



# City of Lake Helen

Volusia County, Florida

MAYOR

Buddy Snowden

COMMISSIONERS

Ann Robbins

Vernon Burton

Rick Basso

Tura Schnebly

## Regular Meeting Lake Helen City Commission

June 11, 2015

### MINUTES

#### CALL TO ORDER

Mayor Buddy Snowden called to order the June 11, 2015 Regular Meeting of the Lake Helen City Commission at 7:05 pm.

**Present:** Mayor Buddy Snowden      Vice Mayor Ann Robbins      Commissioner Vernon Burton  
Commissioner Tura Schnebly      City Clerk Becky Witte      City Attorney Scott Simpson  
City Administrator Jason Yarborough

**Not Present:** Commissioner Rick Basso

#### CALL TO ORDER: Mayor Buddy Snowden

#### CEREMONIAL MATTERS: LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE:

Led by Paul Nehrig

#### BUSINESS OF THE COMMISSION:

**ITEM 1: DELETIONS OR MODIFICATIONS TO AGENDA:** None

**ITEM 2: COMMISSION ANNOUNCEMENTS:** None

**ITEM 3: APPROVAL OF MINUTES:** April 9, 2015 (Regular), May 14, 2015 (Regular), May 20, 2015 (Budget Workshop)

*Changes noted by City Clerk Becky Witte*

**MOTION** by **Vice Mayor Ann Robbins** to approve April 9, 2015 (Regular), May 14, 2015 (Regular), May 20, 2015 (Budget Workshop) with noted changes by City Clerk. **SECOND** by **Commissioner Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

#### ITEM 4: CONSENT AGENDA:

**Item 4a:** Bills paid through May 31, 2015

Commissioner Schnebly inquired about the Utility Fund part of the budget report with clarification received from Finance Manager Michael Wright.

**MOTION** by **Commissioner Vernon Burton** to approve the Bills paid through May 31, 2015. **SECOND** by **Vice Mayor Ann Robbins**. **MOTION CARRIED UNANIMOUSLY.**

**ITEM 5: PRESENTATIONS TO THE COMMISSION:** None



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## ITEM 6: MONTHLY REPORTS:

**ITEM 6A:** Planning and Land Development Regulation Commission: None

**ITEM 6B:** Parks and Recreation Board: **City Clerk Becky Witte** discussed 4<sup>th</sup> of July and the Funny Furry Friendly Fair which occurred in May at Blake Park.

**ITEM 6C:** City Administrator: **City Administrator Jason Yarborough** discussed a recent City Manager Conference as well as IT upgrades.

**ITEM 6C:** City Engineer: **City Engineer Steve Danskin** discussed the Ohio Avenue Culvert Repair/Replacement, Virginia Drive as well as the Pleasant Street Sidewalk Project.

**ITEM 6D:** City Attorney: *None*

**MOTION** by **Vice Mayor Ann Robbins** to excuse City Attorney Scott Simpson from the July 7, 2015 Budget Workshop. **SECOND** by **Commissioner Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

**ITEM 6E:** Police Chief and Code Enforcement Officer: *None*

## ITEM 7: PUBLIC FORUM:

**Diane Schmidt** (President of the Lake Helen Library, 426 High Street) discussed the Friends of the Library as well as an upcoming event Juneteenth at Hopkins Hall on Thursday June 18, 2015.

## ITEM 8: PUBLIC HEARINGS:

### Ordinance 2015-01 Purchasing Policy

*City Attorney Scott Simpson read the title of Ordinance 2015-01:*

**Second Reading of CITY OF LAKE HELEN, ORDINANCE 2015-01: AN ORDINANCE OF THE CITY OF LAKE HELEN, FLORIDA, CREATING ARTICLE 16.05 (PURCHASING PROCEDURE) ESTABLISHING THE PURCHASE PROCEDURES FOR THE CITY OF LAKE HELEN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

*City Attorney Scott Simpson noted a change regarding change orders.*

*Mayor Buddy Snowden opened the Public Hearing.*

*Public Input: None*

*Mayor Buddy Snowden closed the Public Hearing.*

**MOTION** by **Vice Mayor Ann Robbins** to approve the second reading of Ordinance 2015-01 with the modifications noted by City Attorney Scott Simpson. **SECOND** by **Commissioner Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

### Emergency Ordinance 2015-02 Opting out of Volusia County Unified Fire District

*City Attorney Scott Simpson read the title of Emergency Ordinance 2015-021:*

**First and Final Reading of CITY OF LAKE HELEN, ORDINANCE 2015-02**



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**AN EMERGENCY ORDINANCE OF THE CITY OF LAKE HELE, FLORIDA, ADOPTED PURSUANT TO SECTION 54-161 OF THE VOLUSIA COUNTY CODE OF ORDINANCES OPTING OUT OF THE VOLUSIA COUNTY UNIFIED FIRE DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

*City Attorney Scott Simpson discussed the Ordinance and the changes requested by Volusia County. He also gave a briefing on the need for the Ordinance.*

**Mayor Buddy Snowden** opened the Public Hearing.

*Public Input: None*

**Mayor Buddy Snowden** closed the Public Hearing.

**MOTION** by Vice Mayor Ann Robbins to approve the first and only reading of Emergency Ordinance 2015- Opting out of Volusia County Unified Fire District of the with the modifications noted by City Attorney Scott Simpson. **SECOND** by Commissioner Vernon Burton.

*Discussion*

**MOTION CARRIED UNANIMOUSLY.**

**ITEM 9F:** *Moved from 9f to 8c.*

**MOTION** by Commissioner Vernon Burton to move Item 9f to Item 8C. **SECOND** by Vice Mayor Ann Robbins. **MOTION CARRIED UNANIMOUSLY.**

Consideration of Resolution 2015-05 Approving Interlocal Agreement with Volusia County for Fire and Emergency Services

City Attorney Scott Simpson read the Title of Resolution 2015-05

**RESOLUTION 2015-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE COUNTY OF VOLUSIA INTERLOCAL AGREEMENT FOR PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES TO CITY OF LAKE HELEN, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

**MOTION** by Commissioner Tura Schnebly to approve Resolution 2015-05 Approving Interlocal Agreement with Volusia County for Fire and Emergency Services. **SECOND** by Commissioner Vernon Burton. **MOTION CARRIED UNANIMOUSLY.**

**ITEM 9: COMMISSION CONSIDERATION:**

**ITEM 9A:** Consideration of Ivy Hawn Charter School Expansion Final Development Plan and Order Discussion with input from Dan McFall (Agent for Lake Helen Limited Partners) and City Administrator Jason Yarborough.



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**MOTION** by **Commissioner Vernon Burton** to approve the Ivy Hawn Charter School Expansion Final Development Plan and Order contingent with receiving septic tank approval from the Department of Health as well as a strikethrough of Item C7. **SECOND** by **Commissioner Tura Schnebly**.

*Discussion with input from Dr. Carol Kelley Principal of Ivy Hawn Charter School and Dan McFall (Agent for Lake Helen Limited Partners)*

**MOTION CARRIED UNANIMOUSLY.**

**Betty Doherty** (Lake Helen Villa's) thanked the school for food donations.

**ITEM 9B:** Consideration to grant the Certificate of Appropriateness for Single Family Residence at 291 W. Michigan Avenue for David and Jamie Winters

*Discussion with input from Jamie Winters*

**MOTION** by **Vice Mayor Ann Robbins** grant the Certificate of Appropriateness for Single Family Residence at 291 W. Michigan Avenue for David and Jamie Winters. **SECOND** by **Commissioner Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

**ITEM 9C:** Consideration to grant the Certificate of Appropriateness for Single Family Residence at 291 W. Delaware Avenue for Sandra Fabben.

*Discussion with input from Randy Stallard (Atlas Homes) representative for Sandra Fabben.*

**MOTION** by **Commissioner Vernon Burton** to grant the Certificate of Appropriateness for Single Family Residence at 291 W. Delaware Avenue for Sandra Fabben, Atlas Homes as Agent. **SECOND** by **Vice Mayor Ann Robbins**. **MOTION CARRIED UNANIMOUSLY.**

**ITEM 9D:** Consideration of proposal to determine the causes for the observed low water levels in Lake Helen

**City Engineer Steve Danskine** discussed the proposal to determine the causes for the observed low water levels in Lake Helen.

**Commissioner Tura Schnebly** submitted Form 8B – Voting Conflict (*see attached form*)

*Discussion with input from Vince Cuda (N. Lakeview Drive and Save Our Lake) and City Attorney Scott Simpson.*

**MOTION** by **Vice Mayor Ann Robbins** to further investigate other sources to assist with collecting data (including local colleges) and return to the City Commission. **SECOND** by **Commissioner Vernon Burton**.

**MOTION CARRIED UNANIMOUSLY** except for Commission Tura Schnebly (see attached Form 8B).

**ITEM 9E:** Consideration of Additional Street Lights on Main Street

*Discussion with input from City Administrator Jason Yarborough*

**Commissioner Burton** said he will speak with DOT to request being included in the design phase for the lights from I-4.



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~~ITEM 9F: Consideration of Resolution 2015-05 Approving Interlocal Agreement with Volusia County for Fire and Emergency Services - Moved to Item 8C.~~

**ITEM 9G:** Consideration of City Codification Review Workshops

*Discussion with input from **City Administrator Jason Yarborough** and he said that Staff will bring this item in November to select dates to review Articles 16-40.*

**ITEM 9H:** Consideration of voting delegate for the 89<sup>th</sup> Annual Florida League of Cities Conference

**MOTION** by **Commissioner Vernon Burton** to designate Commissioner Tura Schnebly as the voting delegate for the 89<sup>th</sup> Annual Florida League of Cities Conference. **SECOND** by **Vice Mayor Ann Robbins**. **MOTION CARRIED UNANIMOUSLY.**

**ITEM 10: Commission Discussion:**

**Mayor Buddy Snowden** conducted a vote for the Parade Marshall of the 4<sup>th</sup> of July Parade.

Nomination for Steve and Lou Gutshall by **Commissioner Vernon Burton**, **SECOND** by **Commissioner Tura Schnebly**. **CARRIED UNANIMOUSLY.**

**ITEM 11: MAYOR'S REPORT AND COMMISSIONERS' REPORTS BY ZONE**

**Commissioner Vernon Burton** discussed that his seat will be filled by appointment within 30 days after November 12, 2015.

*Discussion with input City Attorney Scott Simpson.*

**Vice Mayor Ann Robbins** discussed the history of a proposed sidewalk on Orange Avenue as well as the upcoming Audit Committee meeting and the ECHO 5k last weekend.

**ITEM 12: ADJOURNMENT:** **Mayor Buddy Snowden** adjourned of the June 11, 2015 Regular Meeting of the Lake Helen City Commission at 9:51 pm.



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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS			
LAST NAME—FIRST NAME—MIDDLE NAME Schnebly, Tura		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Lake Helen City Commission	
MAILING ADDRESS Po Box 185		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Lake Helen	COUNTY Volusia	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED June 11, 2015		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)



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### 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, Tura Schnebly, hereby disclose that on June 11, 2015.

(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:

My residence is located on Lake Helen Lake. The item before the Commission was to give direction to the City Engineer to investigate why the water level in Lake Helen Lake was dropping. The condition of Lake Helen Lake could impact the fair market value of my residential property and I abstained from voting in keeping with the informal ethics opinion issued to me on April 9, 2015.

Date Filed June 11, 2015

Signature Tura Schnebly

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.