



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, October 20, 2010, 8:33 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 20, 2010 at 8:33 p.m. Present were Mayor Desca DuBois, 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 DuBois led the Invocation and the Pledge of Allegiance.
 Town Clerk Vivian Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

The “Be a Hero” Proclamation was added to the Consent Agenda.

Motion: A motion was made by Commissioner Rumsey to approve the Agenda as modified; Vice-Mayor Osterman 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	X		

Motion passed 5-0

PUBLIC AND OTHER COMMENTS:

Andy Flack 251 W. 11th St. Boynton Beach, FL – stated that he was with the Riviera Beach Maritime Academy. He stated that the school wanted to thank the Town and Marina Director Mike Pisano for allowing them to put on their 3rd annual Father’s Fishing Challenge over Father’s Day weekend. He stated that they drew in almost 70 boats and 300 to 400 people. He stated that the Marina was the jewel of Lake Park. He stated that he enjoyed the Marina, its staff and Marina Director Mike Pisano. He stated that the Marina is always clean. He read and presented a plaque of appreciation to Marina Director Mike Pisano.

CONSENT AGENDA:

1. Resolution No. 48-10-10 Mayor to Sign Amended Contract with Hy-Byrd
2. Resolution No. 49-10-10 Interlocal Agreement with Palm Beach County to Grant 2.4 Million to Purchase Marina Boat Trailer Parking Lot
3. Proclamation for "Be a Hero" Month

Public Comment Open.

None

Public Comment Closed.

Commissioner Hockman pulled item numbers 1 and 2 from the Consent Agenda.

Motion: A motion was made by Commissioner Rumsey to approve item number 3 of the Consent Agenda; Commissioner Hockman 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	X		

Motion passed 5-0

Commissioner Hockman asked if the Hy-Byrd contract was being amended to add an additional year and if it was being renewed.

Town Manager Davis stated that that was correct.

Commissioner Hockman asked if Hy-Byrd was not willing to change the amount and keep it going until next year.

Community Development Director explained that Hy-Byrd wanted a three year contract and to also bring it down to \$85,000.

Commissioner Hockman asked if the Town would be able to amend the contract again next year if there were no permits or inspections.

Town Manager Davis stated that she believed there was an out in the contract where they were not locked in for 3 years.

Attorney Baird explained that it was a three year contract and 90 days before the end of each year, either party can give notice to cancel the contract.

Commissioner Hockman stated that Section 3.2 needed to be amended as well to match the rest of the contract.

Community Development Director thanked Commissioner Hockman and stated that he would make the changes.

Commissioner Longtin asked if Commissioner Hockman could explain why the changes needed to be made to that section.

Commissioner Hockman explained the reasons that Section 3.2 needed to be changed.

Motion: A motion was made by Commissioner Rumsey to approve item number 1 of the Consent Agenda; Vice-Mayor Osterman 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	X		

Motion passed 5-0

Commissioner Hockman stated he would like the removal of the building included so that the Town would not have to maintain liability insurance and another cost factor to maintain the building.

Town Manager Davis stated that Commissioner Hockman had a good point but the item was not a purchase contract. She explained that it was just an interlocal agreement between the County and the Town where the County was going to provide the Town with 2.4 million dollars.

Commissioner Hockman stated that he understood that but the agreement also stated that there was a building. He stated that the section should be corrected to state that the building is removed as part of the deal.

Town Manager Davis explained that there was nothing in the agreement that would prohibit the Town from removing the building. She stated that when there is a purchase

agreement between the Town and the seller the building could be negotiated at that time. She explained that the interlocal agreement was for the Town to accept the 2.4 million dollars from the County.

Commissioner Hockman stated for the record that per the agreement, if the Town decides because of economics to do whatever, the Town does have to pay back the 2.4 million dollars back to the County unless they turn back the property to the County.

Town Manager Davis clarified and explained that the 2.4 million dollars was to pay for the land to add boat trailer parking at the corner of Silver Beach Rd. and U.S. Highway One. The purpose of the grant is to acquire the property to add an additional 32 boat trailer parking spaces in perpetuity for the Marina. Should the Town choose to build something else like a restaurant then the Town would have to return the grant money. The agreement binds the Town to utilize the property as boat trailer parking and additional water access.

Commissioner Hockman stated that he also saw in the agreement that the plan was to install kiats along Lake Shore.

Town Manager Davis explained that the project was subject to grant funding only.

Commissioner Hockman stated that he wanted to make sure that the agreement was not an actual purchase because it reads that way.

Commissioner Longtin asked if there was a purchase agreement already in the process.

Town Manager Davis stated that an attorney was currently reviewing a purchase agreement.

Commissioner Longtin asked how many years did the agreement have to be held.

Town Manager Davis stated that the agreement was to be held in perpetuity.

Motion: A motion was made by Commissioner Rumsey to approve item number 2 of the Consent Agenda; Vice-Mayor Osterman 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	X		
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Motion passed 5-0

ORDINANCE ON 1st READING:

ORDINANCE NO. 12-2010 – Swale Maintenance

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING VARIOUS AMENDMENTS TO THE TOWN CODE TO ADDRESS SWALE AREAS IN THE TOWN; PROVIDING FOR THE AMENDMENT OF SECTION 16-10 OF THE CODE TO REQUIRE THE MAINTENANCE OF SWALES, DRIVEWAYS, DRIVEWAY APRONS, ALLEYS, AND CURBS BY THE PROPERTY OWNERS WHOSE PROPERTIES ABUT OR ARE ADJACENT TO SUCH AREAS; PROVIDING FOR THE AMENDMENT OF SECTION 34-2 OF THE CODE CREATING A DEFINITION OF THE TERM “SWALE OR SWALE AREAS”; PROVIDING FOR THE AMENDMENT OF SECTION 54-74 OF THE CODE, ENTITLED “ADDITIONAL LANDSCAPE AND PROPERTY STANDARDS” TO APPLY THESE STANDARDS TO SWALES, SWALE AREAS, SIDEWALKS, DRIVEWAY APRONS, AND DRIVEWAYS; PROVIDING FOR THE AMENDMENT OF SECTION 72-2 OF THE CODE, ENTITLED “OBLIGATION OF PROPERTY OWNER TO MAINTAIN PUBLIC SIDEWALKS ADJACENT TO PROPERTY OWNERS PROPERTY” TO PROHIBIT THE DAMAGE OR ALTERATION BY PAINTING OR MARKING OF SIDEWALKS, DRIVEWAY APRONS, DRIVEWAYS, CURBS, SWALES, OR SWALE AREAS; 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.

Community Development Director Patrick Sullivan explained the reason for Ordinance No. 12-2010.

Commissioner Hockman stated that it read in the Ordinance that the property owner was responsible for any cracks in the sidewalk which is Town owned.

Mayor DuBois explained that the language in the Ordinance has not changed and that the sidewalk repair has been an issue for a few years.

Community Development Director explained that if the property owner was responsible for the breakage in the sidewalk then they were responsible for the repair otherwise Public Works would repair the sidewalk. He stated that the changes in the Ordinance were regarding the paintings and markings in the sidewalks.

Commissioner Rumsey stated that if the Town was telling them to maintain the sidewalk even though they have no rights to it, then those property owners should be able to paint it if they want to. He stated that the Town was telling property owners they have to maintain the property and they have no rights over the property. He stated that he had an issue with that.

Mayor DuBois stated that she understood Commissioner Rumsey's point but had to agree with the Ordinance for the sake of uniformity throughout the Town.

Commissioner Rumsey stated that when he purchased his home his sidewalk was cracked. He stated that what if Code Enforcement had come to him and asked him to repair the sidewalk that was Town owned.

Mayor DuBois asked Town Manger Davis to explain. She stated that there was a previous incident with former Commissioner Balias who had a neighbor who kept driving over his sidewalk and breaking it and there had been an issue with that.

Community Development Director Sullivan explained that according to the code, unless there was clear evidence that the property owner was responsible Public Works would repair the sidewalk.

Vice-Mayor Osterman clarified further and stated that there was a situation where a homeowner was perpetually driving over their sidewalk with a boat and cracking the sidewalk and there was another situation where a homeowner planted a tree too close to the sidewalk and the roots were growing up and cracking the sidewalk. She stated that those were two cases in which the homeowners where clearly responsible. She stated that for normal wear and tear of the sidewalk the responsibility falls on the Town.

Discussion ensued between the Commissioners and Community Development Director Sullivan regarding Ordinance No. 12-2010.

Motion: A motion was made by Commissioner Rumsey to approve Ordinance No. 12-2010 upon first reading; Vice-Mayor Osterman 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	X		

Motion passed 3-2

Discussion continued among the Commissioners regarding the changes that they wanted to make to Ordinance No. 12-2010 before its second reading.

Attorney Baird read Ordinance No. 12-2010 by caption-only.

PUBLIC HEARING(S):

ORDINANCE ON SECOND READING:

ORDINANCE NO. 11-2010 - Change in Code for New Town Logo

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION) ARTICLE I (IN GENERAL) SECTION 2-1, CHANGING THE OFFICIAL TOWN LOGO AND PROVIDING FOR LAWFUL MANUFACTURE, USE AND DISPLAY OF SAID LOGO; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Commissioner Longtin stated that she wanted to make it clear that it was the business owners of the CRA, not the Commission that wanted to change the Town logo. She stated that it was a beautiful logo and Commission and staff have chosen well but she did not agree that it was a necessary expense and would be voting against it.

Motion: A motion was made by Commissioner Rumsey to approve Ordinance No. 11-2010 upon second reading; Vice-Mayor Osterman 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	X		

Motion passed 3-2

Town Attorney Baird read Ordinance No. 11-2010 by caption-only.

DISCUSSION AND POSSIBLE ACTION:
Street Closure & Traffic Calming Options

Mayor DuBois stated that when this issue was brought up a few months ago she had stated very clearly that she would not vote to close a street in the Town. She stated that other traffic calming options were discussed. She stated that in e-mails and letters she received from residents they had made it known to her that not one person does a Town make and she wanted to make it clear that she understood that. She stated that she wished for the question to go to referendum so that the citizens themselves could make the decision and she would not vote to break any ties that have been made as a result of the last workshop. She stated that she wished for the citizens to vote and she will keep her word.

Commissioner Longtin asked Mayor DuBois if she was voting nay on street closures.

Mayor DuBois stated that she was voting nay on street closures.

Commissioner Longtin stated that Mayor DuBois' nay vote would break the tied votes.

Mayor DuBois agreed.

Commissioner Longtin stated that she wanted to change her vote to calming streets and that she was in favor of calming not closing.

Mayor DuBois mentioned cameras at stop signs as a possibility.

Vice-Mayor Osterman asked if calming was a whole different procedure and would be not be a referendum question. She stated that calming could be a lengthier process.

Commissioner Rumsey recommended not doing anything at this point and wait until there was time to work on the issue.

Commissioner Longtin recommended discussing the item in next year's budget and to keep traffic calming in mind.

Mayor DuBois stated that there was a website called Victoria Transport Institute where you can research traffic calming studies. She stated that she agreed with Commissioner Longtin that the Commission should spend time discussing the issue and studying it as well as discussing it at budget time next year.

Commissioner Rumsey asked if the Commission wanted to pay for traffic calming out of the budget or wanted the traffic calming to go to referendum.

Mayor DuBois expressed her concerns regarding the traffic calming issue. She stated that it should be discussed whether to pay for the traffic calming out of the budget or letting it go to referendum.

Commissioner Rumsey stated that he would not vote for the issue for the traffic calming to go to referendum next year.

Discussion ensued between the Commissioners regarding the traffic calming issue.

The Commission came to consensus to table the traffic calming and street closure issue until further notice.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Hockman recommended looking into having a parking pass available for residents for one year.

Vice-Mayor Osterman stated that those fees cannot be waived because of grant restrictions.

Commissioner Hockman asked why fees could not be waived for special events such as the Cancer Society Relay for Life. He expressed his concerns regarding not waiving fees for special events. He stated that he was shocked that parking for the employee picnic was waived. He stated that he felt that it was a double standard. He recommended that Community Redevelopment Agency Director Richard Pittman to review the plans to renovate 7th Street to U.S. Highway One on Park Avenue because there were pages missing and the drawings did not look complete. He discussed and expressed his concerns with the plans. He stated that he also wanted him to review the Lake Shore Drive plans as well.

Vice-Mayor Osterman stated that Commissioner Hockman was being deposed by the defendants on the Marina lawsuit. She asked Attorney Baird if that fact changes anything.

Attorney Baird stated that “no” it did not change anything.

Vice-Mayor Osterman stated that she wanted Commissioner Hockman to step down as a Commissioner from the Town Commission.

Commissioner Hockman stated that he did not know why the opposing attorneys want to take his deposition. He stated “Yes, for some reason unbeknown to me the opposing attorneys apparently want to take my deposition. Exactly why, I don’t know. I know no more about the Marina today than I did a year ago. In my opinion, it’s a waste of my time in their interest or anybody’s at this point, but it’s not going to be something. I’m still a citizen of this Town and I do have the Town’s interest at heart and always have and always will. I’ve spoken to our Town’s attorney about and this may not even go anywhere, but I’m not going to step down.”

Commissioner Longtin stated that she unable to open files on her computers that end with an “x”. She asked if any files are sent to her to please not have an “x” on the end of them. She stated that she was not surprised that Commission and staff did not have to pay for parking meters since it was typical of those in government to impose fines, fees, and taxes that they don’t have to pay on others. She announced that Kiwanis was having

a Halloween Costume Party on October 29th from 6 p.m. to 8 p.m. She stated "Get informed and vote on Tuesday."

Commissioner Rumsey stated that he still could not hear or see channel 18 from his home. He stated that during budget discussions the idea of a program where departments came up with a general savings for the Town was brought up. He asked if the item could be brought back to the Commission for discussion.

Town Manager Davis stated that the research was done and there was not a prohibition to the idea and staff planned on bringing the agenda item to the second meeting in November.

Commissioner Rumsey stated that it has been said that parking meters were a hot topic within the Town. He stated that it is a hot topic when people go out and make it a hot topic by ruffling feathers in the community and get people upset then it will remain a hot topic. He addressed Commissioner Hockman and stated that he had no doubt in his mind that he had the Town's best interest at heart when he has to be deposed. He stated that however it concerns him when Commissioner Hockman makes comments like he wants to sit down with Mr. Pittman and review the plans so that you can give him his ideas for Lake Shore Drive. He stated that the Town had engineers for a purpose and Commissioner Hockman was not an engineer. He stated that as the Commission has their own individual expertise, they should not overstep their expertise and still work with the community in a way that will benefit everyone.

Mayor DuBois stated that one of the things she would like to request was to give breaks to charities. She stated that former Commissioner Daly stated that if you gave breaks you would have to give breaks to all. She stated that staff works so hard with so little and have done so for so long and it was great that they had an employee picnic. She stated that she was also surprised that they received the parking pass for the employee picnic but would never in any shape or form think about going to the employees for reimbursement. She stated that she had donated money for the picnic and asked Town Manager Davis to find out how much was lost in parking meter money for that event and she would reimburse the Town for it. She thanked the Lake Park employees for working so hard and she enjoyed her time with them at the picnic.

Attorney Thomas Baird stated that he distributed an memo regarding the social networking sites to the Commission. He stated that if they had any questions regarding it they could give him a call. He stated that there was a lot of legal opinion regarding the ramifications the social networks cause because of the Sunshine Law and Public Records Law. He stated that the sites could raise a lot of issues and were hard to control.

Town Manager Maria Davis stated that the West Ilex Park renovations were 50% complete. All of the concrete works was finished. The picnic shelter's concrete beams have been constructed and the roofing would begin next week and fencing was under way. She stated that they were doing drainage enhancements at 801 Lake Shore Drive. She stated that they were re-contouring the swales in order to alleviate the flooding conditions on their sidewalk. The way finding signs were being fabricated and hoped to

have them installed by Thanksgiving. She stated that there were two residents at the park during the employee picnic. She stated that she wanted to make it clear that not one penny of tax payer dollars was spent on that picnic. She stated that donations were received from Mayor DuBois, the Town Attorney, herself, and several others who were kind enough to donate. She announced the Classic Car Show on Park Avenue Saturday, October 23rd from 5 p.m. to 8 p.m.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Runsey and seconded by Vice-Mayor Osterman, and by unanimous vote, the meeting adjourned at 9:52 p.m.

for K Runsey
Mayor Desca DuBois

Jessica Shepherd
Deputy Town Clerk, Jessica Shepherd, CMC



FLORIDA
Approved on this 17 of November, 2010