



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
April 1, 2009 7:40 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, April 1, 2009 at 7:40 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Clerk Vivian Lemley, and Town Manager Maria Davis.

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

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Commissioner Comments was moved to the end of the meeting.

Motion: A motion was made by Commissioner Carey to approve the Agenda as modified; Vice-Mayor Daly made the second.

Vote on Motion:

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

Motion passed 5-0.

PUBLIC HEARINGS

**RESOLUTION NO. 11-04-09 – Accepting the Certified Results of the Election
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CERTIFYING THE RESULTS OF THE GENERAL ELECTION HELD ON MARCH 10, 2009 AND THE RUNOFF ELECTION HELD ON MARCH 24, 2009 RESPECTIVELY FOR THE OFFICE OF COMMISSION SEAT A.**

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Daly to approve Resolution No. 11-04-09; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 5-0.

PRESENTATION

Swearing In Ceremony for Commission Seat A and C

Kendall Rumsey was sworn in to Commission Seat A.

Patricia Osterman was sworn in to Commission Seat C.

PROCLAMATIONS:

G. Chuck Balius

Mayor DuBois read the Proclamation to G. Chuck Balius.

Mr. Balius accepted the Proclamation and stated that it was an honor and a privilege to have served the Town of Lake Park. He thanked the Commission and residents of Lake Park.

Appoint a Vice-Mayor

A motion was made by Vice-Mayor Daly to appoint Commissioner Carey as the new Vice-Mayor of the Commission.

Mayor DuBois asked for a consensus.

The Commission came to consensus to appoint Commissioner Carey as the new Vice-Mayor of the Commission.

PUBLIC and OTHER COMMENT

None

CONSENT AGENDA:

5. Special Call Commission Meeting Minutes of February 25, 2009
Lake Shore Drive Public Workshop Meeting Minutes of February 25, 2009
6. Award of Concrete Sidewalk Replacements in Various Locations Throughout the Town
7. Award S&F Construction to Replace Doors and Panels on Rear of Commission Chamber etc.
8. Resolution No. 13-04-09 Collective Bargaining Agreement Between the Town of Lake Park and The Federation of Public Employees, A Division of the National Federation of Public and Private Employees, (AFL-CIO)
9. Resolution No. 12-04-09 Adoption of Employee Handbook
10. Proclamation For Water Conservation Month
11. Resolution No. 14-04-09 Authorized Signatories on the Town's Specified Bank Accounts to Conduct Town Business
12. Resolution No. 15-04-09 Requesting the State to Provide a Dedicated Funding Source for Commuter Rail
13. Resolution No. 16-04-09 Reimbursement for Loan

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Daly to approve the Consent Agenda; Vice-Mayor Carey made the second.

Vote on Motion:

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

Motion passed 5-0.

PUBLIC HEARINGS

ORDINANCES ON 2nd READING

ORDINANCE NO. 06-2009 – Sidewalk Repair

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 72, ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE I; PROVIDING FOR THE CREATION OF NEW CODE SECTION 72-2 REQUIRING PROPERTY OWNERS WHOSE PROPERTY ABUT OR ARE ADJACENT TO SIDEWALKS TO MAINTAIN SIDEWALKS IN A SAFE CONDITION; PROVIDING FOR NEW CODE SECTION 72-3 TO BE ENTITLED

“ENFORCEMENT; PROVIDING FOR THE AMENDMENT ARTICLE II, SECTION 72-31 ENTITLED “PERMIT”; PROVIDING FOR THE AMENDMENT OF SECTION 72-32 ENTITLED “REPLACING SUBGRADE AND PAVEMENT”; 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 Daly to approve Ordinance No. 06-2009 upon 2nd reading; Vice-Mayor Carey made the second.

Vote on Motion:

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

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 06-2009 by caption-only.

**ORDINANCE NO. 05-2009- Abandoning of Utility Easement at 612 Federal Highway
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING A PORTION OF A PLATTED FIVE (5) FOOT UTILITY EASEMENT LOCATED ON A PORTION OF 612 FEDERAL HIGHWAY WITHIN THE TOWN OF LAKE PARK, FLORIDA, AND WHICH IS MORE PARTICULARLY DESCRIBED AS A PORTION OF THE FIVE FOOT UTILITY EASEMENT LOCATED ON THE WEST SIDE OF LOTS 29, 30, 31 AND 32, BLOCK 34 AS DEPICTED ON THE PLAT RECORDED IN PLAT BOOK 8, PAGE 15 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; PROVIDING FOR THE RECORDING OF THIS ORDINANCE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Daly to approve Ordinance No. 05-2009 upon 2nd reading; Commissioner Rumsey made the second.

Vote on Motion:

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

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 05-2009 by caption-only.

ORDINANCE ON 1ST READING

ORDINANCE NO. 07-2009- Purchasing Procedures for Contracts

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE AT CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING" TO AMEND SECTION 2-243 ENTITLED "REQUIREMENT OF GOOD FAITH"; SECTION 2-245 ENTITLED "DEFINITIONS"; SECTION 2-247 ENTITLED "PROCUREMENT METHODS"; SECTION 2-248 ENTITLED "COMPETITIVE SEALED BID PROCESS"; SECTION 2-249 ENTITLED "COMPETITIVE SEALED PROPOSAL PROCESS"; SECTION 2-250 ENTITLED "ALTERNATIVE SOURCE ELECTION"; AND SECTION 2-252 ENTITLED "PROTESTED SOLICITATIONS AND AWARDS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Maria Davis explained the reason for Ordinance No. 07-2009.

Commissioner Rumsey asked why court reporters, auditing services, insurance and travel do not have to be bid upon.

Town Attorney Thomas Baird explained the various reasons that certain services to the Town do not have to be bid upon.

Commissioner Rumsey asked if a contract had to be a certain dollar amount in order to be approved by the Commission.

Town Manager Maria Davis explained that she brings all change orders to the Commission for approval regardless of the amount.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Daly to approve Ordinance No. 07-2009 upon 1st reading; Vice-Mayor Carey made the second.

Vote on Motion:

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

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 07-2009 by caption-only.

Discussion and Possible Action

Volunteer Dinner

Town Manager Maria Davis requested direction from the Commission on selecting a date and choosing a location for the Volunteer Dinner.

Commissioner Osterman recommended giving the volunteers VIP status at the Town's Fourth of July Celebration instead of having a dinner in the mirror ballroom.

Commissioner Daly asked Recreation Director Greg Dowling what his preference was for the Volunteer Dinner.

Recreation Director Greg Dowling stated that it would be overwhelming to host a Volunteer Dinner at the Fourth of July Celebration.

Discussion ensued between the Commissioners regarding when and how to hold the Volunteer Dinner.

Vice-Mayor Carey recommended using a restaurant within the Town to cater the food for the Volunteer Dinner.

Mayor DuBois asked what the recommended dates were for the Volunteer Dinner.

Town Manager Maria Davis stated that the recommended dates were May 1st, May 8th or May 15th.

Commissioner Rumsey recommended leaving May 8th out of the choices of dates for the Volunteer Dinner since it was Mother's Day weekend.

Mayor DuBois recommended May 1st for the Volunteer Dinner. She asked Recreation Director Greg Dowling if it would be enough time for him to gather pricing and bring it back to the Commission for approval.

The Commission came to consensus to have the Volunteer Dinner on May 15, 2009.

Voting Delegate Palm Beach County League of Cities

Motion: A motion was made by Commissioner Osterman to appoint Mayor DuBois as voting delegate and Vice-Mayor Carey as alternate delegate for the Palm Beach County League of Cities; Commissioner Rumsey made the second.

Vote on Motion:

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

Motion passed 5-0.

Public Comment Open.

None

Public Comment Closed.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Vice-Mayor Carey thanked former Commissioner Chuck Balius for the time he served on the Commission. He welcomed new Commissioner Kendall Rumsey.

Commissioner Rumsey read a letter that he wrote to the residents of the Town thanking them for electing him as Commissioner. In the letter he stated that he pledged to work hard to represent the Town's residents fairly and keep their best interests in mind. He thanked Chuck Balias for his time served on the Commission. He thanked his friends and family and stated that it was an honor to serve on the Commission and that his greatest honor in life was being the son of his parents Lee and Martha Rumsey who were present at the meeting.

Commissioner Rumsey stated that there was not enough street lighting in the Town. He stated that a resident asked him if there would be a way to allow residents to install a street lamp on their property and if the Town could provide incentives toward doing so.

Town Manager Maria Davis stated that she would research the possibility of providing incentives to property owners for installing street lamps.

Commissioner Rumsey asked what the Town code specified regarding sober houses.

Town Attorney Thomas Baird explained that there was a Constitutional challenge filed against the Town regarding the desire of individuals who are recovering alcoholics to live together. He stated that those individuals meet the definition, and preventing them from living together would constitute a violation of the Americans for Disability Act. He stated that it was based on recent case law that was decided in Boca Raton the year before the Town was sued. The Town adopted an ordinance that had been modeled after the Boca Raton ordinance which the United States District Court had found to be a constitutional regulation of sober houses. There were some building code regulations regarding the size of a structure and the number of bathrooms for a structure that came into play. The reasoning for the legislation was to ensure that there safe and healthy living conditions for any family living in Lake Park and the best way to regulate that was from a model code that was adopted from other jurisdictions that regulate the number of individuals that can live in a dwelling unit based on the number of bedrooms, bathrooms and the size of those bedrooms.

Commissioner Rumsey asked if there was a limit or number of people specified in the code.

Town Attorney Baird stated that there was a limit because of the size of dwelling units. In terms of the definition of family, there was not a number as recognized by the courts and that was why the Town used the regulation based on the size of the dwelling unit.

Commissioner Rumsey asked how many sober houses have been allowed in the Town.

Town Attorney Baird stated that there was currently one sober house in the Town.

Commissioner Rumsey asked if the residents of the sober house were allowed to have another rental property on the same street where they attend meetings.

Town Attorney Baird stated that individuals can attend meetings in other homes as long as the residence was not operating as a business. If it were operating as a business, it would not be considered meetings but a group of people congregating at a counselor's office. He explained that individuals were not restricted from hosting meetings in their homes by Town ordinances.

Commissioner Daly welcomed new Commissioner Kendall Rumsey.

Commissioner Osterman thanked former Commissioner Chuck Balias for his service to the Town. She welcomed new Commissioner Kendall Rumsey. She explained a significant incident that happened over the past weekend. She encouraged residents to observe what was happening around them and to pick up the phone and call the Sheriff's office.

Mayor DuBois thanked former Commissioner Chuck Balias for his service to the Town. She thanked and complemented the Public Works Department and Town Manager Davis for their quick response to cleaning up after a bad storm that took place recently.

Town Attorney Thomas Baird referred to an article in the paper regarding a lawsuit filed against the Town by the Justice Department. He stated that the lawsuit was challenging the at large method of electing Commissioners but not the method of at large election with respect to the Mayor. He stated that the allegations needed to be taken seriously. He recommended that the Town work with the Justice Department to create a system that would meet the goals that they are pursuing on behalf of the United States of America and also pursue the Town's goal of continuing to provide an election system that is fair and gives everyone in the Town an opportunity to participate if they choose to as an elected official. The next step in the process would be to answer the Complaint. He stated that the Justice Department in Washington was arranging for the United States Attorney in Miami to provide services in the lawsuit. He stated that he has retained special counsel who has been through the process before and he was anxious to meet with the Commission but before doing so, there would need to be an Attorney Client Session with the special attorney in attendance. He requested that the Commission give consensus to have an Attorney Client Session to discuss the Justice Department lawsuit.

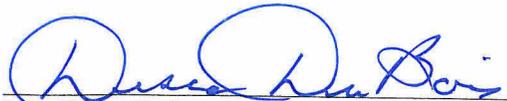
The Commission came to consensus to have an Attorney Client Session with special counsel to discuss the Justice Department lawsuit against the Town.

Town Attorney Baird thanked former Commissioner Chuck Balias for his support over the years. He stated that Mr. Balias was one of the Commissioners who voted to hire him and he was thankful for that. He welcomed Kendall Rumsey as a new Commissioner to the Town.

Town Manager Maria Davis wished former Commissioner Chuck Balias farewell. She stated that she appreciated his institutional memory. He was able to provide her a tremendous history when she started her tenure with the Town. She stated that he has been a tremendous asset to the Town. She welcomed new Commissioner Kendall Rumsey. She stated that the new recreation trailer was on site and would be up and running within a week. She announced that the Town's Easter Egg Hunt would take place at Kelsey Park on Saturday, April 4, 2009 at 9:15 a.m.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Commissioner Daly, and by unanimous vote, the meeting adjourned at 8:35 p.m.



Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Lemley

Town Seal

Approved on this 6 of May 2009.