



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
December 16, 2009 8:10 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, December 16, 2009 at 8:10 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.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Proclamation to Carl Pierre was pulled from the Agenda.

Motion: A motion was made by Vice-Mayor Carey to approve the Agenda as modified; 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.

PROCLAMATION

Eddie L. Cowart, Public Works Employee in Recognition of 36 ½ Years of Service

Mayor DuBois read the Proclamation to Eddie Cowart

Eddie Cowart accepted his Proclamation and thanked the Commission, the people of Lake Park, Town Manager Maria Davis and the Public Works Department. He introduced his wife as his

mentor.

Town Manager Maria Davis presented Eddie Cowart with a plaque that contained a handwritten payroll record from 1971 which reflected his weekly pay at that time.

Proclamation Endorsing Florida League of Cities Statement of Support for the National Guard and Reserve

Mayor DuBois read the Proclamation.

Paul Nicoletti accepted the Proclamation on behalf of the National Guard and Reserve. He spoke about the National Guard and Reserve and he thanked the Commission.

PUBLIC and OTHER COMMENT

Steve Hockman 638 Flagler Blvd. – stated that he requested information a week ago on the parking meters' costs for the prior month. He stated that he had yet to receive the information. He stated that he would like a monthly report on the costs for the parking meters.

John Lineweaver 836 Evergreen Dr. – thanked the Commission for the Town's Veterans Day Celebration. He stated that the North Palm Beach Little League would like to host a free baseball clinic at the Town's ball field from 9 a.m. to 11 a.m. on a Saturday at a date to be determined in January. The purpose of the clinic would be to expose baseball to the children of Lake Park, introduce the League to the residents as their Little League Chapter not just as North Palm Beach or Palm Beach Gardens, provide sign up information for the children and the parents. They will cover base running, correct ball throwing and catching skills. He stated that they would need watering, loosening of the playing surface and putting up signs a couple weeks in advance to tell people when the event is going to happen. He stated that sponsors were needed and they would also need access to the field between 8 a.m. to 12 p.m. for set up and clean up. He continued to explain what would take place at the clinic and other details.

Attorney Thomas Baird stated that he would be happy to sponsor the baseball clinic.

Commissioner Rumsey asked if the Town could have the clinic.

Town Manager Davis stated that the Town could have the clinic.

Mayor DuBois asked if the field would be hurt by loosening and marking.

Recreation Director Greg Dowling explained that the field would not be damaged and they were now in the process of loosening and marking the field.

Town Manager Davis asked if the clinic was for Lake Park children only.

Mr. Lineweaver explained that it was intended for Lake Park children specifically.

Commissioner Daly asked if teams would be brought in from other cities to play the Town of Lake Park team and if the Town would have the games at the ball field on a regular basis.

Mr. Lineweaver explained that that was a long term goal of his and that the short term goal was to get some kids into the league this spring and start the teams with T-ball.

Commissioner Daly asked Mr. Lineweaver how sponsors could contact him to make a contribution.

Mr. Lineweaver stated that he could e-mail the information to the Town.

Tim Kasher 315 Foresteria Dr. – thanked Eddie Cowart for the work he has done for the Town. He stated that he was against sober housing in the Residential I District of the Town. He stated that a house on E. Jasmine Dr. had a Reasonable Accommodations Hearing in November and he was still awaiting the decision. He expressed his concerns regarding sober living facilities in the Town and asked for the status of the Reasonable Accommodations Hearing for the house on E. Jasmine Dr.

Attorney Thomas Baird stated that both parties in the Reasonable Accommodations Hearing have submitted their recommended orders and a decision should be rendered as early as Friday, December 18, 2009.

Public Comment Closed.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of November 4, 2009
2. Regular Commission Meeting Minutes of November 18, 2009
3. Settlement of Vehicular Accident which Occurred on April 14, 2009
4. Resolution No. 60-12-09 Community Development Block Grant (CDBG) 2010 Grant Application
5. Recommendation of Award to Arch Enterprises, Inc. to Replace Interim Paver Cover at the Marina in the amount of \$78,005.14
6. Resolution No. 61-12-09 Add a Job Description for Position of Library Technical Assistant I
7. Resolution No. 62-12-09 Amending the Job Description for Library Assistant I

Public Comment Open.

Steven Hockman 638 Flagler Blvd. - stated that the condition of the Marina pavers was “not that bad”. He expressed his concerns and issues with the replacement and cost of the interim paver covers at the Marina.

Public Comment Closed.

Commissioner Rumsey asked that item #5 be pulled from the Consent Agenda

Motion: A motion was made by Vice-Mayor Carey to approve items 1 through 4 and items 6 and 7 of the Consent Agenda; 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.

Commissioner Rumsey asked if there was an estimate to repair the Marina pavers.

Town Manager Davis stated that she would have to research it and that it was not a matter of just repairing pavers.

Commissioner Rumsey stated that he disagreed with Mr. Hockman's statement that the pavers were not in that bad of shape. He stated that the pavers were not in good shape and in need of repair. He stated that they did not have an estimate for the full repair.

Town Manager Davis clarified and stated she did not have an estimate for the sea wall which is washing out underneath the pavers, but she had an estimate for the pavers and would be happy to provide it.

Commissioner Rumsey asked if there was an estimated date for the Marina lawsuit.

Attorney Baird stated that there were no dates set in the lawsuit. He explained that the lawsuit was in the very beginning stages and a trial would be at least one to two years away.

Vice-Mayor Carey asked if the money spent to repair the seawall and pavers could be recovered through the lawsuit.

Attorney Baird explained it would be possible to recover the expenses by a legal principle called mitigating damages. He explained that by mitigating damages the Town could make the argument that it had to expend the money to avoid potential liability which was usually a

persuasive argument to judges.

Commissioner Rumsey asked how long that the present “band-aid” on the Marina’s seawall has lasted so far.

Town Manager Davis stated that the “band-aid” has lasted two years.

Commissioner Rumsey asked how long the current fix for the seawall would last.

Town Manager Davis stated that the current repair would last approximately one year to eighteen months.

Commissioner Rumsey asked Attorney Baird how long it would be before the settlement of a lawsuit.

Attorney Baird explained that it would be approximately one to two years before there would be a trial. He stated that there could possibly be an appeal after a judgment was reached. He explained that a trial and settlement would take a long time.

Commissioner Daly gave a brief history of the paver issues at the Marina and what the engineer recommended to fix the issue. He explained how the pavers could be fixed properly. He expressed his concerns regarding the temporary fix to the pavers and a possible lawsuit.

Mayor DuBois asked Commissioner Daly what engineer he spoke with.

Town Manager Davis asked John Downs of Calvin, Giordano and Associates to come up and speak about the Marina paver issues.

John Downs, engineer for Calvin, Giordano explained the issues with the brick pavers and seawall at the Marina.

Discussion ensued between John Downs, the Commissioners and Attorney Baird regarding the issues with the Marina pavers.

Commissioner Daly stated for the record that every time the expansion of the Marina was brought up, he clearly stated that he did not want the Marina dug up when a lawsuit was pending. He stated that it did not make sense to go in and start construction when a lawsuit was pending.

Commissioner Rumsey asked if the item was approved that night, when would construction begin.

Town Manager Davis stated that the repair of the paver covering would begin the very next day. She explained that the paver cover would be repaired so that people could walk over it safely and not fall through.

Commissioner Rumsey asked how long would the repair take.

Town Manager Davis stated that the repair would take a few weeks.

Mayor DuBois stated that the repairs would be done by January 18, 2010 which is approximately one month.

Commissioner Daly asked if the item was tabled and brought back at the next meeting in January would Town Manager Davis have other options or estimates for approval.

Town Manager Davis explained that the eight proposed slips at the Marian has been postponed for one year and that the Town was not doing anything without first seeking legal counsel from Attorney Baird.

Commissioner Daly expressed his concerns with spending Town funds to make the temporary repairs at the Marina.

Mayor DuBois passed the gavel to Commissioner Daly.

Motion: A motion was made by Vice-Mayor Carey to approve item #5 of the Consent Agenda; Mayor DuBois 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 failed 3-2.

Public Comment Open.

None

Public Comment Closed.

Commissioner Osterman asked if there was any other alternative covering for the pavers at the Marina.

Vice-Mayor Carey stated that if the repairs were not made there could be another potential

lawsuit.

Town Manager Davis stated that something needed to be done immediately because it was a safety and liability issue.

John Downs explained the reasons for the type of covering that was chosen to make the repairs at the Marina and the best temporary fix was to do the same thing that was done before.

Commissioner Osterman asked if there were any other alternatives.

John Downs explained that the other alternative was to take up the brick pavers and pour concrete but it was decided not to do that because it was much more expensive and it could be a much more dramatic failure than the brick pavers because they are unsure what was going on underneath.

Discussion ensued between the Commissioners and Mr. Downs regarding their concerns about the Marina paver issues and repairs.

Commissioner Rumsey recommended that the item be tabled until the next meeting and he stated that he would like to see other solutions for repairing the Marina brick pavers and costs for those repairs.

The Commission came to consensus to bring back the Marina brick paver item to the next Commission Meeting of January 6, 2010.

ORDINANCE ON 2nd READING

**ORDINANCE NO. 17-2009 – Changing the Time of the Regular Commission Meetings
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE
PARK, FLORIDA, AMENDING CHAPTER 2, DIVISION 2, SECTION 2-51, OF THE
TOWN CODE ENTITLED “MEETINGS” TO CHANGE THE TIME REGULAR
MEETINGS OF THE TOWN COMMISSION BEGIN; 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.

Motion: A motion was made by Vice-Mayor Carey to approve the Ordinance No. 17-2009 upon 2nd reading; 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. 17-2009 by caption-only.

ORDINANCES ON 1st READING

ORDINANCE NO. 18-2009 – Text Change to District C4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-74 OF THE TOWN’S CODE OF ORDINANCES, ENTITLED “C-4 BUSINESS DISTRICT”; 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. 18-2009.

Motion: A motion was made by Commissioner Daly to approve the Ordinance No. 18-2009 upon 1st reading; 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. 18-2009 by caption-only.

Commissioner Osterman thanked and commended Community Development Director Patrick Sullivan for his work in correcting and amending the Town's Ordinances.

ORDINANCE NO. 19-2009 – PADD Signage

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE LAKE PARK MUNICIPAL CODE AT CHAPTER 78 ENTITLED "ZONING," ARTICLE III, SECTION 78-70, ENTITLED "PARK AVENUE DOWNTOWN DISTRICT"; AMENDING SECTION 78-70(l) ENTITLED "WAIVERS"; AMENDING SECTION 78-70(n) ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" TO PROVIDE ADDITIONAL PROVISIONS PERTAINING TO OBSCURING GROUND FLOOR WINDOWS; AMENDING SECTION 78-70(p) ENTITLED "SIGNS" AT SUBSECTIONS (1), (2), (5), (6), (7) AND (8), TO CHANGE CERTAIN EXISTING SIGN REGULATIONS AND ADD PROVISIONS TO THE AFORESAID SUBSECTIONS REGULATING PROHIBITED SIGNS, PERMITTED SIGNS, CONSTRUCTION SIGNS, SIGN DESIGN REQUIREMENTS, SIGN ILLUMINATION REQUIREMENTS, AND NON-CONFORMING SIGNS; CREATING NEW SUBSECTION 78-70(p)(10) TO BE ENTITLED "ADMINISTRATIVE SIGN WAIVER PROCEDURE" WHICH DELEGATES CERTAIN POWERS AND DUTIES TO THE COMMUNITY DEVELOPMENT DIRECTOR TO GRANT SIGN WAIVERS UNDER LIMITED CIRCUMSTANCES; AMENDING TABLE 78-70-7 ENTITLED "PERMITTED SIGNS" TO CLARIFY RESTRICTIONS ON THE SIZE, NUMBER, AND COPY FOR SIGNS AND OTHER SIGNAGE RESTRICTIONS; 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. 19-2009.

Motion: A motion was made by Commissioner Rumsey to approve the Ordinance No. 19-2009 upon 1st reading; Commissioner Daly 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. 19-2009 by caption-only.

DISCUSSION AND POSSIBLE ACTION

Development of the Adopt a Soldier Program

Town Manager Maria Davis explained the Adopt a Soldier Program. She stated that Recreation Director Greg Dowling was not able to identify a soldier from Lake Park but identified a soldier named Private Robert Williams and his platoon from West Palm Beach. She asked Human Resources Director Bambi McKibbon-Turner to explain the program.

Human Resources Director Bambi McKibbon-Turner gave an explanation of the program and how Private Williams was located. She stated that the program would supply a soldier and/or platoon with ongoing community support. She stated that there would be donation boxes located at the Town Hall lobby, Library, and the Ship Store at the Marina so that residents and can give donations such as canned fruit, condiments, popcorn, mini-dinners, pudding cups, baby wipes etc. She stated that the list she provided to the Commission was not an exhaustive list but a suggested list. She stated that for anyone who was interested she could provide a more comprehensive list of what items could be donated and shipped abroad to soldiers as well as what items could not be shipped. She explained the program in its entirety and answered the Commissioners questions.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Carey to approve the Development of the Adopt A Soldier Program; Commissioner Daly 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.

Declaration of Zoning in Progress Pertaining to Pain Management Clinics

Attorney Baird explained the reasons for the consideration of a Declaration of Zoning in Progress pertaining to pain management clinics. He recommended that the Commission make a motion to direct the Town’s Community Development Department to evaluate the Town’s land development regulations as they may pertain to the use and regulation of facilities known as pain management clinics.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to direct staff to evaluate the Town’s land development regulations as they may pertain to the use and regulation of facilities known as pain management clinics; 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.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Osterman commended staff on the Town newsletter. She stated that the newsletter’s look and content was fantastic. She stated that she was also impressed that the cost to create and distribute the newsletter was only .82 per newsletter. She stated that the Tree Lighting Ceremony went well despite the rainy weather. She also commented on the Safety Walk that also took place during rainy weather. She stated that there was a very good outcome. She announced that there would be four more Safety Walks in different areas of the Town which are in pamphlets that have been passed out and the dates were also listed on the Town’s website. The next Safety Walk would take place on January 8, 2010 at 6 p.m. at the entrance of San Marco Villas. She encouraged everyone to come and participate. She announced the dates and times of the rest of the Safety Walks that would be taking place. She stated that she wanted everyone to know that the plots for the Community Garden would be first come, first serve and if anyone was interested in a plot to please contact Virginia Martin at 840-0160.

She stated that the Commission had looked at the possibility of street closings in the past and wanted to get a status update and discuss the subject again. Lastly, she wished everyone a “Happy Holiday”.

Commissioner Daly stated that he had received phone calls regarding the upcoming election and the new process. He explained the new election process.

Vice-Mayor Carey thanked CRA Economic Development Director Jennifer Spicer for all of her work. He stated that all Town staff was doing a great job. He wished everyone a “Merry Christmas”.

Commissioner Rumsey wished everyone a Happy Holiday.

Mayor DuBois stated that she received a letter from Representative Mark Packford encouraging the Town and saying that even though he did not have a bill slot to place the sober living facility issue in, there were three other representatives who could and that he would keep the issue in mind.

She stated that she was looking forward to a wonderful Christmas. She wished everyone Happy Holidays.

Town Attorney Baird gave a “Season’s Greeting” to all and to all a “Good Night”.

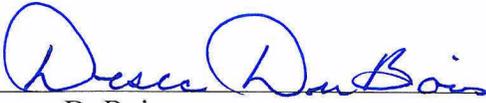
Town Manager Maria Davis announced that Santa Claus would be in Town on Saturday, December 19, 2009 and would be passing Town Hall at 6 p.m. on a fire truck.

She announced that the Town's attorney and the Town's lobbyist would be making a presentation on the sober living facility issue to the Palm Beach County Legislative Delegation on January 7, 2009.

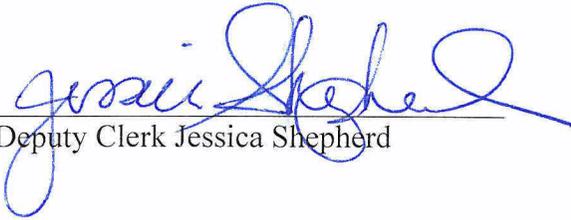
She wished everyone a "Happy Holiday".

ADJOURNMENT

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



Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Lemley



Approved on this 20 of January, 2010.