

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
October 16, 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 **Mr. Ken McIntosh** to give the invocation and pledge of allegiance.

DELETIONS OR MODIFICATIONS TO AGENDA - none

COMMISSION ANNOUNCEMENTS - none

1. MINUTES: September 18, 2008 (partial)

City Clerk Nancy Wilson said, "We had an equipment malfunction that night and the last forty (40) minutes of that tape was not audible. We have not yet been able to piece together what those last forty (40) were. We haven't really had the time to do it. I was hoping that **Ann (Commissioner Robbins)** would be able to have available their recording but I'm not sure if it will be so I'll work on piecing it together the best that I can."

Commissioner Benton motioned to approve the minutes of September 18, 2008 subject to any amendments that are produced as a direct result of an inventory of other available records regarding the September 18, 2008 meeting. (Quoted verbatim by **City Attorney Ken McIntosh**.)

Commissioner Cooke seconded the motion.

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

2. CONSENT AGENDA:

a. Bills – October 16, 2008

October 16, 2008

Commissioner Robbins said she had spoken with **City Clerk Nancy Wilson** in regards to Bio-Metric Utility bill for service. It should be moved to the Utility Fund. Brent Millikin bill is normally split seventy-five (75) twenty-five (25) between General Fund and Utility Fund.

City Administrator Don Findell indicated that this bill should be put in the General Fund or the Creative Arts Cafe. **Commissioner Robbins** concurred.

Mayor Duffy said that she wanted to publicly thank **Commissioner Robbins** for her assistance to Cheryl (Finance Manager).

Commissioner Robbins motioned to accept the bills in the amount of \$27,421.78 for General Fund and \$4,613.86 for the Utility Fund.

Commissioner Benton seconded the motion.

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

b. Approval of new River of Lakes Corridor Scenic Highway Corridor Management Entity Agreement, superseding previous agreement.

Mayor Duffy said that the attorney for the **River of Lakes Corridor Scenic Highway Corridor** made some very minor changes so the agreement needed to be approved again.

Commissioner Benton motioned to approve the new **River of Lakes Corridor Scenic Highway Corridor Management Entity Agreement, superseding previous agreement.**

Commissioner Robbins seconded the motion.

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

3. PRESENTATIONS: None for this meeting

4. BI-MONTHLY REPORTS:

- a. **City Engineer** – No Report.
- b. **Local Planning Agency (PLDRC)** – No Report.
- c. **Historic Preservation Board** – No Report.
- d. **Parks and Recreation Board**

Betty O'Laughlin said the board tabled the 4th of July report until Amy Duffy was able to put that report together for the next meeting so that they can start working on the next 4th of July.

e. **Ad Hoc Cemetery Committee** – No Report.

7. COMMISSION CONSIDERATION:

A) Consideration of request John Meinelt from AACA Car Club to use Blake Park for their annual car show on April 25, 2009.

October 16, 2008

Mr. Meinelt said they had almost three-hundred (300) cars last year and that they hoped to increase that number in 2009.

Commissioner Benton motioned to grant the request of John Meinelt from AACA Car Club to use Blake Park for their annual car show on April 25, 2009.

Commissioner Cooke seconded the motion.

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

B) Consideration of request by Tammy Johns to be given 10, 4ft high sections of fencing that are leftover from the Lake Helen cemetery project and declared as surplus.

Commissioner Cooke said these sections of fencing are not the ones used at the cemetery.

Commissioner Robbins motioned to declare the 10, 4ft high sections of fencing that are leftover from the Lake Helen cemetery project as surplus and to donate them to the Suber Cemetery through Tammy Johns.

Commissioner Cooke seconded the motion.

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

Commissioner Snowden said the only problem he had with it was that the community had agreed that this would happen without first coming before the Commission to have it declared as surplus property. "It was something that the City went through great trouble and expense to acquire and I have no problem with donating it to Suber Memorial Gardens. I do think that before others within the community make a deal, they should come before the City Commission and get the approval for that."

Commissioner Robbins concurred and said that anything that the city has should be inventoried – such as the new furniture the city received as a donation should be inventoried so that if the City wants to donate it, the City must declare it a surplus.

Commissioner Benton said he agreed with **Commissioners Robbins** and **Snowden** because he didn't know about this matter until he heard it from others. The person that came up with the idea needed to come before the Commission. Procedure wasn't followed.

Commissioner Robbins said there were two trailers full of items left over from the CAC Project that **Chief Chester** plans to sell at Market in the Park. She said that those items

should be inventoried and/or declared as surplus as well.

City Administrator Don Findell said that **Commissioner Robbins** was correct. "Anything that the City acquires becomes City Property and if the City is going to dispose of property that they acquire, then again they have to declare it as surplus."

Mr. Findell added, “The same is true for the items donated to the City for the Museum Room. We keep a log of those items and if we are to dispense with any of the items, then again, they should be declared as surplus.”

A general discussion took place regarding what is City Property.

C) Consideration of request by Parks and Recreation to move the Christmas Tree lighting ceremony from the traditional Tuesday night to a Sunday so more activities can be included.

Betty O'Laughlin approached the podium and said the Parks and Recreation Board would like to hold the annual tree-lighting on a Sunday so more activities could be included. They would like to hold the first annual Christmas Parade prior to the tree-lighting and ending the parade at the Christmas tree. The parade would include horses, golf-carts and bicycles that could be decorated. They were thinking about having Butler's Express pulling a car of carolers and possibly church floats with children singing.

She said they wanted to keep the normal ceremonial tree lighting in place and just wanted to add the parade. Further research was needed on the time. However, she was requesting permission for the parade culminating with the tree lighting to be on Sunday, December 7, at 6:30p.m.

Commissioner Robbins asked if the parade would be open to others from outside of Lake Helen. **Ms. O'Laughlin** said she thought it should be though guidelines would need to be implemented.

Mayor Duffy and **Commissioner Cooke** expressed their approval for the event.

A general discussion took place concerning different possibilities for the event.

Commissioner Benton motioned to change the date of the Christmas Tree lighting to a Sunday.

Commissioner Cooke seconded the motion.

Commissioner Snowden asked **Ms. O'Laughlin** about the parade route. She said they had discussed two different staging areas – either at the bank if it became a large parade or at Blake Baptist Church for a smaller parade. **Commissioner Snowden** thought there might be a need for the police to be present and was concerned that there may be a problem with families being able to get to the tree lighting ceremony in time. **Ms. O'Laughlin** agreed but said she felt that could be worked out – such as starting the parade earlier than previously considered.

Commissioner Benton instructed **Ms. O'Laughlin** to remember to let **Chief Chester** know because the parade will be on county roads.

Another general discussion took place concerning different possibilities for the event.

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

Mr. Tammy Johns came up to the podium and thanked the City Commission for donating the fence. He said he would make sure that every piece of it goes to the Suber Cemetery.

D. Consideration of request by the Community Roots organization allowing them to sponsor a “Fallback Pumpkin Smash” and for the city to provide services and a waiver of vendor fees.

Commissioner Benton asked **Ms. Elisha Lee** if they had insurance. **Ms. Lee** said they did.

Mayor Duffy said that was her question, also. She explained to **Ms. Lee** that they needed a copy of the policy. **Mr. Chris Baker** said they needed the address of the Equestrian Center so the policy would have that in it.

Mayor Duffy said she had a list of questions to ask. “Why did you plan and advertise that plan for the event before receiving any approval from the City?”

Elisha Lee responded, “We were told numerous times that it was public property and that we could do whatever we wanted. I came into City Hall twice and asked.”

Mayor Duffy said, “You were also told to come to the City Commission for approval to do what you wanted to do. Now that's a whole different ballgame.”

Ms. Lee indicated that there must have been a miscommunication.

Mayor Duffy clarified to Ms. Lee that she came to City Hall to find out if the Equestrian Center was available and that was Wendie Levings job but she then needed to come before the City Commission to approve an event where they were inviting many, many people to use City Property. “I think that we have told you this before. You always need City Commission approval for any large event. Yes, it's a public park and anybody can go use it but when you're looking for this many people to come, it's a completely different ballgame.”

“Then there is the insurance. It's very important because what you have on your brochure as far as catapulting pumpkins and also having pumpkin tosses – if a child were to run across the field where you're throwing pumpkins, it could literally kill them. It could injure them severely and that's a concern.”

Ms. Lee responded, “I completely understand but we have taken safety precautions and we have walked the property to figure out where we would do it and nobody would be . . .”

Mayor Duffy asked, “Are you doing that on your property – the pumpkin tosses and that type of thing?” **Ms. Lee** answered in the affirmative. “So you're not going to have that kind of mess to clean up?” **Ms. Lee** answered in the negative.

Mayor Duffy asked, “How do you clean up smashed pumpkins? **Commissioner Robbins** said she wanted to ask that, too.

Mayor Duffy said that until the City Commission actually gets a copy of the insurance policy, she didn't think they could give permission to hold the event.

City Attorney Ken McIntosh said, “There are several matters. Number one, where is the specific site where this situation is going to occur? We need to have again, the validated status with reference to the corporation known by us as Community Roots. The City of Lake Helen needs to be described as an additional insured on your policy as to that specific site. There needs to be a commitment for clean-up and we need to know what services under item “D” that the City is to provide in conjunction with this specific request for an activity. The amount of the insurance will be subject to approval by the City Administrator. The validation of the insurance would be subject to approval by the City Attorney.”

Mayor Duffy asked if the usual insurance was for a million dollars (\$1,000,000).

City Administrator Don Findell said that was the amount in the past but the amount has risen since then.

Mr. Chris Baker said, “Well, it seems we must have put the cart before the horse here. We got a little bit in front of ourselves. These are all valid points that you've brought up so I guess we need to make some adjustments in our plans. Perhaps the pumpkin smash catapult is not a good idea this year. Perhaps next year. We do have some music set up for that event that might be a little bit more tame.”

Mayor Duffy asked, “My other question is why, since you have this big piece of property, are you not having all of this take place on your property. It isn't planted yet, is it?”

Mr. Baker answered, “No. Well, you know the parking situation. We don't have the fence up yet to keep the cows back. . . The public restrooms are right there to be used (at the Equestrian Center) so it just seems to be very convenient”

Mayor Duffy said, “Then in your letter, you asked to run a one-hundred foot cord – extension cord? That was in your letter.”

Mr. Baker answered, “No. Yea, that's in the letter but that isn't quite what we stated but that might be what that states. Back to the point, a couple of counsel meetings ago we talked about running water and running electric from the Equestrian Center but the water didn't turn out to be such a good idea. I've been in contact with Progress Energy to find out how much

they would charge to run electric from their post onto the property. It's about a two-hundred and fifty foot (250') run underground and we would have to pay for all of that because we would not be a residential hook-up. So I'm hoping to find out if there might be another option where we could run electric from the pavilion restroom box that is owned by the city on the Equestrian Center property. That would be about a one-hundred and twenty-five foot (125') run. So I'm just seeing if that option might be available.

Commissioner Cooke asked, "As a temporary type of thing?"

Mr. Baker answered, "No, I think it would be for running the well and propagation house – not for the Pumpkin Fest. This was a separate issue from the Pumpkin Fest. This would be more of a permanent installation."

Mayor Duffy asked, "You want the city to pay for your well – running the well?"

Mr. Baker answered, "No, we . . ."

Mayor Duffy asked, "Just for this one day?"

Mr. Baker answered, "No, this is a separate issue. The issue is, is it possible for us to run electricity from the box at the pavilion that has the public restrooms in it to our property to run the well and to run the propagation house."

Mr. Findell asked, "Where would it be metered?"

Mr. Baker answered, "We could sub-meter that on our property. There already is a main meter but I believe we can put in a sub-meter to keep track of our use."

Mr. Findell asked, "Who would pay for the run?"

Mr. Baker answered, "Oh, we would pay for everything."

Commissioner Benton indicated that this issue had been discussed at a prior Commissioners' Meeting. Community Roots was supposed to have a map drawn up to show where the propagation house was going to be located. The City Commission would then look into the possibility of hooking up to the electric on the Trail Head section. "I don't know why we're jumping from one subject to another subject."

Mayor Duffy answered, "Well, the memo we have from them is about the Sunday, November 2 and then a paragraph "I'm requesting electric" - so it makes it sound like it's all one event. That's why I brought it up because it's in their memo."

October 16, 2008

Page 8 of 16 Pages

Commissioner Benton said he recalled the previous meeting where this had already been discussed. They needed to know the exact amount of footage to determine what size wire was needed so as to determine if the electric panel can carry it. "I don't know why that got tied into this (event memo)." He noted that Community Roots hadn't done what had been requested at the previous meeting.

Mr. McIntosh added that he wanted to be sure the catapulting of pumpkins was done correctly because of a Maryland lawsuit that was filed by a man that was crippled during such an event. He wanted to be positive there was plenty of insurance for such an event and doubted that one-million dollars (\$1,000,000) of insurance would be enough.

Mr. Findell said, "That's why I was saying that the Florida League of Cities is recommending that the (insurance) policies be considerably larger because of the litigation that has occurred in the past and the size of the judgments that been awarded. So where you got by with a one-million dollars (\$1,000,000) ten (10) years ago, you don't get by with a one-million dollars (\$1,000,000) today. I don't want to belabor this but the last time I asked them this question which wasn't that long ago, they were really recommending a ten-million dollar (\$10,000,000) policy."

Commissioner Robbins said she wanted to ask **City Attorney Ken McIntosh**, "Last month when this came up about running the electricity and the water and so on, you had a list of four (4) or five (5) items of criteria that needed to be met and now we're going off on a whole different angle. Have those items you asked for – have they all been delivered, sir?"

Mr. McIntosh answered, "No, ma'am."

Mr. Baker said, "I've got these items right here. At the time when we spoke at that meeting we talked about the water and the electric at the same time. There were some problems with the water so we just dropped the whole situation out of courtesy to you and courtesy to us because it would create some complications."

"I'm just coming back today to see if there is an opportunity or possibility to use that electric panel."

Mr. Findell said, "I think the City Commission is indicating there are some problems with that as well."

Mr. Baker said that he would withdraw the request. "I guess, obviously the Pumpkin Smash was not very well thought through either."

Commissioner Cooke said, "Any idea is a good idea as long as you're moving forward to something better." He added that he thought possibly Community Roots should hold the event – the actual pumpkin catapulting and pumpkin toss on their own property and to erect a simple temporary fence to keep the cattle and people out of the area. The vendor booths, parking, food, and games could possibly be held on the Equestrian Center property. "I could see that happening. That would be realistic."

October 16, 2008

Commissioner Cooke then asked, "Did you get a hold of Florida Power? . . . Did they give you a quote?"

Mr. Baker said that he went to Florida Power sixteen (16) days ago. The engineer for this area told him he would get back to him in three (3) or four (4) days. He did not. **Mr. Baker** called him last week but the engineer's voice mail said that he would be gone for a week. "I called him three (3) times this week and he hasn't returned my calls."

Commissioner Cooke then said he'd like to see the Pumpkin Smash be held on the Community Roots property with booths, etc., to be held on the Equestrian Center property where their insurance would cover it.

Mr. Findell indicated the insurance would still be needed on the Equestrian Center property, also.

Commissioner Cooke disagreed and said that just having booths, etc., would be the same as any of the usual festivities held in Lake Helen. **Mr. Findell** indicated that the various activities held are insured through the various groups that produce those activities.

Commissioner Benton said that having the actual Pumpkin Smash on private property and vendors and parking on city property, joins the events so that the Equestrian Center would still need to be insured.

Mr. Findell indicated additionally, that there is a vendor rental fee to cover the cost of electricity the vendors would be using.

City Attorney Ken McIntosh, "I will review the items that the commissioner mentioned were still not addressed. Number one (1) the corporate status of the Roots group. Number two (2) their progress with reference to their 501c3 designation. Number three (3) their insurance availability. Number four (4) a utilities diagram that was going to establish the placement for electrical service and water. And the fifth (5) one was the improvements location. Where were they going to be using their area for growing vegetables? Where were they going to be using their area for storage? All of that was to be afforded to us by a diagram. That's step one (1). That's called the Robbins Requirements."

"Now, let's go to step number two (2) and that's the Pumpkin Smash. That is the State Fair at Maryland. And I want you to know that there is a clear Nexus or connection between the vending area, the parking, and this activity. This is what happened in Maryland. A youngster broke away from the vending/parking area and is a paraplegic by reason of getting struck with a projectile from one of the catapults."

"Now this can all be quickly handled as I indicated before. We need to know the specific site where the Pumpkin Smash is going to occur. Number two (2), we need to be described as an additional insured in conjunction with that activity. We need to know who is going to be responsible for clean-up. When is clean-up going to occur? We need to know the area where the vendors are going to be serving and what fees they are going to be paying as a direct result of using our facilities for vending purposes."

“Now, if that is subject to a waiver it needs to be taken up specifically by the Commission of the City of Lake Helen.”

“When all of those pieces are together – we're not trying to in any way impede the Community Roots organization's activities or the Fallback Pumpkin Smash – but when these things are in place, then we're ready to give consideration to approving the project and we're ready to give consideration, at that particular juncture, affording any ascribed services that they are asking for and waivers of fees. Until then, we cannot function.”

Commissioner Snowden asked **Mr. McIntosh** if he didn't previously ask for a copy of the lease agreement for that piece of property where the vegetable garden was going to be located.

Mr. McIntosh said, “I did, sir and I am sorry that I didn't mention that under the Robbins Report but that was another item that I asked for – a copy of the lease between the owner and the Community Roots group. You're correct, sir.”

Commissioner Snowden asked **Mr. Baker** if they had finalized the lease with Mr. Costa. **Mr. Baker** answered in the negative and stated, “I have a copy of a tentative one here.” **Ms. Lee** said there were a couple of things that needed to be addressed with Mr. Costa.

Mr. McIntosh said, “The current consortium requirement – Don, I just went through that and at the 4th of July Festival in Sanford it was three-million dollars (\$3,000,000). That is going to be their base requirement. Then they're going to give consideration to the nature of exposure and that may tell us something in addition thereto, but that's the base amount.”

Ms. Elisha Lee asked, “So, when do you guys meet again?”

Mr. Findell answered, “November the 6th.”

Ms. Lee asked, “So, how do we go about this? We have most of the information that we need right here with us.”

Mr. Baker said, “No, we don't. The interesting part is this was actually Mark Shuttleworth's idea.” (Laughter from the audience.)

Mayor Duffy said, “One of the things you still haven't asked permission for is to use the park for this activity. It may be a public park but just like the gentleman with the car club – Blake Park is a public park but when there is a special activity that is going to bring in a lot of people, they also must meet guidelines. They have to come in and get permission to use the park for that activity.”

Mr. Findell said, “Just by way of example, the planning that goes into any of these activities occurs over several months rather than over several weeks. That's why the car club came in

today to ask for the park on April 25th. That's why when we do the Equifest we start planning for it six months ahead because there are a lot of things we have to consider from the staff level in terms of provision of services. There are a number of things we have to consider in terms of traffic control/traffic management that the police department has to be brought into."

"I just think it's very difficult for you to consider the granting of use of the park without having more information."

Commissioner Cooke indicated that he thought the lease had been finalized with Mr. Costa. He further indicated that there would need to be an agreement between Mr. Costa and Community Roots to hold a pumpkin smash on that property.

Mr. Baker said, "We're way in front of ourselves and I do apologize for that." He added, "I think the Pumpkin Smash isn't going to work for this year, which is okay – I understand and no hard feelings. We're just trying to raise some money to get the infrastructure into place."

Ms. Elisha Lee said, "We have already sent invitations to a lot of people so there are going to be a lot of people showing up. We're going to have to have something out there whether without vendors – we can do that – just let people come in and – how are we going to keep them from coming?"

Mayor Duffy said, "I would suggest you might post it (cancellation of the event) at the Post Office."

Commissioner Robbins asked, "How did you reach the people to let them know you were going to have it?"

Ms. Elisha Lee answered, "A lot of word of mouth, a lot of Internet, we have two papers writing articles about it."

Mayor Duffy suggested that she put it on the Internet that you're canceling it . "I'm really sorry. I hated to ask all these questions but we needed to have that. Thank you."

E) Consideration of City Attorney legal services provided by Stenstrom, McIntosh, Colbert, Whigham and Partlow, P.A. to be transferred from Kenneth McIntosh to Lonnie Groot, effective November 6, 2008.

Mayor Duffy said, "Mr. McIntosh has supplied us with a letter of retirement or as he calls it transition from the full-time practice of law and since his firm is our attorney of record, he has passed the responsibilities of Lake Helen to Lonnie Groot." She added, "And we're sorry, certainly sorry . . ." **Commissioner Robbins** said, "I don't want him to go." **Mayor Duffy** concurred.

October 16, 2008

Page 12 of 16 Pages

Mr. McIntosh said, "I have some orthopedic mechanics and carpentry that need to be accomplished, as I indicated to the press today, who were asking me questions about it. As some of you know, I have bi-lateral knee transplants and they're both going to have to be redone. I have worn them out coming to Lake Helen. It's time for me to transition away from the full-time practice of law. I have tried to vividly express to you the transition and how it would occur and have been working very diligently to effectuate that from the moment I wrote the letter to you on October the 3rd. I'm ready to answer any questions that you have and I can guarantee you that all of your legal matters are up to date as we are seated here tonight. All of the litigation is under control and I do not know of any loose ends but if there are any, the **Mayor** and **Mr. Findell** will remind me of them before I turn the reigns over to someone else on November 6th."

Mayor Duffy said, "I just want to say that I greatly admire your knowledge of municipal law and your ready answers for each of us and your sitting here for all our meetings. I will miss you. I know all about the re-plumbing you're going to have done, I'll find out how yours works out because mine need redoing, too – but I don't want to do it." She then asked, "Will you be here at our next meeting?" **Mr. McIntosh** indicated that he would be.

Commissioner Robbins asked, "Does your firm have a contract with the City of Lake Helen?" **Mr. McIntosh** answered in the negative. "I have not had a contract with the City of Lake Helen for an extended period of time. I've been working here as an "at-will" individual and I can look and see if I can give you the exact period of time that I have been functioning in that capacity." **Commissioner Robbins** said she thought it had been since November 1, 2006 according to his letter. **Mr. McIntosh** responded, "I have been functioning, please, in that capacity since the first day of October of the year of 2007. I have never had any question with reference to a contract with the City of Lake Helen but I performed the service. I have remitted statements, they have responded to every question about it. It has been taken care of. I just never bothered with it. There are a lot of other transition items that you'll recall, I was involved in that were much more important to me than having a contract. My relationship with the City of Lake Helen has been a handshake."

Mr. Findell said, "The contract itself, for all intents and purposes, is a handshake as well because the contract allows the City to terminate the City Attorney services at will."

Commissioner Snowden said, "I was fortunate to have served on the Commission when **Lonnie Groot** was sent to our City by **Mr. McIntosh's** firm. When we lost **Mr. Groot** as our City Attorney I thought we were really going to be in trouble." He went on to say **Lonnie Groot** was like a family member but **Mr. McIntosh** was able to step in and fill that void. **Commissioner Snowden** said that **Mr. Groot** was a very honorable man and has a strong affection for the City of Lake Helen. He added it will be sad to lose **Mr. McIntosh** but we would gain back **Mr. Groot** and his experience.

Commissioner Cooke indicated he attended many of the meetings **Mr. Groot** attended as the City Attorney so he is happy to have him back as the City Attorney again. He said that all our files and information will still be with the same law firm so everything should transition smoothly. **Mr. Cooke** added that he'll miss **Mr. McIntosh**.

October 16, 2008

Mr. McIntosh said, "This is a sad time for me. I've been practicing law since 1956 and it's not easy to give it up and go to green pastures but it's time to. I have suffered a tremendous problem financially in the last month. You cannot imagine the plans that we have made that are now in the ditch as a result of that but the time comes when it's time for you to pull back from a full-time practice and that time has come."

"I at one time resigned for a short period but now the young ladies put up on the wall of my office today, a big sign and it says "He finally quit." And that is what I'm going to have to do as I face the things that are ahead of me and my family."

"An exciting thing happened to me today. My grandson called me from Washington and he has just been notified that he passed the Virginia Bar Exam. Donald is a very talented young man and was formerly the Legislative aide to the committee of the United States Senate on the workforce and has some very fine contacts in that area. He had an opportunity to come to Central Florida with one of the largest law firms in the area but chose to stay there and take the second hardest bar exam in the nation. The first is New York and the second is Virginia. He called me today to say that he had passed. Well, that's kind of like passing the torch to my grandson."

A casual and general conversation took place. **Mr. McIntosh** went on to talk about his family, friends, and law firm.

Commissioner Robbins asked **Mr. McIntosh** if he could postpone his departure as City Attorney until after the election. **Mr. McIntosh** indicated it would be up to the City Commission. She responded, "I think that's the fair way to do it."

Commissioner Cooke asked, "Why can't we make the decision about what we're talking about? Why would be put it off?"

Mayor Duffy said, "The man is going to leave anyway."

Commissioner Cooke concurred and added, "I think the decision should be made tonight and finalized. I want to be a part of it one way or the other."

Mayor Duffy concurred and asked for a motion to accept Mr. McIntosh's transition and that Lonnie Groot will become our attorney of record.

Commissioner Snowden motioned to accept Mr. McIntosh's transition and that Lonnie Groot will become our attorney of record.

Commissioner Cooke seconded the motion.

Commissioner Benton indicated that this was a difficult decision. He recalled when he had been involved in a lawsuit and fired his attorney. He said that because he had done that, he lost the case. Mr. Benton explained the city was involved in two lawsuits and he doesn't want to jeopardize the taxpayers. If it weren't for that, he might have a different opinion.

October 16, 2008

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

F) Consideration to approve FY 2007/2008 budget adjustments.

Mr. Findell said, “The city approved a number of activities or purchases this year that we anticipated would be spent or funded by the City Reserves and I identified several of these in my memo that included the cemetery fence, City Hall restoration that exceeded the amount of the grant that we had received from the state, Hopkins Hall restoration that would exceed the amount of the grants that we had received, the purchase of the Murphy Act properties, the purchase of the audio/video system for City Hall, and in the process of working with the Finance Manager to straighten out some of the City's financial records in anticipation of preparing a fourth-quarter budget for you, which is really a reconciliation of our expenditures for the past year, which we need to do in order to prepare for the audit. I had hoped to be able to do that sooner but I found as Cheryl was putting information together that were a significant number of coding issues and assignment of expenses from one department to another that I felt needed a closer examination. Cheryl's still learning and she's still working her way through the financial records that she was left with. She was unable to provide me the information I needed in order to do the fourth-quarter budget amendment or reconciliation. However, she did give me, as I said, enough information that really indicated that we needed to go through things on an item-by-item basis to make sure they were placed in the right accounts and that we had a full understanding of the expenses – revenues, as well.”

“So one of the things we have to do, as we work our way through these issues, we do have to assign expenses for projects or activities or purchases that we made and anticipated expending Reserve Funds for earlier this year. Earlier this year we talked about using the Unemployment Compensation Reserve in order to pay for the improvements to the Museum Room for instance. We talked about having in excess of seventy-thousand dollars (\$70,000) in the Reserve Account, which had been established back in the 1980's I believe.

Commissioner Robbins told me it was prior to or about the time of her coming here. That money for all intents and purposes, has not been used and the auditor, when the issue was raised earlier this year, recommended that we dispense with that Reserve Account and put it back into Undesignated Reserves.”

“What I've come up with here is the cost of the cemetery fence, based on the records that I've seen so far, and this may not be the final cost is \$29,612.00, the amount that City Hall restoration is currently exceeded the grant amounts that we previously received is \$12,256, Hopkins Hall restoration exceeded grant amounts by \$11,108. Those total \$69,092 and I'm proposing that we use or transfer the Unemployment Compensation Reserve to fund those activities.”

“During the Budget Sessions, I indicated to you that we had the opportunity to use Excess Storm Water Management funds for the purchase of the Murphy Act properties and we could do that because each and every one of those properties could be used legitimately for Storm

Water Management purposes. By doing so, it takes some of the burden off of the General Fund. That's the primary reason for the recommendation.”

“The final recommendation or proposal that we made was to transfer \$5,650.00 from the 2007/2008 Water Utility Budget to the Storm Water Utility Fund and that was recommended in the past Auditor's Report because at the conclusion of the Audit Report we found that there were certain expenditures within the Storm Water Utility Fund Budget that should have been more appropriately, expended out of the Water Utility Budget. So this line-item transfer takes care of that particular issue.”

“In order for me to make these transfers, I need City Commission approval.”

Mayor Duffy said she would entertain a motion to approve the budget adjustments, if no one had any comments.

Commissioner Benton motioned to approve the 2007/2008 budget adjustments.
Commissioner Snowden seconded the motion.

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

Commissioner Benton expressed that he felt one of the Murphy Act properties should be sold. **Mayor Duffy** was to look into the possibility.

9. STAFF REPORTS:

- a. City Attorney** – No Report.
- b. Police Chief** – No Report.
- c. City Administrator**

Mr. Findell said, “I just wanted to let you know that we have hopefully, completed negotiations with the tower company and I should be able to bring something to you within the next couple of weeks. I think you'll be pleased with the results of the negotiations and I think if the tower actually gets built, it will be very rewarding to the City in terms of the increased reception for cell phones and in terms of increased revenue over time.”

Commissioner Robbins spoke about a city that was receiving a great deal of revenue from advertising on their water towers - \$120,000 a year. She said she will print up the picture that she took of the tower and will put it in everyone boxes at City Hall.

A general conversation took place concerning towers, what they look like, could look like, etc.

- d. Code Enforcement Officer** – No Report.

10. MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE

Zone 1 – Commissioner Robbins indicated that she was only going to speak about the tower.

October 16, 2008

Zone 2 – Commissioner Cooke noted that election time is almost here and he was excited about it.

Zone 3 – Commissioner Snowden said that by the next meeting the City Commission may be the same or it may change but as far as the two Commissioners up for reelection, he wanted to say, “It’s been real and it’s been fun but it hasn’t always been real fun.” He added, “Whatever happens, I appreciate the service that each of you has given to the City and to the rest of the Commission.” He said it takes a big sacrifice to give up your time and energy and you certainly aren’t rewarded monetarily. **Vice-mayor Snowden** also wanted to remind people about Lake Helen Day, unfortunately he won’t be in town to help but he said it’s a very worthwhile project. He concluded by saying to Mr. McIntosh, “I’m certainly going to miss you sir.”

Zone 4 – Commissioner Benton told **Commissioner Snowden** that he’s going to be in his same seat next meeting. He also said the Museum Room is moving right along. The electrical work has been done and the lights are ready to go up. The floor refinishing will begin next week. The painter will be back once the floor is done. The total bill should be around \$9,000 which is lower than the price given 1.5 years ago.

The other question he had was for Mr. McIntosh regarding Tony Troy’s court date specifically about the other law firm that was present.

Mr. McIntosh said that Monica Rathbaum, formally of his firm, is the individual that’s handling the case in conjunction with communications directed by the City of Lake Helen. She was in the courtroom today and presented a case on behalf of Lake Helen. Mr. Osbourne was there on behalf of the Lindsey’s. They will appear again tomorrow for additional arguments before Judge Rousch. She is continuing to handle the case and he has indicated to the Mayor and City Administrator that there will be no further billing from him in conjunction with the matter. She’s handling it at the same rate he was. On to the federal case...they reviewed it today. It is known as the Robinson matter. It is presently in the hands of the Dean Ringer firm as a result of the efforts of the City Administrator and that specific matter is now on the federal docket. Judge Fawcett who is a very fine Jurist is leaving the bench to take on a senior judge position. A new judge from Atlanta will be taking his place and she’s already given us instructions with regard to the management of that case. The trial has been set in 2009. Mr. John Connor and Mr. Bill Laughton of the Ringer firm were in his office today along with Mr. Groot. Also present were Mr. Ty Harris and Mr. Alex Ford who represent Mr. Robinson. They worked about 2 hours this morning getting the case ready for trial. Those are the only two cases in litigation and we hope they will be resolved quickly. Mention has been made about files and transitions. Danielle LaVerde, who has been with him for many years, knows more about every Lake Helen file than anybody on earth and she will continue to monitor those files everyday and you may be sure that there’s not going to be any momentum or a single paper lost in the office. Danielle will be taking care of all of those items on a continuing basis.

Commissioner Robbins asked “Is the price is going to be the same.”
Mr. McIntosh responded in the affirmative.

Mayor Duffy wrapped up the meeting by thanking Mr. McIntosh for his advice and consideration at which point he presented her with his last set of “loose ends”. She wished the two commissioners running good luck and reminded everybody that there won’t be another meeting until after the election. She also encouraged everybody to vote and learn about all the things that we have to vote on. There are many legislative things and they are

sometimes difficult to understand. She wished everybody well.

Commissioner Cooke said thank-you. “No matter how the election goes, Alan Cooke will still be a Lake Helen resident and will work how he’s always worked in the 17 years he’s been here.”

Meeting was adjourned at 9:53 pm.

Joan L. Duffy, Mayor

Pat Chadwick, Recording Secretary