



City of Lake Helen

Volusia County, Florida

Mayor Buddy Snowden
Vice Mayor Vernon J. Burton
Commissioner Tura Schnebly
Commissioner Tom Wilson
Commissioner Michael Woods

Regular Meeting
Lake Helen City Commission
October 13, 2016
MINUTES

CALL TO ORDER

Mayor Buddy Snowden called to order the October 13, 2016 Regular Meeting of the Lake Helen City Commission at 7:02 pm.

Present: Mayor Buddy Snowden	Vice Mayor Vernon Burton
Commissioner Tom Wilson	Commissioner Tura Schnebly
Commissioner Michael Woods	City Clerk Becky Witte
City Attorney Scott Simpson	City Administrator Jason Yarborough

CALL TO ORDER: Mayor Buddy Snowden

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE: Led by **Vice Mayor Vernon Burton**.

CONTINUANCE OF APPEAL HEARING FROM AUGUST 22, 2016 : (Audio Minutes: 02:19)

City Attorney Scott Simpson discussed the appeal and announced that the commission is at the deliberation stage of the appeal.

Commissioner Tura Schnebly asked for clarification from City Attorney Scott Simpson.

Disclosure of ex parte communications since the Hearing on Monday, August 22, 2016: From August 22, 2016 until October 13, 2016.

Commissioner Michael Woods discussed a text message received on September 3, 2016 stating that the appellant and the builder met and that it was going in a positive direction.

Commissioner Tura Schnebly discussed a lengthy talk with Chris Williams (appellant) regarding Historic Board and home on Euclid. She also discussed a print out of the emails provided by Mr. Yarborough between DR Horton (Emerald Homes) which included emails from Chris Williams (appellant).

Vice Mayor Vernon Burton also discussed a print out of the emails provided by Mr. Yarborough between DR Horton (Emerald Homes) which included emails from Chris Williams (appellant). No other exparte communications.

Commissioner Tom Wilson also discussed a print out of the emails provided by Mr. Yarborough between DR Horton (Emerald Homes) which included emails from Chris Williams (appellant). No other exparte communications.



City of Lake Helen

Volusia County, Florida

Mayor Buddy Snowden
Vice Mayor Vernon J. Burton
Commissioner Tura Schnebly
Commissioner Tom Wilson
Commissioner Michael Woods

Mayor Buddy Snowden also discussed a print out of the emails provided by Mr. Yarborough between DR Horton (Emerald Homes) which included emails from Chris Williams (appellant). He did receive a message from Mark Shuttleworth saying that Mr. Williams (appellant) was not available and he would be attending the meeting in his place.

Commission Discussion

MOTION by Vice Mayor Vernon Burton that the City Administrator's decision was supported by substantial competent evidence. **SECOND by Commissioner Tom Wilson.**

ROLL CALL:

Mayor Buddy Snowden: No
Vice Mayor Vernon Burton: Yes
Commissioner Tom Wilson: Yes
Commissioner Tura Schnebly: No
Commissioner Michael Woods: No

MOTION FAILED with Commissioner Michael Woods, Commissioner Tura Schnebly and Mayor Buddy Snowden voting NO.

Commission Discussion

MOTION by Commissioner Michael Woods that the City Administrator's decision was not supported by substantial competent evidence.

1. Approval did not comply with the Gateway Standards including but not limited to:
 - a. The submitted elevations were front only and there was not a submittal of all elevations – sides, rear, top
 - b. Recommendations from the City Consultant GAI were not incorporated
 - c. Elevations deviate substantially from the existing and surrounding homes.
 - d. Legal opinions from the Consultant GAI in last letter went beyond scope of authority of the consultant.

SECOND by Commissioner Tura Schnebly.

ROLL CALL:

Mayor Buddy Snowden: Yes
Vice Mayor Vernon Burton: No
Commissioner Tom Wilson: No
Commissioner Tura Schnebly: Yes
Commissioner Michael Woods: Yes

MOTION CARRIED 3-2 with Vice Mayor Vernon Burton and Commissioner Tom Wilson voting NO.
Discussion

BUSINESS OF THE COMMISSION:



City of Lake Helen

Volusia County, Florida

Mayor Buddy Snowden
Vice Mayor Vernon J. Burton
Commissioner Tura Schnebly
Commissioner Tom Wilson
Commissioner Michael Woods

ITEM 1: DELETIONS OR MODIFICATIONS TO AGENDA: (Audio Minutes: 01:21:21)

City Clerk Becky Witte announced a revised agenda published on October 12, 2016 at 11:00am.

Item 2: COMMISSION ANNOUNCEMENTS: None

Item 3 PRESENTATIONS TO THE COMMISSION: Proclamation: Ted Plucinik

CONSENT AGENDA: (Audio Minutes: 01:25:36)

Item 4a: Approval of Minutes for Approval of Minutes for September 7, 2016 (First Budget Hearing), September 7, 2016 (Special Meeting Lake Macy), September 8, 2016 (Regular Meeting), September 21, 2016 (Final Budget Hearing), October 4, 2016 (Special Meeting with Congressman DeSantis and Representative Santiago)

Item 4b: Bills paid through September 30, 2016

MOTION by Commissioner Tura Schnebly to approve the Consent Agenda including Approval of Minutes for Approval of Minutes for September 7, 2016 (First Budget Hearing), September 7, 2016 (Special Meeting Lake Macy), September 8, 2016 (Regular Meeting), September 21, 2016 (Final Budget Hearing), October 4, 2016 (Special Meeting with Congressman DeSantis and Representative Santiago).

SECOND by Commissioner Tom Wilson. MOTION CARRIED UNANIMOUSLY.

Commissioner Tura Schnebly asked a questioned regarding the bills paid through September 30, 2016.

MOTION by Vice Mayor Vernon Burton to approve the bills paid through September 30, 2016. **SECOND by Commissioner Tom Wilson. MOTION CARRIED UNANIMOUSLY.**

ITEM 5: PUBLIC HEARING: None

Item 6: PUBLIC FORUM: (Audio Minutes: 01:28:03)

Camille Angeli (Lake Helen Villas) thanked the City for assistance during Hurricane Matthew

Heather Lindsay (222 Tangerine Ave / Garden Club) asked for assistance with Asa Gray Park damage from Hurricane Matthew.

Item 7: COMMISSION CONSIDERATION: (Audio Minutes: 01:33:52)

Item 7a: Consideration of Certificate of Appropriateness for 142 S. Lakeview Drive - Renovations
City Administrator Jason Yarborough introduced the item.

Commissioner Michael Woods submitted Form 8B (attached) as a partner/co-owner in Lake Helen Renaissance, Inc and the building located at 142 S. Lakeview Drive.



City of Lake Helen

Volusia County, Florida

Mayor Buddy Snowden
Vice Mayor Vernon J. Burton
Commissioner Tura Schnebly
Commissioner Tom Wilson
Commissioner Michael Woods

MOTION by **Vice Mayor Vernon Burton** to grant the Certificate of Appropriateness for 142 S. Lakeview Drive - Renovations. **SECOND** by **Commissioner Tom Wilson**. **MOTION CARRIED UNANIMOUSLY** with Commissioner Michael Woods abstaining from the vote (see attached Form 8B – Voting Conflict Form).

Item 7b: Consideration of Historic Preservation Board Member Selection (**Audio Minutes: 01:36:43**)

MOTION by **Commissioner Michael Woods** to appoint Mark Shuttleworth to the Historic Preservation Board. **SECOND** by **Commissioner Tura Schnebly**.

Discussion.

MOTION CARRIED UNANIMOUSLY.

Item 7c: Consideration of RFP # 16-003 Food Vendor (**Audio Minutes: 01:40:12**)

Discussion with input from City Attorney Scott Simpson and City Administrator Jason Yarborough.

Presentation from Decker's Home Run Grill (Niki Decker) and Florida Co. (Emily Rankin).

Discussion with input from the City Attorney as well as Decker's Home Run Grill (Niki Decker) and Florida Co. (Emily Rankin).

Ann Robbins (Hobart Avenue) discussed the Café lease.

MOTION by **Commissioner Tom Wilson** for the City Administrator and the City Clerk for staff to coordinate individual interviews and consideration item at next commission meeting. Candidates for Zone 4 will replace Commission Schnebly. **SECOND** by **Vice Mayor Vernon Burton**.

Discussion.

MOTION CARRIED UNANIMOUSLY

(**Audio Minutes: 02:54:24**)

Item 7d: Consideration of Memorandum of Understanding with Volusia County

Discussion with input from City Administrator Jason Yarbrough and City Attorney Scott Simpson.

MOTION by **Commissioner Tura Schnebly** to approve the Memorandum of Understanding with Volusia County. **SECOND** by **Vice Mayor Vernon Burton**.

Discussion.

MOTION CARRIED UNANIMOUSLY.

Item 7e: Consideration of Agreement with Ashbrit

MOTION by **Commissioner Woods** to utilize the local vendors and waive any formal bidding requirements. **Failed by a lack of SECOND.**

Discussion.



City of Lake Helen

Volusia County, Florida

Mayor Buddy Snowden
Vice Mayor Vernon J. Burton
Commissioner Tura Schnebly
Commissioner Tom Wilson
Commissioner Michael Woods

MOTION by **Commissioner Tom Wilson** to approve the Agreement with Ashbrit. **SECOND** by **Vice Mayor Vernon Burton**.

Discussion.

MOTION CARRIED 4-1 with Commissioner Michael Woods voting NO.

Item 7f: Consideration of Agreement with TetraTech

MOTION by **Commissioner Tom Wilson** to approve the Agreement with TetraTech. **SECOND** by **Commissioner Tura Schnebly**.

MOTION CARRIED 4-1 with Commissioner Michael Woods voting NO.

Item 8a: Discussion of 807 Pleasant Street Single Family Home (*Audio Minutes: 03:50:58*)

Discussion with input from City Clerk Becky Witte

Item 8b: Discussion of 390 W. Michigan Avenue Single Family Home

Discussion with input from City Clerk Becky Witte, Jeremy Davidson (W. Michigan) and Mark Shuttleworth (W. New York)

ITEM 9: MONTHLY REPORTS: (*Audio Minutes: 04:10:30*)

ITEM 9A: Planning and Land Development Regulation Commission: **City Administrator Jason Yarborough** discussed the CDBG progress.

ITEM 9B: City Administrator/City Engineer: **City Administrator Jason Yarborough** discussed a re-zoning in Volusia County for a designation to accommodate an Auto Mall.

ITEM 9C: City Attorney: No report

ITEM 9D: Police Chief and Code Enforcement Officer: Chief Walker provided an update on Hurricane Matthew.

ITEM 10: MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE (*Audio Minutes:04:20:20*)

ITEM 11: ADJOURNMENT: Mayor Buddy Snowden adjourned of the October 13, 2016 Regular Meeting of the Lake Helen City Commission at 11:33 pm



City of Lake Helen

Volusia County, Florida

Mayor Buddy Snowden
 Vice Mayor Vernon J. Burton
 Commissioner Tura Schnebly
 Commissioner Tom Wilson
 Commissioner Michael Woods

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME Woods, Michael	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission City of Lake Helen
MAILING ADDRESS 890 E. Kicklighter Road	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Lake Helen	COUNTY Volusia
DATE ON WHICH VOTE OCCURRED October 13, 2016	NAME OF POLITICAL SUBDIVISION: City of Lake Helen MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)



City of Lake Helen

Volusia County, Florida

Mayor Buddy Snowden
Vice Mayor Vernon J. Burton
Commissioner Tura Schnebly
Commissioner Tom Wilson
Commissioner Michael Woods

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michael Woods, hereby disclose that on October 13, 20 16:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am partner/co-owner in Lake Helen Renaissance, Inc and the building located at 142 S. Lakeview Drive. On October 13, 2016 the City Commission will be reviewing the Certificate of Appropriateness for 142 S. Lakeview Drive for Renovations.

Date Filed

10/13/16

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.