

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

**A REGULAR MEETING** of the City Commission of the City of Lake Helen, Florida was called to order by **Mayor Duffy** at approximately 7:00 p.m. Present were **Mayor Duffy, Vice Mayor Buddy Snowden, Commissioners Robbins, 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 Burton** to give the invocation and lead the pledge of allegiance.

**DELETIONS OR MODIFICATIONS TO AGENDA**

*There were no deletions or modifications*

**COMMISSION ANNOUNCEMENTS**

*There were no announcements*

**MINUTES**

*There were no minutes to review*

**CONSENT AGENDA**

*Bills – December 18, 2008*

**Commissioner Robbins** had a question about the Deland Animal Hospital expense in the amount of \$227.35. It was for a vicious dog. When our Animal Control Officer tried to subdue the dog he had some sort of seizure and had to be taken to the animal hospital. When the owner was called, she decided to surrender the dog. "This is a \$227 charge and I'm wondering if it's recoverable." **City Attorney Groot** said, "Based on the facts that you stated, it could be. I need to look into it more." **Commissioner Robbins** said the owner was sent a bill and to date she hasn't paid it. **City Attorney Groot** and **City Administrator Findell** will follow up on this.

**Commissioner Robbins** also commented on the Progress Energy bill. "I did a little research on that and the total amount used for the tennis courts to be lighted was \$330.39. I'd like to see a meeting where we talk about cutting corners. I don't think that anybody is playing tennis between nine and ten o'clock at night. I think the lights should be turned off at dusk. This is an extravagance." **City Administrator Findell** agreed with **Commissioner Robbins.** It will be more of a problem in the coming year because rates are going to go up fairly dramatically. He said we need to look into a metering system. **Mayor Duffy** asked if anybody knows how many people are using the tennis courts. **Commissioner Robbins** responded

that she never sees anybody there. **City Administrator Findell** said he'd look into this. **Commissioner Robbins** also said, "At the last meeting, there was a charge on the bills for additional travel by ECT. I went home and I looked up the total contract for the CUP part of professional engineering services and it is \$24,750. I spoke with Tom Gustafson of Florida Rural Water and I asked him if he thought we could have done it ourselves. He said he didn't understand why we hadn't at least made an effort to do so. If they'd come back with other questions perhaps then we would have had to get an engineer involved. That's a lot of money." **Mr. Findell** said, "I disagree with Tom Gustafson, based upon my experience with the Water Management District and CUP renewals. What Steve Provost said at the last meeting is that it is a substantially more complicated process than it was 10 years ago when we received our last permit. It is a process that has become more substantial because the Water Management District has a new set of rules, regulations and guidelines that they have to operate under. They've pushed regionalization and they have to justify to their Board any deviation from that approach. They have to justify to other communities why they would deviate in a situation, such as with Lake Helen, where we are requesting to continue using the aquifer as our water source rather than being part of a regional system that gets ground water from the St. Johns River. Also, the modeling effort that is required to substantiate our request is exponentially more difficult than it has been in the past. Modeling was not even required during the last go around. As I've been mentioning, the Water Management District is recognizing that Lake Helen has limited resources and they undertook the expense of modeling. If the commission is concerned about the costs associated with Lake Helen's CUP, they might wish to check with other communities in Volusia County to see what that same renewal process is costing them." **Commissioner Robbins** point is that if SJWMD is doing the work, why are we paying ECT? **Mr. Findell** repeated, "The Water Management District is not doing the work, they did the modeling. ECT did the original modeling and then the Water District asked for more detail - more extensive modeling. It's not a simple process anymore. I don't know how to say it anymore frankly or bluntly that that. It is not the same world today, as it relates to water resource management, as it was 10 or 20 years ago. It's quite complicated. It's quite political. If you read the paper you will see how political it is." **Commissioner Robbins** said it's like they are trying to put the little guy out of business. **Mr. Findell** said it is not a pleasant process for anybody to go through anymore, including SJWMD. A considerable amount of Mr. Findell's time has been spent on trying to secure this permit. Hopefully, we'll be able to secure it. If so, it will save the citizens of Lake Helen "tons" of money over the course of the next 10 years. It would, therefore, be money well spent.

**Commissioner Robbins moved** to accept the bills for the General Fund in the amount of \$46,043.36; the Utility Fund in the amount of \$10,244.69; the Storm water Fund in the amount of \$859.57 and the Creative Arts Café in the amount of \$7,794.79.

**Commissioner Snowden seconded.**

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

## **PRESENTATIONS**

*There were no presentations at this meeting.*

## **BI-MONTHLY REPORTS:**

*City Engineer - no report*

*PLDRC – no report*

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**Historic Preservation Board** – no report

**Parks & Recreation Board** – Alan Cooke spoke on behalf of Parks & Rec because he had contributed a lot of his time to getting the 1<sup>st</sup> Annual Christmas Parade organized. He wanted to say that the parade was a success. The timing was off a little bit but everything went really well. He wanted to thank everybody who had contributed their time and effort.

**Public Forum**

*Lou Benton*  
*Lake Pearl Drive*

“I had a letter come back from the Florida Department of Ethics. I was cleared of all allegations. The amazing part of it is that the people who made the allegations have attended all other meetings. Now they're not here because they have egg on their faces. They tried to discredit me in this town. I've carried a good reputation here and I feel when people make false allegations they are hurting people. I think it's totally wrong. Thank you.”

*Alan Cooke*  
*792 Oak Tree Lane*

“I'm here tonight to say, and I want this to be made public record, that I had three ethics complaints filed against me almost 1.5 years ago. I want to report that all three complaints were dismissed for lack of facts. I just have to say one thing that really annoys me. I'm looking at all you Commissioners - it's a shame when you work so hard to make a town work and people work together to make things happen, that one little handful of people can turn that town into what's happened here. I'm hoping when this is over, that some of the energy that's used to tear things down will be used to make the town better. Thank-you”

*Tony Troy*  
*421 Roseville Lane*

I left all of you (Commissioners) copies of the reviewed ethics complaints. I had three filed against me; one from Susan Callahan, one from Heather Lindsey and one from Mary Dickinson. All three were dismissed. They had plenty of opportunity to submit facts backing up their claims but they had no facts. The complaints were mostly retaliation for what's going on with the B&B. Ann Nehrig also submitted complaints trying to get me off the PLDRC. All her complaints and accusations of violations were also dismissed. I serve at the pleasure of the Commission, I love being on the PLDRC. We have a good group of people and I'm honored to be there. When my name comes up in the future, if you all are on the Board, I hope you won't consider what happened here but focus on the facts. I'd appreciate if you'd consider where it's all coming from. Thank-you.”

**Public Hearings**

*There were no public hearings.*

**Commission Considerations**

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*Consideration of request by Ridan Industries to construct a communications tower at the Mitchell Brothers Sports Complex.*

**City Administrator Findell** said, "This item was placed on the agenda at the Commission's request. At the previous meeting, I had indicated that staff and Ridan Industries had concluded negotiations relating to the use of City property. The Commission asked if representatives of Ridan would come to a meeting to answer any questions regarding the placement of a cell tower on City property. Kevin Barile is here to represent Ridan. The goal tonight is for the Commission to be satisfied conceptually with the direction we're taking. The Commission would give conceptual approval and that would allow us to complete the lease and allow Ridan to have a degree of confidence that the City is moving in the same direction that they are. It would also allow them to move forward in making application for a special exception in order to locate the tower on City Property."

**(00:30:00)**

The powerpoint presentation that Mr. Barile presented was included in the Commissioner's agenda packets. His company is a Florida based company that owns and operates communication towers and he has been in this business for the last twelve years. They work mainly with traditional cell phone companies and help them provide service in certain geographical areas. The carriers do a good job constructing their own towers but sometimes they must draw upon a company like Ridan as a resource to help them develop towers in some given locations. They balance the [technical needs of the carriers, geographically where they must be placed and the height of a given structure] with private property rights. The type of tower they want to construct strikes a balance between those two needs. Mr. Barile went into some detail about tower construction. They are usually constructed in a residential area and satisfy the technical needs of the carrier while minimizing impact to the community. They are placed such that multiple carriers can use a single tower.

The proposed location is in the Mitchell Sports Complex. The closest towers are about two miles away and under certain circumstances, there's not enough coverage to make or maintain calls. The carriers get real-time statistics about lost and dropped calls. With that input, they do things to supplement the required capacity needs. At some point, the capacity needs can't be met and another cell site is required. They first look for existing structures to collocate their equipment. Nothing like this exists in this general area so they requested the assistance of Ridan Industries.

The structure they are proposing will be approximately 190 feet high and has an operable flagpole that accommodates a 15'x 25' flag with an internal halyard and finial. The upper third of the tower is the business end. The pole is fiberglass, painted white, and covers all of the internal workings so it looks like an ordinary flagpole. The bottom is enclosed by a fence that will be surrounded by plantings. The flag will be up-lighted to conform with flag etiquette. It is maintained by Ridan (flags are generally replaced between 6-9 months) and lowered to half-staff when appropriate

They are flexible with the location but need to be close to the center of Lake Helen. Currently, the Sports Complex is the best location because of required setbacks and the minimum ten acre size necessary for the 80'x80' compound with the tower in the center. Each carrier

would sublease space from Ridan and would have their equipment cabinets on the ground obscured by the fence. The proposed tower can accommodate up to 6-8 carriers.

As an aside, Mr. Barile said cell phone penetration in the U.S. is 88-89% and is projected to go over 100% soon. We are a mobile society.

**Following are some bullet points gathered from questions that Mr. Barile answered:**

- The bottom of the tower is 6.5 feet in diameter tapering to 36 inches at the top.
- After all the necessary approvals, construction of the tower can be done in about 45 days. The tower's delivered in segments and is erected in about 4 hours. The cabling and antennas are then installed and the tower is enclosed.
- Heavy equipment is used mainly during the first week of construction.
- One trade at a time is on location so people aren't working on top of each other. Landscaping is the final step.
- This will not interfere with baseball. Construction is coordinated with those in authority to avoid conflict and minimize impact.
- Colocaters can be added to the tower before or after it's built.
- Maintenance is performed one time per month per carrier though they usually don't have to perform maintenance that frequently. The flag and landscaping are what receive the most maintenance.
- No cabling is needed for support; the tower is freestanding. The tower itself can withstand 150 mph in 3 second gusts plus redundancy factors are built in. (The wind requirements are far more stringent for cell towers than building codes or wind standard requirements for water towers and other similar structures.)
- Close proximity to the tower is not a problem. Power levels (EMF's) drop-off by the distance away, squared. A person gets more exposure from their headset pressed against their ear than from a tower in the air. Ironically, the closer you are to a tower, the less radiation you'll be exposed to because your handset powers down to save battery life.
- Non-ionizing radiation has no ill health effects. It is hard to prove because you're trying to prove a negative without long term studies.
- This cell tower is needed for both coverage in the area and capacity during peak usage.

**City Administrator Findell** said a question was raised by somebody in the audience about what income the tower will generate. \$24,000/year is the base rate. Because the tower company is assuming all financial and management risk, the first two co-locaters are free. In other words, they won't be sharing revenue with the city beyond the \$24,000 unless the

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revenue for the first two carriers exceeds \$2500/month, then we get 50% of the excess revenue. For the third co-locater, we get 33% of the revenue and for the fourth we get 33%. Beyond four co-locaters, we get 50% of the revenue.

Mr. Barile said, "I've never paid so much for a tower. That's the richest revenue package we've ever had. Please don't tell anybody. Mr. Findell has been working with me for quite a while and he's a shrewd negotiator. I wish I had him on my team."

**City Administrator Findell** asked if the commission would make a motion to give conceptual approval of the request to allow him to continue working with Ridan so they can complete their due diligence and begin the process of making application for their special exception permit.

**Commissioner Snowden made a motion** to give conceptual approval.  
**Commissioner Lane seconded.**

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

**Commissioner Snowden** added that he'd like the Commission to be kept apprised as to where the tower will ultimately be erected in the Sports Complex.

**City Administrator Findell** agreed with the request.

**(01:00:00)**

**Mr. Findell** talked more about the process of tower approval and installation then added that the proposal won't go before the PLDRC until they've decided the location of the tower. Ridan will be able to do some preliminary work, however.

To answer a question asked by **Commissioner Robbins** about how the tower will look, Mr. Barile said they often fly a five to six foot diameter balloon at the site of the tower representing its height. They then take pictures of the balloon from different locations and superimpose it on a scaled tower in the picture so you have an accurate representation from different areas of the community.

**Commissioner Lane** asked how much time this will take assuming everything goes flawlessly. **Mr. Findell** said it should take in the neighborhood of six months. He went into more detail about timing and then this topic was concluded.

*Consideration of a variance application submitted by John Miskell at 194 S. Lakeview Drive.*

**City Administrator Findell** said Mr. Miskell had submitted a variance that requested deviation from the land development code that would allow him to construct an addition to his house. That addition, because of where the house is on the property, would require him to intrude into the normal 30 foot setback; he'd be required to have a 16.3 ft setback on Michigan Avenue. Because the property is located in the historic district; he was required to go before the Historic Preservation Board to get their input and apply for a Certificate of Appropriateness. They met on 10/13/08 and conveyed their input to the PLDRC. After some discussion, the PLDRC recommended that the City Commission approve the variance

request.

**Commissioner Lane made a motion** to approve the variance request for the property located at 194 S. Lakeview Drive.

**Commissioner Snowden seconded**

**All zones and the Mayor voted yes**

*Consideration of a Certificate of Appropriateness application submitted by John Miskell at 194 S. Lakeview Drive.*

Mr. Miskell applied for a Certificate of Appropriateness to construct an addition onto his house. When submitting his application to the Historic Preservation Board, he submitted the design for the proposed addition. They recommend approval of the COA.

**Commissioner Robbins made a motion** to accept the COA for John Miskell at 194 S. Lakeview Drive with the conditions set forth by the Historic Preservation Board.

**Commissioner Burton seconded**

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

*Consideration of Troy Building Company's final invoice for City Hall Rehabilitation, Phase II.*

**City Administrator Findell** said that the Commissioner's agenda packet included the final invoice for the remaining work for which Mr. Troy was responsible relating to the interior restoration of City Hall. "I indicated in the memo to the City Commission that the building inspector had reviewed the work for which Mr. Troy was responsible and had indicated that it was fine. As a result, the invoice is being submitted to the City Commission. I raised the issue regarding the refinishing work on the south stairway and landing area that was done at City Hall. Most of you who were in City Hall at the time know the issue, the finish on the staircase and landing deteriorated almost immediately upon application. It was an eyesore and it provided no protection for the wood. It's been the city's position that the work was substandard and needed to be corrected. Mr. Troy was unable to secure the original subcontractor to address the issue but he did have the problem corrected. He doesn't believe he should be responsible for absorbing the cost of the corrective action. We continue to believe that it is the contractor's responsibility so we're proposing a couple options:

1. Authorize payment of the entire invoice in the amount \$4,751.29 or
2. Authorize payment of the invoice minus the cost of the floor refinishing and the builders profit on that floor refinishing work which would result in a net cost of \$3599.04. It's also advisable, since Mr. Troy has mentioned that he would like to have the invoice paid so he can address a couple subcontractor payment issues, that we receive lien releases from the subcontractors.

Tony Troy  
421 Roseville Lane

"I don't know exactly what happened here but I do know that the initial product we were using was very smelly. This project was done on November 30, 2005. It was done during a cold

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time of year. I know Ann (Robbins) worked downstairs and the fumes were pretty bad. We were asked to use something that was 'not as smelly' if we could. My original flooring contractor, Dante from Intrinsic Flooring, did all the work with polyurethane. Intrinsic Flooring did the work at Hopkins Hall. They are competent and his company is very reputable. I asked him if there is any kind of polyurethane that they could use that has the same satin finish but isn't smelly. We hired local people to take things apart, strip things down and apply the finish but for some reason, maybe the colder temperature or its use as the stairway to the cafeteria in the past, the finish didn't bind. I'm at a loss as to why this happened. We used polyurethane similar to what is here in the commission chambers. I don't know why but it started getting scratched easily. Some people said that maybe it's being scratched by the sand on peoples' shoes as they entered the building. I don't think I should eat the cost. We always try to do good work and be responsible. We came back in to fix the problem, this time using a product called Moisture Cure. It was the stinkiest stuff and people were complaining but I didn't want to take any more chances. The Moisture Cure has worked out fine but we were asked to use something that wasn't that smelly originally. I was simply doing what was asked of me. We did everything as inexpensively as we could as we did with all of our projects." **City Administrator Findell** said one of the reasons we continue to take issue with this is because I did some major remodeling to my house and one of the things that we did was to build a new staircase. We used a product similar to what was used here. I live in a house where there's a lot of traffic. That staircase has been there a couple years and it shows no sign of wear whatsoever. That's why intuitively there was either something wrong with the mix or there was something wrong with the application and that's where we are left. **Mayor Duffy** said she agrees with **Mr. Findell**. She noted that it happened so quickly and the floor was down to bare wood almost immediately. At the time, she said, he was still working in the building and it's something that he should have noticed. He was the contractor and he should have taken care of it. Mr. Troy continued, "I didn't feel I did anything out of the ordinary. I don't know if there was some kind of solvent on the stairs from when the school was here and it stopped the polyurethane from binding. I don't know.... it's an old building. I'm not denying that it happened." **Mayor Duffy** said, "Don't you think as a contractor that was part of the job to take corrective measures?" Mr. Troy said he could not use Moisture Cure because there were so many complaints about the smell. "I don't feel there is anything I could have done differently. The product worked fine on the spindles and handrail. I was accommodating your request to not use the product with noxious fumes." **Commissioner Burton** said "It's my understanding that you subcontracted the work to someone who now can't be found." Mr. Troy explained that the subcontractor is around but he had no explanation as to what went wrong. He was too busy to come back. **Commissioner Burton** continued, "It was your obligation as the contractor to ensure that the job was done sufficiently. You paid him." Mr. Troy repeated that he did everything according to what he was supposed to do. He's a professional. There was some reason the product didn't bind to the floor but was fine elsewhere. **Commissioner Burton** said, "If you hired a contractor to paint the walls and he did a poor job and before you paid him you saw that the job was poorly done, you wouldn't pay him." Mr. Tony said the problem wasn't obvious immediately. **Commissioner Robbins** asked if Ken Smith had been contacted. **Mr. Findell** said his impression was the same as ours. Mr. Troy said, "I don't know how to prove that the subcontractor did anything wrong." **Commissioner Burton** said the finished product said he did something wrong. Mr. Burton outlined a scenario describing the responsibility of a contractor. "I've been a contractor as well and situations have gotten out of hand and I had to pay for it. It wasn't necessarily my fault that the person I hired to do the work was insufficient and the person that was hiring me didn't want to hear my stories." **Commissioner Lane** said

the compelling thing that Mr. Troy said is that the product used on the spindles and the railings held up. So it wasn't a bad mix or product. He agreed with **Commissioner Burton's** points. **Commissioner Robbins** asked what the contractor said when Mr. Troy contacted him in regards to making it right. Mr. Troy reiterated that his subcontractor said they did what they were supposed to do and he couldn't figure out what was wrong and why the finish came off so fast. I don't understand why it came off so fast either. **Commissioner Lane** has worked with Dante, from Intrinsic Flooring, and he knows that he's not a fly-by-night, he's a very professional worker. Tony Troy added that he also gave us a great price on the work. **Mayor Duffy** said, "Maybe he was using an inferior product because of the price. You just don't go down to bare wood that quickly. Mr. Troy added, "I understand that. I can't explain it. The finish was binding everywhere else but the treads. I would like to get paid in full. I don't feel I should eat this and I'm sorry that it happened. The only other product that Dante said we could use is Moisture Cure which has a glossy finish. It's very smelly and we had people complaining all the time about the odor when we used it previously." **Commissioner Snowden** asked if the subcontractor tried to make this good - did he try to make a correction? The answer was "no" because he felt he hadn't done anything wrong. It was almost a year later that Mr. Troy was called back to redo the stairs. **Mr. Findell** said in retrospect the issue seems to be that Dante was too busy but it was still his obligation to come back and at least make an attempt to correct the problem. Mr. Troy answered by saying he couldn't force the man to come back though Dante would have if he'd been promised payment.

**Commissioner Burton made a motion** that the invoice be paid without the additional costs that were incurred. This is taxpayer money and that's what we're supposedly here to protect. Mr. Troy added that he's also a taxpayer. This is the city's money that we are being asked to use to pay for substandard work that was done and it had to be redone and you're asking the city to pay for this twice. Mr. Troy said, "No, I'm just asking you to listen to the facts.

**Commissioner Burton** said his motion is that we pay \$3599.04.

**Commissioner Robbins seconded**

**Commissioner Snowden** said, "The reservation I had in seconding that is that I can appreciate all the work that the commission did to work with Tony (Troy) to secure this project. Tony took on this project because he was a local contractor and the city placed faith in his ability to carry out that project. There have certainly been ups and downs through the process but I think in each and every case the city and Tony Troy have worked through those processes."

(01:30:00)

"I can appreciate that you've suffered because your subcontractor let you down. You feel that you're being penalized if you don't get paid for something you've already expended. I as a taxpayer and as a Commissioner would favor reimbursing you part of that expense but I think you should forego your profit margin for that part of the contract. If that difference was divided between the city and the contractor then we'll both suffer some. I would not vote in favor of the motion and I would not second the motion because I can feel your plight and I understand that through the process and during the refinishing of the floors, there was a lot of confusion and complaints about the smell. I think you were trying to accommodate those who were exposed to fumes but at the same time your subcontractors had an obligation to you to use a product that wasn't inferior and that wouldn't deteriorate over time. That's where they let you down and in turn you let us down by their failures." **Commissioner Lane** said, "So, what

you're recommending is that we not approve this motion and that we have another motion where we pay \$3599.04 plus split the difference of the cost and none of the contractor fee?" **Commissioner Snowden** said yes but they have to vote on the motion on the floor first.

Robbins –yes  
Burton – yes  
Snowden – no  
Lane – no  
Mayor – yes

**Motion passed 3-2.** The invoice in the amount of \$3599.04 will be submitted for payment.

*Consideration of request by Rick Mullen to change the employment status of Seferino Mendoza from a probationary employee to a full-time employee.*

**Mayor Duffy** said she knows for a fact that Seferino is a great worker.

**Commissioner Burton** made a motion that Seferino Mendoza's probationary status be converted to that of a full-time employee.

**Commissioner Robbins seconded.**

**All zones and the Mayor voted yes**

*Consideration of request by Rick Mullen to hire Rodney Blanks to fill the open General Maintenance position at \$10.05/hour.*

**Mayor Duffy** said there were more than 70 applications for this position. Mr. Blanks was the department's second choice. The first choice evidently withdrew. We don't know why. Mr. Blanks will do a good job for us. In Rick Mullen's absence, **Mr. Findell** spoke on this matter. "I reviewed all the applications. I reviewed all applications submitted plus the applications that Ricky chose for interviews. Out of the 70 plus applications, with the exception of perhaps a couple, he chose the same individuals to interview that I would have. I also spent a considerable amount of time talking to Ricky about the interview process because I knew I'd be sitting up here tonight discussing it. I feel that I have an obligation to the city when someone is recommended to the Commission to feel comfortable with that recommendation as well. I sat down with Ricky for a considerable amount of time and had him walk me through the interview process. The interviews were conducted with and in concert with Jeff Oransky, the Crew Chief for Public Works. Ricky summarized the thought process that was involved in conducting the interviews. He went through the prospective applicants and how they performed in the interviews and how they perceived the job. A number of those individuals were looking for a fill-in job. He also indicated that a few people he talked to when it was explained to them the nature of the job and the variety of tasks that they have to perform and the diversity of performance requirements, indicated to him that they would be interested in certain aspects of the job but not all of them. A couple people interviewed weren't interested at all. Ultimately it came down to a couple individuals. He did have one individual that he and Jeff were ecstatic about. This individual had a number of years experience and many years of experience in construction and maintenance trades in a municipal setting. They thought that they had the position filled. Ultimately it turned out not to be the case and he was left with this second person as indicated in the memo here. Rodney

Blanks is known to a number of people in the community and he apparently does have a very good reputation as a hard worker, a reputation as a personable individual and the reputation of being able to get along well with others - all of which are admirable traits of for a Public Works employee. So, on the basis of that and on the basis of my understanding of the process that he went through and my evaluation of the applications, I was comfortable with the recommendation.” **Commissioner Robbins** said, “I don't know this individual. I know his mother. I had someone give me a call today and ask what Ricky's relationship was with this young man. If they were good friends and if Ricky would have any kind of a problem supervising him. I have no qualms. He sounds like a very interesting young man. Young man I say because he has an awful lot of qualifications for someone as young as he is. That's my only comment and the fact that someone had called me today about whether or not....” City Administrator said, “I appreciate that because that's the first question I asked Ricky. He was concerned about how it would be perceived if he hired Mr. Blanks who is, incidentally, more of an acquaintance than a friend. **Commissioner Robbins** added, “Ricky had had some problems in supervising Joey Rushworth and this person just wondered if that might be the case because he understood that Rodney had done some work for Ricky so that's why I bring it up. It could lead to other people being dissatisfied if they think that someone is giving someone the preferential treatment and so that's the only reason I'm bringing it up. I do want to go on record as saying I had that question posed to me and I felt that I should bring it up.” **Commissioner Burton** said, “I also had questions I addressed to Don and we had a lengthy discussion about the hiring process. It was also brought to my attention that there was one individual in particular and Don and I spoke about the application process. When you're filling out an application you want to put your best foot forward. The fact that the application for the job description may have implied or what the person felt was the job they were applying for. They may have a whole slew of qualifications but they don't put them down. The leg up the person has when they have a personal relationship with the person who's hiring is that they can make and be told what the job requires and they can tailor the application. I'm not saying that it happened in this case but I would think that as we go forward the jobs that we are applying for or that people are applying for they should be better prepared. I was satisfied with the discussion I had with Don at the effort he went through to get the qualified person given the job description and opportunity.” **City Administrator Don Findell** repeated that this was not Ricky's first choice. **Commissioner Robbins** said it was not Jeff's either. **Mayor Duffy** said that the first choice did not pan out. She didn't even know that Ricky and Rodney knew each other but she's known Rodney for years. **Commissioner Snowden** said, “I find it difficult to sit up here after everything we talked about at the last meeting. Ricky has submitted to us recommendations for hiring individuals. Some have made the grade, some have not. But each time that he's had a vacancy he represented himself and that individual before the commission so that we could air out concerns and thoughts that we had. Ricky's not here tonight. **Mr. Findell** has to go to bat for Ricky. Whenever Keith (Chester) wants to hire somebody he's here and he brings forth his candidate saying this is who I want and why. I want to see Ricky here. **City Administrator Findell** said in Ricky's defense, he's on vacation. **Commissioner Snowden** said, “He's in the city of Lake Helen, if he's that concerned about having a qualified individual working for the community he owes it to the community, he owes it to the city, he owes it to the commission, to bring forth his recommendation.” **Commissioner Robbins** said, “Buddy, I think in all fairness, he wrote the memo, he discussed it in detail with Don and Don should be able to represent him. I don't think you should call the man on vacation to come before us.” **Commissioner Burton** said, “I don't think you should call him from vacation but I share **Commissioner Snowden's** position that I'm a new commissioner here and I don't know all the people that might have applied. I

may have other experiences that might be different from all of you but it does present a situation where a Commission is now making a decision and when I originally spoke to Don he said he'd spoken to Ricky and Ricky pretty much had given him his choices. I think that it was also said that Nancy (Wilson) knew him. It's just second hand that 'I know him', 'he knows him' but if there are people who are not known by any of us put in an application are they getting the same advantage?" **Mr. Findell** said, "He would have an advantage if he were held in favorable opinion by each of those people who know him but if he was not held in favorable opinion he'd be at a considerable disadvantage." **Commissioner Snowden** said, "I've had to defend to some of the applicants that applied for this job. They know that an individual is before the Commission for consideration and that he knows the Clerk and he knows a Commissioner and he knows the Mayor and perhaps he had some extra advantage. Perhaps I will know the young man to see him but I don't know him personally.

**Commissioner Robbins** said, "I too would not know him if he walked in but the point is that Mr. Mullen has made a choice of who he wants to hire and the man will be on six months probation. **Commissioner Snowden** said, "If this issue is important and we have concerns and we had numerous applicants and the department head makes a request to hire an individual, that individual should be here. In some cases, we've had multiple people here in the chambers and we've made the decision between individuals. I would like to see a name and a face go together with the big push from the department head. I think historically the commission has always stood behind the department's recommendation whatever it's been. I don't want to change that, but I would feel much better if we had the opportunity to have this back and forth with the department head rather than guess among ourselves.

**Commissioner Lane** said, "I second everything that **Commissioner Snowden** said. He knows Ricky is on vacation and he doesn't begrudge him that but at the last meeting, we talked about how we would like to have the department heads here. I'm sure Ricky did his best to come up with this name. I don't have any problem with this recommendation. Perhaps he could come and speak to us sometime in the future."

**Commissioner Burton made a motion** that they approve the hiring of Rodney Blanks to fill the General Maintenance position.

**Commissioner Robbins seconded**

**Mr. Findell** added the starting salary would be \$10.05/hr with a starting date of 1/2/09.

Dennis Geyer raised his hand and came forward. **Commissioner Burton** added, "I got a call this afternoon from Washington, DC saying that Devann Sago was going to Washington for the inauguration and the gentleman standing before us happened to have been very generous in helping to contribute to that. He did make a very sizable contribution of \$1000."

**Mayor Duffy** said that we needed Mr. Geyer's comments on the issue being discussed. Mr. Geyer said, "The young man you're talking about hiring worked for me for three days, okay, the problem here is buddy, buddy. Get somebody new. Thank-you." **Mayor Duffy** said she didn't understand what he was saying. Mr. Geyer repeated, "The person you want to hire for \$10 an hour, he worked for me for three days, okay. Instead of somebody hiring their buddy, get somebody that the city can use as an asset. What I mean is this, OK, I agree with what Buddy Snowden and Cameron said. The second thing is, I hired that man to work for me, he stayed with my service for three days and I had to let him go. Instead of somebody hiring their buddy..." **Mayor Duffy** said, "He isn't a buddy." Mr. Geyer added, "I see him there all the time when I drive by on New York Avenue." **Mayor Duffy** said he will be on six months

probation.

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

*Consideration of request by Chief Chester to acquire two patrol cars from Orange City at no cost to Lake Helen.*

Chief Chester said he brought up this issue at the last meeting and all he wants now is for the Commission to give their approval. **Commissioner Burton** asked if it is going to cost a lot to get the new cars painted and outfitted. Chief Chester said they're fully outfitted except for radios and they'll take the stripes off, buff it out and then see if they'll need repainting. **Commissioner Robbins** said, "I just have one question, how is it that Orange City in this dire time of money, can just afford to give us these cars. Why aren't they taking their cars to an auction or selling them outright. How can they afford to just give them to us. I can't fathom anybody having that much money." The Chief said they receive some cars on a grant and auctions usually don't bring in much money. **Commissioner Burton** said they just bought a lot of goodwill from the City of Lake Helen. **Mayor Duffy** said Orange City's mayor told her about a month and a half ago that they were going to give us two cars. Alan Cooke, a previous Commissioner, said the stripes and wording on the car are usually just decals and should come off easily.

**Commissioner Lane made a motion** allowing Keith Chester to receive the gift of two second hand patrol cars from the Orange City  
**Commissioner Burton seconded**

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

*Consideration of request to contract with Blue Cross/Blue Shield to provide City health insurance with Brown & Brown, Inc. acting as the City's agent.*

**Mr. Findell** said, "At the last City Commission meeting I gave you a brief overview of the exercise that we are going through related to reviewing our insurance coverage. That included health insurance, life insurance, dental insurance, AD&D and voluntary life. Basically our entire insurance line-up."

(02:00:00)

"The reason we were doing that is twofold. One reason is because we do this exercise in some fashion every year even if it's just in a cursory fashion and secondly, and more specifically, because Aetna was proposing a rate increase this year of about 11.4%. That's a significant increase. We also had been approached by representatives from Brown & Brown who indicated that they would have an interest in working with us to see if they can save the city some money as well. We administratively said "sure", let's see what they have to offer. Sharon Gall is in the audience. She is Brown & Brown's representative and she's the one who's worked with staff to the largest extent. The process kind of went like this. Sharon and her staff prepared and analyzed a lot of different information and different plans. They then summarized the information and provided it to the city, principally Nancy, myself and Cheryl. We spent a considerable amount of time reviewing the plans and the costs and what was provided and as a result of this review, we reached a conclusion that there could be some

potential advantages to both the City as a government and advantages to the employees by investigating the possibility of a change in providers. As a result, we provided all the information to the employees. We had two sit down meetings with the employees to go over the various alternatives. We made it very clear as to what the advantages and opportunities and the potential costs were plus the potential differences and similarities between plans. We asked the employees to provide us feedback as to what direction they would like to take in this regard. As a result of those meetings and the feedback that we got, the vast majority of the employees were comfortable making the switch to Blue Cross, Blue Shield. They were in favor of that for a number of reasons the principal reason being that the Blue Cross, Blue Shield plan is a PPO versus an HMO. This gives the employees more flexibility as far as specialists. The Blue Cross, Blue Shield plan offers a wider network and a larger number of service providers than does the Aetna plan. Also, the employees who currently insure family members or who wish to insure family members, could achieve some potential savings by making the switch. The City could also achieve some savings ranging from a few thousand dollars to about \$14,000, give or take. Even if the cost is the same as the renewal, it would still be advantageous to the employees, in their opinion, to make the switch. That's not without some additional cost that the employees will potentially incur as individuals whose insurance is paid by the city. This decision was made on the behalf of benefiting all the employees in some way and specifically benefitting those employees who provide coverage for family members. So on the basis of all that, we're making a recommendation to switch providers from Aetna to Blue Cross, Blue Shield plan 3667 and appoint Brown & Brown as our agent.

**Commissioner Burton** asked if any other companies were considered and **Mr. Findell** said that we looked at Blue Cross, Blue Shield, United Healthcare and others. However, the Blue Cross, Blue Shield plan was closest to what we have now. **Commissioner Robbins** said, "Why did we change agents. Mr. Robertson has been the city's agent for about 18 or 19 years. He was not even given the census data so he could canvas the market for us." Mr. Findell responded that he never asked for the census data. **Commissioner Robbins** said, "Yes he did Don, he definitely asked for it." Mr. Findell said he's always been supportive of Tom Robertson and he considers him a friend. The best way to describe this is that the staff did not feel that the agency made as strong or even approached a strong effort to review the alternatives and make available to us some alternatives. "This is not a comfortable position for me." **Commissioner Robbins** said, "I had a call from Tom and he felt really bad but he did provide me with a quote from Aetna very similar to what we have, the only difference being the primary care co-pay is \$20 versus \$15 and a specialist visit would cost \$50. Most everything else was the same and it was only a 1.2% increase. This is what he came up with in an e-mail today. I think that something that costs \$8,000 a month needs to go out for bid. We had the same situation with garbage rates going from \$150 a year to \$239 a year and we didn't go out for bid on that. At the same token, we're taking a person that has worked hard for our citizens, has worked hard for our employees and I worked with Tom for many, many years and when anybody had a question, he was 'Johnny on the Spot' to answer it. I called Mike Walker last night on his cell phone because Mike has always been held dear to my heart because of his son's problem. I always said I would personally go with whatever Mike wanted because I wanted to make sure that little boy was going to be taken care of. And every time anything came up with Mikey, Tom or Dagny were back in 15 to 30 minutes to either Mike or myself with an answer and I feel like we've slapped them in the face. **City Administrator Findell** said, "I would disagree. I disagree because I've been far more intimately involved with this than you have been. I corresponded with Tom the other day to lay out the scenario

for him and how the City got to where we did regarding insurance. It's fair to say that there are those on staff, myself included, that appreciate the work that Tom and Dagny have done and there are people on staff who are not so appreciative who would not share your opinion. That's a personality driven thing and at this point I'm trying to keep the personality aspect out of this. It is fair to say that the staff felt that the City's best interest was more fully represented by Brown & Brown than it was by Tom Robertson's agency. There were times when administrative staff felt that information that they had requested had not been forthcoming in a timely fashion or they had been blown off. I'd like to avoid that type of discussion if possible and suffice it to say that staff was impressed by Brown & Brown's work effort. This is the third time Brown & Brown has presented us with the opportunity to utilize their services. I'm taking myself out of the equation; I'm talking about the employees. They were impressed by Brown & Brown's thoroughness, by their professionalism, their ability to answer questions and the ability to find the answers to questions. I will also say that there were a number of employees at the outset of the employee meetings who were biased toward one insurance provider or another. Mike (Walker) was one obviously. I told the employees quite frankly if there was not an overwhelming consensus to make a change then I was not going to be supportive of a change. Ultimately, the feedback that we got from staff was that they supported the change. If you don't believe me you can ask Nancy (Wilson) or ask anybody else who attended the meeting." **Commissioner Burton** said, "This happens to be my line of business - insurance. And as an agent, I can say that I can come back to any agent that has given a quote and I can beat their quote and that is the nature of the market. If you give me a set of parameters I can play with the numbers and the numbers will come out in my favor. Another agent can come behind me and move the numbers around so that comes out lower. So, from the standpoint of the market being driven by the consumer's needs or desires to have the cheapest price, that does not always mean that the cheapest price is the best product. I don't know the circumstances of the former agent but having 18 years experience and having an 18 year relationship, to then fire an agent, I would find it somewhat a slap in the face if I were not given the opportunity to make a competitive bid." **Mr. Findell** said, "Let me explain something to you. This is what I know about the health insurance industry. This is not a bid, these are quotes that we received from the insurance companies and if I asked three insurance agents to give me a quote for Blue Cross Blue Shield plans my experience has taught me that independently I would get the same numbers from each one of those insurance agencies. Tom explained that to me years ago when one of our former Commissioners was interested in putting this out to bid. He said, "You can put this out to bid but it's not a biddable thing because you're going to get the same numbers from each individual agency. They get their numbers from the provider and all we do is provide the numbers to the City to help you make a decision as to what is in your best interest. And I'm talking about health care not other forms of insurance. At the end of the day we really don't make much money on this, there's a really low profit margin." **Commissioner Burton** continued, "I had the occasion to be at my doctor today and we were talking about my GHI insurance from New York and he happened to make a remark that he was a former New Yorker and he has patients from New York so he only carries GHI to satisfy some of his clients. He also made mention of other companies that he had that he was carrying that were actually costing him as a doctor because he would submit his bill and the insurance company denies it and then he pays someone to resubmit it so by the time it bounces around and they get the actual price for what he has already done, he's spent twice of what he has received. So, having been to the doctor today, the doctors' position is something that I had to take into consideration when I considered that I'm going to continue with this doctor as to which one of my plans would be most suitable for him because of his experience with them. I think that sometimes the agent's commission can be small.

They have a vast variety of information as to which insurance company to use. Even though the price is going to cost more, you're actually going to get less so I'm just using this as an example. I don't know the previous agent. I just heard **Commissioner Robbins** explain that he was in his position for 18 years." **Mr. Findell** continued, "I will repeat that I don't take this lightly. I don't take it cavalierly. This was a major exercise. The beginning of the exercise, before it was ever going to be brought before the commission, was to arrive at a conclusion that was going to be beneficial for the city and beneficial for the employees. We've had criticism in the past that recommendations were made to the City Commission on behalf of the employees without their input. We did all the background work we could to reach this conclusion. Relating to tonight's input, let me repeat a statement from our current insurer. One of the e-mails from Tom Robertson to staff was that, "We weren't aware that Blue Cross, Blue Shield had competitive plans but we can quote them." Rather than bringing this before the Commission it would have been much simpler if an individual commissioner who had an issue had contacted me and I would've had the opportunity to explain what I know as it relates to the whole situation. We could've avoided some of the more unpleasant aspects of it." **Commissioner Robbins** said, "Since you are directing that to me, I will tell you that when Tom called me he could have given you a quote on Blue Cross, Blue Shield." **Mr. Findell** said, "Of course, and he did give me a quote but what I'm talking about is the way the process has worked in the past and you know this because you've worked with me. We would ask Tom for insurance information back during the budget year, during the preparation of the budget and sometimes it was difficult to get that information." **Commissioner Robbins** said he couldn't quote before our budget because the rates would be different as of the renewal date. **Mr. Findell** clarified, "The difficulty was not in providing the information, it was providing information that would be current and we understood that and so we would get a new quote sometime in the October or November from him because that's when they would quote the new rates for January. But the information would ultimately be forthcoming and we would use that to evaluate our position either to stay the same or to change. This is the same process we followed when we moved from Humana to Aetna. But for whatever reason, for the last couple of years, it's just been a more difficult process. Several years ago, when it was recommended that we look for different insurer, I'm the one who stepped up here in front of the Commission and said I wouldn't recommend changing. I had Tom come and explain the whole process. There wasn't sufficient benefit in making a change. There wasn't sufficient benefit to anybody. This year there was enough potential benefit to make this change." **Mayor Duffy** said, "I think one reason the employees are in favor of the change is that they had the opportunity to ask questions of Brown & Brown representatives. The other reason is that Blue Cross, Blue Shield is a PPO which allows more flexibility with specialist visits." This discussion continued with Mr. Findell reiterating the benefits of switching to Brown & Brown and ensuring the Commission that he had vetted the information thoroughly. Even if the numbers don't materialize to the best case scenario, the worst-case scenario is still less expensive than renewal for our current provider and one that the employees prefer.

**Commissioner Snowden made a motion** to enter into a contract with Brown & Brown to provide the City employees health insurance.

**Commissioner Lane seconded.**

Zone 1 – No

Zone 2 – Yes

Zone 3 – Yes

Zone 4 – Yes

December 18, 2008

Mayor – Yes

**The motion passes 4-1.**

*Consideration of request to contract with Standard Life Insurance to provide City life, voluntary life and disability insurance with Brown & Brown, Inc. acting as the City's agent.*

**Mr. Findell** said, "One of the things that Brown & Brown did when they first looked at our Life insurance, AD&D and short term disability coverage was to say that it looks like we're paying way too much. They said they'd try to find something that offers the same or better coverage for less money. In this particular instance, they brought back at least two more companies that provide the same or better coverage for about one third of the cost than we're currently paying and that we have been paying for the last several years.

**(02:30:00)**

It's not a tremendous amount of money that we pay on behalf of the employees for life, AD&D and short-term disability insurance but it is considerably higher than what we could have been paying over the years. Standard and Hartford were very close in their offerings though Standard was marginally less expensive. One of the most important parts of this analysis was what employees would pay if they wanted to pay for additional voluntary insurance. Either of the other two providers that we looked at offered voluntary life at one-third to a little less than one-half of the current provider. It's just an additional benefit that we're able to offer. On that basis, we're making the recommendation that we change from the current Life, AD&D and short-term disability provider to Standard Life Insurance and if we find a policy that's similar or cheaper we'll make the recommendation to change again."

**Commissioner Robbins made a motion** to enter into a contract with Standard Insurance to provide employees with Life, AD&D and short term disability insurance.

**Commissioner Burton seconded.**

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

*Consideration of request allowing University of North Florida to use the City bus.*

**Mayor Duffy** asked if Keith Chester was in charge of the bus and he said somewhat. He approached the podium. She said the letter was received several months ago. It outlined the costs - they have used the bus before. Keith Chester said they normally add lunch and admission to wherever they go for the driver. **Mayor Duffy** said we need to let them know that. He said he has no problem with them using the bus as long as Wally is available. Keith will notify him of the March 18 date. **Commissioner Lane** asked how often we rent the bus. Is it a regular thing? **Mayor Duffy** answered that this group uses the bus once a year. A question was asked about how much is charged for renting the bus. The driver makes \$12.50/hr. but we charge \$15/hour because of benefits, there's also a mileage fee and an hourly rate. It's not the same for every group. The amount charged is left to the discretion of the Commission. He said it is waived occasionally depending on the Commission.

**Commissioner Lane** asked what a comparable bus costs to rent. Keith said that the Lake

Helen bus is a lot cheaper. **Mayor Duffy** added that the bus was donated to us and we maintain it. Keith Chester said the Commission's desire all along has been to rent the bus to groups that provide some sort of benefit to the city. The Commission has felt in the past that renting the bus to the University was a good thing for the city to be involved in.

**Commissioner Burton made a motion** to approve the request for University of North Florida to use the city bus at the rate stated.

**Commissioner Lane** seconded

**Commissioner Robbins** said that we need to add that the driver's lunch and admission would be paid for.

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

*Consideration of request to waive mileage and hourly use fees for use of the City bus by St. Paul's Super Seniors Group.*

Keith Chester said he's asked for these fees to be waived because they're citizens of Lake Helen and their families go way back. "I would like to see the City of Lake Helen do more for seniors so I'm asking that this particular one to be waived. We don't do enough for seniors in this town I don't think." They will pay for Wally's time plus his lunch and admission.

**Commissioner Burton made a motion** that the Super Seniors Group have their fees waived except for the drivers expense and lunch.

**Commissioner Robbins** seconded

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

*Consideration of request to waive mileage and hourly use fees for use of the City bus by the Farm Bureau.*

Chief Chester said, "I would like to request permission from the Commission to allow the Farm Bureau to utilize the city bus at the rate of \$15 an hour for the driver and a \$20/hr. fee for using the bus. **Commissioner Lane** said this looked like a blanket request for any time they ever want to go anywhere. If the City continues to provide the bus for free, there won't be any money to maintain it. **Commissioner Snowden** recognizes that we have a lot of people here on fixed incomes and long-term residents but said, "at the same time, would you lend your car to this group?" Keith Chester said, "The rate we'd be charging them turns out to be \$35 an hour plus fuel costs. My heart goes out to the Farm Bureau because they do own part of the fairgrounds and they are very involved in the community. I realize \$35 an hour is cheap." **Commissioner Lane** says he is concerned because he was on the bus a couple weeks ago and it's really showing the strain of age. It's deteriorating. It looks like it's at that point where you start putting money back into it or you let it go downhill and it will go downhill fast unless we start putting some money into it. Keith Chester said that hopefully we will soon have a garage to keep it in where it would be protected. **Commissioner Burton** saw a busload of children on our bus headed to a water park, he happened to pass them on the highway. "To see Lake Helen on the side of the bus - that was a good feeling as opposed to seeing the bus parked in the sun." He also said that the more exposure it gets, the more people will know it's available and the more potential groups there will be to rent it for a fair

price. The conversation continued about maintenance and revenue sources.

**Commissioner Robbins** made a motion to allow the Farm Bureau to use a city bus at the rate of \$15 per hour for the driver, fuel costs and \$20 an hour for the use fee plus meals/admission for the driver.

**Commissioner Snowden seconded.**

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

*Consideration of request by a representative from the U.S. Census Bureau to utilize space at City Hall to recruit potential census workers.*

It was decided that the Yellow Room on the second floor would be used for this purpose. The dates haven't been decided on but they are asking for one afternoon and maybe one evening. The City has provided space for this purpose in the past.

**Commissioner Robbins made a motion** that the U.S. Census Bureau be allowed to use the room as needed to recruit employees

**Snowden seconded**

**All zones and the Mayor voted yes**

*Consideration to cancel January 1<sup>st</sup> City Commission meeting.*

**Commissioner Snowden made a motion** to cancel the January 1<sup>st</sup> meeting

**Commissioner Robbins seconded**

The first meeting in the new year will be held on January 15.

**All zones and the Mayor voted yes**

## **STAFF REPORTS**

*City Attorney Groot*

He had nothing specific to report. He'd given the Commissioners some material and said he'd answer any questions they may have either during the meeting or individually at a later date.

*Police Chief*

"We've had four structures vandalized in the city recently. Spray painting has taken place. We have had Pappa's and the business next door to Pappa's broken into. I've never seen a time when the citizens were more outraged with any crime. Probably it was due to the fact that it was so public, because it's out there where everybody can see it. There has been lots of speculation and lots of rumors. I've also received a lot of phone calls. As when other incidents happened, such as when we had a rash of burglaries and car break-ins, we got right on it. I was out patrolling myself at night in my personal vehicle. Ann (Robbins) can attest to that because I told her where her car was parked with her generator on it and I was concerned about that. We got right on this too. Being a small town, rumors fly. We're looking

into it. We are looking at the individuals who we suspect did it. The problem is that we didn't actually see anybody doing it or have any witnesses. This isn't CSI. There is a desire by some to start a COP group in town and we're going to have a meeting on Monday night to get a general feel for where we want to go with this. We will then go before the Commission to get permission to proceed. Certainly it would be a benefit to the community. It would be an extra set of eyes out there. As you all know, in the middle of the night, we typically only have one officer patrolling. If that officer is on another call or he's handling an arrest, he may be off the road for awhile. We have strongly encouraged our officers to keep those cars moving. Not to be at Handi-way and not taking unnecessarily long breaks. We are working on it. The comment was made that the Police Chief needs to pay more attention to his police chief duties instead of being a cook. Any of you can call Kelly and ask her how much time I spend in the kitchen at the Creative Arts Café. I do go down on the weekends on my time to help out. If you have heard that comment it's not true and Kelly can verify it. I do give a lot of time to the Creative Arts Café. It's part of my heart and I'm working for this community but I do take my Chief job seriously. I give more time than anybody I know to this community. Little remarks that are made and little innuendos that are thrown out there are hurtful especially when they come from people I have had respect for." **Mayor Duffy** asked what time on Monday night is the meeting. 7pm was the answer. Mr. Chester continued, "For the COP group, we don't need 40 or 50 people. We need a small core group of people who will be an extra set of eyes who will ride around and report back to the police about anything suspicious. **Commissioner Snowden** commented, "We have a good police department. A number of things that you've brought up tonight I support you on and I think this entire commission supports you. I think as a city we need to condemn the actions of those who did the graffiti. Make no mistake, this is not some little act of vandalism. You can go to larger cities that have been exposed to this and it is typical of gang style graffiti. Any law enforcement officer who has training can identify what it represents and who it represents. This isn't just some nonsensical act of vandalism. We need to stand behind the Police Department. Even if additional man-hours are required to find and prosecute these offenders. I think the police department needs to be vigilant."

(03:00:00)

Good police work starts with the bottom of your feet. If we've got Lake Helen individuals committing these acts I would take a very dim view of them. It's a cowardly act. I don't think the city or any citizen has ever been in more of an uproar than they've been about this graffiti. It's a threat, it's an insult, it's an act of a coward." Keith Chester talked about gang culture and how to handle it. **Mayor Duffy** said, "It's not a good thing to allow the graffiti to stay on these buildings because others then follow suit and gang rivalry can ensue. How can we go about making the owners of these buildings do something to remove it? We have no ordinance." **Commissioner Burton** said, "Coming from New York where graffiti is rampant, one of the ways that they were able to combat it, besides good policing, was to make the perpetrators remove the graffiti. In some cases, community service people would be used to remove graffiti." **Keith Chester** said the community service doesn't work real well here because the people can choose to do community service anywhere. Because I make them actually work, they choose to get their hours in elsewhere. In larger communities, someone is assigned to those people and they put them to work and there's communication with the judges and probation officers and so forth." **Commissioner Lane** said that it is an in-your-face insult and the longer it stays there the more it empowers those who did it. The conversation then turned to clean-up, especially on the brick bank building. Keith Chester said it is old sand brick and

he's not sure of a solvent that can be used on it. However, it doesn't look like it absorbed into the brick. **Commissioner Robbins** asked if anybody had approached the owners. Officer Radosti had.

**Mayor Duffy** wanted to make everyone aware of the new stop sign at the corner of Lakeview Drive and New York Avenue.

*City Administrator.*

No report.

*Code Enforcement*

No report.

## **MAYOR'S REPORT AND COMMISSIONER'S REPORT BY ZONE**

*Zone 1/Commissioner Robbins*

She wished everybody a Merry Christmas

*Zone 2/Commissioner Burton*

He reported to the Commission an update about DeVann Sago's trip to Washington for the inauguration. He thanked the City of Lake Helen and said he will be contacting the newspapers about her trip because it's a newsworthy item.

*Zone 3/Vice-mayor Snowden*

Merry Christmas

*Zone 4/Commissioner Lane*

Merry Christmas, Happy New Year and congratulations to DeVann.

*Mayor/Mayor Duffy*

Merry Christmas. She reminded everybody about the Ball at Hopkins Hall on Saturday night.

**Meeting was adjourned at approximately 10:12 p.m.**

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Joan L. Duffy, Mayor

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Nancy Wilson, City Clerk