



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, January 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
.....		
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. **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.
- G. **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:

1. Regular Commission Meeting Minutes December 7, 2011 Tab 1
2. Regular Commission Meeting Minutes December 21, 2011 Tab 2
3. Resolution No. 01-01-12 Job Description for the Position of Event Assistant Tab 3

H. ORDINANCE ON FIRST READING:

4. Ordinance No. 01-2012 Remove Black Olive from Protected Tree List Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 34, ARTICLE I; SECTION 34-2 OF THE TOWN CODE, ENTITLED "DEFINITIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Ordinance No. -2012 Interest Rate for Code Violations Tab 5

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE II, SECTION 9-37, OF THE TOWN'S CODE OF ORDINANCES PERTAINING TO THE STATUTORY INTEREST RATE TO BE APPLIED TO FINES WHICH HAVE ACCRUED FROM CODE ENFORCEMENT PROCEEDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

I. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

J. ADJOURNMENT:

TAB 1

Consent Agenda



**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 4, 2012

Agenda Item No. *Tab 1*

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

SUBJECT: Regular Commission Meeting Minutes of December 7, 2011

RECOMMENDED MOTION/ACTION: To Approve the Regular Commission Meeting Minutes of December 7, 2011

Approved by Town Manager *W. Davis* Date: *12/28/11*
Vin Sley *December 22, 2011*
 Name/Title Date of Actual Submittal

Originating Department Town Clerk	Costs: \$0 Funding Source: 0 Acct. # 0	Attachments: Agenda Meeting Minutes
Department Review: <input type="checkbox"/> Attorney _____ <input type="checkbox"/> Community Development _____ <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 checked="" type="checkbox"/> Town Clerk <i>VML</i> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" 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 _____ or Not applicable in this case <i>VML</i> Please initial one.

Summary Explanation/Background:



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, December 7, 2011,
Immediately Following the
CRA Board Meeting,
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535 Park Avenue

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G. REPORT:

1. Bridges at Lake Park Report on Trunk or Treat Event Tab 1

- 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 November 16, 2011 Tab 2
3. Flagler Boulevard Irrigation Palm Beach County Grant Agreement Tab 3
4. Resolution No. 46-12-11 Tennis Pro Contract Tab 4

I. DISCUSSION AND POSSIBLE ACTION:

5. Desca DuBois Memorial Tree Planting Ceremony in Kelsey Park on
Saturday, January 7, 2012 Tab 5
6. Cost Savings Incentive Program Tab 6

J. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

K. ADJOURNMENT:



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, December 7, 2011, 8:10 p.m.
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, December 7, 2011 at 8:10 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. The Commission observed a moment of silence in remembrance of Pearl Harbor Day. Town Clerk Vivian Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA:

None

Motion: A motion was made by Commissioner Hockman to approve the Agenda; Vice-Mayor Rumsey 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

PUBLIC AND OTHER COMMENTS:

1. *Jim Lloyd, 220 Lake Shore Drive*, read the Town Manager's job description as it is described on the Town's website. He stated that the Town Manager is not transparent as it states in the job description and that every day he learns of something that was kept from the Commission. He indicated that the Commission should be outraged by the Interlocal Agreement between the Town and Palm Beach County for the Marina Village Project that cost \$2.4 million.

2. *Cynthia Grey, 503 Sabal Palm Drive*, suggested having a complete comprehensive vision for the Town. She stated that she has many questions regarding the Community Redevelopment Agency (CRA). She explained that she recently visited Miami Basel, one of the largest art shows in Florida. She stated that the area of Miami where this art show is was revitalized and the Lake Park Art Studio Gallery could assist in building up the CRA area of the Town as they did in Miami. She also commented that she would hate to see Lake Park as a dumping ground for HUD (the United States Department of Housing and Urban Development).

3. *Michael O'Rourke, 501 Lake Shore Drive*, stated that he has offered to volunteer his time to the Town and was concerned when asked to take a drug test and physical in order to be a volunteer. He read from the Florida Constitution, Section 23, regarding "Right of Privacy". He questioned why the Town needs to know his medical history in order to volunteer his time and services.

Mayor DuBois explained that in order to volunteer with children a background check must be completed.

Mr. O'Rourke stated that his objection is not with the background check, but rather with the physical.

Mayor DuBois stated that the policy can be reviewed and changed if necessary.

Mr. O'Rourke stated that he was planning on submitting a Public Records Request on this issue, but will hold off and speak with the Town Manager instead. He stated that he looks forward to volunteering.

Town Manager Davis stated that the Town looks forward to having him volunteer.

4. *Brent Headberg, 220 Lake Shore Drive*, stated that there seems to be a difference in opinion between the residents and staff regarding everything that takes place in the Town. He strongly urged those who do not know what is going on to read the blog thestreetwhereyoulive.wordpress.com.

5. *Susan Lloyd 220 Lake Shore Drive*, stated that she still has questions regarding the Community Development Corporation (CDC) and its involvement with the community garden. She stated that the community garden is a wonderful asset to the Town. She asked why there is a fee to use the community garden when there is no overhead. She questioned why the CDC does not pay fees to use the property used for the community garden. She questioned what the community garden does with the funds it collects. She urged residents to read the Lake Park blog thestreetwhereyoulive.wordpress.com.

6. *Salusa Basquin, 5308 Helene Place, West Palm Beach*, stated that Lake Park is like his home and that he was a member of the Art on Park Gallery. He stated that he would like the gallery reopened. He stated that he works with an organization called "Color of Hope", which benefits the community. He stated that on January 14, 2012 they will be hosting the 2nd Bike Run. He stated that at this event they would like to hold a candle

light vigil in honor of former Mayor Desca DuBois, who participated with them in the event last year.

Mayor DuBois suggested working with staff and bringing back a proposal.

Mr. Basquin stated that the event would begin in front of Town Hall and go east on Park Avenue to US 1 and travel south on US 1 into Riviera Beach.

Commissioner Longtin asked for the organization's website.

Ms. Basquin gave the website address as www.colorofhope.org.

Commissioner Longtin asked if his art work was displayed on the website.

Mr. Basquin stated that his artwork is on his Facebook page or on You Tube.

Commissioner Stevens gave the website address as www.colorofhope.org and the telephone number of 561-686-4364 as the source for more information regarding the event.

7. *Genanne Doughty, 1008 7th Street*, stated that the Historical Society has begun planning the Historic Homes Tour for early 2012. She stated that she sees the positive side of Lake Park as she makes preparations for the tour.

Mayor DuBois asked if the date has been determined.

Ms. Doughty stated that the event would take place sometime in March 2012, and that more information will be forthcoming.

REPORT:

1. Bridge at Lake Park Report on Trunk or Treat Event

Betty Ann Rowlett with Bridges at Lake Park thanked all the community partners that assisted with the Trunk or Treat event. She thanked the Town of Lake Park, Palm Beach County Sheriff's Office District 10, Walmart, Palm Beach County Fire Rescue, Pepsi, Home Depot, Dominos, Tattoo Oasis, and Bridges at Lake Park. She stated that the Trunk of Treat event was held on October 29, 2011 from 4:00 p.m. until 9:00 p.m. She stated that 10 cars participated and that they had about 260 people in attendance. She explained that Bridges at Lake Park has been so successful that they had to relocate to a larger facility. She announced another event called "Fill the Gap", which will be held on December 17, 2011 at 2:00 p.m. at the Lake Shore Park pavilion. She explained that the Bridges at Lake Park is a non-profit agency that is working through Children's Services Council and the Children's Home Society, which provides parental support to children aged zero through 8 years old. She stated that they also provide parenting classes to the parents.

Mayor DuBois suggested that Bridges at Lake Park present updates on their programs and activities every three months to the Commission.

Ms. Rowlett offered to present monthly.

Mayor DuBois stated that presenting quarterly would be sufficient.

Vice-Mayor Rumsey thanked Ms. Rowlett and the Bridges at Lake Park for everything they are doing for the residents of the Town. He stated that his church has a Trunk or Treat event each year and it has grown since it began. He stated that the Bridges at Lake Park's Trunk or Treat event will do the same each year for them.

CONSENT AGENDA ITEMS:

2. **Regular Commission Meeting Minutes November 16, 2011**
3. **Flagler Boulevard Irrigation Palm Beach County Grant Agreement**
4. **Resolution No. 46-12-11 Tennis Pro Contract**

Commissioner Longtin requested that each item be discussed separately.

2. Regular Commission Meeting Minutes of November 16, 2011

Motion: A motion was made by Vice-Mayor Rumsey to approve item number 2 on the Consent Agenda; Commissioner Stevens made the second.

Commissioner Longtin stated that the Commission has not been concerned with accuracy in the minutes, so she would be voting nay on this item.

Mayor DuBois asked Commissioner Longtin if she wanted to provide any amendments to the minutes.

Commissioner Longtin stated that she has tried in the past and that the Commission has not amended the minutes and that therefore, she would not be providing any amendments to the minutes.

Mayor DuBois stated that he was satisfied with the level of detail in the minutes and that the Clerk has found a nice balance.

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

3. Flagler Boulevard Irrigation Palm Beach County Grant Agreement

Town Manager Davis stated that this item is to authorize the Mayor to sign the grant agreement between the Town and Palm Beach County for \$52,200 for the installation of the Flagler Boulevard Irrigation system and sod.

Commissioner Longtin asked how much accepting this grant would cost the Town.

Grants Writer Virginia Martin explained that there is no financial match for accepting the grant. She explained that the Community Development Block Grant (CDBG) would be paying for the irrigation system and sod to be installed.

Town Manager Davis explained that there would be some staff time involved to develop the specifications and in putting the project out for bid.

Commissioner Longtin questioned if staff would be laying out the specifications.

Town Manager Davis stated that she would have to discuss that with the engineer.

Commissioner Longtin explained that the project would be costing the Town something because the Town Manager had the electric cut and that therefore there would be a cost to have the electric reinstalled.

Grants Writer Martin explained that the grant would pay for an entirely new irrigation system, which includes the sprinkler heads, piping, pumps, and the electrical.

Commissioner Longtin asked about the electric.

Town Manager Davis confirmed that it would include the electric and the sod. She stated that everything was calculated and included when we applied for the grant.

Commissioner Longtin stated that the Commission was not provided the figures or those calculations.

Town Manager Davis stated that those figures were provided when the Town applied for the grant.

Commissioner Longtin urged the Commission to obtain a maintenance plan and asked how staff was going to prevent people from driving over the medians. She stated that several people drive over the medians daily and that she has stopped people and asked that they not drive over the medians. She stated that she hopes once the irrigation and sod are installed and the medians begin to look nice that people will not drive over them. She requested a proactive plan that would prevent the medians from being driven over.

Commissioner Hockman asked if the grant was for \$52,200 or \$44,406.

Town Manager Davis explained that it was for \$52,200 because when staff met with the County and explained that even though the Town was awarded the \$44,406, the Town would not be able to complete the entire project unless we were awarded the \$52,200.

Commissioner Hockman stated that according to the grant, the Town would have to begin citizen participation and wanted to know how that was going to be implemented.

Grants Writer Martin stated that the citizen participation was only if we were going to create a design of the streetscape of the project. She explained that the grant is boilerplate and therefore citizen participation could not be required.

Commissioner Hockman stated that the grant states that the Town has to provide drawings, which the Town has to pay for, and wanted to know how the Town was going to create the drawings.

Town Manager Davis explained that all of the expenses are included in the grant.

Grants Writer Martin explained that the deadline to get the signed grant agreement to the County was the next day, so that the County can review the item at the Board of County Commissioners meeting on January 24, 2012.

Town Manager Davis offered to invite the engineer to the next meeting, so that the Commission can ask questions regarding the project. She stated that they can approve the grant contingent on the answers from the engineer.

Commissioner Hockman stated that he was concerned that the Town would have to request additional funds to complete the project.

Town Manager Davis explained that she would not be bringing this item forward if the Town did not have the funds calculated into the grant.

Commissioner Longtin pointed out that what was approved was going after the grant. She stated that now that the grant agreement was before the Commission that questions are valid and should be allowed. She asked Attorney Baird if there was a conflict of interest since the project was in front of her home.

Attorney Baird explained that this would not be a conflict of interest on a grant in a Town right-of-way and that she is compelled to vote on this because she does not have a conflict of interest.

Commissioner Longtin expressed concern with the wording in the Resolution that states that the project would benefit low and moderate income persons, and wanted to know why that was even mentioned in the Resolution.

Grants Writer Martin explained that according to the Housing and Urban Development (HUD) guidelines, the majority of residents are considered low and moderate income people and this project would beautify their neighborhood.

Commissioner Longtin questioned what the "Reversion of Assets" means, on page 5 of 20, of the grant agreement, which states "any real property under our control, upon expiration of the agreement, which was improved, with money from CDBG, must be used to meet one of the national objectives in the Federal Community Block Grant regulation for a period of five years after expiration of this agreement."

Grants Writer Martin explained that it means that the grant will benefit low and moderate income people.

Commissioner Longtin stated that the grant states that "we recognize the financial support provided by the HCD and all publications and publicity", does that mean that the Town would give them kudos on the website.

Grants Writer Martin stated that if the Town does any news release about the project that it would include them as a partner on the project.

Commissioner Longtin stated that under the "Use of the Project Facility" it states that the Town agrees, for a period of 10 years after the expiration date of the agreement, to the following three items: the municipality may not change the use of the facility unless the municipality provides affected citizens with reasonable notice of the change; the new use of the facility qualifies as meeting one of the national objectives defined in the CDBG and is not a building for the general conduct of government; and the requirements of paragraph (b) are met. Paragraph (b) states that if the municipality determines that it is appropriate to change the use of the facility to a use that does not qualify, then it may retain the facility if the County is reimbursed.

Attorney Baird explained that this is the boilerplate agreement that the County HCD uses for vertical construction projects and not for an irrigation system project.

Commissioner Stevens stated that the bottom line is that the Town is getting \$52,000 in County tax dollars for the irrigation system on Flagler Boulevard.

Town Manager Davis stated that the Town was getting the irrigation and sod.

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

Commissioner Longtin stated that she would be voting against this grant because the project should only be costing between \$2,000 and \$5,000 to repair.

Mayor DuBois stated that this project has been discussed at several meetings and that he is delighted that they had reached this point.

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 asked when the project would begin.

Grants Writer Martin stated that it would begin between March and April 2012.

4. Resolution No. 46-12-11 Tennis Pro Contract

Town Manager Davis explained that the changes to the contract were the charges for utilities and electric.

Vice-Mayor Rumsey asked if the Town requires insurance from the Tennis Pro and the amount charged.

Town Manager Davis stated “yes” and asked Human Resources Director Bambi Turner to explain.

Human Resources Director Turner stated that the Tennis Pro does have insurance of \$1 million per incident and \$2 million aggregate, and that the Town is named as an additional insured on the certificate of insurance.

Commissioner Hockman questioned the timing of the contract and asked why it had not come before the Commission sooner.

Town Manager Davis explained that there was a period of negotiation between the Tennis Pro and the former Recreation Director and the Finance Director.

Finance Director Costello explained that staff was waiting until after the budget was adopted and that they then met with the Tennis Pro in early November.

Commissioner Hockman asked if the contract would be retroactive and the difference paid for the past three months.

Town Manager Davis responded “yes”.

Discussion ensued regarding changing the wording on the contract to cover all the expenses of the Tennis Pro office/shop/building.

Motion: A motion was made by Commissioner Hockman to approve item 4 on 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

DISCUSSION AND POSSIBLE ACTION:

5. Desca DuBois Memorial Tree Planting Ceremony in Kelsey Park on Saturday, January 7, 2012

Public Comment:

Henry McNish, 2949 Avenue J, Riviera Beach, stated that this project is very important to him and he is asking the Commission to approve it.

Town Manager Davis explained that Mr. McNish came to the Town shortly after the late Mayor Desca DuBois passed away offering to donate a tree to be planted in Kelsey Park. She stated that there will be a low memorial plaque, which will be installed during business hours. She stated that the proposed ceremony would be at 10:00 a.m. on Saturday, January 7, 2012. She explained that it would be a sizable Live Oak Tree and the approximate location map was provided as part of the agenda item.

The Commission granted consensus for the Desca DuBois Memorial Tree Planting Ceremony in Kelsey Park on Saturday, January 7, 2012 at 10:00 a.m.

6. Employee Cost Savings Incentive Program

Town Manager Davis explained that at the last Commission meeting the Commission had suggested some changes to the program, and that those suggested changes were incorporated into the program.

Commissioner Hockman questioned the monetary incentive that was added to the program.

Human Resources Director Turner explained that at the November 16, 2011 Commission meeting, it was suggested that the program be reviewed in a year to determine if a monetary incentive can be provided in addition to the hours of vacation time.

Discussion ensued regarding keeping in the suggested monetary incentive portion of the program that had been suggested at the last meeting.

Motion: A motion was made by Vice-Mayor Rumsey to approve the Employee Cost Savings Incentive Program; Commissioner Stevens made the second.

Commissioner Longtin stated that the Town does not have extra funds to be offering monetary incentives.

Commissioner Stevens clarified that the Town will not be offering monetary incentives now and that the final decision will be determined by the Commission.

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

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Hockman stated that anyone who sends an email to Town staff should receive a response from the Commission or staff, and it should not be ignored.

Vice-Mayor Rumsey stated that he would like the name of the person who had stated that they did not receive a response from a Commissioner. He welcomed Lieutenant Palenzuela back after being away at training for the past several months. He thanked Earl Stewart Toyota for donating funds to those families that had their holiday decorations stolen from their front lawns. He stated that the checks were presented during the Holiday Tree Lighting Ceremony. He explained that three teachers from Lake Park Baptist School went to the White House and assisted in decorating the White House for Christmas. He stated that several emails have been going around regarding Mr. Walsh and the Green Market for Kelsey Park. He stated that he wanted to know what was going on with the market plan.

Town Manager Davis explained that staff had started working on putting together a green market for Friday nights on the 800 block of Park Avenue, and that the first green market took place during the Seafood Festival. She said that vendors had already been obtained by the CRA Economic Development Director.

Vice-Mayor Rumsey stated that the Economic Development Director should concentrate on economic development and not events.

Town Manager Davis stated that events are a temporary job function of the Economic Development Director until a permanent person is hired to take over the events.

Vice-Mayor Rumsey suggested allowing Mr. Walsh to conduct the green market on Friday nights, which would allow the Economic Development Director to do the job she was hired to do.

Mayor DuBois stated that the Commission can review Mr. Walsh's revised application and then discuss whatever is being modified. He was glad that the day had changed from Sundays to Fridays.

Vice-Mayor Rumsey stated that the Town's green market is being advertised for Friday, December 16, 2011. He requested that the Town not host the event on Friday and allow Mr. Walsh do the event.

Town Manager Davis asked the Commission for direction regarding allowing Mr. Walsh to have the green market on Fridays instead of Sundays.

Vice-Mayor Rumsey read from an email sent by Community Development Director Nadia DiTommaso with the modifications that were being proposed by Mr. Walsh. He stated that the first question was regarding Mr. Walsh wanting to hire his own staff member to clean up the park after each event. He stated that Ms. DiTommaso's response was that it was okay for him to hire his own staff member. He read the second question proposed by Mr. Walsh, regarding banner fees. Ms. DiTommaso's response was okay, the banners can go up on Fridays and be removed on Sundays with one flat fee of \$100. He read the third question, changing the date from Sundays to Fridays. He stated Ms. DiTommaso's response was that it was not recommended because she had just been informed that the Town would be holding its own green market on Friday nights and it would present a conflict. He read the fourth question, regarding parking meters along Foresteria and Greenbriar Drive. He stated that her response was that they could not waive the parking fees on those streets because they were public parking.

Mayor DuBois stated that he is more in favor of the event taking place on Fridays than he is of the event taking place on Sundays. He stated that he felt the decision is an administrative decision.

Vice-Mayor Rumsey stated that he wants the Economic Development Director to go back to economic development and stop planning the green market event for Friday nights. He requested the Commission to make a decision this evening regarding this event.

Mayor DuBois asked if a modified application would need to come before the Commission to review.

Town Manager Davis stated that the Commission can simply provide staff with direction.

Mayor DuBois recapped the discussion and stated that if Mr. Walsh's events do not succeed then staff can go back and plan a green market.

Commissioner Longtin stated that she was just hearing about this issue at the meeting and agreed with Vice-Mayor Rumsey.

Commissioner Stevens agreed with Vice-Mayor Rumsey and stated that he does not care where the market is located or who is doing it. He feels that a green market would be great for the Town.

Mayor DuBois agrees with a green market and suggested that Mr. Walsh come before the Commission at the December 21, 2011 meeting to discuss the changes.

Vice-Mayor Rumsey stated that he had already given his opinion.

Commissioner Hockman stated that he agrees with Vice-Mayor Rumsey.

Town Manager Davis stated that she needed direction from the Commission regarding Mr. Walsh's request for free parking during the green market events.

Commissioner Hockman asked what time will the event begin.

Community Development Director DiTommaso stated that the events would go from 5:00 p.m. through 8:00 p.m.

Commissioner Hockman stated that it would only be two and a half to three hours and was in favor of free parking.

Vice-Mayor Rumsey stated that he had no problem with free parking during the event to help with the success of the events.

Mayor DuBois stated that had he known at the last meeting that Mr. Walsh was going to make changes to the application, he would not have overreacted to the application.

Commissioner Stevens stated that he is in favor of waiving parking fees. He suggested having Mr. Walsh give something to the Town for the loss in revenue from the parking meters.

The Commission granted consensus to staff to allow Mr. Walsh to host the green market events on Friday evenings with free parking.

Commissioner Longtin stated that she did not want the Recreation Director to be an events planner. She suggested hiring an Events Planner and a Recreation Director at a lower salary.

Town Manager Davis had one last question. She asked if Mr. Walsh changes his mind and wants to go back to having the events on Sundays, the parking situation is different and wanted to know what the Commission's decision would be if the event is changed back to Sundays.

Vice-Mayor Rumsey suggested offering free parking for the events on Fridays, but paying for parking on Sundays.

Commissioner Longtin stated that it does not matter what day he wants to have the event, he should have free parking.

Commissioner Stevens stated that he wanted to address a few of the comments made earlier today. He stated that he understood why Mr. Lloyd was looking for outrage from the Commission, but understands that the County Commission will need to have appraisals done before purchasing a property. He stated that he was happy to hear that Mr. O'Rourke would be volunteering his time to the Town because the Town needs more recreational activities. He questioned why a medical evaluation was necessary and wanted to know if it was an insurance liability requirement.

Town Manager Davis stated that it was an insurance liability issue and has made a note to check to see if the drug test and physical examination requirements could be waived.

Commissioner Stevens stated that Mr. Headberg spoke regarding responses from the Town. He stated that he encourages everyone to speak during a meeting and send emails. He stated that he agreed with Mrs. Lloyd that the community garden is a wonderful asset to the Town. He stated that he believes the funds that are collected for the garden are used to pay for the gas to power the pump and is not aware of how their accounting is done. He stated that Bridges at Lake Park are a wonderful organization that does fantastic things for the children of Lake Park. He stated that they can be contacted by calling 881-5060. He stated that he is looking forward to the Historical Society Home Tour in March 2012. He stated that he supports Art-on-Park, but understands the limited resources of the CRA. He stated that the CRA will be discussed further at a future meeting. He stated that the "Color of Hope" bike ride is a great event (he read from the pamphlet where the money goes) and would love to participate if they put together a Lake Park team. He stated that the Tree Lighting Ceremony and the Seafood Festival were great events. He told everyone to keep up the good work and wished everyone a Happy Holiday.

Commissioner Longtin asked that those who speak at a meeting not speak badly about the neighbors to the south. She stated that on the minutes approved earlier it states that she gave kiddos instead of kudos to the blog thetreetwhereyoulive.wordpress.com. She asked for confirmation that there would be a Commission meeting on December 21, 2011.

Mayor DuBois stated that the meetings have not been canceled.

Commissioner Longtin stated that the community garden is nice, but the Town has about \$2 million into that property and is not sure it is worth that amount. She stated that in regards to the green market, it sounds like staff is making decisions that should be made by the Commission. She stated that she still does not know what Virginia Martin is doing with the money that is donated for the community garden. She pointed out that on this day in 1941 approximately 2,400 people's lives were lost in the attack on Pearl Harbor and thanked everyone who has served, and will serve, and that freedom is not free and it is because of those who serve that we live in what she considers the greatest country. She thanked everyone who served and their families.

Mayor DuBois stated that he hoped everyone had a nice Thanksgiving. He stated that he was proud to honor the Town volunteers and sponsors at the annual Volunteer Dinner and that the theme was "The Keys to Success". He thanked the Town Clerk and staff for putting on a fine event and the Carving Station for the great food. He stated that the League of Cities had a good presentation done by the Treasure Coast Regional Planning Council on economic development. He stated that the presentations will be either on the League's website or the Treasure Coast website. He gave a special thanks to Vice-Mayor Rumsey for emceeding the Tree Lighting Ceremony. He thanked everyone from staff to the elected officials for attending the event. He stated that the Holiday Boat Parade judging was a great event to speak with neighboring Mayors and County Commissioner Karen Marcus. He stated that if the Toys for Tots box in Town Hall gets filled, they will bring a new box. He thanked Bridges at Lake Park for everything they do and stated that he looks forward to hearing their quarterly reports. He stated that he tends to respond to emails with his position on the situation and if the question is repeated after his response, he responds less. He stated that he has learned that he needs to listen to what a person is saying instead of being argumentative.

Town Manager Davis stated that earlier Mr. Lloyd stated that the Town had purchased the land at 115 Federal Highway. She wanted to make it clear to everyone that the Town had nothing to do with the acquisition of that property. She stated that she was glad that the Town did have the property and that it will benefit the Town in the future. However the Town did not have anything to do with the negotiation.

Commissioner Longtin asked if Santa's Mailbox was still ongoing.

Town Manager Davis stated that Santa's special mailbox is ongoing and has scanned some of the letters and Santa's response for the Commission to read.

Attorney Baird stated that earlier in the day he had been asked to report on the Sober House legislation and stated that there is a bill being proposed in the Florida Legislature that is sponsored by Representative Bill Hager from Boca Raton and in the Senate by Senator Bogdanoff from Fort Lauderdale. He stated that he has been working with the attorneys from Boca Raton and Delray Beach and has been able to work through the reservations and concerns of those cities. He stated that he feels that they are all back on track and will know more tomorrow.

Mayor DuBois asked if there was anything that Lake Park could do.

Commissioner Hockman stated that the Florida League of Cities is pushing to have the bill passed at the State level.

Town Manager Davis stated that she had spoken with the Lake Park lobbyist and was told that the Town Attorney had done a fabulous job on this bill.

Commissioner Stevens asked about the Marina lawsuit mediation sometime in January, 2012 and trial dates.

Attorney Baird explained that mediation will be on January 23, 2012 and the trial date will be closer to June, 2012.

ADJOURNMENT

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

Mayor James DuBois

Town Clerk, Vivian Lemley, CMC

Town Seal

Approved on this _____ of _____, 2011

TAB 2



**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 4, 2012

Agenda Item No.

Tab 2

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

SUBJECT: Regular Commission Meeting Minutes of December 21, 2011

RECOMMENDED MOTION/ACTION: To Approve the Regular Commission Meeting Minutes of December 21, 2011

Approved by Town Manager

W. S. Davis

Date:

12/28/11

Name/Title

Vin Lley

Date of Actual Submittal

December 22, 2011

Originating Department Town Clerk	Costs: \$0 Funding Source: 0 Acct. # 0	Attachments: Agenda Meeting Minutes
Department Review: <input type="checkbox"/> Attorney _____ <input type="checkbox"/> Community Development _____ <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 checked="" type="checkbox"/> Town Clerk <i>YML</i> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" 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 _____ or Not applicable in this case <i>YML</i> Please initial one.

Summary Explanation/Background:



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, December 21, 2011, 7:00 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, December 21, 2011 at 7:06 p.m. Present were Mayor James DuBois, and Commissioner Tim Stevens, Town Manager Maria Davis, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley. Vice-Mayor Kendall Rumsey, Commissioners Jeanine Longtin and Steven Hockman were absent.

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

Mayor DuBois explained that they did not have a quorum to continue with the regular business of the Town. He stated that the presentation of the Holiday Bicycle Raffle would still be conducted.

Town Manager Davis announced that she heard noise in the hallway and went to the door.

Mr. and Mrs. Santa Claus surprised the children from Lake Park Elementary that were invited to the meeting. Santa Claus announced that he and Mrs. Claus had come from the North Pole to visit the children and to present them with presents.

Mayor DuBois announced the names of the children that Santa Claus had come to visit and Santa's helper presented each child with a bicycle. The kindergarten children that were presented bicycles were: Esdras Alexis; Doujenie Bellevue; and Wanna Caymeitte. The fourth grade child that was presented a bicycle was Roland Alexis; and the fifth grade children that were presented bicycles were Ronald Alexis, Trinity Phanly, and Imitiaz Muhid.

ADJOURNMENT

The presentation adjourned at 7:25 p.m.

Mayor James DuBois

Town Clerk, Vivian Lemley, CMC

TAB 3



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 4, 2012 Agenda Item No. Tab 3

- PUBLIC HEARING
- RESOLUTION
- ORDINANCE ON FIRST READING
- DISCUSSION/POSSIBLE ACTION
- ORDINANCE ON SECOND READING
- BID/RFP AWARD
- PRESENTATION/PROCLAMATION
- CONSENT AGENDA
- Other:

SUBJECT: Resolution to Amend the Town of Lake Park Uniform Classification and Pay Plan to Add the Job Description for the Position of Event Assistant

RECOMMENDED MOTION/ACTION:

Approved by Town Manager W. J. Davis Date: 12/16/11
Donna McElhannon 12/14/11
 Name/Title HA DIRECTOR Date of Actual Submittal

Originating Department: Human Resources	Costs: \$ <u>already in budget</u> Funding Source: Acct. #	Attachments: Resolution and Job Description
Department Review: <input checked="" type="checkbox"/> Attorney <u>PLEASE SEE ATTACHED EMAIL OF 12/15/11</u> <input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <u>AMC 12/14/11</u> <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: _____ Paper: _____ <input checked="" 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 _____ or Not applicable in this case <u>BMT</u> Please initial one.

Summary Explanation/Background:

In the past, the Recreation Director has utilized part-time Camp Counselors throughout the year to assist with events and facility rentals. The purpose of this agenda item is to add to the Town Classification and Pay Plan the more specific position title of Event Assistant which will be utilized in the future for such assistance. This new job description will more accurately set forth the duties and responsibilities of this position as they pertain to assisting with facility rental and special event set-ups and staffing.

There will be no additional impact on the Town budget as this is a housekeeping item to clarify the position title of Event Assistant. The hourly rate for this position will be comparable to that of the Camp Counselor position which is currently \$7.58, and which has already been budgeted for in the Fiscal Year 2012 Parks and Recreation Department budget as approved by the Commission.

Bambi Turner

From: Bambi Turner
Sent: Wednesday, December 14, 2011 8:53 AM
To: 'Baird, Thomas J.'
Cc: Green, Marilyn R.
Subject: RE: Agenda Item for 12/21/11 Commission Meeting

I will make that change to the Resolution. — *DONE*
BMT

Thanks, Tom. ☺

Bambi McKibbon-Turner

***Human Resources Director
Town of Lake Park
535 Park Avenue
Lake Park, Florida 33403
Telephone: 561-881-3300***

Please note: Florida has a very broad public records law. Written communication regarding Town business are public records available to the public upon request. Your e-mail communications are therefore subject to public disclosure. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entry, instead contact this office by phone or in writing. Section 668.6076, F.S.

From: Baird, Thomas J. [<mailto:tbaird@jones-foster.com>]
Sent: Tuesday, December 13, 2011 5:49 PM
To: Bambi Turner
Cc: Green, Marilyn R.
Subject: RE: Agenda Item for 12/21/11 Commission Meeting

Section 2 of the Resolution it should read that the position classification "is attached hereto and incorporated herein as set forth in Exhibit "A". Otherwise OK. ✓

Thomas J. Baird

Attorney

Direct: 561-650-8232
Fax: 561-746-6933
tbaird@jones-foster.com

Jones, Foster, Johnston & Stubbs, P.A.

Attorneys & Counselors

801 Maplewood Drive, Suite 22-A, Jupiter, FL 33458
Telephone: 561-659-3000
[Website](#)

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From: Bambi Turner [<mailto:bturner@lakeparkflorida.gov>]
Sent: Tuesday, December 13, 2011 10:56 AM
To: Baird, Thomas J.

Cc: Green, Marilyn R.

Subject: Agenda Item for 12/21/11 Commission Meeting

Good morning, Tom. I am sending to you for your review my ARF and Resolution for adding the job description of Event Assistant to our classification plan.

Thanks. ☺

Bambi McKibbon-Turner

Human Resources Director

Town of Lake Park

535 Park Avenue

Lake Park, Florida 33403

Telephone: 561-881-3300

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RESOLUTION NO. 01-01-12

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN UNIFORM CLASSIFICATION AND PAY PLAN TO ADD THE JOB DESCRIPTION FOR THE POSITION OF EVENT ASSISTANT; PROVIDING FOR THE PUBLICATION OF AN UPDATED CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park is a duly constituted municipality organized and existing under the laws of the State of Florida and Chapter 166, Fla. Stat; and

WHEREAS, the Uniform Classification and Pay Plan is based upon similarity of duties performed and responsibilities assumed, so that the same qualifications are reasonably required for the same schedule of pay, and are equally applied to all positions in the same class; and

WHEREAS, it is necessary to provide an updated listing of certain current titles and classifications within the Town service,

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as if fully set forth herein.

Section 2. The Uniform Classification and Pay Plan is amended to add the job description for the position of Event Assistant. A copy of the job description is attached hereto and incorporated herein as set forth in Exhibit A.

Section 3. This Resolution shall become effective immediately upon adoption.

EVENT ASSISTANT

JOB CODE: 183
DEPARTMENT: PARKS AND RECREATION

GENERAL CHARACTERISTICS OF THE CLASS:

Under the general supervision of the Recreation Director, attends events for which Town facilities have been rented and serves as the on-site resource person and provides assistance to the event organizer, patrons and visitors. Also, attends special Town-sponsored events and assists the Town's Event Coordinator before, during and following such events by setting up and breaking down event banners, tables and chairs. Performs other duties as directed. This is a non-exempt position.

EXAMPLES OF ESSENTIAL FUNCTIONS:

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of all job duties. The omission of a job duty does not preclude management from assigning duties not listed herein if such duties are a logical assignment to the Event Assistant position.

Facility Rental Duties:

- Assists the Town's Chief Information Technology Officer in setting up audio/visual equipment as needed Opens the rental facility as necessary for the event organizer and acts as the Town's representative in assisting the event organizer with requests as needed during the event
- Ensures that the facility rental policies, safety standards and sanitation requirements are adhered to during and following each event, including general clean-up by the event organizer
- Inspects and closes the facility and ensures that the facility is emptied of all visitors and secured.
- Following the event, cleans floors and removes sanitation receptacles. Stocks, monitors and cleans restroom facilities
- Responsible for the return of all Town keys assigned for facility rental use
- Responsible for immediately reporting to the Recreation Director any damage resulting to a Town facility resulting from the rental
- Is available on an "on-call" status for Pavilion facility rentals as assigned.

Special Event Duties:

Assists the Town Event Coordinator by performing the following duties:

- Installs banners, tents, tables and chairs
- Assists with street closures and the erection of barricades
- Accommodates the needs of event vendors, artists and performers
- Provides customer service to event vendors, artists, performers and patrons
- Ensures that the event area is clean of debris
- Removes banners, tents, tables and chairs at the close of each event
- Responsible for immediately reporting to the Town's Event Coordinator any damage resulting to a Town facility resulting from the event

REQUIREMENTS:

A. Education and Experience:

High School Diploma or GED required. Must possess a valid Florida Drivers License and be able to work a varied work schedule including some evenings, weekends and holidays.

B. Knowledge, Skills and Abilities:

- Excellent customer service and customer relations skills
- Ability to follow verbal and written communications
- Ability to communicate with the public and co-workers in a courteous manner
- Ability to work independently and carry out tasks within assigned areas of responsibility
- Must have an eye for detail and the ability to coordinate and work well with the logistics of an event

PHYSICAL REQUIREMENTS:

Task involves frequent walking; standing; lifting and carrying objects of moderate to heavy weight; and/or the operation hand tools in which manipulative skills and hand-eye coordination are important ingredients of safe and/or productive operations.

ENVIRONMENTAL REQUIREMENTS:

Task may require infrequent exposure to adverse environmental conditions.

SENSORY REQUIREMENTS:

Task requires color, sound and form perception.

BLOODBORNE PATHOGENS:

Category 11 – Moderate to Minimal Risk Exposure.

It is the policy of the Town of Lake Park to prohibit discrimination on the basis of race, color, religion, gender, national origin, age, political affiliation, physical or mental disability (where the disabled persons are able to perform the work they are seeking with reasonable accommodation), marital status, familial status, or sexual orientation, or any other form of unlawful discrimination, except when such condition is a bona fide occupational qualification. Such employment practices include, but are not limited to, the recruitment, hiring, compensation, assignment, training, promotion, demotion, discipline or dismissal of employees.

**Ordinance
on
First
Reading**

TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 4, 2012

Agenda Item No. *Tab 4*

- PUBLIC HEARING
- ORDINANCE ON FIRST READING
- ORDINANCE ON SECOND READING
- PRESENTATION/PROCLAMATION
- Other:
- RESOLUTION
- DISCUSSION/POSSIBLE ACTION
- BID/RFP AWARD
- CONSENT AGENDA

SUBJECT: ORDINANCE TO AMEND SECTION 34-2, PROTECTED TREE DEFINITION, OF THE CODE OF ORDINANCES.

RECOMMENDED MOTION/ACTION: APPROVAL ON FIRST READING.

Approved by Town Manager *N. Di Tommaso* Date: *12/28/11*

Name/Title: Nadia Di Tommaso, Community Development Director Date of Submittal: 12/23/2011

Originating Department: COMMUNITY DEVELOPMENT	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Memo Ordinance # 01-2012
Department Review: <input checked="" type="checkbox"/> Attorney <i>TJB</i> <input checked="" type="checkbox"/> Community Development <i>ND</i> <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: N/A Paper: <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 OR Not applicable in this case <i>ND</i> Please initial one.

Summary Explanation/Background:

Please refer to Staff Memo.

Nadia DiTommaso

From: Green, Marilyn R. [mgreen@jones-foster.com]

Sent: Wednesday, December 14, 2011 9:42 AM

To: Nadia DiTommaso

Subject: RE: Agenda item ordinance

Yes, you're all set.

Marilyn R. Green
Secretary to Thomas J. Baird
and Jane S. Hunston
Direct: 561-650-8233
Fax: 561-746-6933
mgreen@jones-foster.com

Jones, Foster, Johnston & Stubbs, P.A.
Attorneys & Counselors
801 Maplewood Drive, Suite 23-A, Jupiter, FL 33458
Telephone: 561-659-3000
[Website](#)

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From: Nadia DiTommaso [mailto:NDiTommaso@lakeparkflorida.gov]
Sent: Wednesday, December 14, 2011 9:39 AM
To: Green, Marilyn R.
Subject: RE: Agenda item ordinance

Wonderful. Tom reviewed the ARF as well correct? I put his initials on the ARF already, just making sure. Thank you.

Nadia Di Tommaso
Community Development Director
Town of Lake Park: 535 Park Ave.
Lake Park, FL 33403
Community Development Department
Phone: 561-881-3319
Fax: 561-881-3323

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-----Original Message-----

From: Green, Marilyn R. [mailto:mgreen@jones-foster.com]

12/23/2011

Sent: Wednesday, December 14, 2011 9:08 AM
To: Nadia DiTommaso
Subject: Agenda item ordinance

Nadia,

Ordinance amending Sec. 34-2 attached, let me know if you need anything else.

Marilyn R. Green
Secretary to Thomas J. Baird
and Jane S. Hunston
Direct: 561-650-8233
Fax: 561-746-6933
mgreen@jones-foster.com

Jones, Foster, Johnston & Stubbs, P.A.
Attorneys & Counselors
801 Maplewood Drive, Suite 23-A, Jupiter, FL 33458
Telephone: 561-659-3000
[Website](#)

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Town of Lake Park Community Development Department

Nadia Di Tommaso,
Community Development Director

STAFF MEMO
December 23, 2011

To: TOWN COMMISSION

Re: Protected Tree Definition, Section 34-2

This is a housekeeping issue. The Town's Northlake Boulevard Overlay Zone regulations, in partnership with Palm Beach Gardens, Palm Beach County and North Palm Beach classifies *Black Olive* (*Bucida buceras*) as a controlled species, in that it must be planted or maintained under controlled conditions and shall not exceed a maximum of ten percent of the total number of required trees. This is due to the fact that some of my research shows that Black Olive trees have cold tolerance problems, are intrusive to water/sewer lines, have invasive growth habits and lack the ability to withstand significant winds. Upon further review with Ms. Deborah Levulis, Master Gardener Coordinator for Palm Beach County, it appears the above-referenced issues are not solely related to the Black Olive tree although can be if the tree is very large. Nonetheless, Ms. Levulis also recommended that the tree be removed from the Protected Tree category as it is a very messy tree and especially when it is overgrown and improperly maintained, it can be dangerous and dirty. This is not the type of tree our code should be protecting.

Conversely, Town Code Section 34-2 defines *Black Olive* as a protected tree. After verifying the code for North Palm Beach, Palm Beach Gardens and Jupiter, all of whom do not have the Black Olive tree as a protected tree, but rather as a controlled species and a prohibited species in the case of Jupiter, staff is recommending that *Black Olive* be removed from the protected tree definition as follows:

Section 34-2 Definitions

(...)

Protected tree. A tree with a minimum caliper of four inches in diameter, one foot above the ground of the species Live Oak, Laurel Oak, Gumbo Limbo, Royal Poinciana, Banyan, ~~Black Olive~~, and Mahogany.

(...)

Staff is recommending approval of this Ordinance on first reading.

Nadia Di Tommaso
Community Development Director
Community Development Department
Phone 881-3319 Fax 881-3323
NDiTommaso@lakeparkflorida.gov

ORDINANCE NO. 01- 2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 34, ARTICLE I; SECTION 34-2 OF THE TOWN CODE, ENTITLED "DEFINITIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to vegetation and tree plantings and other improvements in swale areas within the Town which, among other provisions, have been codified in Chapter 34 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff has recommended to the Town Commission that Section 34-2 of Chapter 34 be amended to provide additional guidelines, controls, and standards for the planting, maintenance, removal and protection of trees within the Town; and

WHEREAS, the amendment to Town Code Chapter 34, would preserve and protect the Town's trees in general, and provide for clear standards for planting, maintaining, removing and preserving trees, and preserve and enhance property values within the Town; and

WHEREAS, the Town Commission, after due notice and public hearings deems it to be in the interest of the public health, safety and general welfare to amend the Town's Code as detailed herein above to provide for these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are hereby incorporated as true and correct findings of fact of the Town Commission.

Section 2. Chapter 34, Article I, Section 34-2, of the Code of Ordinances of Town of Lake Park, Florida are hereby amended to read as follows:

Sec. 34-2. Definitions.

The following words and phrases shall have the meanings ascribed to them in this section:

Protected tree. A tree with a minimum caliper of four inches in diameter, one foot above the ground of the species Live Oak, Laurel Oak, Gumbo Limbo, Royal Poinciana, Banyan, ~~Black~~ Olive and Mahogany.

Section 3. **Severability.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 4. **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. **Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such.

Section 6. **Effective date.** This Ordinance shall take effect immediately upon passage.

TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 4, 2012

Agenda Item No. *Tab 5*

- | | |
|--|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> DISCUSSION/POSSIBLE ACTION |
| <input 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: ORDINANCE TO AMEND SECTION 9-37, INTEREST RATE COLLECTION OF COSTS FOR CODE LIENS, OF THE CODE OF ORDINANCES.

RECOMMENDED MOTION/ACTION: APPROVAL ON FIRST READING.

Approved by Town Manager *N. Di Tommaso* Date: *12/28/11*

Name/Title: Nadia Di Tommaso, *Community Development Director* Date of Submittal: 12/27/2011

Originating Department: COMMUNITY DEVELOPMENT	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Memo Ordinance # 02-2012
Department Review: <input checked="" type="checkbox"/> Attorney <i>TJB</i> <input checked="" type="checkbox"/> Community Development <i>ND</i> <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: N/A Paper: <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 OR Not applicable in this case <i>ND</i> Please initial one.

Summary Explanation/Background:

Please refer to Staff Memo.

Nadia DiTommaso

From: Green, Marilyn R. [MGreen@jones-foster.com]
Sent: Tuesday, December 27, 2011 3:41 PM
To: Nadia DiTommaso
Subject: RE: Agenda Items

Nadia,

Tom has received and approved the ARF and memo for the Code Liens agenda item and the ARF for the Fast Start Plan.

Marilyn R. Green
Secretary to Thomas J. Baird
and Jane S. Hunston
Direct: 561-650-8233
Fax: 561-746-6933
mgreen@jones-foster.com

Jones, Foster, Johnston & Stubbs, P.A.
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From: Nadia DiTommaso [mailto:NDiTommaso@lakeparkflorida.gov]
Sent: Tuesday, December 27, 2011 3:35 PM
To: Green, Marilyn R.
Subject: Agenda Items

Marilyn-

I received the Resolution and Ordinance from Tom. Can you please confirm that Tom reviewed the ARF and memo for the Code Liens agenda item and the ARF for the Fast Start Plan. A brief email response will be sufficient. Thanks.

Nadia Di Tommaso
Community Development Director
Town of Lake Park: 535 Park Ave.
Lake Park, FL 33403
Community Development Department
Phone: 561-881-3319
Fax: 561-881-3323

12/27/2011



Town of Lake Park Community Development Department

Nadia Di Tommaso,
Community Development Director

December 22, 2011
STAFF MEMO

To: TOWN COMMISSION

Re: Code Liens – Section 9-37

Recently, the State updated its interest rate schedule for code liens. Liens accrue on code violations while they remain out of compliance with the code. The interest rate charged on these liens is determined by the Palm Beach County Chief Financial Officer. The Statute has been updated and now reflects a quarterly interest rate update, rather than a yearly update. In order to remain continually consistent with the newly adopted interest rate, staff is recommending that the code reference State Statute 55.03 which governs its implementation rather than updating the rate each time it changes. The change proposed is as follows:

Section 9-37

(...)

(c) *Collection of costs.* If the Town Commission prevails in prosecuting a case before the compliance board, it shall be entitled to recover all costs incurred in prosecuting the case before the board, including attorney's fees. If the property owner is found in violation under subsection (e) of this section and costs are assessed, but a fine is not imposed pursuant to section 9-39, a code compliance lien may be recorded against the property for the amount of the costs. Such lien shall be superior to all other liens and shall bear interest ~~of ten percent~~ in accordance with F.S. Chapter 55, Section 53.01(1), as determined by the Palm Beach County Chief Financial Officer. The interest to be charged shall be calculated from the date the order is entered by the board.

Staff is recommending approval of this Ordinance on first reading. The full Statute is provided below.

REFERENCE:
Florida State Statute:

55.03 Judgments; rate of interest, generally.—

(1) On December 1, March 1, June 1, and September 1 of each year, the Chief Financial Officer shall set the rate of interest that shall be payable on judgments or decrees for the calendar quarter beginning January 1 and adjust the rate quarterly on April 1, July 1, and October 1 by averaging the discount rate of the Federal Reserve Bank of New York for the preceding 12 months, then adding 400 basis points to the averaged federal discount rate. The Chief Financial Officer shall inform the clerk of the courts and chief judge for each judicial circuit of the rate that has been established for the

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upcoming quarter. The interest rate established by the Chief Financial Officer shall take effect on the first day of each following calendar quarter. Judgments obtained on or after January 1, 1995, shall use the previous statutory rate for time periods before January 1, 1995, for which interest is due and shall apply the rate set by the Chief Financial Officer for time periods after January 1, 1995, for which interest is due. Nothing contained herein shall affect a rate of interest established by written contract or obligation.

(2) Any judgment for money damages or order for a judicial sale and any process or writ directed to a sheriff for execution shall bear, on its face, the rate of interest that is payable on the judgment. The rate of interest stated in the judgment, as adjusted in subsection (3), accrues on the judgment until it is paid.

(3) The interest rate is established at the time a judgment is obtained and such interest rate shall be adjusted annually on January 1 of each year in accordance with the interest rate in effect on that date as set by the Chief Financial Officer until the judgment is paid, except for judgments entered by the clerk of the court pursuant to ss. 55.141, 61.14, 938.29, and 938.30, which shall not be adjusted annually.

(4) A sheriff shall not be required to docket and index or collect on any process, writ, judgment, or decree, described in subsection (2), and entered after the effective date of this act, unless such process, writ, judgment, or decree indicates the rate of interest. For purposes of this subsection, if the process, writ, judgment, or decree refers to the statutory rate of interest described in subsection (1), such reference shall be deemed to indicate the rate of interest.

Nadia Di Tommaso
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ORDINANCE NO. 02-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE II, SECTION 9-37, OF THE TOWN'S CODE OF ORDINANCES PERTAINING TO THE STATUTORY INTEREST RATE TO BE APPLIED TO FINES WHICH HAVE ACCRUED FROM CODE ENFORCEMENT PROCEEDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the statutory interest rate which applies to liens arising out of code enforcement proceedings has been revised in accordance with Section 55.03, Florida Statutes; and

WHEREAS, the interest rate charged on code enforcement liens is determined by reference to this Statute; and

WHEREAS, the Town staff has recommended to the Town Commission that Chapter 9, Article II, Section 9-37(c) entitled "Collection of Costs" of the Code of Ordinances be amended to comply with Section 55.03, Florida Statutes.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 9, Article II, Section 9-37(c) is hereby amended to read as follows:

Sec. 9-37. Conduct of Hearing

(c) *Collection of costs.* If the Town Commission prevails in prosecuting a case before the compliance board, it shall be entitled to recover all costs incurred in prosecuting the case before the board, including attorney's fees. If the property owner is found in violation under subsection (e) of this section and costs are assessed, but a fine is not imposed pursuant to section 9-39, a code compliance lien may be recorded against the property for the amount of the costs. Such lien shall be superior to all other liens and shall bear interest ~~of ten percent~~ per annum in accordance with Section 53.01(1), Florida Statutes, as determined by the Palm Beach County Chief Financial Officer. The interest to be charged shall be calculated from the date the order is entered by the board.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.