



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, November 3, 2010, 7:47 p.m.**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 3, 2010 at 7:47 p.m. Present were Mayor Desca DuBois, Vice-Mayor Patricia Osterman, Commissioners Kendall Rumsey, and Jeanine Longtin, Town Manager Maria Davis, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley. Commissioner Steven Hockman was absent.

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

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Certificate of Appreciation to John Lineweaver was deferred to the Commission Meeting of December 1, 2010.

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

Vote on Motion:

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

Motion passed 4-0

**PUBLIC AND OTHER COMMENTS:**

*Albert Bauder 115 Federal Hwy* -asked how long he would be able to stay at the 115 Federal Highway building since the Town was purchasing the property and he was currently renting the property for his marine business.

Town Manager Davis stated that the Town would be closing on the property on December 15, 2010 if the Commission approves the sales agreement.

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes October 6, 2010
2. Street Closure Workshop Meeting Minutes of October 13, 2010
3. Resolution No. 50-11-10 Revise the Town of Lake Park Uniform Classification System to Amend the Job Description for the Position of Library Monitor
4. Resolution No. 51-11-10 Sign a Purchase and Sales Agreement to Acquire a Parcel of Land Located at 115 Federal Highway

**Public Comment Open.**

*None*

**Public Comment Closed.**

Commissioner Longtin pulled item numbers 2 and 4 from the Consent Agenda for discussion.

Commissioner Longtin stated that it was her recollection that Commissioner Hockman had voted “no” on all street closures mentioned at the Street Closure Workshop. She stated that the minutes reflected that Commissioner Hockman voted yes on one of the street closures.

Town Manager Davis recommended approving the minutes subject to confirmation and/or correction of the minutes.

**Motion: A motion was made by Commissioner Rumsey to approve item numbers 1, 2 and 3 of the Consent Agenda with verification of Commissioner Hockman’s votes reflected in the Street Closure Workshop Meeting Minutes of October 13, 2010; Vice-Mayor Osterman made the second.**

Vote on Motion:

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

Motion passed 4-0

Commissioner Longtin asked Town Manager Davis to elaborate on the arrangements to remove the metal building at the 115 Federal Highway property down to the concrete slab at no cost to the Town.

Town Manager Davis asked Mr. Creber to elaborate.

Mr. Creber explained that there were a couple of different people who wanted the building. He stated that one was a contractor who offered to remove the building at no charge to them.

Commissioner Longtin asked if there would be any soil samples done at the property.

Mr. Creber stated that an environmental service had already been to the site to test the soil and the results would be ready by Wednesday. He stated that the land had been certified in 2005 but since it was being re-purchased it would need to be re-certified.

Vice-Mayor Osterman congratulated staff on being able to obtain the money to purchase the 115 Federal Highway property. She stated that it had been years that she has heard of a proposed plan and project for that property and it was great to finally get the money from the County to finally make it happen.

**Motion: A motion was made by Commissioner Rumsey to approve item #4 of the Consent Agenda; Vice-Mayor Osterman made the second.**

Vote on Motion:

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

Motion passed 4-0

**PUBLIC HEARING(S):**

**ORDINANCE ON 2nd 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.**

Commissioner Longtin stated that her interpretation of the Ordinance was that if there was a problem with the sidewalk it would not be for the resident to fix that sidewalk unless the resident caused the problem.

Community Development Director Patrick Sullivan stated that her interpretation was correct.

Town Manager Davis stated that if a resident runs a truck or boat trailer over the sidewalk breaking it, then they would be asked to replace the sidewalk at their expense.

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

Vote on Motion:

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

Motion passed 4-0

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

## COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

### **Commissioner Hockman**

Absent

**Vice-Mayor Osterman** stated that she received an e-mail from one of the residents of the 801 building on Lake Shore Drive. The gentleman stated that he was originally against the installation of the parking meters but has since changed his mind because he has seen that Kelsey Park has been much safer, cleaner, and no more gangs, rubbish or damage to the park equipment. He stated that he has felt safer since the meters were installed.

**Commissioner Longtin** reminded everyone that Saturday, November 13<sup>th</sup> would be a busy day on Park Avenue. She wished everyone a wonderful Veteran's Day.

**Commissioner Rumsey** stated that he also received an e-mail from the gentleman at the 801 Lake Shore Drive building. He thanked the gentleman for sending the e-mail and for commenting on the parking meters. He stated that the majority of the Commission supported the residents on closing Poplar Court. He requested that the Poplar Court street closure be brought back as an agenda item to be addressed and discussed at a future meeting.

**Commissioner Longtin** asked if there could be a consensus on Commissioner Rumsey's request.

**Commissioner Rumsey** stated that there was no need for a consensus and that as a Commissioner he had the right to ask staff to address something for him the same way that Commissioner Longtin did in sending e-mails to staff requesting that assignments be done for her.

**Commissioner Longtin** stated that her requests were not the same as requesting an agenda item. She stated that she just learned at the Florida League of Cities conference that agenda items needed a consensus from the Commission before being placed on an agenda.

**Commissioner Rumsey** stated that he still had the floor. He asked for a status update on the security cameras on Park Avenue.

**Town Manager Davis** stated that one of the delays on the project was that the grant deadline for the project was the year 2013 and Mr. Pittman believed that he had more time for the installation. She thought that she had stressed the urgency to him but in talking with him realized that she did not get that across. Secondly, the grant requires American made products only. She explained that the equipment would be more expensive and it would be difficult to stay within the budget. She stated that all that would need to be done is to reduce the scope of the project and Grant Writer Virginia Martin would need to send in an amendment to the grant.

**Mayor DuBois** expressed her feelings about receiving e-mails from residents about their compliments and concerns. She reiterated Commissioner Longtin's comments and encouraged residents to come out on November 13, 2010 to enjoy the Seafood Festival and Library Book sale.

**Town Attorney Tom Baird** announced and explained the Attorney-Client Session that would take place on November 9, 2010 at 6:30 p.m.

The Commissioners discussed and agreed that they would all be available the night of November 9, 2010 at 6:30 p.m. for an Attorney Client-Session.

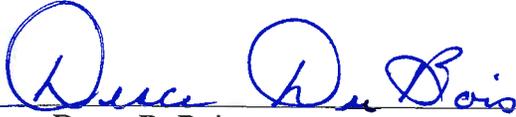
**Town Attorney Baird** stated that he would not be able to attend the Attorney-Client Session but Attorney Joseph Downs who has been handling that litigation would attend.

**Town Manager Davis** reminded everyone about the Town's Seafood Festival from noon to 5 p.m. on Saturday, November 13, 2010. She also announced that the ceramist would be featuring his work at the Art Gallery on Park Avenue from 6 p.m. to 8 p.m. She introduced Dale Carter to the Commission who would be having a concert series at the Mos'art Theatre.

**Dale Carter** introduced himself and stated that he would be having a concert series at the Mos'Art Theatre. He stated that he would be featuring different artists who would perform Jazz and R&B. He stated that the tickets were inexpensive and ranged from \$8 to \$12. He stated that he plays in a Motown band called Memory Lane and they perform at the Colony Hotel in Palm Beach every Friday night. He thanked the Commission for their time.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Osterman and seconded by Commissioner Rumsey, and by unanimous vote, the meeting adjourned at 8:15 p.m.



Mayor Desca DuBois



Deputy Town Clerk, Jessica Shepherd, CMC

Town Seal



Approved on this 1st of December, 2010