

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
MINUTES
December 4, 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, Burton, and Lane.** Also present were **City Attorney Lonnie Groot, City Administrator Don Findell and City Clerk Nancy Wilson.**

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Duffy asked **Commissioner Snowden** to give the invocation and led the pledge of allegiance.

DELETIONS OR MODIFICATIONS TO AGENDA

Mayor Duffy said that Mr. Provost, the City Engineer, has a change order and it's being added as item 7F under Commission Consideration.

COMMISSION ANNOUNCEMENTS

MINUTES: November 20, 2008

Commissioner Robbins noted a few changes.

Commissioner Lane made a motion to approve the minutes for November 20, 2008
Vice-Mayor Snowden seconded the motion.

All zones and the Mayor voted yes.

CONSENT AGENDA:

Bills – December 4, 2008

Commissioner Robbins said that with the corrections made to the Platinum Plus line item, she moves to approve the bills for General Fund in the amount of \$11,864.64, Utility Fund in the amount of \$1,472.71 and the Creative Arts Café Fund in the amount of \$12,664.77.
Commissioner Snowden seconded the motion.

All zones and the Mayor voted yes.

PRESENTATIONS – none for this meeting

BI-MONTHLY REPORTS:

City Engineer – Mr. Provost wanted to bring everybody up to date on the city's projects. The Consumptive Use Permit renewal application is due by March 15, 2009. Time extensions were granted in order for the city to provide St. John's River Water Management District (SJRWMD) with more information. In the next month or so, they'll be putting all that information together and presenting it to SJRWMD. There were additional expenses associated with this project totaling \$1581. That amount reflects the additional time that ECT spent responding to SJRWMD staff requests. This will be discussed further under Commission Consideration, item 7D.

Another project is the SRF loan program. That has two components to it - the emergency generator and automation. Both of those projects are basically done. The generator was turned on a few weeks ago and tested and the automation work is complete. All three generators are now interconnected and they are operating under automatic control. We're in the last couple weeks of each of the projects.

Associated with that, there is a change order related to the emergency generator project under Commission Consideration item 7F. There are two components to that. The first one is prior to beginning their work, they realized that the generator itself would be better positioned if it was moved to the west. The whole unit was moved to the west about twelve feet which meant that they had to add some more concrete and do some more conduit work and wiring. The new placement is more suitable for several reasons. The second item dealt with the primary disconnect for all the electrical in the building. Originally, the controls were inside the building at the rear. When they put in the new controls, they were placed outside the building so they were easier to access; this is especially important during an emergency. Those are the two items incorporated into that change order (Item 7F). The other project under construction is the replacement of the hydro tank at the John Street well. That tank is under fabrication and on schedule and they expect to have it done toward the end of December. The contractor didn't want to shut off the water over the holiday so he's geared to start taking out the old tank, pulling out the footers then putting in the new footers and tank at the beginning of the year. This project should be completed by the end of January. That's a report on the projects the city has underway.

PLDRC – no report

Historic Preservation Board – no report

Parks & Rec Board - Sharon Jackson reported that everything is in order for the 1st annual Christmas parade on December 7th. The line-up at Wachovia will begin at 3:30 p.m. and the parade will start at 4:00 p.m. There are several floats and cars and a choir will be singing on Butler's train.

Public Forum

David Zangenberg
592 Virginia Drive

He reported that since the beginning of September, they've been dealing with a water issue whereby water was not draining into the retention area. They've been dealing with massive amounts of dirt on the street and tipped over barricades lying in the street since September. The drainage on the north side of Virginia Drive is butted up against the road which is

dangerous if anybody pulls over to the side. His question is when will the project be completed? **City Administrator Don Findell** told him that the work was started by the city earlier this year to correct the drainage problems that existed in the Sidney Drive/ John Street/ Virginia Drive area. Once the project was underway, the question arose regarding possible permitting requirements. The city engineer inspected the project plans and contacted the St. John's Water Management District to determine if a permit was required. A permit was not required but since that time he wasn't sure what had transpired. Public Works has been involved in a number of other issues but he will get with Ricky Mullen and find out the status. Mr. Zangenberg says he feels that that area is in a forgotten corner of the city and he just wanted to make sure that the commission was aware of what was going on.

He also wanted to comment on something else. He had a problem with SEMA destroying his property. He had no luck dealing directly with them but Mr. Findell coordinated with SEMA to repair the property they damaged. He thanked the City Administrator and also thanked former Commissioners Benton and Cooke for their help.

Commission Considerations

Consideration of Hollosi Home Occupation Permit Application

Lou Hollisi
202 Enchantment Lane.

Mayor Duffy said we have his application and she asked if there were any questions or discussion. **Commissioner Burton** said he had a question that wouldn't be hard to answer. He asked if Mr. Hollosi is a physical fitness trainer. Mr. Hollosi answered in the affirmative. **Commissioner Burton** asked how many people he'd be training a week. Mr. Hollosi responded that he didn't know yet how many people he'd train a week but said he'd only be training one person at a time. He continued by saying that he has beautiful Nautilus machines some of which were even built in Lake Helen.

Vice-Mayor Snowden made a motion to approve the request by Mr. Hollosi for a home occupation permit.

Commissioner Burton seconded.

All zones and the Mayor voted yes.

Consideration of appointments to the Parks & Recreation Board

Mayor Duffy said we have received four applications for the Parks & Rec Board. Vice-Mayor Snowden asked if some were reapplications. The answer was that there were two reapplications and two new applications.

Mayor Duffy suggested that they vote on reappointing those two who are currently on the Board, Sharon Jackson and Amy Duffy.

Commissioner Burton made a motion that the current members of the Parks & Recreation Board, Sharon Jackson and Amy Duffy be reappointed

Commissioner Robbins seconded.

All zones and the Mayor voted yes.

Mayor Duffy said there are two openings remaining and two new applicants - Sean Abshire and Monica Jencks, neither of whom was in attendance. **Commissioner Robbins** asked **City Attorney Lonnie Groot** if there was a minimum age requirement for serving on Boards. He answered that there is no such restriction. **Commissioner Robbins** said that Sean is an ambitious young man who is home-schooled and is two years ahead of his peers. "He's very knowledgeable and he really wants to get politically involved. It's a great thing to have a teenager on one of our Boards." **Mayor Duffy** said he approached her recently and asked about serving on the Parks & Rec Board. **Commissioner Burton** said he'd also spoken to Sean and agreed with **Commissioner Robbins** that he's very energetic. He added that "he's very forward-looking to the point where he's considering becoming a City Commissioner. I think if a 16 year old has that much focus and a willingness to serve the City of Lake Helen, we would do well to have him as a part of the Parks & Rec Board."

Commissioner Robbins then said that, at one time, Monica Jencks was our animal control officer. **Commissioner Burton** said if someone's willing to serve and there's an opening then he's in favor of their appointment.

Vice-Mayor Snowden made a motion to approve the appointments of Monica Jencks and Sean Abshire to the Parks & Recreation Board.

Commissioner Lane seconded.

All zones and the Mayor voted yes.

Consideration of appointments to the PLDRC.

Mayor Duffy said there were six applications for the one vacancy on the PLDRC and that "according to our ordinance book, a new member is to be appointed within 30 days of a vacancy so we can't table this again." **Commissioner Robbins** said "I'd like to offer Ann Nehrig as the next member of the PLDRC. She has had her application in for a year and heretofore there has always been the policy of first in line got the job. So I would like to make a motion that Ann Nehring be put on the Planning Board."

(00:30:00)

City Administrator Don Findell said it may be easier for you, because you had so many applicants, to give each commissioner the opportunity to express their opinion rather than to try for a second at this point. The reason I say that is that I don't want a second to fail necessarily because I don't want it perceived that it fails for a lack of support of that individual, but would fail because other commissioners would also have other opinions that they'd like to express before a vote was taken." **Commissioner Lane** said for the sake of discussion, he would second the motion. The **City Attorney** said "one way you can do it, if you're comfortable doing it this way, is any Commissioner can nominate anybody they want. You then vote at the end of the nominations and whoever gets three, if somebody does, that person is appointed. If there's a tie, then you nominate again based upon what the outcome was in the prior vote. It's really under parliamentary procedure. Anybody can make a

nomination and it doesn't require a second." Mayor Duffy said let's go with Zone 2, do you have anything? Commissioner Burton said as he understood what the attorney just said, "the commissioners can make recommendations or nominations and have a vote based on the nominations that have been submitted and then we will take a vote on each nomination and the number of votes" **Attorney Groot** said there are two ways to do it. The most common practice is after the nominations are made, each commissioner writes down who they want to vote for, the clerk then announces what the votes are. The written votes have to say who is voting. Alternatively, you can do it orally. However it's done, it's public. The point is that anybody can make a nomination and then you vote on those nominees."

Commissioner Lane said he would like to nominate Alan Cooke. **The Mayor** said that Commissioner Burton had the floor. **Commissioner Burton** said that "after looking over the applicants, one of the things that struck me was that there were a number of people who have provided good background information about their experience and offer to serve in our city. I don't think it would be robbery if we considered all the people that we have before us. There are two in particular that I'm looking at, one is Terrence Cherry. He's been in the community for 47 years. He has a background in the military and was in the Army Corps of Engineers specializing in bridge and rapid runway repair. He was also in the Department of Transportation for 18 years. He comes with a reputation, I guess, from my own personal experience of him; he's a very reputable person. Then we have another application that was given to me yesterday. I explained at the last commission meeting that at the time the election took place on November 4th, had it not been for a runoff election on November 6th, we would have had the installation and we could have probably voted for these individuals then. Some of the individuals that I've spoken to about applying were under the impression, through me, that there would be a process, Commissioner Robbins explained it to me, where the first in would be the first person who would be accepted. So I explained to the people that I was told that there would more than likely be a process by which we would put a notice up but I was incorrect. For that reason, this is why I think we had the number of candidates that we had. So, to sum it all up with the five applicants that we have, I would tend to recommend Terrence Cherry, a member of the community, as I said before, for 47 years. **Mayor Duffy** said she neglected to ask if any of the nominees were in attendance. Ann Nehrig and Lou Benton were in attendance. Alan "Cookie" Cooke was at a League of Cities dinner.

Commissioner Snowden said "having heard from each of my fellow commissioners having made a nomination, I can say that seldom do we see this many applicants for the Planning Board. It's one of the most critical boards that this community has. It's something that we can't take lightly and we would hope that that Board represents pretty much the community and represents the same direction that the City Commission would like to see our community go in. I am pleased that we have this number of applicants and I'm especially pleased that we have many new people in the community applying for this position. I'm equally pleased that despite the service from our two former Commissioners and the beating that you take as a Commissioner, I admire the fact that they are willing to continue the beating. I can say out of each nomination that I've heard, I would probably have seconded each one because I think we have good candidates. I fully believe that we have people who have a genuine interest in serving on the Board. I think that we would be well served by any applicant that we have here. I would like to recommend, if at all possible, if we all choose two names and pass them down to the Clerk of our first and second choice of applicants and let the clerk respond to us as to what the ranking is." **Mayor Duffy** said to **Commissioner Snowden**, "So you have no particular recommendation to make? We have three recommendations right now."

Commissioner Snowden said that's correct. **Attorney Groot** said he had five sheets with each Commissioners name on it with number one and number two listed for their first and

second choices. **City Administrator Findell** said he thinks it's important that the Commission agree that that's the procedure they wish to follow.

Commissioner Snowden moved that the City Commission use the form, just described, ranking of the nominations by choosing a first and second choice and then passing the ballots to the Clerk who will in turn tally those votes and advise the Commission.

Commissioner Burton seconded.

Zone one – no; **Commissioner Robbins** said “I made a motion.” **Mayor Duffy** pointed out that her candidates name is one of the names submitted. **Commissioner Robbins** replied “If her name is on there, that's fine.” She added, “I also did some calling and Deltona has to be appointed by the City Commission. I called Oak Hill, they have five members and two alternates. Believe it or not, they have to be business people or professional occupational people. They have to make application and the Commission picks. I don't know why or when or how it got changed from the way it always was. I remember, Lou (Benton) said on election night that he's going to run right down because he wanted to get his name in first. (She asked Mr. Benton, who was in the audience) You were under the impression, were you not, that you didn't know if there was anybody ahead of you, so you wanted to get here first.” What Mr. Benton said was inaudible. **Commissioner Robbins** continued, “Somebody called Susan Callahan and asked her if she was still interested. Now come on folks let's be fair.”

Commissioner Lane said in the interest of fairness we were working down the line and I didn't have an opportunity to speak. **City Administrator Findell** said, “To clarify to the members of the board, I have been here sitting in this state longer than eight years now and in that eight years there've been many times when we haven't had multiple applications for the position and typically when you didn't have multiple applications you were just happy to have someone who was willing to serve. But in the eight years that I've been here it's never been on a first-come, first-served basis. In fact, when there have been multiple applications filed, the City Commission has had to determine and has had some debate as to who they felt would best represent the interests of the City and the City Commission. **Commissioner Burton** said “I served on the PLDRC and at the time that I submitted my name, there was another person who was also submitted at that time. I did not know that that process was in fact the first-come first-served because it was a motion that was put in by Mr. Benton. He put my name up and it was seconded and I was voted on. I was ignorant about that process. I was not aware of it. The fact that we have two new commissioners, as we go along we will learn the process and we should allow the process to grow itself. **City Administrator Findell** said, There is no first-come, first-served process. There hasn't been in the eight years I've been here.” **Mayor Duffy** concurred. She said she doesn't remember that in all the years she was on the Planning Board. **Commissioner Lane** said, “I also tried to interview each person. I was not able to interview the last applicant because it was late in coming and Mr. Cherry wasn't able to return my call. I didn't get a call back from him over the last few days. His reputation precedes him and I think he would've been a fine member of that Board. Ann Nehrig would also be a fine person to serve on the board. She's very knowledgeable and I appreciate her opinions about the City, about where it's going, and I'd be very happy for her to be on the Board. I believe the most knowledgeable person of all the applicants is Lou Benton. I think Lou probably has the most knowledge of what they'd be working on but I don't believe knowledge is the only tool that they bring to bear on that Board. I believe that Cookie (Alan Cooke) would be a good person on that Board because he does care about the city and he works in the city and it would be good opportunity for him to learn that side of what goes on in the city through that process. He's also a good man and I think he works hard for the city and while it may be inappropriate to address the audience Shame on you. You sit out

there and bark at people who are trying their best to serve. They may not be perfect but I don't see anybody who is. I appreciate every single person who stepped up, who has their name on this page. They deserve respect for that. Thank you.”

Attorney Groot suggested that they continuing voting on the process (written ballot submitted to the Clerk).

Commissioner Robbins had voted no; Commissioner Burton - yes; Commissioner Snowden - yes; Commissioner Lane - yes and Mayor Duffy - yes

At this time, the Commissioners and the Mayor filled out their first and second choices and passed the ballots down to the Clerk. **Commissioner Lane** spoke, “For the sake of public record, I was saying to Commissioner Snowden that a very impressive applicant was Roxanne James. It was the first time I'd met her and it was the main reason I couldn't put her name forward because of her lack of history. But if we could court her on to some other functions working for the city or other opportunities to serve the city; she was outstanding. **Commissioner Robbins** said that one Board that doesn't have any representatives is the Personnel Review Board. Somebody who's been turned down here may do well on that Board. **Commissioner Burton** added, “There are so many in our community who have so much talent and expertise that if they do not feel that they are welcome to come and participate in the city because of ‘business as usual, or not getting things done’ I think that this Commission has an opportunity to open up the doors and let people who ordinarily would not have made any attempt to come down to the City Commission. The individuals that I brought to bear attention that there was an opening, for the most part, they had to be convinced that it would be even reasonable for them to submit an application. I think that this process should be open because in the end of the game the city of Lake Helen will win or lose by the quality of people we choose. Integrity is also part of the component that goes along with being a City Commissioner or being a part of this governing process. To have abilities and then to have your integrity questioned and to have your judgment always second-guessed, I think it creates a polarizing part of the city. Right now we don't need any more polarization than we already have. I think that we can reach out to new people and to give them the opportunity to serve. I think the city would be well served by that opportunity.”

Mary Dickinson
336 S. Lakeview Drive

Dickinson: “At the last meeting, Mr. Snowden said that he had already interviewed two of the applicants. Who were they Buddy?”

Vice-Mayor Snowden: I did not have a chance to interview all the applicants.

Dickinson: Right. You had already interviewed two of them, you made that statement, who were those two?

Vice-mayor Snowden: I'd have to look back in my notes, Mary, to tell you.

Dickinson: Okay, okay

Vice-mayor Snowden: I talked to Mr. Cherry, Mr. Benton and Mr. Cooke. I had not yet spoken to Ann Nehrig who had an application in at that time.

Dickinson: I understand.

Vice-mayor Snowden: In fairness to all, I didn't want to make a decision having not examined all the applicants.

Dickinson: I understand. This is nothing against you Buddy, it's just the laws of the state of

Florida, at least one of those applicants that you interviewed was still a Commissioner at the time and something that was on the agenda for the next meeting was being discussed. You should have waited until after they were not Commissioners any longer to interview them because by doing it while they were still Commissioners, and they took their seats on the pulpit at the last meeting, because you interviewed them before the last meeting....

Vice-mayor Snowden: If I can interrupt you, I think you misinterpreted what was said. I did not have a formal interview with any sitting Commissioner. All that I can relate to you that was said by any sitting Commissioner was something that they had disclosed publicly.

Dickinson: OK. Then that's fine.

Vice-mayor Snowden: If you would read the records of the last meeting it does not indicate that I interviewed a sitting Commissioner .

Dickinson: Well, I watched the DVD and it kinda did. "Anyway, what I want to say is there are investigations going on with the Ethics Commission in the state of Tallahassee on three people, two of them were Commissioners and the other one is still on the PLDRC. I don't feel that it would be right or very ethical until all of that is cleared up to appoint somebody that is under investigation to another seat. You know what I'm saying Buddy? Everybody up there understand what I'm saying? **Mayor Duffy** said she thought they'd been cleared to which Ms. Dickinson responded, "I don't think they have. Nobody's been notified."

City Attorney Groot said he hasn't checked on the ethics violations. "I think it's appropriate now for the Clerk to tell us the outcome of the vote. I think you might want to get back onto that subject. Have the Clerk announce the votes and then you can conclude the process."

The Clerk said the first choices of the Mayor and Commissioners were: two votes for Ann Nehrig, two votes for Alan Cooke and one vote for Terrence Cherry. For everybody's second choice there was one vote for Lou Benton, one vote for Terrence Cherry, one vote for Alan Cooke, one vote for Ann Nehrig and one person voted for the same person as their first and second choices.

City Attorney Groot continued "what you do now is vote on the two candidates who got two votes each. You can do that orally or through the same process as before. If you'd like me to distribute those papers again, you can vote on those two. So you would vote for either Ann Nehrig or Alan Cooke. This is the normal way to do it." The sheets were redistributed.

Commissioner Lane said "so our options now are Ann Nehrig and Alan Cooke, correct?"

City Attorney Groot replied in the affirmative. The sheets were again passed down to the Clerk to tally.

The final tally was read by the Clerk for the seat on the PLDRC. Ann Nehrig won 3-2.

The original ballots are available for viewing in the Clerk's office at City Hall.

<p>Clerks Note - For the first round of voting where a first and second choice were requested, the results were:</p> <p>Zone 1/ Commissioner Robbins 1st choice: Ann Nehrig 2nd choice: Terrence Cherry</p> <p>Zone 2/Commissioner Burton 1st choice: Terrence Cherry 2nd choice: Ann Nehrig</p> <p>Zone 3/Commissioner Snowden 1st choice: Ann Nehrig 2nd choice: Alan Cooke</p> <p>Zone 4/Commissioner Lane 1st choice: Alan Cooke 2nd choice: Lou Benton</p> <p>Mayor Duffy 1st choice: Alan Cooke 2nd choice: Alan Cooke</p>	<p>For the second round of voting where there was a tie between Ann Nehrig and Alan Cooke, the results were:</p> <p>Zone 1/ Commissioner Robbins Ann Nehrig</p> <p>Zone 2/Commissioner Burton Ann Nehrig</p> <p>Zone 3/Commissioner Snowden Ann Nehrig</p> <p>Zone 4/Commissioner Lane Alan Cooke</p> <p>Mayor Duffy Alan Cooke</p>
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Mayor Duffy said we have just finished appointing a new member to the PLDRC and it's Ann Nehrig. The other applicants will be retained in the file. **Commissioner Snowden** said he encourages those who were considering this position to not give up. I appreciate the fact that **Commissioner Burton** solicited and encouraged people to get involved and serve on the various boards and committees in the city. So I would not take this vote as a defeat on anyone's part. We should encourage those applicants; there will be future vacancies.

Consideration of request by Steve Provost, City Engineer, for compensation exceeding the original contract amount for the Lake Helen Consumptive Use Permit (CUP) renewal project.

Steve Provost said, "I assume you all have a copy of the memo that I wrote explaining that. I'll answer any questions you may have, it's pretty straightforward. I think you recall what I mentioned to you before this was that our original contract with the City did not anticipate us getting involved in the regional analysis. When their request for additional information came up, I talked with the St. Johns River Water Management District about it and said this was a fairly hefty burden to place on a small city. They agreed and subsequently undertook the computer analysis of that themselves so that we didn't have to. The time that you have here is just for my time spent coordinating with them. I did have to go to Tallahassee to meet with them, discuss it further and to get them to do what I asked them to do. I give them some information as well. Once they gave us the results, I had to incorporate those in our response to the request for additional information." **Commissioner Robbins** had a couple of questions. She said, "Probably four or five years ago, whenever the last CUP was done, Ricky, myself and Tom Gustafson from Florida Rural Water Association provided all the information that was needed. Tom generated the report. Why this time did we have to get

you involved in it?"

(01:00:00)

Steve Provost said "Times change. I will say, probably a little bit out of frustration, they accepted what you did before but it's not what they would ordinarily accept. I think Ricky had talked to them about that but I think at this point they are certainly expecting more. The real issue is that water has become much more of a concern throughout the state so now you really need to work hard to justify what you are asking them for and they have a more detailed and demanding process. That's why we have another request for additional information because they didn't accept what I thought was a competent response to their first questions. Certainly you're not going to get charged more for this and it's taken me a lot longer than I expected but this particular part here was definitely not something that was in our original contract." **City Administrator Findell** said he can elaborate. "When the city went through the last process and that was probably ten years ago, it was a kinder, gentler period. There was less concern regarding our water resources but you remember the exercise of all the cities went through for several years - being part of an alliance studying water management in Volusia County. There were other organizations throughout the state that were doing the same thing. The result of that particular effort was that the Water Management District was strong in pushing regionalization. The thought was they were looking at one large water plant on the east side and one on the west side of the county and the communities would get together to pay for the cost of that particular facility. One of the things that we did a few years ago when we had to make a decision as to whether we would participate in the ongoing agency, the water authority of Volusia, was to analyze whether it would be in our best financial interest to do that. First, from the standpoint of continuing to contribute to that agency and secondly from a financial standpoint as to what the ultimate cost to us could be if we were involved in a regional facility rather than an individual facility and maintain our autonomy. That analysis indicated overwhelmingly that it was not to our benefit to be involved in a regional agency. The cost would have been exponentially higher. We chose not to participate in the ongoing agency and we chose to pursue a consumptive use permit that basically maintains the status quo with Lake Helen having its own facility and continuing to draw groundwater. As Steve alluded to, the Water Management District, because of what has gone before in the last few years, has substantially different criteria by which they review these permits. They have that different criteria because the demand for water resources is ever more competitive and they realized it will get more competitive. We're looking at competition regionally and statewide. Their whole focus changed as far as the permitting process is concerned. Their focus was on pushing toward regionalization. Others are going to be wondering why they can't do the same thing as Lake Helen. We're different from other communities, we have a growth management plan that protects the resource and that caps the population. We're environmentally conscious. As a result, we should be treated more favorably and that's exactly the course that we're pursuing. Ultimately, if we're successful, it will result in cost to the consumer that's substantially less than it would be with a regional system in place." The **City Engineer** continued by saying so far they've been supportive of us with the 20-year permit. Other cities are having trouble getting 10-year permits. We asked for it and they have not indicated they would be unwilling to give us that so were moving along that track. The **City Administrator** said other cities have been held up in this process for years. It's not a simple process anymore and it's not looked at in a simple fashion and it can take literally years to get the permit. **Commissioner Robbins** said it wasn't simple even back then. There was a lot of work that went into it. So if it's for 20 years maybe that makes it

justifiable. **City Administrator Findell** said a different technical analysis is used. The technical analysis now is a lot more detailed and is a lot heavier on groundwater modeling requirements. The purpose of the modeling is not only to determine what the impact is going to be on the water resource itself, on the aquifer, but the impact that withdrawal will have on the surrounding environment. So, they're not only looking at the deep water, they're looking at how the withdrawal of that water will affect the regional wetlands. It's pretty complicated. The **City Engineer** said the first thing you have to do is a computer modeling of the impact on the surface aquifer and the Florida aquifer. You can't begin to do anything without doing that computer modeling. **Mayor Duffy** asked if there's any idea how much longer this process will take. The **City Engineer** said "We're done with everything, we're just answering questions at this point. I'd done an original justification of their questions, now they want additional justification. The truth is, we're into a bit of arm wrestling on very small issues. But you have to go through the process. So to answer your question, I don't know. We have to respond to the questions by March 15; we will have those in before that date. Then, they review it and accept it or they may ask more questions and the process will continue." **Commissioner Robbins** asked if this is also going to be used as part of our water element for the Comprehensive Plan. The **City Engineer** said, "Ultimately, when we get our final results, if they agree with our projections and accept those and give us the permit on that, that becomes the component of the Comp Plan. Yes. Part of the other issue, is that you've already recently had the whole land element of your Comp Plan modified about three years ago and you did population projections and justified those to the State which the State subsequently accepted. We're using those as a basis for this and they're giving us fits on that too." **Commissioner Robbins** asked about the mileage rate that he charged, commenting on how high it is. **Mr. Provost** said that's the federal mileage rate and it's what everybody charges. **Commissioner Lane** asked about the duration of the permit. **City Administrator Findell** said if we receive it, it will be a 20-year permit. **Mr. Provost** answered that we currently have a 10-year permit and were asking for a 20-year permit. **Commissioner Robbins** asked if he had the original contract price. **Mr. Provost** said he doesn't remember but thinks it was in the order of \$25,000.

Commissioner Burton made a motion that the additional compensation for work performed for the CUP renewal project in the amount of \$1581.31 be approved
Commissioner Snowden seconded.

All zones and the Mayor voted yes.

Consideration of Engineering Services Agreement with ECT for Phase II of the South Summit Avenue Road Improvement.

The **City Engineer** reminded everybody that Phase 1 is complete. "This is part of your Community Development Block Grant (CDBG) Program which you get a certain amount of funds for each year. We did Phase 1 on Summit Avenue and that included four components: We put a water main in from Kicklighter all the way to the north end so everyone along there has fire hydrants and fire protection plus an upgraded water supply. We stabilized that north end, probably the most significant problem, other than lack of water, was that it was very sandy. We stabilized that whole north end within the right of way with a crushed concrete material. We added storm water inlets and a storm water system at the southerly end, about 500 feet. We brought in some piping and inlets and ultimately did a retention pond for the water. Then, we paved the first hundred feet or so up to the top of the hill from Kicklighter. All

of that evolved from the money that was available at the time so we took the high priority items and did that amount of work. We're working on Phase 2 of this now. We did not permit the storm water phase because we were working within the city right-of-way so we didn't permit it at that time but before we went to the next section, I told you we would need a storm water permit. In order to do that, we needed to basically design the remainder of the road for storm water. We've done some preliminary work. We now need to do a storm water analysis and other things that are required for permitting. Once this is completed, it's submitted to SJWMD, the storm water side, and we get our permit. We do need to go ahead once that's done and determine the cost of paving. At the moment, we don't know how much you're going to get from CDBG. One of the things they're looking at is getting more money into the community through a whole range of programs. All information indicates they're going to put more money into the Block Grant program so by the time we get through the permitting process, we should know what amount of money will be available from CDBG and then we can go ahead and do our final construction plans to do whatever paving we can. Obviously, this will start at the point where we stopped before (at the top of the hill) and move northward. I anticipate that we will get beyond most of those houses where the denser development is and then continue on. Of course, we would like to get as far to the end as we can. So this is our proposal to you for the services - included in the \$29,850 is \$4,250. We need to do a brief wetlands survey, we need to show St. Johns River Water Management District that we won't be working in any wetlands. Secondly, we need to do some geotechnical works, some borings and some percolation tests. We anticipate doing all the storm water in the shoulders of the road other than the very next section where we stopped at the bottom of the hill. That part, we've already planned to pipe into the existing retention area." **Mayor Duffy** said, "We're assuming we're going to get \$29,000?" **City Commissioner Findell** said "We have \$60,000 that was allocated to us. What Mr. Provost was alluding to what is the mood in Washington is to put more money back into the economy in terms of public works projects and if that happens, one of the logical places for that to occur would be within the CDBG program because that program largely provides for public works types of activities. We normally break it down into phases because we don't have enough money on an annual basis and we can't carry money over for more than a two-year period. At one time you could do that. Money got tight in Washington and pressure was put on the Department of Housing and Urban Development to have projects completed rather than have money obligated for extended periods of time. Now we work on basically a two-year timeframe but in annual increments. If we get more money than what we have allocated, then of course we'll just go further than we had anticipated with this phase. We can't carry money over for more than a two-year period. We don't anticipate spending construction money this year. We'll take the difference between what we have and what the engineering costs are, roll it over into the 2nd year and then use the 2nd and the remainder of this years' to have enough money to do a significant portion of the work." **Mayor Duffy** asked if the portion of Summit Avenue where there was a problem had been fixed. That was answered in the affirmative. **Commissioner Robbins** said that under compensation, the last sentence says "this does not include the St. John's River Water Management District permit application fee." Steve Danskin who works with Steve Provost said he thinks that amount is about \$500. She then asked if that fee is taken out of the program money as well or does it have to be taken out of the General Fund? **City Commissioner Findell** said it could be taken out of either or even the Storm Water Fund. But it's a fee in fact. The city traditionally pays the permitting fees because we are the applicant rather than the engineer.

Commissioner Robbins made a motion to award the contract of \$29,850 to be taken out of

Community Development Block Grant money.

Commissioner Burton seconded.

All zones and the mayor voted yes.

Consideration of change order by the City Engineer

Mr. Provost said, "This is the only change order that relates to this construction work. We're basically done with it and we didn't have any changes on the automation work. This relates to the generator building. This is all being funded through a low cost interest loan program through the Department of Environment Protection. In that loan program, when we set up the rates, we had a contingency item of \$15,000 that we would draw against for any change orders since they often turn up. This change order adds up to about \$1862.43 and it would come out of that contingency in the loan agreement."

Commissioner Robbins moved to approve the change order in the amount of \$1862.43.
Commissioner Burton seconded

All zones and the Mayor voted yes.

Consideration of request by two churches to waive the Hopkins Hall rental fees for celebrations held in December and February.

Sharon Jackson, representing Mt. Olive Church, reiterated what was written in the memo to the Commission. The month of February is recognized as Black History Month and to celebrate this occasion, the members of Mount Olive AME Church will honor Curtis Rayam, an international opera and concert singer, in a concert on Sunday, February 22, 2009. They want to use Hopkins Hall because of the superior acoustics and so they can accommodate more people than in their church. They're requesting that the rental fee for Hopkins Hall be waived. **Commissioner Burton** asked if there was going to be a choir to which Sharon Jackson responded that part of the Bethune-Cookman choir will be performing

Commissioner Robbins said, "I think this is a moot point because heretofore we've always had a list of different organizations, including churches, that were on an exempt list and didn't have to pay for the use of Hopkins Hall anyway." **City Administrator Don Findell** said that churches are on the list but it's on a case-by-case basis and that's why it's good that Sharon's here tonight. The Commission certainly has the ability to waive the fee.

(01:30:00)

Commissioner Burton made a motion to waive the fee for the services that are going to be held at Hopkins Hall.

Johnnie Chavis, the Church Administrator for St. Paul missionary Baptist Church, was in attendance to make a similar request. They are celebrating the 131st anniversary of their church on January 17, 2009 and the week before, on January 10th, 2009, they'd like to have a banquet at Hopkins Hall and would also like to have the fees waived.

Commissioner Burton made a motion that the fees to rent Hopkins Hall for the church anniversary and the reception be waived.

Commissioner Lane seconded.

All zones and the Mayor voted yes.

COMMISSION DISCUSSION

Discussion of request for easement across City property.

City Commissioner Findell said “Mr. Bosi came in to see me and indicated that he accesses his property through the road that goes off Root Street. He has not, heretofore, had an easement across that road to access his property. I came to find out subsequently that he's in the process of selling the property and an easement is going to be required in order for that sale to close. I told Mr. Bosi's realtor that I would convey his requests for the easement to the City Attorney who would advise us what steps we needed to take. **City Attorney Groot** said, “I talked to the realtor, Mr. Warren Todd, and tried to help him through some processes in terms of the title insurance policy that was issued for the last transaction in 2000. I got him with the law firm today and Mr. Todd is getting the policy to see what access was insured, if any, in 2000. Depending on what the title company finds, we can make an evaluation as to what rights that property owner may have. If there are none showing from the title insurance policy then we'll have to do some other analysis about who was the common grantor for the properties and it gets into common law easements and other things. We're working on it and we've helped Mr. Todd, the realtor, get closer to closing the transaction than he was just a few days ago.” **Mr. Findell** said, “So there is no action to take tonight. This is just an informational item. **Commissioner Robbins** pointed to a page from her agenda and asked if the access road she was pointing was running over actual grave plots. **Mr. Findell** said, “Yes, it is within the cemetery property but it is an undeveloped part of the cemetery, it's just woods. **Mayor Duffy** asked if when he built the house, if the access to the property was considered. **Mr. Findell** answered that they don't have any idea; that's what they're looking at. **City Attorney** said, “Just so you won't be surprised, let's assume, after all the research is done, that path that is scrawled on that one map is a lawful point of access. What we would then ask them to do is describe it legally so that then you could grant an easement over a certain legal description. Sometimes people complain about that because there is a cost associated with getting the legal description. The services of a surveyor would be required.”

STAFF REPORTS

City Attorney Groot

All he had to report is the decision by Judge Rouse in the Troy vs. City of Lake Helen litigation. The order speaks for itself. **Commissioner Burton** asked, so that it would be on public record, what the billable hours were to litigate this case and what the cost was to the city. **City Attorney Groot** said **Commissioner Robbins** had asked the same question and he will provide the information at the next meeting. **Commissioner Burton** asked if this case could be considered “frivolous” so that the City could get the attorneys fees paid by the defendant. **City Attorney Groot** indicated that it's difficult to have attorneys fees awarded in

litigation cases; it's hard to get a court to adjudicate. He will look at it to evaluate whether there's a potential to do that and report back to the Commission.

Police Chief

Chief Chester said that Orange City's Commission voted to give the City of Lake Helen two used police cars. They are year 2000 models, each with about 100,000 miles. There are no strings attached, we can do with them as we wish. We can vote on that tonight or agenda it for the next meeting. They've just gifted them to us. **Mayor Duffy** asked if the Chief had looked at them. He hadn't but Lt. Walker had and he said they are clean and in good shape. **Chief Chester** would like to accept them and then review what we have in our stock and figure out where to go from there. He asked if the Commission would like to put that on the next agenda. That was answered in the affirmative. Also, **Commissioner Robbins** asked about the trailers. They should be out of the park within two weeks. Fencing material, donated by **Commissioner Snowden**, is being put around the pole barn to enclose it. Once the fence is up, items from the trailer can be put there where we can inventory them. **Commissioner Robbins** has recommended that we auction them as opposed to having weekly sales so we could get rid of things faster. If there's other city surplus property in we can auction everything at the same time.

Commissioner Snowden said there was man in the audience who'd like to make a request of the Police Chief. He'd like to know if we can institute a catch and release program. The issue has been brought forth before though it's not been fully considered. **Chief Chester** said the concern is that the lake has been overfished so people are catching and keeping small fish. The concern is that the lake will be depleted of fish. He's noticed the decrease in size and quantity during his 23 years in Lake Helen. **Mayor Duffy** said she thought there was a size limit on fish. **City Commissioner Findell** said there's a statewide limit but the city has no limit. **Chief Chester** agreed with **Commissioner Snowden** saying the issue does need to be addressed.

City Administrator.

"At the previous meeting the commission asked if I would get in touch with representatives from Ridan Industry to see if they would attend a subsequent commission meeting to discuss communications towers. I have and they plan on being here for the meeting on December 18th."

"Also, as we typically do toward the end of the calendar year we have been looking at our insurance policies and our insurance rates and looking to see if we can perhaps save some money by either maintaining our current policy or save money by securing an alternate policy that will not be detrimental to employees and will be beneficial to the city. There's the possibility that we can. We had a couple meetings with the employees to go over the policies and to answer any questions that they might have regarding policies that are available. Hopefully by Friday we'll have feedback from all the employees as to whether they see an incentive to switch between our current policy and an alternate provider. If the switch was made, we would most likely not incur costs any greater than the cost we'd incur with our current provider. Quite probably it would be a lesser cost. The trade-off to the employers is that our current policy is an HMO policy and the policy we are looking at is a PPO. The cost of the provision of some services under the PPO is higher and we've made a very conscious effort that they have full and complete knowledge of those instances so there wouldn't be any misgivings or misunderstanding. On the other hand, being a PPO rather than an HMO they

don't have to go to their primary care physician. They can choose their own specialist if needed. Additionally, for those employees who either provide coverage for a member or members of their family or wish to it may also result in less cost to them. That would be the benefit. We're hoping that all the employees will weigh in on it and that there will be a consensus among the employees so that we can bring it back to you." **Mayor Duffy** asked if all the employees could speak individually with a representative. The answer was yes and they will continue to have the opportunity to ask questions. The goal is that everyone is as informed as they can be.

Code Enforcement

No report.

MAYOR'S REPORT AND COMMISSIONER'S REPORT BY ZONE

Zone 1/Commissioner Robbins

"Keith brought up what I was going to talk about which was the trailers. I had e-mailed him and Don and I had volunteered to help them with the inventory. The weekly Market in the Park has been in existence for five Saturdays and the vendor fees collected so far totals \$692. I think word has gotten out that the activity is there every Saturday and you're getting a lot of the same vendors back. Correct? Keith also mentioned that he probably could get some of the young men around town to remove the contents of the trailers. If we paid them a total of \$100, we basically have only spent \$10 since the trailers are \$90 for the month. If the merchandise is moved to the pole barn and auctioned, we could get rid of the magnitude of it at one time." **Keith Chester** said there is a wide range of merchandise to sell. There was more general conversation on this topic.

Commissioner Robbins also thought there may be a conflict with the Ridan Industries meeting on the 18th since the second meeting in December is usually cancelled. **City Administrator Findell** said "We typically don't have two meetings in December but the way December worked out this year we had this meeting on the 4th and a meeting scheduled on the 18th which is a week before Christmas so it's not happening that close to Christmas. The first meeting in January falls on the 1st so it's more logical to cancel that meeting." The Commission decided to hold the December 18th meeting and cancel the one on January 1st.

Zone 2/Commissioner Burton

"I belong to the African American Association of Advisers to the Volusia County school system. Yesterday, we had a very sobering meeting. It has gotten to a proportion that they are now considering it to be a crisis. The state budget had to be amended. Currently the County of Volusia school system is \$18 million below their budget level. In order to make that level they're going to have to have more layoffs and are even considering that there will be a reduction in teacher salary. They're considering going to four day weeks. The point that I'm going to get to is the area superintendent has a list of things that could be possible remedies for the situation. Top and paramount on that list was communication. To get the public aware. I don't think the public fully understands and appreciates the severity of the educational crisis."

(02:00:00)

December 4, 2008

“So when I look at our city budget, which was done in September 2007, we need to begin addressing some of the issues raised by the auditor. We here in the City are going to have to begin to addressing some of these issues. Money is going to be the watchword for economics. I'm hoping the City can put our City first and put some of the partisan issues that have drawn attention away from the important things that are governing the City. I think that if we can come together as a community, we will be able to get beyond this point. I would like to wear the mantle of chicken little running around saying ‘the sky is falling, the sky is falling’. I think that sitting up here on this Board, we are probably going to see more so we're going to feel it and it's going to be across-the-board. So I just wanted to relay that to you. One of the things I'm doing is offering a suggestion. The area superintendent has agreed, if we give him a forum, he will come to wherever he can to speak to the public to let the public know just how dire the situation is.” **Commissioner Burton** continued discussing the dire state of our economy then discussed his second issue. “I close with one of the things that I've thought about which is having town hall meetings. Once being elected to office, one goal was to visit every single church here in Lake Helen. It's amazing how many churches that we have that don't think along the same page. I'm going to suggest, or would offer the opportunity possibly to the churches, to have a town hall meeting at one of the churches or have a selection of churches. Not just for the issues that I just mentioned with regards to education but when we have an agenda that is full and we have an agenda that has the public's attention we are somewhat constricted by three minutes to be able to get a point across. Having the ability to have a town hall meeting will allow you and us as Commissioners to be able to hear from you without being constrained, without being limited, without being made to feel that you are being inconvenienced because we are trying to move along. So I'm offering the opportunity to provide a forum. If I look at it another way, if the forum of the town hall meetings is nothing else but at an event where people can come in and say how they feel and get it out of the way. Then we come here we can do the business of the city.” **Commissioner Burton** closed with his final thoughts. “In speaking about the budget, I noticed that there was a lot of drug testing at the Creative Arts Café. I am asking if there is a way that if someone is going to take a drug test that they be responsible for the cost.” He continued talking about drug testing then ended by saying we should invite pastors from the area churches to give our invocations.

Zone 3/Vice-mayor Snowden

He commented on what Commissioner Burton said adding that we've tried having ministers and pastors from the community give our invocations. Sometimes it worked, sometimes it didn't. They would get forgetful or wouldn't appear or would lose interest or whatever but that has been done before.

“My concern is we used to have the department heads attend the meetings. So far as I know, that was never suspended by the Commission. Frequently, something will come up that could be addressed or noted by the department head. If they are not here, they get it second hand.” **Mayor Duffy** asked if he was saying that they should be told to attend the meetings. Commissioner Snowden continued, “I think it's important. If it's a long drawn out meeting and were on a dead issue I don't have a problem with them leaving but for the most part at least have them look at agenda items that might raise some concerns for their needed presence.” **Commissioner Robbins** suggested that their reports come under the Bimonthly Reports section so that they could answer questions early on and then leave at that point and not have to stay through the whole meeting. **City Administrator Findell** said the reason he had the department heads at the meetings was because questions can arise at any time during

the meeting. Simply having an individual there at the beginning of a meeting is not always going to serve the public. "I've been here eight years and I've observed patterns from the past with questions that are raised and when they are raised and they can occur at any time during the meeting. So, an individual employee or department head would typically not have the opportunity to anticipate a question or an issue being raised just by being here during department reports." **Mayor Duffy** said, "In defense of the department heads, to sit here through some of these meetings and then show up at work at seven or eight o'clock the next morning is difficult." Commissioner Robbins then said, "They are all salaried employees too so they don't receive any compensation over and above their 40 hours so to obligate them to come, well..... it's not in their job description." **Mr. Findell** said, It's for their benefit to be either involved in the discussion or engaged in the meeting. There's a lot that they can learn from the proceedings that take place. I know that one of the reservations the department heads have expressed is that they felt that by coming to the meetings, they expose themselves to criticism and worse. That certainly is a valid concern. I would hope that the tenor the Commission has taken the previous two meetings will continue in the future and we can focus on the issues at hand and we can treat each other respectfully and civilly. If we can do that, I think the department heads can certainly be here and be perhaps better appreciated than they are." **Mayor Duffy** said she can understand his feelings, but on the other hand, a day after the meeting she always reports to all of them what took place and they want to know what transpired at the meeting and if anything affected them. **Commissioner Burton** said, "Being new to the board and having sat in the audience longer than I've sat here, if I were a city employee and the conduct that the Board can sometimes exhibit could make citizens not want to show up notwithstanding staff. But the decorum that I believe we can bring to what we do here can be based on one of respect. **Commissioner Robbins** mentioned that we could have the staff reports at the beginning. The response to that was that if they were here in the beginning and then left there might be questions that would come up at the end that they may not be able to answer. That being the case, if no one's here to answer at all, we still lose so I think that it would not be a bad thing to at least make the attempt to be able to have the staff here so that us commissioners could ask them questions as opposed to having an issue go unanswered until the next meeting. I'm all in favor of at least attempting this. We could try something different, we can try something new. We all know what doesn't work so maybe we could try something that would give us the opportunity to serve our community." **Mr. Findell** said, "Something that isn't being considered as we're talking about the employees being here to answer questions that the commission might have or the public might have - there's a certain amount of historical knowledge that all the employees carry with them. As you are engaged in discussion on an issue from time to time there are times when an employee can contribute to that discussion based on their knowledge of the past. It may not have anything to do with something that's directly related to them. Their knowledge is beneficial. I will tell you, in all the years that I've worked, this is the only place I've ever worked where the department heads are not in attendance." **Mayor Duffy** said, "I need to ask, how do you compensate these people for working from eight to whenever and then coming and sitting at night?" **Mr. Findell** replied, "It's part of our job, it's our responsibility." Mayor Duffy then asked, "Should they get time off during the day to compensate them for time spent at a meeting?" **Mr. Findell** answered, "They do have time off. We get 12 days of personal leave a year or there's quite a bit of flexibility." **Mayor Duffy** said that's completely different from being forced to attend the meetings. "And this is how some of them have described it." **Mr. Findell** said "I appreciate that and obviously we all have different views on this. Since I

have come back, I have not forced my will upon the employees in this regard because I wanted to get a sense from the Commission, from the new Commission, what they expect.”

Commissioner Burton said, “I still believe if the board can conduct itself in a fashion that is exemplary that what we will receive will be in kind. Up until now, I can say that many people have a lot of reasons as to why they feel that it is not in their best interest to sit through meetings that are contentious.” **Commissioner Snowden** said, “From an historical point, I can safely say that those department heads make considerably more today than their predecessors or a previous role would've been paid a couple of years ago. Part of their pay structure was geared around the fact that you expected more from that individual. People used to stay here until 10pm, 11pm, 12am at night but those are rare occasions anymore. **Mr. Findell** said, “You have three of your department heads here tonight so you're not talking about a huge number of additional people. The other aspect of that is that you're trying to run a professional organization. I think those of us who consider ourselves professional consider it our obligation and that's just my experience in 30 years of working in government.

Mayor Duffy asked, “I don't know how we work that we just go back to you telling them they have to be here?” **Mr. Findell** said that's one way. “It's not irrelevant what I think but it's more important as to what you as a group think and what you expect and what you expect is what I will convey to the employees that work for me.” **Mayor Duffy** said, “I don't have a problem with it. I think if we have a question it would be good to have them here.” **Commissioner Robbins** added, “There are only two department heads who aren't here tonight, right? The Finance Manager and the Public Works Manager.” **Mr. Findell** said, “You really want to consider if there is a necessity for the Finance Manager to attend the meetings because typically there are not items on the agenda unless there are bills that require the Finance Manager's input. **Commissioner Robbins** said, “I always go over the bill with her prior to the meeting and quite frankly when I came in tonight she was downstairs working and I'd rather see her downstairs working than here to ask trivial questions. I agree with you.” **Mr. Findell** said, “We will do as the Commission desires. We should have a consensus. “

Commission Lane

“I agree with Don about requiring department heads to attend this type of meeting for educational purposes. Granted, they won't learn much at each individual meeting but over a period of time, with the weight of the information pouring in, we will have a much more professional staff. If we put them on the spot and make them feel fearful every time they come here certainly that's going to be a tough battle. We can ask questions but we don't need to expect an answer right then. If we go in with that, a consensus among ourselves, that we will give them the benefit of asking them questions and they can get back to us if they need to. It's very difficult to go back after the meeting and remember what we want to ask each person.” **Mayor Duffy** said “It would be beneficial to them the next day to know why a question was being asked of them.” **Commissioner Lane** continued, “I do like the idea of moving things forward in the meeting if we're going to let them leave. But as a salaried employee, it's always incumbent on you to arrange your time. If they are here for a two hour meeting we should allow them to come in the next day at 10 o'clock instead of eight o'clock. We have to respect their ability to manage their time. I think it's what you do when you have salaried employees - you have to expect give and take.” **Mayor Duffy** asked if Wendie Levings should also be in attendance to answer any questions.” The consensus was that probably wasn't necessary unless there's something that specifically involves her. **Mr. Findell**

continued, "One of the things we've tried to promote in the past is that we're an organization that should work together as a team. We should not be working towards opposite ends of the spectrum. We should all be entitled to our own opinions, entitled to pursue our own direction but we should always remember that as an organization, the organization of the people we work for, are better served by us operating as a team than as a group of individuals. That's another reason why I thought that it's important that the department heads be part of the team. This is a team exercise." **Commissioner Lane** added, "You mentioned that you may have something official we could draft?" **Mr. Findell** answered, "Just a consensus is fine. If you want to go down the table and say if you think it's a good idea."

Commission Lane said, "I think it's completely appropriate to ask the department heads to attend the meetings with the given caveats that I mentioned before." We need to respect their professionalism and I think it's important that they be here."

Commissioner Snowden said yes.

Commissioner Burton said yes it would be beneficial and appropriate for the city to have representatives in attendance. He continued with discussion about the other Boards and their representation at the meetings.

Commissioner Robbins said, "I guess I'll go along with everybody else if they feel that we can benefit by it and not put them on the spot and let them get back to us if we have questions they don't feel comfortable answering at that moment."

Commissioner Snowden said that it's only been a short time that they haven't been required to come to the meetings. They've always been treated with dignity and respect.

(02:30:00)

Commissioner Burton added, "Just for clarification when I mentioned general decorum I was not talking about the employees being put on the spot but the decorum of the City Commission. From previous experience, there have been long drawn out discussions and arguments from the Commission. What I was speaking about was that the employees would not have to sit through us not playing nice. So if we can play nice we can display decorum that they can respect."

Commissioner Lane said, "Just reaffirming what **Commissioner Snowden** said, it's not out of line to reaffirm that they be treated with respect. I would also like to meet with the department heads and spend as much time with them as I can and get some education from them." A conversation ensued about meeting with the employees and how it would be a violation if **Commissioners Burton and Lane** met with them together. It was decided that each Commissioner would meet with the department heads individually.

Mayor/Mayor Duffy

She said all she wanted to talk about was the situation with the school board and how critical it has become. She said the only thing they came up with at the time is to raise property taxes for the school portion which is going to go over like a lead balloon. Part of the problem is that a lot of people are moving away and there a lot of foreclosures; they get funding based on headcount. She also reminded everybody about the parade on Sunday. There was more discussion about the parade and who would be riding on what float. **Commissioner Lane** reminded everybody that there is to be no advertising, political or otherwise. Also, loud noises such as horns, are discouraged.

Meeting was adjourned at approximately 9:40 p.m.

December 4, 2008

Joan L. Duffy, Mayor

Nancy Wilson, City Clerk