constructed." Tony Troy said not one drop of storm water leaves his property, every drop stays on his land so all that remains is paving the road.

**Vice-mayor Snowden made a motion** to reappoint Mr. Troy as a continuing member of the planning board.

**City Administrator Findell** added, "That would be for a term to expire on September 30, 2010" **Vice-mayor Snowden** agreed.

**Mayor Duffy** handed the gavel to **Vice-mayor Snowden** and **seconded the motion**  
**Zone 1-no, Zone-3-yes, Mayor-yes**

*Consideration of request to declare property as surplus*

Keith Chester said, "My recommendation is in writing and it's up to you how you want me to proceed. Mayor Duffy said, "You are going to start letting people view this surplus and start the process of getting rid of this tomorrow and ending by June 26? Where can people view these items?" Mr. Chester answered, "We will pull out any items that may have value so people can see them. The rest of it we need to dispose of." **Commissioner Robbins** asked, "Has all of the inventory been done that was supposed to have been done - the restaurant equipment and the furniture that was donated? Have all of these inventories been done?" Mr. Chester said, "What you're seeing there are just items we wish to dispose of." **Commissioner Robbins** said, "I thought what we were going to see was a whole complete inventory of everything?" Chief Chester answered, "That wasn't my understanding." **Commissioner Robbins** said, "Way back when I had the broken arm I offered to help do the inventory of the office furniture that was donated from the legal law offices in Orlando and the restaurant stuff that you were going to move to the pavilion. I offered to do all that but nobody has ever called me to come help do it and now we're just looking at a page full of stuff." Mr. Findell interjected, "As I listen, I think that we have two different issues here: one is an issue of inventory of materials and equipment and the other is a request by the police chief to declare as surplus the items that he has listed in his memorandum here. He's simply requesting authorization to dispose of those items." **Vice-mayor Snowden** said, "My understanding is that these items were just donated throughout the process of building the Café and that they consist of things that people thought we could use." Mr. Chester said that is correct.

**Vice-mayor Snowden made a motion** to declare as surplus property the items listed on the two pages in front of them as requested by Chief Chester.

**Commissioner Robbins** had one other question. "The items that have a value are these Teen Program items or are these general fund items or CAC items. Where is the money going to go?" Keith Chester answered that most of it, ultimately, will go to the CAC. **Mr. Findell** said "That brings up a good point because if you are going to dispose of the items with value for compensation then obviously the items that are disposed of that are attributable to the Creative Arts Café - that revenue should go in the Creative Arts Café account. Those items that are attributable to the general fund for instance should go back into the general fund and those that were Teen Program donated items or purchased items should go back into the Teen Program." Keith Chester said we're talking about a small amount of money. He added that this is the final step before receiving the last ECHO check. He was asked if they need to know about each of these items. Mr. Chester answered, "No, we have a few things in the garage that we need to get out and get cleaned up and set it up the way it needs to be but we have stuff under the pole barn that we need to dispose of so as soon as we dispose of that we'll have a place to move other things that are in the garage.

**Commissioner Robbins seconded**

**Both Commissioners and the Mayor voted yes,**

*Consideration of FY 2009/2010 CDBG Annual Workplan*

**City Administrator Findell** said, "At the June 4, 2009 Public Meeting to solicit public input into the development of the 2009/2010 CDBG annual workplan, the Commission authorized me to submit a draft workplan to the county which would include the City's proposed 2009/2010 project which is Phase 3 of the South Summit Avenue street improvement. I noted at that meeting that the project would provide for the installation of stormwater inlets on the south side and west side of South Summit Avenue with a connection to the already in place east side inlets. We would anticipate paving another 520 feet depending on the cost of paving at that time. The county needs the draft workplan submitted by June 12 in order to meet their deadlines and they indicated that I could submit the final application as soon as it was adopted by the City Commission.

**Commissioner Robbins made a motion** to approve the fiscal year 2009/2010 CDBG annual workplan as submitted to Ms. Phillips.  
**Vice-mayor Snowden seconded.**

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

*Consideration to designate a voting delegate for the Florida League of Cities 83<sup>rd</sup> Annual Conference*

**Mayor Duffy** said, "This is something that's done every year and we need to have somebody volunteer to go. It's in Orlando this year. We don't have another meeting before the end of the month and we have to make the appointment by June 30<sup>th</sup>." Mr. Findell said, "Obviously, if nobody plans on attending then there is no purpose in appointing a voting delegate. What you might do is appoint an individual that would go contingent upon that individual going. You'll have Commissioners coming back from their individual journeys. It may be that **Commissioner Burton** wishes to go, it may be that Commissioner Lane wishes to go. I don't think you have to appoint either one of them I think you can leave it to them to volunteer to go so you are simply appointing the individual who chooses to go if an individual chooses to go. Both of them could go but we can only have one voting delegate. You don't know that either one of them wants to go and that's why I say I think perhaps the alternative you have is to appoint both individuals and let them work out between them which one wishes to go." **City Attorney Groot** said the motion could be to appoint Mr. Commissioner Burton and Commissioner Lane as the voting delegate based upon whoever decides to go to the convention first.

**Commissioner Robbins made a motion** to appoint **Commissioner Burton** and **Commissioner Lane** and find out which of the two is interested in going and then determine who the voting delegate will be  
**Vice-mayor Snowden seconded**

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

*Consideration of Resolution 2009-09 pertaining to "Building Citizenship in the Community".*

**Mayor Duffy** said, "All member governments of the Florida League of Cities were asked to do this. It promotes education of the public on governmental issues, partnerships between local governments and so on. She read the preamble of Resolution 2009-09:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT.**

**Vice-mayor Snowden made a motion** that the City of Lake Helen should adopt Resolution 2009-09 pertaining to *Building Citizenship in the Community*.

**Commissioner Robbins seconded**

**Both zones and the Mayor voted yes**

**COMMISSION DISCUSSION:** *no discussions for this meeting*

**STAFF REPORTS:**

*City Attorney* - "The Robinson litigation case has been dismissed. The City is actually involved in no litigation at this time. Also, I think **Commissioner Robbins** was particularly interested in the Diane Morris indebtedness for the vet bill. I helped Patrick (Clarino) prepare a small claims court complaint and Patrick went to the mediation and handled the small claims matter. Ms. Morris consented to the judgment which paid the City its \$237 plus \$100 in court costs. Patrick did a nice job in getting that done."

*Police Chief* - *no report*

*City Administrator* - "The City has received its Consumptive Use Permit (CUP) renewal. The renewal is for 20 years, the caveat being that the Water Management District is capping the water that may be withdrawn at 2019 levels so their 20-year permits at the moment are good for 10 years and they will be reevaluated periodically. But we have received the permit. Secondly, I've submitted our year four NPDES permit report and it's been accepted as complete by the state and as I've noted previously I submitted the 2009 through 2014 notice of intent for the NPDES. I received a response from the state on that. The response was that they had two items that they requested I change a word on and another item that they requested I give them the reference number for an ordinance on and the general comment was related to my request that they reduce the permit fee from \$5700 to \$100. They indicated that it wasn't clear to them that we were eligible for that permit fee reduction based upon the information that had been provided and they requested that the 2007 information from the Department of Revenue be used rather than an extrapolation of 2008 information. I discussed that with DEP staff today and they're consulting staff and indicated to them that the 2008 data was current data and its source was in fact the Department of Revenue and University of Florida staff population estimates. To satisfy them, however, I went back and re-worked the analysis and methodology based upon 2007 information and submitted the 2007 documentation that they requested. I should hear back from them sometime in the next month. It was interesting because the 2008 data indicated that we should be eligible for the permit reduction because the per capita taxable value for Lake

Helen was less than statewide taxable per capital taxable value. I think there was about a \$46,000 difference at that point and then when I did the 2007 analysis I think it was about a \$44,000 difference so it was really moot point but they have both sets of data now. Hopefully our permit fee will be reduced.

I mentioned at the previous meeting that the county and all the cities were updating their 2020 local mitigation strategy and that draft has to be completed by August of this year in order to meet FEMA's timelines. We're meeting about every week to every other week to accomplish that. We'll be doing that for much of the summer."

### **Code Enforcement Officer – no report**

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

**Commissioner Robbins:** "The only thing that I have, with my love for money and numbers, is I had thought that we were going to get started on the budget earlier. The five month figures were in but Don wanted to wait until the six month figures were in. The six-month figures have come and gone. We've never discussed anything about the money. We're almost at the time when we would normally start so we really haven't accomplished anything as far as getting ahead. I know we had to wait until June 1 and those numbers don't look good as far as our taxes are going. As far as I'm concerned it looks like the only way the city is going to survive is by upping the millage rate again and I really think that everybody needs to look at the expense side of it. I don't know where we're going. I'm really in a quandary because we can't keep upping the people's taxes just to pay salaries and expenses involved in salaries. There is a thing in the paper this morning. Deland has cut 10 more people. I'm not saying that we need to cut people but if the money's not there, I don't know what we're going to do. I think we'd better get going. We better get going fast. I took the numbers that Cheryl gave me from the five months and I applied the budget to it. I did it for general fund and I did it for the Creative Arts Café. It's not that rosy a picture." **City Administration** said, "I would agree. The six-month figures that Cheryl will provide to me next week won't paint any rosier a picture. I think that all of us know and all of the other cities and the county know that the economic downturn has certainly affected our revenues as has the legislatures requirement to reduce taxes in the way that they have. Ultimately, what has happened is taking the two situations together - the legislature's requirement to reduce taxes and the economic downturn is leaving city after city and county after county in a situation where they are going to have to look at recovering some of those revenues that have been lost. There is a certain level of services that needs to be maintained in each local government and of course each local government has to determine what that level of service ultimately is. It does require revenue in order to manage a city and operate a city. Just to follow up on that, I will be starting back on budget analysis next week. On July 1, we get the preliminary taxable value estimates from the property appraiser. That sets the budget clock. By July 15, you will receive a tentative budget then you'll set your budget workshops to discuss what tentative millage rate you wish to set then you'll have further deliberations on the budget in August and September until you set your final millage rate and adopt your final budget."

*Vice-mayor Snowden - nothing to report*

*Mayor Duffy*, "The terrible reports from the school board earlier in the summer have been resolved. I feel very good about it. I'm on the Oversight Committee of the Board of Education. They've done an excellent job of cutting funds. They actually cut \$2 million off their electric bill. But as far as the children go, they will be moving to different schools. Some of the plans for building new schools have changed. Any building that has been built since the 1980's is going to be rehabilitated and added to rather than building a new school. They're not firing any faculty at this point. I think they've done an excellent job.

Also, I wrote a letter to the Volusia Growth Management Commission saying how I certainly didn't agree with what they wanted to change. There were quite a few people there from all over the county speaking against the changes proposed by VCOG so now they're going back to the drawing board but they're asking us again to let them know what the oppositions are. I don't know if many of you remember when they helped us when Deltona wanted to take us over or have their traffic go through the city; they helped us quite a bit. I go to VCOG and MPO meetings. The bigger cities are the ones that wanted the changes to VGMC so they're not happy with anybody who speaks against them. They just want to do what they want to do."

**ADJOURNMENT was at 8:48 p.m.**

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Joan L. Duffy, Mayor

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Nancy Wilson, City Clerk