

**REGULAR MEETING  
LAKE HELEN CITY COMMISSION  
CITY COMMISSION CHAMBERS**

**July 3, 2008  
7:00 PM**

**A REGULAR MEETING** of the City Commission of the City of Lake Helen, Florida was called to order by Mayor Duffy at 7:05 p.m. Present were Mayor Duffy, Vice Mayor Buddy Snowden, Commissioner Lou Benton, Commissioner Alan Cooke and Commissioner Ann Robbins. Also present were City Attorney Ken McIntosh, City Administrator Don Findell and City Clerk Nancy Wilson

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

City Attorney Ken McIntosh led the invocation and pledge of allegiance

**Deletions or modifications to the agenda.**

**Commissioner Robbins** said that item 7D should have been placed on the July 17<sup>th</sup> meeting agenda. She thinks all the raises should be discussed at one time. She also thought item 8A, regarding the I4 Landscape Agreement, should be tabled until a later date. She asked that those two items be removed from the agenda. She indicated that she'd been in touch with John Mica's office in regard to a petition for the barrier wall and they're going to be helping us. Since the planning is not going to take place until sometime in 2009 she thought that item should be removed from the agenda as well. **Mayor Duffy** said it was from John Mica's office in Washington where they indicated they did not have money to fund a wall.

**Commissioner Robbins** made a motion to delete items 7D and 8A.

**Commissioner Benton** seconded.

**City Attorney Ken McIntosh** said the matters need to be bifurcated, the motion is to remove from the agenda item 7d. **Commissioner Cooke** wanted to discuss the raise that Keith Chester is supposed to get saying it had nothing to do with the raises for the other employees. The raise was promised to Keith Chester two years ago. It was something that was previously voted on and he had all the paperwork to back it up. He thought it was important that it be discussed that night to get it over with. Mayor Duffy said there's a motion on the floor.

**Zone 1 – yes; Zone 2 – no; Zone 3 – no; Zone 4 – yes; Mayor voted no**

**City Attorney Mr. Macintosh** said the matter is now on the agenda, a vote was taken regarding 7D.

Item 8A needs to put it on the agenda or taken it off. It was a request by **Commissioner Cooke** to discuss landscaping along I4.

**Commissioner Robbins** moved that it be removed from the agenda  
**Commissioner Benton** seconded.

**Commissioner Cooke** said he'd pushed DOT to get some things done and there is a new plan for behind the houses from DOT. There was also some other information from DOT that wouldn't take long to discuss. He said, "after all the work that's been done on this, I think it should be left on the agenda."

**Zone 1 - yes; Zone 2 - no; Zone 3 – no; Zone 4 – yes; Mayor votes no**

**Item 8A stayed on the agenda.**

**Commissioner Cooke** had an announcement. He had something to present from Keith Chester who was sorry he couldn't attend but he was busy with July 4 preparations. He asked **Commissioner Cooke** to present a check to the City of Lake Helen for \$3403.76. It's from the Lake Helen Emergency Disaster Association. It's money that's been collected to buy more equipment to help our CERTS group.

## 1. Minutes

The minutes from May 15 and June 5 were reviewed and **Commissioner Robbins** suggested some changes.

**Commissioner Benton** made a motion to approve the minutes as corrected.

**Commissioner Snowden** seconded the motion.

**All zones and the Mayor voted yes**

## 2. Consent Agenda

a) Bills for July 3<sup>rd</sup>

**Commissioner Cooke** asked why *Dave's Fence* wasn't on the bills. **Commissioner Cooke** wants that bill to be paid. The City Clerk said that it had not been submitted when the July 3<sup>rd</sup> list of bills was printed. **City Administrator Don Findell** said a motion could be made to add it to the bills this evening. If the motion is approved and the item is approved that bill can be paid as well. **Commissioner Benton** asked how much the bill was – the answer was "\$3200".

b) The approval of Roger Sonnenfeld as a representative for Volusia Growth Management Commission.

c) There are several old police radios that have been removed from the patrol cars. The best way to get rid of them is to crush them - they can't be used without re-work and it wouldn't be worth the cost.

**Commissioner Benton** made a motion to approve the consent agenda.

**Commissioner Robbins** seconded the motion.

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

The issue regarding *Dave's Fence*: The \$3200 charge included taking down and reinstalling the chain-link fence at the cemetery to the property line and also to move the fence back to include

the Smiley's property at the northwest corner. **City Administrator Don Findell** said the City Clerk placed the invoice with the bills so **Commissioner Cooke** needed to make a motion to have that bill considered by the commission this evening so she can get authorization to have the bill paid. **Commissioner Benton** said the commission discussed getting three bids. **Commissioner Robbins** added that it was a change order. **City Attorney Mr. McIntosh** said that the issue needed to be added to the agenda by a motion before it is discussed.

**Commissioner Robbins** moved that we add the bill to the agenda.  
**Commissioner Cooke** seconded the motion.

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

**Commissioner Cooke** made a motion to pay *Dave's Fence* for moving the fence at the cemetery to the property lines.  
**Commissioner Robbins** seconded.

**Commissioner Cooke** reported that Dave said he would move it for three dollars a foot. After talking to other fence companies, we found his price was a lot cheaper than others. We would also keep our warranty and guarantee. **Commissioner Cooke** felt the fastest and most efficient way to get the fence moved was to issue a change order; to get it over and done with. **Mayor Duffy** said this was the first she'd heard of three dollars a foot. She heard that it was going to cost \$1200 plus concrete. **Commissioner Snowden** said the \$1200 figure came from moving the controversial 400 feet of fencing and didn't include other work that needed to be performed. He said 600 ft of fencing on the east side of the cemetery had to be moved too. **Commissioner Cooke** added, "What we did was the most efficient way of handling the fencing issue. It was definitely more efficient than having the fencing rolled up and stored until we decided what to do." **Commissioner Benton** asked if the 80 ft they took down was new fencing? **Commissioner Cooke** answered "yes". *Dave's Fencing* actually donated two sections to us and got rid of the old fence for us. **Commissioner Benton** didn't have a problem with taking the fence down but he also remembered that we were going to get three different prices and wanted to know who made the decision to throw that out the door. **Commissioner Cooke** said two other fence companies wouldn't have a thing to do with it. The decision was made because it had to be moved and put in the right place. **Mayor Duffy** asked who else was with **Commissioner Cooke** to make this decision because this was not the decision the commission voted on. **Mayor Duffy** reiterated that they were told \$1200 plus the cost of concrete. **Commissioner Cooke** said all he knew is that it was going to cost three dollars a foot to move it. **Mayor Duffy** said this whole cemetery deal has been a nightmare for the city. **Commissioner Snowden** suggested that it was done as a matter of expediency. However, he said we do have a provision to call emergency meetings for issues that come before the commission. There was a big disparity between the original price and what we are actually paying. The commission wasn't privy to the added expense. We could have called a special meeting. He knows we've gone through this back-and-forth and it's been a big issue and he thinks the goal of the commission was to get this accomplished as quickly as possible. But, his expectation of what it was going to cost the city are much less than what the final bill. **Commissioner Cooke** says yes but that was only for 400 feet. If we had put the job up for bid, it would have taken a lot longer and cost more money. **Commissioner Robbins** agreed with **Commissioner Snowden**. She said that a special meeting can always be called when something like this comes up.

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

**Commissioner Benton** added that when the commission decides to do something, they must follow policy. A special meeting should have been called. No single commissioner has the right to vote on behalf of the whole commission.

### **3. Presentations**

There are no presentations for this meeting.

### **4. Bi-Monthly Reports**

City engineers report: nothing to report

PLDRC: nothing to report

Historic Preservation Board: nothing to report

Parks & Recreation: nothing to report

Ad-hoc Cemetery Committee: nothing to report

### **5. Public Forum:**

*Doug Chapelle. 978 Marion Street and property on Pleasant Street.* His site plans are being reviewed and he wants to know what the endpoint is on the process. He is trying to line up vendors, suppliers, customers and he's trying to find out what the dates are for each step of the process so he can better deal with his requirements. He said that Mr. Findell suggested that he speak to other municipalities to discuss what they do. They could all tell me that if he put his plans in today when they'd be completed. He called Deltona, Deland, Orange City and Debarry; they all told him plans review takes about 40 days, give or take. We're sitting at 44 days today and I don't have an answer as to when things are going to pop out the other end. So what he wanted the commission to do is give him some sort of direction as to when each one of the required steps finishes. This can't go on forever. **City Administrator Don Findell** said that he talked to the City Engineer the previous week and he indicated to Don that he expected to have his review completed by the end of the week. He said if he gets the comments from the City Engineer this week, that he would have his comments out by next week. Doug Chapelle said that he just wants to know or wants to have some sort of communication about each step. He doesn't believe that Lake Helen has these steps codified like the other municipalities. Doug Chapelle wants to know "who's driving the bus." Don Findell says there is no offense taken and neither should the City Engineer have taken offense. He says that the process should take about 30 days. Sometimes it's a little more, sometimes it's a little less, depending on work load. Doug Chapelle asked who his point of contact is and **City Administrator Don Findell** said he's the point of contact and the best way to get in touch with him is via e-mail or cell phone. **Mr. Findell** added that once his comments are submitted, Mr. Chapelle's engineer has as long as he needs, up to six months to address whatever comments are made. **Commissioner Benton** said he's in the building industry and he's waited three months for Orange City to get back to him with plans. What they say they're going to do and what they do are two different things. Doug Chapelle reiterated that all he's looking for are dates that he can use to make his plans. He said he's not trying to rush anything. **Commissioner Benton** said that Lake Helen has a very quick turnaround time on permits.

*Ralph Kelly. 170 Tangerine Avenue.* He said when the commission opens their meetings they don't mention our boys and girls overseas. He didn't think it would be too hard to take a minute out of our meeting to show our respect. Mr. Kelly said he goes to all kinds of different events and meetings but he thinks we need to give respect to our boys and girls when we open our meeting. It's only a courtesy. He wants the commission to consider taking a minute to honor our troops. Mr. McIntosh said the mayor specifically requested that he mention those in the service who were in harm's way by reason of us approaching the fourth of July. He was remiss in not doing as she asked and he apologizes to the Mayor, the commission and those who are in attendance. It is his fault that it was not mentioned because the mayor asked him specifically to do so. Ralph Kelly said he didn't care about only tonight, he thinks it should be done as a general practice. He said Mr. McIntosh didn't need to apologize to him, he needed to apologize to our country.

*Heather Lindsey. 222 Tangerine Avenue.* (Ms. Lindsey made reference to page numbers that I'm not including here) "All references given are taken from city charter ordinances and codes and the County of Volusia. All violations that I'm going to be discussing I have given to the Code Enforcement Officer. Please be so kind as to not interrupt me as I say what I want to say- what I'm about to put before the board tonight. I'm not proud of what I'm doing. Both I and my husband feel it's time that this should be done and so do many other taxpayers in Lake Helen. We also know that the commission is already aware of some of these facts. Is it not for the commissioners and members of the PLDRC to ensure that they conduct themselves appropriately? Shouldn't the commissioners and the PLDRC conduct themselves independently, impartially and should they not use their position for private gain and avoid any creation of unnecessary barriers to the public they serve? Is it not for them to promote the public interest and retain the respect of the people for the governing body or board that they serve – the taxpayers of Lake Helen? Mr. Benton publicly stated that he would not work for the expansion of Cabin on the Lake as this would be a conflict of interest. Does not Mr. Benton work periodically for Mr. Troy, a member of the PLDRC. Mr. Benton was using someone else's license, Michael Lang - fraud. Mr. Benton was paid by the city to work for the city. In your own city charter it states 'board members cannot be employed by the city'. There are no disclosures filed. This is illegal. From the city ordinance, disclosures should be submitted. There are fines for commissioners or members of the PLDRC who fail to file disclosures. Mr. Cooke voted venomously for our Camphor tree not to be removed or the septic to be placed where the environmental agency said it should go. I have telephoned and looked up on records that no permits have been recorded by Lake Helen or the state. These records go back 8 years. So no engineered calculations were sought which I have to do. Not only has Mr. Cooke removed trees on a different part of his property, he then put in a new septic by the trees that had been removed. No permits were pulled from Lake Helen or the environmental agency."

"Five years is up on the Roseville subdivision. The surety and performance bond is up. The ERP's Stormwater Standard General, issued by St. John's River Mgt., has expired. The city of Lake Helen has failed in its responsibility to hold Mr. Troy accountable. Why was this allowed? Who was responsible to ensure that the reports were done in a timely manner on January 31<sup>st</sup>? It is the City Planner's responsibility, who at the time was Mr. Findell. Maybe he should be reinstated to sort out the mess that's occurring at the moment. Mr. Troy, by Florida statute, should never have been given a certificate of occupancy. Until a subdivision's infrastructures have been completed and come into compliance, all the contractors throughout Volusia County have to comply as does Lake Helen. The Woods here in Lake Helen had to comply. This is unfair prejudice. What is to be done? I asked about these compliances three commission meetings ago and nothing has been

done. Due to Mr. Troy's not complying with permitting subdivision's compliances, the Roseville subdivision has now expired and is noncompliant. It should be voided completely to protect the property rights of the citizens and taxpayers of Lake Helen."

" All three, Mr. Troy, Mr. Cooke and Mr. Benton, worked together in building projects as in Mr. Jerry Wilson's case. I had four witnesses who will verify that Mr. Wilson told us publicly that Mr. Troy is the contractor. All three men have violated the codes and ordinances of Lake Helen by which they expect the citizens of Lake Helen, who they sit in judgment of, to abide by. After I got permission to build my extension, a picture was placed such that guests could see it. They are now constantly at the coffee shop and Ann Stevens public bar having to hear derogatory remarks against Cabin on the Lake. I don't think this is complimentary to somebody who is a member of the PLDRC who is doing this. I'm asking that you now support the citizens and taxpayers of Lake Helen by your own City Charter and by the forfeiture of office you Mayor Duffy and the remaining Commissioner's Mr. Snowden and Robbins. You have the power, acting as a body, to request Mr. Troy step down from the PLDRC and Mr. Cooke and Mr. Benton step down from the City Commission. You should do so. If you do not do this, it will be taken by the citizens of Lake Helen that you support the corrupt practices and personal harassment by Mr. Troy, Mr. Cooke and Mr. Benton. Are they above the codes and ordinances of Lake Helen and Volusia County and the state of Florida? Mr. McIntosh, with due respect, said that it would be retaliation and we can't ask Mr. Troy to step down. That's rubbish. Double standards. Where are the rights of all residents of Lake Helen. Thank you very much."

**Commissioner Benton** said that he donated \$10,000 to the Creative Arts Café. He donated his work and his labor and did not get a penny out of it. He continued addressing Ms. Lindsey by saying if she wants to do a smear, she ought to do her homework; he doesn't know anything about Mr. Wilson's property. He doesn't have a bit of information and is not involved with that property at all. He said she should get her facts straight before making allegations. He said he disqualified himself and said that Ms. Lindsey is making allegations that are false. Ms. Lindsey asked him if he did not accuse the B&B of having a liquor license? Publicly. **Commissioner Benton** said everybody in the city knows that he didn't take money from the city and that he's done more work for the city than you or anybody else. He's never asked for a dime, never submitted a bill and never will. He told Ms. Lindsey that she'd better make sure she knows her facts. He was aggravated and was going to defend himself. He said she was doing this because somebody who's running against him agrees with her on the B&B. He said if it doesn't stop, he'll get legal advice and we'll see what happens.

## 6. Public Hearings

None for this meeting

## 7. Commission Consideration

- A) *Consideration of request by Commissioner Benton to sell one of the Murphy Act properties.* He asked if the deed had been rerecorded and if not, he didn't want to discuss this until the deeds are in our hands; he didn't want to get in the same trap as he got in last time this subject was raised. This request was tabled until the next meeting or until the deed was received.

*B) Consideration of request by Commissioner Benton to advertise for a new building inspector.*

**Commissioner Benton** asked for this because he thinks we're spending more money than we need to be on inspections. With our previous inspector the city didn't lose anything. If the permit was \$40, he got 75% of that – we were never in the red. We've got to get an inspector who can do commercial/residential inspections and plans review. There are different kind of inspectors. **Commissioner Robbins** said that while looking over the chart that shows money paid to Quentin Hampton, there are actually some fees we pay that weren't included. **Mayor Duffy** said she sees nothing wrong with advertising if we can find the right person. Quentin Hampton, however, is doing an excellent job for us. All the building plans go down to them (and somebody does examine every one of them) then they send back a list of things that need to be done. Robert comes twice a week to do inspections. But if we could find somebody to do all those chores, why not.

**Commissioner Benton** said our previous inspector did all those chores and he did them a lot quicker. **Commissioner Benton** said his major thing is saving money. **Mayor Duffy** just wants to make sure we get somebody who can do the same work that Quentin Hampton does. She thinks we should look at what the cost is per year, not by permit.

**Commissioner Robbins** said that there may be some good people out there with all the recent layoffs. She agrees with Lou (Benton), it's costing us a lot of money. We're paying for all the paper products too. **Commissioner Benton** said **City Administrator Don Findell** knows what we need. He said even Don can't review a set of drawings.

**Commissioner Benton** makes a motion to advertise for building inspector.

**Commissioner Cooke** seconded the motion.

It was **Commissioner Cooke's** understanding that Quentin Hampton was supposed to be used temporarily anyway while we figured out what happened with Jerry Swick.

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

*C) Consideration of request by Mayor Duffy to acquire a new phone system and equipment from Embarq.*

**Mayor Duffy** said that our current phone system is the one that she had installed when the City purchased the building in the '90's. We would like to get a system that would do all the things we need it to do. She asked **City Clerk Nancy Wilson** to discuss the advantages of the system. Among the benefits are that it would have voice mail and call transfer so if we needed to transfer incoming calls elsewhere, that would be possible. We could also set up a directory that would bypass the receptionist and the call would roll over to voice mail when all lines are in use or a particular line is busy. The static we have on the lines now would be eliminated because it would be over the Internet (VOIP – voice over internet protocol) allowing data to travel over higher quality lines. We would also have faster and more reliable internet service. Additionally, we would be connected with the police station so calls could be easily transferred. **Mayor Duffy** said we've talked about this for a number of years but we never got prices and didn't go through with it. The Clerk continued by saying we could finance the equipment but the full outright cost would be approx. \$7200 - that includes the equipment, installation, configuration and training. We could finance it for about \$180 a month. Our current service costs about \$950 a month without a maintenance contract. With the new system our monthly cost would be about \$350 extra a month. This includes the monthly lease cost and the

CENTREX lines to Hopkins Hall, the wells and Public Works that we have to keep. **Commissioner Robbins** asked if this is a lease to which the clerk answered if it's paid outright, no. However, Embarq will host the system which means we will have redundancy and disaster recovery (good things). **Commissioner Robbins** said the old system down at the police department was purchased a long time ago. We had an open-ended lease on that equipment and I remember our auditor at the time asking why we would get involved in such a thing. We weren't able to pay it off early. **Commissioner Benton** wanted to know why we couldn't connect Public Works. It would be good to just deal with one company. He was told that we have to use CENTREX regardless because of the outlying buildings. Embarq uses fiber-optic cable and the other facilities do not have fiber-optic. The Clerk will look into adding Public Works to the new plan. **Mayor Duffy** said they have submitted all the paperwork for our consideration. **Commissioner Snowden** asked if we have explored other options to which **Mayor Duffy** said yes and said the only other available vendor is Brighthouse, they weren't able to provide us with the number of phones we need. **Commissioner Snowden** said this proposal adds \$3000 to what we currently spend per year and we're going more and more into the red. **Don Findell** said it's important to note that we've talked about doing this for years and the only reason it hasn't been done heretofore is because we were waiting on the completion of the building so we would have everything wired and wouldn't have to do any rewiring. The added cost is not dramatically more given the service that would be received by the city. It would be money well spent. If for no other reason than providing voicemail so our citizens would be better served. It's state-of-the-art equipment but it's really standard for the industry these days. **Mayor Duffy** said we'd also have 2000 free long distance minutes. **Commissioner Benton** said people call at 4:35 and nobody answers the phone. They call at 4:45 and nobody answers the phone and they don't have a way to leave a message. He understands were Buddy (Snowden) is coming from regarding the increased costs. **Don Findell** said we'd tried to address the inability to leave a message years ago and what we found out was that the system that we have does not allow us to utilize an answering machine. We couldn't even apply a low-tech solution. **Commissioner Cooke** said he has to rely on the ladies who deal with this every day. I understand what Buddy (Snowden) is saying but I think the efficiency that we'd be gaining with this new phone system is important.

**Commissioner Cooke** made a motion to go ahead with the new phone system.  
**Commissioner Robbins** seconded.

She thinks the longer we wait the more it's going to cost. **Commissioner Benton** suggested that Embarq send us the contract so that **Mr. McIntosh** can look at it. He also asked what the rate of interest is, the **City Clerk** didn't know but will find out. **Commissioner Robbins** wants the proposal to be shown to the commission to ensure we don't end up with an open-ended deal. **Commissioner Snowden** wants the contract to come back before the commission for approval. **Don Findell** said "So you'd be willing to approve it in concept pending contract review."

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

- D) *Consideration of request by Commissioner Cooke to discuss Keith Chester's salary.*  
**Commissioner Cooke** referred to the workshop the previous week regarding Keith Chester's salary and his raise. His two-part raise. He went back and looked at the minutes of the September 7, 2006 meeting. He said there was a motion by Commissioner Long seconded by Commissioner Benton to approve the Mayor's budget proposal as presented. This included the adjustment of \$4000 in a six-month period. It was noted in the workshop and in another meeting that Keith Chester fulfilled what was required of him to receive the \$4,000.

**Commissioner Cooke** made a motion to give Keith Chester the \$4000 salary adjustment that was voted on in 2006.

**There was no second.**

**The motion died for lack of a second.**

**Commissioner Cooke** said he couldn't believe that this is happening. The audience laughed to which Commissioner Cooke responded, "You wouldn't laugh if it was your raise you'd been due for two years." I think we just dropped the spirit of a man who's breaking his neck down there right now to get things done for tomorrow (July 4<sup>th</sup>).  
**Commissioner Cooke** asked **Mr. McIntosh** how we stand with this given that it was already voted on and approved in September 2006. Why would we have to re-vote on this? **Mr. McIntosh** said that this died for a lack of a second. "Tonight's motion is categorized as another consideration of the same manner following a recent meeting of the commission with reference to budgetary items and the matter has been taken care of up to this date and tonight by that vote sir." **Commissioner Cooke** said employee morale is going downhill.

## 8. Commission Discussion

- A) *Request by Commissioner Cooke to discuss landscaping along I4.*  
As **Commissioner Cooke** reported in the last meeting, he and **Mr. Findell** had met with Mark from DOT who had told them there was nothing in the plans for the buffer or anything behind the Carmen Drive houses. We had another meeting with them and they've come up with another plan for a complete buffer behind those houses along with some plantings. The sign has been discussed with the people in Tallahassee and he is waiting for an answer about moving it. **Commissioner Cooke** said they're cooperating and he feels good about the outcome. They're setting up a meeting with Andy Kelly from the county as far as the maintenance agreement regarding the I4 interchange.  
**Commissioner Cooke** said it's county easement through there and past the county easement is DOT easement for the road - the City of Lake Helen should have nothing to do with that part of the maintenance. Mark brought up maintenance with Arvida and given that this was their entrance too, maybe they'd be willing to get involved and share in the cost. Commissioner Cooke is still working out the details and they are going to have a meeting about this soon.

**Public Comment**

*Vernon Burton, 690 W. Ohio Avenue*

Mr. Burton wanted to thank the Commission for allowing Devan Sago and him to man one of the commissary vans on July 4th. Part of those proceeds are going toward helping Devan go to Washington for the inauguration.

- B) *Request by Mayor Duffy to discuss removal of Camphor tree on the city right of way adjacent to the Lindsey property.*

**Mr. McIntosh** said this matter has been adjudicated by the commission and in order for it to come back on the agenda, there must be a motion for reconsideration. That motion must come from the majority that denied the disposition of the Camphor tree the last time that it was considered. If this specific matter is a matter of litigation and addressed in order for it to be reconsidered, you will have to have a motion from that majority side before it can come on the agenda tonight. **Mayor Duffy** asked if we have a motion to bring this back on the agenda.

**It failed for lack of a motion.**

**Commissioner Robbins** asked who all was on the majority side to which **Mr. McIntosh** responded "the majority were those who denied it." **Mayor Duffy** said that the last time they voted on this, they couldn't remove the tree because it didn't belong to them, it was in the right of way of the city. So this is a different issue.

**Public Request**

**Mayor Duffy** said that there is a request from citizen Daphne Spencer for the city to waive the rental fee for the city bus and only pay for the driver and fuel.

**Commissioner Snowden** made a motion to add this to the agenda.

**Commissioner Benton** seconded.

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

It is for a senior photography group that is going to the Sugar Mill Plantation in New Smyrna Beach.

**Commissioner Benton** made a motion to waive the rental fee for the bus.

**Commissioner Cooke** seconded.

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

**9. STAFF REPORTS:**

*City Attorney* – **Mr. McIntosh** reported that Mr. William Osborne has filed a petition to intervene in the action Troy vs. the City of Lake Helen. He will be participating upon order of the court in conjunction with that matter. That is the only special information he has for the commission's attention tonight. **Mayor Duffy** asked why her name and home address is on the lawsuit, this wasn't addressed to *Mayor Duffy* nor was it sent to City Hall. **Mr. McIntosh** said it has been brought to the attention of the court under

applicable rules of civil procedure and we have what we classify as a move to “quash” the service of process who will hear that you were served personally rather than as the Mayor of the City of Lake Helen. **Mayor Duffy** said they tried to serve her at home for six days. **Mr. McIntosh** said we noted and indicated to the process server that the Mayor was at city hall for five consecutive days and the process was served there as Mrs. Joan L. Duffy rather than as the Mayor of the City of Lake Helen. We have brought those matters to the attention of the court.

Police Chief – no report  
City Administrator - nothing further  
Code Enforcement – no report

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

Zone 1: **Commissioner Robbins** said two weeks ago on Saturday she attended the Henry White Association Family Reunion Day at Melissa Park. It was a very nice event but she “was deeply saddened when they did the pledge to the flag and the only flag available was one that a child would wave. There was no stand, such as what we have here, that could be brought out and I just thought it was terrible. I felt like crying, I really did.”

**Commissioner Robbins** made a motion that the city buy a flag to put down there with a stand so that at the next event they will have the proper American flag .  
**Commissioner Cooke** seconded that motion.

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

**Commissioner Robbins** talked to Doris Kohler about working Market in the Park. Although Doris attends the market regularly, there's really a lot more involved than just collecting money and she isn't interested and doesn't want to get involved. **Mayor Duffy** appealed to the community to volunteer for this much needed position.

Zone 2: **Commissioner Cooke** attended a county meeting at the fairgrounds last week, put on with the cooperation of St. John’s Water Management. St. John's is doing a complete plan on drainage and the cleanup of Deep Creek which is a private concern. **Commissioner Cooke** brought up that the City of Lake Helen was worried about our recharge areas in the back by the Boy Scout camp. When ditching comes in, we want to be very careful that we don't drain our recharge area. He will keep the commission abreast of what's going on.

Zone 3: **Commissioner Snowden** said some residents have shown interest in participating in Market in the Park but they wanted to know if we had any rules and regulations – that the duties and responsibilities aren’t clearly defined. They also wanted to know if there is any compensation associated with the job and if it was going to be conducted every weekend. **Mayor Duffy** said Keith Chester would like to see it run every weekend.

**Commissioner Snowden** made the comment that the commission came across as a dysfunctional family that night and he wanted to encourage all of them to do their part to be more functional.

**Zone 4: Commissioner Benton** said that resident Mr. Holisi inquired about his water bill. For approximately a year and a half he was overcharged on his water in the amount of \$1400. The city realized their error and gave the \$1400 back to him. Unfortunately, he was delinquent on one of his monthly payments so the city shut off his water and wanted \$10 for late charge and \$25 to reconnect. His problem was that for approximately a year and a half the city was overcharging him. They paid him back but they didn't give him anything in return for their mistake. He's wondering why the city can make a mistake without recourse but when he makes a mistake he's charged a \$35 reconnection fee and late charge. The city said they were just estimating his water bill for over a year and a half. **Commissioner Snowden** said during the high water time the meter was underwater and it couldn't be read and so it was estimated. As of the other day they are still showing the \$35 on his water bill.

**Commissioner Benton** made a motion to remove the \$35 in late fees this one time. **Commissioner Robbins** seconded.

**Commissioner Robbins** thinks the city is at fault. Since he was being overcharged and then falls down on his luck - it's hard thing to swallow and he's been a good paying customer.

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

Mr. Holisi had also requested that the city help clean his yard of debris after the fireworks on the fourth of July. **Mayor Duffy** said that she believes Public Works is going to help with this.

**Commissioner Benton** also addressed the junk piled on easements that the garbage people aren't picking up because it's supposed to be bundled. I don't know what the commission can do to clean up all the rights of way. The garbage people can't be blamed because it's not properly bundled or packaged for them to take. The only time it gets cleaned up is if somebody calls Code Enforcement.

**Mayor Duffy** said she's wanted to do something since she was elected. She's spoken to the department heads about it and some of the commissioners. She would like to do a one-page newsletter front and back to tell the community what's going on in Lake Helen. We would do this monthly or maybe every other month. So, if the commissioners have something they want to say, they can put it in there. It won't be anything fancy. She said it would be a good thing and wouldn't cost a lot of money. The other thing she wants to say is that the museum room is cleaned out except for the wood pieces that have been put in there. All the papers have been gone through repacked and put in the document storage room upstairs. Everything is marked. Tallahassee knows what we're doing as far as any records that have been destroyed. Crown shredding came and shredded all of the old documents we didn't need to keep. The room is ready for the carpeting to be pulled up after which the job will go out for bid.

**Mr. McIntosh** wanted to mention a success story about a Market in the Park in Alexandria, VA. A volunteer really worked hard at establishing geographical areas for the

sellers to sell like items. Vendors started paying her because of the other vendors and buyers she was able to attract through good publicity and her organizational skills. She now earns \$1500 a month from the vendors because of the success of the market. It was very impressive how she had this all set up.

**11. Meeting was adjourned at 9:15 p.m.**