

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

**MINUTES**

**CALL TO ORDER:** Mayor Snowden

Mayor Snowden called the February 13, 2014 Regular Meeting of the 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 Jennifer Nix  
City Clerk Wendie Levings

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation and Pledge of Allegiance was led by Comm. Burton.

**DELETIONS OR MODIFICATIONS TO AGENDA**

Mayor Snowden stated there were two proposed modifications to the agenda. A request for use of Blake Park for the Annual Antique Car show and a request for use of the City bus by Final Mile Race.

**MOTION** by Comm. Robbins to add two items to the agenda. Comm. Robbins also requested that item 8A, Discussion of the Creative Arts Café, on the agenda should be discussed at a special meeting.

Mayor asked to make two separate motions.

**MOTION** by Comm. Robbins to add two items to the agenda as item 7G ,Request for use of Blake Park for the Annual Antique Car Show and item 7H, Request for use of the City bus by Final Mile Race. **SECOND** by Comm. Basso. **Motion** carried unanimously.

**MOTION** by Comm. Robbins to delete item 8A and move item to a special meeting. **Motion** failed for lack of a second.

## COMMISSION ANNOUNCEMENTS

Comm. Robbins stated that the Historical society meeting would be held Sunday at 3 pm and the Community Club will be meeting on February 21<sup>st</sup> for their monthly potluck dinner.

**1. MINUTES:** January 9, 2014, January 27, 2014

**MOTION** Comm. Robbins to approve the January 9, 2014 and January 27, 2014 as presented.  
**SECOND** by Comm. Lane. **Motion** carried 5-1 with Comm. Basso stating he had not attended the meeting.

### 2. CONSENT AGENDA:

#### a) Bills paid through January 31, 2014

Mayor questioned a public works maintenance fee.

Comm. Robbins questioned a CAC septic bill for two separate companies.

Ms. Susan Currey, CAC manager approached the podium to answer that the items were possibly a duplicate from the previous month.

**MOTION** by Comm. Basso to approve the bills paid through January 31, 2014. **SECOND** by Comm. Burton. **Motion** carried unanimously

#### b) CAC sales report

Comm. Robbins stated she looked at this closely every month indicating a loss of \$19,000 + for January 2013. She stated that all future purchases needed to be approved by the city administrator.

**1. PRESENTATIONS:** none for this meeting

**2. MONTHLY REPORTS:**

#### a) City Engineer

Admin. Cichon related there would be a pre-conference meeting for the Summit Avenue/Pleasant Street paving project by the end of the month.

#### b) Local Planning Agency (PLDRC)

#### c) Parks and Recreation Board

David Hughes approached the podium and informed the Commission the board met to discuss upcoming events. At the moment we are focused on Saturday's invasive plant removal in the City parks.

#### **d) Events Coordinator**

Johnny Chavis, Events coordinator approached the podium and spoke of the January 11, 2013 coat drive; Shuffleboard Club; Zumba; a Valentine social for seniors; and the Mayor's health challenge. Shuffleboard club; officers, each time have a few more people come, Zumba sweetheart couples Zumba going on now.

#### **5. PUBLIC FORUM**

Ms. Robin King approached the podium to inform the Commission about the local career source called One Stop Employment Center located in Orange City.

Ms. Diane Fisher approached the podium: I am an entertainer, healer and resident of Lake Helen for many years. I am here to talk about bully advocacy. I am here to help with that education.

**6. PUBLIC HEARINGS:** none for this meeting

#### **7. COMMISSION CONSIDERATION:**

##### **A) Consideration of applications for appointment to the Lake Helen Local Planning Agency (PLDRC)**

Mayor Snowden spoke of board members sitting and the procedure for submittal of applications for seats that have expired. Current members submit an application to be reappointed to the board and it is also open for new applicants.

Comm. Lane inquired if the positions were advertised in the normal process with the result of two applications with no new applicants.

**MOTION** by Comm. Lane to fill the two open PLDRC positions with the current applicants.

Mayor Snowden asked for open nominations for singular applicants.

**Motion** withdrawn by Comm. Lane.

Comm. Lane: I would like to nominate Mr. Troy and Mr. Feather, separately, to fill the two open positions on the PLDRC.

Comm. Burton stated serving on the PLDRC was a privilege not a right that is given. I have concerns about Mr. Troy and it may not be in the best interest of the city to reappoint him. Mr. Troy has been in expensive litigation with the city over the past that is currently at \$25,000. There was an ethics complaint involving myself. Given the circumstances, for me it will be a no vote.

Mayor Snowden indicated he was hoping there would not be an extensive debate.

Comm. Burton: I am not speaking about discrimination I am talking about privilege. What I am saying is that we, as a commission, extend the privilege to extend exemplary behavior or not grant the privilege to represent the city.

Mr. Tony Troy approached the podium to respond to Comm. Burton I was judged twice in front of magistrates with positive findings. I understand you do not like what I did. I have not tried to cross the city. I had a right to do what I did.

Mayor Snowden called the nomination.

Comm. Lane indicated there were no other applicants and he had not heard anything negative regarding issues with the Planning Board.

Comm. Basso spoke that all the boards were advisory boards and needed to work in harmony with the commission.

Mayor Snowden: Lake Helen is a small community. We go through effort to improve and get involved in the community. As far as people that step up to the plate I will be the first to say there are things I do not agree with but nothing is in question while Mr. Troy was sitting on the board.

Mayor Snowden called for a written vote with Commissioners handing in their votes to the City Clerk. The Clerk read: Nomination for Mr. Robert Feather is 5-0 yes vote. Nomination for Mr. Tony Troy is 4-1 yes vote. Mr. Feather and Mr. Troy were appointed to the Planning & Land Development Regulation Commission.

### **B) Consideration of request from the Lake Helen Garden Club to use the city bus for a local garden tour**

Ms. Cathy Talleckson approached the podium to answer any questions.

**MOTION** by Comm. Lane to approve the request from the Lake Helen Garden Club to use the city bus for a local garden tour. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

### **C) Consideration of request from the Lake Helen Parks and Recreation Board to host a public event on Saturday, March 22, 2014 in Blake Park titled "A Food Truck Affair"**

Mr. David Hughes approached the podium to answer any questions.

Comm. Basso asked how many food trucks were involved?

Mr. Hughes indicated the limit was eight.

Comm. Basso suggested including restaurants in town. Mr. Hughes replied that the restaurants had been invited and the 3 Sisters were working with serving desserts.

There was a discussion regarding types of food trucks, local businesses, vendor fees and entertainment.

**MOTION** by Comm. Basso to approve the Parks & Recreation 'Food Truck' event to be held on March 22, 2014. **SECOND** by Comm. Lane. **Motion** carried unanimously.

**D) Consideration of request from the 125<sup>th</sup> Jubilee Celebration Committee for the Parks and Recreation Board to utilize the balance of the 125<sup>th</sup> Jubilee Celebration donation funds toward the purchase of outdoor movie equipment**

Item 7D was tabled until the next Commission meeting.

**E) Consideration of request from the Volusia County Property Appraiser for the City of Lake Helen to submit a Certificate of Correction of Non-Ad Valorem Assessment Roll to the Tax Collector**

Admin. Cichon explained the property appraisers process of elimination of tax in order to recombine and correct the non-ad valorem assessment roll. Process in essence the elimination of the tax and reissuance of combined property tax.

**MOTION** by Comm. Basso to approve the request from the Volusia County Property Appraiser for the City of Lake Helen to submit a Certificate of Correction of Non-As Valorem Assessment Roll to the Tax Collector. **SECOND** by Comm. Lane **Motion** carried unanimously.

**F) Consideration of quotes for cleaning services for city facilities**

Comm. Basso asked for staff recommendation.

Admin. Cichon reminded the commissioners that the item had not been budgeted and therefore staff could not recommend moving forward.

Comm. Burton asked if the breakdown was based of cleaning of the restrooms twice a month and floors once a month.

Admin Cichon answered the breakdown was per service.

Comm. Robbins inquired if Chief Walker had anyone working community hours. Chief Walker answered not at this time.

There was a discussion regarding cleaning services and staff responsibility.

**G) Request from Mr. John Meinelt for use of Blake Park for the Annual Antique Car Show on April 26, 2014.**

**MOTION** by Comm. Robbins to approve the request by John Meinelt for use of Blake Park for the Annual Antique Car show to be held on April 26, 2014. **SECOND** by Comm. Burton. **Motion** carried unanimously.

Mayor Snowden expressed appreciation to Mr. Meinelt and asked if the request for the annual use of Blake Park by the Car club could be handled administratively.

**MOTION** by Comm. Basso to allow the car club coordinator to schedule future annual car shows with city administration. **SECOND** by Comm. Burton. **Motion** carried unanimously.

**H) Request of use of city bus by Jennifer Florida of Final Mile Race Management.**

Comm. Robbins commented the business had used the bus the previous year.

**MOTION** by Comm. Lane to allow administration to evaluate the details of use for the bus and approve the use at his discretion. **SECOND** by Comm. Basso. **Motion** carried unanimously.

*audio time: 1:55*

**8) COMMISSION DISCUSSION:**

**A) Discussion regarding Creative Arts Café: 1) Lake Helen Limited Partners' proposed leasing terms for the Creative Arts Café; and 2) Negotiation process for the development of the lease agreement for the Creative Arts Café**

Admin. Cichon spoke: the proposed terms you see in front of you was created from the meeting with Mr. Dan McFall and is a product from the two meetings. The idea for tonight's discussion is the commission wanted to see something in writing about negotiation terms and this is what was conveyed to me. The discussion now is for the commission to have some dialog and how the commission wishes to proceed.

Comm. Basso: in respect to Comm. Robbins' earlier request it did not fall on deaf ears. We want to isolate how many items we have an issue with.

Mayor Snowden: my sense is what you wanted from last meeting is to condense what we have discussed down on paper. Point is well taken. The Attorney is effective in conveying information in contracts and negotiations. I think we need a designated commissioner to work with the city attorney and administrator to formalize a contract. If we are moving forward with this individual we need to be sensitive to the clients of the café. Also there are issues with the septic system.

Atty. Groot: Have they (Lake Helen Limited Partners) been selected? You need to select them through a process or define that it is in the best interest of the public to move forward.

Atty. Groot: I found no action; no vote on this in the minutes.

Comm. Burton: going back over the minutes there are some things the city wishes to accomplish including a title search. There was never a decision or vote. One of the main things was to do a self audit to put us in a position to sign off on with Volusia County. The consensus was that several commissioners were in favor with this. The question that was raised is if it is doable. I am hearing the Attorney is saying we should have a motion on this.

Comm. Basso there may have not been a motion and I will make one if that is what is hanging us up.

Comm. Lane; we haven't asked the city attorney anything because we do not have anything to vote on yet.

Atty. Groot: I gave you analysis of title and the deed restriction only applies to the northern part of the park. It seems the Creative Arts Cafe is not in the area of deed restriction.

Comm. Robbins: on December 9th I did not know who Dan McFall was. He came to negotiate on a piece of property owned by Mr. Steudler to act on his behalf.

Comm. Basso: at the end of the day if we are comfortable to move forward do so, if not we need to back up at start again.

There was a discussion regarding the direction to move forward.

Comm. Lane: do we need to put that into a formal motion?

Atty. Groot: if you are going to award the contract there should be a formal motion.

Comm. Burton expressed his discomfort about moving forward.

Comm. Basso: what simplicity does is to allow me a sense of clarity. Do we put this out to RFP or do we continue with Mr. McFall. All of the rest of this can be negotiated. The question today is to put a motion on the table for RFP or go with McFall. I agree to a team with a Commissioner, City Attorney and City Administrator.

**MOTION** by Comm. Basso to waive all competitive bid processes as it is in the public interest to do so and award the right to negotiate with Lake Helen Limited Partners for the use of the Creative Arts Cafe facility. **SECOND** by Comm. Lane

Comm. Burton: our attorney drafted a good motion because we are now moving in that direction we move as legal as we can.

Comm. Lane: I do not think there is another chance for anyone to step into this proposal and that is why I think this is in the best interest of the public.

Mayor Snowden: it does not close the door on anyone else.

Comm. Basso: At the end of this, it will go to the negotiations to a lease or not and then we go back to an RFP .There may be a 50 - 50 chance that this does not go to lease. If that happens we will have to shut it down. Even if we close the facility it will cost us x dollars of month to maintain.

Marge Clauser, 101 Sycamore Lane, Lake Helen approached the podium. I am very confused over several issues and other people in the public have concerns. I have heard so many people say why aren't they going out for bid. Another concern was the placement of this on the agenda. It seems there should be a public meeting about something this important. I have not heard of Mr. McFall before. I thought Lake Helen Limited Partners was no longer in operation. There are so many things on the wish list that are not in the best interest of the City of Lake Helen.

Betty Doherty, Lake Helen approached the podium; I think we have amazing offer here and we should try and work with it. We have a chance now to stop this river of money going nowhere. I think it is a good thing.

Comm. Robbins: that is why I wanted to hold a town hall meeting so we can hear from the public.

Mayor calls the vote. **Motion** carried unanimously.

**MOTION** by Comm. Basso to appoint a negotiating committee of Comm. Lane the City Administrator and the City Attorney to negotiate with Lake Helen Limited Partners and bring back a contract for City Commission consideration. **SECOND** by Comm. Burton.

Comm. Lane: I will be willing to do that and maybe part of that process will be a public meeting.

**Motion** carried unanimously.

Comm. Basso: does anyone have ideas on how to keep the public informed and provide input beyond calling a special meeting? How to allow all constituents to look at this.

There was a discussion as to how to best keep the public informed.

Admin. Cichon: I would remind the Commission we are under a time constraint as to the septic system of the café. It is not operating properly and needs repairs.

There was a discussion regarding ways to conserve on the existing septic system including reducing hours, number of seats and going to a single service.

5 minute recess 10:20pm (3:15 return)

## **9. STAFF REPORTS**

### **a. City Attorney**

Atty. Groot: I am sure you have heard in the news that local governments are reacting to approving marijuana on ballot. Several governments are looking at what we can do locally if it does pass. Cocoa Beach is working on an ordinance. Local laws are looking at federal laws to say that it trumps the state law.

### **b. Police Chief**

Chief Walker: I applied for a grant safety motor vehicles and got approved for \$12,000. The money will be used for purchasing laptop computers. We are required to put the money up front and within 40 days there is reimbursement.

Comm. Lane: Do we need to authorize the spending of that?

Admin. Cichon: the normal process would be to recognize the grant through a resolution.

Chief Walker; I am supposed to spend the allotted money and then get reimbursed.



Atty. Groot indicate the resolution was not policy written. You can approve a resolution to be crafted by administration.

**MOTION** by Comm. Lane to approve the grant awarded to the Lake Helen Police Department by the Department of Motor Vehicles and Safety. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

**c. City Administrator**

Admin. Cichon: I commend chief walker for the grant work. The update on Lake Macy is that the City continues to have communication with Fish and Wildlife. Funds did not materialize but we have the project in the budget for FY 2015.

**d. Code Enforcement Officer**

**e. Creative Arts Cafe**

Susan Currey, Creative Arts Café Manager approached the podium. I am still trying to make the adjustments, but need to know which way to go. I think it is a good thing we did not cut the hours down to Friday and Saturday only and that we did it slowly. I have not made staffing changes.

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

Comm. Robbins wished all a happy sweetheart day.

Comm. Burton: We do a heck of a job here and every time I leave here I leave with a sense of satisfaction.

Comm. Basso: I am disappointed as I tend to be a man of action that the process is still slow. I want to know what people mean when they say I want to stay exactly the way we are.

Comm. Lane: I guess I have my work cut out for me.

Mayor Snowden adjourned the February 13, 2014 Regular Meeting of the City Commission to at 11:10 pm.