



City of Lake Helen
City Commission Minutes

August 9, 2018 at 7:00pm

City Hall City Commission Chambers
327 S. Lakeview Drive, Lake Helen, Florida 32744

Mayor Daisy Raisler
Vice Mayor Vernon J. Burton
Commissioner Tom Wilson
Commissioner Michael Woods
Commissioner Jim Connell
City Administrator Jason Yarborough
City Clerk Becky Witte
City Attorney Scott Simpson

CALL TO ORDER: Mayor Daisy Raisler called to order the August 9, 2018 Regular City Commission Meeting at 7:00 pm

PRESENT:

Mayor Daisy Raisler	Vice Mayor Vernon Burton	Commissioner Tom Wilson
Commissioner Michael Woods	Commissioner Jim Connell	City Clerk Becky Witte
City Administrator Jason Yarborough	City Attorney Scott Simpson	

CEREMONIAL MATTERS: Legislative Prayer and Pledge to the Flag led by Vice Mayor Vernon Burton.

PUBLIC HEARING FOR SPECIAL ASSESSMENTS:

1. Public hearing to consider imposition of special assessments

Consultant Chris Roe, Esq. Bryant Miller Olive to provide presentation followed by Public Input during the Public Hearing.

Mayor Daisy Raisler opened the public hearing.

Edward Roberts (N. Prevatt Avenue)
John West (N. High Street)
Jeff Bender (1430 Skyridge Dr, DeLand)

Mayor Daisy Raisler closed the public hearing.

2. Resolution 2018-09 Final Assessment Resolution

Final Resolution to approve the assessment roll for FY 2018-2019.

City Attorney Scott Simpson read the title of RESOLUTION NO. 2018-09: A RESOLUTION OF LAKE HELEN, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE, STORMWATER AND SOLID WASTE SERVICES IN THE CITY; IMPOSING FIRE RESCUE, STORMWATER AND SOLID WASTE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY; ESTABLISHING THE RESPECTIVE ASSESSMENT RATES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018; APPROVING THE ASSESSMENT ROLLS FOR SUCH FISCAL YEAR AND DIRECTING DELIVERY THEREOF TO THE TAX COLLECTOR; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION by Commissioner Tom Wilson approve Resolution 2018-09 Final Assessment Resolution. **SECOND** by Vice Mayor Vernon Burton. **MOTION CARRIED UNANIMOUSLY.**

BUSINESS OF THE COMMISSION:

ITEM 1: Additions, Deletions and Modifications to the Agenda:

Relocate Items:
Item 6 Staff Reports before Item 4
Item 8a and 8b after Item 4

ITEM 2: Recognitions, Proclamations and Presentations:

Item 2a: Recognitions: None



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Item 2b: Proclamation: Commissioner Jim Connell read Proclamation: 50th Anniversary of Municipal Home Rule in Florida.

Item 2c: Presentations: None

Item 3: Public Forum: None

Item 6: Monthly Reports:

Item 6a: Planning and Land Development Regulation Commission: Chairman Joe Hammett discussed reappointment for his term. City Clerk Becky Witte and City Administrator Jason Yarborough discussed with the commission the process for reappointment to city boards.

Item 6b: City Administrator / City Engineer: City Administrator Jason Yarborough discussed Waste Pro recycling presentation for September, banners for Lakeview Drive, as well as Duke Energy change of street lights to LED.

Discussion of the demolition of the DR Horton Homes as well as the new hire for Administrative Assistant.

Item 6c: City Attorney Scott Simpson: None

Item 6d: Police Chief / Code Compliance: None

Item 6e: Lake Helen Business Alliance: None

Item 6f: Lake Helen Events: Kelly Frasca discussed Food Truck Friday, the need for volunteers as well as upcoming events.

Item 4: Commission Discussion / Reports

Item 4a: Commissioner Tom Wilson, Zone 1

Item 4b: Vice Mayor Vernon Burton, Zone 2

Item 4c: Commissioner Michael Woods, Zone 3

Item 4d: Commissioner Jim Connell, Zone 4

Item 4e: Mayor Daisy Raisler

Item 8: Commission Consideration

Item 8a: Settlement Agreement with the City of DeLand

City Administrator Jason Yarborough discuss the Settlement Agreement which was approved by the City of DeLand at their August 6, 2018 meeting.

Input from Mark Watts (Cobb and Cole – attorney for I-4 AutoMall LLC), Sean Abshire (E. Ohio Avenue), and Alan Cooke (Oak Tree Lane).

MOTION by Commissioner Tom Wilson to approve the Settlement Agreement with the City of DeLand. **SECOND** by Vice Mayor Vernon Burton.

Discussion

MOTION CARRIED UNANIMOUSLY.

Item 8b: Resolution 2018-12 Release of Annexation Clause

On February 8, 2018, the City of Lake Helen and J. Brendan Hurley (Individual and Manager of the I-4 Automall, LLC) entered into an Indemnification and Defense Agreement. Section 3 of the Agreement is a COVENANT NOT TO ANNEX INTO OTHER JURISDICTIONS which states the “developer agrees that it will



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not seek voluntary annexation of the Project or any portion thereof into any other jurisdiction other than the City." With the Settlement agreement with the City of DeLand, Mr. Hurley is required to annex a portion of the property into the City of DeLand. The City must release him from this clause in the Indemnification and Defense Agreement.

City Attorney Scott Simpson read *RESOLUTION 2018-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA RELEASING J. BRENDAN HURLEY AND THE I-4 AUTOMALL, LLC FROM THE PROHIBITION OF ANNEXATION THE SUBJECT PROPERTY INTO A JURISDICTION OTHER THAN THE CITY OF LAKE HELEN; PROVIDING FOR LEGISLATIVE INTENT; AND PROVIDING AN EFFECTIVE DATE.*

MOTION by Vice Mayor Vernon J. Burton to approve Resolution 2018-12 Release of Annexation Clause.
SECOND by Commissioner Tom Wilson. **MOTION CARRIED UNANIMOUSLY.**

ITEM 5: Consent Agenda

Item 5a: Approval of Board Meeting Minutes:

Request the Commission approve the minutes from the following Meetings:

- 1) July 12, 2018 Regular Meeting
- 2) July 17, 2018 Budget Workshop

Item 5b: Acceptance of Bills paid through July 31, 2018

Request the Commission accept the bills paid report through July 31, 2018.

Item 5c: Consideration of Agreement with TD Bank for Financial Services

At the July 12th Regular Meeting, the City Commission selected TD Bank as our financial services provider and authorized the City Administrator to negotiate agreement. Staff has negotiated and reviewed the proposed agreement and recommends the City Commission authorize the City Administrator to execute the agreement with TD Bank.

Item 5d: Consideration of recording Notice Annexation of the I-4 AutoMall Property did not occur.

Request the City Commission authorize the Mayor to execute the attached Notice and instruct the City Clerk to Record with the Volusia County Clerk of Court.

Item 5f: Public Works Facility Update

Monthly update is delayed due to staff vacations. An update will be provided in September.

Item 5g: Consideration of Cooperative Economic Development Agreement

Request the City Commission authorize the Mayor to execute the attached Cooperative Economic Development Agreement. This is an annual agreement with Team Volusia, but this year they are requesting \$1,345.00. Previous agreements have been for \$1,325.00.

MOTION by Commissioner Tom Wilson to approve the Consent Agenda item 5a, 5b, 5c, 5d, 5f, and 5g as presented. **SECOND** by Commissioner Michael Woods. **MOTION CARRIED UNANIMOUSLY.**

Item 7: Public Hearings:

Item 7a: PUBLIC HEARING: Resolution 2018-10 Inducement Resolution

City Attorney Scott Simpson read the title of *RESOLUTION NO. 2018-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE HELEN, FLORIDA EXPRESSING ITS INTENT TO ISSUE ONE OR MORE SERIES OF THE CITY'S EDUCATIONAL FACILITIES REVENUE BONDS, EITHER TAXABLE OR TAX-EXEMPT, OR BOTH, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING, INCLUDING THROUGH REIMBURSEMENT, THE COSTS OF THE PROJECT (AS HEREINAFTER DEFINED); AND APPROVING AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH.*



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Discussion with input from Kareem Spratling (Bond Counsel), Greg Ruffin (Ivy Hawn Charter School), Todd Preston (Connecticut Avenue), Sandy Miller (W Delaware Avenue), Ann Robbins (Hobart Avenue), Sean Abshire (E. Ohio Avenue), Derek Mears (Lemon Avenue), Kelly Conway (Principal Ivy Hawn).

MOTION by Commissioner Jim Connell to approve Resolution 2018-10 Inducement Resolution. **SECOND** by Vice Mayor Vernon Burton. **MOTION CARRIED UNANIMOUSLY.**

Discussion with input from Kareem Spratling (Bond Counsel) and City Attorney Scott Simpson.

5 Minute Break

Item 5e: Consideration of Authorizing the City Administrator to execute Memorandum of Understanding with Ivy Hawn Charter School

Request the City Commission authorize the City Administrator after review and approval from the City Attorney to execute a Memorandum of Understanding with Ivy Hawn Charter School. The Memorandum of understanding will address financial partnership for cleaning and maintenance of Blake Park, visual improvements along Ohio Avenue (including landscaping and fencing/wall).

Tabled Item 5e.

QUASI-JUDICIAL – CERTIFICATE OF APPROPRIATENESS:

The Historic Preservation Board at its regular meeting on July 31, 2018 used the criteria set forth in the City of Lake Helen Land Development Code to review the completed applications and accompanying submittals.

Staff requests the City Commission execute the attached Certificate of Appropriateness for each application. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony, or other means. All parties shall be given the opportunity to rebut evidence through cross-examination or other means. The applicants will be responsible for recording the executed Certificate of Appropriateness with the Volusia County Clerk of Court.

Item 7b: CERTIFICATE OF APPROPRIATENESS: Fence at 291 W Delaware Avenue

MOTION by Commissioner Michael Woods to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Commissioner Tom Wilson.

MOTION CARRIED UNANIMOUSLY.

Item 7c: CERTIFICATE OF APPROPRIATENESS: New Single-Family Residence at 351 W Delaware Avenue

MOTION by Commissioner Tom Wilson to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Vice Mayor Vernon Burton.

MOTION CARRIED UNANIMOUSLY.

Item 7d: CERTIFICATE OF APPROPRIATENESS: New Single-Family Residence at 433 W Park Street

MOTION by Commissioner Tom Wilson to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Vice Mayor Vernon Burton.

MOTION CARRIED UNANIMOUSLY.

Item 7e: CERTIFICATE OF APPROPRIATENESS: New Single-Family Residence at 375 W Delaware Avenue

MOTION by Commissioner Tom Wilson to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Vice Mayor Vernon Burton

MOTION CARRIED UNANIMOUSLY.



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Item 7f: CERTIFICATE OF APPROPRIATENESS: New Single-Family Residence at 351 W Park Street

MOTION by Vice Mayor Vernon Burton to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Commissioner Tom Wilson.

MOTION CARRIED UNANIMOUSLY.

Item 7g: CERTIFICATE OF APPROPRIATENESS: New Single-Family Residence at 376 W Delaware Avenue

MOTION by Vice Mayor Vernon Burton to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Vice Mayor Vernon Burton

MOTION CARRIED UNANIMOUSLY.

Item 7h: CERTIFICATE OF APPROPRIATENESS: Metal Roof at 351 Lemon Avenue

MOTION by Commissioner Michael Woods to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Commissioner Tom Wilson.

MOTION CARRIED UNANIMOUSLY.

Item 7i: CERTIFICATE OF APPROPRIATENESS: Fence at 360 S Lakeview Drive

MOTION by Vice Mayor Vernon Burton to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Commissioner Tom Wilson.

MOTION CARRIED UNANIMOUSLY.

Item 7j: CERTIFICATE OF APPROPRIATENESS: Fence at 230 N. Summit Avenue

MOTION by Vice Mayor Vernon Burton to approve the certificate of appropriateness as recommended by the Historic Preservation Board. **SECOND** by Commissioner Tom Wilson.

MOTION CARRIED UNANIMOUSLY.

Item 7k: LEGISLATIVE – SECOND AND FINAL Reading of Ordinance 2018-08 Amendment to the Land Development Code, Temporary Signs

Request the Commission adopt Ordinance 2018-08 amending the Land Development Code, Temporary Sign Code – Second and Final Reading. The City Commission requested the Planning and Land Development Regulation Commission reviewed this item at their June 25, 2018 Regular Meeting and is recommending approval of the attached ordinance. The City Commission approved the first reading on July 12, 2018.

City Attorney Scott Simpson read the title of ORDINANCE 2018-08

AN ORDINANCE OF THE CITY OF LAKE HELEN, FLORIDA, AMENDING ARTICLE 4 OF THE CITY OF LAKE HELEN CODE OF ORDINANCES TO ALLOW FOR TEMPORARY SIGNS OF GREATER SIZE DURING CONSTRUCTION OF A NEW STRUCTURE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR AMENDMENTS TO ARTICLE 4; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION by Commissioner Jim Connell to adopt Ordinance 2018-08 Amendment to the Land Development Code, Temporary Signs- Second and Final Reading. **SECOND** by Vice Mayor Vernon Burton.

MOTION CARRIED UNANIMOUSLY.

Item 9: Closing Remarks / Adjournment

ADJOURNMENT: Mayor Daisy Raisler adjourned the August 9, 2018 Regular Meeting of the Lake Helen City Commission at 11:32 pm.