



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, August 18, 2010, 8:08 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, August 18, 2010 at 8:08 p.m. Present were Vice-Mayor Patricia Osterman, Commissioners Kendall Rumsey, Steven Hockman and Jeanine Longtin, Town Manager Maria Davis, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley. Mayor Desca DuBois was absent.

Commissioner Rumsey led the Invocation.
 Vice-Mayor Osterman led 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 Longtin made the second.

Vote on Motion:

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

Motion passed 4-0

PUBLIC AND OTHER COMMENTS:

Bettye Alexander-Hodges 620 Crescent Dr. - stated that she was having difficulty with her neighbors. She stated that they have been letting out their pets and those pets have been defecating in her yard and the owners do not pick it up. She asked if the Town honored the Palm Beach County Ordinance that pet owners must have their pets on a leash and clean up their pets' droppings.

Vice-Mayor Osterman explained that the Town had enacted a strong pet ordinance.

Ms. Hodges stated that she could provide the addresses of the violators.

Vice-Mayor Osterman stated that she could provide those addresses to the Community Development Department where it would then be forwarded to Code Enforcement.

Public Comment Closed.

CONSENT AGENDA:

1. Special Call Commission Meeting Minutes of July 14, 2010
2. Resolution No. 29-08-10 Marina Dockage Rate Schedule Adjustment
3. Resolution No. 30-08-10 Change to Fee Schedule
4. Resolution No. 31-08-10 Yearly Contract Renewal for Tennis Pro
5. Resolution No. 32-08-10 Florida Recreation Development Assistance Program
6. Dunkin Donut License Agreement
7. Award of Bid for West Iles Park Improvement Phase III to Browning & Becker Construction, Inc. in the Amount of \$44,687.00

Public Comment Open.

None

Public Comment Closed.

Commissioner Longtin asked that Consent Item number 3 be pulled for discussion.

Motion: A motion was made by Commissioner Rumsey to approve items 1 through 2 and items 4 through 7 of the Consent Agenda; Commissioner Hockman made the second.

Vote on Motion:

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

Motion passed 4-0.

Commissioner Longtin asked if the only change was the addition of the Marina fees. She stated that it showed that the fees could be waived or reduced at the discretion of the Town Manager. She asked if that should be the Commission.

Community Development Director Sullivan explained that he recommended that language be included in the Resolution for certain situations such as special events at the Marina like the Kiwanis Pancake Breakfast. He stated that the Town would not want to charge them \$500 for those events. He stated that in some instances events come up in a hurry and he felt that it was important to allow the Town Manager the ability to waive fees in such instances.

Vice-Mayor Osterman stated that the Commission had set a very clear set of guidelines as to what could and couldn't be waived for the Town's facilities. She asked how Community Development Director Sullivan viewed that situation differently.

Town Manager Davis explained that there was a Resolution passed regarding facility rentals. She explained that the point came about when Marina Director Pisano came to her and made her aware that other Marinas charge for events to use their facilities. She stated that when the Town had events at the Marina it has spent money cleaning up after the events. Marina Director Pisano recommended covering the Town's expenses by charging a fee and Community Development Director Sullivan took it upon himself to modify the fee schedule. She stated that when she saw that the Manager had the right to waive the fees she also questioned it and staff provided a reasonable explanation. She stated that she was not wedded to the idea and was open to striking the language on the Resolution so that the Commission could approve any fee waivers or changes.

Commissioner Longtin stated that fee waivers or changes should be maintained solely by the Commission.

Commissioner Rumsey recommended a waiver on all non-profit agencies only using the facilities at the Marina for events and to set that standard now.

Vice-Mayor Osterman asked Town Manager Davis if she recalled that the waiver for non-profit agencies was only once per year per agency and for Lake Park non-profit agencies only.

Town Manager Davis concurred that the Resolution stated that facility fees could be waived once per year for Lake Park non-profit agencies.

Vice-Mayor Osterman explained that she did not have a problem changing the Resolution's wording to only have the Commission approve fee changes or waivers. She stated that her concern was only allowing Lake Park non-profit agencies one fee waiver per year. She explained her reasoning behind not waiving fees for other non Lake Park non-profit agencies who put on fish tournaments at the Marina or other non-profit agencies who do not benefit the Town of Lake Park. She stated that the Marina Director has been very good at bringing in fishing tournaments and she did not want to turn those tournaments down because the Town cannot afford to pay for them. She explained that the non-profit agencies are always get what is given after proceeds so there are expenses that they have by putting on the tournament and they would be covered by the fees that are charged for people to fish. In saying that she does not have a problem with the fee

being waived for Kiwanis and such agencies that use the money to benefit Lake Park but cannot waive fees for those agencies who do not put their money back into Lake Park.

Commissioner Longtin agreed with Vice-Mayor Osterman.

Commissioner Rumsey stated that he agreed in concept with what Vice-Mayor Osterman was saying but however if there was a large fishing tournament with additional garbage, he did not have a problem asking the organization to pay for the additional pick up but he did not think the rental charge should be \$500. He stated that he had a problem charging that much to a non-profit organization.

Vice-Mayor Osterman asked what the standard charge was for other marinas.

Marina Director Pisano explained that the fees vary and the Town went on the low side of those fees. He stated that the fees could be upwards of \$1000 and \$500 was a very small fee and the smallest to have for one of those tournaments.

Vice-Mayor Osterman reiterated by saying that the fee was a fee that within the industry was a norm and the organizers of the event would expect to pay.

Marina Director Pisano stated that was correct.

Vice-Mayor Osterman asked Commissioner Rumsey if he had a better understanding.

Commissioner Rumsey stated that he understood the point but philosophically he had an issue with it.

Commissioner Hockman expressed his views and opinion regarding the fees. He stated that the fee waivers should be approved by the Commission.

Discussion ensued among the Commission and Town Attorney regarding how to proceed with the motion.

Motion: A motion was made by Commissioner Longtin to approve item number three Resolution No. 30-08-10 with the language change of fee waiver approved by the Town Manager to fee waiver approved by the Commission; Commissioner Hockman made the second.

Vote on Motion:

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

Osterman	X		
Mayor DuBois			Absent

Motion passed 3-1.

PUBLIC HEARING(S):

ORDINANCE ON SECOND READING:

ORDINANCE NO. 07-2010 Temporary Signage

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-103(3)(e)(10) OF CHAPTER 70, ARTICLE IV, PERTAINING TO TEMPORARY SIGNS; PROVIDING FOR THE WAIVER OF PERMIT FEES FOR TEMPORARY SIGNS ANNOUNCING THE OPENING OF A NEW BUSINESS OR A CHANGE IN THE OWNERSHIP OF AN ESTABLISHED BUSINESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Community Development Director Sullivan explained the purpose of Ordinance No. 07-2010. He stated that there were no changes since the last reading.

Motion: A motion was made by Commissioner Rumsey to approve Ordinance No. 07-2010 upon second reading; Commissioner Hockman made the second.

Vote on Motion:

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

Motion passed 4-0.

Town Attorney Baird read Ordinance No. 07-2010 by caption-only.

ORDINANCE ON 1ST READING:

ORDINANCE NO. 09-2010 - PUD Change

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 77, SECTION 78-77 PERTAINING

TO PLANNED UNIT DEVELOPMENT REGULATIONS; PROVIDING FOR MINIMUM SITE AREA AND BUILDING HEIGHT LIMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Community Development Director Sullivan explained the reason for Ordinance No. 09-2010. He recommended that the minimum required size of a PUD be reduced to 80,000 square feet in a commercial district and 150,000 in a residential district. He explained that anything that would come to the Town as a PUD would go before the Planning & Zoning Board and would need staff approval and review as well as Commission approval and review.

Vice-Mayor Osterman explained that her understanding was that the Ordinance was a progressive measure to encourage new development and re-conceptualization of various properties to encourage a business owner who might want a bigger piece of property.

Commissioner Rumsey stated that he was in favor of the changes except for in the R-1 District. He stated that he did not want someone to buy up enough land to put in a huge estate on his block.

Community Development Director Sullivan explained that the Ordinance was just setting up the size limits but it was not approval. Any application would have to go through the approval process.

Discussion ensued between Community Development Director Sullivan and the Commission regarding Ordinance No. 09-2010.

Town Attorney Thomas Baird addressed the Commission's concerns and explained the process that would fall under Ordinance 09-2010.

Motion: A motion was made by Commissioner Rumsey to approve Ordinance No. 09-2010 upon 1st reading; Commissioner Hockman made the second.

Vote on Motion:

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

Osterman	X		
Mayor DuBois			Absent

Motion passed 4-0.

Town Attorney Baird read Ordinance No. 09-2010 by caption-only.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Mayor DuBois
Absent

Commissioner Rumsey asked if there were contracts and insurance for Town activities offered like Line Dancing.

Town Manager Davis explained that there was no insurance or contracts for those activities. She stated that she asked Attorney Baird about the subject and he stated that in his experience he did not know of other municipalities with contracts with contractors who offer programs. She explained that the Town had a contract with the Tennis pro because he was using multiple facilities and paying the Town rent. The other instructors, such as the Line Dancing instructor, do not charge but obtain waivers.

Commissioner Rumsey announced that the Journey's Inn was finally going to be demolished. He stated that there have been several articles in the paper regarding red light cameras and other municipalities being sued. He stated that the Commission has started discussing the red light camera program and he asked Attorney Baird to provide a legal opinion regarding the red light cameras so that the Town does not waste staff or Commission time on the subject.

Commissioner Longtin asked if there was an update on the irrigation repair. She asked if the parking meters could be discussed at the September 15, 2010 meeting. She asked if there would need to be consensus from the Commission to have the discussion item.

Vice-Mayor Osterman stated that consensus would not be needed.

Discussion ensued between Vice-Mayor Osterman and Commissioners Longtin and Rumsey regarding whether or not consensus was needed.

It was agreed that consensus was not needed and parking meters would be a discussion item at the September 15, 2010 meeting.

Town Manager Davis stated that Commissioner Longtin had requested that the parking meters be discussed at the September 8, 2010 meeting.

It was agreed that the parking meters would be discussed at the September 8, 2010 meeting.

Commissioner Hockman discussed the irrigation issue on Flagler Blvd. He stated that he had gone out while the testing was done and the irrigation worked correctly on the one block that was tested at that time.

Vice-Mayor Osterman asked for staff to give an update on the irrigation issues on Flagler Blvd.

Public Works Director David Hunt gave a brief background on the irrigation issue. He stated that Mr. Johnson had met with Public Works to test the irrigation system and concluded that the system was viable but an old style system. Mr. Johnson gave an initial material budget on the system of \$1000 for just the western half of Flagler Blvd. and did not include sprinkler heads. He stated that he estimated the time for the Town's Irrigation Tech to put into fixing the system and estimated that it would take approximately two to three weeks and that would leave other grounds that the Town currently maintains with no maintenance during that period. He returned to Mr. Johnson and asked him if he would serve as the Town's consultant and put together a bid package. Mr. Johnson stated that he could put a bid package together for \$600 and would also recommend contractors that would be competent enough to work on the system. He asked Mr. Johnson how much he would charge to the work. Mr. Johnson stated that he would charge \$6000 for a fully operable system without sprinkler heads. The system would have to be fully pressurized and working before he could give an accurate estimate for the sprinkler heads.

Vice-Mayor Osterman asked if Mr. Johnson also knew other companies that were reputable and knowledgeable enough to repair the system.

Public Works Director Hunt explained that if Mr. Johnson served as consultant and put together a bid package he would recuse himself as a bidder. He stated that he asked Mr. Johnson what his estimate would be as a contractor if they Town chose him and did not put the repair out for bid and the \$6000 estimate he gave was for time and material not to exceed \$6000.

Commissioner Longtin asked if the Town Manager had a threshold and was the \$6000 underneath that threshold.

Vice-Mayor Osterman explained that yes the Town Manager had a threshold and the \$6000 estimate fell under that threshold.

Town Manager Davis stated that she would need to know how much the sprinkler heads would cost and how many heads need to be replaced because they could drive the estimate up and above her threshold of authority in approving a purchase.

Vice-Mayor Osterman asked for direction from the Commission.

Commissioner Longtin asked Town Manager Davis what her threshold amount was.

Town Manager Davis stated that her purchasing threshold was \$10,000 and would need to have three phone quotes.

Discussion ensued between the Commissioners, Town Manager Davis and Public Works Director Hunt regarding what direction to take on the repair of the irrigation system.

Commissioner Rumsey recommended that Public Works Director Hunt be allowed to do more research and get more information from Mr. Johnson and bring the item back for discussion at the next Commission Meeting.

Town Manager Davis recommended authorization to proceed with phase one so that they can come back and give an accurate estimate of what the sprinkler heads would cost.

Commissioner Rumsey stated that he was willing to go forward with the process because he wanted to issue put to rest and fixed.

Vice-Mayor Osterman stated that she would like to see the sprinkler system fixed and the Town beautified but was struggling with the fact that \$10,000 could be used for the Town's Aftercare Program or Easter Egg Hunt. She recommended bringing it back as a discussion item at the next Commission Meeting.

More discussion ensued among the Commission regarding what direction to take with the sprinkler system issue.

The Commission came to consensus for the staff to move forward with Phase One of the Flagler Boulevard sprinkler system repair.

Vice-Mayor Osterman

None

Town Manager Davis announced the Town's Street Painting Festival on August 28, 2010 and you can register with the Town's Recreation Department at 881-3338. There will be face painting and refreshments and will be held at the Art on Park Gallery parking lot located on 800 Park Avenue from 10 a.m. to 1 p.m.

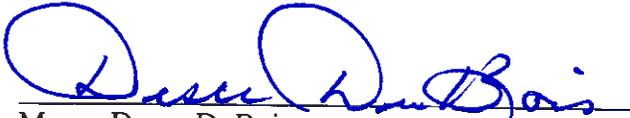
Vice-Mayor Osterman asked if a link could be provided on the website to register.

Town Manager Davis stated yes.

Attorney Baird gave an update on Mr. Sevino's appeal with the Circuit Court on the Town's Special Magistrate's order to allow only five people living in his two sober house facilities. He stated that the matter was heard by a three judge panel and that panel agreed with the Special Magistrate's order. He stated that a Stipulation was reached with Mr. Sevino to not prosecute him for other violations that had occurred if he would vacate those houses by October 7, 2010. Mr. Sevino agreed and those two houses will cease as sober housing facilities.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rumsey and seconded by Commissioner Hockman, and by unanimous vote, the meeting adjourned at 9:10 p.m.



Mayor Desca DuBois



Deputy Town Clerk, Jessica Shepherd, CMC



Approved on this 8 of September, 2010