



Minutes
Town of Lake Park, Florida
Special Call Commission Meeting
October 7, 2009 6:00 p.m.

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Special Call Commission Meeting on Wednesday, October 7, 2009 at 6:00 p.m. Present were Mayor DuBois, Vice-Mayor Carey, Commissioners Daly, Rumsey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Lemley.

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

At 6:05 p.m. Mayor Dubois announced that the meeting would convene and the Commissioners would go into an Attorney-Client Session. Pursuant to and as authorized by Section 286.011 (8), Florida Statutes with its Town Attorney, Thomas J. Baird, and Town Manager Maria V. Davis to discuss pending litigation, in which the Town is presently a party, specifically the United States of America v. the Town of Lake Park, Florida, et. al)

Mayor DuBois reconvened the Special Call Commission Meeting at 7:12 p.m.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

None

Motion: A motion was made by Vice-Mayor Carey to approve the Agenda; 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 and OTHER COMMENT

Steve Hockman, 638 Flagler Dr. – stated that he wanted to know why the Town Commission, Town Manager, and Town Attorney were not following Town Ordinance 247 regarding purchasing procedures. He stated that the Town was giving out contracts without following the Ordinance. He stated that he requested information from the Town and had not gotten any response. He wanted to know who Attorney Patricia Bass was and why the Town spent \$50,000 to \$80,000 when the Town could have its own Attorney oversee the Town Employee Handbook. He stated that he had not gotten any response to the information he provided to the Commission regarding the parking meters. He stated that he contacted the State Attorney's office and forwarded the information to them along with a copy of the Town's Ordinance so that they could follow through with his complaints.

David Brown – stated that he owns and operates a dive charter business out of the Lake Park Marina. He stated that as a business owner in the area, he had a concern that his business would be less competitive with other businesses in the area. He stated that with parking meters installed, his services would cost approximately 10% more than his competitors in the area. He explained that some of his customers park their vehicles at the Marina and board his boat all weekend long and at \$1.00 per hour, it would make his business more expensive and less competitive. He recommended starting the meters out at a reduced rate. He asked where the revenue from the meters would be going. He asked if the revenue would be placed back into the Marina or into the General Fund. He continued to express his concerns regarding the installation of parking meters.

Jim Abernathy, 212 North Federal Hwy – stated that he owned a business in the Town and has two boats at the Lake Park Marina. He stated that he was informed in the past week regarding the parking meters and he has put calls into the Town with questions and had yet to get answers. He stated that he understood the economic times and that the Town was suffering and needed to make money. He stated that if at some point the fee goes over and the person was charged a \$20 late fee; that it would not be a friendly meter. He recommended a meter that charges a late fee by the hour. He asked when the meters would be installed and when the late fee would go into effect and if there would be any opportunity for discussion regarding having a friendly meter.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of September 2, 2009
2. Attorney-Client Session Minutes of September 16, 2009
3. Regular Commission Meeting Minutes of September 16, 2009
4. Resolution No. 47-10-09 Revision of the Job Description for the Position of Dock Attendant
5. Resolution No. 48-10-09, Authorizing the Mayor to Sign a Limitation of Use Agreement
6. Agreement with MJ Photocopy Enterprise, Inc.
7. Purchase of Town Vehicles for FY 2009/2010 from State of Florida Sheriff's Association Contracts

8. Authorization for the Mayor to Write a Thank Your Letter to Mr. Burt Reynolds for Speaking at the Historical Society Meeting

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Rumsey to approve the Consent Agenda; 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.

ORDINANCE ON 1ST READING:

ORDINANCE NO. 14-2009 – Florida Public Utilities

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING AND RENEWING A GAS FRANCHISE WITHIN THE TOWN OF LAKE PARK FOR THE FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS; PROVIDING FOR THE IMPOSITION OF PROVISIONS AND CONDITIONS RELATING TO THE FRANCHISE; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Mayor DuBois explained the reason for Ordinance No. 14-2009

Motion: A motion was made by Vice-Mayor Carey to approve Ordinance No. 14-2009; 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. 14-2009 by caption-only.

RESOLUTION:

RESOLUTION NO. 49-10-09 – Florida League of Cities Request to Support Legislation to Regulate Sober Houses

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA URGING THE PALM BEACH COUNTY AND FLORIDA LEAGUE OF CITIES TO SUPPORT LEGISLATION TO REGULATE HALFWAY HOUSES ALSO KNOWN AS SOBER HOUSES AND TO REQUIRE THAT THESE FACILITIES BE LICENSED AS FORMAL REHABILITATION TREATMENT FACILITIES BY THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Rumsey to approve Resolution No. 49-10-09; Commissioner Osterman 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.

DISCUSSION AND POSSIBLE ACTION:

Authorization for the Mayor to Send a Letter on Behalf of the Commission to Senator Atwater and House Representative Mack Bernard Regarding Regulating Sober Houses

Mayor DuBois explained the reason for the item.

Commissioner Rumsey recommended that the letter be sent to the entire Legislature.

Attorney Thomas Baird stated that a letter should be sent to the State's Senator Chris Smith. He stated that all of those letters are copied to each member of the delegation.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Carey to approve authorization for the Mayor to send a letter on behalf of the Commission to Senator Atwater, House Representative Mack Bernard, and State Senator Chris Smith regarding regulating Sober Houses; 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.

COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

Commissioner Rumsey: “There are a couple of things I want to bring up tonight as far as Commissioner comments. One of them, about two weeks ago the Historic Society of Lake Park welcomed Burt Reynolds to our community and it was an evening with Burt Reynolds that took place up in the Mirror Ballroom. For those of you who don’t know, he got his start here in Lake Park and it was one of the nicest evenings that I know I’ve attended since I moved into Lake Park and I wanted to congratulate the Historic Society for all their hard work in doing that. I know it was a pretty big coup to get him here. Diane Sophinos and Joe Lorelli really helped to gear that up and I wanted to thank them for their hard work on that because it really was a nice evening and really was something very special for all of us in attendance.

Then I also wanted to talk a little bit about the parking meters. “Mr. Brown and Mr. Abernathy I appreciate you both coming here tonight and completely understand your feelings on where this is going. We are in a situation in this Town where we started our budget year \$900,000 in the hole and we chose not to raise taxes on the citizens of this community. What we chose to do was unfortunately, we laid employees off, we also, our employees are taking five days off without pay this year. They will still be employed by the Town but they will be taking five days off without pay. There will be no employee bonuses there will be no employee raises, anything like that. So, unfortunately as a way for us to balance this budget, we did put in parking meters in this Town. I can tell you after long exhaustive conversations that we’ve been having now for several months no one on this dais is in favor of bringing parking meters into the Town. It’s the lesser of a really bad evil. Instead of having to lay off continually more employees, we did choose to bring in the parking meters. It may be a mistake. We all make mistakes and we should not be held responsible forever. We should be able to move on from those mistakes and continue to serve the Town and that’s what we’re trying to do here, and I appreciate both of you coming here tonight. I think that probably we should be able to find some kind of solution to help you with the extended hours or something. I know that we’ll get with the Town Manager and see if we can find some kind of solution for that, because we don’t want to put anybody out of business, just like we don’t want to lay off our employees, we certainly don’t want to cut our employees benefits any further back than they already have been and we want to take care of the employees of this Town and the citizens of our community in the best way we can. So I really appreciate you both coming here and hope that you’ll hang in there with us and let us find a solution that will help you out.”

Vice-Mayor Carey stated that he understood if someone wanted to stay out an extra few hours fishing or diving that it would not be good to hit them with a \$25 fine but instead charge by the hour however many hours they go over. He explained that the reason the Town did not always obtain three bids was because they could piggyback off of another municipality that’s already done the work. The Town saves money on not taking three bids on every project they do.

Commissioner Daly stated that he was always one to believe in the bidding process. He stated that the parking meter bid was a piggyback bid that he did not agree with. He stated that Mr. Hockman’s figures were accurate and it would have been better to bid out the project to get a better price. He stated that the installation would cost the Town more money than it should have. He stated that the installation would hurt the Town’s businesses. He stated that those people

who would be using the park with their kids would be the people who would be the least able to afford \$1.00 per hour for parking meters. He stated that he felt that the parking meter installation was a bad move and he never supported it. He stated that he once said he recommended cutting back the salaries of higher paid employees. He mentioned that Economic Development Director Jennifer Spicer was hired at a starting salary of \$80,000 and an employee who worked for the Town for nine years was laid off. He stated that the Town recently hired two people, one in Finance and the other as a Clerk. He stated that the employee that was laid off was qualified to do either of those jobs. He stated that in reference to hiring employees in a higher salary bracket, in today's market, employees could be hired for much less. He discussed the issues he had with the parking meters and the purchase of two new pickup trucks. He recommended that the Town stop spending and the Commission consider a hiring freeze. He stated that they needed to look at the overall spending of the Town. He recommended a workshop or meeting to review salaries and see where cuts could be made.

Commissioner Osterman: "I have a couple of different things. The first thing I wanted to say is I didn't understand why Mr. Hockman didn't get his papers. I was notified at 11 a.m. on Monday that your packet was...I was copied on the e-mail that was sent to you that said it was ready and there was another e-mail that went out today and a lot of the information and the numbers regarding some of the allegations that you're making are in there to show you that you're incorrect." "The other thing that I wanted to bring up was...Thank you very much to the Public Works Director for the report. It was delivered to us just tonight on the dais and I'm wondering if I don't know if tonight is the right time or not but to just kind of do an overview or at the next meeting, we can read through it but I would just like the report to be submitted for the public to hear as well, and lastly I don't know if the Commission was aware of a flyer that was going around the Town again making allegations specifically about the Town Manager and her tenure down in Miami. So I actually went on to the website and contacted one of the Commissioners who was working and still is elected in South Miami and worked with... and I have her cell phone as she is happy to speak with any of the other members of the Commission if anybody in the audience would like to call the number. The public number is 305-668-2483. Her name is Commissioner Velma Palmer and she has been serving in the Town since 2004 and she just couldn't say enough positive things. I asked over and over because the allegations of impropriety have been going around and I'm really getting tired of people hiding and not coming out. I know that Commissioner Daly, you had brought up something that you had and I know that we went to Attorney Baird and asked specifically if you have something, bring it forward, we would all want to know. Things need to just be brought out in the open and all of this needs to be dealt with because I think there is a very different agenda going on and I think that it is putting our Town in jeopardy of a lawsuit for a hostile workplace and a retaliation lawsuit because in my opinion, it has not been the Town Manager's behavior that has been inappropriate but Commissioner Daly's in terms of requests about removal of an employee for personal reasons. All of this started happening after the three sexual harassment complaints that had to be dealt with and there weren't any problems before that so, I think there's a different agenda going on here. I don't like the allegations and I think it's time that things are brought out in the open so that the Commission can get down to the work that it's meant to do."

Mayor DuBois explained that staff had provided Mr. Hockman with answers to his questions regarding the parking meters and had provided the information that he requested. She stated that

the information could be produced for the public's viewing as well. She stated that she could not be present for Mr. Burt Reynolds' appearance. She requested consensus from the Commission to send Mr. Burt Reynolds a thank you letter from the Town.

The Commission came to consensus to send Mr. Burt Reynolds a thank you letter on behalf of the Town.

Attorney Thomas Baird gave an update on the United States of America vs. the Town of Lake Park case. He stated that the Town's attorneys have requested the Department of Justice's review of one of the alternative remedies that has been on the table for discussion and they will continue that dialogue for tomorrow. He asked the Commission to authorize him and the Town's attorneys for the case to negotiate a remedy that is acceptable to the Department of Justice as well as the Town of Lake Park and bring it back no later than the October 21, 2009 Commission Meeting. He also requested another Attorney Client Session for October 21, 2009 to discuss the remedy if necessary.

Mayor DuBois stated that she had no problem with having an Attorney Client Session on October 21, 2009.

Attorney Thomas Baird explained that a Special Call Meeting could be noticed for October 21, 2009 so that the Commissioners would not have to wait for a long period of time between meetings.

Commissioner Daly stated that he received a package in the mail approximately one year ago and he shared it with Attorney Baird and he chose not to bring it forward. He asked Attorney Baird if it would be okay to copy the document and give it to the Commission for their review.

Attorney Baird stated that documents could be given to the Commission as long there was not interaction or a public meeting outside of the Commission meeting to discuss the documents.

Mayor DuBois requested that the packet be given to them before the Commission meeting so that they have a chance to review it.

Town Manager Maria Davis: "Mr. Hockman's figures, as Commissioner Daly mentioned, he said they were accurate. Mr. Hockman's figures for the record are not accurate on the meters. Just for the record, they're not accurate, I don't think he understands what he is looking at number one and there would have not been any savings. Secondly, the public records request that you asked for Mr. Hockman, it was ready for you to pick up, you were e-mailed twice. Everything you asked for is sitting in the clerk's office. It's been sitting there since Monday and you're more than welcome to pick it up after you pay for the public records request for the money, the money that it costs staff to copy it. So you can get that at any time. As far as the CRA's Economic Development Director's salary, number one, that salary is not in the General Fund, it is the Community Redevelopment Agency. This is a highly skilled position that required a degree and a lot of experience in marketing and I believe that anyone that holds a position with those types of responsibilities in a CRA. We can do a survey and you will see that Ms. Spicer is probably underpaid for the job that she's got. I do know the CRA Director in

Riviera Beach makes \$187,000. The CRA Director in Delray Beach makes well over \$100,000. I am quite comfortable, and I believe acted appropriately and frugally in getting a talented administrator that hit the ground running and I don't apologize one iota for the pay scale that she's making because it's market scale. She's not being paid any more than what the market calls for so I'm sorry if people think \$80,000 is not appropriate for that position. I don't think they understand that position nor do they understand what the market is. Secondly, there was discussion about an employee that was laid off and was apparently qualified to do the CRA Director's job and apparently qualified to do the HR Assistant's job. That employee, as valued as she is, there was not enough work in that department to keep that level of staff. We had to cut positions, we had to cut salaries and we did. It is the most distasteful part of my job and I think of the job of this Commission. This was a valued employee, is a valued employee. I've spent quite a bit of time making phone calls trying to get her placed. The bottom line is we had to tighten our belts. Just what Commissioner Daly is talking about is just what we did. We tightened our belts, and a lot of this balancing of the budget has been placed on employees backs. Last year, I cut their insurance. This year, they're taking five days off without pay. There is no COLA, there's no merit. Wage freeze!?? They're taking a pay cut!! Nobody's getting an increase in salary. Most of these cuts are on the backs of the employees and anyone who wants to know the truth...instead of the smoke and mirrors that's being blown up here. Please make an appointment with me and come and sit in my office and I will show you the numbers and I will show you categorically that we acted appropriately and frugally with the taxpayer's dollars. I'm sorry, Mr. Hockman, I think you're well intentioned but your numbers are so off base. Anyway, so you do have your pay scale freeze and lastly, the document that you're requesting or that you want to provide to the Commission, I asked for a copy of that because you were pushing an agenda, Commissioner that I felt was not fair, highly inappropriate and I asked to see what it is this anonymous package that came to you. You would not give me the common courtesy of a copy of it. So I'm very happy that it's coming out to the Commission. I'm very happy about it because it's common knowledge. I have nothing to hide, so I'm happy you're doing it. Let's get it out on the table and as far as I'm concerned, I'm actually happy that you suggested it. Now, I'm finished with my comments, however, I do want to get back to the city's work which I feel we have not been able to do because of these distractions and the personal attacks which are totally counterproductive.

“Our public library in the Skylar Room, tomorrow October 8th from 3 o'clock to 3:45, we are inviting all three and four year olds to a very special storybook event “The Very Hungry Caterpillar”.

Commissioner Rumsey: “I had decided that I was not going to talk about the memo that went around Town today, but I am going to talk about it. We're better than this and this personal destruction we're trying to kill each other with as a community. We're better than this. I heard all the rumors about Maria Davis when I was running for election. I heard them all and you know what I did when I got elected? I made an appointment with Ms. Davis and I said “Tell me the truth, is this true?” Her comments to me were “Yes they're true, and this is what happened”. Maria Davis was 17 years old when something happened in her life that she's not particularly proud of. If all of us want to hold our lives up for everyone else to view, God knows what we're going to find about each other, but she has worked her entire life to make herself better then what she was when she was 17 years old. Okay, there are a number of other comments you have in

your memo here, Mr. Hockman. The vac truck is one of the things that you allege here was not bid. Vivian, Madam Clerk, I'm sorry, can you please, I had a meeting today with some of the staff after I saw this memo. I want to be up front with everyone and let them know that I had a meeting with the staff and asked these questions, so I'm going to ask some people some questions now to make sure that we all have the facts. On the vac truck, can you please tell me the date that was approved?"

Town Clerk Vivian Lemley: "September 17th 2008".

Commissioner Rumsey: "Can you please tell me what the vote was on purchasing the vac truck and who voted in the affirmative and who voted in the negative?"

Town Clerk Vivian Lemley: "It was part of the Consent Agenda item for that evening and it was unanimously passed, purchased Sterling model for the storm water utility."

Commissioner Rumsey: "And can you please tell me who on the Commission voted on that evening?"

Town Clerk Vivian Lemley: "On that evening was former Commissioner Balius, Commissioner Carey, Commissioner Osterman, Vice-Mayor Daly and Mayor DuBois."

Commissioner Rumsey: "There was also allegations as far as the EAR in one of the e-mails that was sent to us by Mr. Hockman. Can you please tell me what date that was approved?"

Town Clerk Vivian Lemley: "The EAR was approved on May 2, 2007."

Commissioner Rumsey: "Can you please tell me who voted in the affirmative on that vote?"

Town Clerk Vivian Lemley: "It was voted on as Resolution 39-05-07. It was voted on unanimously by all of the members of the Commission at the time."

Commissioner Rumsey: "And who were the Commissioners at that time?"

Town Clerk Vivian Lemley: "Commissioner Balius, Commissioner Carey, Commissioner Osterman, Vice-Mayor Daly and Mayor Castro."

Commissioner Rumsey: "Thank you. As far as the parking meters, can you please advise the date that those were approved, and the vote, how it went down on that one."

Town Clerk Vivian Lemley: "The parking meters' first discussion was on May 20, 2009. It was part of the Town Manager's goals for 2009 through 2010. It was then discussed on July 22, 2009 as a Budget Workshop. It was also presented as an Exhibit to the Budget at that time. At the Workshop, that was July 22nd, consensus was given at that meeting. On August 5th 2009, the purchase of parking meters was a Consent Agenda item in which it was approved. It was actually pulled for further discussion and then approved."

Commissioner Rumsey: “Who pulled the item?”

Town Clerk Vivian Lemley: “You did.”

Commissioner Rumsey: “And what was the vote on it, please?”

Town Clerk Vivian Lemley: “After the discussion, it was a vote of 3 to 1. The Mayor was not in at that meeting, so it was Commissioner Rumsey, Commissioner Osterman and Vice-Mayor Carey who voted for it and Commissioner Daly who voted against it.”

Commissioner Rumsey: “Okay, and when was the final vote on that one?”

Town Clerk Vivian Lemley: “That was the August 5th meeting. The final time it came on our Agenda was August 19th, 2009 and it was for Ordinance on First Reading for Setting the Rate for the Parking Meters. That was Ordinance 10-2009. That Ordinance was passed on first reading. Commissioner Rumsey, Commissioner Osterman, Vice-Mayor Carey, and Mayor DuBois voted for it and Commissioner Daly voted against it, and on this Agenda we have the last meeting minutes.”

Commissioner Rumsey: “There’s also been allegations made that Ms. Davis when she filled out her application for employment with our Town, lied. May I have the Human Resources Director come to the podium please? I asked for a copy of Ms. Davis’ application today, did I not?”

Human Resources Director Bambi McKibbon-Turner: “Yes you did, Commissioner.”

Commissioner Rumsey: “And, did we discuss Ms. Davis’ application to the Town?”

Human Resources Director Bambi McKibbon-Turner: “Yes we did.”

Commissioner Rumsey: “Did you find that Ms. Davis lied on any portion of her application?”

Human Resources Director Bambi McKibbon-Turner: “No, I did not.”

Commissioner Rumsey: “Did you do a background check on Ms. Davis?”

Human Resources Director Bambi McKibbon-Turner: “Yes I did.”

Commissioner Rumsey: “Did anything pop up on her background check?”

Human Resources Director Bambi McKibbon-Turner: “Nothing came up on her Florida Department of Law Enforcement background check or her National Comprehensive background check.”

Commissioner Rumsey: “However, Ms. Davis did have a yes on her application on a certain category that you went back to her and asked her a question about, is that correct?”

Human Resources Director Bambi McKibbon-Turner: “Yes, that is correct.”

Commissioner Rumsey: “And how did Ms. Davis respond to that question?”

Human Resources Director Bambi McKibbon-Turner: “Ms. Davis responded yes to the arrest question on her application. I spoke with her on September 1, 2006 and I told her that we had run a national and state criminal background check that both came back clear, negative, and asked her why she checked off yes to the arrest question, and she said that 33 years before when she was a teenager, she was convicted for an offense, she was underage. She disclosed this on her application even though she knew it would not come up because she wanted to provide full disclosure.”

Commissioner Rumsey: “Madam, can you please say again, how many years before that the offense took place?”

Human Resources Director Bambi McKibbon-Turner: “Thirty-three years prior to the date of her application to the Town.”

Commissioner Rumsey: “And what was her age at the time?”

Human Resources Director Bambi McKibbon-Turner: “Seventeen.”

Commissioner Rumsey: “Seventeen years old, thirty-three years prior.”

Human Resources Director Bambi McKibbon-Turner: “Yes that is correct.”

Commissioner Rumsey: When did the Commissioners, who were in charge of hiring the new Town Manager, receive the application?”

Human Resources Director Bambi McKibbon-Turner: “They actually received the application on September 6, 2006.”

Commissioner Rumsey: “And at what date was her employment approved?”

Human Resources Director Bambi McKibbon-Turner: “The Clerk has that information.”

Town Clerk Vivian Lemley: “The contract was approved for the Town Manager on January 3, 2007.”

Commissioner Rumsey: “On January 3, 2007, and what was the date the Commission received the applications, again?”

Human Resources Director Bambi McKibbon-Turner: “September 6th, 2006.”

Commissioner Rumsey: “So from September until January, the Commission did have the applications by the candidate where this was checked off that yes there had been an arrest in her

past when she was seventeen years old?”

Human Resources Director Bambi McKibbon-Turner: “That is correct.”

Commissioner Rumsey: “Can you please tell me what the vote of the Commission and Mayor was to approve the hiring of Maria Davis?”

Town Clerk Vivian Lemley: “It first came up on December 6, 2006 where the offer was made and the contract negotiation began and it was unanimous at that point to offer Maria Davis the job of Town Manager. On the dais that evening was Commissioner Balius, Commissioner Carey, Commissioner Osterman, Vice-Mayor Daly, and Mayor Castro.”

Commissioner Rumsey: “And you said that it was unanimous?”

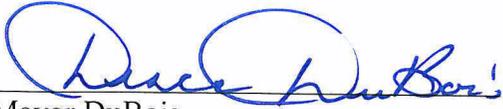
Town Clerk Vivian Lemley: “Correct. The contract was then approved on January 3rd, 2007 in which it was a vote of 4 to 1 with Commissioner Balius, Commissioner Carey, Commissioner Osterman, and Vice-Mayor Daly voting for the contract and Mayor Castro voting against the contract.”

Commissioner Rumsey: “Thank you. I want to apologize to the community for going into this and I want to apologize to my fellow Commissioners for going into this, however folks we’re better than having to do this and this innuendo that is going around our Town trying to character assassinate people needs to stop. We’ve got more important business for this community than to kill each other over what we did when we were seventeen years old. This Town deserves better. We started out the year \$900,000 in the hole. Let’s find solutions to that. Let’s be part of the solution, not the problem. I heard when I was running for this seat, I heard all the stories, I heard them all. Now I’ve been accused of drinking the Kool Aid of Maria Davis. Well guess what folks, I haven’t drank any Kool Aid from anybody, I’ve actually gotten in here and investigated and learned what was going on to see for myself and that’s what we need our community to do. We need everybody to be part of the solution here. Not just go out and try to kill each other to make a point. I apologize again, Madam Mayor, and I apologize to the community, but I thank you for your time.”

Mayor DuBois thanked Commissioner Rumsey.

ADJOURNMENT

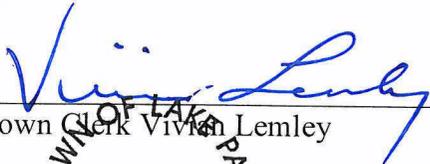
There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Carey and seconded by Commissioner Rumsey, and by unanimous vote, the meeting adjourned at 8:08 p.m.



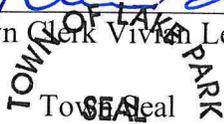
Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Lemley



FLORIDA

Approved on this 4 of November 2009.