



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 7, 2011, 8:40 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 7, 2011 at 8:40 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 asked to have a discussion of the Majestic Princess.

Motion: A motion was made by Commissioner Hockman to approve the Agenda as amended; Commissioner Longtin made the second.

Vote on Motion:

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

Motion passed 5-0

REPORTS:

Letter to Palm Beach County Regarding the Interlocal Agreement

Mayor DuBois stated that this was asked to be brought back up for further clarification.

Town Manager Davis stated that what they have provided the Commission was the letter that was sent to Palm Beach County Board of County Commissioner Marcus and the verbatim minutes.

Commissioner Longtin stated that she could not get through this because of all the spelling errors and would like to request a disc so she can listen to this herself. She stated that whoever typed this up needs to use a dictionary. She reiterated that she would like to listen to this herself because this is not how she remembers it.

Mayor DuBois asked Commissioner Longtin if she wanted audio or a DVD.

Commissioner Longtin stated that a DVD was fine.

Commissioner Hockman stated for the record that "I just was not totally happy with the way it says we agree to pursue to the development in each and every phase of the project. It can be mistaken and that is why I asked it come back before it actually got sent so we could fine-tune it. But it is too late, it is gone."

Update on One Park Place Property

Town Manager Davis stated that this was requested by the Vice-Mayor and they could field any questions. She stated that it is still in the early stages of foreclosure and we do not have a lot of information on it. She stated that they have provided the Commission with the copy of all the permits and inspections, but the bank is very closed-mouthed about it at this point.

Vice-Mayor Rumsey asked if we have any idea of when the foreclosure will take place.

Town Manager Davis stated that according to the bank, they are in the very early stages.

Vice-Mayor Rumsey asked if we were to offer some incentives to a potential new buyer, would that possibly get the processes rolling quicker.

Town Manager Davis stated unfortunately, she doubts it because we have had two, possibly three cash buyers that could not get past the process.

Vice-Mayor Rumsey asked if their bids were on the low end or were they just a refusal to sell.

Town Manager Davis stated that we are having extreme difficulties getting answers out of the bank. She stated that they are very closed-mouthed.

Mayor DuBois stated that he was not sure it was the bank's business at this point if there is a lawsuit for default; the owner is still the owner. He stated that he thought until the lawsuit is settled regarding the default, that the owner is still in control of the property.

Attorney Tom Baird stated that was correct. He stated that any negotiations going on between the owner of the property and prospective purchasers would be something the bank would want to avoid interfering with because the defendant might allege they had a way out of this default but the bank interfered.

Mayor DuBois stated that it gets to be very complicated.

Vice-Mayor Rumsey asked if any proposals or incentives that he may think would be a great idea, should he keep his mouth shut until they go in foreclosure.

Town Manager Davis stated that we could speak to the owner. She stated that the owner is being very unrealistic for what he wants for that property and she knows this because of other potential buyers. She stated that basically we are just waiting.

Vice-Mayor Rumsey stated that he will just hold all comment until we are at a point where we can possibly affect change.

Mayor DuBois asked if the property was being maintained to some point.

Vice-Mayor Rumsey stated "just from the Town."

Mayor DuBois asked if there had been any contribution of maintenance from the owner.

Town Manager Davis stated the owner did pressure clean and the Town is maintaining the landscaping.

Mayor DuBois asked if it was for the grass that we actually have an agreement to use.

Town Manager Davis stated "yes."

Mayor DuBois asked if we were trimming the hedges that are not part of that lawn.

Commissioner Hockman asked if we are maintaining the shrubbery in front, are we back billing him.

Town Manager Davis stated that it was in the agreement for the use of the land on the west side.

Mayor DuBois stated that we are not actually losing revenue and we have some exchange.

Town Manager Davis stated that there were some code issues with the pressure cleaning that was needed and he did step up and do that.

Vice-Mayor Rumsey asked if we can ask him to fix the banner or take it down. He stated that right now it is hanging by one string.

Town Manager Davis stated "okay."

Mayor DuBois asked if we have to do that with a code violation or just ask him.

Vice-Mayor Rumsey stated we could just ask him.

Commissioner Longtin asked approximately what the owner is looking to sell this property for.

Town Manager Davis stated he wanted \$3.5 million.

Commissioner Longtin stated that she thought he had taken away that agreement for us to use that lawn.

Town Manager Davis stated “no.” She stated that he was upset when we asked him to do the pressure cleaning, but he did not take it away.

Commissioner Longtin stated that if we are spending our resources then why is our staff showing his building when that is what a realtor is for. She stated that she knew the building is in the CRA, but until the building is out of foreclosure, we should not be spending any time on this building. She stated that she felt that it was only stalling the process and we should just let it go into foreclosure. She stated that if he was being unreasonable in the price, let it go.

Commissioner Stevens asked what he owed to the bank.

Town Manager Davis stated she did not know.

Commissioner Hockman stated that from what he heard, the owner is asking more than what he owes to the bank. He stated that he agreed that we should not be acting as “realtor” in this because we are saving him only seven percent. He stated that if he really wanted to get out of it, he should take something and not just what he wants in order to not completely lose the whole thing. He stated that he does recommend that the Town not be involved in this issue.

Mayor DuBois stated that he does not care to do any advising to the owner on his business. He stated that it would be nice to get some tenants in there, but he has a long way to go before we can get a certificate of occupancy for either commercial or residential property in that building. He stated that he does not have a problem with our CRA telling people that the building is available and giving them the telephone number. He stated that there is not much more our staff can do because the building is so far way from occupancy that there is very little else to do.

Commissioner Stevens stated that he believes it is in the Town’s best interest to have that building occupied and whatever we can do to get that building occupied would be good. He stated that he is eager to hear Vice-Mayor Rumsey’s suggestions and if they would help us get to an occupied building soon, rather than waiting for the process, so much the better.

Commissioner Longtin stated that it is out of our hands and is between the bank and the owner.

Commissioner Stevens stated that it is not completely out of our hands. He informed them that if the owner gets a buyer and they come to an agreement to pay off the bank, then we are good to go.

Vice-Mayor Rumsey stated that he was not going to voice his plan right now.

Mayor DuBois stated that it was time to move on to the next subject.

Commissioner Longtin stated that “about 14 months ago when Mr. Ahrens came forward and told us that 75 percent of his building was occupied, those were good times.”

PUBLIC AND OTHER COMMENTS:

1. *Cynthia Grey, 503 Sabel Palm Dr.* – she stated that she supported Commissioner Longtin’s suggestion of cutting salaries across the board, particularly for Department Heads. She stated that many residents agree that those salaries are very high. She wanted to know if there had been a study done of other department heads in other communities of our size.

Mayor DuBois stated that there had been studies done and we are about right in the middle.

Ms. Grey stated that there needs to be a study as well as some justification on what these people do to earn this money.

CONSENT AGENDA:

3. Resolution No. 30-09-11 State Aid to Libraries Grant
4. Notification of Florida Coastal Cleanup September 17, 2011

Commissioner Longtin stated that she would like to discuss each item separately.

Mayor DuBois stated they should discuss Resolution No. 30-09-11 State Aid to Libraries Grant.

Commissioner Longtin explained to Commissioner Stevens that this is an example of when we take this \$7,000 grant, we open up all of our library services to the entire County. She stated that this is what happens when you take a grant. She explained to him that he will vote for this because if he does not, then you will be said to hate the children. She stated that if he will read the grant, that is what it states. She stated that she just wanted to bring it to his attention and will be voting against this because she is tired of taking grant money.

Commissioner Hockman stated that the dollar amount on the grant paperwork does not seem to match the budget book. He stated that one is \$268,000 and the other is \$240,000 and asked if that was going to be a problem. He stated that there could be numbers he was not seeing.

Town Manager Davis stated that she did not know what he was talking about.

Commissioner Hockman stated that it stated the total operation and maintenance for the Library is \$268,000 and asked if they come up with the \$7,000 based on a percentage. Grant Writer Virginia Martin explained that the local operating expenditures for October 1, 2009 through September 30, 2010 was \$261,321 and was the year that they based this year's allotment on.

Commissioner Hockman stated that it indicates for 2009 to 2010, the actual was \$258,000 in the budget book.

Grant Writer Martin stated that she will check that out and that the numbers she used was before the audit was drafted.

Motion: A motion was made by Commissioner Stevens to approve item number 3, on the Consent Agenda; Vice-Mayor Rumsey made the second.

Vote on Motion:

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

Motion passed 3-2

Mayor DuBois stated that Commissioner Longtin asked to have the Notification of Florida Coastal Cleanup on September 17, 2011 pulled.

Town Manager Davis asked Public Works Director Dave Hunt to explain this program.

Public Works Director Hunt explained that this clean-up will be similar to a previous clean-up they had approximately six months ago. He stated that they will be cleaning up the public right of way along Silver Beach Road. He stated that they are asking for volunteers to join us to help clean-up the Community.

Mayor DuBois stated that he volunteered. He asked if they were meeting at 8:00 am at Public Works.

Public Works Director Hunt stated that it would be confirmed on the time later.

Town Manager Davis stated that it was 8:00 am.

Commissioner Longtin asked if it was Saturday, September 17, 2011 at 8:00 am.

Mayor DuBois stated that was correct.

Commissioner Longtin asked if this was totally volunteer work and nobody was getting paid for this.

Town Manager Davis reassured her that no one would be getting paid.

Commissioner Longtin stated that was a beautiful thing. She asked if the County had any plans for this road. She stated that we keep cleaning it, which is great, but asked if the County is going to do any improvements on this road.

Mayor DuBois stated that she could add this to her comments at the end of the meeting or under discussion and possible action.

Public Works Director Hunt stated that he does have an update on the County when it is the appropriate time.

Town Manager Davis asked if the Mayor would like this update as an agenda item.

Mayor DuBois stated that he would like it as an agenda item and would like him to include information on the other roads in the five year plan. He stated that there was an extension of Congress Avenue to A1A, improvements to Park Ave...

Public Works Director Hunt agreed and stated there were several improvements in that plan and asked would the Mayor just like an update on all of the projects when he does the update.

Mayor DuBois stated that would be great and reminded the public that the clean-up would be September 17, 2011 at 8:00 am at Public Works. He thanked Public Works for their work.

Vice-Mayor Rumsey asked when they do the clean-ups, are the employees volunteering on their day off to come clean up the streets of Lake Park. He asked how many employees actually come.

Public Works Director Hunt stated that he thought at the last clean-up there may have been four of them including Commissioner Longtin.

Vice-Mayor Rumsey asked if it was employees volunteering on their day off to volunteer for the Town.

Commissioner Hockman asked if a criminal background check was being done on these volunteers.

Town Manager Davis stated "no."

Commissioner Hockman stated that he asked that because in the budget there was a large number allotted for background checks.

Town Manager Davis stated that they are not working with kids.

Vice-Mayor Rumsey stated they were picking up trash.

Commissioner Stevens stated that he has volunteered in the past for the great event. He informed the public that if they want to get involved, please call Kim Alexander at 561-881-3345.

Motion: A motion was made by Commissioner Longtin to approve item number 4, on the Consent Agenda; Commissioner Hockman made the second.

Vote on Motion:

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

Motion passed 5-0

PUBLIC HEARING:

Ordinance on Second Reading:

Ordinance No. 05-2011 Bank Registry

Staff Report:

Attorney Baird explained that the purpose of this Ordinance is to require lenders to take responsibility for the assets they own or will shortly own through a foreclosure process. He stated that the interest of this Ordinance was generated by residents in the Town and reported to the staff about vacant properties that were not being maintained and what could the Town do about that. He stated that he did research on this and the foreclosure crisis around the Country. He stated that this Ordinance was modeled after Ordinances throughout Florida not modeled after Palm Beach County's Ordinance's. He stated that it was not prepared solely or exclusively because Palm Beach County was proposing to adopt such an ordinance and it was not a situation where the Town was "jumping blindly off a cliff" to adopt an ordinance that other cities were adopting. He stated that it was recommended to the Commission because it is a necessity to address a serious situation

and its' purpose is not to generate revenues. He stated that the fees charged for registration will just cover the staff time to administer that ordinance just like any other user fee that the Town charges. He stated that in terms of local experience with the ordinance, North Palm Beach has had this ordinance in effect for several years. He stated that if you were to ask them how the ordinance has worked for them, they would say "very well." He stated that it has been the experience throughout Florida that the ordinance is something that promotes maintenance and security of properties with the idea again returning the property to someone who will own, maintain, and secure the property.

Commissioner Stevens applauded Attorney Baird for his work on this project.

Commissioner Hockman asked how this ordinance was going to do anything different than what we currently are doing now.

Attorney Baird explained the ordinance provisions and what they entail.

Commissioner Hockman asked why commercial properties were not included in this ordinance.

Attorney Baird explained that the Commission could decide to include that as well and explained why most cities in Florida and throughout the Country mostly concentrate on residential.

Commissioner Stevens asked if anything can be done before the foreclosure process has started with the bank stepping in and the homeowner has let their property go array.

Attorney Baird explained the conditions of when the ordinance is in effect.

Public Comments Open

1. *Cynthia Grey, 503 Sabel Palm Dr.* – expressed her concern for the yard issues at the property located at 520 Teak Rd. and questioned who was going to be responsible for the upkeep of the property.

Town Manager Davis explained that we have an ordinance in effect currently that provides the Town to go in and mow or do whatever needs to be done and back charge the property via a lien.

Public Comments Closed

Commissioner Longtin wanted commercial added and referred to the Where As clause that should be changed as well as other concerns. She wanted the whole Ordinance reviewed again.

Mayor DuBois asked if it was even possible to make changes for the second reading.

Attorney Baird explained that they had to be made tonight and not majorly material. He stated that if they were, then the changes would be made and pushed back to first reading.

Commissioner Stevens liked the setup of the ordinance but mentioned that he understood the concerns.

Commissioner Hockman had concerns with the definitions of the ordinance.

Motion: A motion was made by Vice-Mayor Rumsey to approve Ordinance 05-2011 Bank Registry; Commissioner Stevens made the second.

Vote on Motion:

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

Motion passed 3-2

Attorney Baird informed Town Manager Davis that the fee could be worked out in the fee schedule.

Mayor DuBois thanked Attorney Baird for working on the ordinance and Commissioner Longtin for bringing the ordinance back.

Attorney Baird read Ordinance 05-2011 by caption only.

PUBLIC HEARING CLOSED

Discussion and Possible Action: **Majestic Princess**

Commissioner Longtin wanted the Majestic Princess to be added on the next agenda with all parties involved. She wants the Commission to be involved in the discussion. She expressed her feelings on how things have been going thus far.

Commissioner Hockman expressed his disappointment on how this issue has been handled. He wants to find out what is really going on by having the Commission get involved and revisiting this issue.

Vice-Mayor Rumsey explained that he feels there is no issue due to the facts that he has been given.

Mayor DuBois expressed his feelings on the issue by saying it was a “tenant/landlord” issue and not something that needs to be reviewed by the Commission.

Commissioner Stevens agreed with the Mayor and Vice-Mayor that it was not an issue to be revisited.

Commissioner Longtin expressed her concern with the operations at the Marina. She explained that her issue is not with this one tenant, but what is going on at the Marina overall.

Mayor DuBois suggested a Marina operation workshop regarding all aspects of the Marina.

Commissioner Longtin stated that if a workshop was put together, she would attend.

Commissioner Hockman referred to communication regarding the Majestic Princess and payment arraignments that have been made.

Mayor DuBois thought the conversation was highly inappropriate and directed the Commission to move on in the meeting.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Longtin apologized to the Town Manager and residents for not being available since the last meeting. She also apologized to the board members regarding the issue of having qualified members.

She knew there was a Planning and Zoning meeting on September 12, 2011 and wanted to know the status of it. She was informed that it was canceled and another meeting scheduled for the first Monday in October. She spoke about the Community Watch meeting and how informative it was. She spoke on sanitation services and maintenance equipment providers to possibly outsource.

She thanked the Mayor for running the Meeting.

Commissioner Stevens mentioned that he appreciated all the phone calls and emails and will return those messages. He reminded everyone of his phone number and email.

He addressed Susan Lloyd, Brent Headburg, Jim Lloyd, Janet Perry, and Cynthia Grey’s comments and questions.

He was thankful for the hard work that was done on the parking decals.

Mayor DuBois thanked the rest of the Commission for their suggestions on the budget options.

He apologized to Commissioner Hockman for cutting him off.

Vice-Mayor Rumsey thanked the public for their support.

He asked the Attorney about what had been in the news concerning North Palm Beach and Riviera Beach regarding Adult Arcades and apologized for not informing him in advance that he was going to ask about it tonight.

Attorney Baird explained the issue on the Adult Arcades and the preventive measures that the two towns have put into place to prohibit them in their towns.

Vice-Mayor Rumsey wanted a report on this at the next meeting just to see if it is something that the Town may look into getting as well.

He wished Town Manager Davis a Happy Birthday.

Commissioner Hockman thanked the public for their support.

He reported that he met with the Town Manager concerning the budget and did not get very far because there were a lot of issues such as the cell phone usage. He expressed that he felt that the Town Manager's contract should be renegotiated.

He thinks that the Code Enforcement employee should not be the one released; instead it should be the two part-time parking enforcement people that should be. He wants the Irrigation Technician to be full-time and the Recreation Director to be part-time and only full-time in the summer. He also expressed his concern on the Marina issue.

Attorney Baird had no comment.

Town Manager Davis informed the public that the Town's Recreation Department was providing a few activities for the Town. She mentioned there would be free tennis lessons for kids ages 4-18, every Wednesday, from 5:30 – 6:30. She stated that we will provide the equipment and for more information to call 561-881-3338.


She informed the public that there will be Yoga classes starting October 5, 2011 being held every Wednesday from 5:45 -7:00 pm. She stated that cost is \$8.00 per class and for more information to call 561-881-3338.

She informed the public that there will be Fall Flag Football for ages 6-18 and the fee is \$35.00. She stated that the games start next week and all games will be played at Mack Am Fisher Boys and Girls Club in Riviera Beach. She stated that for more information please call the Recreation Department.

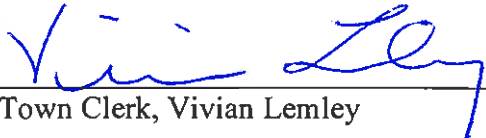
She explained that we are still accepting registrations for Winter Basketball and Spring Soccer for ages 6-18. She stated that the fee was \$35.00 and for more information, please call the Recreation Department.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Stevens and seconded by Commissioner Longtin, and by unanimous vote, the meeting adjourned at 10:03 p.m.



Mayor James DuBois



Town Clerk, Vivian Lemley

Deputy Town Clerk, Kelly Avery



Approved on this 2 of November, 2011



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 7, 2011,
Immediately Following the
First Public Hearing on the Tentative Budget,
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kendall Rumsey	—	Vice-Mayor
Steven Hockman	—	Commissioner
Jeanine Longtin	—	Commissioner
Tim Stevens	—	Commissioner
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Maria V. Davis	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian M. Lemley, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. ADDITIONS/DELETIONS - APPROVAL OF AGENDA

F. REPORTS:

- | | |
|---|-------|
| 1. Letter to Palm Beach County Regarding the Interlocal Agreement | Tab 1 |
| 2. Update on One Park Place Property | Tab 2 |

G. PUBLIC and OTHER COMMENT:

This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

- H. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

Recommended For Approval:

3. Resolution No. 30-09-11 State Aid to Libraries Grant Tab 3
4. Notification of Florida Coastal Cleanup September 17, 2011 Tab 4

I. **PUBLIC HEARING:**

***** OPEN PUBLIC HEARING*****

- A. Staff Report
B. Public Comments
C. Commission Deliberation

ORDINANCE ON SECOND READING

5. Ordinance No. 05-2011 Bank Registry Tab 5

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, ARTICLE III OF THE CODE OF ORDINANCES ENTITLED "HOUSING CODE" TO CREATE A NEW DIVISION 4, TO BE ENTITLED, "ABANDONED REAL PROPERTY;" PROVIDING FOR SECTION 54-101, ENTITLED "INTENT AND PURPOSE"; PROVIDING FOR SECTION 54-102, ENTITLED "DEFINITIONS"; PROVIDING FOR SECTION 54-103, ENTITLED "APPLICABILITY"; PROVIDING FOR SECTION 54-104, ENTITLED "REGISTRATION OF ABANDONED RESIDENTIAL PROPERTY"; PROVIDING FOR SECTION 54-105 ENTITLED "MAINTENANCE REQUIREMENTS"; PROVIDING FOR SECTION 54-106, ENTITLED "SECURITY REQUIREMENTS"; PROVIDING FOR SECTION 54-107, ENTITLED "IMMUNITY OF ENFORCEMENT OFFICER"; PROVIDING FOR SECTION 54-108, ENTITLED "ADDITIONAL AUTHORITY"; PROVIDING FOR SECTION 54-109, ENTITLED "REMOVAL OF ABANDONED PERSONAL PROPERTY AUTHORIZED"; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Requests: Motion to Approve

***** CLOSE PUBLIC HEARING*****

J. **COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:**

K. **ADJOURNMENT:**