



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**January 20, 2010 8:23 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 20, 2010 at 8:23 p.m. Present were Mayor DuBois, Vice-Mayor Carey, Commissioners Rumsey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Lemley. Commissioner Daly was absent.

Mayor DuBois led the invocation and the Pledge of Allegiance.  
Town Clerk Vivian Lemley performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

**Motion: A motion was made by Commissioner Rumsey to approve the Agenda; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly			Absent
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 4-0.

**PUBLIC and OTHER COMMENT**

*Captain Douglas Reece, Palm Beach County Sheriff's Office* – thanked the Commission for allowing him to come up and speak. He announced that the PBSO would be sponsoring their fourth season of Police Athletic League Basketball. Children participating in the program cannot turn 15 before June 1, 2010. Tryouts would be held on January 30, 2010 at the Lake Park basketball courts located at 7<sup>th</sup> St. and Bayberry Drive. Anyone interested could call the

Sheriff's department for sign up information. He stated that they were also looking for business sponsorships for the program.

*Richard Ahrens, 1461 Kinetic Rd.* – gave an update on the One Park Place building. He stated that CRA Development Director Jennifer Spicer was doing a great job and was a great asset to the Town. He stated that he was looking forward to the Town's Art Festival in March.

*Steve Hockman, 638 Flagler Dr.* – expressed his concerns regarding the Town's Employee Handbook. He asked why the project was given to a good friend of Town Manager Davis. He asked if it was a conflict of interest and against Town policy. He asked why the Town's Attorney could not create the handbook with the help of the Town's HR Department. He asked "Is the Town Attorney not qualified to do it? That is what he is paid for." He stated that he has asked the Town questions regarding the Employee Handbook and he claimed that the Commission does not answer or respond.

### **Public Comment Closed.**

Commissioner Rumsey stated "Mr. Hockman, I'm not afraid to speak up... I'll go ahead and answer your question, Mr. Hockman. First of all, I wasn't in office when the handbook was done so I don't know about the handbook, however, let me answer your question as to why I don't respond to you when you ask questions. The night that you stood here at this podium and accused the people sitting at this dias of being criminals, that's the night I quit responding to anything you ask. The people who are sitting at this dias, we are working our tails off for the best of this city and sir you get three minutes. Every Commission meeting you can come up here and say whatever you want to and we have to sit here and listen to it, but when you sit there and you call me a criminal, you have no right to do that, and at that point, that is when I stopped responding to anything you have to say, sir, thank you very much.

Mr. Hockman stated "I didn't call anybody a criminal."

Commissioner Rumsey stated "Mr. Hockman go back and pull the records, you stood at the podium and called every one of us a criminal. Mr. Hockman you may want to go back and review it. Pull a public records request on it. You know how to do that."

Commissioner Osterman stated "Mr. Hockman, I plan on addressing many of your questions and I planned on doing that tonight, however the dias is not full tonight and I will do it at the next meeting, saying that I will also let you know that I am very suspect of the "facts" that you present. I don't know how you can look at the information that you were given and conclude that the quotes were in any way similar. Our human resources director, could you please come to the podium. This misinformation campaign that you're working is going to stop because every time you spill a bunch of falsehoods, they are going to be corrected from here on out."

Commissioner Osterman asked Human Resources Director Bambi McKibbon-Turner "When we went to bid, when you were asked to solicit bids for the employee handbook, I would like you to give us a little background on why it was necessary to make changes to the employee handbook, I'd like you to give the quotes for the attorneys, the hourly fees, and I would also like to know

why it was that the scope of work had to be significantly expanded. That is what I would like to know.”

HR Director Bambi McKibbon-Turner stated “Okay, certainly, the reason that the employee handbook that was in existence when Ms. Davis came aboard as the Town Manager was that it was originally adopted in 1996, it happened to be a cut and paste job of a handbook from another municipality, the provisions in it were not coherent and did not represent a comprehensive compilation of the policies and procedures affecting employees of the Town of Lake Park. It had been updated since 1996 on a subsequent basis. It included policies that were contradictory and were really difficult from my experience as a HR Director to follow. There were policies that had laws that had been updated and changed and not included in the handbook and overall this really put the Town in a vulnerable position legally and it was because of that and ...the Town Manager and I agreed that the handbook needed to be updated. She took a look at it and she saw that it needed to be updated. It was one of my primary priorities on my departmental action plan that I presented to her when she came on board was to update the employee handbook and for this reason, we set about indentifying someone to update the handbook. At that time the purchasing procedure required that we go out for three phone quotes because of the anticipated scope of the project. At that time I did talk with Mr. Baird. He provided me with the names of a couple of attorneys who possibly had expertise in this area. I had the name of an attorney as well at the same law firm as that Attorney Baird recommended. The law firms were Glen Torcivia and Associates and their quote came in at an hourly rate of \$190. Attorney James Lynd of Luis, Logman and Walker of Tallahassee, we obtained a quote from them, their hourly rate was \$245 per hour for Mr. Lynd taking the lead role in that assignment, \$195 per hour for Attorney Glen Thomas for doing the bulk of the work and \$110 per hour for the assistance of a paralegal. We solicited a quote from Attorney Patricia Bass she responded that her hourly rate was \$175 per hour which she agreed to discount to \$100 per hour. We also requested a quote from Mr. Bob Norton of Norton, Alan, and Blue in Miami but we did not receive a response, but we did receive the three quotes and it was determined that Ms. Bass’ hourly rate was the most reasonable and cost effective for the Town.”

Commissioner Osterman stated “Before you move forward on the scope of work, I just wanted to state again clearly, and this is where Mr. Hockman I have a problem with your math. I don’t know how you can see the difference between \$100 per hour and \$195 to \$245 per hour as being the same. It is more than double. Thank you if you would continue please.”

HR Director Bambi McKibbon-Turner continued and stated “We entered into the contract with Attorney Bass. She commenced working on the handbook and completed the first rewrite in August 2007. At that point, we sat down and we had work sessions between myself, the Town Manager, and Finance Director Anne Costello and we realized that there were policies and procedures that were not previously contemplated in the first scope of work. There were provisions that were not even included in the first handbook that needed to be included so as a result of that it was determined that the scope of work needed to be increased to include language such as a new employee complaint review process which replaced what was previously referred to as the grievance process in the old handbook. We needed to write in that language to also take into account the fact that the merit board had been repealed. We needed to factor in language to cover managerial exempt employees. We needed to check to make sure that there were any

other provisions required by statute that weren't originally included in the original handbook. We also separated out what was formerly referred to in the old handbook as just one bank of annual leave. We separated out vacation leave, sick leave and personal leave. We redid the Town's evaluation system. We redid the Town's merit pay system and compensation plan, which prior to that...the classification plan was a separate document which was not included in the original handbook so we combined all of that together. It was then determined that some additional work needed to be done in negotiating the union contract that was due to expire September 30, 2008. It was also determined that once we had the new handbook in place, the employees needed to be trained on the provision of the handbook, so the increased scope of work included that and also included comprehensive full day training sessions for general employees on the new handbook provisions. It was also determined that the scope of work needed to be increased to include legal review at a very large volume of new employee forms which needed to be revised to make it consistent with the new handbook provisions. Such forms and processes included new disciplinary forms because we rewrote the disciplinary section of the handbook and completely new evaluation forms. Prior to the new handbook going into effect we had a total of four evaluation forms. That was because of the comprehensive work that was done on a rewrite of the evaluation system. We ended up with two. One for managerial exempt employees and another one for general employees which made much more sense, it was much more easier to follow. New payroll procedures, new payroll timesheet forms were developed. Numerous new policies that were then required by law...our new domestic victims violence provisions had to be included and new processes had to be developed so as a result of all of that is the outcome of all of this work is that we have a brand new comprehensive employee handbook that makes sense and we have a whole range of forms that tie directly in to the handbook and the new provisions that have been incorporated into the handbook have now been reflected in a union contract so everything ties together where previously it did not."

Commissioner Osterman stated "And we were on legally shaky ground?"

HR Director Bambi McKibbon-Turner stated "Absolutely. absolutely."

Commissioner Osterman stated "There were huge problems before with a cut and paste job from another municipality. Do you even know when our prior handbook had been done prior to the cut and paste?"

HR Director Bambi-McKibbon- Turner stated "No, I do not. The last update I had prior to our work on the handbook was 1996."

Commissioner Osterman stated "1996?"

HR Director Bambi McKibbon-Turner stated "Right"

Commissioner Osterman "1996 to 2010?"

HR Director Bambi McKibbon-Turner stated "Right"

Commissioner Osterman stated "I will add to that an additional anecdotal story, and that its,

when it came time to look at the issues, there were issues going on with some employees that required consideration of policies and procedures and the Town Manager actually sought my counsel in regards to Attorney Bass. She called me up and said "I have a former co-worker who worked with me at the School Board and did employee law and I know that because she is retired she would be willing to do this at a reduced rate, however, she is a friend of mine and I certainly don't want to have any kind of situation where it would in any way look improper."

Commissioner Osterman stated "Mr. Hockman, I am answering you and you are rolling your eyes, I thought you wanted an answer."

Mayor DuBois stated "What's the answer that you want to hear? Is what the unfortunate problem is if it is not the answer that you want you don't want to hear it. Sorry."

Commissioner Osterman stated "I said to her ...stay out of it... give it to the HR Director and let her manage the entire process. It's up to her to manager her department and whatever decision she makes without you being involved in it is not on you then and has nothing to do with your relationship, and I will add to that my own opinion that if we have a manager who has years of experience and we do not take advantage of the experience and the connections that she has in the business world. We would be foolish. Why would we not take advantage of the experience that she's had? Is that not what we are paying her for? You have consistently tried to imply that there are inappropriate things going on and you're looking in the wrong direction."

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of December 16, 2009
2. Resolution No. 03-01-10 Establishing a General Election
3. Resolution No. 04-10-10 Assigning Poll Workers for the General Election
4. Notification of Confirmation of Expenditures for Street Lighting Demonstration Project, Bayberry Drive
5. Resolution No. 05-10-10 Supporting My Choice Community Development, Inc.
6. Resolution No. 06-10-10 Contract Renewal for Tennis Pro

Mayor DuBois pulled item number 4 from the Consent Agenda for discussion.

Commissioner Rumsey asked the item number 5 be pulled from the Consent Agenda for discussion.

**Motion: A motion was made by Vice-Mayor Carey to approve items 1, 2, 3, and 6 of the Consent Agenda; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		

Commissioner Daly			Absent
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 4-0.

Mayor DuBois explained that she pulled item number 4 from the Consent Agenda because she had a comment card from Mr. Hockman regarding the expenditures for the Street Lighting Demonstration Project.

**Public Comment Open.**

*Steven Hockman, 638 Flagler Blvd.* – stated that the Town needed to look back over the proposed expenditure for the street lighting demonstration project. He stated that at the November 2009 Commission Meeting, Nazie stated that a mockup block could be done for \$5000 but the current proposal was for \$13,000. He stated that the Town was still awaiting a quote from Casper Electric for the installation of the electricity which would cost an additional \$4000. He stated that conservatively the Town would spend approximately \$15,000 per block. He stated that he was not against street lighting. He stated that he has driven the streets and seen many lights out that FPL would need to come out and replace the bulbs. He stated that if the Town was going to install street lighting they needed to do it correctly meaning that the \$2 million budget based on everything he’s seen the budgets have come in too low. He stated that the light poles alone would cost more than \$5000. He asked the Commission to refer back to the street lighting presentation at the November 2009 Commission Meeting. He stated that his concern was the expenditures were already three times what was originally stated and his concern that it would increase even more.

**Public Comment Closed.**

Commissioner Rumsey asked Town Manager Davis if the item was scheduled to be a referendum item on the ballot for the March 2010 election.

Town Manager Davis stated that that was correct.

Commissioner Rumsey asked if the referendum item would allow residents to vote on whether or not to implement the new street lighting program or keep the current one.

Town Manager Davis stated that that was also correct.

Commissioner Rumsey asked how much money was placed in the current year’s budget for a street lighting program.

Town Manager Davis explained that \$15,000 was placed in the budget for a street lighting program for the first year and there was also contingency placed in the street lighting and roads budget.

Commissioner Osterman stated she did not recall Mr. Hockmans \$5000 comment at the November 2009 meeting nor would she go back to review the meeting. She stated that she questioned Mr. Hockman's numbers regularly because her recollection of his budget was to save \$300,000 by removing employee benefits and retirement funds which would be illegal. In addition he liked to throw out numbers regarding the parking meters that are made up and saying that the quotes the Town used were three times the amount of the quotes he obtained but they were actually comparing apples to oranges.

Town Manager Davis explained that the \$5,000 estimate was for the design of the block. An estimate was never given for the installation. She stated that the Commission would receive another notification of confirmation of expenditures. She stated that they received the estimate from Casper Electric. She explained that at the February 3, 2010 Commission Meeting there would be another agenda item that would waive the competitive bid process in the interest of time. The estimate for the underground electrical installation would cost \$27,000. She stated that what the Commission had before them was the estimate for the poles and the arms. The fixtures were given to the Town by the LED manufacturer on loan to see what they would look like on that block. She stated that she would be happy to provide the facts to anyone who wishes.

Commissioner Rumsey asked if the new lighting program would include underground wiring and when was the projected date of the completion of the lighting demonstration block.

Town Manager Davis stated that the new lighting program would include underground wiring and demonstration block would be ready by the end of February.

Commissioner Osterman asked what the projected monthly cost would be on the tax bill for the new lighting program.

Commissioner Rumsey stated that the bill for the new lighting demonstration would cost approximately \$50 annually.

Town Manager Davis stated that the cost for the new lighting program would be billed over a 20 year period and there would be educational information to notify and inform the public on the new lighting system and the referendum question that would be on the ballot for the March election.

Commissioner Rumsey stated that he had a question on item number 5 of the Consent Agenda which was regarding the "My Choice" Community Development Program.

Town Manager Davis introduced Ms. Kendrick which was an applicant for the program.

Ms. Kendrick explained that the program moved from Lake Park to Riviera Beach in October but that they would like to move back to Lake Park. She stated that she was a licensed child care provider and needed a 5000 square foot facility for 90 students and had a window of a few weeks to have it done. She was unable to find such a place in Lake Park. The move was temporary until she could find a place in Lake Park.

Commissioner Rumsey stated that the program was a wonderful program and he commended Ms. Kendrick for her work on the program.

Ms. Kendrick explained that her husband Mr. Kendrick was applying to build a green building in Lake Park.

**Motion: A motion was made by Commissioner Rumsey to approve items 4 and 5 of the Consent Agenda; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly			Absent
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 4-0.

**PUBLIC HEARING:**

**ORDINANCES ON 2nd READING**

**ORDINANCE NO. 1-2010 – Department of Justice Consent Decree with Town Limited Voting Method**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER TO COMPLY WITH A CONSENT DECREE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA; AMENDING OF ARTICLE IV, SECTION 1, ENTITLED “ELECTED OFFICERS”; AMENDING ARTICLE XVI, SECTION 17, ENTITLED “RUN-OFF”; AMENDING ARTICLE XVI, SECTION 22, ENTITLED “FORM OF BALLOT”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Rumsey to approve the Ordinance No. 01-2010 upon 2nd reading; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly			Absent
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 4-0.

Attorney Thomas Baird read Ordinance No. 01-2010 by caption-only.

**DISCUSSION AND POSSIBLE ACTION**

**Street Closings**

Commissioner Osterman gave a brief history of prior street closings in Lake Park. She expressed her concerns and the concerns of other residents over safety issues in the community. She stated that traffic issues have arisen over the past few years. She stated that there was an opportunity to make positive changes in the traffic flow through Town. She asked for the Commission's support in moving the issue towards referendum.

Mayor DuBois stated that she would like Community Development Director Patrick Sullivan and Captain Douglas Reece to bring information to the Commission regarding the possibility of street closings.

Vice-Mayor Carey stated that he believed that the issue was discussed in the past.

Commissioner Osterman stated that they had the numbers for traffic counts in their packets. She asked Community Development Director Patrick Sullivan if he was ready to speak on the matter.

Community Development Director Patrick Sullivan stated that he could answer questions but did

not have any presentation prepared.

Commissioner Osterman stated that traffic flow of trucks in the downtown area needed to be addressed.

Vice-Mayor Carey stated that fire and police traffic needed to be considered.

Town Manager Davis stated that fire and police did not have any issues and they informed the Town that they would work with anything that the Town would do with regards to street closings.

Commissioner Rumsey recommended a workshop for the street closings issue.

Town Manager Davis stated that there were street closings in prior cities that she has worked in and there were positive results. She stated that Community Development Director Patrick Sullivan would work toward developing some options and the referendum question would be done by special election.

Town Clerk Vivian Lemley explained that the Town would have to have a special election in November since there was not a municipal election scheduled and the Town would have to cover the cost of the special election.

Discussion ensued among the Commissioners regarding the street closing issues and the cost of a special election for a referendum question.

### **Donations for Haiti**

HR Director Bambi McKibbon–Turner explained the earthquake that took place in Haiti. She stated that there were donation boxes placed in various locations throughout Town. She named the listed items that could be donated. She stated that the Town was in need of volunteers to prepare donated items for shipment and that there were volunteer applications available in her office and she or her receptionist Janet Miller could be contacted at 881-3300 for questions. She stated that the request for volunteers and the list of items for donation was on the Town's website, newsletter, Channel 18 and E-blast.

Commissioner Rumsey asked if the announcement could be made in Creole.

HR Director Bambi McKibbon–Turner stated that she would be happy to check into it.

### **COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

#### **Commissioner Daly**

Absent

**Commissioner Rumsey** congratulated Recreation Director Greg Dowling and Mr. John Lineweaver for a successful baseball clinic. He asked for the status of the installation of security cameras on Park Avenue.

**Town Manager Davis** stated that specifications needed to be completed and sent to the Department of Justice for review and then the project can go out for bid and be installed.

**Commissioner Rumsey** announced the "Contemporary Art Perspective, A Gathering to Explore Color and Images III" presented by the Friends of the Lake Park Public Library taking place on January 20, 2010 through February 26, 2010.

**Vice-Mayor Carey** stated that he did not understand why he receives copies of applications of employment for the Town. He stated that it was a waste of time and money.

**Town Manager Davis** stated that she would honor the Commission's request on what information they want and do not want to receive.

Discussion ensued among the Commissioners regarding the best way to receive information and save money in doing so.

**Commissioner Osterman** congratulated Recreation Director Greg Dowling and Mr. John Lineweaver for a successful baseball clinic.

#### **Mayor DuBois**

None

**Town Attorney Thomas Baird** stated that he wanted to remark on comments made earlier. He stated that he has been a municipal attorney for 20 years and has experience in creating employee handbooks. He stated that he has created handbooks for the City of Palm Beach Gardens and the Town of Jupiter. He stated that he recommended to Town Manager Davis hiring someone who specialized in that area because it would be more cost effective and they could devote their full attention to the employee handbook. He stated that if he had done the handbook, it would have taken longer and been more expensive.

**Town Manager Davis** announced that H1N1 Flu Shots would be open to the public on Tuesday, January 26, 2010 from 10 a.m. to 2 p.m. in the Mirror Ballroom. The Marina Sunset Party would be taking place on Friday, January 29, 2010 from 5 p.m. to 7 p.m. The Town had submitted an item to regulate sober houses to the Palm Beach Delegation that had been placed on the docket for hearing on January 27, 2010 at the West Palm Beach City Hall from 2 p.m. to 5 p.m. She stated that she, the Town Attorney and Town's lobbyist would be attending and she invited any Commissioners who would like to attend. She announced that March 2<sup>nd</sup> and 3<sup>rd</sup> was Palm Beach County Day where the Town can go to Tallahassee and bring their sober house item. She recommended seeing the exhibit of the Artist of the Palm Beaches at the Town's Library. The U.S. Census was continuing to offer pre-employment exams at the Town Library. The next exam would take place on Tuesday, January 26, 2010 at 2 p.m. Future dates are posted on Library's website, Channel 18, and posted at the Library. She announced a pre-school story time

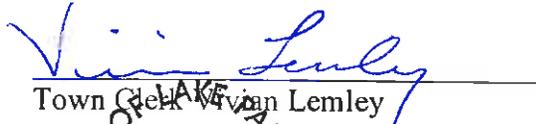
event at the Library on January 21, 2010 at 3:30 p.m. in the Skylar Room featuring the book "The pig who went home on Sunday" an Appalachian folk tale by Donald Davis and performed by the Town's Library staff.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rumsey and seconded by Commissioner Osterman, and by unanimous vote, the meeting adjourned at 9:35 p.m.

  
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Mayor DuBois

  
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Deputy Clerk Jessica Shepherd

  
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Town Clerk Van Lemley



Approved on this 17 of Feb, 2010.