



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, March 7, 2012 8:03 p.m.**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, March 7, 2012 at 8:03 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Steven Hockman, Jeanine Longtin and Tim Stevens, Interim Town Manager Jamie Titcomb, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley.

Vice-Mayor Rumsey led the Invocation and Mayor DuBois led the Pledge of Allegiance. Town Clerk Vivian Lemley performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA:**

Interim Town Manager Titcomb requested that item 2, Resolution No. 08-03-12 Memo of Agreement Children Home Society and Lake Park Library be pulled from the agenda. He stated that staff is gathering additional information on the item.

Commissioner Longtin stated that she would like to look at these individually.

Mayor DuBois stated that the Commission is looking at these individually this is the Additions/Deletions/Approval portion of the Agenda. He asked if there is a motion to approve the agenda as amended.

**Motion: A motion was made by Commissioner Hockman to approve the Agenda as amended; Commissioner Stevens made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0

## PUBLIC AND OTHER COMMENTS:

*Diane Bernhard, 301 Lake Shore Drive*, she stated that she wanted to remind her fellow townspeople to get involved in the committee that she has started to change the employee workbook and that she could be e-mailed at [dianebernhard@aol.com](mailto:dianebernhard@aol.com). She suggested that the Town provide copied of the rules and Ordinances to all newcomers before they sign a lease or purchase property. She stated that this practice can be reassuring to residents and it can discourage bad behavior and should conflict arise it cuts out the first steps, that moment when somebody says that they did not know that they were not allowed to do that. She stated that this could also mean a quicker resolution to problems or the means to document bad faith. She stated that if Lake Park is not already doing this that the Town do this immediately. She stated that she wanted to be clear and stated that she is not suggesting that the Town condo-commando everyone's civil rights, she is suggesting that the Town make existing ordinances more visible that the Town may be able to prevent some of the problems that have been happening.

*Jim Lloyd, 220 Lake Shore Drive*, stated that in view of the fact that the former Town Manager resigned without cause and the Finance Director resigned without cause that he thinks that the people of Lake Park deserve that the Town and the CRA undergo a forensic audit. He stated that he is not sure that it has ever been done before and that now is the time to get it done. He stated that he is making no inferences or allegations but that this is the time in the Town's history that a forensic audit should be done.

Mayor DuBois stated that the Town and CRA have an audit done every year and last month the current audit was complete.

*Susan Lloyd, 220 Lake Shore Drive*, she stated that she is on a citizens committee that is reviewing the employee handbook and changes made during the former Town Manager's tenure. She stated that the committee has collected numerous handbooks from numerous communities for comparison. She stated that the committee is looking for more citizens to participate and provided her phone number as 561-222-9930. She stated that she would like to discuss grants and made a request to the "grant chasers" to give the Commission and the residents more time to review the grants that they are chasing after to determine if the grant is indeed best for the Town. She stated that in the past she has attended meetings where acceptance of a grant was on the agenda, and the question of how much will the grant really going to cost the Town. She stated that the Town Manager would state that they did not have that information or turned to the "grant chaser", who would pretty much say the same thing. She stated that the information to the Town should be provided without it being asked. She stated that all stipulations should be printed out clearly not making the Commissioners and citizens read through the grant documents to get to the Town requirements and should be the "grant chasers" responsibility. She stated an example is that the Library is going to ask for approval of grant on this agenda and that according to the documents the grant became available in November 2011 and that the grant application must be submitted by March 15, 2012. She stated that the "grant chasers" should provide more time and the Commission should just once in a while just say no. She encouraged all citizens to check out the blog [onthestreetswhereyoulive.worldpress.com](http://onthestreetswhereyoulive.worldpress.com). She stated that the writer of the blog is very

informative and know just about everything that going on in the Town and that the blogger loves the Town.

Mayor DuBois asked Ms. Lloyd if she was calling the Commission “Grant Chasers” and if Ms. Lloyd was using the term “Grant Chaser” as a pejorative.

Ms. Lloyd stated that no that she is referring to the person that the Town has chasing grants.

*Cynthia Grey, 503 Sabal Palm Drive*, stated that she has stated in the past that it was important for the Town to have a mission statement and that she was directed to the Town’s website to find the Town mission statement. She stated that the mission statement is general and it really can’t be the Town’s mission statement because a mission statement is intended to summarize the overall input as received by the Town’s residents to achieve the resident’s vision for the Town, such as the objectives and goals and how they are measured. She stated that she thinks it is an important time to create the Town’s vision statement because the Commission will be hiring a new Town Manager and the destiny of the Town should be in the resident’s hands. She stated that the residents should be able to tell the new Town Manager the resident’s vision of the Town. She stated that materials should be created such as questionnaires for the residents, creation of a focus group, so that the residents can start deciding what the Town should look like. She stated that she jotted down a vision statement: “The Town of Lake Park in 2030 will maintain its family friendly, caring community working together. Forged and welded to the Intercoastal Waterway with the new marina, Lake Park is unique, quiet and safe, with a strong and prosperous Town center. Our defining features offer a balance between development and open space. Lake Park values its pedestrian oriented downtown which caters to small businesses that are based to serve the Town’s residents and the seniors which buys housing and services which supports their needs”. She stated that the Town needs to gather information from the residents before putting together a vision statement. She also stated that there is a windshield insurance scam going around Town.

Mayor DuBois requested that Community Development Director DiTommaso provide Ms. Grey with a copy of the Town’s Comprehensive Plan. He stated that was the documents he was suggesting that Ms. Grey review when she discussed the Town’s mission statement at a previous meeting.

Commissioner Longtin requested that the CRA Plan done by the University of Miami also be included in the documents provided to Ms. Grey.

Mayor DuBois concurred and stated that the documents should include the Comprehensive Plan, EAR and the CRA Plan.

*Betty Ann Rowlett, Bridges at Lake Park, 1411 10<sup>th</sup> Street*, stated that she is the Site Administrator for Bridges at Lake Park, and wanted to let the Commission and community know of the events that Bridges at Lake Park are holding in March 2012. She stated that there will be a community resource fair on Saturday, March 10, 2012 from 10:00 am to 2:00 pm at Cardello’s Shopping Plaza, information will be presented regarding resources available to residents and activities for the children such as bounce

house and a game bus. On March 31, 2012 the Bridges of Lake Park will be hosting an "I Am Not Alone" play at 1:45 pm at the Moz' Art theatre and stated that the event is free.

*Wayne Creber, 211 US 1*, asked for the Commission to give staff direction regarding updating the noise ordinance and related issues in order to be up to date with neighboring communities. He stated that an updated noise ordinance would enhance the ability of some businesses to come to Lake Park and to operate a viable business. He stated that the current noise ordinance has some serious limitations.

**CONSENT AGENDA ITEMS:**

- 1. Special Call Commission Meeting Minutes of February 06, 2012**
- 2. Resolution No. 08-03-12 Memo of Agreement Children Home Society and Lake Park Library**
- 3. Authorization to Apply for Library Services and Technology Act Grant**
- 4. Award Roofing Contract for Palm Beach Sheriff's Office Building**

**Motion: A motion was made by Vice Mayor Rumsey to approve the Consent Agenda; Commissioner Stevens made the second.**

Commissioner Longtin asked what the Commission was approving.

Mayor DuBois stated that the Commission is approving the Consent Agenda.

Commissioner Longtin stated that she would like to pull items 3 and 4.

Vice-Mayor Rumsey stated that there is a motion on the table.

Mayor DuBois stated that there was a second to that motion and that the motion to approve the consent agenda is what is being discussed at this point and asked if there was any further discussion on the motion.

Commissioner Longtin stated "yes" and that the Commission pulled number 2, so the Commission is looking at 1, 3 and 4. She stated that she has questions and comments on three and four.

Mayor DuBois stated that there is a motion to approve and a second and the Commission has had discussion on the motion. He asked if there is further discussion on the motion.

Commissioner Longtin stated "no", the Commission has not had discussion.

Commissioner Stevens asked Commissioner Longtin what her comments are on 1, 3 and 4.

Commissioner Longtin stated that if the Commission is just going to approve the consent agenda and not listen then they should go ahead and approve it.

Mayor DuBois stated that there is a request to pull 1, 3 and 4.

Commissioner Longtin stated that “there is a motion on the table so let the Commission approve it and move on, that’s the way it has been working around here”.

Mayor DuBois stated that the Commission can decide not to approve the motion and continue discussing these items individually and called the question.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman		X	
Commissioner Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 3-2

**DISCUSSION AND POSSIBLE ACTION:**

**5. Discussion regarding Kiwanis Irish Fair**

Mayor DuBois noted that Edie McConville had a comment card on this item and asked if Ms. McConville had comments or was just advising she is available for questions.

**Public Comment Opened:**

Ms. McConville stated that she is available for questions from the Commission.

*Betty Ann Rowlett, Bridges at Lake Park, 1411 10<sup>th</sup> Street,* stated that she had no comments at this time.

**Public Comment Closed.**

Interim Town Manager Jamie Titcomb stated that Kiwanis has made a request to hold Irish Fest on March 17, 2012 at Kelsey Park. He stated that the event will potentially have numerous visitors. He stated that he directed staff to take the request and run it through the Town Special Events Permitting System and look at all the potential impacts that the events may or may not have on the Town. He stated that staff identified areas of interest and concern and that Public Works Director Dave Hunt has been the staff person handling this request.

Public Works Director Hunt stated that he and staff from Public Works has met with Kiwanis regarding possible services the Town could provide for the Irish Fair. He stated that he laid out the services that the Town has provided for Town-sponsored events such

as the Seafood Festival. He stated that the purpose of this item is to seek direction from the Commission regarding what services would be available. He stated that the Commission has waived the fees for the rental of the park which would normally be assessed to a private event organizer. He stated that clarification was needed if the last motion by the Commission also included fees associated with the pavilion rental, the clean up, refundable deposits, and waive the parking meter. He stated that Sheriff's Office provides services for events serving alcohol. He stated that staff wanted to be prepared for any overflow parking. He suggested using the outside lanes of Park Avenue and to create parking areas. He stated the closure of lanes on Park Avenue goes hand in hand with waiving the parking meter fees as the parking along Park Avenue would not be metered. He stated that additional Sheriff's Office staff would be required if there is going to be street parking. He stated that garbage collection and rest room clean up needed to be addressed. He stated that staff is looking for ways to accommodate the event organizers so that there is enough staff present on the day of the event. He stated that Kiwanis Club of Lake Park has promised that the park will be cleaned, however if it is not clean to the satisfaction of the Sunday Market, Public Works may have to mobilize crews to clean the park at overtime rates and he has suggested that a refundable security deposit of \$350.00 be charged to cover these expenses, if they are needed. He stated that he did not think the park clean up by staff would be needed, but wanted to have all the bases covered. He provided a list of typical services that the Town provides any event organizer when using Town facilities.

Mayor DuBois stated that there is a refundable security deposit and asked what the other mechanisms are.

Public Works Director Hunt stated that the security deposit was to cover any overtime expenses for cleaning the park on Sunday morning in advance of the Sunday Market if needed.

Mayor DuBois requested the other costs for services.

Public Works Director Hunt stated that there are upfront labor costs to set up for the event. He stated that Town staff will not be working at the event on Saturday, except for Sheriff's Office personnel.

Commissioner Hockman stated that he feels that the deposit for the pavilion should be paid. He stated that he is sure that the Kiwanis Club of Lake Park will clean the park and the deposit would be refunded and if not the Town can deduct the cost for staff to do the work. He stated he thought that Kiwanis would agree to that provision. He stated that as for Sheriff's Office staff he would request that Kiwanis take care of that because Kiwanis will be serving alcohol. He agreed that a dumpster for the trash be provided. He recommended that Kiwanis contact the local Boy Scout troops so that the Boy Scouts could come out and provide community service hours. He stated that he is leaning towards the waiving of the parking meters. He stated that the intent of waiving the parking meter fees is to attract people to the Town and he wants the Town to be known as a good community involved Town and he cannot see why the Town cannot have free parking. He stated that he knows the intent of the parking meters is to make money, but at the same time he wants to get people to come back to the Town and that's key. He stated

that Kiwanis can remove the barricades from Park Avenue at the end of the event so that the road is open on Sunday. He stated that he hopes Kiwanis would leave the facility in good shape. He stated he has seen the way Kiwanis groups have worked in the past and Kiwanis has always left the facilities in good shape.

Vice-Mayor Rumsey stated that he agrees with Commissioner Hockman regarding the security deposit. He asked Lieutenant Palenzuela, Palm Beach Sheriff's Office District 10 Commander, if the Sheriff's Office uses a formula in determining the number of officers needed for events.

Lieutenant Palenzuela stated that yes; the Sheriff's Office would look at the size of the event. He stated that the estimated size is approximately 250 people and with alcohol being served at the event he would recommend at least two Deputy Sheriff's.

Vice-Mayor Rumsey asked Lieutenant Palenzuela if the event was large enough to close down two lanes along Park Avenue and would the service be provided through officers assigned to Lake Park or through special assignment.

Lieutenant Pete Palenzuela stated that it depends on the Commission's direction. He stated that with the amount of time from now until the event that he should be able to marshal the resources to help out Kiwanis. He stated that if the Town does not want to provide the service then Kiwanis would have to contact the overtime permit office and hire officers. He stated that he could attempt to find reserve deputies to work the event, but his preference is to get as many volunteers as possible to assist Kiwanis. He stated that he is in support of this event.

Vice-Mayor Rumsey stated that he is in favor of waiving the fees for the parking meters. He stated that the parking meter fees should be waived for these types of events.

Commissioner Longtin stated that she "will let you three decide what is happening with this one". She stated that she wants staff to stress to all groups that vehicles are prohibited from parking on the grass for any reason.

Commissioner Stevens stated that the refundable deposit fee to cover clean up and any Public Works staff overtime should be paid by Kiwanis. He stated that the parking meter fees should be waived for the event. He asked if there are meter bags to place over the meters.

Ms. McConville advised that Kiwanis can provide the meter bags.

Interim Town Manager Titcomb stated that staff has been evaluating getting meter bags for the Town for such events. He stated that it is important that everyone understand that when the Town suspends parking that it is free parking for everyone. He stated that there have been issues when competing events or competing businesses in Town and other events have competed over those free parking spaces. He stated that if it is free parking it is free parking for everyone regardless whether the person is going to the Irish Fest, a local business or walking down to the waterfront and there is no real way to police between the different uses.

Commissioner Stevens stated "so the parking is free to everybody for any purpose". He stated that is great that the Palm Beach Sheriff's Office is willing to work with Kiwanis to provide security. He stated that closure of the curbside lanes along Park Avenue is a good idea and thinks it is a great event and glad it is being brought back to the Town. He stated that he is offering his volunteer services at the event.

Mayor DuBois recapped that Kiwanis would be paying a \$350.00 refundable security deposit, one dumpster and Boy Scouts for clean-up, parking meter fees would be waived, two PBSO officers, and closure of two curb-side lanes on Park Avenue. He stated that he is very happy to have this event. He stated that he thinks that when an organization comes to the Town with a first year event that the Town should meet them halfway and do all that the Town can to help the event. He stated that next year the Town should try to go a little more by the book and as the organization is able to provide more to the charity there should be an opportunity to provide a fuller service compliment and he would say this for other groups that are trying to start out in the community in that way. He stated that the Town should provide the event with assistance the first year.

The Commissioner reached consensus as follows:

- Kiwanis is to pay a \$350 refundable deposit for clean-up and Public Works staff overtime if needed,
- Waive all parking meter fees for the day of the event,
- Lieutenant Pete Palenzuela to work with Kiwanis Club of Lake Park to provide Reserve Deputy Sheriff Officers to volunteer the day of the event,
- Closure of the curbside lanes along Park Avenue for parking
- Parking in the grass is prohibited
- Kiwanis Club is responsible for all sanitation and clean-up during and after the event
- Public Works to provide the following tasks during regular working hours on Thursday and Friday: walk the park with event organizer in order to identify all of the electric outlet locations, mark the sprinkler heads, shut down sprinkler systems, locate a clear spot for the set-up of a large beverage tent, place a 4 cubic yard dumpster in the tennis court parking lot for garbage collection, barricade the length of Lake Shore Drive along Kelsey Park, barricade the curbside lanes along Park Avenue for event parking, deliver Department of Public Works garbage "picker sticks" to a designated Kiwanis person.

Public Works Director Hunt thanked the Commission for providing direction and that it will be a nice event.

Ms. McConville stated that she is delighted that the Commission is in support of the event. She stated that Kiwanis has tried to incorporate the entire community. She stated that there are ten food vendors, ten art vendors and ten not for profit vendors and all the vendors are from the community. She stated that letters were sent to the local High Schools for students who need community service hours. She stated that twenty students will be at the event using the garbage pickers throughout the day to pick up garbage. She stated that the members of the Lake Park Kiwanis care about the park and care that the event is a success. She stated that the Kiwanis Club is asking a lot of support from the

Town but remember every dollar Kiwanis puts out takes away from what Kiwanis can give to the children. She stated that as an example Howell L. Watkins Middle School has a field trip and it costs \$75.00 per child. She stated that most families in Lake Park cannot afford to pay for the field trip. She stated that Palm Beach Gardens High School has a field trip and it costs \$80.00 per child. She stated that families with children in middle school and high school have a difficult time paying for both. She stated that the proceeds from this event will go to pay for children to go on these field trips. She stated that Kiwanis is trying to make the Irish Fair a community event.

Commissioner Stevens asked if Kiwanis is a 501(c)(3).

Ms. McConville stated "yes".

Betty Ann Rowlett, Site Administrator, Bridges of Lake Park, offered assistance to Kiwanis for the event.

## **6. Interim Town Manager Progress Report**

Interim Town Manager Titcomb stated that a performance evaluation form was included in the agenda package for use by each Commissioner. He stated that one of the most notable issues in the Town is the major positions that are currently open. He stated that all of the positions are in various stages of active search and that he would address those individually. Additionally there are other full and part-time positions available, including four major positions for Town Manager, Finance Director, Recreation Director and Marina Director. He stated that he has invited the Sheriff's Office and Palm Beach Fire Department to participate in senior staff meetings to increase communication Town-wide. He stated that he has had numerous meeting with department directors and staff individually, to get up to speed on the Town and to interact on a one-on-one basis with the staff. He stated that he has an open door policy and happy to meet with anyone. He stated that he has attended meetings regarding the Marina Village, parking policies and other issues. He stated that all event requests that come in through the Town Manager's office are processed through a special events vetting process so that the impacts to the Town can be quantified. He stated that the information gathered in the process can then be used by the Town to develop policies and procedures relating to future special events. He stated that he is working with staff regarding policies and procedures and ensuring they are enforced equally. He stated that staff has been working on developing one form for facility rentals with all the amenities available and the associated cost included rental fees, clean-up fees and whether other Town resources are necessary and those impacts. He stated that he has attended other meeting with parties interested in Lake Park and the CRA such as Florida Department of Transportation, Rail Transit Authority, and investors and businesses interested in locating in the CRA. He stated that he is looking for feedback regarding the Recreation Director position. He stated that he has reviewed and vetted the applications and is ready to short list the applications. He stated that the Finance Director position was advertised and ten applicants applied by the deadline and he recommended that the Town request volunteer professionals in the field participate in a selection committee to evaluate the applicants and make recommendations for the short list. He stated that the Finance Director position is highly specialized and critically

important to the Town. He stated that through the Human Resources Department the Marina Director job description has been prepared for advertising.

Human Resources Director Turner stated that the deadline for the submittal for applications for the Town Manager position is March 14, 2012 and so far the Town has received twelve applications. She stated that she did reach out to all the individuals who previously submitted their resume before the Town Manager advertisement was published to advise them of the application requirements. She stated that so far the Town has received three applications from these individuals. She stated that the Finance Director position closed on March 2, 2012. She stated that the Recreation Director applications are ready to be short listed. She stated that the Marina Director position advertisement went out on March 7, 2012 and the submittal deadline is March 21, 2012. She stated that the Marina Director position is advertised on the Lake Park website, channel 18, Florida League of Cities, which includes Florida City/County Management Association publications, Florida League of Cities Datagram, and Ken Small's CM's, which is a daily e-mail publication, Palm Beach County League of Cities website, and it has been submitted to Workforce Alliance and other free websites. She stated that the Event Assistant position deadline closed on January 25, 2012, however staff is holding off on that position until the Recreation Director is hired.

Mayor DuBois asked how long the Finance Director advertisement ran.

Human Resources Director Turner stated about ten business days and it closed on March 2, 2012.

Mayor DuBois asked for the number of applicants for the Finance Director position.

Human Resources Director Turner advised eleven.

Mayor DuBois asked how long the Recreation Director position was advertised.

Human Resources Director Turner stated ten business days and that the Town standard is ten business days.

Commissioner Stevens asked for procedure purposes if the selection committee is going to create a short list from the eleven applicants for the Finance Director position and then present the short list to the Commission.

Interim Town Manager Titcomb stated that his intention is to seek permission from the Commission to allow him to assemble three to four local finance professionals for the purpose of vetting the list of applicants for the Finance Director position. He stated that the committee would make sure the applicants had the required credentials, identify any issues, and then recommend a short list. He stated then the short list would be brought to the Commission.

Commissioner Stevens stated that under the Charter the Town Manager has full authority to hire staff and that Interim Town Manager Titcomb is providing the short list of candidates for the Finance Director position as a courtesy to the Commission.

Interim Town Manager Titcomb stated yes as a courtesy and because he is the Temporary Interim Town Manager and does not want to make life changing, decade lasting decisions in his short interim time here that this Commission and this community would not be comfortable with. He continued by saying that in the spirit of collaboration and involvement of the legislative body he wants to make sure the Commission is comfortable with the choices that are made for these critical and key Town positions. He stated that he will make the final decision on who is hired.

Commissioner Hockman stated that he is in favor of having a committee of professionals evaluate the applications and that the Commission would have an opportunity to review the committees evaluation and provide input.

Vice-Mayor Rumsey asked who is presently acting as the Finance Director.

Interim Town Manager Titcomb stated Deborah Doiron and that Ms. Doiron was the Assistant to the Finance Director. He stated that the department functions are being operated by the Finance Department staff currently. He stated that there really is no Finance Director per say performing those specific duties and functions in terms of the leadership decision. He stated that those functions have been handled by him and that the Finance Department staff has been handling the day to day operations.

Vice-Mayor Rumsey asked what checks the Finance Director signs.

Assistant to the Finance Director Doiron stated that she had former Finance Director Costello's name removed from signing checks and that Commissioner Stevens came in signed and a signature stamp was created. She stated a fourth signer can be added if the Commission wanted, but a Resolution would be required and suggested that the Commission wait until a Finance Director is hired. She stated that the Finance Director signs accounts payable and payroll checks.

Vice-Mayor Rumsey stated that he commended Interim Town Manager Titcomb for including the Sherriff's and Fire Department in the senior staff meetings. He stated that he appreciates that Interim Town Manager Titcomb has requested to meet with all the Commissioners individually and find those meeting to be very helpful. He stated that he is in favor of giving the authority to Interim Town Manager Titcomb to hire the Recreation Director and to set up a committee of volunteers to assist in the hiring of the Finance Director. He stated that he thinks the members of the selection committee for the Finance Director are in the industry. He stated that at some point the Commission needs to determine if Interim Town Manager Titcomb can apply for the permanent Town Manager position. He stated that he thinks Interim Town Manager Titcomb is doing a commendable job.

Mayor DuBois stated that he supports a Finance Director selection committee being formed and the hiring of a Recreation Director by Interim Town Manager Titcomb. He requested that the next report be provided in written form and requested that language be inserted in the renewal agreement. He stated a bullet point format would be fine and then filled in the detail when the report is presented.

Commissioner Longtin asked Commissioner Stevens how he became a signatory on the Town accounts.

Commissioner Stevens stated that the Commission voted to make him a signatory the first day he was on the Commission.

Commissioner Longtin asked if it is necessary to have the Finance Director be a signatory on the Town's bank account.

Commissioner Hockman stated that he is in favor of Interim Town Manager Titcomb hire a Recreation Director.

Interim Town Manager Titcomb commended the Town staff and stated that all the staff members are friendly, dedicated, hardworking, and professional people.

## **7. Report on Status of Town Manager Search**

Interim Town Manager Titcomb stated that the deadline is March 14, 2012 and that was timed so that all the applications could be received in time for the March 21, 2012 Commission meeting. He stated that he believes the number of applicants will increase as the deadline grows nearer. He stated the entire list of applicants will be presented to the Commission at the March 21, 2012 meeting. He stated that the Commission would then provide the mechanics for short listing the applicants.

Vice-Mayor Rumsey stated that the Commission needs to determine if Interim Town Manager Titcomb would be able to apply for the permanent Town Manager position. He stated that if the Commission is going to allow Interim Town Manager Titcomb to apply then Interim Town Manager Titcomb needs to be removed from the process. He stated that the Commission also needs to find out if Interim Town Manager Titcomb is interested in being the permanent Town Manager.

Commissioner Stevens stated that if Interim Town Manager Titcomb were to apply he would be on the list of applicants that the Commission receives on March 21, 2012.

Interim Town Manager Titcomb stated that the Commission would receive the list before that because it would be provided with the agenda package for the March 21, 2012 meeting. He stated that he is not going to submit an application to be the permanent Town Manager. He stated that is was not because he is not interested and not be because he does not love the Town because he does and he loves what he is doing. He stated that in order for the Commission to have the best possible candidate for the position of Town Manager and in order for him to facilitate the most ethical, open, transparent and efficient system to deliver to the Commission proper candidates that he needs to be out of that equation. He stated that he is being considered in other cities and that he believes that it is better for the whole process that he does not submit his name for the permanent position at Lake Park.

Commissioner Stevens stated that he appreciated Interim Town Manager Titcomb's comments. He stated that it was probably better for the Commission that he did not apply

because of any appearances of impropriety. He thinks there are ways to bifurcate the process and could have insulated the Commission for appearances of impropriety, but that he thinks it is a lot easier that Interim Town Manager Titcomb is not applying.

Interim Town Manager Titcomb stated that he thought this was the best way and that he would make it easier on the Commission just to work on the process and to work on the things that the Commission has assigned to him and to stay as long as the Commission needs him to stay, but not to put himself in the conflict of running for the permanent Town Manager position.

#### **8. Renewal/Extension of Interim Town Manager Agreement**

Interim Town Manager stated that the Commission hired him as the Temporary Interim Town Manager with a 30 day contract. He stated that the reason that the renewal of the contract is on the agenda is because the next meeting will be after the 30 days. He stated that the Town Attorney has prepared an addendum to the agreement that would essentially extend the time of the agreement.

Commissioner Longtin asked where was the addendum to the contract.

Interim Town Manager Titcomb stated that Attorney Baird would explain.

Attorney Baird stated that the addendum extends the term at 30 day intervals and still provides for the termination by either party within seven days written notice.

Commissioner Longtin asked where is the addendum.

Commissioner Stevens asked what language is being added to the agreement.

Attorney Baird stated that the addendum is an amendment to Section 3, (Term) and extends the term 30 days and renews automatically after the next 30 days unless either party terminates with seven days written notice. He stated that it is a month to month contract.

Vice-Mayor Rumsey recapped that the agreement will not come back every month the agreement will just roll over.

Attorney Baird stated "that's correct". He stated the agreement would roll over unless the Commission or Mr. Titcomb terminates the agreement with seven days written notice.

Interim Town Manager Titcomb stated none of the other terms and conditions changed it is only an addendum to extent the time.

Mayor DuBois requested that the word "written" be inserted in Section 8 and that it read as follows: "Interim Town Manager shall produce a written Performance Progress Report prior to the expiration of the 30 day term."

Vice-Mayor Rumsey asked Mayor DuBois if a monthly progress report is needed but the Commission would not need to come back each month and renew the agreement.

Mayor DuBois stated that he thinks that the Commission will come back in 30 days if a new Town Manager has not been appointed and renew the agreement another 30 days.

Attorney Baird stated that unless either party provides seven days written notice of termination of the contract, the contract renews automatically.

Commissioner Longtin stated that it is not what the agreement says.

Mayor DuBois stated that he does not mind the 30 day report however he would give up the 30 day report for a final report. He stated that he wants a report every 30 days or on departure.

Commissioner Stevens stated that he thinks there is consensus to have 30 day progress reports.

Interim Town Manager Titcomb stated that providing 30 day progress reports is fine.

Vice-Mayor Rumsey stated he is in agreement with the 30 day report as long as the Commission does not have to vote every month to continue the contract and it just rolls over.

Mayor DuBois stated that was fine with him.

Commissioner Longtin stated that the agreement states "This Agreement may be renewed upon the mutual agreement of the Parties for an additional 30 days, or other period upon the execution of a written amendment by the parties". She stated that the Commission does not have a written amendment.

Interim Town Manager Titcomb stated that the reason the Commission does not have a written addendum is because what the addendum includes will be determined by what the Commission decides at this meeting.

**Motion: A motion was made by Vice-Rumsey to amend the contract with Jamie Titcomb for Temporary Interim Town Manager to provide a 30 day renewal and at the end of the 30 days of the contract to automatically renew at 30 day intervals, a written monthly report will be provided by the Temporary Interim Town Manager and that both parties have a seven day written notice termination clause; Commissioner Stevens made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner			

Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 4-1

Mayor DuBois stated that he accidently missed a comment card from Susan Lloyd regarding the Consent Agenda item of Library Services and Technology Act Grant and offered Ms. Lloyd the opportunity to make comments.

*Susan Lloyd, 220 Lake Shore Drive*, stated that she is concerned about one of the grant stipulations. She stated that the grant stipulation is that “large assistance must be provided to those that may not be proficient with the English language”. She asked what is meant by large assistance. She asked how many years will the Town be required to provide large assistance to those who may not be proficient in the English language if the grant is awarded. She asked if anyone knew what the stipulation means before applying for the grant. She asked why the Library or the Town is putting itself into a position that would make it the Town’s responsibility to teach non-English speaking people how to speak English. She stated that the public schools offer free classes for people to attend to learn English and the Town could simply guide people to those services. She stated that she realizes that there is a large number of non-English speaking people that have moved into Lake Park who frequent the Library and she asked if it is the Town’s responsibility to teach these people to speak English. She stated that she is not against helping people learn English, but she does not want it to be the Town’s responsibility. She stated that she thinks the Commission should not approve applying for this grant. She stated that she did not hear any questions regarding the grant and asked if the Commission knows the answers to her questions.

Mayor DuBois stated that he read the information in the agenda package and that the item has to do with teaching English as a second language. He stated that English as a second language means that you teach people who don’t know English as a first language, so the answer to the question is yes.

Ms. Lloyd asked what does “large assistance must be provided to those that may not be proficient with the English language” mean.

Mayor DuBois stated that means that English is taught as a second language.

Ms. Lloyd asked if the Town provides this service now and how long would the grant require that the Town provide the service.

Library Director Karen Mahnk stated that this is an application for the grant that will be awarded in July and the award must come back before the Commission to accept or decline the grant. She stated that the program focuses on literacy. She stated that there is a large group of Lake Park residents whose English is very limited. She stated that

literacy is an issue for children and parents reading to their children. She stated that the program is a two part program storytelling and storytellers in bilingual style is the first part. She stated that the second part is a self-service self-paced program using software, e-books and similar technology. She stated the program will improve the overall literacy of the children that use the library and it encourages bilingualism. She stated that the program also assists first generation parents who let their children speak for them to participate in reading to their children promoting literacy amongst adults. She stated that the grant is an annual grant. She stated that because the grant is for less than \$10,000.00 there is no requirement for the Town to provide a match.

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

**Commissioner Longtin** stated that she thought that Attorney Baird suggested that the Commission review the Town Manager contract before the Town Manager is hired.

Attorney Baird clarified that Commission Longtin is asking that a sample of the contract for the permanent Town Manager.

Commissioner Longtin stated "yes".

Attorney Baird stated that a sample would be provided to the Commission.

**Commissioner Stevens** stated that he does not know what the CRA provides businesses as far as a welcome package but that can be looked into. He stated that as far as it goes for housing, the rules that apply for sober houses apply for all houses and it is a constitutional issue. He stated that the Commission is addressing the issue legislatively and are using the Town Code and Sheriff's Office to try to protect resident's rights. He stated in regards to the request for a forensic audit he is not sure what the cost would be for that type of audit. He asked staff to get the numbers on how much a forensic audit would cost. He stated that he is interested in the Town having a forensic audit done. He stated that he thought it was great that residents have formed a citizens committee to review the employee handbook. He stated that he thinks the Bridges of Lake Park does a great job for the Town. He asked for a status update on the noise ordinance.

Interim Town Manager Titcomb stated that either Attorney Baird or Mayor DuBois will be providing an update.

Commissioner Stevens stated that he is in favor of the Town's ability to provide services to residents with grant money especially grant money that does not require matching funds. He stated that he is in favor of helping the Town's kids and families learn how to read English. He stated that he seconded the motion to approve the consent agenda because the minutes were accurate and the library grant is to teach the Town's kids how to read and had no requirement for matching funds. He stated that he spoke with Interim Town Manager Titcomb before the meeting to ensure the loan for the Sheriff's roof was approved by the 2009 Town Commission and that an ombudsman is in place to ensure that the 20 percent contingency dollars will be returned to the Town if the concrete deck is not damaged, and the plywood is not rotted. He stated that he also supports the item because the contract is going to the lowest bidder. He stated that he appreciated the

thoroughness of Interim Town Manager Titcomb's report and that he wanted to applaud him for his management style and efforts to build consensus. He stated that the Finance Director position is a critical position to the Town. He stated that a forensic audit might be helpful, but that the Town's budget is such a mess that a forensic audit may not be feasible. He stated that a Finance Director is needed for development of austerity budgets for the CRA and the Town's general fund. He stated that with the Tax Increment Financing (TIF) interest running out and commercial ad valorem taxes continuing to fall that his projections for future budgets for the CRA and general fund are quite dire. He stated that in order to provide the highest level of services funds are needed because they are looking worse and worse. He felt the Town needs to get out in front instead of waiting until July to address the budget.

**Vice-Mayor Rumsey** stated that Mike Pisano, Marina Director, was a good guy and that he will be missed. He requested that a proclamation be given to the family in gratitude to the service Mike Pisano provided to the Town. He stated that April is a busy month for activities at the Marina and requested that a calendar and report be provided regarding upcoming events at the Marina and how the Town is going to handle the events at the next Commission meeting. He thanked Betty Ann Rowlett and Edie McConville for all they do for the community. He stated that presently he does not see a need to increase the sound ordinance. He stated that if an applicant wants to go through the process and the Planning and Zoning Board request a waiver from the noise ordinance that it is up to the applicant to apply for the waiver, but that he is not interested in increasing the sound ordinance. He stated that the Town's staff has been through way too much in the last several months and thanked the staff for all that they do and that he appreciates the Town's staff.

**Commissioner Hockman** thanked Ms. Bernhard and Ms. Lloyd for the efforts regarding the employee handbook. He suggested that Ms. Bernhard and Ms. Lloyd get the employees involved in the discussion regarding the Handbook. He requested that Lt. Palenzuela have the deputies keep an eye out for people in the neighborhoods going door to door soliciting. He stated that he is not sure what the cost would be for a forensic audit. He requested that staff provide a basic cost for a forensic audit. He stated that he knows things have happened at Lake Worth, a separate person was brought in that worked directly for the Commission, not for the Town Manager, to go through the books a few years ago. He stated that the Commission might want to consider doing the same. He stated that the Bridges of Lake Park has done a lot for the community and encouraged residents to participate in their events. He stated that he is glad to see the Irish Fair is coming back. He suggested that the Town work with the Kiwanis Club and bring back the July 4<sup>th</sup> Festival. He stated that he thinks that in regards to the approval of items 1, 3 and 4 that the Commission jumped the gun and that he had concerns regarding item 4. He stated that one of the things he noticed is that the roof is not up to today's code and that there is nothing in the plans that call for the overflow scuppers. He stated that the overflow scuppers are now required by the Florida Building Code. He stated the scuppers are used in case the roof drain clogs, the scuppers drain into one pipe. He stated that if the roof drain clogs the roof could pile up with a foot of water. He stated that several building in South Florida have collapsed because the roof drain clogged and the roofs collapsed because of the rain water. He stated that he did not know if it was too late to add the scuppers to the contract. He stated that adding the roof scuppers is something the Town

should do as a safety precaution. He stated that he was asked about the Marina Village noise variance and that he does not know anything about it. He stated that Community Development Director DiTommaso called him about the issue and that he was told that it was a general housekeeping item, but he has not received any complaints from residents that it is too quiet and that the noise level needs to be increased. If the development being proposed requires an increase in the noise level, then the request needs to go before the Planning and Zoning Board and go through the proper channels at the developer's expense not the Town's. He stated that he knows a sound guy has been hired and was referred to the Town by the developer and it is something that should have been pushed off.

**Mayor DuBois** stated that he attended a meeting with County Commissioner Marcus and provided a recap of the meeting. He stated that the following items were discussed at the meeting; the sound ordinance and how the Town is addressing the Interlocal Agreement. He stated that the Town has an annual audit and he thinks the annual audit is very thorough. He stated that he signed the letter stating the audit has been completed. He stated that he asked the auditor to have individual meetings with each Commissioner to go over the Town and CRA audit. He read the following statement regarding the consent agenda, "I would prefer to have discussion on consented items as may be needed. I voted in favor of the motion because I spent a substantial amount of time with staff in preparing by reading the agenda and the agenda packet and to discuss these items. Therefore I feel that I have provided the Town with the due diligence required to approve these items. If I have not prepared myself I think I should have voted no. I urge my fellow Commissioners to prepare themselves and communicate with staff to address their concerns with each individual item and get the responses that they need for their concerns. The next time I might not vote in favor of the consent agenda items if I don't feel that I have prepared myself. I felt that I was prepared and I had my questions answered on these items".

Commissioner Longtin asked Mayor DuBois if he is suggesting that by asking question that she is unprepared.

Mayor DuBois stated that he was prepared.

Commissioner Longtin stated that she was prepared and that she had read the agenda package all the way through and that Mayor DuBois negated all that. She stated that Mayor DuBois could not say that she is not doing the work.

Mayor DuBois stated that he would be very happy to support a proclamation for Mike Pisano. He stated that Mike Pisano was a great guy and will be missed. He suggested that if the flag pole at the Marina is not dedicated at this time that it be dedicated to Mike Pisano.

**Attorney Baird** stated that he attended the meeting with County Commissioner Marcus regarding the Marina Interlocal Agreement. He stated that the Marina Village application is in a quasi-judicial process. He stated that the quasi-judicial process is intended to give the citizens of the Town the opportunity to voice any concerns that they may have about a proposed project and to give the applicant a fair hearing regarding proposed development

or redevelopment on a particular piece of property. He stated that taking a particular position on an application at this point is probably premature, but in the interest of trying to move things along and facilitate some discussion with the County the meeting with Commissioner Marcus was held. He stated that Commissioner Marcus' biggest concern was in regards to the Town's plans for the promenade. He stated that the discussion regarding the promenade was regarding whether it would be a half promenade or a full promenade. He stated that ultimately the Commission would decide the character and use of the promenade. He stated that Mr. Creber was at the meeting with his planner and those present at the meeting from the Town made no commitments. He stated that the understanding was that Mr. Creber would be withdrawing placement of the tiki bar and fire pit in the right-of-way and that any activity of that nature would be contained on the developer's property. He stated that Town staff was questioned about whether a mini golf course was a permitted use in the existing zoning. He stated that Community Development Director DiTommaso stated that a mini golf course is a permitted use under the current zoning category. He stated that the reason that is important is because the Interlocal Agreement states that uses for that private investment of \$2,000,000.00 are restaurants and retail and did not describe the type of retail. He stated that mini golf is one of many retail uses allowed by the Code. He stated that it was his understanding that Town staff was not going to pursue the noise ordinance at this time. He stated that his feeling was that the noise ordinance was one more obstacle to trying to address the concerns of the citizens that live nearby and in order to facilitate a showing of good faith that perhaps holding back on any changes to the noise ordinance, which effect all properties in the Town, would be appropriate. He stated that was his understanding that Commissioner Marcus was satisfied that the Town is honoring its commitment to the Interlocal Agreement, which was Commissioner Marcus' primary concern and not necessarily the exact uses of the property. He stated that he provided to the Commission a report on litigation, and a memo regarding the Town Manager powers and duties as stated in the Charter, Code and Employee Handbook. He stated that he will be out of Town on March 16, 2012 and returning on March 19, 2012. He stated that he sent an e-mail to the Commission and that he will be responding to Mr. Garcia and that he has spoken to Commissioner Hockman regarding the contents of the e-mail.

Mayor DuBois asked if the memo regarding the Town Manager's powers and duties should be an agenda item for discussion and possible action.

Attorney Baird stated that at some point the Commission needs to provide some direction.

Mayor DuBois suggested placing the item on the April 4, 2012 or April 18, 2012 agenda.

Attorney Baird stated that the discussion is important and because candidates for the Town Manager are going to want to know what the Town Manager authority is. He stated that if the Commission is contemplating changes to the powers and duties of the Town Manager it is crucial to let the applicants that are applying know about these possible changes. He stated that he would encourage the Commission to have the discussion and if after the discussion the Commission wants to accept some of the recommendations that he has made to direct staff at that time to draft an Ordinance.

Vice-Mayor Rumsey asked if the changes would require two readings of an ordinance to adopt the changes.

Attorney Baird stated yes.

Vice-Mayor Rumsey stated that if the Commission waited to have the discussion on the item under April that the ordinances would not be considered until May.

Mayor DuBois stated that he is looking at the March 21, 2012 agenda.

Commissioner Longtin stated that as long as the Commission makes it known to the applicants that this discussion is pending it should be fine. She stated that the Commission could make these changes at any time.

Mayor DuBois stated that he is fine with March 21, 2012 or April 4, 2012 and to make it known to the applicant that these are pending changes.

Commissioner Stevens stated that the changes to Code, Charter, Town Manager contract and the Employee Handbook are all ways to address some of the Commission's past problems. He stated that he thinks it would be a really good step moving forward.

**Interim Town Manager Titcomb** stated that it is his understanding that Commissioner Marcus is looking for a written letter from the Town regarding whether the Town is comfortable regarding the retail usage that is being conceptually proposed at the Marina Village development.

Attorney Baird stated that he thinks that Commissioner Marcus wanted to know if the use was a permitted use in the current zoning category.

Mayor DuBois stated that it was his understanding that the County was satisfied that all the uses that were described were permitted by the Town Code.

Commissioner Stevens stated that whether any of the proposed uses actually come into effect that an application must go through the process. He stated that first the application must go to staff, then to the Planning and Zoning Board and then to the Commission.

Mayor DuBois stated that Commissioner Marcus was not challenging what is happening.

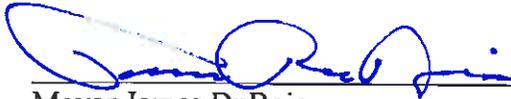
Interim Town Manager Titcomb asked if any correspondence is required from the Town at this time.

Mayor DuBois stated that the County did not ask for any correspondence.

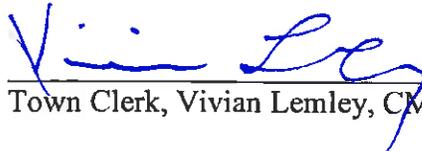
Interim Town Manager Titcomb thanked the Commission for the opportunity to serve the Town.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Stevens and seconded by Commissioner Hockman, and by unanimous vote, the meeting adjourned at 10:18 p.m.

  
\_\_\_\_\_  
Mayor James DuBois

  
\_\_\_\_\_  
Deputy Town Clerk, Shari Canada

  
\_\_\_\_\_  
Town Clerk, Vivian Lemley, CMC



FLORIDA  
Approved on this 4<sup>th</sup> of April, 2012



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, March 7, 2012,  
Immediately Following the  
CRA Board Meeting,  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kendall Rumsey</b>	—	<b>Vice-Mayor</b>
<b>Steven Hockman</b>	—	<b>Commissioner</b>
<b>Jeanine Longtin</b>	—	<b>Commissioner</b>
<b>Tim Stevens</b>	—	<b>Commissioner</b>
.....		
<b>Jaime Titcomb</b>	—	<b>Interim Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian M. Lemley, CMC</b>	—	<b>Town Clerk</b>

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. **CALL TO ORDER**

B. **INVOCATION**

C. **PLEDGE OF ALLEGIANCE**

D. **ROLL CALL**

E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**

F. **PUBLIC and OTHER COMMENT:**

This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

G. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of

these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

**Recommended For Approval:**

- |   |       |
|---|-------|
| 1. Special Call Commission Meeting Minutes of February 06, 2012                             | Tab 1 |
| 2. Resolution No. 08-03-12 Memo of Agreement Children Home Society<br>and Lake Park Library | Tab 2 |
| 3. Authorization to Apply for Library Services and Technology Act Grant                     | Tab 3 |
| 4. Award Roofing Contract for Palm Beach Sheriff's Office Building                          | Tab 4 |
| <br>  |       |
| H. <b><u>DISCUSSION AND POSSIBLE ACTION:</u></b>  |       |
| 5. Discussion regarding Kiwanis Irish Fair  | Tab 5 |
| 6. Interim Town Manager Progress Report   | Tab 6 |
| 7. Report on Status of Town Manager Search  | Tab 7 |
| 8. Renewal/Extension of Interim Town Manager Agreement                                      | Tab 8 |
| <br>  |       |
| I. <b><u>COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:</u></b>                        |       |
| <br>  |       |
| J. <b><u>ADJOURNMENT:</u></b>   |       |