



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, February 17, 2010, 7:25 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, February 17, 2010 at 7:25 p.m. Present were Mayor DuBois, Vice-Mayor Carey, Commissioners Daly, and Osterman, Town Manger Maria Davis, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley. Commissioner Rumsey was absent.

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

Mayor DuBois stated that the reason Commissioner Rumsey was absent from the meeting was because he had to be with his mother who was placed in hospice.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

None

**Motion: A motion was made by Vice-Mayor Carey to approve the agenda;
 Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 4-0

Public and Other Comments:

Genanne Doughty, 1008 7th St. – stated the importance of voting at the next Town election to the Town’s residents. She gave a brief history of voting in the U.S as well as the importance of just one vote. She stated that March 3, 2010 was the deadline to request an absentee ballot.

Gary Jackson, 1210 Gateway Rd. - stated that he would like to see Robert's Rules of Order adhered to from that point on unlike what happened at the last Commission Meeting. He stated that because of Sunshine Law the Commission cannot meet to discuss Town business but can meet to discuss and work out personal disputes and issues. He stated that he received 37 phone calls from people in the county who were customers that asked what was going on at the last Commission Meeting. He discussed other issues he had with the Town's hiring decisions and bidding process. He then directed his comments to Attorney Baird and stated that he would like to see the Town recover the money it has been forced to spend to satisfy the Federal Government by doing nothing more than changing the rules of the election.

Steven Hockman, 638 Flagler Blvd. - stated that he was told at the last Commission Meeting by a Commissioner to be a leader and not a follower. He stated that leaders ask questions and followers do not. He stated that he was more willing to look deeper into the issues but needed all of the facts not just half the facts in order to do so. He expressed his concerns and issues regarding the monies generated and spent on the parking meters. He stated that the Commission has brought up the comment that he does not like the answers so he keeps asking the questions. He stated that if the Commission and Town Manager would give the answer to his question, he wouldn't have to keep asking. He stated that he never asked why the Employee Handbook was done but why the cost was \$40,000 more than what the contract had stated. He stated that the contract was not to exceed \$10,000. He stated that on January 20, 2010, Commissioner Osterman stated that the project was done at half the cost. He stated that based on the information, it did not matter what someone charges per hour when the contract states "not to exceed". He stated that the job is expected to be done at that fee. He stated that those were the types of questions he was asking, not why the Employee Handbook was done.

Public Comment Closed.

Consent Agenda:

1. Regular Commission Meeting Minutes of January 20, 2010
2. Special Call Commission Meeting Minutes of January 28, 2010
3. Resolution No. 11-02-10 Reimburse the Town for Costs Incurred in the Event of a General Obligation Bond Issue
4. Resolution No. 12-02-10 Extension of Waste Management Contract for 90 Days
5. Authorization for the Mayor to Send a Letter to the Bioscience Board

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve the Consent Agenda; Vice-Mayor Carey made the second.

Vote on Motion:

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

Motion passed 4-0

ORDINANCE ON FIRST READING:

**ORDINANCE NO. 03-2010 Moratorium on Pain Management Clinics
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, DECLARING ZONING IN PROGRESS AND A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY PETITION FOR THE ESTABLISHMENT OF PAIN MANAGEMENT CLINICS AS DEFINED HEREIN; PROVIDING THAT ZONING IN PROGRESS AND THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD WHICH SHALL TERMINATE ON THE EFFECTIVE DATE OF THE TOWN'S ADOPTION OF LAND DEVELOPMENT REGULATIONS TO REGULATE PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF PAIN MANAGEMENT CLINIC; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Public Comment Open.

None

Public Comment Closed.

Vice-Mayor Carey asked if the Town was working with the League of Cities on the issue.

Town Manager Davis explained that Attorney Baird was addressing and working on the issue.

Attorney Baird explained that they were following the County's lead on the issue. Palm Beach County Commissioner Karen Marcus had requested that the northern municipalities work with the County in developing pain clinic moratoriums. He stated that the Town has borrowed some of the language that the County has used in the issue. He stated that the Ordinance was providing that the moratorium would be in place until

such time as the Town adopts new land development regulations that would better regulate pain management clinics. The actual regulations would be based on what the County was developing.

Motion: A motion was made by Vice-Mayor Carey to approve Ordinance No. 03-2010 upon 1st reading; Commissioner Daly made the second.

Vote on Motion:

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

Motion passed 4-0

Attorney Thomas Baird read Ordinance No. 03-2010 by caption-only.

PUBLIC HEARING(S)

ORDINANCE ON SECOND READING:

ORDINANCE NO. 02-2010 Amending Chapter 34 and 78 Landscape and Vegetation Standards

AN

ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 34 ENTITLED "VEGETATION", ARTICLE I; SECTION 34-1 ENTITLED "INTENT"; SECTION 34-2 ENTITLED "DEFINITIONS"; SECTION 34-3 ENTITLED "PUBLIC TREE CARE"; SECTION 34-4 ENTITLED "REMOVAL OF TREES ON TOWN PROPERTY – REPLACEMENT BY ANOTHER TREE OR BUSH"; SECTION 35-5 ENTITLED "PLANTING ON CERTAIN DRAINAGE EASEMENTS"; SECTION 34-6 ENTITLED "TREE TOPPING"; SECTION 34-7 ENTITLED "PRUNING, CORNER CLEARANCE"; SECTION 34-8 ENTITLED "DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY"; SECTION 34-9 ENTITLED "TREE REMOVAL STANDARDS"; SECTION 34-10 ENTITLED "ARBORISTS LICENSE AND BOND"; SECTION 34-11 ENTITLED "REGULATIONS FOR TREE PLANTINGS AND IMPROVEMENTS IN SWALES AND OTHER TOWN OWNED OR CONTROLLED PROPERTY OR RIGHTS OF WAY"; AMENDING CHAPTER 78, ARTICLE VIII, SECTION 78-252 ENTITLED "LANDSCAPING GENERALLY"; 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 Ordinance No. 02-2010 upon 2nd reading; Commissioner Daly made the second.

Vote on Motion:

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

Motion passed 4-0

Attorney Thomas Baird read Ordinance No. 02-2010 by caption-only.

RESOLUTION:

RESOLUTION NO. 10-02-10 -Adoption of the CRA Plan

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING PROPOSED AMENDMENTS TO THE COMMUNITY REDEVELOPMENT AGENCY PLAN PURSUANT TO SECTION 163.360, FLORIDA STATUTES; PROVIDING

Public Comment Open.

Genanne Doughty, 1008 7th St. – stated that she attended a Sustainability Subcommittee meeting and learned where to receive seed for free for the Town’s proposed Community Garden. She stated that she had learned some very interesting facts about Community Gardens. She stated that she had a list of things that the Town could teach people like what to plant and how to plant at the Community Garden.

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Carey to approve Resolution No. 10-02-10; Commissioner Osterman made the second.

Vote on Motion:

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

Motion passed 4-0

DISCUSSION AND POSSIBLE ACTION

Authorization to Install a Tree and Bronze Plaque at Kelsey park in Memory of Alexandra Mary Spilos

Andrew Spilos, the surviving father of the late Alexandra Mary Spilos, requested to install a tree with a bronze plaque in her honor. He gave a brief explanation of his history with the Town and what had happened to Ms. Spilos. He stated that because of her death, he became involved with the Drowning Prevention Coalition. He explained that the tree and plaque would be of no cost to the Town.

Commissioner Osterman stated that the Drowning Prevention Coalition was a fantastic organization and was the reason she put her son through swimming classes. She stated that she was sorry for Mr. Spilos' loss and would be honored to have a tree and plaque in Alexandra's honor placed in Kelsey Park.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve the installation of a tree and bronze plaque at Kelsey Park in memory of Alexandra Mary Spilos; Commissioner Daly made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|-----------------------|-----|-----|-------|
| Commissioner Daly | X | | |
| Commissioner Osterman | X | | |
| Commissioner | | | |

| | | | |
|---------------------|---|--|--------|
| Rumsey | | | Absent |
| Vice-Mayor Carey | X | | |
| Mayor DuBois | X | | |

Motion passed 4-0

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Mayor DuBois stated in response to Mr. Jackson's comments that the Town operates by Roberts Rules of Order. She stated that she tries to be nice but that sometimes it backfires. She explained that the Commissioner Comment portion of the Agenda was a time where the Commission could discuss items that were not on the agenda. She stated that it was very hard and emotional times and the Commission needed to focus on the present and the future business of the Town. She stated that she planned on using her gavel however needed and would operate on the laws of Robert's Rules of Order to regain control.

Vice-Mayor Carey

None

Commissioner Daly

None

Commissioner Osterman reminded everyone of the Town's final Safety Walk which would take place on February 26, 2010 at 6 p.m. and will meet on the corner of 6th Street and Bayberry Dr.

Commissioner Rumsey

Absent

Town Attorney Baird stated that he wanted to address Mr. Jackson's remarks. He stated that he understood Mr. Jackson's frustrations with regards to the Town having to expend a large sum of money to defend itself. He stated that he did have several conversations with the lawyers from the Department of Justice regarding recovering the Town's costs and they did not give the issue any serious consideration. He explained to them that the Town was a small Town made up of approximately 9000 residents and was not a wealthy Town wherein it could spend large amounts of money to defend itself in litigation against the U.S. Department of Justice. He explained that the reality was that continuing the fight would've cost the Town a much more substantial amount of money than what it cost just to change to its form of government. In doing so, the Town gave the United States a reason to settle the case. He stated that he believed that the Town got the best deal it got under the circumstances. He stated that it did not mean that the Town could not change its form of government in the future but would need to be sure that the statistical data backed up any change that they may make. He explained that there was no mechanism for recovering the attorney's fees even if they had prevailed in the litigation.

Commissioner Daly asked Attorney Baird if he had heard from the Department of Justice since the filing of the candidates for the Town's next election.

Attorney Baird explained that he sent the three lawyers from the Department of Justice an e-mail soon after the Town Clerk informed him of who had filed for the Town's election. He stated that there was a snow storm in Washington and facilities were closed for four days. He stated that one of the attorneys had asked that Mr. Baird keep him informed of who filed, but he has not heard from him since he was informed.

Town Manager Davis spoke about the Department of Justice case against the Town. She stated that the Town Attorney did a fabulous job in keeping the Town out of the worst type of scenario which would have been single member districts.

She announced a pre-school story time tomorrow, February 18, 2010 at 3:30 p.m. in the Library. The Friends of the Library meet on Monday, March 1, 2010 immediately following the Library Board Meeting. Another pre-school story time will take place on February 25, 2010 at 3:30 p.m. in the Library in which "Anansi Does the Impossible" a West African folk tale will be read. The Marina Sunset Party will take place on Friday, February 26, 2010 starting at 5 p.m. and concluding at 7 p.m. The Town's first 5K run called "Send a Kid to Camp" will take place on Saturday, February 27, 2010. The proceeds will help kids who would not normally be able to attend camp. The entry fee for adults is \$20 and children under 17 would cost \$15. The cost is \$25 on the day of the race. If anyone was interested they could contact the Recreation Department at 881-3338. She gave a special thanks to the 5K run sponsors which were Someplace Bar and Grill, Adkins and Associates, Inc., Chik-Fil-A Restaurant, Shamrock Jewelers, and Mullinax Ford.

She reminded residents that the Town gives a 90 day grace period to remove holiday decorations and lights. She stated that Code Enforcement would then cite properties that were not in compliance by March 1, 2010.

She wished Commissioner Rumsey well during his very difficult time.

She stated that she wanted to address Mr. Hockman's comment regarding the Employee Handbook. She reminded Mr. Hockman that it did not matter what attorney would have worked on the Employee Handbook. She stated that the HR Director had fully explained publicly why the project had to be expanded. She stated that it was not just a handbook that needed revision, but all the Resolutions, Ordinances and a Labor Contract that related to the handbook as well. She stated that each time they ran up against an issue and another revision needed to be made it was brought back to the Commission for approval and they approved every single penny that was spent on the handbook. It was thoroughly explained every time the scope of work needed to be expanded. She stated "Mr. Hockman, you keep saying you didn't get answers but you did. I don't remember if it was the last meeting or two meetings ago, but the HR Director stood up here and described at length why it had to get expanded. So I'm hoping I explained your concerns. If you'd like to sit down and talk about them further, I would be happy to do that. I can see by the look on your face that you're not content with the answer again but we'll continue to keep trying so that you and I can get on the same page.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Commissioner Daly, and by unanimous vote, the meeting adjourned at 8:08 p.m.

for Jeffrey Carey
Mayor Desca DuBois

Jessica Shepherd
Deputy Town Clerk, Jessica Shepherd



Approved on this 3 of March, 2010