

**REGULAR MEETING
LAKE HELEN CITY COMMISSION
March 13, 2014
7:00 P.M.**

MINUTES

CALL TO ORDER:

Mayor Snowden called the March 13, 2014 Regular Meeting of the Lake Helen City Commission to order at 7:00 pm.

Present:

Mayor Buddy Snowden
Vice Mayor Ann Robbins
Commissioner Rick Basso
Commissioner Vernon Burton
Commissioner Cameron Lane
City Administrator KC Cichon
City Attorney Lonnie Groot
City Clerk Wendie Levings

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation and Pledge of Allegiance was led by City Attorney Groot.

DELETIONS OR MODIFICATIONS TO AGENDA

COMMISSION ANNOUNCEMENTS

Comm. Robbins stated the Community Club would be meeting for a potluck dinner on March 21st at 6 pm at Hopkins Hall with the entertainment; Jewels and Jade.

Comm. Burton said the Ivy Hawn Charter School would present a talk by Stedman Graham at Hopkins Hall on March 19th at 4:00 pm. Invitations were sent to the Commission.

1. MINUTES:

MOTION by Comm. Robbins to approve the February 13, 2014, February 24, 2014, February 27, 2014 minutes as presented. **SECOND** by Comm. Lane. **Motion** carried unanimously.

2. CONSENT AGENDA:

a) **Bills paid through February 28, 2014**

MOTION by Comm. Lane to approve the bills through February 29, 2014. **SECOND** by Comm. Basso. **Motion** carried unanimously.

b) CAC sales report

c) Mayor's Proclamation recognizing "Sunshine Week", March 16-22

Mayor Snowden read the Sunshine Week proclamation.

MOTION by Comm Robbins to accept the Proclamation for Sunshine Week March 16-22. **SECOND** by Comm. Burton. **Motion** carried unanimously.

3. PRESENTATIONS:

None for this meeting

4. MONTHLY REPORTS:

a) City Engineer

Admin. Cichon gave positive findings for the paving of Summit Avenue and Pleasant Street.

b) Local Planning Agency (PLDRC)

None

c) Parks and Recreation Board

Mr. David Hughes, member of the Parks and Recreation Board approached the podium and gave a monthly report that included: Invasive plant cleanup in the city parks and the upcoming Food Truck Affair.

d) Events Coordinator

Ms. Johnnie Chavis approached the podium and gave a monthly report including; Unity in the Community, Zumba, Shuffleboard club, spaghetti dinner and senior events.

Mayor Snowden related that the Mayor's fitness challenge would begin on March 26th with a kickoff event at Hopkins Hall. You will become skinnier, happier, fitter and make inroads into leading a healthier lifestyle.

5. PUBLIC FORUM:

Mr. Joe Sullivan and Mr. Chance McElveen approached the podium and gave a summarization of the 2013 Boys and Girls Club actions. For the Lake Helen annual report we have 165 member

with 2/3 from single parent families. We have three paid staff with an annual budget of \$109,000. We would like to thank the City of Lake Helen.

Mr. McElveen added that currently the club was serving more kids than ever. He welcomed Comm. Burton to the board of the Boys and Girls Club.

6. PUBLIC HEARINGS:

None for this meeting

7. COMMISSION CONSIDERATION:

A) Consideration to appoint Debbie Nizynski to the Parks & Recreation Board

MOTION by Comm. Lane to table the agenda item until next Commission meeting so that Ms. Nizynski could be present. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

B) Consideration to appoint Lynette Wilham, David Hughes and Debbie Nizynski to the Historic Board

C) Consideration of request from the 125th Jubilee Celebration Committee for the Parks and Recreation Board to utilize 125th Jubilee Celebration donation funds toward the purchase of outdoor movie equipment and for future 5K Run events

Ms. Daisy Raisler, Chairman for the 125th Lake Helen Jubilee Committee approached the podium to give the year's report for the Committee. She spent time thanking those that helped make a successful year. As of February 13, 2014 there was after expenses a total of \$4,137.45 raised. Of said funds, the 125th Jubilee Committee would like to contribute \$800 seed money for this year's 5K Stress Buster Fun Run and the remaining to go to Parks & Recs for purchase of movie in the park equipment with any remaining funds to remain for Parks and Rec's use.

MOTION by Comm. Lane to approve the recommendation of Ms. Daisy Raisler as presented. **SECOND** by Comm. Robbins. **Motion** carried 4-1 with Comm. Basso voting no. Comm. Basso indicated he had been involved in fund raising that was initially slated for another cause.

D) Consideration of Future Operations for the Creative Arts Café under City Management

Comm. Lane: As we know the CAC has been operating at a considerable cost for some time. A proposal was brought by Lake Helen Limited Partners to lease the facility and I was appointed to negotiating team with the City Administrator and City Attorney to bring back a report to the Commission. There is added pressure in that currently the septic system is inadequate to support a restaurant. At this time I would like to make a **MOTION** that the City of Lake Helen closes the Creative Arts Café restaurant as of today. That current staff should be kept on to the end of the pay period, Wednesday March 19, 2014, to do inventory and cleaning of the restaurant. Whatever foods can be disposed of, perhaps, to local food banks and use the nonperishable for city functions.

SECOND by Comm. Basso with an amendment to change the closing date to Monday morning, March 17, 2014. Comm. Lane accepted the **amendment to the Motion**.

Discussion and public input (names and address list attached to minutes package):

Ms. Raffine Pierce approached the podium and indicated Comm. Lane had addressed her issues.

Ms. Betty O’Laughlin noted appreciation to Comm. Lane for spending time at the CAC to speak with employees and citizens. She stated she found discrepancies in the financial statement for the CAC so believed the losses may not be accurate. Ms. O’Laughlin also noted that the CAC was a part of the community.

Ms. Melissa Gruver reflected the café was more than a place. It was family. I have volunteered and worked there and would spend a portion of my tax dollars to have a place to go and be with friends.

Mr. Eric Hopton confirmed that he had donated resources and time in the building of the café and noted the grant was written to allow a non-profit organization.

Mr. Russell Russ confirmed his disappointed the café would be closed as did other Lake Helen citizens.

There was Commission discussion.

Susan Currey approached the podium and related that after speaking with the CAC employees, she would request that the Commission amend the motion to close the Creative Arts Café effective today (March 13, 1024).

The **Motion** and **Second** was withdrawn by Comm. Lane and Comm. Basso.

MOTION for the City of Lake Helen to close the Creative Arts Café restaurant as of today, March 13, 2014. That current staff should be kept on to the end of the pay period, Wednesday March 19, 2014, to do inventory and cleaning of the restaurant. **SECOND** by Comm. Basso. **Motion** carried 4-1 with Comm. Burton voting no.

There was a discussion about moving Agenda Item 8A up to the present discussion regarding the Creative Arts Café.

MOTION by Comm. Lane to move Agenda Item 8A, *Lease agreement negotiations between Lake Helen Limited Partners and the City of Lake Helen regarding the Creative Arts Café*, to continue the topic. **SECOND** by Comm. Basso. **Motion** carried unanimously.

Commission Discussion 8A) Lease agreement negotiations between Lake Helen Limited Partners and the City of Lake Helen regarding the Creative Arts Café

Comm. Lane: The City Attorney, City Administrator and I were asked to look into continuing negotiations concerning the desire of Lake Helen Limited Partners about leasing the café. One of the first things we did was to meet with the Volusia County ECHO administrators and I ask Atty. Groot to address that.

Atty. Groot: In terms of the ECHO grant there is an outstanding grant of \$157,000 that is subject to recoupment if the city does not comply with the terms of the ECHO grant. Should the city lease the property to a for profit organization the city would be required to pay back the grant. The only limited exception to that would be if the city were to retain the services of a for profit management company that would manage the ECHO programs. That is not having a restaurant.

Comm. Robbins: Even if the ECHO programs were established in the end part of the building?

Atty. Groot: The facility for which the ECHO grant was given is the entire building.

There was a discussion regarding the ramifications for future grants if the city were to choose to pay back the ECHO grant.

Comm. Lane: Back to the negotiation committee report, the Lake Helen Limited Partners has made the proposal to lease the entire facility. Their intention is to create a restaurant similar to a Texas Roadhouse restaurant that would include a beer and wine license. They have offered to pay off the ECHO grant and repair and upgrade the septic system. Those items are key factors and would be included in an RFP. I believe they are honorable people; Mr. McFall and Mr. Fred Steudler. They have followed through with all their plans and have the resources to do this proposal. The negative side is putting a restaurant that sells beer and wine in the city park is a big negative to many in the community. The other negative is the ECHO grant in that a lot of citizens put their blood & sweat into building that facility as a teen program type facility.

Atty. Groot spoke about how the proposed lease amount of \$1200 per month and the condition to recoup the investment of septic repair costs noted the city would not receive any payments for 14-15 years.

Comm. Lane explained that if the city decided to put the lease of the restaurant as a request for proposal it would be understand that these things would impact the proposal.

Atty. Groot indicated that the condition of the Lake Helen Limited Partners lease, in terms of potential of beer and wine sales, the city could not put that in a contract; that the commission would need to pass an ordinance that would change the codes. You can promise consideration but it would take a minimum of 3-4 months to act upon an ordinance.

Mayor Snowden confirmed that if the beer and wine proposal was not to be considered by the city than the option to lease would be 'off the table' for Lake Helen Limited Partners without any bad feelings.

Comm. Basso indicated that, after listening to discussion, option 1 and option 2 would no longer work and option 3 was the next step.

*Note: Comm. Lane had disseminated information, to the Commission and the public, regarding three possible future options regarding the Creative Arts Café as follows:

Future Options:

1. Lease to Lake Helen Limited Partners who's proposal to the city includes the following:

- A. Operate similar to a Texas Road House including beer and wine
- B. Pay off ECHO grant monies in the amount of \$157,000 (required for any for-profit operation)
- C. Repair and upgrade the septic system (required for any restaurant operation)
- D. Install 4 to 6 sand volleyball courts in the park for public use

2. Request For Proposal (RFP) can be issued, perhaps with the following provisions:

- A. Pay off ECHO grant monies in the amount of \$157,000 (required for any for-profit operation)
- B. Repair and upgrade septic system (required for any restaurant operation)
- C. Predetermine alcohol sales, yes or no?

3. Maintain the Creative Arts Café as an ECHO facility with no restaurant operations:

- A. No required pay off of ECHO grant monies
- B. No required septic upgrade
- C. Some potential income for facility rentals

Mr. Dan McFall, representing Lake Helen Limited Partners, approached the podium and confirmed that the sale of beer and wine was a lease agreement deal breaker. He explained the concept of the proposed restaurant comparing it to the Texas Roadhouse restaurant.

Comm. Basso stressed moving forward with a decision.

Ms. Raphine Pierce approached the podium and stated that the city should go back to what the CAC was originally built for and have a community gathering place.

Mr. Russell Russ indicated he did not disagree with a restaurant, but not at the present location.

Ms. Tura Schnebly expressed her concern about the leasing of the facility, encouraged the RFP process and to study and carefully assess rate of return of investments and matters of leasing.

Ms. Pat Sheedy did not see a positive for the city in terms of having a restaurant. She suggested an idea for use of the facility by non-profit groups to raise money.

Ms. Von Russell did not want outsiders coming in to the City of Lake Helen if it were to allow a restaurant with beer and wine.

Ms. Eunice Muir did not have objection to alcohol sales.

There were additional comments from the audience members.

Comm. Robbins spoke about an organization that held weekly breakfast that allowed other groups to raise money.

Continued discussion.

MOTION by Comm. Basso to sever negotiations with Lake Helen Limited Partners and put together an ad hoc committee to study future options for the Creative Arts Café under Option #3 Future Options (from Commissioner Lane). **SECOND** by Comm. Robbins.

There were ideas discussed including involvement of the City's Event Coordinator.

Query amendment to the **MOTION** by Commissioner Lane to schedule a workshop or agenda for the next Commission meeting rather than appoint an ad hoc committee.

Comm. Basso asked audience members to sign up if they were interested in being involved in the process.

Comm. Basso amended the motion: **MOTION** by Comm. Basso to sever negotiations with Lake Helen Limited Partners. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

5 minute recess

Admin. Cichon related he has not taken advantage of conference with the City Attorney in regards to items 7 E, F, G, & H.

Atty. Groot replied he only had an issue with item 7H as he was not clear as to what the services were for.

There was discussion as to the request for Item 7H and clarification as to what type of services were required to assist with the audit.

E) Consideration of FY 2012/13 Community Development Grant (CDBG) Sub recipient Agreement Amendment to extend the expiration date of the subject agreement to September 30, 2014

Admin. Cichon explained the nature of the consideration.

MOTION by Comm. Basso to approve extension of the expiration date of the 2012/13 Community Development Grant to September 30, 2014. **SECOND** by Comm. Lane. Motion carried unanimously.

F) Consideration of Resolution 2014 – 01 regarding the increase of the General Fund for FY 2013 – 2014 as a result of unanticipated revenues from the Florida Department of Economic Opportunity

Admin. Cichon relayed the consideration was a 'housekeeping' item.

MOTION by Comm. Lane to approve consideration of Resolution 2014-01 regarding the increase of the General Fund for FY 2013-2014 as a result of unanticipated revenues from the

Florida Department of Economic Opportunity. **SECOND** by Comm. Basso. **Motion** carried unanimously.

G) Consideration of Resolution 2014 – 02 regarding the increase of the General Fund for FY 2013 – 2014 as a result of unanticipated revenues from the Florida Department of Highway Safety and Motor Vehicles

MOTION by Comm. Lane for approval of consideration of Resolution 2014 – 02 regarding the increase of the General Fund for FY 2013 – 2014 as a result of unanticipated revenues from the Florida Department of Highway Safety and Motor Vehicles. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

H) Consideration of utilizing the professional Certified Public Accountant services of Lombardo, Spradley & Klein, CPAs for the FY13 audit preparation and for financial services; and the utilization of Accountemps for financial services on an as needed basis

Atty. Groot indicated that, in order not to fall behind in the audit process, consideration of item 7H could be made and withdrew his objection.

MOTION by Comm. Basso for approval of consideration of utilizing the professional Certified Public Accountant services of Lombardo, Spradley & Klein, CPAs for the FY13 audit preparation and for financial services; and the utilization of Accountemps for financial services on an as needed basis. **SECOND** by Comm. Burton.

Admin. Cichon related that the accountemp services would only be utilized if necessary.

Motion carried unanimously.

MOTION by Comm. Lane to add item 7I) Discussion regarding forgoing the advertising process and authorizing the City Administrator to look at the previous applicants for Finance Manager to fill the open position. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

MOTION by Comm. Basso authorizing the City Administrator to pool the previous applicants for Finance Manager to fill the open position and if a suitable applicant was not available, the city would then proceed with the advertising process. **SECOND** by Comm. Burton. **Motion** carried unanimously.

8) COMMISSION DISCUSSION:

A) Lease agreement negotiations between Lake Helen Limited Partners and the City of Lake Helen regarding the Creative Arts Café

Discussion was moved to beginning of meeting after Item #7D.

B) Creation of the City Administrator Review Process

Mayor Snowden stated item B was brought forward from the February 27, 2014 meeting.

Comm. Burton related the question had been raised as to the procedure for proper review of the city administrator. We failed to perform the review at the six month appointment time and now need to come into compliance. I thought it would be prudent to make it official.

Mayor Snowden remarked that review and/or evaluation of city employees had not been conducted in 7-8 years.

Comm. Robbins commented that when she retired in 2006 she had not had a review for a couple of years.

Personnel board was discussed. Comm. Lane reflected that the Commission could appoint themselves as the personnel board.

Atty. Groot recommended getting samples of forms (Personnel review) from other cities to decide which the commission would like to use.

Admin. Cichon indicated that there was a review process in the policies and procedures complete with forms. He also added that Seminole County had, in his opinion, the best review document forms.

Comm. Basso (reviewing the Admin. development plan) stated the plan was what he was hoping to see. This development plan makes me feel comfortable that problems will not happen again. The approach is more in line to get feedback and for my needs I am satisfied as to what I see here.

Mayor Snowden commented he was looking at Atty. Groot on one end of the dais and Admin. Cichon on the other and it was good.

Admin. Cichon related he was gaining a complete understanding that a position in one community may be quite different in another. He indicated he had not taken full advantage of the resources from the City Atty. and was looking forward to working with him more fully in the future.

Comm. Burton responded that he would hope the commission would be as forgiving to other employees that may be making less and doing more without controversy. I hope we will not have to revisit this.

Comm. Lane commented he was pleased and surprised with the plan.

Ms. Eunice Muir approached the podium and related she thought Mr. Cichon was doing a good job but city staff needed tightening up.

Ms. Betty O'Laughlin spoke that she had sat through two meetings and felt the piece of paper (development plan) looked good but the track record was not good.

There was discussion between Ms. O'Laughlin and Comm. Basso.

Mayor Snowden the decisions we make recognize that there is some greater guidance. We may not always make the right decision but we are open for review and hope to go forth to believe we are doing the best we can.

9. STAFF REPORTS:

a. City Attorney

Atty. Groot withdrew his resignation.

b. Police Chief

No report

c. City Administrator

The City Administrator read for the minutes & NPDS requirements: The 18th St. Johns River Cleanup will be held on Saturday, April 12, 2014 from 8 am to 11 am. The sites are noted on the flyer which will be posted on the bulletin in City Hall and on the web site: www.volusia.org/cleanup or you may call 386-736-5927 ext.12424. Registration for the event ends on April 9, 2014.

d. Code Enforcement Officer

No report

e. Creative Arts Café Supervisor

No report

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

Comm. Robbins gave information on the St. John's River of Lakes Heritage Corridor organization noting a banner for the organization had been hung at the Daytona airport advertising the West Volusia area. She stated she was hosting the July meeting and was proud to be a member.

11. ADJOURNMENT

Mayor Snowden adjourned the March 13, 2014 Regular Meeting of the Lake Helen City Commission to order at 12:11 am.