



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, November 2, 2011, 9:20 p.m.  
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 2, 2011 at 9:20 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Steven Hockman, Jeanine Longtin and Tim Stevens, Town Manager Maria Davis, 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:**

Commissioner Longtin questioned why item number 17 Tri-Rail Extension Letter for Mayor’s Signature was back on the agenda when at the October 19, 2011 Commission meeting a motion was made, but died due to a lack of a second.

Mayor DuBois stated as Chair it was his prerogative to bring the item back.

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

**PUBLIC AND OTHER COMMENTS:**

*Cynthia Grey, Sabal Palm Drive*, quoted a statement made by Town Manager Davis during the Community Redevelopment Agency (CRA) Board Meeting that “these are dire times”. She stated that usually during dire times what gets hit first is culture, by families not being able to go out to eat. She stated that the Town should not be in the

culture business. She stated that during the CRA Board presentation there were four businesses listed under "Set Backs". She asked to see a comprehensive list of business grants and loans in the CRA and Community Development Corporation (CDC) over the past five years. She suggested that the restaurants in Town have guest books to know if the clientele are local or from out of the area. She asked that the comprehensive list be emailed to her.

Town Manager Davis suggested that Ms. Grey look at the CRA Power Point Presentation, that will be uploaded to the website tomorrow, for the information requested. The presentation included every loan and grant ever given in the CRA.

Ms. Grey asked if Don Ramon's would have been able to open the restaurant without the grant.

Town Manager Davis stated that she did not know what Mr. Rubio's financial situation is and that it was not the purpose of the incentive program.

Ms. Grey stated that the CRA presentation was great and suggested having a similar presentation created of the entire Town.

**POSTPONED CONSENT AGENDA ITEMS:**

1. Seventh Addendum to the Law Enforcement Service Agreement
2. Budget Workshop Minutes of July 27, 2011
3. Regular Commission Meeting Minutes of August 3, 2011
4. Special Call Attorney-Client Session Meeting Minutes of August 17, 2011
5. Regular Commission Meeting Minutes of August 17, 2011
6. Budget Workshop Minutes of August 24, 2011
7. Regular Commission Meeting Minutes of September 7, 2011
8. First Public Hearing on the Tentative Budget Minutes of September 7, 2011
9. Final Public Hearing on the Budget Meeting Minutes of September 21, 2011
10. Regular Commission Meeting Minutes of October 5, 2011

**New Consent Agenda Items Recommended For Approval:**

11. Regular Commission Meeting Minutes October 19, 2011
12. Resolution No. 39-11-11 Job Description for Recreation Director
13. Resolution No. 40-11-11 Temporary Office Trailer at Earl Stewart Toyota
14. Resolution No. 42-11-11 Decal Parking Fee

Commissioner Longtin requested items 4, 9, and 10 be pulled.

Commissioner Hockman stated that he had comments he wanted to make about all the items on the Consent Agenda, especially 2 and 4.

Commissioner Stevens requested item 1 be pulled from the Consent Agenda.

**Motion: A motion was made by Vice-Mayor Rumsey to approve items 2, 3, 5, 6, 7, and 8 on the Consent Agenda; Commissioner Stevens made the second.**

Commissioner Longtin stated that she would be voting nay because she does not understand why it took so long to get minutes on the agenda and that they should be on the very next meeting agenda. She stated that she cannot be sure that these are accurate minutes.

Commissioner Hockman stated that he will also be voting against the minutes because they are not the same as the last meeting. He gave some examples of backup to minutes that were different or missing pages from the previous meeting agenda packet. He stated that page 55 was missing from tab 2 of the Budget Workshop Minutes of July 27, 2011.

Town Clerk Lemley asked Commissioner Hockman to repeat what was missing from the minutes.

Commissioner Hockman repeated that page 55 was missing from tab 2 as well as a whole section of slides were missing from the backup.

Town Clerk Lemley explained that the copier stopped working and therefore the minutes section of the agenda packet was copied and pasted from the October 19, 2011 agenda packets.

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

### **Seventh Addendum to the Law Enforcement Service Agreement**

Commissioner Stevens stated that overall he feels the Palm Beach County Sheriff's Office (PBSO) is doing a great job, but the contract is costing the Town \$2.5 million a year. He stated that over the past 10 years the costs have increased by over a million dollars or 55 percent, but the population is down by 6.5 percent. He asked for a status on perusing to have North Palm Beach do police service for the Town.

Town Manager Davis explained that she met with the new North Palm Beach Village Manager and he advised that the political will is not there with their particular Council.

Commissioner Stevens asked if there were any other options to reduce the increase that has occurred with PBSO over the past 10 years.

Town Manager Davis suggested approaching Palm Beach Gardens, but questioned the Town Attorney over having to have contiguous boundaries with Palm Beach Gardens.

Town Attorney Baird stated that she was correct and that Lake Park does have contiguous boundaries with Palm Beach Gardens.

Mayor DuBois stated that it would be great if North Palm Beach County would create a police authority and include Lake Park.

Commissioner Stevens expressed concern with the contract expiring in 2013 and the Town having to give 180 days notice for the termination of the contract.

**Motion: A motion was made by Vice-Mayor Rumsey to approve item 1 on the Consent Agenda; 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

**Special Call Attorney-Client Session Meeting Minutes of August 17, 2011**

Commissioner Longtin suggested including that a stenographer was an attendee at the meeting.

**Motion: A motion was made by Vice-Mayor Rumsey to approve item 4 on the Consent 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

**Final Public Hearing on the Budget Meeting Minutes of September 21, 2011**

Commissioner Longtin made several suggested changes to the minutes. She stated that under Public Comment more detail should have been included.

**Motion: A motion was made by Vice-Mayor Rumsey to approve item 9 on the Consent Agenda; Commissioner Stevens made the second.**

Mayor DuBois recommended that the public provide their comments in writing directed to the Town Clerk so they can therefore be included as part of the minutes.

Commissioner Stevens asked if there is a legal requirement to make the minutes as detailed as they are.

Attorney Baird stated “no” and that in fact most minutes are substantially less detailed than those presented to the Commission. He stated that the minutes being presented are almost verbatim, which is rarely done.

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

Commissioner Longtin clarified that we would not go back and amend the minutes to include what the public had stated.

Mayor DuBois stated “apparently not”.

## Regular Commission Meeting Minutes of October 5, 2011

Commissioner Longtin stated that the minutes show what takes place at the Town. She referred to page 4 of the October 5, 2011 minutes where Mayor DuBois requested information on the process of the minutes and Town Manager Davis explained the process, however the explanation was not included in the minutes.

Commissioner Longtin stated that on page 9 of the October 5, 2011 minutes, second sentence down it states that she wanted the Town to use another restaurant for the Volunteer Dinner. She stated that she did not have a problem with having the Craving Station catering the Volunteer Dinner, what she said was that the Town should almost go out to bid and see what other restaurants may have to offer.

Commissioner Longtin stated that on page 10 Commissioner Stevens expressed his appreciation for detailed minutes and provided his suggestions for future minutes. She stated that she would like it to say that what he was requesting was a searchable PDF. On the same page she stated that Mayor DuBois asked the Town Manager to check on the criteria for shovel ready and Town Manager explained, and that she would have like to see what was the explanation.

Commissioner Longtin stated that on page 11 of the October 5, 2011 meeting minutes regarding Commissioner Hockman's comments where he asked when he would receive back the spreadsheet he provided regarding the Marina and the Town Manager responded. She stated that the response should have been included. She stated that the minutes were incomplete.

Mayor DuBois suggested making a motion that would incorporate all the changes Commissioner Longtin proposed for the October 5, 2011 minutes.

Commissioner Longtin stated that for the September 21, 2011 meeting minutes no one was interested in her changes, yet she is being asked to recap all the changes for the October 5, 2011 meeting.

**Motion: A motion was made by Commissioner Longtin to approve item 10 on the Consent Agenda with the following changes: on page 4 explain the process; page 9 should be reviewed because she did not say she does not want to use the Carving Station, she wants to see what others have to offer; page 10 Commissioner Stevens requested a searchable PDF, would like an explanation of shovel ready; and on page 11 what was Town Manager Davis response to Commissioner Hockman's query.**

Motion failed for a lack of a second.

**Motion: A motion was made by Vice-Mayor Rumsey to approve item 10 on the Consent Agenda; Commissioner Stevens made the second.**

Vote on Motion:

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

Motion passed 3-2

Commissioner Longtin stated that the Mayor encourages everyone to get along and be nice and yet, especially Vice-Mayor Rumsey, finds it totally impossible to do so.

**Regular Commission Meeting Minutes of October 19, 2011**

Commissioner Hockman stated that some of the important factor, such as comments made by Commissioners, were not included in the minutes.

Commissioner Stevens stated that his feelings regarding the minutes is that there is no legal requirement to include all the detail and there is a full recording of the meeting in the Town and that he has DVR'd the meetings at his home, so there are records of these meetings with all the detail and did not feel it essential to have verbatim transcribed minutes.

Commissioner Longtin stated that on page 9 of the October 19, 2011 minutes "Mayor DuBois disagreed and asked Mr. Stewart about a concern he had about the extension. Mr. Stewart addressed his concern".

Mayor DuBois asked if she would like that included in the motion.

Commissioner Longtin said "no". On page 5 of the October 19, 2011 minutes discussion ensued, but no explanation was provided of what was discussed. On page 13 of the October 19, 2011 minutes her comments were completely wrong. She stated that "what she was bringing forth at that time was an expression of thanks from several citizens who thanked Commissioner Stevens for allowing additional time for reading of the minutes". She stated that she had asked for the channel 18 webcast status and Town Manager Davis explained the status, but the status was not included in the minutes.

**Motion: A motion was made by Vice-Mayor Rumsey to approve item 11 on the Consent Agenda; 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 3-2

**Resolution No. 39-11-11 Job Description for Recreation Director**

Commissioner Stevens suggested that the new person be able to work with residents, coaches, mentors, the Library, schools, PBSO, Fire to provide the residents and children with a full year of great events. He asked to review the strategic plan that is mentioned in the job description.

Town Manager Davis stated that the strategic plan will be developed by the new Recreation Director.

Commissioner Stevens stated that soliciting volunteers is essential and mentioned how Edie McConville has been able to start the Afterschool Homework Club with the assistance of the Town Manager. He asked if someone can donate a computer that can play educational CD's it would be appreciated and if anyone knows of a child who needs educational assistance to contact the Town about the program.

Commissioner Longtin stated that the pay range for this position is high and felt this was the time to lower the range.

Mayor DuBois suggested that the Town Manager explain the item before they get too far ahead.

Town Manager Davis explained that they are modifying the job description of the Recreation Director to accurately reflect what is expected of the position. She stated that attached was the redline version of the current job description and the proposed job description.

Commissioner Longtin stated that she did not have a redline version in her packet.

Bambi Turner, Human Resource Director explained that in their packets was the current job description and the new job description, a redline version was not included.

Commissioner Longtin stated that she would appreciate a redline version in the future. She suggested that under experience it requested a valid Florida CDL license. She asked that it state that the person must have and maintain a valid Florida CDL license. She stated that under physical requirement it does not include running and that the person should be involved by playing and running with the children. She asked why the director was let go.

Town Manager Davis stated that she was not going to discuss personnel issues publicly.

Commissioner Longtin asked if she could get a copy of the personnel file.

Town Manager Davis stated that she could do that.

Commissioner Longtin gave her opinions of the director and was not impressed with what was being requested of the him. She stated that many people liked him personally.

Vice-Mayor Rumsey stated that he agrees with Commissioner Longtin on lowering the salary range and would like to offer at the bottom of the scale as they did with the Community Development Director position.

Commissioner Hockman asked if a part-time person could be hired instead since there are no activities during the day since the children are in school. He stated that the former director was doing a lot of work for the CRA, and asked for clarification if a person was being hired for Parks and Recreation or for the CRA.

Town Manager Davis explained that the position is budgeted at 50 percent in the CRA and 50 percent in the general fund. She stated that she intends to have the person focus on a recreation program and explained that the position was budgeted 50 percent in the CRA because there were not enough activities being generated in the Recreation Department. She stated that she is very interested in having a recreation program up and running and expects the person to assist with CRA events since 50 percent of the salary is being paid from the CRA budget. She stated that a full-time person is necessary to handle both, but that the priority will be recreation.

**Motion: A motion was made by Vice-Mayor Rumsey to approve item 12 on the Consent Agenda; 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 3-2

**Resolution No. 40-11-11 Temporary Office Trailer at Earl Stewart Toyota**

**Motion: A motion was made by Vice-Mayor Rumsey to approve item 13 on the Consent Agenda; 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

**Resolution No. 42-11-11 Decal Parking Fee**

Town Manager Davis explained that the Resolution was for identifying the fees for the parking decals.

Vice-Mayor Rumsey stated that from October 2010 through June 2011 the Tennis Court parking meters generated \$14,876 and the Marina parking meters generated \$26,725. He stated to generate the same amount, the Tennis Court has to sell 149 decals and the Marina 267 decals for a total of 416 decals. He stated that he would support it, but was hesitant because that was a lot of money to make up.

Commissioner Hockman questioned why on page 2 number 37 Parking Meters Discounts, Passes and Bulk Purchases were to be determined by the Town Manager. He asked if a set amount had already been determined.

Anne Costello Finance Director stated that the language had been included when the parking meters were established and it would allow for the discretion to negotiate a bulk package with businesses.

Commissioner Hockman stated that on page 3 line 44 it states Resident Only decals. He asked why we do not have a non-resident decal because it is a public road.

Town Manager Davis explained that the direction provided by the Commission was for resident only decals at a reduced fee.

Commissioner Hockman asked has the Town ever used grants to fix the roadway in those areas.

Town Manager Davis stated that she was not aware of any grants to fix any of those roads.

Commissioner Hockman expressed his concern with grants that may have been used over the past 10 to 15 years. He suggested changing the wording to residents and non-residents.

Town Manager Davis clarified that only certain types of grants require a non-discriminatory clause, not all grants do.

**Motion: A motion was made by Commissioner Stevens to approve item 14 on the Consent Agenda; Vice-Mayor Rumsey made the second.**

Commissioner Stevens recapped the figures that Vice-Mayor Rumsey stated earlier as to how many decals would need to be sold in order to generate the same amount of cost. He stated that he believes there will be a mixed use of decal and non-decal users of the meters. He agreed with the \$45 Resident Only decals and suggested exploring a non-resident decal for all the meters at a later date.

Vice-Mayor Rumsey clarified that the figures were only from October through June, not for a full year.

Commissioner Longtin stated that she agreed with Vice-Mayor Rumsey and that she does not believe this will be cost effective.

Mayor DuBois agreed that he did not believe it would be a revenue generator, but felt it is designed to give people who use the meters often an opportunity to use the decals. He stated that he is not in favor of the decals.

Vice-Mayor Rumsey withdrew his second, Commissioner Stevens withdrew his motion.

**Motion: A motion was made by Commissioner Stevens to approve item 14 on the Consent Agenda with resident parking decals only to start at \$45 and to look at non-resident decal in the future; Vice-Mayor Rumsey made the second.**

Vice-Mayor Rumsey stated that he will support the decals as a service to the residents.

Vote on Motion:

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

Mayor DuBois	X		
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Motion passed 3-2

**PUBLIC HEARING:**

**ORDINANCE ON SECOND READING:**

**Ordinance No. 07-2011 Adult Arcades/Internet Cafes**

**Public Hearing Open:**

A. Staff Report: Attorney Baird explained that this was the Ordinance requested to place zoning in progress on Internet cafes or adult arcades and would permit staff to create regulations and bring them back for adoption. He stated that Orange County, Florida recently enacted legislation to prohibit Internet cafes and that they may have some regulations that can be used.

B. Public Comment: None

**Motion: A motion was made by Vice-Mayor Rumsey to adopt Ordinance No. 07-2011; Commissioner Stevens made the second.**

C. Commission Deliberation: Commissioner Hockman clarified that this Ordinance would not affect children's places like Stevie B's or Chucky Cheese because of how the Ordinance is written regarding use of tokens or other objects that is then taken to another establishment to be redeemed that is outside the Town.

Attorney Baird stated this would not affect a business that is already operating and secondly the regulations Commissioner Hockman has been extracted from Florida Statutes that describes machines that are defined as gambling, which is prohibited in certain areas.

**Public Hearing Closed:**

**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

Attorney Baird read the Ordinance by caption only.

Mayor DuBois read a note that was passed to him which stated “James if the Tri-Rail Letter failed for a lack of a second at the last meeting Roberts Rules requires that the prevailing side has to bring it back.”

Attorney Baird clarified that it would have to be on a motion that was defeated and the particular motion never made it to the point of a vote.

**DISCUSSION AND POSSIBLE ACTION:**

**Postponed Discussion and Possible Action Item:**

**Resolution No. 38-10-11 Collective Bargaining Agreement for October 1, 2011 Through September 30, 2014**

**Motion: A motion was made by Commissioner Stevens to approve item 16; Vice-Mayor Rumsey made the second.**

Commissioner Longtin stated that she would not be voting for this item because it is unsustainable. She asked how much of the employees family coverage the tax payer will be burdened with.

Finance Director Costello stated that 50 percent.

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

**Tri-Rail Extension Letter for Mayor’s Signature**

Community Development Director DiTommaso explained that the letter was on the last agenda and pursuant to some comments made, changes were made to the letter. The letter supports the extension of the Tri Rail service into the northern Palm Beach County area. She explained the reference to Resolution No. 44-10-10 in support of the service was not included in the letter. She provided a brief history stating that over the past few years the Town has been working with the Treasure Coast Regional Planning Council to identify various potential locations in the northern County area. She explained that Lake Park has

been discussed, but not officially, for the potential of having a station in Lake Park and has been included in several studies that have been created, in particular the South Florida East Coast Corridor Study and that this letter is simply in support of the extension of the Tri Rail into the northern County area.

Commissioner Stevens asked for clarification as to which letter was being approved, the one that was included in their agenda packets or the November 2, 2011 letter that was placed on the dais this evening.

Community Development Director DiTommaso stated that the November 2, 2011 letter, which supports the extension of the Tri Rail service.

Mayor DuBois stated that Resolution No. 44-10-10 references Lake Park's support of the plan as an FEC Corridor project and in that plan it includes a station in Lake Park.

Community Development Director DiTommaso stated that in that plan it does show a station in Lake Park.

Mayor DuBois recapped that the Town did approve a station in Lake Park.

Commissioner Stevens asked for a copy of a study that is referenced in section 2 of Resolution 44-10-10 where it states that "a public process in the phase II of this study".

Town Manager Davis stated "yes".

Commissioner Longtin stated that of the five Commissioner at the time Resolution 44-10-10 was adopted and one Commissioner voted against it.

**Motion: A motion was made by Commissioner Stevens to approve item 17 with the letter dated November 2, 2011 for Mayor's Signature; Vice-Mayor Rumsey made the second.**

Mayor DuBois stated that Commissioner Longtin was the only vote against Resolution 44-10-10 and at the last meeting misdirected the Commission to believe that the Town did not support the plan. He stated that after the meeting the Resolution was located, which clearly shows the Town did support the plan. He apologized that he did not make the connection at the last meeting because the Resolution shows the Town's support of the plan, and had he made the connection he would have rebutted Commissioner Longtin at that meeting.

Commissioner Longtin stated that she never said that. She stated that the last letter said that the Mayor wanted a station in Lake Park, which is also implied in the letter that is about to be approved. She stated that she does not want a station in Lake Park.

Mayor DuBois stated that it was what was included in Resolution 44-10-10, which was the decision of the Commission to support the plan and that she is still arguing against the Commission's decision.

Commissioner Longtin stated that she does not have to adopt the Commission position and it was not his job to push an agenda, it is just his job to run a meeting. She stated that it is okay for her to disagree with the majority of the Commission.

The Mayor and Commissioner Longtin continued to discuss the issue.

Commissioner Hockman stated that he has reviewed the history of Tri Rail stations going in down south and most are not around businesses or businesses are not growing as a result of them being opened. He stated that what you can see around these stations is a lot of garbage because they are not manned by anyone. He stated that for most of the station in the south, the landscaping is not maintained and sadly this station is being proposed right in our downtown. He stated that he is not sure that with the efforts the Town is putting into sprucing up the downtown area if it would be a good idea to put in a station.

Mayor DuBois stated that the Town was designed around a Park Avenue main street that would be centrally located around a station and a vital part of the Town's economy. He stated that he felt that the main street has not taken off as it could have because it does not have a rail station. He stated that rail stations could generate trash and therefore it has to be maintained.

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

**New Discussion and Possible Action Item:**

**Special Events Permit for a Weekly Combination Green and Flea Market**

Community Development Director DiTommaso explained the special events permit application that had been received for a Kelsey Park combination market. She explained that in the Town Code in the Special Events section, it states that the Town Commission is the governing entity for special events permits that provide significant impact to the surrounding area. In the same section of the Town Code, it states that any given applicant can only have four similar events in one year. She stated that the nature of the permit has brought this item to the Commission for their direction to staff on how to proceed with this application. She explained that the combination market is proposed to include a green market, arts and crafts, and a flea market. She

stated that if the Commission directs staff to move forward with the permit, staff has outlined 11 conditions that they feel should be taken into consideration, and listed them as follows:

- (1) All required insurance paperwork is submitted to the Town in order to satisfy the Town's Risk Management requirements. Additional damage coverage shall be required for any improvements and/or repairs that need to be made in the Park as a result of this event.
- (2) All Fire and Building Codes shall be respected.
- (3) A \$75 fee has been paid. The \$75 fee is a per event fee. This is a recurring event and the Town should receive \$75 for every Sunday event. For example, November 20, 2011 through May 20, 2012 (*minus Christmas Day and New Year's Day*), would equate to 25 special events = \$1,875 to be collected by the Town from the Applicant.
- (4) All proposed signage must be applied for separately and may be approved under one permit application for the entire duration of the event, as long as the signage is only in place on Sunday.
- (5) A staff employee must be hired to properly secure the park after each event, which would include overall clean-up and disposal of trash after each Sunday event.
- (6) Noise levels must be respected for each event.
- (7) An off-duty law enforcement officer must be hired by the Applicant to secure the proper flow of traffic along North Federal Highway, Greenbriar Drive, Foresteria Drive and Lake Shore Drive.
- (8) Applicant must agree to secure off-site valet service and receive approval from the Town Manager for this **IF** the surrounding parking areas prove to be insufficient to accommodate visitors. Valet service is not permitted in the metered areas.
- (9) All roads shall remain open at all times.
- (10) The Town's administration may apply any other provisions as are deemed necessary based on the outcome of the weekly special event.
- (11) Start date of event shall be contingent upon the receipt of all required documentation.

Vice-Mayor Rumsey stated that he did not see in the backup paperwork where a flea market is referenced.

Community Development Director DiTommaso stated that it was in the application on the first page where is lays out the mission, in the second paragraph.

Vice-Mayor Rumsey asked to what extent will the flea market be a part of the market.

Mr. Harry Welsh of One Main Street Marketing explained that the concept is for a Sunday Market and that the intension is not for a flea market and apologized that it was written in the

application in that manner. He explained that he has upscale licensed vendors for a mixed used market with specialty foods under the green market concept and the arts and crafts.

Vice-Mayor Rumsey asked about some of the previous events that Mr. Welsh included in his application.

Mr. Welsh explained that he started his One Main Street Marketing in 2008 when the automotive industry was not doing very well and the Town of Palm Beach did not have much foot traffic, so the two were combined. He recapped for the Commission several other events he hosted in West Palm Beach from 2008 until recently.

Vice-Mayor Rumsey requested that the application include a booth for Lake Park, at no cost, to promote the Town's events and other things going on in Town.

Mr. Welsh stated that it was insinuated. He explained the concept of the mixed market and it's intension and goals, which are included in the packet.

Commissioner Hockman asked if they would be responsible to have the park cleaned afterwards and not expect staff to do so.

Mr. Welsh stated that at the end of the day it would be his responsibility.

Community Development Director DiTommaso explained that staff has several suggestions and one of those suggestions was hiring an employee to secure the park, at the end of the event and remove any trash after each Sunday event.

Mr. Welsh assured the Commission that there will be no cost incurred by the Town, and that they would pay for deputies and an employee.

Commissioner Hockman asked if the park is rented much for other events.

Town Manager Davis expressed her concern with tire tracks in the park.

Commissioner Hockman stated that vendors should wheel their items from the road.

Mr. Welsh stated that no vehicles are incorporated into the events.

Town Manager Davis stated that she was not sure how the vendors would unload without driving on the grass.

Mr. Welsh stated that the vendors are use to carrying their items.

Commissioner Stevens stated that he wants the "flea" part removed from the events and asked if he had been provided a list of the conditions.

Mr. Welsh had not been provided the list, so Community Development Director DiTommaso provided him with a copy of the conditions.

Commissioner Stevens asked if there would be any noise concerns.

Mr. Welsh stated that “no”.

Commissioner Stevens stated that it shows the events going on for 25 weeks.

Mr. Welsh stated that the events would run through the season and would work around any of the events that are grandfathered in to use the park. He explained that continuity is what is established for the vendors and attendees, and that he would accommodate any events.

Commissioner Stevens recapped that a staff person and deputy would need to be hired.

Mr. Welsh stated that “it was the cost of doing business” and if they are required that they will be accommodated.

The Commission discussed the cost of the 25 events permits and how much the vendors would be paying Mr. Welsh as well as the advertisements of the events.

Commissioner Stevens asked for the clarification on the types of vendors and collectables vendors that would be used. He expressed his concern with the phrase “flea” and wanted the events to be successful.

Mr. Welsh explained what types of vendors would be used, and that the intent would not be a swap meet where items from someone’s home is sold. He assured the Commission that his standards are high and that it would be good exposure for the Town.

Commissioner Longtin thanked Mr. Welsh for waiting and apologized and stated that this item should have been heard earlier in the meeting. She asked if the parking meters would be waived during those events.

Mr. Welsh stated that he had just found out that the meters were 12 minute meters.

Town Manager Davis recommended leaving the meters for those events.

Commissioner Stevens stated that for those residents with decals it would not be an issue.

Commissioner Longtin stated that she would prefer to give Mr. Welsh an opportunity to clean up after each event instead of having him pay for an employee. She stated that it may not be necessary and that staff can revisit the issue after a few events to see if it was necessary to hire someone to clean. She stated that it’s a good idea and that the events are from November, 2011 until May 2012. She recommended working with him on the meters and the staff person for clean-up.

Vice-Mayor Rumsey asked if a “two-week out” clause could be included in the contract just in case this does not work out for either party.

Mr. Welsh agreed with including a “two-week out” clause.

Vice-Mayor Rumsey asked the other Commissioners if they would be willing to reserve a parking space for the vendors.

Mr. Welsh asked if there was other available parking in the area.

Town Manager Davis asked for the number of vendors expected.

Mr. Welsh stated about 30 or 40 vendors in mini-van type vehicles.

Mayor DuBois asked if any criteria has been development for the types of vendors that are not allowed.

Mr. Welsh stated that it would be at his discretion, but he does have documented criteria.

Mayor DuBois questioned if requesting fewer special events permits would be better and asked if after a few events if there is an increase in attendees or if the numbers decrease.

Mr. Welsh stated that after extensive research and doing these types of events having them once or twice a week is how they are held.

Commissioner Longtin asked if the wording could be changed to state that a staff person was not needed until it was deemed necessary.

Town Manager Davis stated that the recommendation is to have a staff person paid to clean up after the event.

Commissioner Longtin clarified that Mr. Welsh would be paying for this employee to clean up after each event.

The Commission discussed possible parking options for the vendors.

Mayor DuBois asked the Commission for direction for staff.

Commissioner Longtin agreed with Vice-Mayor Rumsey regarding providing free parking for the vendors.

**Motion: A motion was made by Vice-Mayor Rumsey to approve the Special Events Permit for a Weekly Combination Green and Farmers Market to include a two-week out clause for the applicant and the Town and free parking for the vendors of the event; Commissioner Hockman made the second.**

Commissioner Stevens asked for clarification if the motion included the other eleven conditions that were proposed to the applicant.

Vice-Mayor Rumsey nodded yes.

Mayor DuBois expressed his disappointment with these events at the only main park in the Town every Sunday. He stated that he felt it was outrageous to ask for 25 special events permits when

the Town Code allows four. He expressed his concerns with the subjective review of vendors that will be allowed at the events. He stated that there is a limit to economic development and its presence and this far exceeds that limit.

Commissioner Stevens stated that with the “two-week out” clause included it could turn out to be a three week event and not a 25 week event. He stated that this would not affect Lake Shore Park and he is willing to give this a shot.

Vice-Mayor Rumsey welcomed Mr. Welsh to the Town and appreciated him bringing this type of event to the Town.

Vice-Mayor Rumsey and Mayor DuBois expressed their emotions regarding the special events and how it would impact the passive park.

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

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

**Attorney Baird** stated that he had an action item, which required the Commissions attention. He stated that he needed to ask the Commission if they wanted to join the other municipalities who are challenging the funding mechanism for the Inspector General’s Office. It is not a challenge to the program, only to the unfunded mandate that the County has passed on to the municipalities. There are 16 other municipalities in the suit. The City of West Palm Beach’s in-house legal staff will prosecute the case at no charge to the Town.

Commissioner Longtin asked for documentation on what this was for.

Attorney Baird stated that the complaint had not been filed yet. He explained that the Town would be joining the other municipalities who are challenging the County’s unfunded mandate that requires the Town to pay \$6,000 for the Inspector General and how much that can increase over the years.

Commissioner Longtin asked if West Palm was leading the charge on this.

Attorney Baird explained that West Palm is going to do the heavy lifting.

Commissioner Stevens stated that the Town pays \$14,000.

**Motion:** A motion was made by Vice-Mayor Rumsey to get consensus from the Commission that they join the other 14 municipalities to challenge the unfunded mandate; Commissioner Hockman 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

**Commissioner Hockman** asked if the Town would have any recourse to request payment back from a former Commissioner, by findings of the State Attorney's Office, for continuing to receive Town funds after moving out of Town as of January.

Attorney Baird stated that he did not believe so.

Commissioner Hockman wants the minutes at the next meeting, not two months later, and that this will be consistent. He stated that the League of Cities awarded the Town a plaque for participating in "Llama Llama Red Pajama".

**Vice-Mayor Rumsey** stated that he received an email asking him to call Betty Collins regarding one of the issues being adopted tonight and he apologized because he received the email after he arrived at the meeting. He stated that the Library Book Sale was a great event and he thanked the staff for all the great events taking place at the Library, like movie night. He thanked Bridges at Lake Park for being such a wonderful organization and partnering with the Town for events like the Trunk or Treat that took place on Saturday. He thanked Edie McConville for all she does for the Town and for the great Homework program she has begun.

**Mayor DuBois** stated that at the League of Cities Legislative Delegation in Royal Palm Beach, he and Attorney Baird provided last year's Sober House Legislation packet requesting their support. He stated that he was not able to attend the Trunk or Treat, but hopes it was a great event. He stated that the Planning and Zoning hearing is Monday, November 7, 2011 at 7:30 p.m. and on that agenda will be the first hearing of the Marina Village PUD. He stated that he attended the Woman of the Year event in which Town

Manager Maria Davis was nominated, and although she did not win it was a wonderful event. He stated that he went to a Chamber luncheon for the aeronautics industry, which represented Pratt Whitney and Lockheed Martin and spoke of how wonderful it would be to have that type of industry in Town. He stated that the Public Records Request procedures are quite definitive in the Town Code and to contact the Clerk if help is needed in finding it.

**Commissioner Stevens** apologized for not attending the October 19, 2011 meeting stated his knee surgery went well and thanked everyone for the cards and well wishes. He stated that he is looking forward to the Seafood Festival next weekend and the Planning and Zoning Board meeting on Monday.

**Commissioner Longtin** apologized to the residents that she does not have an infinite amount of patience. Thanked Commissioner Stevens on behalf of many people for affording more time to speak and the residents expressed how impressed they were that he had done that. She still has questions regarding what Virginia Martin is doing with the money that is donated to the Community Garden. She stated that the Marina Director had provided a bunch of numbers regarding other Marina occupancies that were very off and has asked that they go back and check his numbers. She asked if that had been given to her.

Town Manager Davis stated it has not been given to her yet.

Commissioner Longtin stated that she has requested that information several times. She asked if the Town had notified the credit reporting agency of the possible slip.

Town Manager Davis stated "no".

Commissioner Longtin stated that she has a personal issue with that she was asked to make the Town Manager aware that the median at the corner of 10 Street and West Jasmine by the Texaco gas station is too high. She stated that Planning and Zoning Board meeting is Monday, November 7, 2011 at 7:30 p.m. Community Watch Meeting, November 9, 2011 at 6:30 p.m., in the Fire Station.

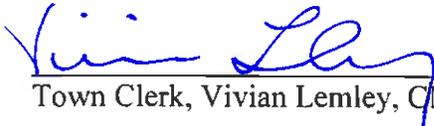
**Town Manager Davis** had no comments.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Rumsey and seconded by Commissioner Hockman, and by unanimous vote, the meeting adjourned at 11:15 p.m.



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



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Town Clerk, Vivian Lemley, CMC

Town Seal

Approved on this 16 of November, 2011