

**REGULAR MEETING  
LAKE HELEN CITY COMMISSION  
October 15, 2009  
7:00 P.M.**

**MINUTES**

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

**CALL TO ORDER:** Mayor Duffy

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**Commissioner Burton** gave the invocation and led the pledge of allegiance.

**DELETIONS OR MODIFICATIONS TO AGENDA**

The minutes for September 3, 2009 and September 17, 2009 were removed from the agenda.

**COMMISSION ANNOUNCEMENTS**

**Vice-mayor Snowden** said that on October 7<sup>th</sup> there was an article in the newspaper regarding redistricting of the school zones that would affect high school students in Lake Helen, Orange City, Deland and Deltona. "It is typical in Lake Helen that those things that threaten to divide us, often unite us. A few people in Lake Helen had deep concerns about the fact that Lake Helen students may end up having to go to Deltona when for years they went to Deland High School. This past Tuesday night, a group of about 40 residents from Lake Helen went to a meeting at Deland High School to speak with the School Board. A number of people in Lake Helen went to the meeting in our City bus to show the School Board that Lake Helen wanted to be heard and represented. We were well represented. It was a very productive and very civil meeting. The impression they went away with is that Lake Helen is very serious and very concerned about this issue and would like the School Board to revisit their redistricting maps. They supplied us with comment cards with website information and we have those available tonight. If you would like to make a comment or direct anything to the School Board regarding this redistricting, please pick up a comment card and you can turn those in at either City Hall or the Creative Arts Café and we will see that the School Board receives them. I urge any of you with children or grandchildren, if you are interested where Lake Helen students will go to high school, to please fill out one of the comment cards. There will be two additional meetings, one in November and one in December. Part of the concern is that Lake Helen Middle School students develop relationships in school that are currently continuing throughout high school. If the children are sent to different schools, those relationships would not carry over to high school. It's very important to us and the

general consensus is that Lake Helen families would like to continue sending their children to Deland High. The meeting was informative; we were very civil and we got our point across without any derogatory comments.” **Commissioner Robbins** said she was unable to attend but she e-mailed each one of the Board of Education members and received comments back from three of them. They assured her that the comments she made would be read into the record. **Mayor Duffy** said that she is going to a School Board Oversight Committee meeting the following week and will continue to reinforce the sentiment expressed by Lake Helen families. **Commissioner Burton** added that the School Board was provided with a study showing that there were more than one hundred Lake Helen kids that would be sent to Deltona High. He discussed the dividing line for redistricting and where the children on each side of that line would attend school. He also said that slower than anticipated growth led to some of the redistricting changes. Keith Chester said the next meeting date was on November 10<sup>th</sup> at the School Board Complex and the meeting following that is on December 8<sup>th</sup> at the School Board Administrative Complex.

**Mayor Duffy** also wanted to report on a conference call she had with the Volusia County Health Department regarding influenza shots. “The most unusual thing about H1N1 is that it’s hitting our youth more frequently and harder than adults. Those 50 years and older seem to have some sort of immunity so those people aren’t going to get shots until all the people under 50 get their shots, unless they are predisposed to the flu. Officials aren’t planning on canceling school or events because H1N1 is everywhere. 100,000 people should be vaccinated by the end of October and 30,000 more each month afterwards. The first group includes youth from six months to 25 years old; the second group includes caregivers of children, the third group consists of pregnant women; the fourth group is for healthcare workers; and the fifth group includes those aged 25-64. They didn’t include the elderly. Eventually it will be offered to everyone.”

#### **MINUTES:**

*October 1, 2009*

**Commissioner Robbins** had one question from the previous bill about the siren pole: “Do we already have the software required for implementation?” Keith Chester said we have the equipment but we may need a radio module so it can be set off remotely. “We have everything else we need and are not looking at any additional money for software.”

**Commissioner Robbins made a motion** to accept the minutes of October 1, 2009 as presented

**Vice-mayor Snowden seconded**

**All zones and the Mayor voted yes**

#### **CONSENT AGENDA:**

*FY 2009-2010 MPO Membership Assessment & Funding Agreement*

MPO is the Metropolitan Planning Organization that the City of Lake Helen has belonged to for many years. Yearly dues are calculated per head so our dues are \$258 which equals about nine cents per head for Lake Helen. We share one vote with Pierson and Oak Hill so Lake Helen votes one-third of the time.

**Commissioner Burton made a motion** to pay the FY 2009/2010 MPO Membership & Funding Agreement dues in the amount of \$258  
**Commissioner Robbins seconded**

**All zones and the Mayor voted yes**

*Bills – October 15, 2009*

**Mayor Duffy** questioned why we are using two pest-control companies. **Mr. Findell** answered that we contracted for those services separately and Holder was the lower cost provider for interior applications and Aaron was the lower cost provider for the fire ants. **Vice-mayor Snowden** pointed out that the amount on the bills was for six months and wasn't a monthly charge. Keith Chester added that Holder Pest Control provides service to the Creative Arts Café for free. **Commissioner Burton** asked about the \$4000+ paid to Rodney's Tree Service. The response was that it was for ongoing tree removal on the rights-of-way and is mainly for trees that were infested with bugs and have been dead for a number of years. It is better to spend the money to cut them down than to risk having them fall.

**Commissioner Burton made a motion** that the bills be accepted as read  
**Vice-mayor Snowden seconded**

**All zones and the Mayor voted yes**

#### **BI-MONTHLY REPORTS:**

*City engineer – Steve Provost*

Mr. Provost gave an update on the Summit Avenue project: The plans are complete for the next phase that will be funded using the CDBG funds. There is about \$70,000 remaining in that account and the City is waiting for the county to get their money from HUD. He and Mr. Findell met with county staff to review procedures and go over specifics for the bid documents. The county knows how much money they are receiving but they don't know when they will receive it. Hopefully, by the end of October, the county will have the money at which time they will transfer those funds to the City. Mr. Provost doesn't want to contract with a contractor until we have the funds on hand. The bottom line is we're all set to go and when we get the money, we will bid out the project. The bidding out process should happen sometime in November with bids due in December and a three to four month completion time. The project should be completed sometime in the spring. The next phase will start from where we left off on North Summit Avenue and we'll also make some additional stormwater improvements. The projects have been designed to be on the north end of Summit and will progress depending on how much money we have, being careful not to go over budget. What money we don't use will be transferred into next year's account.

*Local Planning Agency (PLDRC) – no report*

*Historic Preservation Board – no report*

*Parks & Recreation Board*

Betty O'Laughlin - "Our main discussion was on the parade and the festivities in December. We have no issues at the moment. We had a gentleman at Mitchell Brothers from Little League who had some questions; I've got to get more information for him. Shawn said the kickball season will start back up on December 7<sup>th</sup> and there won't be an age limit but there will be two groups, four to six-year-olds and seven to 13-year-olds plus adults. There is no registration fee but uniform t-shirts cost \$10." Keith Chester reminded everybody of the Halloween Party that the City is sponsoring on October 31<sup>st</sup> at 6pm.

**PUBLIC FORUM**

*Lou Benton*

*Lake Pearl Drive*

Mr. Benton agreed with Vice-mayor Snowden regarding the School Board redistricting. He also thinks something should be written and sent to the School Board regarding where our High School students should attend school. The document should be signed by all the Commissioners. He said our history with Deland is an important consideration and should be noted. He also thought it was important to make them aware of how we were responsible with our growth when none of the other cities were. Lake Helen children should not be punished for the lack of planning in other communities. The School Board should be made aware of those two facts.

**(00:30)**

**Commissioner Robbins** made a motion that a resolution be written and given to the School Board mentioning Lake Helen and Deland's long time and special relationship.

**Commissioner Burton seconded**

**All zones and the Mayor voted yes**

**Public Hearings** – *none for this meeting*

**COMMISSION CONSIDERATION**

*Consideration of request by Boy Scout Troop 590 to erect signage for their yearly Haunted House event.*

Aaron Post and Shaun Grenon said the Boy Scouts are starting their summer camp fundraiser. To collect money, they set-up their Haunted House and they would like permission to place directional signs in Lake Helen and waive any fees that may be required. The signs are no bigger than 4'x8' and will be placed on:

1. E. Kicklighter and S. Prevatt
2. E. Kicklighter and Macy
3. E. Ohio and Prevatt
4. Macy and Kicklighter
5. Lakeview Drive and Pleasant
6. E. Ohio and Pleasant
7. Main Street by the I-4 ramp
8. W. Main and Lakeview Drive

They want permission to put up the signs soon because the tours will begin on October 23<sup>rd</sup> and continue through October 31<sup>st</sup> from 7pm – 11pm. **Commissioner Burton** confirmed that the sign sizes were 4'x8' and not 4'x6'. **City Administrator Findell** said that the signs aren't permissible so that's why temporary placement has to be approved. He also asked if the signs are being placed where they've been placed the last several years. The answer was yes.

**Commissioner Lane made a motion** to approve placement of the temporary signs as has been allowed in the past.

**Vice-mayor Snowden seconded**

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

*Consideration of request by the West Volusia Saddle Club to sponsor the 2010 Equifest event.*

Betty O'Laughlin wants to sponsor the event rather than partnering with the City. This will be their first time doing it but they have a lot of knowledge about it and a lot of people to help. Ms. O'Laughlin also asked the City to waive the fee for the property rental. "We will give a percentage of the profit to the City so the money would not have to be dedicated to the piece of property." **Mayor Duffy** said she researched the fees and that's one facility where a fee has not been established, all it said was "it's variable". **City Administrator Findell** explained that the fee is variable because the rental of that facility is such that the applicant gets with the Police Department and Public Works to determine what sort of assistance is needed from the City. We estimate what the City's cost would be to provide services, then we add an additional fee to that for the maintenance of the property. When Equifest was held there before, the base fee was \$1000. They had such a good event that they ultimately gave us an additional couple thousand dollars that went to the Teen Program. **City Attorney Groot** asked if there is any issue with the FRDAP grant and waiving fees. **Mr. Findell** answered that there was not and that the only condition of that grant is if the City sponsors the event. If that's the case, then whatever proceeds the City gets, have to be used for the care of that facility. The money can be spent for maintenance or capital improvements. If the facility is rented and the City doesn't have sponsorship, those having the event are able to keep whatever money they generate but the City is paid by them for the privilege. In that case, the fee, which is revenue to the City, has to be spent on maintenance or improvements to that facility. **Mayor Duffy** asked if they are required to have additional liability insurance. Mr. Findell answered that we've typically required that in the past. Chief Chester said he would work with Ms. O'Laughlin and if he deems it necessary to have an officer present that day, which they haven't needed for past events, we will assist with traffic. He and the reserve officer would provide that service so there's no cost to the City. It's a good event and it's good for Lake Helen. That answers the law enforcement part of it. Ms. O'Laughlin hasn't gotten with Rick Mullen so a decision isn't necessary tonight but the dialogue has started and we can move forward and determine what the City's role will be. If the fee is waived and the Saddle Club conducts the event and generates revenue, then they have the ability to donate to the City. That donation doesn't have to be used for that facility, rather, it could go in the general fund as a donation. **Commissioner Robbins** asked if the fees for the stalls would come to the City. Ms. O'Laughlin said no because when people come in who perform,

most of them do not charge us so we don't collect the fees on the stalls. All other rentals we would collect for. **Mr. Findell** added that when the facility was rented for the Equifest event, the City did not generate any fees or any revenue from the stalls. **Mayor Duffy** said no vote is necessary tonight, whereupon, **Mr. Findell** suggested that Ms. O'Laughlin get with Rick Mullen to determine what Public Work's role will be, if any, and determine the cost. This will give Ms. O'Laughlin the opportunity to begin to think about what donation they can make back to the City in lieu of the fee. The more information you have, the easier it will be to plan. Ms. O'Laughlin said their goal is to make as much profit as they can by keeping the expenses down. That gives them more money to potentially give back to the City and the Food Bank and maybe others. We'd like to make improvements to the arena property also. **Mr. Findell** added that when Ms. O'Laughlin and he discussed this, she emphasized that they would like to donate some proceeds to charity. The intent is good but she just needs more information so she can make informed decisions. Ms. O'Laughlin said that they will have Equifest 2010 regardless of the decision of the Commission because there's a lot of demand for it. **Mr. Findell** addressed the Commission and said for the sake of a comfort level, you can agree with the concept tonight and simply ask her to bring us more information as she gets it. **Commissioner Robbins** asked if they have concrete date for the event. Ms. O'Laughlin answered that the date is the first Saturday in March because of favorable weather. This will be the first year we've done it ourselves and it will be a total horse event. **Commissioner Burton** asked about something that was mentioned at a previous meeting regarding the dimensions of the arena not being large enough for regulation events that could potentially bring more revenue to the City. **Ms. O'Laughlin** said it's not so much the size of the arena, it's the pattern. This has turned out not to be a real issue based on research conducted by Karen Crawford. Our arena is fine. She said they're still working on the arena footing. The barrel people need more sand. The clay consistency has been changed so water doesn't stand but we may have to add more. **Vice-mayor Snowden** asked if she'd decided on a percentage she wants to give to the City. She answered it depends on how much they make, they are in the early stages of discussing this, however, her goal is to kick a good sum back to the City possibly to be used for fireworks. It's possible to make a lot of money on this event. **Vice-mayor Snowden** said everyone would like to see it succeed to which Ms. O'Laughlin added that they would work on coming up with a concrete percentage. She would like to give the City \$1000. **Vice-mayor Snowden** commented that when the City purchased the property, it was called Panton Field. After further development, it was known as the Multi-use Event Facility with an equestrian component. He'd like to see the use of that facility expanded and he appreciates what Betty has done with the equestrian component. He said it's open for uses other than equestrian events. Ms. O'Laughlin discussed the previous Equifest event and said to branch out, something like a canine festival could be held. The WVSC is trying to think of how else the facility can be utilized to bring in funds. Somebody suggested a jazz festival. She agrees that it needs to be used as a multi-purpose venue. **Mayor Duffy** said other groups may not know that they can use the facility and we need to get the word out that it can be used for other things. Ms. O'Laughlin said the WVSC just uses it two days per month right now.

**Commissioner Robbins made a motion** to accept the Equifest 2010 event in concept with Ms. O’Laughlin bringing back to the Commissioner more details of the event

**Commissioner Lane seconded**

**All zones and the Mayor voted yes**

Ms. O’Laughlin encouraged suggestions for this event from the Commission.

*Consideration of applications for PLDRC appointment (tabled from October 1, 2009 meeting)*

**Mayor Duffy** said there was initially only one applicant but since then it was decided that those who had submitted applications previously would be contacted. Those people were contacted and now there are five applicants: Veronica Anderson, Lou Benton, Terrance Cherry, Roxanne Reid-James and Alan Cooke. **Vice-mayor Snowden** said Mr. Benton and Mr. Cooke were present but the other applicants were not. **Commissioner Robbins** said Ms. Reid-James had to work and **Commissioner Burton** said Mr. Cherry was unavailable because of an illness in the family. He spoke to Ms. Anderson and she wasn’t able to make it tonight either. **Vice-mayor Snowden** said he would have liked the opportunity to speak to those having an interest in serving on the PLDRC in an open forum setting. He thinks the Planning Board is crucial to Lake Helen and he had the expectation that they would be here when that issue was considered. There is no doubt that our former Commissioners have a desire to serve the community. They are well-rounded in their knowledge. I feel awkward in voting one against the other because each is aptly qualified and both have continued to serve after their tenure on the Commission. They have stayed involved in the community. My sole reservation regarding Mr. Benton is that he will be running for City Commission next year which would interrupt his service on the Planning Board. We would therefore have to revisit this same process. **Commissioner Robbins** also spoke to Mr. Benton about his intentions to run again and that’s one of her concerns too. **Commissioner Burton** said there are two former Commissioners running and they both might be running for office again. The other three applicants being considered had put in their applications previously and they would still like to be considered even though they aren’t here. Most of the PLDRC members rarely, if ever, show up to Commission meetings so that shouldn’t be held against them. We should give some serious consideration to those members of our community who want to serve. Terrance Cherry has been a member of the community for almost 50 years. He exhibits more than adequate qualifications for what we are looking for. Same with Veronica Anderson who was a fire inspector and who makes determinations about codes. **Commissioner Burton** continued to describe several of the candidates’ qualifications and said we shouldn’t discourage participation from the community. He said the candidates should all be considered equally. **Commissioner Robbins** said she spoke with Ms. Reid-James but wasn’t able to reach Ms. Anderson. “Ms. Anderson has done strategic planning and project management so she has good skills that she could put to use. I’ve known Terrance Cherry forever and I think he would bring from the Department of Transportation a lot of very good information that could be used to help the City.” **Commissioner Lane** said we are lucky to have five qualified applicants. **Commissioner Burton** read from Mr. Cherry’s application information he found to be pertinent. “I think his diversified

background would be a benefit to the city.” **Vice-mayor Snowden** repeated that he’d feel more comfortable if all applicants were before us. “I’d like to see how they present themselves and determine their interest. What’s written on a piece of paper isn’t enough.” **Commissioner Robbins** asked if we could set up a workshop to conduct interviews. **Vice-mayor Snowden** and **Commissioner Burton** favored that suggestion.

*Rick Rasso  
1017 Lake Helen-Osteen Road*

“Have the remaining members of the PLDRC been able to weigh in on this or have they made a recommendation?” **City Administrator Findell** said they don’t weigh in by choice and because of Commission policy. **Mr. Findell** reiterated that the policy is that they don’t weigh in and they have said they feel uncomfortable with making that kind of decision. The PLDRC prefers to rely on the City Commission.

The Commission discussed when a workshop could take place. **City Attorney Groot** asked if they wanted to have a Special Meeting so they could vote after the meeting or a workshop where you wouldn’t vote. **Mr. Findell** said the Commissioners could just interview them and schedule the vote for the subsequent City Commission meeting or you could set the interviews for a Special Meeting and at the conclusion, you could take a vote. **Mayor Duffy** said a Special Meeting would be best. **Mr. Groot** gave the Commission an option on how to conduct the interviews. The candidates could talk for five minutes followed by ten minutes of questions from the Commission. **Commissioner Robbins** said there are vacancies on other Boards so those not appointed to the PLDRC may be interested in serving elsewhere.

It was decided that the interviews would be held in the downstairs conference room on a staggered basis, every 15 minutes, starting at 6:30pm on October 28, 2009. The Commission requested that the other applicants not be in the room during an individuals’ interview even though they can’t be prohibited from being present.

*Consideration of date for Christmas tree lighting and Santa Claus arrival*

**Mayor Duffy** said while looking for something else, she came across a detailed outline, from years ago, of how the Christmas tree lighting event was to unfold. Dorothy Schneider was the author.

Ms. O’Laughlin said on the first weekend of December, the City is having the Biennial Christmas Home Tour. We are trying to figure out when to have the parade and Christmas tree lighting. Parks & Recreation wanted to move the parade and tree lighting to the following Sunday. Rick Mullen said the cost of lighting the tree is substantial so it should be lighted early enough so that it can be enjoyed all month. Ms. O’Laughlin said the lights could be on at the beginning of the month but the tree lighting ceremony could happen after the parade on December 13<sup>th</sup>. **Mayor Duffy** was dead set against Ms. O’Laughlin’s plan. Rick Mullen explained that if it’s lighted on December 13<sup>th</sup>, the lights will only be on 12 days before Christmas. We always light it at the beginning of December. That’s been tradition since he was a child. The decorating is usually done during the three days before Thanksgiving. **Mayor Duffy** repeated that she wants to follow with tradition. Ms. O’Laughlin said it was just a suggestion because they wanted to do it on a day that people weren’t working. Her other suggestion was to have the parade and tree lighting on Friday, December 4<sup>th</sup>. The parade would start at 5:30 pm. If that

won't work, she suggested having the parade on Sunday, December 6<sup>th</sup>. The horse people would decorate their horses and bring Santa in on a horse drawn carriage and have the formal tree lighting on Sunday after the parade.

**Commissioner Robbins made a motion** to have the Christmas Tree Lighting ceremony on December 1<sup>st</sup>, the Home Tour on December 5<sup>th</sup> and 6<sup>th</sup> and the parade on December 13<sup>th</sup>.

**Vice-mayor Snowden seconded**

**All zones and the Mayor voted yes**

Don said there's no reason why they can't have added festivities after the parade on December 13<sup>th</sup>.

## **STAFF REPORTS**

*City attorney – nothing to report*

*Police Chief*

The City will have to find another Santa because his Santa is unable to perform those duties this year.

*City Administrator*

He announced that he will be out the last week of October and that the City Clerk will be acting in his stead. He will be available by cell phone.

*Code Enforcement – nothing to report*

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

*Zone 1/Commissioner Robbins*

Rick and his crew have been out cleaning the dirt off the streets and doing a real good job. She received good reports from people in her zone and they thank you. She also had a call from an elderly lady wanting to know about Neighbor Helping Neighbors. Commissioner Robbins called Janet Miller to inquire about this and was told that there would be another community clean-up in February 2010.

*Zone 2/Commissioner Burton*

There's a new program called the Weatherization Assistance Program. It's a free program though you have to be income qualified. Qualified people can get their water heaters replaced or repaired, heating/cooling units replaced or repaired, attic/wall insulation installed, windows and doors repaired or replaced and ceilings repaired. This is being done by Mid-Florida Community Services Inc. at no cost to the homeowner. This is being taken advantage of in the disaster areas resulting from the floods and is a federal program. One of the houses in Commissioner Burton's neighborhood is being rebuilt after having burned down. On the corner of Washington and High Streets, there is a decorative box indicating that a homeowner wants to build a garage first so he could move into it until

he could afford to build a house. That's not something that we condone but the fact that he went to the effort of supporting his case was admirable. There was some vandalism at the cemetery but we're going to put off discussion on that until after Halloween. Also, at Candidate's Night, somebody said that Mr. Findell may be leaving. Depending on when he leaves, we need to find a replacement early so that person can be adequately prepared to take over Mr. Findell's responsibilities.

#### *Zone 3/Vice-mayor Snowden*

He assured the Commission that when Mr. Findell decides to retire, he will give us ample notice. **Commissioners Burton, Robbins** and **Vice-mayor Snowden** attended the West Volusia Summit quarterly meeting that's held to address issues of mutual or regional concern. Water is a big issue and it will continue to be a big issue, but there was nothing that we could accomplish at that meeting. A traffic study was presented and other matters were discussed of regional interest. Even though we are small, we are affected by everything that goes on around us so these meetings are valuable.

At the last Commission meeting we discussed a vacancy on the Historic Preservation Board and we were all going to try to recruit people to serve on that Board. **Vice-mayor Snowden** received an application. He said it's an important Board and we'd like to keep it alive. **Commissioner Robbins** said the person she had in mind was no longer interested in that position. **Commissioner Burton** also spoke to two people about the Board position but neither person was interested. **Vice-mayor Snowden** said the upcoming Home Tour may be a good recruiting opportunity.

There's another Senate Bill that affects us. It affects what we talk about in our meetings and how we talk about it. If we have an opinion we can state it, but we can't endorse or make recommendations to the community on any amendment or issue that comes up. We can express our personal opinion but as a governing body we are not supposed to take sides. Any government institution that uses public funds can't endorse or support or suggest that your community vote one way or another on an issue. **City Attorney Groot** said the case law was that local government couldn't expend public money to advocate one way or the other. You could only provide information. Then the Attorney General, after litigation, came out with an opinion saying it's your duty to do so because that's what local government officials are for. This bill makes it clear that no public funds can be used for advocacy purposes whatsoever. It's actually very limited what you can do or say for informational purposes anymore.

#### *Zone 3/Commissioner Lane*

He apologized to Commissioner Robbins because he's agreed to go to the Art Festival and receive something on behalf of the City and he missed it. **Commissioner Robbins** explained that they didn't have much exposure anyway.

Commissioner Lane also said he found in his garage the revised ordinances of the Town of Lake Helen, Florida from March 1915. There was some discussion about what ordinance and minutes books the City has in its possession and what the museum has been given.

#### *Mayor/Mayor Duffy*

This was the Mayor's last Commission meeting as the seated Mayor. She thanked the Commission and said she's enjoyed working for the City and that she'd miss everybody but she'll still be around.

**The meeting was adjourned at 8:55 p.m.**

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Joan L. Duffy, Mayor

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Nancy Wilson, City Clerk