

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
November 20, 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 Lonnie Groot, City Administrator Don Findell** and **City Clerk Nancy Wilson**.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Duffy asked Rev. Bradley to give the invocation and pledge of allegiance.

Mayor Duffy then made the following statement:

“Attendance at these meetings is optional so we’re asking that the audience refrain from outbursts, and interruptions. Be courteous and remove yourselves from the room if you need to have a conversation. Thank you.”

FAREWELL and INSTALLATION CEREMONY

The City will hear farewell statements from outgoing Commissioners Benton and Cooke followed by an installation ceremony to swear in the City Commissioners elected on November 4, 2008.

Commissioner Cooke said, “I just want to say from the bottom of my heart and I mean what I’m saying, I’ve really enjoyed the two years working as your commissioner. It was an honor to serve this community and contribute to her accomplishments but just because I’m no longer sitting in this seat, doesn’t mean that I’m going away. I have projects I want to see through to their end and I’m going to continue working on new projects, whatever they may be. “

“We are lucky to live in this wonderful city but there still exists strong divisiveness that is not constructive. The city staffing issues have been addressed and we have in place a group of people who are working hard to keep the city running smoothly. Opposition to this effort is counter-productive. We should work toward a single goal of making life here what it should be. “

“I want to wish Vernon Burton a lot of luck in his new position. Thank you.”

Commissioner Benton, “I want to thank all the people that supported me. While sitting here the past four years, I tried to do my best and make the right decisions.”

“Lake Helen was always been number one in my mind and I always volunteered wherever I was needed. I tried to save the taxpayers money by donating my time and always looking toward the future.”

“As General MacArthur said, “I shall return.” I already told Cameron (Lane) I'm going to run in 2010 so the people that supported me, I hope you think of me in 2010. Thank you.”

Mayor Duffy presented Service of Excellence plaques to **Commissioners Benton** and **Cooke** for their work on the City Commission.

City Attorney Lonnie Groot then swore in **Vernon Burton** as commissioner of Zone 2 and **Cameron Lane** as commissioner of Zone 4.

Commissioners Burton and **Lane** took their seats with the other **City Commissioners** and **Mayor**.

Mayor Duffy welcomed the new **Commissioners**.

DELETIONS OR MODIFICATIONS TO AGENDA

City Administrator Don Findell said that the representatives of New Wine Ministries have requested that 7.B. be removed from the agenda.

COMMISSION ANNOUNCEMENTS

1. MINUTES: November 6, 2008

Commissioner Robbins noted two errors on page 15 (fifteen) – 7,00 should be 7,000 and the word “deposit” needed to be added under Hopkins Hall, in the first sentence.

Motion by **Commissioner Robbins** to accept the Minutes for November 6, 2008 as corrected.

Vice-Mayor Snowden seconded the **Motion**.

Commissioner Lane noted an additional correction on page 14 (fourteen) of the Minutes. The words “seven-thousand (7,000) acre” should be changed to “seven-thousand (7,000) square feet.” **Mr. Findell** concurred.

Motion passed unanimously.

2. CONSENT AGENDA:

a. Bills – November 20, 2008

Commissioner Robbins noted the continued charge from Allied Rentals for the two trailers at Blake Park. She noted that the contents needed to be inventoried so the contents could be declared salvage and then disposed of. **Commissioner Robbins** indicated that the said trailers have been costing the city \$90 (ninety dollars) a month since prior to her leaving the city as an employee. She said they were an “eye-sore” in the park and added the igloos were also still there. **Commissioner Robbins** hoped the situation would be corrected before the holidays.

Mr. Findell indicated that he would convey that message to **Police Chief Keith Chester**.

Motion by **Vice-Mayor Snowden** to approve the bills as presented.
Second by **Commissioner Lane**.

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

Mr. Richard Taylor said the Historic Preservation Board had no report but that the Lake Helen Historical Society wished to thank the city and Lou Benton for the wonderful work that was done on the museum room. The Lake Helen Historical Society is in the process of completing their by-laws and waiting on the final paperwork to arrive.

d. Parks and Recreation Board

Ms. Betty O'Laughlin said that letters and flyers about the Christmas parade have gone out to Deltona, DeBary, Orange City, Deland and other cities. Butler Express will be in the parade with the church choir riding and singing as suggested by Sharon Jackson. Wendie Levings is handling the Volusia Pines Elementary choir. Road closing and port-a-potties have already been planned for. Flyers will be passed out to the students at Volusia Pines. Santa and the fire engine have been handled. The Crafty Ladies will be serving complimentary popcorn and cider. Wayne Bishop will orchestrate the parade that will be launched from the Wachovia Bank property like the 4th of July parade. Horses and their riders will participate. She asked that businesses do not advertise or politicians not promote anything political since this parade is suppose to be an old fashion/small home town parade with kids riding decorated bicycles or people driving decorated golf carts, etc.

She said that “Cookie” (Alan Cooke) will pull a flat-bed trailer in the parade and Ms. O'Laughlin hoped that the **Mayor** and **Commissioners** would ride on the trailer. She asked

them to think about it.

The line up at Wachovia Bank is at 3:30, the parade starts at 4:00 ending at Blake Park with the Christmas tree lighting at 6:00 on December 7th.

Commissioner Robbins asked if the city would be sponsoring a Christmas Home Decorating Contest. \$150 (one-hundred-fifty dollars) for 1st (first) prize, \$100 (one-hundred dollars) for 2nd (second) prize and \$50 (fifty dollars) for 3rd (third) prize. The previous year's 1st (first) place winner could not win the 1st (first) prize 2 (two) years in a row. **Mayor Duffy** concurred.

5. PUBLIC FORUM:

Wayne Neller, President of New Wine Ministries International, 721 Pleasant Street
“Representing New Wine Ministries, I would like to take this opportunity to notify the Commission that based upon the decision of PLDRC on Monday night to deny our application for a Special Exception, we recognize the direction we now need to take. We anticipate the submission of a revised and thoroughly comprehensive Site Development Plan in a timely fashion – we expect within a month's time.”

“However, at this time and until we are able to build and gather in our purposed chapel, we are asking that this commission grant approval for us to moderately amplify and music and sermons for our Christmas Eve services held 6:30 PM to 9:00 PM as well as our Easter services 9:00 AM to 12:00 PM.”

Mayor Duffy indicated that the city had allowed this last year with no complaints forthcoming. She didn't have a problem allowing it again.

Vice-Mayor Snowden motioned that the city authorize the amplification of the services requested.

Second by **Commissioner Lane**.

Motion passed unanimously.

7. COMMISSION CONSIDERATION:

A) Consideration of Final Development Plan and Development Order for Chappel light manufacturing project.

Mr. Findell indicated that the Final Development Plan and Development Order for the Chappel light manufacturing project had been submitted to and approved by the PLDRC on November 17, 2008. He explained that the business to be conducted there was the assemblage of pumps for the utility business. The Chappels propose to construct two buildings on the site that will house office, manufacturing/assemblage and warehouse space. The combined square footage of the two buildings is just under 10,000 square feet (each

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building can be a maximum of 5,000 square feet in the Light Industrial Land Use District). The property is located on the currently vacant lot on Pleasant Street that is immediately south of the Quality Precast property. The proposed project is located in the Light Industrial Overlay Land Use District.

Of particular note in relation to this project, the Chappels will dedicate 25' of right-of-way on Pleasant Street to the City as part of the project approval process. Rather than construct a sidewalk along Pleasant Street at the time of development, they will contribute to the City an amount equal to the sidewalk construction cost, for future sidewalk construction in the City. Landscaping is proposed to be environmentally and water conservation "friendly". The landscaping will be irrigated until established.

Doug Chappel and his engineer/project manager approached the podium.

Commissioner Burton asked what the project's biggest assets and drawbacks were.

Mr. Chappel indicated that it took a little bit longer than expected. He said that Lake Helen's Ordinances and Comprehensive Plan are not easily available and suggested that the city put them in pdf format so they could be put on a searchable CD noting he did not know what that would cost.

The engineer said that the project ran a lot smoother in Lake Helen than it would have in other cities. He concurred that the Land Development Code should be on-line and said that a company called municode.com would put it on line free for the city. He also noted that some of the copies he was provided were old and in poor condition. However, he said that in the "grand scheme of things" he had a great relationship and enjoyed the opportunity to work with **Mr. Findell** and the **City Engineer**. He indicated that there were 3 (three) updates made to the plans but that was not uncommon.

Vice-Mayor Snowden motioned that the City of Lake Helen approve the Final Development Plan and Development Order for the Chappel project as presented.

Second by **Commissioner Robbins**.

Motion passed unanimously.

Commissioner Robbins complimented the architecture of the buildings and asked when the building process would begin. Mr. Chappel indicated the project will be placed on hold until sometime next year.

Mayor Duffy noted the the buildings for this project were modeled after the old Lake Helen train station.

Vice-Mayor Snowden indicated that someone in the audience had held up his hand concerning this issue. **Mayor Duffy** apologized and asked Mr. Chappel to remain for just a moment.

Jack Loeffler, 814 Pleasant Street asked how much traffic the business would generate.

Mr. Chappel indicated that the amount of traffic would be minimal because there are only ten employees. There would be UPS who might come twice a day and an occasional semi-truck delivery.

C. Consideration of appointments to the PLDRC.

Mayor Duffy noted that the appointments for Gary Adams and Vernon Burton have expired. Mr. Adams had requested in writing reappointment to the board. She noted that Mr. Adams has been on the PLDRC for over 20 (twenty) years and knows the ordinances very well.

Motion by **Commissioner Robbins** to reappoint Mr. Adams to the PLDRC.
Second by **Vice-Mayor Snowden**.

Motion passed unanimously.

Mayor Duffy noted that for the second opening there were several applications: Ann Nehrig, "Cookie" Cooke, Lou Benton, and Terrance Cherry.

Vice-Mayor Snowden said, "I personally know all of these applicants and any one of these individuals, I feel confident, would serve the city in a fine way. I have had the opportunity to speak with two of the applicants and in all fairness to the other applicants, I would like the opportunity to interview the other members (applicants). Therefore, I'm requesting that we table this matter until the next meeting."

Second by **Commissioner Burton**.

Zone 1 – no; Zone 2 -yes; Zone 3 – yes; Zone 4 – yes; Mayor – no. Motion passed 3 – 2 (three to two).

Vice-Mayor Snowden reiterated his position.

Commissioner Burton indicated that he knew of several citizens who were interested in applying for a position of the PLDRC.

D) Consideration of request by Vice-Mayor Snowden to invite a Wachovia representative to the city to discuss money management with employees.

Vice-Mayor Snowden spoke of meeting with Karen Hawes from Wachovia Bank in Lake Helen. (Wachovia Bank and Wells Fargo Bank are in the midst of merging.) Ms. Hawes had requested that city employees attend a free 1 to 2 (one to two) hour seminar on financial planning so that they could help the employees get through these difficult and challenging

times. **Vice-Mayor Snowden** asked if the city employees could be given their last hour, on a specific day, to attend the seminar at the bank. **Vice-Mayor Snowden** also suggested that the city keep the employees on the clock for that last hour on that specific day.

Motion by **Vice-Mayor Snowden** for the city to authorize the city employees, including city hall staff, to attend the seminar on the last hour of a work day (which will be determined at a later date). **Commissioner Robbins** suggested that the seminars should be staggered so city business could continue and suggested a sign-up sheet be used.

Second by **Commissioner Burton**.

Commissioner Lane noted the brochure advertised the bank.

City Clerk Nancy Wilson explained that she merely picked up the brochures herself and noted they had nothing to do with the proposed seminar.

Motion passed unanimously.

E) Consideration to remove Nancy Wilson, City Clerk, from her six month probationary status and designate her as a full-time employee, as recommended by the Mayor and City Administrator.

Motion by **Commissioner Burton** that **Nancy Wilson, City Clerk**, be removed from her six month probationary status and designate her as a full-time employee.

Second by **Commissioner Robbins**.

Motion passed unanimously.

F) Consideration of request by Commissioner Robbins to select an alternate representative to attend the Florida Scenic Highway meetings when she's unavailable.

Commissioner Robbins noted that "Cookie" Cooke had been her previous alternate representative at the Florida Scenic Highway meetings when she wasn't able to attend but since Mr. Cooke did not win the election, another representative needed to be selected.

Commissioner Lane offered to be her alternate.

Motion by **Commissioner Snowden** to appoint **Commissioner Lane** as **Commissioner Robbins** alternate representative at the Florida Scenic Highway meetings when she was unable to attend.

Second by **Commissioner Burton**.

Motion passed unanimously.

8. COMMISSION DISCUSSION:

A) Discussion of proposed communications tower site lease agreement.

City Administrator Don Findell referred to his memorandum to the Mayor and City Commission dated November 13, 2008, which reads as follows:

“Attached for your review and discussion is the draft agreement between the City and Ridan Industries to construct a “stealth” (flagpole design currently under consideration, but final design is to be approved by the City Commission) communications tower on City property at the Mitchell Brothers Sports Complex. As you will note in your review of the agreement, Ridan Industries will pay the City, upon execution of the agreement, \$5,000 in “option money” in order for Ridan Industries to conduct due diligence surveys and testing on the City property, so that Ridan can determine the viability of the property for communications tower siting purposes.”

“Should the site prove to be acceptable for communications tower siting, the agreement provides that Ridan Industries will lease ground space from the City for an initial period of 5 years, with 4 successive automatic renewals of the lease. Ridan Industries will pay the City an initial annual ground space lease payment of \$24,000. The base rate will increase by 5% per year in each successive year of the term of the lease.”

“Additionally, Ridan Industries will pay the City 50% of any revenue received by Ridan Industries, that exceeds \$2,500/month, from each of the first two communications providers that lease space on the communications tower. The City will receive 33% of revenue received by Ridan Industries for the third and fourth communications providers that lease space on the tower. The City will receive 50% of the revenue received by Ridan Industries from any communications provider beyond the fourth provider that leases space on the tower.”

“The proposed lease payments are considered to be fair by staff, since all risk and cost associated with the construction, marketing, leasing and operation of the communications tower is assumed by Ridan Industries.”

Mr. Findell noted he included the proposed agreement with Ridan Industries in the Commission's packets.

Commissioner Robbins indicated that she had done some research concerning the issue of a possible microwave hazard. She printed several documents from the Internet and would be happy to make copies for the other Commissioners.

A conversation took place concerning other possible sites and the controversy of possible hazards of microwave but there have not been any viable conclusions that anyone could discern.

Mr. Findell indicated he needed direction on this issue.

Ralph Kelley, 170 Tangerine: Mr. Kelley noted this issue came before the city many years ago and asked he about the height of the tower. He then asked how much liability insurance Ridan Industries will carry on the tower. **Mr. Findell** indicated it was \$2,000,000 (two million dollars). Mr. Kelley asked what influenced his decision. **Mr. Findell** indicated that it was other cities and the Florida League of Cities. Mr. Kelley asked if he had gotten other bids from other companies. **Mr. Findell** indicated that he had several years ago. Mr. Kelley questioned what the tower would look like. **Mr. Findell** gave him directions to locating two other towers in other cities. Mr. Kelley asked who would maintain the grounds under the tower. **Mr. Findell** said the leasing company would. Mr. Kelley said he would come to City Hall to see the paperwork.

Mr. Findell asked the City Commission if they would like a representative of Ridan Industries to come before them to discuss the matter.

Motion by **Commissioner Robbins** to direct **Mr. Findell** to ask a representative of Ridan Industries to come to a subsequent City Commission meeting to deliver a presentation.
Second by **Commissioner Burton**.

Motion passed unanimously.

Commissioner Lane asked **Mr. Findell** if the lease had been reviewed by the **City Attorney**. This lease had been drawn up years ago by **Mr. Findell** and the **City Attorney** keeping the city's needs in mind.

9. STAFF REPORTS:

a. City Attorney

City Attorney Lonnie Groot noted that there had been a mention about the city code. He explained that the Municipal Code company does not do it for free. Mr. Groot has had discussions with Mr. McIntosh concerning this issue and he wanted everyone to know that he is working on it.

Mr. Findell indicated that much of the work has been done by staff at this point but there remains a great deal of work to be done.

Mr. Groot, "It's not unusual for cities or counties to have issues with their codes because it's an ongoing process."

A general discussion took place about the company offering to do the work several years ago for approximately \$10,000 to \$12,000 (ten thousand dollars to twelve thousand dollars). The company had performed the work but it was surmised that when the city adopted the 1994 Land Development Code the work no longer continued but **Commissioner Robbins** thought it was in 1999 and not 1994.

Mr. Groot indicated that he is searching for a “reasonable” bid to do the job. He then said that he would be giving a monthly update to Commission on the litigations starting next month.

b. Police Chief – no report.

c. City Administrator

Mr. Findell congratulated the new Commissioners and said he looked forward to having civil, respectful, thoughtful, and considerate meetings in the future. He then indicated that after the first of the year, he would like for the City Commission to meet for a special meeting to address any concerns any of the Commissioners might have individually or collectively. He would like to know if they have a direction they feel the city should move in recognizing the city's limited staff, limited resources, and limited financial resources. He would like to discuss priorities so the Commission and the staff can work in unison as to where those resources can be placed most effectively.

d. Code Enforcement Officer – no report.

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

Zone 1: Commissioner Robbins spoke about a newspaper article she had read that said the state had made an error in the Communication Service Tax and that it was going to cost the city approximately \$5,000 (five thousand dollars) – to be spread out over the year. She asked **Mr. Findell** if the communications company would be paying the Communication Service Tax. **Mr. Findell** indicated that he would be looking into it as it had also crossed his mind. He noted that there was a provision in the agreement that the communications company was responsible for paying all applicable taxes and fees. The question is if there will be taxes and fees apart from those they will be paying to the city. He said he will be exploring the issue and added that Lake Helen had underpaid the Communication Service Tax by \$3,900 (thirty-nine hundred dollars). **Mr. Findell** noted that this error was not made by the City of Lake Helen. **Commissioner Robbins** then welcomed the new Commissioners.

Zone 2: Commissioner Burton thanked everyone for the welcome that had been expressed by all. He said that he was looking forward to working with everyone and the citizens. He indicated that prior to being elected as Commissioner of Zone 2 he sat in the audience and thought he felt the Commission could have served its people better but now he's sitting as a Commissioner and hopes the citizens will hold him accountable for serving them. He feels he has an obligation and responsibility to the citizens as their employee.

Zone 3: Vice-Mayor Snowden expressed his appreciation to out-going **Commissioners Lou Benton** and “**Cookie**” **Cooke**. He said it is a sacrifice to serve the community and he wanted to thank them for everything they've done. He welcomed **Commissioners Burton** and **Lane** and noted his appreciation for their eagerness to serve.

Zone 4: Commissioner Lane said he was truly humbled to be sitting as a commissioner and considered it an opportunity to serve his city and all its citizens. He thanked “**Cookie**” **Cooke** and **Lou Benton** and noted that they were both civil and pleasant to work with. He ended by saying he looked forward to working with all the City Commission members.

Mayor Duffy indicated her appreciation to “**Cookie**” **Cooke** and **Lou Benton** for being able to work with them. She said she looked forward to working with **Commissioners Burton** and **Lane** in the future. **Mayor Duffy** then said, “I would like to thank the people tonight. Do you realize this has been the quietest meeting we've ever had? I want to thank you.” She then said she wanted to thank Boy Scout Troop 590 for their huge donation of canned goods to Outside the Gates Food Pantry.

11. ADJOURNMENT

Mayor Duffy adjourned the meeting at approximately 8:57 PM.