

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
September 18, 2008
7:00 P.M.**

A REGULAR MEETING of the City Commission of the City of Lake Helen, Florida was called to order by **Mayor Duffy** at approximately 7:00 p.m. Present were **Mayor Duffy, Vice Mayor Buddy Snowden, Commissioners Robbins, Benton, and Cooke.** Also present were **City Attorney Ken McIntosh, City Administrator Don Findell and City Clerk Nancy Wilson.**

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Duffy asked (Former Commissioner) Lewis Long to give the invocation and pledge of allegiance.

DELETIONS OR MODIFICATIONS TO AGENDA

Mayor Duffy explained that Mr. Woods canceled the presentation again but will contact City Hall when he will be able to appear.

1. MINUTES: September 4, 2008

Commissioner Robbins motioned to approve the minutes for September 4, 2008.
Commissioner Snowden seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

2. CONSENT AGENDA:

a. Bills – September 18, 2008

Commissioner Robbins indicated concern for the bill by Allied Trailer. She referred to the two trailers at Blake Park for the Teen Program when she said, "I think we have expended nearly enough money to have purchased one of these trailers." She asked **Chief Chester** if the items in the trailers were going to be sold during the Market in the Park and the chief answered in the affirmative. **Commissioner Robbins** then questioned the bill concerning Jeannie Barlow for "grant services." **Chief Chester** said that Ms. Barlow was finalizing the reports and stated he hoped the last report and a few other small items would conclude the matter. He indicated that Ms. Barlow related to him that the Hopkins Hall grant went smoothly

but there had been a few questions she was handling on some other grants. He added that it appeared she was approaching the end of the projects. **City Administrator Don Findell** concurred with **Chief Chester** and added, "We have billed for and received most of the money that we have had due to us." **Commissioner Robbins** asked **City Attorney Ken McIntosh** about "litigation services" as it applied to the Troy case. **Mr. McIntosh** replied that he would look at the billing and have the answer at the next City Commission meeting. This would include both the Troy and Robinson matter.

Commissioner Robbins motioned to approve the bills in the amount of \$58,317.04 from the general fund, \$4,636.24 from the utility fund, and \$5.50 for storm water.

Commissioner Benton seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

b. Mayor's Proclamation proclaiming the week of September 17th – September 23rd as "Constitution Week" was read out loud by **Mayor Duffy**.

Commissioner Benton motioned to proclaim the week of September 17th – September 23rd as "Constitution Week".

Commissioner Robbins seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

PRESENTATIONS:

a. As Malcolm Swaggerty approached the podium, Chief Chester and Kelly Zender also stood up. Malcolm said he raised his donation to the Teen Program by doing a concert.

Mayor Duffy asked Malcolm how old he was and he told her he was eight (8) years old.

Chief Chester explained that Malcolm raised \$130 for the Teen Program. **Mayor Duffy** expressed her delight and everyone applauded.

4. BI-MONTHLY REPORTS:

a. **City Engineer:** Steve Provost indicated he had received three proposals (bids) for replacing the hydropneumatic tank at the John Street well sight. The proposed costs ranged from \$96,000 to \$130,000. He explained that the loan amount has been increased so that the total cost of the tank will be covered. McMahon Construction with the lowest bid was recommended by Mr. Provost. He said that he thought the well with the new tank would probably be functioning by January, 2009. **Commissioner Benton** noted that the project is costing much more than anyone thought and asked if the City was selling enough water to make the payments on the loan without increasing the water rates to the customers. **City Administrator Don Findell** indicated that the City is obligated to maintain the equipment and that a detailed analysis would provide the City Commission with the choices on the best way to handle the matter

Commissioner Cooke indicated that it was unknown about the water tank until after the project was started. He asked Mr. Provost about the length of the loan and Mr. Provost explained that it was a thirty (30) year loan. He indicated that officially the increased amount

would not be approved until April so the City would have to put out some money up front but would be paid back after April.

Commissioner Robbins asked Mr. Provost if he had told the City Commission originally the amount would be \$70,000. He concurred but added that he had since learned that new footings were needed. **Commissioner Robbins** noted that the project continually costs more money. She added, "We should have a whole complete package before us before we start on anything of this magnitude." Mr. Provost said he was doing the best he could. **City Administrator Don Findell** explained that no one knows what a project will cost until it is started and bids come in.

Commissioner Robbins motioned to award the bid to McMahon Construction for \$96,000 for the hypneumatic tank.

Commissioner Cooke seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

City Engineer Steve Provost thanked the Commission and added that St. John's River Water Management District had finished its' analysis for Lake Helen. He indicated that he asked for an extension of forty-five days, which was not a problem so he'll be finalizing the paper work. He said that he had to spend some additional time on the matter but that it was nominal. He updated the Commission on the SRF program by saying that the components will be shipped to the contractor during the last week of September. The work should be complete in about a month. The contractors have started the work on the emergency generator and they have just received the final component that they needed. The generator should arrive the first or second week of October. **Commissioner Benton** asked Mr. Provost if St. John's River Water Management District was going to give Lake Helen a twenty (20) year permit. Mr. Provost indicated that he didn't know but noted they hadn't denied the request and he believed that to be a sign that they did not object to it.

b. Local Planning Agency (PLDRC): No Report.

c. Historic Preservation Board: Norma Blackman, Chairperson of the Historic Preservation Board, approached the podium and announced that the board was finished reviewing and changing the ordinance, with the exception of penalties for unauthorized demolition of historic property. She noted that hundreds of cities across the country were in various stages of working on this same matter. She indicated that once the ordinance was completed, she would like for the **Historic Preservation Board** to have a joint meeting with the City Commission. Ms. Blackman added that the Historic Society charter was being reviewed by it's attorney. She said that there were volunteers available, once the museum was finished, to set up the museum and to work with visitors.

d. Parks and Recreation Board: No Report. **Mayor Duffy** announced that the **Parks and Recreation Board** needs more volunteers to be on the board.

e. Ad Hoc Cemetery Committee: **Ed Blackman** approached the podium and noted that the City had an invoice from Chris LeMoine and Tammy Johns who worked on the cemetery fence. Mr. Blackman said that several volunteers have been working with needle-scalers

cleaning up the fence and that they were about three-quarters ($\frac{3}{4}$) of the way done with that. The next step would be pressure washing and adding additional primer on some areas of it. He indicated that the project may be finished by the next City Commission meeting. Mr. Blackman said that they were two (2) sections short of fencing but Chris LeMoine was building two (2) sections that will match the original fence. Private donations will cover the cost.

5. PUBLIC FORUM:

Mayor Duffy asked everyone who wanted to speak to please fill out a card.

Cheryl Gotbaum, 840 Pleasant St.: “I just want to publicly thank the City for their speedy response to our slight issue with the flooding by Lake Macy. The sand was delivered and personally attended to by **Commissioner Cooke**. **Commissioner Buddy Snowden** and **City Administrator Don Findell** came over personally, to make sure everything was okay. We knew we were in Mayberry. So thank you.”

Vernon Burton, 690 W. Ohio: “I live at the corner of Goodwin and Ohio and last week we had a water-main that broke. I want to give compliments to the City workers that got out and fixed it. It was a job that wound up being a little bit more than they anticipated. It also goes to speak for the infrastructure that had basically been deteriorated to the point because of the routing of the buses that now come through our neighborhood. They have to make the turn on Goodwin and Ohio. The weight of the bus is what cracked the (water) pipe because I happened to be there right after the pipe broke and I was the one that called it in on Monday morning. So now we have a situation where our roads are now being traversed by buses. . .” He continued, “I also do a lot of running, a little jogging. . . On Ohio, coming up the hill, there is, I guess it's like a viaduct, as the result of the last rains that we had, a lot of the water that used to just trickle through, now it has flooded through. The roadway on top of the viaduct is now cracking.” He indicated that Church Street (near another viaduct) would be an issue that the City would have to address in the future. Mr. Burton then said the City employees put in three gate valves that he thought would help in the future. He noted that some people in the area were complaining that they didn't have water and weren't given any notice that their water would be turned off. Mr. Burton suggested that one of the workmen should have called City Hall and asked someone to call the neighbors.

7. COMMISSION CONSIDERATION:

A) Consideration to revoke the February 21, 2008 resignation of, and settlement agreement with, the Ad Hoc City Administrator Don Findell, as requested by Mayor Duffy.

Mayor Duffy explained that the City Commission received a memorandum from **Ad Hoc City Administrator Don Findell** which said, “As you are aware, on February 21st, 2008 I tendered my resignation from City employment effective November 28th, 2008. Over the past several months I have repeatedly been asked by members of the community, board members, City staff, and individual City Commissioners if I would consider staying on as **City Administrator** if the City Commission desired that I do so. In each instance I have indicated that my loyalty to the City Commission and to the best interests to the City has not wavered and that I would

be pleased to continue as **City Administrator** if that is the Commission's wish.”

“Of late, there seems to be some amount of speculation as to the desires of both the City Commission and me regarding this matter. While I obviously cannot speak for the City Commission, I would like to end such speculation as it relates to my thoughts by saying unequivocally that I will respectfully withdraw my resignation if that is the desire of the City Commission.”

“Thank you for the support you have provided and the confidence you have had in me.”

Mayor Duffy asked the Commission for comments.

Commissioner Cooke said that no one ever said that being a Commissioner was an easy job. “Month after Month different decisions have to be made and some of them aren't easy.” He indicated that he wasn't happy with the “Ad Hoc” situation and felt that if Mr. Findell was going to be paid his full salary, he should have been working five (5) days a week. He noted the difficult situation the City had with the City employees at the time but added that everything has turned around. “We have a tremendous staff downstairs (City Hall) working together and it's made it a lot easier. I will say to the mayor thank you as a taxpayer to spend the time that you have downstairs trying to help people and trying to get things solved.”

Mayor Duffy thanked **Commissioner Cooke**.

“We also found out one thing. . . When **Don** became an “Ad Hoc” Administrator, I never knew what the word meant, but I started figuring it out. I think it has something to do with confusion because believe me, there was a lot of darn confusion around here in a two or three month period of time that I hadn't seen in all the time I've been a Commissioner.”

“I'm running for re-election in November and it's a very important thing to me to run for re-election and win because I have projects that I have been working on very hard to try and make work in this City. It's probably going to take another couple of years or at least a year to try and get some of this stuff done.”

Commissioner Cooke continued by saying that he has spoken to a lot of friends and people he knows about **Don Findell**. Some of these people think **Mr. Findell** makes too much money. “Thank God, I was lucky enough to go to our conventions in Tampa and last year to one in Orlando with the League of Cities because by doing that, I had a good chance to talk to planning companies that do City planning and others.” He said he learned that normally Planners charge \$125 an hour if he's a top-notch Planner. The average Planner makes \$95 an hour.

“I had to make a decision and it wasn't easy. I spent a lot of time thinking about it, and talking about it – talking to people about it. Two weeks ago I made a decision that I would sit down and talk with **Don Findell**.” He indicated that he had spoken to **Mr. Findell** about salary cuts and other matters.

Commissioner Cooke said he decided to vote for the “betterment” of the City. He reminded the people, “One thing we're darn lucky to have and that is, besides having a City Administrator, we have a Planner, we have an Arborist, and we also have an economist

basically.” He added, “We always turn to **Don Findell**.”

Commissioner Cooke said, “My idea was to cut his salary because everybody complains that he makes over \$100,000. Well, let me tell you something – everyone one of you. I know better, I know what he does for that \$100,000. And as a person that has been in business for all these years, and looking at all these other cities like DeBary, etc. – what they’re paying \$93,000 for – is a person to do one job – to manage the City – not to be a Planner, not to be an Arborist, or anything else.”

He indicated that it didn't feel that cutting **Mr. Findell's** salary was fair and remembered a discussion with a previous Commissioner who said that **Mr. Findell** did not want or use a car allowance though he puts many miles on his car daily. “Well, a car allowance is \$4,200 a year.” He said he looked into the situation and noted that every **City Manager** has a car allowance.

Commissioner Cooke said that **Mr. Findell** could retire in two years if he wanted to and that **Commissioner Cooke** felt that it would be fair not to give **Mr. Findell** any merit raises for those two years. He said that **Mr. Findell** concurred.

“So I have to say that even though I'm running for re-election and some people aren't going to be happy with my decision, the decision I make tonight will be for the betterment of the City of Lake Helen and that's how I have to vote. Thank you.”

Mayor Duffy asked if anyone else would like to speak.

Commissioner Robbins said, “In lieu of the fact that in, I think (**Vice-Mayor**) **Buddy (Snowden)** mentioned the other night forty-five (45) days, probably from today, that there will be an election – two seats are up. I would like to see the City table this matter until we have a new or the same Commission. **Don's** final day is not until the twenty-eighth (28th) of November. And about a month ago when **Lou (Commissioner Benton)** wanted to put it on the agenda to advertise for it (new **City Administrator**) it got shot down. Then the following meeting, **Don** came back with a letter (memorandum) that he didn't plan on leaving.”

“Now I've worked with **Don** almost eight years. Much has been said about **Don** not being “user friendly.” I think what everybody means when they say that is they feel that whenever they come to him with a situation, they are either flatly told no or told they have to jump through all the hoops. He considers his word as final and it gives everyone who has to deal with him the attitude that he's playing Lake Helen's God.”

“**Don** loves to procrastinate. I have never felt that he took deadlines serious – that anything had to be met. It has been eight long years since the Comp Plan was started as his number one job and it's still not complete. Another job he was tasked with, way back when he was first hired, was the employee manual. Until Fred Tessier and Janet Dunn agreed to work on it – I don't believe it was ever looked at by him or the Commission. I do not know if this is job security or just procrastinating to the time of retirement and being in control until that time.”

“**Don**, you know that procrastination has never been in my dictionary and whenever you gave me anything to do, I dropped whatever I was doing to get it done expeditiously as I assumed

that it was something you needed in a hurry.”

“For many years there were never any City lawsuits and now suddenly we're involved in quite a few, which is costing the City's taxpayers mega bucks. While I cannot say that you are responsible, you are the person in charge and answerable only to the Commission. While the one suit is not against you personally, it is about one of your subordinates. To my knowledge, it is about not supplying documents and information which are public records.”

“The files were pretty much a mess and I know we had tried to get a grant for record retainage files but were denied. However, I feel that even without the grant it was your responsibility to have staff get the records in order, which possibly could have eliminated one lawsuit. The same lawsuit is also about the changing of zoning, which again is your department.”

“When I ran for Commissioner, I told people just like **Mayor Duffy** did that I would listen to the people who voted to put me in office. I feel I have continued to do so. In November of 2007, just before the election, we were threatened with a lawsuit if we tried to fire **Mr. Findell**. Actually, on election day **Mr. Findell** was on a job-hunting vacation and it was only a few days later that we learned that he had not been accepted for the job. Otherwise, he would probably have been out of here. I have been told by many people that the town is not going to heal as long as **Don** is in control. Thank you.”

Mayor Duffy thanked **Commissioner Robbins**.

City Attorney Ken McIntosh asked **Commissioner Robbins** if she wanted to make a motion to table the matter and **Commissioner Robbins** concurred. **Mr. McIntosh** instructed the Commission that it was a preferential motion that needed a second and must be handled before any other matter can be considered.

Commissioner Benton seconded the motion.

Zone 1 yes, Zone 2 no, Zone 3 no, Zone 4 yes, mayor no. The motion did not pass so the matter will not be tabled.

Mayor Duffy said that she didn't feel it was prudent to put this matter off week after week.

Commissioner Robbins said she wanted to make a comment. “In the Monday or Tuesday News-Journal was an article. I think the stage was set by Mr. Ron White who had not been at the previous meeting but I guess he wrote his article from the web site.”

Mayor Duffy said, “I realize that. In fact I had spoken to Mr. White that what he wrote, when he hadn't even been here, was incorrect and some of what was written this week is not correct. What's written in the papers is neither here nor there.”

Commissioner Robbins said, “I would also like to ask – as I came in tonight laying in front of me was agenda item 7.A. with an “appropriate motion.” This is how an appropriate motion is to be made? And where did this come from?”

Mayor Duffy said she had asked Mr. Findell to type one out for either side of the motion so

that it was done appropriately.

Commissioner Robbins said, “Madam **Mayor**, I think it's incumbent on one of the five of us sitting here to make the motion. I don't think we need a directive from anyone.”

Mayor Duffy asked the Commission if anyone else had anything to say.

Commissioner Snowden said, “I would like to say it has been an honor to serve in this community. This is my home community. It's been my family's' home community for several generations. I serve with humility and in serving I don't calculate the popularity of my decisions on a vote that I might win or lose. I try to represent the community the way that I see that and feel that the community should be represented. All the decisions that we make are not popular – they're not agreeable with everyone, they don't settle well with each and every individual. . .”

He added, “I'm fortunate that I have had the opportunity to serve as long as I have and I must say I have learned a great deal. It takes more than one term as City Commissioner to feel like you really have your feet on the ground and even at that, you often second guess the decisions that you might make because it has lasting impact on a variety of things and sometimes a person's entire life.”

“I think Lake Helen is well served. I've had the privilege of knowing our **City Administrator** and I've learned to know him as a person – not just as an employee. I have seen that he is honest, that he is dedicated, that he cares about the welfare and the well-being of the citizens of this community and this community (as a whole). He has gone to great lengths to try to nurture a spirit of cooperation amongst the community. He encourages, I think we all encourage (others) to get involved, and be part of the team instead of working against one another. We can do so much more as a unit if we are all moving in the same direction.”

Commissioner Snowden said that he supported **Don Findell** and noted that was a well-known fact. “Lake Helen today is in better shape than it has been in my life-time. It is a much more vibrant community. It has some very wonderful people. I'm not saying that **Don Findell** made this happen but he has certainly played a pivotal role in bringing us into the twenty-first (21st) century. We are respected as a community in the whole central Florida area. We are respected on the state level. Those who know Lake Helen and know what we stand for respect us. A lot of that has to do with the image we project and a lot of the image that we project has to do with the leadership that we have.”

“I don't take credit for anything, it's a community effort. We have a good individual that cares about this community, (who) is literally under-paid for the amount of service that he provides to this community. To lose and to replace that individual, in my estimation, puts the City at risk of a far greater financial burden.”

“I want our community to remain. I don't want us to be absorbed by Volusia County. I don't want us to be annexed by another surrounding community.” He added, “We are at the crossroads to where those events could very well happen. We need someone who is attuned to keeping this City alive and vibrant and working as a City and I think **Don Findell** is the person to do that. My vote will be for that.”

Commissioner Benton said he had something to say. “No City can annex another City. With me its never been a personal thing with **Don**.” He said that argued against his pay raise back in 2007 and was concerned about what was going to happen to the City's revenue. “My vote is what I feel is right. I don't vote for votes. I've never done that in my life. I've never done it and I won't do it (now).” He said that he's voted against some projects brought before the Commission by friends of his and added, “What's good for one is good for all.”

“**Cookie (Commissioner Cooke)**, the City has not taken the freeze off pay raises.” He explained that no one can get a pay raise until the freeze is lifted. “My main issue has been the money, that last 5% - that was it. That is my only issue. None of us are perfect and I would never say in a million years that I'm perfect. I don't know anyone on the face of this earth that can't be replaced. I don't care what kind of job you do or what kind of occupation you've got – we all can be replaced. I'm not saying you should be replaced, I'm just saying. .” He added, “When people tell me he can't be replaced, I can't accept it because it doesn't make sense to me.”

Commissioner Benton reiterated that he was going to vote no because of Mr. Findell's last pay raise. He hadn't been influenced by others concerning his vote since he voted no to Mr. Findell's pay raise back in 2007 and voted against other employee pay raises, too. “I'm looking at the money being spent and government always says, 'we don't have to worry, we can go into the poor man's pocket.” He added, “That's what bugs me. It's bugged me all my life and it still does. I've said this many times, I don't know why (but) government employees feel that they are supposed to get more than anybody else in society. And that's how I feel about it. I ran for the Commission for that one reason because I am one of them. I don't feel that because I sit up here and my name is there, (that) I am any better than them – any other citizen in town.”

He then addressed **Commissioner Snowden** by saying, “Just because your family has been here a long time, doesn't mean that somebody else that's been here fifteen, twenty years don't love the City they live in. You don't have to live in a City for a life time to enjoy and love the City you live in.” He added that many of the newer people in town have donated a lot of them time on different projects. He said that it didn't mean anything to him when someone says their family has lived in Lake Helen a long time. “I moved here because I enjoy the City. There is no other reason.” **Commissioner Benton** added, “It annoys me because we all have ancestors somewhere and some of them live in the same houses for generation after generation.” He indicated that he took offense when someone says their family has lived here for generations and wondered if that meant other people don't love the town. “If I didn't enjoy the town I wouldn't be doing the things that I do here. It hurts me when somebody says my family has lived here fifty to sixty years. It doesn't mean a grain of salt (to me).”

Commissioner Snowden said, “I just happen to have a sense of pride that my family has been in this community that long.” **Commissioner Benton** said, “I respect that” and **Commissioner Snowden** thanked him. **Commissioner Robbins** said, “I just tell everybody I got here as quick as I could and I'm happy to be here.”

Commissioner Benton said, “That's the reason I voted no and for no other reason.” He reiterated that it was because of **Mr. Findell's** pay raise. “It has nothing to do with **Don** as an

individual.”

Mayor Duffy asked **Commissioner Benton** if he was finished and **Commissioner Benton** indicated that he was.

Mayor Duffy then said, “I'm the only one that hasn't spoken. I've said this twice in public but yes, I did say during my running for election that **Don** had to go. I said it every place I went and I believed it at the time. Once I got into City Hall and saw the things that need to be done and heard the decisions that had to be made, whether it be **Don** or someone else, we need a **City Administrator** or whatever you want to call him.”

She indicated that there were many different types of cities on the Internet and they all have either a Manager, **City Administrator**, or **Administrative Aide**. “You can call a person anything you want but they have basically the same duties as we have with a **City Administrator** – including **City Manager**. About the only thing that a **City Manager** has differently is the hiring and firing so we don't give him that duty. We keep it like it's always been in Lake Helen.”

“The point is, once I was here and in the office basically every day, there were items I was asked, decisions to make – I was incapable of making them. I made a lot of decisions. In the middle of January our City Clerk left, then Wendie (Levings) had to go away for two months, Janet was going to leave, we had the receptionist leave and take a new job, so we were down to two people. Janet, the Finance Manager and me. That's why I was here everyday so all of the decisions had to be funneled through Janet or I. I was issuing permits, sometimes not perfectly.”

She continued, “There were other things that came to our attention and I had to write them down and contact **Don**. We were in touch all the time.”

“Yes, I made the deal with **Don** but then when I was here I realized this City in this day and age, cannot do without that position (**City Administrator/Planner**). **Planner** – There's many zoning questions that come in all the time. The developers are ready to jump on our vacant land. You have to be on your toes all the time with the calls you get because they figure there are certain pieces of our property would be wonderful for condos or wonderful for this or wonderful for that. I would tell them no you can't do that. We don't do that in Lake Helen. And then I get calls from other cities (asking) how did you do it in Lake Helen – to restrict your population – to not do things that would be detrimental to the people that are living here?”

“We have ordinances that assist us in making those decisions and that's why yes, when you decide to put something up or do something and you're told no you can't really do that. For some reason it might be a detriment to someone else. We do enforce those codes and **Don** is the one that is the enforcer.”

“People aren't always happy about it and those were the calls I was getting at home. I worked on the **Planning Board** here for ten years before we had a **City Administrator**. The **Planning Board** was almost the **City Administrator** for the City. **Lou (Commissioner Benton)** was on the Board at that time and we all worked very hard.” However, she noted that City ordinances and rules, federal and state laws and rules have become very

cumbersome. "You cannot have people, residents on a board, take care of everything. It just can't be done any more."

"So after I got here (moved back to town) and I decided to run because of those telephone calls that I was getting. Why can't I do this? How can I do this? And I would tell them they would have to talk to **Don**." She explained that the callers had already talked to **Don** and had been turned down. "There was nothing I could do."

"I did not understand and it was me, alone – I want to make that clear to everyone – I, alone, made the decision to run for mayor. I called **Mayor Shuttleworth** because we were very good friends, and told him that I was going to run for mayor. He was hurt. I was hurt but I felt I had to do it."

"So the things I said during the election (process) – I honestly and truly believed – that the major problem in the City was **Don Findell**. I have learned since, being here every day in the office, talking to the residents, helping the residents where I could, making notes and asking **Don** for his expertise in between. I've obviously changed my mind."

"If I have really hurt anyone, I'm sorry. I've apologized to **Don** early on – two months ago or something because of things I may have said about him, but I didn't know the whole story. And for that, I'm sorry. I'm sorry to the residents. If you voted for me for that fact, I'm sorry but you have just one more year to put up with it because I'm not running again. You can vote for whomever you like. I still have a year to go and hopefully we'll get through it peacefully."

"This is coming up now because there are controversies and it's just killing the City. Some of you may know and some of you may not – I moved away from here for two years and I hated it. I had to come back and I came back at a loss of funds for me and that's okay because I could not live without Lake Helen. So it isn't anything I'm doing. I'd like to know if you disagree. Some of you do email me and I try to answer your emails right away."

Mayor Duffy concluded, "I have to go along with considering the rescinding of **Don's** resignation. That's all."

City Clerk Nancy Wilson asked to speak. She said, "I've held the City Clerk position for about 5 months now. During that time, I've paid very close attention to all that goes on in the City. I've learned firsthand that there aren't any sinister activities happening under our roof nor is information withheld from citizens or delivery of information delayed. All we're interested in doing is the best job we can so the City will run as smoothly as possible. To deceive or mislead would only make our jobs more difficult."

"I'm sure most of you don't know all that is required to keep a City running. I know I didn't. There are a myriad of daily responsibilities, public inquiries and complaints, fires to fight, and much more that we try to squeeze into everyday. All this is done with a limited but very good staff. We are facing litigious times and an uncertain future. Hence, it's essential that the City have somebody in place now who can not only manage the day to day challenges of the City but who also has detailed knowledge of our history and knows what is best for our future."

"Through all the changes over the past year, even in his reduced capacity, **Don Findell** is still

the glue holding the City together; somebody must be at the helm who knows what is best for Lake Helen and all her citizens. It is essential that we don't throw away his vast knowledge, his many years of experience and his diligence. It would be a devastating disservice to the City to force his departure."

"I'm not sure what the genesis of the **Don** fiasco was. If it was solely that he was making too much money, I guarantee you will not get the same quality of work anywhere near as cheaply as we have **Don**. Be realistic about what the City really needs, then do the math using a variety of scenarios. I did, and no matter how I sliced it, **Don** was cheaper."

"If it's because he's hard to work with, why would those who work most closely with him and count on him for direction all want him to stay?"

"If it's that you think he had made mistakes or dragged his feet on a planning issue, give me a specific example of something and I'll look into it. I can't tell you how many times I've found that the fault did not lie with **Don** when there have been complaints about his performance. He's not one to blame others to exonerate himself. The unfairness and misdirected bias toward him is unsubstantiated."

"Let us get on with the business of running the City. With the yearly potential change of Commissioners, we regularly risk a lack of continuity and cohesion in the City. Those elements are fundamental to any City that wants to be unfettered from outside influences and one wishing for harmony. We must move beyond puerile accusations and motivations to become a City that's unified in her desire to remain beyond the grip of big development, accelerated growth and unhealthy outside influences."

"**Don** has an excellent reputation among those in agencies with whom we deal. He can't be manipulated or intimidated. He's the answer for short term and long term stability in Lake Helen and he must stay."

Commissioner Cooke said, "I just want the taxpayers and citizens to know one thing: You elect us as officials to represent you and I've heard some real horror stories about **Don**. Years ago I had some problems. I want you to understand one thing – this is why you elect us as officials/Commissioners. We're here to represent you." He then explained that the horror stories were about citizens that come to City Hall to ask questions. "That's what you have Commissioners for. If you have a problem, pick up your phone and call your Commissioners." He added that all of the Commissioners and Mayor will try to help them to move forward with whatever they want to do.

Mayor Duffy concurred and indicated that the Public Hearing would begin but **City Attorney Ken McIntosh** said, "You may not move until the policy matter is acted upon by the Commission. It cannot be opened to public discussion until such time as action is taken on agenda item number 7 A."

Commissioner Snowden motioned that the City Commission of the City of Lake Helen ask **Mr. Don Findell** to rescind his letter that he had previously issued to the City outlining his terms of resignation and that the agreement with him be revoked and further, that if it's agreeable with **Mr. Findell**, he forgo any future meritorious increases during his tenure with

the City of Lake Helen.

Commissioner Cooke seconded the motion.

Zone 1 – no, Zone 2 – yes, Zone 3 – yes, Zone 4 – no, and the mayor voted yes. The motion passed three (3) to two (2).

A woman from the audience spoke and **Commissioner Benton** explained that the woman wanted the public to be heard on the matter. **City Attorney Ken McIntosh** said, “The public now is afforded the opportunity for full discussion with reference to the motion, which is consideration of acceptance of the resignation of Mr. Findell and the revocation thereof and the consideration of the revocation of the agreement that was entered (into) on November the 28th, 2008. Mr. Findell has not responded. The public has full opportunity at this time to have input with regard to the suggested action of the Commission.” He then instructed **Mayor Duffy** to open the Public Hearing. He added, “Following all of that, we'll hear from **Mr. Findell** with reference to the offer that has been presented by the City Commission of the City of Lake Helen. It has not yet be accepted. It is not subject to acceptance until there is full public input.”

Sharon Micheo, 825 Sand Crane Lane: “I had something else I was going to bring up tonight but after seeing what I've seen – it's a prime example – you went on the platform that you wanted Mr. Findell out of the (City) Administrator position, right? You changed your mind.” **Mayor Duffy** concurred and Ms. Micheo continued, “To me that's a prime example of “say one thing and do another.” She then left the podium.

Lewis Long, 176 Euclid Avenue: “Mayor Shuttleworth asked me to express his greetings as he is out of state or he would be here.”

“During my tenure on the City Commission I did my very best to help our citizens to understand what it has meant for us to have **Mr. Don Findell** on board to not only take care of the ins and outs of everyday City affairs but to help us set the coarse we had desired for so long for the City and to stay that coarse.”

“Some people understood and some didn't or didn't want to understand. Others came to understand how important Mr. Findell is to this City after having first hand experience working with him as we have just heard from Nancy (Wilson, City Clerk) and the mayor. He has a wealth of knowledge about City government and planning and always considers the future consequences of action.”

“Lake Helen needs **Don Findell**. **Don Findell** is someone that can help steer the City through the tough economic times ahead without sacrificing the town's character. The recommendations that he has made to the City Commissioners have and will stand the test of time. It has been because of his actions that Lake Helen has been praised and acknowledged by others as an outstanding small community – witness the Silver Star Award to **Don Findell** by his peers and elected officials of the Volusia League of Cities.”

“What will history determine about us? Will it favor what we have done by keeping Mr. Findell on – a man who realistically weighs the future consequences of each action, or will it favor those who had promised to quote “save our City and supremely improve such facilities as the

Alibi Tavern” – end of quote?”

“But our short-sighted don't have the long-range planning skills necessary to fulfill these visions and therefore, create more problems in the long term. Will history chide us for having lawsuits against us? As if that were the worst thing in the world. Or will it applaud us for telling the world we mean business and we will defend what we are doing here. Better to guard and defend our City than to open the town gates to unwanted development.”

“It does help to have the whole picture before making a judgment about something or to know the rest of the story as Paul Harvey would say. Mr. Findell understands the entire story. He has saved us taxpayers several times his salary in a number of different ways since he came here.”

“I earnestly desire that this Commission will understand how much **Don Findell** means to Lake Helen and will come to some mutually agreeable terms tonight to retain his services. Thank you very much for listening.”

Charles Miller, 128 Lakeview Drive: “I don't know Mr. Findell. I've never met the man. We do need a **City Administrator** but not at the cost that we're paying that gentleman right there. He says he's looking out for the best interest of the City. If you're looking out for the best interest, take a pay cut. Everyone else has got to take pay cuts at work. **Mr. Cooke**, you said that in two years he can retire and you don't want to see him lose anything. He put in his letter of resignation. He didn't care if he lost it. Why should you? That's my money. That's their money. We shouldn't be paying him money if he's not doing his job. **Mayor**, you got elected to office saying you would get rid of him. You're suppose to represent us. Represent us. Vote no!”

Ann Nehrig, 160 Rose Avenue: “I really didn't want to speak tonight. I don't like this. I don't like it at all. **Mayor Duffy**, I saw one of your old campaign posters today that **Joan Duffy** listens. No you don't. Tonight I have heard many terms “betterment for the City”, “what's best for the City”, “what's best for the future of Lake Helen.” Do you all have any idea the people, the residents, the taxpayers in this City, who have lost their jobs, who have taken cuts in pay, who have lost their homes or in foreclosure? Do you have any idea about that?” **Mayor Duffy** answered in the affirmative. Ms. Nehrig continued, “I am all for people making a good salary. Everyone wants to make a good salary but we're in a very bad recession. Our economy stinks. Don't you care about that?”

“**Mr. Findell. Don** I know you pretty well. We've talked. **Don**, I have nothing personally against you. I really do not but **Don**, that's really a lot of money. Take a cut in pay. That is the big issue here. People that pay everybody's salary and support you – come here to these meetings for you. Listen to us.”

“I've heard terms – we have a divided City. No we don't. We have a lopsided City. There are more people that are upset about this than there are for. You need to listen. All of you, listen to your taxpayers. You say you're going to. We elect you on that premise. Then you get there and you don't listen. You need to listen to us. It's real important.”

“This is a great town and we all want the same thing but help us out here guys. **Don**, take a

cut in pay. You don't deserve anything more than any of us out here in this City are getting. Nobody does. Thank you."

Vernon Burton, 690 W. Ohio Avenue: "Mayor Duffy, I know that the election last year – you won by seven (7) or eight (8) votes." **Mayor Duffy** said she won by seven (7) votes. "I have to begin by saying this is the seventh year and seventh day of 9/11 and this country was torn apart about something that – actually we were brought together by something that effected this country as a whole. Seven is supposed to be a completion number. Now we're standing on the precipice of an economic depression. Everything is going downhill sideways. I did not run last year for mayor because of the conversation you and I had. Those seven votes, I think might have made a difference between Mark Shuttleworth sitting there and you."

"The citizens that I have been talking to are concerned that they are not being listened to. The citizens that I'm talking to are concerned that the situations that are happening here should not be taking place. **Don**, I like **Don**. I've had every conversation I've had with **Don** – I've come away with it learning something. And at the last meeting that you had with the joint boards of the City Commission and the Charter Review, **Don** made a very explicate statement that I really had to applaud him for. **Buddy (Commissioner Snowden)** and yourself, you made it very plain that you supported **Don** and didn't want **Don** to leave. **Don** made it plain that with his thirty-years (30) of experience that he had running cities like this, that the City of Lake Helen needs to be able to prepare for the fact that **Don** may not be here. The inevitability of **Don** not being here is something that the City does not seem to be preparing itself for. The fact that you haven't made an effort to see if there is someone else out there that could do the job that **Don** is doing has pretty well made it a lock-step kind of deal. He's not going anywhere because we can't afford to have him gone. But you, the Commission of this City has made it possible that we can't do without **Don** because you have not made it possible to even begin to look for a replacement. The fact that we are all here now – this room and the room we had over at City Hall, it was stacked to the rafters because of **Don's** salary. These are the things that are affecting the people. If you're not listening to them now, if you haven't taken into consideration that they are very passionate about this – the City is being polarized and it's gonna be brought into a situation that people are not talking to each other because of where you might eat your dinner or who you might be talking to or whose sign you have in your yard. These are things going on in a small City. I just want you to understand that the citizens – if you do not listen to them now, you don't take the time to be considerate as to what their needs are, then this City is not going to be able to make it with or without **Don**."

Mayor Duffy said, "Anyone that calls me, emails me, or comes to the office – I listen. Those are the people I listen to. Thank you."

Betty O'Laughlin, 715 McKenzie Road: "Well of course, everybody knows I do support **Don** and I will tell you right now – to the citizens in this room that seem to be very unhappy and are complaining about a lot of things – I wish I had your time to do that. I am the president of the Environmental Council of Volusia and Flagler Counties. I was at the County Council Tuesday and there again today. I am working to try to save parts of Volusia from being bowled over by and built on and I depend on my little town."

"Now I have to come and be here today. It's very obvious that I am pissed and I would like

the people in this town to really sit down and listen to what they're doing. **Don** makes a lot of money according to everybody. Well let me tell you what – he makes a lot of money and he keeps our little town the way it is. I love Lake Helen and I applaud **Buddy (Commissioner Snowden)** for saying that. He has grounds here. Some of us moved here and I don't think you can love Lake Helen any more than I do, **Buddy**. I am very happy here and I plan to be buried here if my kids will let me be buried in my backyard with my horses – which they probably won't."

"I depend on my Commission and **Don** and of course, our newest (City) clerk is awesome – and I don't want to have to deal with these things in my little town. There's no reason to. There's no reason why everyone can't get along and if somebody is unhappy, it's probably because somebody told them – as I have found out – that if they can't do something, they shouldn't be doing in the first place."

"I was just in County Council today and we were going up against lawyers that are going for developers and I am happy to say that just for a little bit, the environmentalist at least got a foot in the door. We had people there from the environmental community that were speaking and the Council listened to us. I had a meeting with Andy Kelly the other day."

"I can tell you that I can walk in, I can call **Cookie (Commissioner Cooke)**, I can call **Joan (Mayor Duffy)**, I can call **Buddy (Commissioner Snowden)**, I can call **Lou (Commissioner Benton)**. **Ann (Commissioner Robbins)** and I told her this, is the reason that I live here because I called her and she told me about this town. I will tell you that **Don's** door has always been open to me, he has answered questions, he's helped me to figure out things, and I support keeping him. I think this town – I saw what happened in this town when he was gone physically from this town – it was chaos. The way I look at it is if there's people in this town that are causing a problem, they are either unhappy or don't have a life. And I certainly have enough stuff on my plate that I will give them some of my stuff to do because I'm meeting myself coming and going. Thank you very much."

Betty Doherty, 240 N. Euclid: "You said you were for the people and you are not listening to the people – everyone up there except two. Seventy-five percent (75%) of this room is not against **Don**, they're against his salary and you're not listening. If you take his resignation – rescind it, the job should go out and be advertised if he's not going to take a pay cut."

Raphine Pierce, 800 Sand Crane Lane: "Hey **Ms. Mayor** – How are you doing? Last week, at the last meeting I was at, I was tough on you and tonight I'm really proud. I've been one of the ones that have been in conflict with the City but I asked you to start treating this like a business and do what you knew was right – to run it like a business with professionalism. You're doing the right thing. When they say no one is (un)replaceable – well, they're right." She continued, "The goal is to find the best person for the job for as long as you can keep them. Yeah, **Don** makes a lot more money than I do. We know money is an issue but you said earlier – and I thought it took a lot of courage to say you know I thought I knew what I was agreeing to during the campaign but I came into the office and you said there were things that I was incapable of doing. It took a lot of courage to acknowledge that. I hear people talk about having someone at the helm that knows what he's doing. It's pretty gracious of you because it almost sounded like you were campaigning for him to be mayor. It almost sounds that way. But you're gracious about it and instead of continuing what you knew was bad for

the City, you held your head up and said I know that this is the best thing to do. **Buddy's (Snowden)** done it. **Buddy's** taken a lot of heat for standing up for what he knew was right. Everyone of you Commissioners, all of you, we appreciate you – we do. It's a business and you gotta run it like a business. And when you pick an executive for the area of your business, you've got to do it right. Doing what you want to do and what is the right things is almost never the same thing. So I appreciate you admitting that the promises you made were promises made without all of the knowledge – that if you had that knowledge, you would have made differently. They were not made intentionally and tonight I'm really proud of all of you. Good job. That statement was really good and I appreciate it and I appreciate your effort.”

Mayor Duffy thanked Ms. Pierce.

Diego Micheo, 825 Sand Crane Lane: “I want to start with you, mam. The reason why we voted for you was because of what you said. We had one of the best mayors this town ever had and we voted him down, not because of Mr. Findell, but because of the position. Second, **Cookie (Commissioner Cooke)** two weeks ago I heard how much you praised (**Don Findell**) and how good he is.” He then wanted an explanation concerning a letter sent by the attorney to the City Commission and remarks that were supposedly made by **Commissioner Cooke**. Mr. Micheo then said, “**Buddy**, you agreed with us when you saw what the water was doing to our road and you agreed with us how wrong it is. And now you tell me this guy is such a great person for the City of Lake Helen? That we need him so bad – he makes so many bad decisions? That's the letter you sent to the City.” He continued, “I want to know – somebody answer me here – what great decision was made when the attorney said you need sixteen (16) signatures to be voted yes or no. . . (unclear) I just want you to explain how can you tell the people he's good when he made a decision like that – that is going to cause a lawsuit against the City. You three, you ma'am, the only reason you are there is because we voted for you because you said you wanted Findell out. It's not your decision to change your ideas now. (no error) You represent us. That's why we voted for you.” He added, “The idea is that when we vote for somebody, you represent us. You don't have the right to change your mind. I'm sorry ma'am. No you don't, ma'am. And I want to tell you something – I helped to get the last mayor out, and he was the best mayor this City ever had – and you're going out for sure. Lady, you want to know something? I've known you for many years but I can't believe you're flipping up that much. In front of your neighbors and your own family – you said all these things to and we agreed with you.” (unclear) He asked, “How can you people flip like that? Do you respect yourself?”

Commissioner Cooke said, “Diego, let me tell you something – and we've been friends for years, a lot of years and you've always been there for me over the years. When this situation came up and you stepped up to the podium, like you're standing in front of it now, we got involved in this. That lawyer right over there got involved in it. We started looking into it and I put a lot of time into it. You know that. I was out there talking to you, trying to make things work and trying to make it work right.”

“At that time, I didn't realize that it's a private easement – I always thought that the town had something to do with Sand Crane Lane. I really did, Diego, sincerely. Then when we got into it, I went to that gentleman's office and spent an hour and a half with him going over this whole situation. And looking into the situation, (I) found out that it's a private easement for you people.” He then said, “I talked to **Don** and I said I just don't feel right about it. I don't

feel right that you are taxpayers and even though it's not a town road . . . (He then explained to the audience.) they have to maintain it for a period of four years before it comes under the jurisdiction of the City of Lake Helen. We hadn't done that. I was trying my best to help you people out there and believe me I did try. What we found out, after talking to the lawyer, was that we didn't have the say that I thought we should have in it. You are taxpayers in the City of Lake Helen. Even so, that easement is not in the City of Lake Helen but you are taxpayers."

Mr. Micheo said, "I'm glad you mentioned that. If you guys don't have the right, why in the heck did you give (us) a permit? Are you in or are you out? You cannot be in and out and give a permit. Are you in? If you give (us) a permit, you're in. That means you're . . . (unclear) already in the deal." He indicated that if the City had done nothing, he would have understood that but now it'll be decided by the courts. He asked the **City Attorney Ken McIntosh** if he sent the letter.

City Attorney Ken McIntosh responded, "Sir, the letter dated August 1, 2008 to the mayor and to the Commissioners for the City of Lake Helen and to **Mr. Findell** as the Ad Hoc **City Administrator**, did come from my office as a direct result of an investigation conducted with reference to this matter, sir and I hope that it is made part of the record tonight."

Mr. Ken McIntosh added, "Let me tell you this, all day long I give people advice and not all day long sir, do they follow my advice, if that's what you're inquiring about."

Mr. Micheo asked, "Does that mean if they don't listen to you, they're taking the chance to get into trouble."

Mr. McIntosh answered, "Sir, I cannot tell you - if they take a chance to go into trouble and they get into trouble, I will do my best, sir in accordance to the dictates of the ordinances and the charter of the City of Lake Helen to see, sir that this City is protected. I am not here to protect an individual or group of private citizens who have a private easement, sir."

Mr. Micheo said, "It's not a private easement."

Mr. McIntosh answered, "It is a private easement, sir."

Mr. Micheo continued to disagree.

City Administrator Don Findell said, "You asked why a permit was given and did we follow the advice of the attorney. The answer is yes, we followed the advice of the attorney. After all of the work that the **City Attorney** did, the **City Attorney** reached the conclusion that we have no jurisdiction over that road as a private easement. The only jurisdiction that we have over that road is as it relates to a public safety issue. We were unable to determine that a public safety issue existed so the City attorney advised us we had no authority not to issue the permit."

Commissioner Cooke reiterated his thoughts he expressed earlier.

Mayor Duffy said, "Diego I would just like to state that I was chairman of the Planning Board

when that was annexed into the City – with the full understanding by the residents that – that was a private road.”

Mr. Micheo indicated he felt it was a public road since there are no gates and anyone can drive on it.

Mayor Duffy replied, “Well, it's a non-city road and it was well understood when it was annexed into the City.”

Mr. Micheo continued to disagree that it was not a private road and left the podium.

Loretta Dukes, 635 Ohio Avenue: “I have listened and been to a lot of meetings. My impression is you all are not listening to us. No one said that **Don** was not doing his job. The main thing we were saying is the pay and the resignation and we wanted to accept his resignation, and put in that job to be bid on again. At the end of two years, we have to go back through all of this again? Is he going to bring somebody in to train him? I know you do a good job but that's not the point or the issue. You all closed your minds to what we are saying and going all the way around the other way. And in this day and age, we don't need you talking down to us because we well understand what politicians are all about. I was born in Lake Helen and I don't need anyone telling me about Lake Helen. I was born in the orange grove out there so I know about Lake Helen. I've seen the growth. I've seen it develop. And I love Lake Helen but I need you all to listen. When I have to pay a high property tax so somebody can live in a nice neighborhood and I live up there on Ohio Avenue and you don't even listen when I come with my little problem. I'm talking about a little running behind there. You all got flooded out. This is a natural running creek that runs out to the lake on Kicklighter Road. It starts on the other side of Blue Lake there and you all know this but that stream is all stopped up but when you call and complain about it, it's like you don't even hear. I'm not saying – but he's getting paid too much money and you need to cut that out. Somebody needs to listen and if he's gonna stay, stay at a lower pay.”

The following letter dated August 1, 2008 from the law office of Stenstrom, McIntosh, Colbert, Whigham and Partlow, P.A., signed by Kenneth W. McIntosh, City Attorney is on file at City Hall:

Mayor Joan L. Duffy
Vice-Mayor Buddy Snowden
Commissioner Alan Cooke
Commissioner Lou Benton
Commissioner Ann Robbins
Don Findell, Ad Hoc City Administrator
City of Lake Helen
Post Office Box 39
Lake Helen, Florida 32744

Re: City of Lake Helen / Sand Crane Lane (Lot 16) – Pierce Fence Issue

Dear Commissioners:

Status:

The survey from October 23, 1984 has divided the parent parcel into 16 parcels.

15 Lots

1 ingress and egress easement 40' in width (Sand Crane Lane).

The easement (Sand Crane Lane) was NOT dedicated to public use and has not been formally accepted by the City of Lake Helen for maintenance.

Sand Crane Lane is a private right of way for ingress and egress and has been since 1984.

Each of the 15 lot owners have a vested interest in the ingress and egress easement identified as Parcel 16. (Sand Crane Lane)

Lot 7 owner claims ownership of a portion of Lot 16 immediately adjacent to their property. Owners are allegedly in the process and/or are planning to vacate that portion of Lot 16 abutting their property.

To vacate any portion of Lot 16, consent from all affected abutting owners would be necessary.

July 25, 2008 a poorly timed effort toward settlement was advanced, as follows:

“Allow the fence to be built 6 feet North of the Center Line of the purported easement (my client's “The Pierces”) maintained grass line and North line of any actual road way), my clients will agree to erect the fence at the location.”

The City of Lake Helen is not a party to the Sand Crane Lane private easement contest.

The City should only insure that sufficient access is available to insure the health and safety of Lot owners 8 & 9 in the event emergency service is summoned.

I am advised staff has conducted a preliminary field inspection to determine access capabilities.

Application for a fence permit will be handled pursuant to Code requirements, by City staff.

Sincerely,

Kenneth W. McIntosh, City Attorney

xc:

Jerome D. Mitchell, Esquire
Jerome D. Mitchell, P.A.
1326 South Ridgewood Avenue, Suite 8
Daytona Beach, Florida 32114

Florence Fowler, 442 Jackson Street: “I just want to say that I am very appalled because of this action. I'm a quiet citizen but I enjoy Lake Helen. My children enjoy it – we love it here. My husband was raised here. Just the actions here. I think we all can get along. We have to learn to work together but it also depends on the trust that we have in our Commission and the faith that we have in your word. When you say you're gonna do something, your word is your bond and that's how we should live. We should always say we're gonna do something, then do it. Don't go back on it. Don't go back on your word.”

Rich Tamburro, 160 Tangerine: Mr. Tamburro declined to speak.

Gary Adams, 166 W. Main Street: “First I'd like to pay tribute to the lady in purple, Ms. Betty O'Laughlin. I can't be more eloquent than that and because of her I won't have much to say. I think she's said it in a very, very clear-pointed direct manner.”

“It's been my experience whether it's a job you take, or whether it's an elective office, that regardless of how sincere you are and the promises you make, and the things that you decide or say that you're going to try to do – when you're actually in office, you suddenly find that there are all sorts of ramifications and because of those ramifications, things that you were not aware of before taking office, that you are not able to fulfill the campaign promises that you made. I think that's understandable and I think we see it in every individual who campaigns for a job or for an office. Certainly it's true in the political arena – national and state politics.”

“Having said that – Lake Helen is a unique City in a unique situation. It's been said again and again in other areas of the state and in the county by other individuals who understand and appreciate what we've managed to do. This uniqueness that we have, nobody else has had but they would like to have it. But it's too late for them because when they had the opportunity to figure out how to keep what they had, they gave it up for whatever reason. Now it's too late for them. It's not too late for Lake Helen.”

“In the years that **Don** has been here, I think he has done as much and probably more than anyone else, to help Lake Helen guarantee – to the extent that it could be done – that we keep that uniqueness. Lots of people would like to change it. Some of the residents would like to see it change and they feel that would be good for Lake Helen. There are others of us who feel that we need to keep that change to an absolute minimum because as soon as we start making changes, we're going to lose the unique capabilities, the unique features of Lake Helen.”

“**Don**, I think, has been a major asset in protecting Lake Helen. My experiences also have been that you get what you pay for and if you only want to put a little bit of money into something, then you're probably only going to get a little bit of benefit from it. In **Don**, I think we have a unique individual who has tremendous experience, contacts, abilities, understanding and knowledge. I think he's an individual who understands, because he's made the effort to understand, what we want, what we feel as a community we need. We've done that through visionings, meetings and all sorts of other things. I think he is well-worth the money that we are paying him. I think he's worth even more and I think that he could

probably go out and make more money very, very easily than what we're paying him. But again, if you want good people and if you want to protect the integrity and the uniqueness of Lake Helen, now is the time to say we're willing to pay for that even if times are tight. I'd rather pay for it now and have **Don's** expertise available to us, not only as a Planner but in all the other multiple functions he does for the City. I'd rather pay for it now and benefit from what he can give to us and help us with – than to find out five years from now or ten years from now that because we were short-sighted and more concerned about some money – as important as that is – that was more important to us than the future and uniqueness of Lake Helen than protecting it. I think we would have made a sad, sad, and very poor mistake.”

“I applaud the members of the City Commission that are voting on item 7A. I'm against, personally, the idea that he should be asked to accept less money than he is making now or that he should forgo benefits that I think he is entitled to. I ask you to keep in mind, as you decide whatever it is you decide, that we need to do whatever we possibly can to retain the uniqueness of Lake Helen.”

“It is so easy to do things that would destroy that and destroy it very, very rapidly. Please keep that in mind. We've got a gem here, a unique gem and there are people that want to change it. Don't let them, please.

Mayor Duffy asked **City Administrator Don Findell** if he had anything he would like to say. **Mr. Findell** said, “I don't know that I have anything particular to add but I was thinking that as **Commissioner Robbins** spoke that she indicated a number of things which I don't believe are factually true and I can respond to those at the Commission meeting but I'd prefer to speak to her personally about those things.”

Commissioner Cooke asked the audience if they would object paying an administrator \$104,000 if his name wasn't **Don Findell**. Several people yelled “yes.” He then said, “You see these other towns paying for a **City Administrator** but that's all they are – a **City Administrator**.” He reiterated his previous statements regarding **Mr. Findell** being a **City Administrator, Planner, and Arborist**. He said that if the City hired another **City Administrator** and a **Planner** and an **Arborist**, the City would be paying close to \$200,000 a year. “Plus we would not have the service of Mr. Findell being here every day.” He added, “In the long run, what I feel for the City of Lake Helen financially, is that we're better off with **Don Findell**.”

City Attorney Ken McIntosh said, “Mr. Findell you need to listen very carefully, sir. Is the offer of revocation of your resignation tendered February 21, 2008 by the City Commission of the City of Lake Helen, on a vote of three to two, accepted or rejected, sir?”

City Administrator Don Findell responded, “It is accepted.”

City Attorney Ken McIntosh said, “Number two, sir. Is the offer of revocation of the settlement agreement dated February 21, 2008 tendered by the City Commission of the City of Lake Helen on a vote of three to two, accepted or rejected?”

City Administrator Don Findell responded, “It is accepted.”

City Attorney Ken McIntosh said, “You have an agreement, **Mayor**.”

Mayor Duffy asked Mr. McIntosh if they needed to vote.

City Attorney McIntosh responded, “No, mam. You have made an offer. The offer has been accepted and you are now in a contractual relationship with Mr. Findell on the same basis that you were before. Number one, the tender of resignation. Number two, the settlement agreement.”

Mayor Duffy said, “The vote was three to two so it is in a valid condition. Mr. Findell is still with us.”

City Administrator Don Findell said, “And I will return to work on a day-to-day basis.”

Mr. McIntosh asked for a break and **Mayor Duffy** announced a ten (10) minute break.

Mayor Duffy reconvened the meeting at approximately 9:10 p.m.

B) Consideration to permit the DeLand Mustangs to use the Little League field to practice, as requested by Commissioner Cooke.

City Attorney Ken McIntosh said that the gentleman from the DeLand Mustangs had to leave. He continued, “I have communicated with the representative of the Little League. Will you sir, please step forward. Would you look at the letter please that came to us from the DeLand Mustangs? Please understand that the certificate of insurance that has been furnished to us, must do two things. It must declare the City of Lake Helen and the Little League as additional insured in order to be satisfactory to the City and to Little League. Number two; it is an agreement between the Mustangs and Little League that the Little League shall always have preferential use of that which is known as the rear field. Number three; there will be no facilities used by the DeLand Mustangs of any of City area or any of Little League area other than what we would call rest facilities. And the Little League is going to be primarily responsible for this specific field under those conditions. All of that has been agreed to – has been communicated to me by the representative of the Little League and the Mustangs. That's the information that we've been able to glean, giving consideration to the necessary absence of the Mustang representative. Is that right, sir?”

The representative of the Little League said, “Yes, sir.”

Mayor Duffy indicated that she had received a note that stated that the DeLand Mustangs wanted to use the back field twice a week and asked the man if he were aware of that.

He said the representative of the Mustangs mentioned that they wished to use the rear field on Sundays and one other day during the week. “And that is fine, also.” He said that there won't be a scheduling issue.

Mayor Duffy asked if the Mustangs were going to be given a key. The representative of the Little League said that Portia, who is a long standing member of the Little League Board and probably still has a key if the Mustangs need it.

He indicated that the Mustangs were going to fill holes in the field, do necessary prep work, and clean the area when before they leave the park.

Mr. McIntosh said, "Any violations of the agreement will be reported by Little League to the City Commission of the City of Lake Helen, whereupon we will consider revocation of the use."

Commissioner Cooke motioned that the City Commission of Lake Helen allows the DeLand Mustang baseball team to use the rear field with the permission of the Little League Board. **Commissioner Snowden** seconded the motion.

Motion passed unanimously.

C) Consideration to operate Market in the Park every Saturday, as requested by Chief Chester.

Mr. McIntosh instructed **Mayor Duffy** that there was a supplement to 7.C. that needed a motion to include it.

Commissioner Benton motioned to include the supplement to 7.C. **Commissioner Snowden** seconded the motion.

Motion passed unanimously.

Police Chief Keith Chester approached the podium. "As we have previously discussed some time ago, there was a desire to hold Market in the Park every weekend on Saturday. The benefits of doing so will bring in other vendors – in particular, vegetable vendors – things that would be beneficial to the citizens of Lake Helen who can't get to the Farmer's Market on Wednesdays. There's other benefits that would include bringing people to town that would also frequent our local businesses. There's a benefits to citizens who have goods to sell so they wouldn't have to do it at their house because there is a limited number of permits for yard sales."

He added, "It's just a win-win all the way around plus the proceeds we derive from it could be used for various park and recreational-type activities including the 4th of July. . . Being under the budget crunch we are in, I think it would behoove us to more forward as I see this as a way to generate revenue for the community."

"I'm willing to take it on and run it if the City Commission approves it."

Commissioner Benton indicated to **Mayor Duffy** that the City Commission had already approved doing it and were only waiting for someone to run it.

Commissioner Benton motioned to accept the concept of allowing Market in the Park to take place each Saturday and for **Police Chief Keith Chester** to run it.

Chief Chester said that he also wanted to have the ability to set fees and/or charges for

Market in the Park.

Commissioner Benton said, “No. The City Commission has set the price at \$8.00.”

Chief Chester indicated that he may bring the matter before the Commission at a later date because if the Market in the Park becomes profitable, the City should benefit from that.

City Attorney Ken McIntosh said, “We need to approve the concept, then we have to establish rules and regulations, then we have to establish the amount that will be charged, then we have to consider the sign matter and they all have to be done in that order.

Commissioner Robbins seconded the motion.

Motion passed unanimously to accept the concept of allowing Market in the Park to take place each Saturday and for **Police Chief Keith Chester** to run it.

A general discussion took place concerning the lot sizes, maintaining the \$8.00 charge to vendors, and who to contact concerning various matters for Market in the Park.

Commissioner Benton motioned to leave the charge of \$8.00 for space rent to vendors. **Commissioner Robbins** seconded the motion.

Motion passed unanimously to leave the charge of \$8.00 for space rent to vendors.

Mr. McIntosh asked if the Commission wanted a set of rules and regulations submitted by **Chief Chester** in order to determine how the Market in the Park would operate.

There was a general agreement that there had never been any rules made for Market in the Park. **Commissioner Robbins** indicated that Amanda Hutchinson would be someone **Chief Chester** should contact.

Chief Chester said that he would draw up a draft of rules for the next City Commission meeting.

City Attorney Ken McIntosh suggested that they now discuss the signage.

Commissioner Benton disagreed with the sizes of signs **Chief Chester** requested in his written proposal – 4X4's and 4X8's.

Chief Chester explained that the 4X8's would be for Prevatt Avenue – the same size used for the 4th of July – and that they would only be up for six (6) to eight (8) weeks to make the public aware that the Market in the Park would be every Saturday instead of just once a week.

Commissioner Benton said, “I have a problem with it.”

City Administrator Don Findell indicated that he would meet with **Chief Chester** to work with him on the sign ordinance.

Chief Chester said, "I went with the 4X8 size because that is what we previously used and we kept it up for a month at a time when we did the 4th of July, if you recall. That's where I came up with 4X8 because of the speed and the width of the roadway on Prevatt Avenue. If it's smaller, it's going to be difficult to see and people aren't going to. . ."

Commissioner Benton indicated that people would know about it because of the Penny Saver.

Chief Chester said he was trying to make Market in the Park grow.

Commissioner Benton indicated he was against the signs.

Commissioner Cooke indicated that he thought it was a good idea for **Chief Chester** and **Mr. Findell** to meet and discuss the matter.

City Attorney Ken McIntosh asked **Mayor Duffy** if the sign matter should be tabled and she replied in the affirmative.

Commissioner Benton motioned to table the sign matter.
Commissioner Robbins seconded the motion.

Zone 4 – yes, Zone 3 – no, Zone 2 – no, Zone 1 – yes, Mayor – yes.

Motion passed to table the sign matter.

Mr. Findell said, "The City as – as is the same as everybody else – is entitled to do whatever the sign ordinance provides to be done, so in this particular instance, what **Keith (Chester)** needs to do is simply to get with me, we'll look at the sign ordinance to see what we're entitled to do under that ordinance. If there is something that he desires to do that go beyond the context of that ordinance, that needs to come back before the commission so the whole sign issue doesn't have to be tabled."

"Let me put it this way: Yes, you can table the sign issue. We'll go through the normal channels, as it relates to signage that would be allowed under the code."

Chief Chester responded that he didn't believe that 4X8 signage was allowable because it had been looked into previously for the 4th of July. "The City Commission at that time – when we asked for them to be exempt so they would be allowable, did allow them . . ."

Mr. McIntosh reminded **Chief Chester** that the matter had been tabled.

Mayor Duffy said that the issue would be brought up at the next meeting.

Mayor Duffy indicated that there was another matter concerning the Market in the Park and that it was for advertising – up to \$400.00.

Commissioner Benton indicated that he disagreed with that amount of money and asked for clarification.

Chief Chester said that it was for signage, Penny Saver ads, and flyers. “My desire is to make that work if we're going to do it.”

Commissioner Cooke considered it an investment. “I want to make a motion that we approve the \$400.00.”

Commissioner Cooke motioned to approve the \$400.00 for signage, advertising, and flyers.

Commissioner Benton indicated he disagreed.

A general discussion took place.

Chief Chester said, “**Madam Mayor**, this was something I was going to do on my volunteer time – get up early in the morning and come in. We hear all the time about – and I understand it – that the City is in a crunch, and I'm trying to do something to help the City.”

“I really think I should rescind my offer to do it at this time. I believe it's going to be more complicated than I wished it to be.”

City Clerk Nancy Wilson said to the Commission, “Please don't let him do this, it's really. . .”

Commissioner Cooke replied to **Chief Chester**, “I won't accept that. As a Commissioner, I won't accept this and I want to follow up on my motion. I want to see a second on it.”

Commissioner Snowden seconded the motion.

Motion passed unanimously to approve the \$400.00 for signage, advertising, and flyers for Market in the Park.

Commissioner Cooke said, “If we're going to do something we got to move forward. I'm tired of just sitting here going no, no, no. Let's move forward. If Keith is willing to take the time to do this and as excited as he is, I'll help you (to Keith) to make it move.”

Motion passed unanimously to approve the \$400.00 for signage, advertising, and flyers for Market in the Park.

D) Consideration to reduce the speed limit on Lake Pearl Drive from 30 mph to 25 mph, as requested by Commissioner Benton.

Commissioner Benton said he was tired of getting phone calls from the people that live on Lake Pearl Drive complaining about people speeding down the road. He felt that something had to be done about it though he didn't expect the police department out there 24/7.

He added that Lake Pearl Drive doesn't have a rating and is not even in the Comp Plan or even the old Comp Plan. Somebody said the road is 20' wide but he disagrees. “One section is 16' wide and the other section is a little over 19' wide.”

He noted that two vans cannot travel down the road without one of the vehicles pulling over off the road. He added, "The study says that 85% of the vehicles that go down that street out of 550 trips – over a four day, 24 hour period – were doing 38.38 miles per hour, which is almost nine miles over the speed limit. There are 171 (vehicles) doing over 40 miles per hour on that street. The street is not made for it. He explained that these speeders are coming during the morning hours and then later afternoon hours so he is concerned about the children walking to school.

Commissioner Benton said that this issue has been brought before the City Commission several times but nothing is ever done about it. He mentioned someone said the study wasn't done because they didn't have the number of driveway cuts or the two streets that come into it so he volunteered to count the driveway cuts.

City Administrator Don Findell said, "**Mayor**, I have discussed this item with the **City Attorney** and **Commissioner Benton**. The **City Attorney**, when we discussed this agenda, advised me that he had concerns, which are similar or the same concerns he had expressed before, as it relates to the enforceability under the state statute of lowering the speed limit. When **Lou (Benton)** and I talked about it, I said that at least at this point in time I consider two options to be available to the City which would be to, once again, do traffic enforcement on that road and to do traffic enforcement within the peak travel times that **Commissioner Benton** has identified. The other alternative would be to contact the county and ask them to reevaluate the study to include such things as the number of driveway cuts, the space between the driveway cuts, the length of the road that allows people to build up a speed, and hopefully in doing so – we guarantee this, obviously – the county may reach a conclusion that is different than the conclusion they previously reached which then would allow us to post that speed limit legally. I too, believe that speed limit should be lowered in that area. In fact, the speed limit should be lowered in most of this town. That's where I'm at on the issue."

Mayor Duffy noted that the studies were over a year old and that it could be very possible that things have changed since then.

Commissioner Benton reasoned that another study did not need to be re-done since the traffic on Lake Pearl Drive would have increased – not decreased.

Mayor Duffy explained that she was in favor of letting the county do what they need to do to see how the traffic has increased on that road. She agreed that it had.

Commissioner Benton reiterated his position and offer concerning the driveway cuts. "Right now it (Lake Pearl Drive) is treated like a road with no houses on it."

City Administrator Don Findell said, "I think another thing they need to look at is the number of children that live in that area and the fact that there is no sidewalks on that road. I think that there is just a number of safety factors that they can legitimately include in the study that may allow them to reach a conclusion that is different than they did. An alternative to that would be to hire a traffic engineering company to do the same type of study and I suspect that the traffic engineering firm would give you the answer that you want to get but it would cost considerably more."

Commissioner Cooke suggested that **Mr. Findell** look into the issue and work with the county.

Mr. Findell said, "In the mean time Lieutenant Walker has indicated that he would make a concerted effort to control the speed through traffic enforcement and we'll do it during those times that you have deep traffic flow."

Audience member **Rich Tamburro, 160 Tangerine** (next street over) approached to podium and said, "A couple of things about the traffic – as far as the cut-through traffic for the DeLand Campus, the college – Our enrollment was up eleven percent (11%) this semester so I'm sure it's gone up (traffic) a little. A traffic study in June doesn't mean anything because our enrollment is about twenty percent (20%) of the Fall and Spring as it is in June."

"Back when we fought the county to lower the speed limit on Prevatt, we had to read a lot of information. One of the things I remember reading was that for a road to have a certain speed limit, it has to meet certain conditions. I don't believe that that road or parts of it are only sixteen to nineteen feet wide – meets the conditions to have a thirty mile an hour (30 mph) speed limit. And if anybody ever gets hurt on the road, gets a traffic engineer and an attorney – they have a big lawsuit against the county for setting that limit at thirty mile an hour (30 mph) without verifying that it meets the requirements. So I think what may be quicker is to attack it from the view-point that this road doesn't meet DOT standards to even have that speed limit. I think that road would be more like a lane, maybe a twenty mile an hour (20 mph speed limit.). Just a suggestion."

He noted that he only lives one street over from Lake Pearl Drive and he has noticed speeders on his street lately.

City Administrator Don Findell said, "The county doesn't set the speed – the state statute sets the speed. In order to go lower than the statutory speed, the statute requires you to perform a traffic study that indicates a necessity to lower the speed and the origin to that was to prevent speed traps."

Mr. Tamburro said that it seemed to him that someone had made the assumption that it was a thirty-foot (30') right of way street.

Mr. Findell indicated that the county needed to look at the issue in a broader light than previously.

Mr. Tamburro said, "Unfortunately, we don't have a traffic rating for that street so they can't say that we allow a certain number of cars. We have no rating at all. I looked it up today in the Comp. Plan."

Mayor Duffy indicated that she felt that the traffic is coming from the college students and as the college grows, the problem will worsen. That was why she suggested another survey.

Commissioner Benton said he wanted to go with the present survey because he didn't want to spend anymore money.

Mayor Duffy asked if there was a motion on what to do about Lake Pearl Drive.

Commissioner Robbins motioned to continue the study concerning the driveway cuts, sidewalks, and the number of children in the area.

Commissioner Cooke seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

E) Consideration to increase Sharon Hull's (Administrative Office Assistant), hours from 35 hours/week to full-time, as requested by Mayor Duffy.

Mayor Duffy indicated that she made the request and noted that Ms. Hull was a "gem in the rough" and does much more work than the City realized she was capable of. She noted that there was only four people working in City Hall so she would like to increase Ms. Hull's hours from thirty-five (35) to forty (40) noting that Ms. Hull does not want health care. **Mayor Duffy** noted that if Ms. Hull worked forty (40) hours, she would get vacation time and sick pay, which would be her only benefit for going full-time.

Commissioner Robbins noted that Ms. Hull was making \$9.50 per hour. If you multiply 2,080 hours (standard yearly work hours) – you do not add in the vacation time and sick pay on top of that. She calculated that the difference in what the City would pay Ms. Hull was \$2,926.95 a year.

Commissioner Cooke felt that if the City Hall office is open forty-hours (40), Ms. Hull should be in the office forty-hours (40).

Commissioner Robbins noted that Ms. Hull has been employed by the City since April and wondered if the City was going to put her back on probation once Ms. Hull starts working full-time. **Ms. Robbins** also asked if she was going to be given a raise.

Commissioner Benton indicated that there was a freeze on pay-raises.

Commissioner Cooke said that a pay-raise was not being discussed.

Commissioner Robbins motioned to increase Sharon Hull's hours from thirty-five (35) to full-time with no additional benefits.

Commissioner Benton seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

Mayor Duffy noted that this issue is specific to Sharon Hull.

F) Consideration to approve fee for services agreement with Volusia County for mosquito and weed control.

Mayor Duffy explained that it was a document that the City of Lake Helen has that must be renewed each year and asked for a motion.

Commissioner Cooke motioned to approve the fee contract for services with Volusia County for mosquito and weed control.

Commissioner Robbins seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

COMMISSION DISCUSSION:

A) Discussion regarding proposed changes to sign regulations related to subdivision identification signage.

Mayor Duffy explained that this issue is a continuation of the Sign Ordinance that was brought to the foreground by **Commissioner Benton**.

City Administrator Don Findell said, "What this is, as **Commissioner Benton** explained last time, is a desire to limit, restrict, and in some sense, eliminate the potential for subdivision signage to be placed throughout the City. The Commission, at the last meeting, directed me to prepare language for review, so that they could consider the item." He went on to indicate that he would discuss it with the PLDRC and ultimately prepare the appropriate ordinance to adopt the change. "So in this particular instance, I took some pages of the Sign Ordinance where this would apply and in an underline and strike-through format indicated to you where I would suggest changes to be made and what changes I would suggest be considered for discussion purposes." He went on to suggest to the Commission where to look in the Ordinance (8.03.N - Prohibited Signage Provisions) to see and understand what he was saying, noting that he added an additional prohibited sign.

He then read the section he changed, "Signs denoting the name of a residential subdivision except that during the construction of a residential subdivision, one temporary sign may be located at one entrance only to the subdivision. Said temporary sign shall be permitted to be in place for a period of two (2) years from the date of approval of the development order of the subdivision or until seventy-five percent (75%) of the total number of residential units approved for the subdivision are sold, whichever is sooner."

"And then at the end of the two-year (2) period, a time-extension of one-year (1) may be applied for by the developer and granted at the sole-discretion of the City Commission."

"Said temporary sign shall have maximum area of twenty square feet (20 sq. ft.) and shall have a maximum height of five feet (5') from ground level."

Mr. Findell explained that the thought behind this was to allow some advertising to occur during the time that the subdivision was being constructed and units were being sold but to allow flexibility.

Commissioner Benton asked **Mr. Findell** if he would be taking these changes to the **PLDRC**.

Mr. Findell indicated that if the Commission would like to proceed with this, he would place it on the agenda for the next **PLDRC** meeting for discussion.

A general discussion took place about the issue.

Commissioner Cooke disagreed with the seventy-five percent (75%) limit and indicated that he felt it should be one-hundred percent (100%).

Mr. Findell indicated that there needed to be a reasonable point in which that signage needed to be removed. He explained that it couldn't be one-hundred percent (100%) because, at that point, all the developer has to do is leave one (1) lot unsold so that the sign could be left in place permanently.

Commissioner Cooke indicated that he agreed with the following: . . . a period of two (2) years from the date of approval of the development order of the subdivision or until one-hundred percent (100%) of the total number of residential units approved for the subdivision are sold, whichever is sooner instead of the seventy-five percent (75%).

A general discussion took place concerning subdivision signs that have been in place for years.

Commissioner Benton suggested that the **PLDRC** should look at it and they could give the **Commission** their feed-back on the matter.

Commissioner Cooke disagreed with **Commissioner Benton**.

Commissioner Robbins motioned to submit the Sign Ordinance revision to the **PLDRC**. **Commissioner Cooke** seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

City Attorney Ken McIntosh indicated that he had a problem concerning the temporary sign definition. He indicated the words 'temporary sign' may not be sufficiently described to limit developers' signage as desired.

9. STAFF REPORTS:

a. City Attorney – No report.

b. Police Chief – No report.

c. City Administrator – **Mr. Findell** thanked the Commission for their consideration and added he had no report.

d. Code Enforcement Officer – **Officer Patrick Clarino** said that he would like to discuss an item that may be put on the agenda for the next Commission meeting. This subject was concerning 'lot maintenance' within the City. He said that he had nine properties with five belonging to Lake Helen Partners that needs the grass cut and lot maintenance performed. He said that he would like some direction on how to proceed from the Commission.

A general discussion took place concerning how this matter was handled in the past and the different properties involved.

Officer Patrick Clarino said that **Mr. McIntosh** could provide the Commission with some insight concerning a municipal lean. **City Attorney Ken McIntosh** indicated that the City could mow the properties and then impose a municipal lean and foreclose the lean for the collection of the monies that have been expended for what is classified as health and safety management within the City of Lake Helen.

Officer Patrick Clarino said he wanted direction on if the City Commission wished he to take action on the properties (file a municipal lien), and if they wished him to use the City Crew to maintain the properties for health, safety, and welfare issues. He then explained the procedure for placing a lien against a property which takes a considerable amount of time.

Commissioner Cooke motioned to move forward on cleaning up the properties and allow **Mr. Findell, Mr. McIntosh** and **Officer Clarino** to work together on the issue. **Commissioner Robbins** seconded the motion.

All zones and the Mayor voted yes. The motion passed unanimously.

Officer Patrick Clarino said that he also wanted to possibly put the matter of 410 Ohio condemnation hearing on the next meeting agenda.

These minutes are not complete because of an equipment malfunction. We are attempting to recreate the remainder of the meeting from memory and those remaining minutes, approximately 35 minutes worth, will be on the next set of minutes.

Meeting adjourned at approximately 11:30 pm.

Joan L. Duffy, Mayor

Nancy Wilson, City Clerk