



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**January 6, 2010 7:08 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 6, 2010 at 7:08 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**

None

**Motion: A motion was made by Commissioner Rumsey to approve the 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.

**PUBLIC and OTHER COMMENT**

*Bill Holl, 401 Lake Shore Dr. #701, Lake Park* – stated that he was the President of Lake Harbor Towers. He stated that since he's lived there for the past 11 years the Towers have always had the cooperation of the Town for their annual unit owner's meeting. For eight years the meeting was held at the yellow pavilion building at Kelsey Park and they've used the annex section of the Library and the Mirror Ballroom. He stated that this year he was unable to contact Town

Manager Davis since she was out of Town. He spoke with Recreation Director Greg Dowling and was informed that there would be a fee in order to use the yellow pavilion. He expressed his concerns about paying a \$200 to \$300 fee to use the pavilion for an hour and a half.

Town Manager Davis reminded the Commission that they had a concern regarding the use of Town facilities by different entities requesting a reduction in fees to rent those facilities. She stated that a Resolution was adopted to put a rental procedure into place a couple of years ago. She stated that the Commission had the power to waive the Resolution or procedure for that particular case.

*Steve Hockman, 638 Flagler Blvd.* – expressed his concerns regarding the parking meters in the Town. He gave the total revenue from the parking meters that the Town had received from 2009. He gave estimates of how much the Town should have received in revenue and stated what the Town had spent so far on the parking meters. He reviewed the costs and money spent on the parking meters so far.

**Public Comment Closed.**

**CONSENT AGENDA:**

1. Resolution No. 01-01-10 West Ilex Park Improvements Agreement
2. Supervisor of Elections for Vote Processing Equipment Use and Election

**Public Comment Open.**

*None*

**Public Comment Closed.**

Commissioner Daly asked that item #1 be pulled from the Consent Agenda for discussion.

**Motion: A motion was made by Commissioner Rumsey to approve item #2 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		
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Motion passed 5-0.

Commissioner Daly asked if there would be a playground installed at W. Ilex Park.

Town Manager Davis stated that there would be a playground installed at W. Ilex Park.

Commissioner Daly recommended that protection be placed around the park for the children.

Town Manager Davis explained that there was a four foot fence proposed for the project that would encompass the entire park.

**Motion: A motion was made by Commissioner Osterman to approve item #1 of the Consent Agenda; 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.

**PUBLIC HEARING:**

**ORDINANCES ON 2nd 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.**

**Motion: A motion was made by Vice-Mayor Carey to approve the Ordinance No. 18-2009 upon 2nd 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. 18-2009 by caption-only.

**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(I) 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.**

**Motion: A motion was made by Commissioner Daly to approve the Ordinance No. 19-2009 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. 19-2009 by caption-only.

**ORDINANCE(S) ON 1st READING**

**ORDINANCE NO. 01-2010**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER TO COMPLY WITH A CONSENT DECREE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA; AMENDING OF ARTICLE IV, SECTION 1, ENTITLED "ELECTED OFFICERS"; AMENDING ARTICLE XVI, SECTION 17, ENTITLED "RUN-OFF"; AMENDING ARTICLE XVI, SECTION 22, ENTITLED "FORM OF BALLOT"; 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 Commissioner Daly to approve the Ordinance No. 01-2010 upon 1<sup>st</sup> 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. 01-2010 by caption-only.

**RESOLUTION(S)**

**RESOLUTION NO. 02-01-10 - Street Lighting General Obligation Referendum**  
**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF THE ACQUISITION AND INSTALLATION OF STREET LIGHTING TO BE OWNED BY THE TOWN OF LAKE PARK, FLORIDA IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000), CALLING FOR A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF LAKE PARK TO BE HELD ON MARCH 9, 2010, AS TO WHETHER GENERAL OBLIGATION BONDS FOR SUCH STREET LIGHTING PROJECT SHOULD BE ISSUED; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

Commissioner Rumsey thanked Town Manager Davis for putting money into the budget to have someone oversee the project.

**Motion: A motion was made by Commissioner Rumsey to approve the Resolution No. 02-01-10; Commissioner Osterman made the second.**

Vote on Motion:

Commission	Aye	Nay	Other

Member			
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

**DISCUSSION AND POSSIBLE ACTION**

**Marina Paver Covering Options**

**Public Comment Open.**

*Steve Hockman 638 Flagler Blvd.* – stated that the pavers at the Marina should be fixed instead of patched. He stated that the proposed fix was a life safety issue and a lawsuit waiting to happen. The proposed installation was only capable of handling five to ten pounds per square foot. He stated that the proposed 5/8 inch plywood was only rated for 55 pounds per square foot with only 24 inch maximum spacing and was not meant to span four to six feet. He continued to express his concerns regarding the repair and cost of the Marina pavers.

**Public Comment Closed.**

Mayor DuBois asked if Town Manager Davis would make a presentation or comment.

Town Manager Davis explained that the Commission had asked staff at the last Commission Meeting to return with options for the Marina paver repair. She stated that the additional options were provided to the Commission for review but staff was still recommending replacing the existing pavers on a temporary basis. She stated that the engineer, Robert Cutcher was present at the meeting for questions.

Commissioner Daly expressed his concerns with the recommendation for the Marina paver repair.

Mayor DuBois asked Mr. Cutcher if the Marina paver repair was done as needed what were the cost estimates he could give in dealing with the repairs as they come over the next 18 months.

Mr. Cutcher described the issues with the present design of the Marina pavers. He explained how the plywood fairs under the elements and weather changes. He explained that the plywood had been there for approximately two years and when they came up with the interim design, they

expected it to last approximately 12 to 14 months. He stated that he could not give a time frame of when the plywood and carpet would no longer serve their function and present a tripping hazard. He gave a history of his inspections of the plywood over the last couple of years and his findings of wear and tear. He explained how some areas of the plywood would have more delamination compared with other areas due to the difference in the volume of traffic. He explained that it would cost approximately \$30 per square foot to remove and replace the brick pavers. He continued to explain the different repair options and their pros and cons.

Commissioner Daly stated that in severe weather the plywood could be lifted up and the pavers fly off and would end up costing more in repairs in the long run. He expressed his concerns regarding the finances needed for the repairs.

Mr. Cutcher agreed that the repair was expensive and does not last a long time. He addressed the issue of uplift of the plywood in severe weather. He explained why the plywood would not be uplifted and fly off. He stated that a temporary fix to the problem would be better and less expensive than a lawsuit as a result of someone being injured.

Commissioner Daly stated that it was a matter of the Town not having the money for temporary repairs at the Marina.

Commissioner Rumsey thanked Mr. Cutcher and stated that he agreed with Commissioner Daly regarding the expense of temporary fixes. He expressed his frustration regarding the fact that the repair needed to be done at least six months ago and the Commission was just now getting the request for emergency repair and have only been brought one option to do so.

Town Manager Davis explained the reasons why the repair issue had not been brought up sooner. She stated that the engineer had obtained quotes back in June from the original contractor. She stated that when she saw the significant increase in price she stated that the project needed to go out for bid. At the time the issue was not an emergency. Subsequently they sat down and talked with the attorney to determine the best method of protecting the sea wall should they go with a long term fix that would last more than two years or should they have the lawsuit settled within 18 to 24 months. She was told 18 to 24 months would be fine, so with that delay she asked the engineer to put a design together to go out for bid which was why there was an extended amount of time or delay. She stated that what they were forgetting was the big picture. The reason why a plywood cover was needed over the seawall was because it was failing catastrophically. A person had fallen in and the Town was thankfully not sued. When they went through and examined the seawall they saw the number of holes and they determined that it was a life safety issue that they needed to protect the Town and public from. She stated that on the advice of the Town's construction litigation attorney they were told that the lawsuit would be settled within 12 to 18 months.

Mr. Cutcher stated that the original estimate from former counsel was 12 months. The original best estimate of life expectancy of the original design was 12 to 14 months with an outside of 18 months. He stated that he cut that by 30% because of uncontrolled and unforeseen situations. He stated that it has now been in that original design for 24 months.



Town Manager Davis explained that it was a situation of no choice and not a matter of throwing money away.

Commissioner Rumsey stated that he understood the situation and that it was an issue that they needed to get a hold of. He stated that they needed to be realistic in the timing of the lawsuit settlement and that in 18 to 24 months there would need to be another fix with the plywood and additional \$70,000. He asked Mr. Cutcher to explain the issues at a level that the public could understand.

Mr. Cutcher explained the construction of the seawall and pavers at the Marina. He stated that the original estimate for the lawsuit settlement was 12 months not 18 to 24 months. He stated that the system that was placed lasted longer than they originally expected and was done based on a 12 month litigation settlement time frame. He stated that the new system would have additional clips and supports which may possibly exceed that of the older system.

Commissioner Rumsey stated that Mr. Downs mentioned to him a possible permanent fix by using dock material to build a dock around the area. He asked for the pros and cons of having a dock installed.

Mr. Cutcher explained that the docking material would have a 25 year service life that would be aesthetically pleasing. He stated that the cost for a timber dock with number two yellow pine would be approximately \$35 to \$40 per square foot with timber piles. Other materials such as fiberglass decking would cost approximately \$55 to \$65 per square foot depending on the support. It could be used as a permanent fix and the brick pavers would not have to be addressed but there would be continued loss of material underneath and a landward support mechanism would still need to be provided. He stated that the downside would be the cost. He stated that the fix would be very expensive.

Discussion ensued between the Commissioners and Mr. Cutcher regarding the brick paver and seawall repair options.

Discussion ensued between the Commissioners and Town Manager Davis regarding the brick paver and seawall repair options.

Commissioner Osterman expressed her concerns regarding the options and alternatives presented to repair the seawall and brick pavers at the Marina.

Commissioner Daly recommended that the Town pick the worst areas at the Marina and patch and repair them.

Discussion ensued between Commissioner Daly and the Commissioners regarding the options to repair the brick pavers and seawall at the Marina.

**Motion: A motion was made by Commissioner Osterman to move forward with the temporary fix of the brick pavers at the Marina; Vice-Mayor Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly		X	
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois		X	

Motion passed 3-2.

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

**Commissioner Osterman** invited everyone to the Safety Walk that would take place on Friday, January 8, 2010 at 6 p.m. at the San Marco Villas.

**Commissioner Rumsey** asked where it was recommended to park for the event.

**Recreation Director Greg Dowling** stated that there was a recreation center at the complex that participants could park.

**Commissioner Daly**

None

**Vice-Mayor Carey**

None

**Commissioner Rumsey** stated that the fountain at Kelsey Park was broken. He asked what happened to the fountain and what was being done to fix it.

**Town Manager Davis** stated that the fountain was vandalized and Ledbetter Masonry repaired the fountain free of charge. She thanked Ledbetter Masonry for helping the Town.

**Commissioner Osterman** asked that a thank you be placed on Channel 18 for Ledbetter Masonry.

**Commissioner Rumsey** asked that a thank you letter be sent to Ledbetter Masonry as well. He recommended their business to residents.

**Commissioner Osterman** asked that a thank you to Ledbetter Masonry be placed in the Town's newsletter.

**Commissioner Rumsey** stated that he had a meeting last week with the owner of visitpalmbeach.com. He stated that the company was a local Lake Park business that runs a recreational service that takes people on catamarans and parasailing. He stated that they wanted to bring part of their docking such as their catamaran and their parasail boat to the Lake Park Marina. He stated that it would help with bringing additional business to the Marina. He asked staff to get in touch with Mr. Morosi at visitpalmbeach.com to speak with him about making it possible. He stated that Mr. Morosi also offered to do free boat tours at the Sunset Parties that take place at the Marina.

He stated that he had received a lot of comments regarding the parking meter issue. He stated that residents feel that parking should be free on holidays. He recommended that the Town have free holiday parking.

**Commissioner Daly** stated that it was costing the Town to have the parking meters and break even. He stated that he was against the parking meters. He stated that businesses were looking to move because of the parking meter issues. He stated that giving free parking on holidays because the Town would have to foot the bill. He stated that since the parking meters are already there than everyone must "bite the bullet" and pay.

**Commissioner Rumsey** clarified his recommendation and asked the Commission if they were in favor of giving free parking on Town holidays.

Discussion ensued between the Commissioners regarding the free parking meters on holidays' recommendation.

**Commissioner Rumsey** stated that when the Town re-striped the parking spaces at the tennis court lot, one of the handicapped spots was made too small. He provided the Commission with photos (see Exhibit "A") of a handicap van that was unable to drop its lift gate in the handicap spot.

**Town Manager Davis** explained that the situation had been remedied. She stated that the handicap space was on the far northeast part of the parking lot. The sidewalk on the driver's side was five foot one inch which was included in the measurement but Public Works did not hatch it when they had done the striping. When the gentleman in the handicap van pulled up, he did not realize that the sidewalk was included in the width of the parking space. When the complaint was received, Public Works went to the parking lot and redeveloped a space on the west side which fully accommodated the handicap van and she spoke with Public Works and asked them to hatch the sidewalk so that anyone who uses that space would know to use the sidewalk as part of the parking space.

**Commissioner Rumsey** announced that on Saturday, January 9, 2010 from 9 a.m. to 11 a.m. there would be a North Palm Beach Baseball Little League Clinic for six to nine year olds at the Bert Bostrum Ball Field.

He recommended that a thank you letter be sent on behalf of the Mayor and Commission to Maritime and Venue Marketing for holding their Family Fun Fest at Kelsey Park and invite them back for 2010.

**Mayor DuBois** thanked Lake Park Baptist Church and the Lake Park Fire Department for their efforts in helping the Atilus family.

**Attorney Thomas Baird** wished everyone a “Happy New Year”. He stated that an order was entered on December 22, 2009 in the Abers’ Reasonable Accommodations Hearing giving an allowance for four individuals to occupy the premises. Since then there has been a large stork sign spotted at the premises which would suggest that a baby boy was residing in the residence which may mean that the premises was not operating as a sober house. He stated that he has since filed a motion for re-hearing to get the facts straight. He had heard through indirect sources that Ms. Abers had adopted a child and that she would be withdrawing her Reasonable Accommodations request. He stated that it was pure speculation and he would get to the bottom of it. He stated that the good thing that came out of the hearing was that the magistrate ordered a limit of four people to a sober home.

**Town Manager Davis** stated that the first forty children to arrive at the baseball clinic on Saturday would receive a free baseball glove and the first 100 children would receive a t-shirt and baseball. They would be learning basic base running, correct ball throwing and catching skills. She announced that the Town would be hosting bingo again every Wednesday at 10 a.m. in the Town’s Mirror Ballroom. She gave an update on the street lighting program. She stated that there was not enough time to go out for bid on the installation of the poles and electric. She notified the Commission that she authorized the expenditure to purchase and install the concrete poles and anticipated that the poles would be delivered within the next three weeks. She stated that they were obtaining quotes for the underground electric installation. She stated that she would be bringing the expenditures to the Commission after the confirmation. She explained that she was doing this in order to have the poles and the power on so that the electorate could go out and see what the LED lighting is prior to the referendum question being voted upon. The lighting would be installed on the 200 block of Bayberry Dr.

She announced that the Town was awarded the growth award from Tree City USA for 2009. She congratulated Public Works and Kim Alexander for putting that together for the Town.

**Marina Director Michael Pisano** announced another fishing tournament in May in which the proceeds would go to children in the justice system. He stated that it would be a very big tournament. He stated that he would keep working to get more tournaments and events at the Marina as well as having more family oriented activities along with the tournaments.

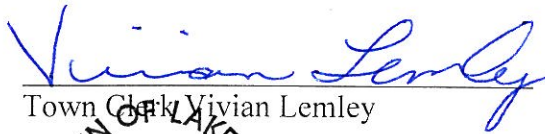
**Town Manager Davis** wished everyone a “Happy New Year”.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Vice-Mayor Carey, and by unanimous vote, the meeting adjourned at 8:45 p.m.

  
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Mayor DuBois

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Deputy Clerk Jessica Shepherd

  
\_\_\_\_\_  
Town Clerk Vivian Lemley



FLORIDA

Approved on this 3 of Feb., 2010.