



City of Lake Helen
City Commission Minutes
September 13, 2018 at following the
7:00pm Final Budget Hearing
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 September 13, 2018 Regular City Commission Meeting at 8:36pm (following the final budget hearing).

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	

BUSINESS OF THE COMMISSION:

ITEM 1: Additions, Deletions and Modifications to the Agenda: Item 6e to be removed from the Consent Agenda. Item 8 and 9 to follow item 2.

ITEM 2: Recognitions, Proclamations and Presentations:

Item 2a: Recognitions: Of Vice Mayor Vernon Burton for his 70th Birthday.

Item 2c: Presentations:

1. Presentation from Ambassador Dr. Otto F. von Feigenblatt, Ed.D., Ph.D., +YC Honorary Ambassador of the Republic of Kosovo presented to the City of Lake Helen on September 6, 2018
2. Presentation on Amendment 1 and Home Rule Rally --- Mayor Daisy Raisler

Item 8: Public Hearings:

ITEM 8a: LEGISLATIVE First Reading of Ordinance 2018-15 Annexation for I-4 Automall

Consideration of Annexation for I-4 Automall LLC. The Planning and Land Development Regulation Commission reviewed this at their regular meeting on August 27, 2018 and recommended approval.

City Attorney Scott Simpson read the title of Ordinance 2018-15: AN ORDINANCE OF THE CITY OF LAKE HELEN, FLORIDA, ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF LAKE HELEN IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; REDEFINING THE BOUNDARIES OF THE CITY OF LAKE HELEN TO INCLUDE SAID PROPERTY; PROVIDING FOR FINDINGS; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion with input from City Attorney Scott Simpson, City Administrator Jason Yarborough, Mark Watts (Cobb and Cole).

MOTION by **Commissioner Tom** Wilson to approve the First Reading of Ordinance 2018-15 Annexation for I-4 Automall. **SECOND** by **Vice Mayor Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**



City of Lake Helen City Commission Minutes

ITEM 8b: QUASI-JUDICIAL First Reading of Ordinance 2018-16 Rezoning for I-4 Automall

Consideration of Rezoning for I-4 Automall LLC. The Planning and Land Development Regulation Commission reviewed this at their regular meeting on August 27, 2018 and recommended approval.

City Attorney Scott Simpson read the title of Ordinance 2018-16: AN ORDINANCE OF THE CITY OF LAKE HELEN, FLORIDA, REZONING APPROXIMATELY 36.80 ACRES OF PROPERTY WITHIN THE CITY LIMITS; SAID LANDS LYING NORTH OF ORANGE CAMP ROAD AND WEST OF INTERSTATE 4 (SR400) FROM COUNTY DESIGNATION OF RURAL AGRICULTURE (A-2), TRANSITION AGRICULTURE (A-3), HIGHWAY INTERCHANGE COMMERCIAL (B-6) AND CITY EMPLOYMENT CENTER WORKPLACE (ECW) TO CITY'S PLANNED DEVELOPMENT COMMERCIAL (PD-C); APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY ADMINISTRATOR TO AMEND THE ZONING MAP OF THE CITY OF LAKE HELEN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

MOTION by **Vice Mayor Vernon Burton** to approve the First Reading of Ordinance 2018-16 Rezoning for I-4 Automall. **SECOND** by **Commissioner Michael Woods**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 8c: QUASI-JUDICIAL – CERTIFICATE OF APPROPRIATENESS:

The Historic Preservation Board at its regular meeting on September 4, 2018 used the criteria set forth in the City of Lake Helen Land Development Code to review the completed applications and accompanying submittals.

Item 8c (1): New Single-Family Residence at 390 W Michigan Avenue

Item 8c (2): Sign at 520 W Main Street for Fox Glass Company Inc

Item 8c (3): Renovation at 212 S. Lakeview Drive

No exparte communications disclosed.

MOTION by **Commissioner Michael Woods** to approve the certificate of appropriateness New Single-Family Residence at 390 W Michigan Avenue, Sign at 520 W Main Street for Fox Glass Company Inc, and Renovation at 212 S. Lakeview Drive as recommended by the Historic Preservation Board. **SECOND** by **Commissioner Tom Wilson**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 8d: QUASI-JUDICIAL - Consideration of Variance at 453 John Street (Accessory Building Size)

Consideration to approve a variance at 453 John Street for the size of the accessory dwelling.

No exparte communications disclosed.

MOTION by **Commissioner Tom Wilson** to approve the Variance at 453 John Street (Accessory Building Size). **SECOND** by **Vice Mayor Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 8e: LEGISLATIVE – First Reading of Ordinance 2018-09 Annexation for Laura and Arthur Winkle at 100 North Avenue



City of Lake Helen City Commission Minutes

Consideration of Annexation for Laura and Arthur Winkle at 100 North Avenue. The Planning and Land Development Regulation Commission reviewed this at their regular meeting on August 27, 2018 and recommended approval.

City Attorney Scott Simpson read the title of Ordinance 2018-09: AN ORDINANCE OF THE CITY OF LAKE HELEN, FLORIDA, ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF LAKE HELEN IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; REDEFINING THE BOUNDARIES OF THE CITY OF LAKE HELEN TO INCLUDE SAID PROPERTY; PROVIDING FOR FINDINGS; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION by **Commissioner Michael Woods** to approve the First Reading of Ordinance 2018-09 Annexation for Laura and Arthur Winkle at 100 North Avenue. **SECOND** by **Vice Mayor Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 8f: LEGISLATIVE First Reading of Ordinance 2018-10 Future Land Use Map Amendment for Laura and Arthur Winkle at 100 North Avenue

Consideration of Future Land Use Map Amendment (Small Scale) for 100 North Avenue. The Planning and Land Development Regulation Commission reviewed this at their regular meeting on August 27, 2018 and recommended approval.

City Attorney Scott Simpson read the title of Ordinance 2018-10: AN ORDINANCE OF THE CITY OF LAKE HELEN AMENDING THE COMPREHENSIVE PLAN AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM COUNTY R (RURAL) INTENSITY TO CITY RR FOR 6.01 ACRES OF CERTAIN REAL AT 100 NORTH AVENUE (7119-00-00-0141), LAKE HELEN, FLORIDA; PROVIDING FOR PUBLICATION, HOLDING PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, THE VOLUSIA GROWTH MANAGEMENT COMMISSION, THE REGIONAL PLANNING COMMISSION, AND ANY OTHER UNIT OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

MOTION by **Commissioner Tom Wilson** to approve the First Reading of Ordinance 2018-10 Future Land Use Map Amendment for Laura and Arthur Winkle at 100 North Avenue. **SECOND** by **Commissioner Michael Woods**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 8g: QUASI-JUDICIAL First Reading of Ordinance 2018-11 Rezoning for Laura and Arthur Winkle at 100 North Avenue

Consideration of Rezoning for Laura and Arthur Winkle at 100 North Avenue. The Planning and Land Development Regulation Commission reviewed this at their regular meeting on August 27, 2018 and recommended approval.

No exparte communications disclosed.



City of Lake Helen City Commission Minutes

City Attorney Scott Simpson read the title of Ordinance 2018-11: AN ORDINANCE REZONING 6.01± ACRES LOCATED AT 100 NORTH AVENUE FROM COUNTY A-2 TO CITY SFR-R (RURAL); PROVIDING FOR A QUASI JUDICIAL PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION by **Commissioner Tom Wilson** to approve the First Reading of Ordinance 2018-11 Rezoning for Laura and Arthur Winkle at 100 North Avenue. **SECOND** by **Vice Mayor Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 8h: LEGISLATIVE First Reading of Ordinance 2018-12 Annexation for Francis Malinowski at 1025 Ohio Avenue

Consideration of Annexation for Fran Malinowski for 1025 Ohio Avenue. The Planning and Land Development Regulation Commission reviewed this at their regular meeting on August 27, 2018 and recommended approval.

City Attorney Scott Simpson read the title of Ordinance 2018-12: AN ORDINANCE OF THE CITY OF LAKE HELEN, FLORIDA, ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF LAKE HELEN IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; REDEFINING THE BOUNDARIES OF THE CITY OF LAKE HELEN TO INCLUDE SAID PROPERTY; PROVIDING FOR FINDINGS; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION by **Commissioner Jim Connell** to approve the First Reading of Ordinance 2018-12 Annexation for Francis Malinowski at 1025 Ohio Avenue. **SECOND** by **Commissioner Michael Woods**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 8i: LEGISLATIVE First Reading of Ordinance 2018-13 Future Land Use Map Amendment for Francis Malinowski at 1025 Ohio Avenue

Consideration of Future Land Use Map Amendment (Small Scale) for 1025 Ohio Avenue. The Planning and Land Development Regulation Commission reviewed this at their regular meeting on August 27, 2018 and recommended approval.

City Attorney Scott Simpson read the title of Ordinance 2018-13: AN ORDINANCE OF THE CITY OF LAKE HELEN AMENDING THE COMPREHENSIVE PLAN AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM COUNTY R (RURAL) INTENSITY TO CITY RE FOR 3.85 ACRES OF CERTAIN REAL AT 1025 E. OHIO AVENUE (7132-00-00-0035), LAKE HELEN, FLORIDA; PROVIDING FOR PUBLICATION, HOLDING PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, THE VOLUSIA GROWTH MANAGEMENT COMMISSION, THE REGIONAL PLANNING COMMISSION, AND ANY OTHER UNIT OF LOCAL



City of Lake Helen City Commission Minutes

GOVERNMENT OR GOVERNMENTAL AGENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

MOTION by **Commissioner Tom Wilson** to approve the First Reading of Ordinance 2018-13 Future Land Use Map Amendment for Francis Malinowski at 1025 Ohio Avenue. **SECOND** by **Commissioner Jim Connell**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 8j: QUASI-JUDICIAL First Reading of Ordinance 2018-14 Rezoning for Francis Malinowski at 1025 Ohio Avenue

Consideration of Rezoning for Fran Malinowski for 1025 Ohio Avenue. The Planning and Land Development Regulation Commission reviewed this at their regular meeting on August 27, 2018 and recommended approval.

No ex parte communications disclosed.

City Attorney Scott Simpson read the title of Ordinance 2018-14: AN ORDINANCE REZONING 3.85± ACRES LOCATED AT 1025 E. OHIO AVENUE FROM COUNTY A-1 TO CITY SFR-RE (RURAL ESTATE); PROVIDING FOR A QUASI JUDICIAL PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION by **Commissioner Jim Connell** to approve the First Reading of Ordinance 2018-14 Rezoning for Francis Malinowski at 1025 Ohio Avenue. **SECOND** by **Commissioner Michael Woods**. **MOTION CARRIED UNANIMOUSLY.**

Item 9: Discussion of Separation Agreement

Public Comments:

Sean Abshire (E Ohio Avenue), Raphine Pierce (Sand Crane Lane), Betty O'Laughlin (McKenzie Road), Heather Lindsay (Tangerine Avenue), Rhonda Janitch (Birch Lane), Buddy Snowden (Ohio Avenue).

Discussion with *input from City Administrator Jason Yarborough, City Attorney Scott Simpson,*

MOTION by **Vice Mayor Vernon Burton** to accept Mr. Yarborough's conditional resignation with the attached separation agreement. **SECOND** by **Commissioner Jim Connell**. *Discussion of consultant.*
MOTION CARRIED WITH COMMISSIONER TOM WILSON VOTING NO.

Direction to strike out consultant (item 3).

Discussion with input from Kirk Bauer (Attorney for Lake Helen Villa).

MOTION by **Commissioner Tom Wilson** to appoint Becky Witte as interim City Administrator as of end of business Friday, September 14, 2018. **SECOND** by **Commissioner Jim Connell**. **MOTION CARRIED UNANIMOUSLY.**



City of Lake Helen City Commission Minutes

Special meeting / Transition meeting set for September 19, 2018 at 7pm at City Hall to discuss compensation, clerical help, etc.

Item 3: Commission Consideration

Item 3a: Consideration of Appointment to Police Pension Board

Discussion with input from City Administrator Jason Yarborough, Nicole Argue-Nial (Clough Avenue), Aaron Preston (Harlan Avenue), Ann Robbins (Hobart Ave), Todd Preston (Connecticut Ave)

MOTION by **Commissioner Tom Wilson** to appoint Aaron Preston and Nicole Argue-Nial to the Police Pension Board. **SECOND** by **Vice Mayor Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

Item 3b: Consideration of Appointment to the Planning and Land Development Regulation Commission

Discussion with input from City Administrator Jason Yarborough, Joe Hammett (Chairman), Todd Preston (alternate).

MOTION by **Commissioner Michael Woods** to reappoint Joe Hammett, Travis Grimm and Roxann Goodman to the Planning and Land Development Regulation Commission. **SECOND** by **Commissioner Tom Wilson**. **MOTION CARRIED UNANIMOUSLY.**

Item 3c: Events Coordinator Agreement

Discussion with input from City Administrator Jason Yarborough, Kelly Frasca and City Clerk Becky Witte.

MOTION by **Vice Mayor Vernon Burton** to approve the Event Coordinator Agreement at \$20,000 per year plus mileage. **SECOND** by **Commissioner Michael Woods**.

Discussion

MOTION CARRIED UNANIMOUSLY.

Item 3d: Consideration of FY18-19 First Amendment to Fire Services Agreement

Discussion with input from City Administrator Jason Yarborough.

MOTION by **Commissioner Tom Wilson** to approve the FY18-19 First Amendment to Fire Services Agreement. **SECOND** by **Commissioner Michael Woods**.

Discussion

MOTION CARRIED UNANIMOUSLY.

Item 4: Public Forum:

Jeff Richey (W Michigan Avenue)

Joe Hammett (Lakeview Drive)

Maeda Jones (Sunset Drive, DeBary) with input from Chief Walker

Roger Eckert (Vermont St)



Item 5: Commission Discussion / Reports

Item 5a: Market in the Park – Sunday Market

Market in the Park has requested a discussion of the Market on Sunday’s during the “season” which runs from September until April.

Discussion with input from Karen Garyantes (Market in the Park), City Attorney Scott Simpson, City Clerk Becky Witte, Roger Eckert (Vermont Street), Janice Driggers (Westlake Drive), Joe Hammett (Lakeview Drive).

Consensus to maintain Market in the Park on Saturdays.

Item 5b: Decorative Light Pole Banners

The City Commission reviewed proposed proofs for Light Pole Banners. Consensus on Item 3 and 4 – adding Welcome to Gem of Florida on 3 and Poinsettia over Holidays as well as red words on 4.

- Item 5c: Commissioner Tom Wilson, Zone 1
- Item 5d: Vice Mayor Vernon Burton, Zone 2
- Item 5e: Commissioner Michael Woods, Zone 3
- Item 5f: Commissioner Jim Connell, Zone 4
- Item 5g: Mayor Daisy Raisler

Discussion of donation to the Disabled American Veterans.

Motion by Commissioner Tom Wilson to donate \$500 to the disabled American veterans chapter 84. **SECOND** by **Vice Mayor Vernon Burton**. **MOTION CARRIED UNANIMOUSLY.**

ITEM 6: Consent Agenda

Item 6a: Approval of Board Meeting Minutes:

Request the Commission approve the minutes from the following Meetings:

- 1) August 9, 2018 Regular Meeting
- 2) August 13, 2018 Special Meeting
- 3) August 31, 2018 Special Meeting
- 4) September 5, 2018 First Budget Hearing

Item 6b: Acceptance of Bills paid through August 31, 2018

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

Item 6c: Consideration of Task Order to ECT for Hazard Mitigation Projects

The City of Lake Helen received grant contracts from the State of Florida Division of Emergency Management to begin the design and engineering phase of the Ohio Avenue Storm Water Culvert Replacement, and Virginia Drive Rehabilitation projects funded through the Hazard Mitigation Grant Program (HMGP). The City has an existing contract with Environmental Consulting Technology, Inc. (ECT) for design, engineering and bidding services related to its capital projects. To move these projects forward, Staff will need to initiate a task order with ECT to complete the design, and engineering.

Item 6d: Consideration of Interlocal Agreement with Volusia County



City of Lake Helen City Commission Minutes

Commission consideration to approve the interlocal agreement for Fiscal Year 2018/2019 with Volusia County to provide services from the Department of Public Works Divisions of Mosquito Control, Road & Bridge (including Signs and Markings and Weed Control) and Traffic Engineering on as needed basis.

Item 6f: Consideration of Resolution 2018-17 correction of Water Billing Resolution 2015-08

At the August 31, 2018 Special Meeting of the City Commission, staff was directed to return with a Resolution regarding the omission within in Resolution 2015-08. This Resolution includes the methodology for calculating water charges when multiple consumers are served by a single master meter. The Lake Helen Villa and their attorney Kirk Bauer have reviewed the attached Resolution.

Item 6g: Public Works Facility Update

Monthly update of the status of the new facility for Public Works. For the month of August 2018, expenses totaled \$15,050.00 and donations accounted for \$14,869.80.

MOTION by **Commissioner Tom Wilson** to approve the consent agenda except for Item 6e as presented.
SECOND by **Commissioner Jim Connell**.
MOTION CARRIED UNANIMOUSLY.

Item 6e: Consideration of Agreement with Tyler Technologies Software

On June 28th, the City Commission held its first budget workshop, during which time Staff presented a preliminary proposal for the City to acquire Tyler Technologies Software. By approving this agreement, the Commission authorizes the City Administrator to purchase and subsequently deploy the software beginning in May 2019, with full implementation scheduled for October 2020.

MOTION by **Commissioner Michael Woods** to approve the consent agenda Item 6e waive formal bidding process and approve piggybacking through NJPA (National Joint Purchasing Alliance). **SECOND** by **Commissioner Tom Wilson**.
MOTION CARRIED UNANIMOUSLY.

Item 7: Monthly Reports:

- Item 7a: Planning and Land Development Regulation Commission: Chairman Joe Hammett
- Item 7b: City Administrator / City Engineer
- Item 7c: City Attorney
- Item 7d: Police Chief / Code Compliance
- Item 7e: Lake Helen Events

MOTION by **Commissioner Tom Wilson** to approve the sale of beer and wine at the Friday Food Truck and Fall Fest. **SECOND** by **Commissioner Michael Woods**.
MOTION CARRIED UNANIMOUSLY.

Item 10: Closing Remarks / Adjournment

ADJOURNMENT: Mayor Daisy Raisler adjourned the September 13, 2018 Regular Meeting of the Lake Helen City Commission at 11:49 pm.