



## **CITY OF LAKE HELEN**

*'The Gem of Florida'*

PO Box 39 - 327 S. Lakeview Drive - Lake Helen, FL

### **REGULAR MEETING LAKE HELEN CITY COMMISSION**

**January 9, 2014**

**7:00 P.M.**

### **MINUTES**

#### **CALL TO ORDER: Mayor Snowden**

The January 9, 2014 Regular Meeting of the Lake Helen City Commission was called to order by Mayor Snowden at 7:03 pm.

#### **Present:**

Mayor Buddy Snowden  
Vice Mayor Ann Robbins  
Commissioner Rick Basso (late)  
Commissioner Vernon Burton  
Commissioner Cameron Lane  
City Administrator KC Cichon  
City Attorney Jennifer Nix  
City Clerk Wendie Levings

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

#### **DELETIONS OR MODIFICATIONS TO AGENDA - none**

#### **COMMISSION ANNOUNCEMENTS**

Comm. Robbins informed the room that the Community Club would meet at Hopkins Hall on January 17<sup>th</sup> at 6pm. Rog Lee will be our entertainment for the evening. There is a grant applicant workshop scheduled for Feb. 4<sup>th</sup> for Volusia County cultural grants. For the 5K run we had 336 registered; the winner did 3.1 miles in 18.89 minutes. It looks like we made approximately \$2100. I hope this becomes a yearly event.

Comm. Burton communicated several Martin Luther King events that were taking place including MLK breakfast at Stetson University.

**MINUTES:** October 28, 2013 - November 14, 2013 - December 12, 2013

Comm. Robbins gave corrections for names and typos.

Note: Corrections have been completed.

**MOTION** by Comm. Robbins to approve the minutes for October 28, 2013 - November 14, 2013 and December 12, 2013. **SECOND** by Comm. Lane. **Motion** carried unanimously.

**CONSENT AGENDA:**

**a) Bills paid through December 19, 2013**

Comm. Robbins pointed out a conflict with the CAC septic pumping.

**MOTION** by Comm. Burton to approve the Consent Agenda as presented. **SECOND** by Comm. **Motion** carried unanimously.

**b) CAC sales report**

Comm. Robbins indicated the CAC had lost \$13,968 the past month with a \$50,000 loss for the quarter.

**PRESENTATIONS:**

**A) Service award to be presented to staff**

Chief Walker presented a 15 year service award to Officer Brandon Mullins.

**B) Presentation of a Proclamation for the 125th Lake Helen Jubilee Committee and Citizens who volunteered throughout 2013 in Celebrating Lake Helen's Quasquicentennial**

Mayor Snowden read the Proclamation and thanked all volunteers.

**C) Recognition of volunteers that participated in the renovation of the Lake Helen Police department facility**

Chief Walker presented awards to the volunteers that had worked on the renovation of the Police Department.

**E) Presentation of the Mayor's Fitness Challenge overview**

Mayor Snowden gave an overview of the Mayor's Fitness Challenge noting that the City of Lake Helen would like to participate in the current year.

**MONTHLY REPORTS:**

**a) City Engineer** - no report

**b) Local Planning Agency (PLDRC)** – no report

**c) Parks and Recreation Board**

Treasurer David Hughes and Chairman Ranger Tyler of the Parks and Recreation Board approached the podium and related information from the Board meeting held on January 2, 2014. Mr. Tyler thanked his board members for their hard work during the 2013 Lake Helen events. He indicated the board members wished to start the New Year with new ideas including a Food Truck Bazaar and Winter Wonderland. Mr. Hughes submitted dates for some of the coming year's events.

**MOTION** by Comm. Basso to approve the concept and date for the Food Truck Affair planned by the Parks & Recreation Board for March 22, 2014. **SECOND** by Comm. Burton. **Motion** carried unanimously.

**d) Events Coordinator**

Ms. Johnnie Chavis approached the podium to give her report which included a coat drive. She remarked that the Home Town News wanted to do a spread on it. The report continued noting Shuffleboard meetings; Veterans dinner and Mayor's challenge.

**PUBLIC HEARINGS:** none for this meeting

**COMMISSION CONSIDERATION:**

**A) Consideration of Brent Millikan & Company's engagement letter for 2013 audit services**

Attorney Jennifer Nix read emails from Attorney Lonnie Groot regarding audit services for the city. *The opinion from this Attorney's office is that the City of Lake Helen should create an audit committee.*

Admin. Cichon read from Florida State Statutes and stated that current contract could be renewed.

Mayor Snowden asked the Atty. Nix if signing the contract would be an administrative violation. Comm. Burton was also concerned.

Comm. Basso affirmed that Brent Millikin had always performed an outstanding job but agreed that creating an audit committee would be the way to move forward.

Comm. Lane indicated the Florida Statute did give leeway for renewal of contracts. *I am comfortable with renewal for another year.*

Atty. Nix read from the auditor selection guidelines of which a copy was emailed to the Commissioners. *In the opinion of the City Atty. there is perceived liability for the City of Lake Helen if the choice is not to proceed with the audit committee process.*

Comm. Robbins stated she was under the impression that the Commission had discussed this and because there was new staff at City Hall it would be advisable to keep Brent Millikan for one more year and then proceed with an audit committee after that.

Mr. Alex Kish approached the podium stating that his company had used the renewal approach for the past 10 years. *It is my understand that if you are going through the process to make a change, you definitely need to go through the audit committee process; but if you have a current contract you have a choice to renew with that firm.*

Questions were answered by Mr. Kish.

There was discussion regarding the difference of opinions.

Comm. Burton indicated he was undecided. Mayor Snowden commented on the positive relationship the City had with Brent Millikan & Co. Atty. Nix reiterated the guideline requirement for an audit committee.

**MOTION** by Comm. Robbins to sign the engagement letter with Brent Millikan & Co. for 2013 audit services. **SECOND** by Comm. Lane. **Motion** carried 3 to 2 with Comm. Burton and Comm. Basso voting no.

## **B) Consideration of Foster & Foster's service agreement for actuarial services**

Admin. Cichon conveyed the agreement was service for a pension plan related to the police officers and that was required by the state every three years. *Staff feels it would be beneficial to move forward.*

Comm. Robbins indicated Florida League of Cities had performed the service since 1996 and added that the service was paid out of the pension fund.

Atty. Nix questioned if the contract included in the agenda was one provided by Foster & Foster. Finance Manager Cissy Burgess indicated that the City would be using a contract provided by the City Attorney.

**MOTION** by Comm. Lane to approve the Foster & Foster service agreement for actuarial services using the contract provided by the City Attorney. **SECOND** by Comm. Basso. **Motion** carried unanimously.

### **C) Consideration of Brannan Hartman Lot Binding Agreement**

Mr. Hartman was present and approached the podium to give a history overview of his request and to answer any questions.

Admin. Cichon indicated the lot binding agreement was a routine agreement.

**MOTION** by Comm. Lane to approve the Lot Binding Agreement submitted by Mr. Brannan Hartman. **SECOND** by Comm. Basso. **Motion** carried unanimously.

### **D) Consideration of hiring Rebecca Witte as the Customer Service/Licensing & Permitting Specialist**

Ms. Rebecca Witte approached the podium and presented an summary of her experience.

**MOTION** by Comm. Lane to approve the hiring of Ms. Rebecca Witte as Customer Service / Licensing & Permitting Specialist. **SECOND** by Comm. Basso. **Motion** carried unanimously.

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

Mayor Snowden explained the term expiration for Tony Troy and Robert Feather and appointment process for the PLDRC.

Comm. Burton reflected the past process that had been 'brought forward' so the positions would not be a perpetual seat. He explained the process of open seats and availability for citizens to apply for those open seats.

Comm. Robbins indicated that the application noted the requirement for applicants to attend the Commission meeting.

Note: Applicants were not in attendance.

**MOTION** by Comm. Basso to table the Consideration until the applicants were available to attend a Commission meeting to answer any questions. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

### **F) Consideration of application for appointment to the Lake Helen Parks and Recreation Board**

Comm. Robbins noted the applicant did not live within the City limits of Lake Helen and was not able to be a board member. It was noted that he could be of help as a volunteer.

**MOTION** by Comm. Basso to rescind the application for appointment to the Lake Helen Parks and Recreation Board. **SECOND** by Comm. Robbins. **Motion** carried unanimously.

**G) Consideration of contracts with Asphalt Paving Systems, Inc. and P&S Paving, Inc. for the full depth reclamation and paving of Pleasant Street and North Summit Avenue**

Admin. Cichon explained the two paving contracts stating one would be the paving of Pleasant Street from Ohio Avenue to Kicklighter Road using CDGB funds. *We are receiving approximately \$54,000 a year. When we have sufficient funds in 2-3 years we will be following up that project with stormwater and sidewalk along Pleasant. The other road is Summit Avenue from Main Street to New York and that will be through general funds.*

Comm. Lane: *I do not see in the contract where it specifies the streets we are talking about.*

Admin. Cichon: For the Commission's benefit the budget for this is \$47,870 for Summit Avenue and \$100,975 for Pleasant Street.

Comm. Basso: *Have we seen the engineering plans or is this strictly paving?*

Admin. Cichon indicated the plans had not, as yet, been fully developed due to adding in design for the future sidewalks and stormwater.

Admin. Cichon: *I did pass along to the engineer that once the road was paved there would not be any road cuts allowed.*

Comm. Basso: *I am reticent to cut this loose until I see some drawings that show there will not be cuts.*

Atty. Nix: *You could put forth an issued notice to proceed.*

Admin. Cichon: *The city engineer could provide the information stating that there would be no cuts or we could set up a phone conversation with concerned Commissioners.*

Comm. Robbins: *Since this is CDGB, money are there going to be constraints as far as not putting us off like last year?*

Admin. Cichon indicated the contractor was looking to pave with March as a completion date.

**MOTION** by Comm. Basso to approve the Asphalt and P&S Paving contracts pending a letter from the Engineer for the City of Lake Helen stating that no storm drainage will transverse the road. **SECOND** by Comm. Robbins

Comm. Lane: *I still do not see any roads addressed in this contract.*

Admin. Cichon: *I will check the past contracts for Ohio and Euclid to see if they are listed.*

Comm. Basso: *Piggy back contracts just state that they will do some amount of work for x amount of dollars.*

Atty. Nix related information from Atty. Lonnie Groot that the agreements contained the conditions and then there was a block section regarding standards and conformance with CDGB requirements.

Admin. Cichon asked if the Commissioners would like for staff to bring back revisions to the contract at another meeting.

Comm. Basso asked if the contract was time sensitive.

Admin. Cichon: *If we have them approved by February (2014) it will not affect the time frame for CDGB but may affect the contractor if he decides to push back the project schedule.*

Comm. Lane: *I can look at this contract as that we can just approve the basic framework.*

**Motion** carried unanimously.

## **H) Consideration of quotes for demolition and septic tank abandonment of 141 West Main Street**

Mayor Snowden: *141 West Main Street is the property the city inherited through foreclosure proceedings by the bank based upon the code violations of the tenant. The property was given to the city by the bank along with funds to demolish.*

Commission discussed the consolidation sheet and quotes for demolition.

Admin. Cichon: *If we move forward on the lowest quote it would be Waste Pro for the demolition of the house and Dixie Septic for abandonment of the septic tank. Commission may want to find quotes for removal of the tank.*

Comm. Lane: *Is there a need to get rid of the septic tank?*

Comm. Burton: *I wondered why not seal it for the next house but found the health department will not allow it.*

Mr. Alan Cooke approached the podium stating that if a house were to be rebuilt on the property the setbacks would place it on top of the existing tank.

**MOTION** by Comm. Robbins to select Waste Pro for the demolition of the house located at 141 West Main Street and Dixie for the septic abandonment. **SECOND** by Comm. Burton. **Motion** carried unanimously.

Atty Nix inquired if the city would be instructing the Attorney's office to draft the contracts.

Admin. Cichon indicated the projects were quotes only and, if necessary, legal could replicate the contract that may have been used for the demolition in 2011.

After discussion, it was the consensus of the commission that the motion would be to accept the quotes and a 'model' contract would be provided.

Amended: **MOTION** by Comm. Robbins to select Waste Pro for the demolition of the house located at 141 West Main Street and Dixie for the septic abandonment with contracts to be provided by the City Attorney. **SECOND** by Comm. Burton. **Motion** carried unanimously

**I) Consideration of maintaining the Macy Avenue and East Michigan Avenue Shared Use Path projects on the Volusia TPO List of Prioritized XU Bicycle/Pedestrian Projects**

Admin. Cichon reminded the Commission the Volusia TPO had contacted the city regarding identifying projects by the city for funding and that the time had come for the feasibility studying which required the city to participate with 10% funding. The decision was made that the city would not move forward on the project. *However, TPO has contacted me to ask the Commission to keep these projects on the list for the future.*

Comm. Basso: *I would keep the projects on the list. Lake Helen is a bike friendly community. I would like to connect the walkway-gateway project and I would like to see these things come to this community.*

**MOTION** by Comm. Basso to keep the Lake Helen projects: the Macy Avenue, East Michigan Avenue shared use path project; on the Volusia TPO project list. **SECOND** by Comm. Robbins.

Comm. Robbins: *I think we did talk about using CDGB money for Macy Avenue after the Pleasant Street project and the County may go further to Cassadaga.*

**Motion** carried unanimously.

-Five minute recess

**COMMISSION DISCUSSION:**

**A) Creative Arts Café**

**B) Draft Request For Proposal (RFP) for the lease, operation, and management of the Creative Arts Café**

Note: These items were combined in discussion.

Mayor Snowden: *I think that A & B are related to the Creative Arts Café. We had some information come into the City today relating to the drain field for the CAC and where the health department has directed the City take some action. This has come at a time when we have been in discussion about possibly doing something with the café. I have spent the last two months in discussion with Admin. Cichon and representatives for Lake Helen Partners looking at the feasibility of leasing the building while considering all the ramifications of the Echo grant process. I believe we are on solid ground as to putting the idea out there as a proposal to others but it is not a requirement. If we mandate and add more to the process, it may have the potential of eroding the offer that has been submitted to the City. We continue to lose money and now, the septic issue. I believe the more we procrastinate... I think we are missing a great window of opportunity. I would like the Commission to consider the offer from Lake Helen Partners.*

Comm. Basso: *I do not think we will find a better fit. We did take the time to talk about putting out an RFP. Has there been any other proposals within 'ear shout'?*

Comm. Robbins: *I have heard from people that may be interested. That is the reason why I brought the RFP up. Having one proposal does not mean we cannot do better. I have not seen a specific proposal.*

Comm. Burton: *Going back to our minutes.. there were some things the City was to accomplish including a title search.*

Atty. Nix: *On December 19<sup>th</sup> Atty. Groot emailed content of a letter regarding the assessment of the title report.*

There was a discussion regarding the title search report.

Mayor Snowden: *In the final analysis I believe we are on solid ground. We will retain the ownership of the building. The only thing we are giving up is the management of the facility.*

Comm. Lane: *At our last meeting I was not ready to make a decision, but I do see that we cannot conceive of a better fit and I am ready to move forward.*

Mayor Snowden: *Mr. Steudler and Mr. McFall have diligently been trying to work with the City and City Codes.*

Comm. Basso: *It was clear the first time Mr. McFall was here he had a vision of the community which is in concert with what most of us feel about this community. I would hate to miss this opportunity. I think it would be a waste of time to seek elsewhere.*

Comm. Robbins: *I did not know we could just make proposals to people. We knew nothing about what was going until the last meeting.*

Mayor Snowden noted he was the one that had been approached by Mr. McFall regarding the proposal for leasing the CAC.

Comm. Basso stated he had reached out to many people regarding the restaurant and had only received lukewarm response.

Comm. Robbins: *We can close the restaurant effective immediately. Give one month's pay to the employees until the restaurant reopens. Mr. McFall indicated he would give priority to those that were working there. Perhaps we would not have that many that would be collecting unemployment.*

Mayor Snowden: *If we have a break in service there, it is going to create new process. Anyone assuming management will encounter the issue with the septic.*

Mr. McFall approached the podium remarking that it would be damaging to closing the restaurant at this time. *The restaurant would remain the same while we are revamping the other section. The proposal will be the lease with everything typed in. We want to be part of the community.*

Comm. Lane: *If we go from losing the amount of money that the City is losing now and move to anything that is positive; it works for me. I am excited about moving forward.*

Mr. McFall conveyed the overall concept of the projected changes to the restaurant and leasing proposal.

Mayor Snowden indicated he would like to see the framework compiled in order to enter into a contract.

Comm. Basso remarked that he would be comfortable staying at the conceptual stage and believed that there would not be a better proposal that one could find.

Atty. Nix related Atty. Groot's opinion regarding the Creative Arts Cafe that he did not recommend going forward with an RFP in the current draft form unless the County specifically approved going forward with the potential bidder and if the City did not mind paying back ECHO money. *It would be prudent for the County to sign off on a proposal or RFP.*

Mayor Snowden said there would be clause in the contract for the County to sign off. *We are aware of the restrictions that we face and Mr. McFall is sensitive to these items and is willing to work with the City. The obligation of the ECHO grant is still with the City and we will maintain that obligation. It will all be hammered out in the contract.*

Comm. Burton: *As a Commission sitting here we have to bring these things up because of the restrictions that we have about discussing issues outside the meetings. This is a great deal but I do not want to step out too far until we found out if this is doable.*

Comm. Basso commented that Comm. Burton was at a disadvantage that he did not receive the email from the City Attorney and did not have that information. *My sense when I received the email was that it was very doable. Do we send out an RFP or say we already have a good proposal here. I believe that we need to move forward.*

Comm. Robbins: *Unless we do some further diligence how do we know how much the property is worth?*

Atty Nix pointed out additional considerations including that it would be prudent for the City to do a self audit in regards to the ECHO grant.

There was further discussion regarding the café.

Admin Cichon replied there would be lot staff hours ahead for preparation. I would like to meet with the ECHO grant staff.

Comm. Basso recommend sitting down with Mr. McFall to work out the framework for the lease and then meet with ECHO and work out the needed requirements.

Admin. Cichon indicated staff was ready to move forward working with Mr. McFall and working with the County ECHO staff and legal for a lease agreement. *Currently the café, after the first quarter is in the red about \$50,000. The budgeted supplemental amount is \$18,000. The City is now going into the reserve account. Then there is the issue with the septic system. The immediate fix is to have it pumped and the health department has indicated a repair permit was needed. None of this is budgeted and we will have to go back to the reserves.*

There was further discussion regarding current ECHO classes at the café.

Comm. Robbins: *I think that in order to minimize losses any further we need to be on top of everything and management needs to come through the City Administrator; if we cannot close it. (Creative Arts Café)*

Comm. Basso queried how much it would hurt if the café was to dramatically reduce hours of operation.

It was the general consensus of the Commission that the café remain open but to reduce the hours of operation.

### **C) Cleaning services for City facilities**

Mayor Snowden: *We have a couple of bids or proposals to review.*

Admin. Cichon: *These are estimates for cleaning services for once a month and twice a month for discussion as a starting point. There will be need for discussion about which facilities. As a reminder this is not a budgeted item. Need to identify what facilities to include and how often.*

Comm. Robbins: *The main buildings are my concern. Public works should be taking care of the parks bathrooms.*

Admin. Cichon: *Staff also needs an idea about scope of work.*

Comm. Basso: *I would use the conservative approach.*

Comm. Burton: *The public uses the parks more often than our buildings.*

There was discussion regarding city facilities.

The consensus of the Commission for the scope of the cleaning service: to clean all city bathrooms, buildings and parks twice a month and for a total cleaning of City Hall and Hopkins Hall once a month.

## **STAFF REPORTS:**

### **a) City Attorney**

Atty. Nix advised it would be good idea for the city to complete a pre audit before contacting the County. *Also, if you are going to do an agenda item within an agenda packet the public may not know what the item is about if there is not a memorandum included. Atty. Groot recommends doing a public input ordinance.*

Mayor Snowden and Comm. Robbins remarked that the Commission always had freely allowed the public to speak.

### **b) Police Chief – no report**

### **c) City Administrator**

Admin. Cichon: *For information purposes, we did get an estimate for moving the cooler at \$2000 to \$2500 with public works being part of the process.*

Admin. Cichon offered four tentative dates for the Regional Planning Council meeting regarding west side development: January 27 or 29 and February 10 or 12. After discussion the date was set for January 27, 2014 at 6:30 pm to be held at Hopkins Hall.

Admin Cichon communicated that the subject of the fire district needed to be in the forefront for discussion. *I met with the County protective services and the fire chief volunteered to put*

*together information and comparisons and they are prepared to give a presentation at the February meeting.*

**d) Code Enforcement Officer** – no report

**e) Creative Arts Café Supervisor** – no report

### **MAYOR’S REPORT AND COMMISSIONERS’ REPORTS BY ZONE**

Comm. Robbins expressed concern about road edges breaking off from the edges of new pavement on Ohio Avenue.

Comm. Basso recommended millings to be used to stabilize the road edges.

Comm. Robbins announced she would like to make the 5K Fun run a yearly event.

Comm. Burton indicated he thought the contract with Waste Pro included the request that smaller trucks be used on certain roads in areas of the City.

Mayor Snowden said he received comments related to the Christmas Ball that the celebratory toast were a bit excessive. He indicated he was asked to comment on this during the commission meeting although he had not attended the event.

### **ADJOURNMENT**

The January 9, 2014 Regular Meeting of the Lake Helen City Commission was adjourned by Mayor Snowden at 12:26 am.

Respectfully submitted:

Wendie M. Levings  
City Clerk