



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, April 04, 2012 8:10 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, April 04, 2012 at 8:10 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Steven Hockman, Jeanine Longtin and Tim Stevens, Interim Town Manager Jamie Titcomb, 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:

Motion: A motion was made by Commissioner Hockman to approve the agenda; Commissioner Stevens made the second.

Vote on Motion:

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

Motion passed 5-0

PRESENTATION:

1. Proclamation In Honor of Anthony Kulinka

Mayor DuBois presented the proclamation to the family of Anthony Kulinka

PUBLIC AND OTHER COMMENTS:

Susan Lloyd, 220 Lake Shore Drive, stated that she supports the suggestion by Ms. Bernhard that Town Clerk Lemley keep track of the public comment cards. She explained that the cards are submitted to Town Clerk Lemley and that the cards could be sorted by

type and then handed to the Mayor at the appropriate time. She stated that the proposed process would not delay the meeting. She explained that she e-mailed the entire Commission for their thoughts and suggestions and has heard back from two members. She stated that one response supported the suggestion and the other stated that they would support whatever the Mayor decides. She asked how she can trust the Mayor when Mayor DuBois has lost her card three times and that he always apologizes and seems sincere, but it is unacceptable. She thanked Kiwanis for the good job they did on the Irish Fest.

Mayor DuBois thanked Ms. Lloyd for her comments and stated that an alternative method of handling the comments cards has been established and thanked Vice-Mayor Rumsey for his assistance.

Jim Lloyd, 220 Lake Shore Drive, stated that he is representing people who want to participate in the Town meetings, but cannot sit for 3 to 5 hours. He stated that concurrent meeting are not necessary and suggested that the joint CRA and Commission meetings be alternated to have a CRA meeting one week and a Commission meeting the next week.

CONSENT AGENDA ITEMS:

2. Regular Commission Meeting Minutes of March 7, 2012

Motion: A motion was made by Vice-Mayor Rumsey to approve the consent agenda; Commissioner Stevens made the second.

Vote on Motion:

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

Motion passed 5-0

ORDINANCE ON FIRST READING

3. Ordinance No. 05-2012 Town Manager and Town Attorney Authority

Interim Town Manager Titcomb stated that the Ordinance addresses issues brought forward by residents regarding the Town workforce and the authority of the Town Manager and Town Attorney.

Attorney Baird explained that the Ordinance addresses the items outlined in his memorandum to the Commission that was discussed at the March 21, 2012 Commission meeting. He stated that upon adoption of the Ordinance the Department Heads would have the same due process as all other employees of the Town. He explained the second change as the spending threshold of the Town Manager from \$10,000.00 to \$5,000.00 for contracts without Commission approval. He explained that the third change clarifies the Town Attorney's duties and responsibilities.

Public Comment Opened:

Diane Bernhard, 301 Lake Shore Drive, read from the Ordinance "The Town Manager shall: Appoint, hire, discipline and remove all employees and department heads of the town, in accordance with the town's established employee policies and procedures." She suggested adding the language "as set down in the Town of Lake Park's Employee Handbook". She continued to read from the Ordinance "The town manager shall: Recommend to the town commission, from time-to-time, adoption of such ordinances and policies as may be necessary..." She stated that the language "from time-to-time" is too vague and suggested that the language to be changed to "as situations arise". She read item 8 from the Ordinance "The Town Manager shall: Organize, reorganize, consolidate, combine or abolish positions, offices, department divisions or departments of the town with the approval of the town commission." She suggested that the language be changes to "The Town Manager shall: Organize, reorganize, consolidate, combine or abolish positions, offices, department divisions or departments of the town only with or after the approval of the Town Commission." She read item 12 from the Ordinance "The Town Manager shall: In consultation with the Town Attorney, enforce the Town's laws and ordinances." She stated that she is concerned that this leaves the Town Attorney vulnerable to the appearance of collusion with the Town Manager. She felt there needs to be safe guard for the Attorney and suggesting adding a third party such as the Town Commission, a Commissioner or each Commissioner in rotation.

Public Comments closed.

Commissioner Longtin suggested that the language in item 7 of the ordinance state "from time-to-time" be removed because it is vague and it is restated in the second line with the language "as may be necessary". She suggested that item 7 read "Recommend to the Town Commission adoption of such ordinances and policies as may be necessary..." She stated that she agrees with item 8 and suggested that the word "only" be added. She stated that item 5 reads that "The Town Manager shall actively seek out potential grant monies that may be available to support town projects." She stated that the statement makes it a big part of the Town Manager's job and that is a full time job in and of itself and that is why the Town hired a full time person to get grants. She recommended that the language be changed from "shall" to "may" or "should". She asked the Attorney if the word should is a must.

Attorney Baird stated that "shall" requires the performance of the duty and "may" is optional.

Commissioner Longtin stated she wanted it to be optional. She read from section 2-87 "The Town Attorney shall be appointed and removed at the sole discretion of the Town Commission by a four - fifths majority vote". She stated that she researched this and that no other municipality does it that way. She stated that she thinks it is fine the way it is and that line does not need to be in the Ordinance. She stated that she does not think that the Commission should bind its or a future Commission's hands.

Attorney Baird stated that the reason that the four - fifths majority vote is in the Ordinance is because that is the same standard that the Commission hires and fires the Town Manager. He stated that in crafting the powers and duties and hiring and firing practice for the Town Attorney he followed the model that already exists in the Town Charter and Code.

Commissioner Longtin stated that she wants the sentence struck as it is not necessary.

Commissioner Hockman stated that it was not clear and asked if the Town Manager would be able to go out and hire an Attorney without Commission approval.

Attorney Baird stated "no".

Commissioner Longtin stated that the hiring of an Attorney has happened in the past without Commission approval and without notice to the Commission that the person was hired. She asked what the Commission's remedy is if it happens again.

Attorney Baird stated that the Town Manager would violate their contract, placed the Town at risk and violated the Code. He stated that the Commission has no control over someone who unilaterally decides to do something and then not disclose it. He stated that this is intended to cure that from happening and that if there is a need for an Attorney, then the Town Attorney by Code and contract is required to come to the Commission and advise that this is an area of the law that is outside the specialty of his law firm and recommends that an outside Attorney with that specialty be hired.

Commissioner Stevens asked if the Town Manager were to break this Ordinance what recourse does the Commission have.

Attorney Baird stated that how the Commission deals with the Town Manager would be up to the Commission and explained that he has the expectation that if he were to act contrary to the Code or the contract that is not going to bode well for the future.

Commissioner Longtin asked if the Town Manager does something and does not disclose it, then how would the Commission know.

Attorney Baird stated that there is no answer to the question. He stated that if the Town Manager chooses to hire someone and does not disclose it to either himself or the Commission, that the person has been hired, he does not know how he would be able to bring that to the Commission's attention.

Commissioner Stevens stated that is why he thinks that a Whistle Blower Ordinance would be a step in the right direction. He stated that if an employee knew something that is going on then they could bring it to the attention of the Commission. He stated that the Whistle Blower Ordinance would also provide a remedy for a rogue Town Manager entering into several contract at \$4,999.00 for the same service.

Mayor DuBois stated that a solution to this is on the signature page of all contracts that it state what the limitations of the Town Manager's authority are. He stated how the Commission deals with a Manager who violates the Code is one thing and how the Commission avoids getting stuck with the contract is another.

Vice-Mayor Rumsey stated that he thinks that the reduction in the Town Manager's spending threshold also assists in preventing the Town Manager from unilaterally hiring an attorney as most attorneys cost more than \$5,000.00.

Attorney Baird stated that the point of the change is that the Town Manager cannot hire an Attorney no matter the monetary value of the services.

Vice-Mayor Rumsey stated that he realizes that and what he was trying to say was that the Commission, by limiting the expenditures, that the Commission does not know about from \$10,000.00 to \$5,000.00, that the hiring of an Attorney is further limited. He stated that he is in favor of the four - fifths majority for the hiring and firing of the Town Attorney because the Commission has two employees and that the supermajority vote for both of these positions should be upheld.

Commissioner Hockman stated that his concern regarding the \$5,000.00 limit is how to prevent multiple contracts of \$4,999.00 for the same basic thing.

Attorney Baird suggested that language be added to that provision that states "any extension for that contract for the same firm or services has to come back to the Commission for the Commission's approval".

Commissioner Stevens stated that by creating a Whistle Blower Ordinance that an employee in the Finance Department seeing that happening could report the incident without fear of losing their job.

Attorney Baird stated that at the least the employee would have a remedy if they lost their job.

Mayor DuBois stated that he does not hear consensus regarding the four - fifths versus three - fifths vote for the hiring and firing of the Town Attorney. He stated that he is fine with the four - fifths or the three - fifths vote.

Commissioner Longtin stated that no other municipality has a four - fifths vote to hire and fire the Town Attorney.

Motion: A motion was made by Commissioner Longtin to approve the Ordinance with corrections: number 5 changing the word "shall" to "may", delete the words

“from time-to-time”; number 7, adding the word “only”; number 8, Section 2-87 striking the four - fifths vote, and number adding the extensions provision for contracts; Commissioner Stevens made the second.

Vote on Motion:

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

Motion passed 4-1

Attorney Baird read into the record the Ordinance by title only.

4. Ordinance No. 06-2012 Establishing in the Charter the Office of the Town Attorney

Attorney Baird stated that the Ordinance establishes the Office of the Town Attorney in the Charter and that he is certain if the Commission were to review the Charters of other municipalities that the establishment of the Office of the Town Attorney would be found.

Commissioner Longtin asked what this Ordinance changes.

Attorney Baird stated that the Town does not currently have in the Charter the Office of the Town Attorney as one of the officers of the Town. He stated that the only officers are the Town Manager, Commissioners and Mayor.

Commissioner Longtin stated that she does not know that she would agree that other municipalities have it in their charter. She stated that they reference an attorney, but not an office. She stated that she does not understand what this Ordinance fixes.

Attorney Baird stated that the Ordinance is not meant to fix anything, it is meant to establish the Office of the Town Attorney in the Charter.

Commissioner Longtin stated that in the Town of Juno the Charter reads: Council Appointed Officials: The Council shall appoint a Town Attorney.

Attorney Baird stated that is what this Ordinance does.

Commissioner Longtin stated that this Ordinance is setting up an office and that she thinks it is not necessary.

Attorney Baird stated that the Ordinance does not create an office that the Ordinance reads that "The Commission shall appoint a Town Attorney..."

Motion: A motion was made by Vice-Mayor Rumsey to approve the Ordinance on first reading; Commissioner Hockman made the second.

Vote on Motion:

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

Motion passed 4-1

Attorney Baird read into the record the Ordinance by title only.

5. Ordinance No. 07-2012 Noise Amendment to Chapter 10

Interim Town Manager Titcomb stated that this Ordinance is being brought forward on the direction of the Town Commission at the March 21, 2012 Commission meeting. He stated that the Commission directed staff to bring back an Ordinance adapting the hours the Ordinance is enforced without changing the actual decibel levels.

Community Development Director Nadia DiTommaso stated that staff was directed to bring back changes to the daytime cut off hours only. She stated that according to the Code certain land uses had a 7:00 p.m. cut off time for the day time hours. She stated that staff has modified it from 7:00 p.m. to 10:00 p.m. and that staff is recommending that the land use titles be amended as well. She stated that the amended land use titles will bring the Code into compliance with the Town's Land Use Map.

Commissioner Hockman stated that he thinks the time should be 9:00 p.m. instead of 10:00 p.m. He stated that he knows that the surrounding cities are 10:00 p.m., but the Town does not need to follow other cities.

Mayor DuBois stated that he thought what staff brought back was in sync with Commission direction.

Commissioner Longtin stated that the Ordinance does increase the sound levels. She stated that from 7:00 p.m. to 10:00 p.m. the decibel level is changing from 50 to 55 dba. She asked if the Ordinance should go before the Planning and Zoning Board.

Community Development Director DiTommaso stated that this is not under the direct prevue of the Planning and Zoning Board, however there is a clause that states that if the Commission would like for the Planning and Zoning Board to review a certain item the Commission may do so.

Commissioner Longtin stated that she would like this item to go before the Planning and Zoning Board.

Commissioner Stevens asked for clarification that this item is not under the Planning and Zoning Board prevue.

Community Development Director DiTommaso stated that the Planning and Zoning Board is directed to review development plans, plans related to development plans and to act as a Quasi-Judicial board for variances. She stated that there is also a provision that allows the Commission to direct the Planning and Zoning Board review other items in the Code.

Motion: A motion was made by Commissioner Stevens to approve the Ordinance on first reading; Vice-Mayor Rumsey made the second.

Mayor DuBois stated that technically the change does increase the decibel level from 7:00 p.m. to 10:00 p.m. and that he does not think it is unreasonable especially in commercial areas. He stated that he is not uncomfortable with the changes and is not uncomfortable with not sending it to the Planning and Zoning Board.

Commissioner Hockman stated that he has been doing a lot of reading on this item over the past few weeks and that when the decibel level is decreased that the average person will not be able to hear the difference, however the studies do say that if the change is an increase in the decibel level then it is noticeable. He stated that when he brought this forward it was for discussion purposes only and that he would like for the item to go before the Planning and Zoning Board. He stated that it is the Planning and Zoning Board's duties to review things for zoning and so forth.

Mayor DuBois stated that he thinks this is a great opportunity to update this Ordinance and bring into conformity with the current land use language. He stated that he feels that the decibels levels are conservative compared to other municipalities.

Commissioner Longtin stated that this is effecting residential as well and is concerned that this could be considered contract zoning and does not want any part of it.

Attorney Baird stated that this is not a zoning item. He stated that noise regulations are not related to zoning regulations.

Vice-Mayor Rumsey stated that at the March 21, 2012 Commission Meeting that Commissioner Hockman brought this discussion item forward. He stated that the reasons provided by Commissioner Hockman to bring this forward was that a majority of the residents already thought the regulations went to 10:00 p.m. He stated that his concern with the item was that the time not be changed to after 10:00 p.m. and as long as the time does not go past 10:00 p.m. that he would support the Ordinance.

Commissioner Stevens stated that even with the changes proposed the Town would still be as quiet as or quieter than surrounding municipalities. He stated that he is in favor of the Ordinance.

Vote on Motion:

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

Motion passed 4-1

Attorney Baird read into the record the Ordinance by title only.

PUBLIC HEARING

ORDINANCE ON SECOND READING:

6. Ordinance No. 04-2012 Update Town Code to Include the 2010 Florida Building Code

Mayor DuBois opened the Public Hearing.

Public Comment:

No Public Comments.

Public Comment Closed.

Community Development Department Director DiTommaso stated that the Palm Beach County Building Code Advisory Board approved the language and forwarded it to the municipalities for inclusion in their Code. She reviewed the changes to the Code (Exhibit "A").

Commissioner Longtin stated that she read the Ordinance and found some of it intrusive. She stated that she is sure the item will pass and that her nay vote will not have an impact. She stated that she did not have her notes with her to discuss the item.

Commissioner Stevens asked why it is 2012 and the Town is just now adopting the 2010 Building Code. He stated that he knows that is the way it works, but why does it work that way.

Community Development Director DiTommaso stated that she would turn it over to Don Macintosh, Acting Building Official to go over what the review process entails.

Acting Building Official Macintosh stated that the Florida Building Code is based on the 2009 Code Council, which is the nationwide Code model. He stated that there were so many things in this revision particularly with the new energy code and accessibility that the Florida Building Commission felt that it was best to wait until all the issues were clarified before adopting this code. He stated that the 2010 Building Code was adopted statewide on March 15, 2012.

Commissioner Stevens asked if there was any other place the residents could go besides the ecodes.biz website to get information about the Florida Building Code.

Acting Building Official Macintosh stated that copies are available at the Palm Beach County Library and the Town's Building Department.

Commissioner Longtin asked for clarification regarding accessibility.

Acting Building Official Macintosh stated that accessibility means ADA through the removal of barriers so that people with any disability can enter into any commercial business or home. He stated that the Code includes everything from ramps to water coolers. He stated that Florida is stricter than the ADA and that it is monitored by Department of Justice.

Commissioner Longtin asked if she built a home today would she be required to meet the ADA requirements.

Acting Building Official Macintosh stated that if it is a private residence and no one residing there that has a disability the only requirement in the Code is that one ingress and egress doorway is a minimum of 32 inches wide. He stated most residential front doors met this requirement.

Commissioner Longtin asked would there be any other limitations.

Acting Building Official stated that for a private single family home no, however for a multi-family home the Fair Housing Act would apply.

Commissioner Hockman asked if next year the Florida Building Code is adopted with revisions will it have to come before the Commission again.

Community Development Director DiTommaso stated “yes if there are changes to Chapter 1”. She explained that the only section that the Town adopts in full into the Code is Chapter 1 and if there are any other changes to the trades within the Florida Building Code they are automatically adopted. She stated that Chapter 1 states that the Town is adopting the most up to date building code.

Motion: A motion was made by Vice-Mayor Rumsey to approve the Ordinance on second reading; Commissioner Hockman made the second.

Vote on Motion:

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

Motion passed 4-1

Attorney Baird read into the record the Ordinance by title only.

Mayor DuBois closed the Public Hearing.

DISCUSSION AND POSSIBLE ACTION:

7. Submittal of Proposed List of Semi-Finalists for Town Manager Position

Public Comment Open:

Jim Lloyd, 220 Lake Shore Drive, stated that the last three Town Manager’s chosen by the Commission have left under questionable circumstances. He stated that he feels that a positive solution to this would be the appointment of a special citizen advisory committee to help the Commission choose the next Town Manager. He stated that he thinks that citizen input in the selection of the next Town Manager is essential. He stated that he supports changes to the Town Employee Handbook.

Commissioner Longtin asked if all the resumes had been made available to the public.

Diane Bernhard, 301 Lake Shore Drive, stated that the new Town Manager needs to be a Town Manager and not a politician, not a person who looks for money for political backing, or anything like that. She stated that she would like to suggest that the Town does not care the candidate’s political affiliation or where they live. She stated that the candidate’s skills need to be strong in administration and management and all the other

things are important, but secondary to the fact that the Town needs a manager. She asked that everyone put aside their differences regarding growth and expansion and political monies and hire the candidate with the best management record and to use common sense.

Public Comment Closed.

Interim Town Manager Titcomb provided information on the process and noted that the Commission directed a Selection Committee comprised of Kurt Bressner, Range Rider, Mark Durbin, Range Rider and Human Resources Director Bambi Turner, to review the applications received and create a short list of 10 – 12 candidates for the Commission's consideration.

Human Resources Director Turner stated that the list of 10 semi-finalist has been provided to the Commission and read the list into the record (Exhibit "B"). She stated that since the submittal of the list to the Commission two of the semi-finalists have withdrawn their applications because they have accepted other positions and they consist of Andrew Barton and Kevin Knutson. She further advised that Richard Gestrich has also withdrawn his application.

Interim Town Manager Titcomb stated that the purpose of the proceedings at this meeting is to have the Commission accept the short list from the Committee and to provide the Commission to opportunity to add candidates to the short list from the original pool of candidates. He stated from this point forward the full vetting process will commence including the semi-final candidates submitting a full application, authorizing the Town to conduct a background check and scheduling for interviewing. The results of the application and background check will be presented to the Commission at the April 18, 2012 Commission Meeting and the interviews will be scheduled at that time.

Commissioner Longtin stated that she received 34 of the 46 resumes and that she is missing 12.

Human Resources Director Turner stated that all the resumes were part of the March 21, 2012 agenda package PDF file.

Commissioner Longtin stated that she printed the entire thing and is missing 12 resumes. She stated that she is not impressed with the short list and that there are a few people she might be interested in, but she is still going through the entire list of candidates. She requested that the item be tabled until the next meeting.

Commissioner Stevens stated that he reviewed the short list and the rest of the candidates and he believes that it is hard to really assess an applicant by looking at a cover letter and a resume and that the interview is the most important part of the process. He stated he is looking forward to moving forward and is fine with the 8 candidates on the short list. He stated that he is open to adding candidates as well.

Commissioner Longtin asked Commissioner Stevens what two candidates he would add.

Commissioner Stevens stated that he really liked Barton and that he likes the short list, but if someone wanted to add someone to the short list he would entertain that.

Commissioner Longtin asked Commissioner Stevens of all the other applicants there are no others that he liked.

Commissioner Stevens stated that they were ok, but that the short list is fine.

Mayor DuBois suggested adding Charlotte Presensky, Public Works Director at Palm Beach Gardens. He stated that Ms. Presensky provided a very well written cover letter and seems to be a person rising in their career. He stated that Ms. Presensky has had predominantly local experience and that he values that type of experience. He requested that Charlotte Presensky be placed on the list of semi-finalists. The following Commissioners vote aye: Commissioner Stevens, Vice-Mayor Rumsey and Mayor DuBois. The following Commissioners voted nay: Commissioners Hockman and Longtin. Charlotte Presensky was added to the list on a 3/2 vote.

Vice-Mayor Rumsey stated that there are always qualified people locally and suggested adding to the list Kimberly Glas-Castro. He stated that she is a resident of Lake Park and that she deserves to be added to the list of semi-finalists. He stated that she has qualifications that would work for the Town, knowledge of the Town and would be a good candidate.

Motion: A motion was made by Vice-Mayor Rumsey to add Kimberly Glas-Castro to the semi-finalist list; Commission Stevens made the second.

Vote on Motion:

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

Motion passed 3-2

Commissioner Longtin stated that she has no issue with Ms. Glas-Castro, but she does not like the way this process is going.

Commissioner Hockman stated that going through resumes and stuff does not mean a whole lot to him as people exaggerate the truth. He stated that he cannot make a judgment based on paper and that he needs to meet the people and talk to them before he

can get a feeling on whether or not the candidate would be suitable. He stated that he is not adding any names.

Mayor DuBois asked the Commission if they had any recommendations for modifications to the process.

Commissioner Longtin stated that this was the Mayor's process.

Interim Town Manager Titcomb stated that the intention of this process was to provide the Commission an opportunity to add names to the list for the reasons expressed by the Commission in adding Ms. Presensky and Ms. Glas-Castro. He stated that the measure of the permanent Town Manager would become evident during the interview process. He stated that the Selection Committee was tasked with creating a manageable sized list of candidates based on professional criteria that determined that the candidate would be a good fit for the Town.

Commissioner Longtin stated that her comfort level in the process is not high because the citizens have not had a chance to look at any of these. She stated it was not in the agenda and is curious as to why. She stated that she is being told that there were 46 resumes submitted and she only has 34. She stated that the citizens have not been able to look at this and that is big to her.

Human Resources Director Turner stated that the March 21, 2012 agenda package included all the letters and resumes submitted. She stated that the agenda package was placed on the Town's website.

Commissioner Longtin asked when the information was added to the website.

Human Resources Director Turner explained that the information was a part of the March 21, 2012 Agenda package that was placed on the website the Friday before the March 21, 2012 Commission Meeting. She stated that the package included a memo from Kurt Bressner, excerpts from the Lake Park Charter and Code regarding powers and duties of the Town Manager, Florida Statutes regarding severance pay, example of the Town Manager agreement for later discussion and all of the cover letters and resumes received by the Town by the closing date.

Commissioner Longtin asked what the e-mail they received was that contained resumes in it. She stated that is what she printed out.

Human Resources Director Turner stated that was the short list which contained the resumes and cover letters of the short listed candidates.

Commissioner Longtin stated that there was another e-mail that had a whole lot more attached.

Human Resources Director Turner advised that the e-mail contained all 46 cover letters and resumes and she resent that e-mail on April 3, 2012 along with the short list.

Mayor DuBois stated that in response to that “this is his process” that he has been very careful to not make this “his process” by asking someone else to make it their process and that person was Kurt Bressner from the International City/County Managers Association (ICMA) Range Rider Program. He stated that he has pushed as hard as he could to have an outsider come in and lead the process. He noted that he attempted to add another reviewer to the process and was overruled by the Commission and that is fine and that he has made every effort to make this an independent process and go by the recommendation of the ICMA.

Commissioner Stevens stated that he easily found the PDF on the Lake Park website for the March 21, 2012 Commission Meeting. He stated that the resumes start on page 167. He asked that a similar upload of the 8 semi-finalist from the Committee and the 2 added by the Commission be placed on the Town website for the public to access and review.

Human Resources Director Turner stated “absolutely”.

Commissioner Hockman asked if the next step is the background check and interviews.

Human Resources Director Turner stated “absolutely”. She explained that she would contact everyone on the revised semi-finalist list with the two additions by the Commission and have them submit full applications, run the criminal background checks, credit investigation, media check and litigation check. She stated that if any anomalies are found amongst the applicants that information will be reported privately to the Commission and that the applicants that pass muster will be the ones that are recommended to the Commission for interviews.

Commissioner Hockman stated that he has to talk to the candidates, the resumes do not mean anything to him.

Commissioner Longtin stated that she did a search on all the candidates, but the Commission needs to talk to these people in person.

Mayor DuBois stated that he relies quite a bit on the cover letter and resumes. He explained that he has read enough applications that starting out from the cover letter that he feels immediately whether a person has the ability. He stated he takes into consideration how they write, what they think of themselves, what they think of their career and where they are in their career. He felt there is a lot that he can tell about someone from their written application and resume.

Human Resources Director Turner stated that during her review of the cover letter and resumes that she found that many of the applicants were able to relate their skills to the needs of the Town.

Mayor DuBois stated that the fact that the applicants instead of using a generic cover letter did some research about the Town was helpful.

The list of semi-finalist is attached as Exhibit “C”.

8. Update on Army Center

Community Development Director DiTommaso stated that the contract issues that the Army was having, which caused the delay the project have now been resolved. She stated that the design charrettes will be happening in the next few weeks and the Army plans on including the Town in the design charrettes. She stated separate from the charrettes is the ground breaking ceremony that the Army has tentatively scheduled for March 19, 2012 at 10:00 a.m. She stated that the ground breaking ceremony will simply serve to inaugurate the site as a future Army Reserve Center and the ceremony will include guest speakers, and illustrations of typical finished projects.

9. Solid Waste Authority Decorative Recycling Containers for Parks

Interim Town Manager Titcomb stated that this is a pilot program from the American Beverage Association proposed for the Town's public space in conjunction with Palm Beach County Solid Waste Authority.

Public Works Director Hunt stated that the Town of Lake Park was one of the pioneers in recycling and partnered with the Solid Waste Authority. He explained that the Town was the recipient of one of the first recycling trucks for curbside recycling in Palm Beach County. He stated that because of the Town's long history with the Solid Waste Authority the Town was asked to participate in the pilot program. He explained that the project was instituted by the American Beverage Association (ABA) in an effort to encourage people to recycle the products that they sell and to complete the cycle of recycling. He stated that the ABA wants to use Lake Park as one of the pilot locations and what they are willing to do is to provide the Town 20 decorative recycling containers to be placed in public places such as the parks. He explained that recycling containers would match the Town existing decorative garbage cans, but would be accompanied by signage that would encourage people to recycle. He stated that ABA has a consultant that would monitor the recycling habits of people in advance of the project and then would measure how much product is being recycled with the cans and the signage. He stated that this is a no cost pilot program.

Commissioner Stevens asked how long the pilot program would last.

Public Works Director Hunt advised that after the installation of the containers the waste stream will be monitored for one month and then come back 6 months later and do spot inspections.

Commissioner Stevens asked what happens after the pilot program is over.

Public Works Director Hunt stated that after that the Town staff will continue to empty the cans and sending the material to the recycling center.

Commissioner Longtin asked how much burden, if any, this program will place on Town staff.

Public Works Director Hunt stated that he does not see much of a burden. He stated that grounds maintenance crews go through the parks twice a week to empty the garbage and they would empty the recycling containers at this same time. He stated that it is consistent with the current process.

Commissioner Longtin asked if the staff does any sorting of the recycling.

Public Works Director Hunt was advised by the ABA, that if someone places a non-recyclable item in the recycle container that the container would be considered contaminated. He explained that contaminated container would be emptied into the garbage and that recyclable material would be lost. He stated that is part of the education process and that the ABA understands that and that part of the program is educating people on what to place in the recycling container.

Commissioner Hockman stated that he has done events and that almost every time there is non-recyclable material in the recycling container. He stated that it is almost a mute point if contaminated recyclables are going to be thrown in the garbage. He stated that he thinks it will add more time because there are two trash cans that need to be emptied, when 90% is just going to go in the garbage anyhow.

Commissioner Longtin stated that she agreed with Commissioner Hockman, but it is a six month program.

Commissioner Hockman stated that it is a great idea, but that he has concerns.

Public Works Director Hunt stated that they had recycle bins at the Barbeque Challenge and the organizer stated that there were people who were concerned about throwing their garbage away in a marked recycle bin and that he thought that it was encouraging that people did not want to contaminate. He stated that at large events it is hard to recycle and not contaminate. He stated that with proper lettering and signage maybe more people would recycle properly.

Commissioner Hockman asked if there were any other costs associated with the program.

Public Works Director Hunt stated that there is no cost and that the Town gets to keep the 20 containers and signage at the end of the program.

Mayor DuBois asked if it would be worth checking with the Community Garden regarding placement of one of these containers at the garden.

Public Works Director Hunt stated that is a good idea and the American Beverage Association is leaving the placement of the containers up to the Town.

Motion: A motion was made by Commissioner Stevens to approve; Vice-Mayor Rumsey made the second.

Commissioner Stevens stated that he supported the item that he thinks it is a good idea and the Town gets 20 free containers out the deal.

Mayor DuBois stated that signage is an important part of the success of the program.

Commissioner Hockman stated that as long as there is no cost to the Town he can go for it, but he will be very upset if some hidden cost does come out.

Vote on Motion:

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

Motion passed 5-0

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Hockman stated that the CRA workshop will be on April 11, 2012 at 6:30 p.m. and encouraged people to come out and participate. He encouraged people to visit the Library. He stated that the Relay for Life event is upcoming and encouraged people to participate. He stated that he is concerned that over the past several months that Vice-Mayor Rumsey has followed himself and his son. He stated that is the behavior continues he will contact the State Attorney's office. He asked Vice-Mayor Rumsey to explain his behavior.

Commissioner Longtin stated that Vice-Mayor Rumsey goes by her house more than her neighbors combined and that he has gone through her garbage. She stated that she too has been thinking about doing something about it, but she does not know. She asked Interim Town Manager Titcomb if he will be updating the public on the progress report he provided to the Commission.

Interim Town Manager Titcomb stated that he would be going over the progress report during his comments.

Commissioner Longtin wished everyone a good Easter.

Commissioner Stevens agreed with Susan Lloyd that it is important to give all residents an opportunity to speak via the comment cards and that it does seem the new system is working. He stated that he appreciates the suggestion by Jim Lloyd regarding concurrent CRA and Commission Meetings, but limiting Commission Meetings to once a month may have the opposite effect because it could create a six hour regular meeting and two hour CRA meeting. He stated that regarding Mr. Lloyd's comments regarding curbing the

Town Manager's powers that he believes that the first step was taken tonight with Ordinance 5-2012 and that he believes that the Town is still working on changes to the Employee Manual. He wished everyone a happy Easter and Passover.

Vice-Mayor Rumsey stated that in relation to the comments made by Commissioners Hockman and Longtin, he drives by their homes twice a day because that is the way he goes to work. He stated that he has gone around the corner when he has seen Commissioner Hockman headed towards Commissioner Longtin's house since he was questioned by the State Attorney regarding Sunshine violations. He stated that he has never followed Commissioner Hockman's son anywhere. He wished all of the residents a happy Easter and Passover.

Mayor DuBois stated that the CRA workshop will be on Wednesday, April 11, 2012 at 6:30 p.m. and encouraged people to attend. He stated that Relay for Life will be on April 27 and 28, 2012 and that teams are still developing and that there is still time to participate in the event. He stated that he had a great time at the Barbeque Challenge and hopes that will continue in the future. He stated that Kiwanis and Bridges of Lake Park are hosting the Easter Egg Hunt on Saturday, April 7, 2012 at 10:00 a.m. at Kelsey Park and encouraged residents to participate and come early.

Attorney Baird stated that the next step in the process regarding the lawsuit with Palm Beach County Commission regarding funding for the Inspector General's office is a formally mediation. He explained that the possible dates for the mediation are May 11 or 17, 2012. He stated that the most likely date is May 17, 2012. He stated that as a party to the lawsuit the Town's only responsibility is to have a representative present for the mediation. He stated that the representative can be the Mayor, a Commissioner, the Town Manager or himself. He stated that the Commission needs to designate someone to attend the mediation.

Mayor DuBois stated that himself and Commissioner Stevens and Hockman attended the last meeting and that they all could attend the meeting.

Attorney Baird stated that the Commission can designate only one Commission member to attend the meeting otherwise it would be a violation of the Sunshine Law. He stated that typically the Mayor attends these meetings.

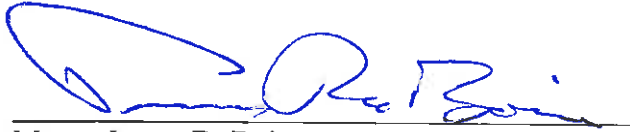
Mayor DuBois stated that he would attend, but if he needed to back out for any reason can there be a backup to attend in his place.

Commissioner Stevens stated that Mayor DuBois is the first choice and Commissioner Hockman is the backup then Commissioner Longtin and Commissioner Stevens.

Interim Town Manager Titcomb provided a progress report (Exhibit "D").

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Stevens and seconded by Commissioner Hockman, and by unanimous vote, the meeting adjourned at 10:08 p.m.



Mayor James DuBois



Deputy Town Clerk, Shari Canada



Town Clerk, Vivian Lemley, CMC



FLORIDA

Approved on this 2 of May, 2012



Exhibit "A"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012

Agenda Item No. Table

- | | |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> DISCUSSION/POSSIBLE ACTION |
| <input checked="" type="checkbox"/> ORDINANCE ON SECOND READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> PRESENTATION/PROCLAMATION | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: UPDATING CHAPTER 54 OF THE CODE OF ORDINANCES TO INCLUDE THE UPDATED LANGUAGE TO THE FLORIDA BUILDING CODE 2010.

RECOMMENDED MOTION/ACTION: ADOPTION ON SECOND READING

Approved by Town Manager [Signature] Date: 3/29/12

Name/Title: Nadia Di Tommaso, Community Development Director Date of Actual Submittal 03/27/2012

Originating Department: Community Development	Costs: \$ 175.44 Funding Source: Acct. #	Attachments: Legal Ad Ordinance 04-2012
Department Review: <input checked="" type="checkbox"/> Attorney <u>JTB</u> <input checked="" type="checkbox"/> Community Development <u>ND</u> <input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____	<input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Information Technology _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Recreation _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: 03-25-2012 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> (Building Official's assistant will be in attendance at the meeting) OR Not applicable in this case Please Initial one.

Staff Summary Explanation/Background:

The Town of Lake Park Building Official, Mike Crisafulle, presented staff with the amendments to Chapter 1 of the Florida Building Code. The Palm Beach County Building Code Advisory Board prepared these local amendments to Chapter 1, Administration, of the 2010 Florida Building Code. These changes are more stringent than the minimum state administrative standards, and the Palm Beach County Building Code Advisory Board recommends that all local jurisdictions adopt the local amendments, which is the purpose of this agenda item. The Florida Building Code 2010 went in full effect on March 15, 2012. In addition to adopting the updated Chapter One of the Florida Building Code 2010 into Section 54-8 of the Town Code of Ordinances, the most updated version of the National Electrical Code, as well as the establishment of the wind speed lines have been included with the updated language in the newly proposed Section 54-8.1 and 54-8.2 of the Town of Lake Park Code of Ordinances. Staff is recommending adoption of the Ordinance on second reading.

Exhibit "B"

Andrew M. Barton, from New Castle, Colorado

Stephen J. Cottrell, from Dunedin, Florida

Cheryl Harrison-Lee, from Oviedo, Florida

Clarence L. Hulse, from Jeffersonville, Indiana

Kevin Knutson, from Reno, Nevada

Mike Konefal, from Fort Lupton, Colorado

J.J. Murphy, from Wilkes-Barre, Pennsylvania

Brian J. Redshaw, from Hibbing, Minnesota

Dale S. Sugerman, from Hypoluxo, Florida

Paul D. White, from Rivera Beach, Florida

Total -- 10

Exhibit "C"

Town Manager Semi-Finalists (as approved by the Town Commission at its April 4, 2012 meeting):

Stephen J. Cottrell, from Dunedin, Florida

Kimberly K. Glas-Castro, from Lake Park, Florida

Cheryl Harrison-Lee, from Oviedo, Florida

Clarence L. Hulse, from Jeffersonville, Indiana

Mike Konefal, from Fort Lupton, Colorado

J.J. Murphy, from Wilkes-Barre, Pennsylvania

Charlotte Presensky, from West Palm Beach, Florida

Brian J. Redshaw, from Hibbing, Minnesota

Dale S. Sugerman, from Hypoluxo, Florida

Paul D. White, from Rivera Beach, Florida

Total -- 10



TOWN OF LAKE PARK

MEMO

To: Town Commission
From: Jamie Titcomb, Interim Town Manager
Date: April 4, 2012
Subject: Interim Town Manager – Second Progress Report

We've been exceptionally busy in a multitude of areas of high priority this cycle and present some abridged updates in this report.

Major Positions Update:

- **Town Manager** – Initial shortlisted group presented tonight with the ability for the Commission to add any candidates they deem worthy. The adjusted list will then proceed to full application vetting, background checking and culling for final public and private interviews readied for the April 18th meeting start of the interview process.
- **Finance Director** – I have completed interviews and narrowed the selection of finalist candidates, pending final background clearance. With commission blessing I am prepared to hire and place immediately. The addition of a credentialed, capable professional will bring immediate relief to a strained department and address many projection and priority issues on the table.
- **Recreation Director** – All this week I've been interviewing our shortlist of finalists (with assistance from the HR Director). Many great (and eager) candidates are emerging from this week's interviews. The several month hiatus from the initial advertisement has not harmed the pool of potential applicants. However the urgency of launching Summer Camp programs and other pressing programming needs for the citizens warrants seating someone rapidly. We have about a half dozen more finalist interviews, and then I will extend an offer as early as next week. Camp counselors advertisements are also appearing this week to that list for implementation of selections, deadline for applicants is April 16th.
- **Marina Director** - Advertising and applicant deadline has closed and we start shortlist interviews next week. I trust the efficiency of selecting and seating the successful candidate will go smoothly and as expeditiously as the others have.

Other Initiatives Updated:

- Final preparations for the April 11th CRA workshop will be discussed tonight.
- We met with Palm Beach County ISS confirming the close proximity of Fiber Optics/LMBDA Rail connectivity. Mr. Hoang provided a systems needs map to PBC for cost and logistical evaluation for the town to tap into this state of the art system, and consider all connection, support and infrastructure costs. We will schedule an extensive presentation on this topic when returned for our review.
- Rental Properties for "group living" continue to be a hot topic of interest and discussion. We are scouring all available sources for "best practice" ordinances, legislation, enforcement and proactive methodologies to find solutions to challenging intrusions into once traditional neighborhoods.
- Public Works & Infrastructure updates: "Bert" Bostrom Park restroom Facilities subterranean infrastructure has been laid and the slab has been poured. The PBSO reroof project has been started. An emergency replacement chiller/compressor has been authorized and installed in the library.
- April 7th - Kiwanis and Bridges will co-host a kids' Easter egg hunt in Kelsey Park.
- April 14th - the Lake Park Marina will be hosting the Greater Palm Beach 440 Fishing Tournament.



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, April 4, 2012,
Immediately Following the
CRA Board Meeting,
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kendall Rumsey	—	Vice-Mayor
Steven Hockman	—	Commissioner
Jeanine Longtin	—	Commissioner
Tim Stevens	—	Commissioner
.....		
Jamie Titcomb	—	Interim 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. PROCLAMATION:
 - 1. In Honor of Anthony Kulinka

Tab 1

- 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:

2. Regular Commission Meeting Minutes of March 7, 2012

Tab 2

I. **ORDINANCE ON FIRST READING:**

3. **ORDINANCE NO. 05 -2012 Town Manager and Town Attorney Authority** Tab 3
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES"; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 ENTITLED "TO POWERS AND DUTIES OF TOWN MANAGER"; PROVIDING FOR THE AMENDMENT OF SECTION 2-87 ENTITLED "POWERS AND DUTIES OF TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

4. **ORDINANCE NO. 06-2012 Establishing in the Charter the Office of the Town Attorney**

Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IX, ENTITLED "DUTIES OF CERTAIN TOWN OFFICERS" TO CREATE A NEW SECTION 7, TO BE ENTITLED "TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **ORDINANCE NO. 07-2012 Noise Amendment to Chapter 10**

Tab 5

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV - (NOISE CONTROL) OF THE LAKE PARK CODE, PROVIDING REVISIONS TO SECTION 10-155, TABLE 1 NOISE LEVELS BY LAND USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

J. **PUBLIC HEARING:**

ORDINANCE ON SECOND READING:

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

A. Staff Report

B. Public Comments

C. Commission Deliberation

6. Ordinance No. 04-2012 Update Town Code to Include the 2010 Florida Building Code

Tab 6

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" TO UPDATE REFERENCES TO THE FLORIDA BUILDING CODE AND THE NATIONAL ELECTRICAL CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS TO CHAPTER 1 OF THE FLORIDA BUILDING CODE; PROVIDING FOR THE REPEAL OF CERTAIN REFERENCES NOW CONTAINED IN THE CODE; ; PROVIDING FOR THE REPEAL OF PROVISIONS OF THE CODE IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

K. DISCUSSION AND POSSIBLE ACTION:

- | | |
|---|--------------|
| 7. Submittal of Proposed List of Semi-Finalist for Town Manager Position | Tab 7 |
| 8. Update on Army Reserve Center | Tab 8 |
| 9. Solid Waste Authority Decorative Recycling Containers for Parks | Tab 9 |

L. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

M. ADJOURNMENT: