AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, November 4, 2009, 7:30 p.m.
Lake Park Town Hall
535 Park Avenue

Desca DuBois	—	**Mayor**
Jeff Carey	—	**Vice-Mayor**
Edward Daly	—	**Commissioner**
Patricia Osterman	—	**Commissioner**
Kendall Rumsey	—	**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. PROCLAMATIONS:

- **Eddie Cowart, Public Works Employee in Recognition of 36 ½ Years of Service**

G. PRESENTATION:

- **Presentation on Street Lighting Options by Techno Engineering, Inc.**

H. BOARD APPOINTMENT:

Application for Board Appointment of Robert Dow as an Alternate Member of the Library Board

I. **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.

J. **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.**

For Approval:

1. **Special Call Commission Meeting Minutes of October 7, 2009**
2. **Resolution No. 53-11-09 Auction of Surplus Equipment (Trucks)**
3. **Resolution No. 54-11-09 Disadvantage Business Enterprise (DBE)/Minority Business Enterprise (MBE) Policy Statement for the Local Agency Plan Certification by the Florida Department of Transportation**

K. **DISCUSSION AND POSSIBLE ACTION:**

4. **Florida Power & Light Street Lighting Agreement to Install and Maintain Four Street Lights on Bayberry Drive**

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

M. **ADJOURNMENT:**

Proclamation

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: November 4, 2009 Agenda Item No. Proclamation

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[ ] RESOLUTION

[ ] DISCUSSION

[ ] ORDINANCE ON FIRST READING

[ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM

[ ] CONSENT AGENDA

[x] Other: Proclamation

SUBJECT: Proclamation in Honor of Eddie L. Cowart

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager _____ **Date:** 10/28/09

Name/Title

Date of Actual Submittal

Originating Department: Town Manager	Costs: $ -0- Funding Source: Acct. #	**Attachments:** Copy of Proclamation
Department Review: [ ] Community Affairs ____ [ ] Community Development__ [ ] Finance _____	[ ] Fire Dept _____ [ ] Human Resources_____ [ ] Library _____ [ ] Marina _____ [ ] PBSO _____	[ ] Public Works_____ [ ] Town Attorney_____ [ ] Town Clerk_____ [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ [x] 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_BMT_____ or Not applicable in this case__Yes_____: Please initial one.

Summary Explanation/Background:

PROCLAMATION
IN HONOR OF EDDIE L. COWART

WHEREAS; for 36 and a half years, Eddie L. Cowart has served as an employee of the Town of Lake Park; and

WHEREAS; throughout his employment, Eddie L. Cowart has diligently and with distinction served the citizens of the Town of Lake Park as a Sanitation Worker, Public Works Employee I, Public Works Employee II, and Equipment Operator II within the Public Works Department; and

WHEREAS; in recognition of his years of experience and positive work record with the Town, on October 1, 1996, Eddie L. Cowart was promoted to the position of Foreman in the Residential Sanitation Division of the Public Works Department; and

WHEREAS; Eddie L. Cowart has distinguished himself by constantly demonstrating the importance of strong and effective leadership, and has by his example inspired his division to provide a high degree of customer service to the residents of the Town of Lake Park; and

WHEREAS; as an example of the innovative approach and dedication to duty that he has exemplified throughout his employment with the Town, in response to Hurricanes Frances and Jeanne in 2004 and Hurricane Wilma in 2005, Eddie L. Cowart developed an expedited method for the removal of hurricane debris; and

WHEREAS; because of his professionalism, natural ability to lead, and knowledge of all areas of the Public Works Department, Eddie L. Cowart is highly respected not only by his peers and by management, but by all who have had the privilege to consider him a colleague; and

WHEREAS; the Town of Lake Park wishes to publicly recognize Eddie L. Cowart for his accomplishments and as an esteemed member of the Public Works Department.

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, Desca DuBois, Mayor of the Town of Lake Park, do hereby publicly recognize and commend Eddie L. Cowart for his dedication and the service which he has rendered to this community.

IN WITNESS WHEREOF, *I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixes this 4th day of November, 2009.*

By: _____
Mayor Desca DuBois

ATTEST:

_____
Vivian Mendez Lemley, Town Clerk

Presentation

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: **NOVEMBER 4, 2009** Agenda Item No. Presentation

[ ] PUBLIC HEARING [ ] RESOLUTION

[ ] ORDINANCE ON FIRST READING [ ] ORDINANCE ON SECOND READING

[ ] BID/RFP Award [ ] DISCUSSION

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[X] Other: PRESENTATION

SUBJECT: Presentation on Street Lighting Options by Techno Engineering, Inc.

RECOMMENDED MOTION/ACTION: Discussion for Future Action

Approved by Town Manager _____ **Date:** 10/28/09

Richard Pittman/CRA Project Manager
Name/Title

October 28, 2009
Date of Actual Submittal

Originating Department: Town Manager	Costs: $ NA Funding Source: Acct. #	**Attachments:** None
Department Review: [ ] Community Affairs ____ [ ] Community Development___ [ ] Finance _____	[ ] Fire Dept _____ [ ] Grants _____ [ ] Human Resources_____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Town Attorney_____ [ ]Town Clerk _____ [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ [x] 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_____: Please initial one.

Summary Explanation/Background: The Commission has recognized the need for additional street lighting throughout the Town. New technology in light fixtures and energy efficiency lends to a presentation of street lighting options available to the Town. The local firm of Techno Engineering,

Inc., represented by Ms. Nazie D'Jahanshahi, P.E. will present information on costs associated with Town owned/Town leased versus FPL options and costs.

The Commission may chose to pursue street lighting via a referendum bond issue. If so, a workshop of issues associated with this item for the March ballot should be scheduled prior to the end of the year.

Board Membership

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: **November 4, 2009** Agenda Item No. Board Appointment

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[ ] RESOLUTION

[ ] DISCUSSION

[ ] ORDINANCE ON FIRST READING

[ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM

[ ] CONSENT AGENDA

[X] Other: Board Appointment

SUBJECT: **Application for Board Appointment**

RECOMMENDED MOTION/ACTION: **To appoint Robert Dow as an alternate member of the Library Board.**

Approved by Town Manager _____ **Date:** 10/29/09

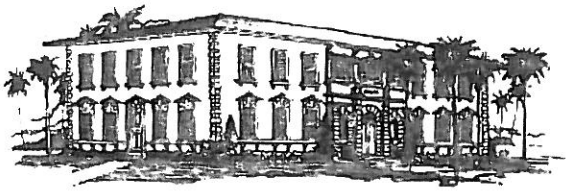
Deputy Clerk

10/26/09
Date of Actual Submittal

Originating Department: Town Clerk	Costs: $ Funding Source: Acct. #	**Attachments:** Memo.
Department Review: [ ] City Attorney_____ [ ] Community Affairs ____ [ ] Community Development___	[ ] Finance _____ [ ] Fire Dept _____ [ ] Library _____ [ ] PBSO _____	[ ] Personnel _____ [ ] Public Works_____ [X] Town Clerk VML [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ [ ] 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_____: Please initial one.

Summary Explanation/Background: The attached applicant has requested appointment to the Library Board. The Library Board currently has one alternate membership opening.

The Town of Lake Park



LAKE PARK TOWN HALL NATIONAL HISTORIC SITE

"Jewel of the Palm Beaches"

Application to Serve on Town Boards and Committees

This application serves as an information file of the skills, talents and interests of citizens who are willing to serve on advisory boards and committees for the *Town of Lake Park*. When an opening occurs on one of the Boards on which you have indicated a desire to serve, your application will be submitted to the Town Commission. You will be notified by mail when appointment has been made.

Please print the following information:

Name: DOW ROBERT
Last First Middle

Address: 274 BAYBERRY

Telephone: home 758-1556 work 683-4623 cell

E-Mail Address REDOWDB@YAHOO.COM

	Yes	No
Are you a resident of Lake Park	☒	☐
Are you a non-resident business owner in Lake Park	☐	☐
Are you a registered voter (Response to this question is not mandatory)	☒	☐
Do you currently serve on a Town Board or Committee	☐	☒
If so, which one(s):		
Have you been convicted of a crime	☐	☒
If so, when? _____ where?		

Please indicate your preference by number "1" through "5" of no more than five boards on which you wish to serve, with #1 being the most desired and #5 being the least desired.

Choice #	Board	Choice #	Board
☐	Code Compliance *	☒ 2	Tree Board
☐	CRA Board (Community Redevelopment Agency)	☐	Planning & Zoning/Historic Preservation Board *
☐	Harbor Marina Advisory Board		
☐	Construction Board of Adjustments & Appeals	☒ 1	Library Board

Please note: Membership on these (*) Boards require members to complete an annual financial disclosure form pursuant to F.S. 112.3145 (1)(a), (2)(b), (7)

Your Name: ROBERT DOW

Please indicate the reason for your interest in your first and second choices:
I love libraries and books & learning & would like to contribute to the future of the Lake Park Public Library.

Number of Meetings of the above boards you have attended in the past six months: NONE

Your educational background: (High school, College, Graduate School or other training)
(B.A. English Literature)

What is/was your profession or occupation: LABOR LEADER

How long: 1 year

Please indicate employment experience that you feel relates to your desired service on an advisory board or committee: TEACHER in Palm Beach County for 11 years.

Please indicate other general experience or community involvement that you feel qualifies you to serve on the boards you have chosen:

Feel free to attach additional sheets if required. Also, please attach your resume, if available. Please return your completed form to the Office of the Town Clerk, 535 Park Avenue, Lake Park, Florida 33403

I HEREBY CERTIFY THAT THE STATEMENT AND ANSWERS PROVIDED ARE TRUE AND ACCURATE. I UNDERSTAND THAT ANY FALSE STATEMENTS MAY BE CAUSE FOR REMOVAL FROM A BOARD OR COMMITTEE, IF APPOINTED:

Signature: R Dow Date: 10/09/09

Consent Agenda

TAB 1

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: **November 4, 2009** Agenda Item No. Tab 1

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[] RESOLUTION

[ ] DISCUSSION

[ ] ORDINANCE ON FIRST READING

[ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM

[X] CONSENT AGENDA

[ ] Other:

SUBJECT: **Special Call Commission Meeting Minutes of October 7, 2009.**

RECOMMENDED MOTION/ACTION: **Approve the Special Call Commission Meeting Minutes of October 7, 2009.**

Approved by Town Manager _____ **Date:** 10/29/09

Deputy Clerk

10/21/09
Date of Actual Submittal

Originating Department: Town Clerk	Costs: $ N/A Funding Source: Acct. #	**Attachments:**
Department Review: [ ] City Attorney [ ] Community Affairs ____ [ ] Community Development	[ ] Finance _____ [ ] Fire Dept _____ [ ] Library _____ [ ] PBSO _____	[ ] Personnel _____ [ ] Public Works_____ [x] Town Clerk VMC [ ] Town Manager _____
Advertised: Date: _____ Paper:___ [ ] 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__x_____: Please initial one.

Summary Explanation/Background:

Minutes
Town of Lake Park, Florida
Special Call Commission Meeting
October 7, 2009 6:00 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Special Call Commission Meeting on Wednesday, October 7, 2009 at 6:00 p.m. Present were Mayor DuBois, Vice-Mayor Carey, Commissioners Daly, Rumsey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Lemley.

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

At 6:05 p.m. Mayor Dubois announced that the meeting would convene and the Commissioners would go into an Attorney-Client Session. Pursuant to and as authorized by Section 286.011 (8), Florida Statutes with its Town Attorney, Thomas J. Baird, and Town Manager Maria V. Davis to discuss pending litigation, in which the Town is presently a party, specifically the United States of America v. the Town of Lake Park, Florida, et. al)

Mayor DuBois reconvened the Special Call Commission Meeting at 7:12 p.m.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA
None

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

Vote on Motion:

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

Motion passed 5-0.

PUBLIC and OTHER COMMENT

Steve Hockman, 638 Flagler Dr. – stated that he wanted to know why the Town Commission, Town Manager, and Town Attorney were not following Town Ordinance 247 regarding purchasing procedures. He stated that the Town was giving out contracts without following the Ordinance. He stated that he requested information from the Town and had not gotten any response. He wanted to know who Attorney Patricia Bass was and why the Town spent $50,000 to $80,000 when the Town could have its own Attorney oversee the Town Employee Handbook. He stated that he had not gotten any response to the information he provided to the Commission regarding the parking meters. He stated that he contacted the State Attorney's office and forwarded the information to them along with a copy of the Town's Ordinance so that they could follow through with his complaints.

David Brown – stated that he owns and operates a dive charter business out of the Lake Park Marina. He stated that as a business owner in the area, he had a concern that his business would be less competitive with other businesses in the area. He stated that with parking meters installed, his services would cost approximately 10% more than his competitors in the area. He explained that some of his customers park their vehicles at the Marina and board his boat all weekend long and at $1.00 per hour, it would make his business more expensive and less competitive. He recommended starting the meters out at a reduced rate. He asked where the revenue from the meters would be going. He asked if the revenue would be placed back into the Marina or into the General Fund. He continued to express his concerns regarding the installation of parking meters.

Jim Abernathy, 212 North Federal Hwy – stated that he owned a business in the Town and has two boats at the Lake Park Marina. He stated that he was informed in the past week regarding the parking meters and he has put calls into the Town with questions and had yet to get answers. He stated that he understood the economic times and that the Town was suffering and needed to make money. He stated that if at some point the fee goes over and the person was charged a $20 late fee; that it would not be a friendly meter. He recommended a meter that charges a late fee by the hour. He asked when the meters would be installed and when the late fee would go into effect and if there would be any opportunity for discussion regarding having a friendly meter.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of September 2, 2009
2. Attorney-Client Session Minutes of September 16, 2009
3. Regular Commission Meeting Minutes of September 16, 2009
4. Resolution No. 47-10-09 Revision of the Job Description for the Position of Dock Attendant
5. Resolution No. 48-10-09, Authorizing the Mayor to Sign a Limitation of Use Agreement
6. Agreement with MJ Photocopy Enterprise, Inc.
7. Purchase of Town Vehicles for FY 2009/2010 from State of Florida Sheriff's Association Contracts

8. Authorization for the Mayor to Write a Thank Your Letter to Mr. Burt Reynolds for Speaking at the Historical Society Meeting

Public Comment Open.
None
Public Comment Closed.

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

Vote on Motion:

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

Motion passed 5-0.

ORDINANCE ON 1ST READING:
ORDINANCE NO. 14-2009 – Florida Public Utilities
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING AND RENEWING A GAS FRANCHISE WITHIN THE TOWN OF LAKE PARK FOR THE FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS; PROVIDING FOR THE IMPOSITION OF PROVISIONS AND CONDITIONS RELATING TO THE FRANCHISE; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Public Comment Open.
None
Public Comment Closed.

Mayor DuBois explained the reason for Ordinance No. 14-2009

Motion: A motion was made by Vice-Mayor Carey to approve Ordinance No. 14-2009; Commissioner Rumsey made the second.

Vote on Motion:

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

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 14-2009 by caption-only.

RESOLUTION:

RESOLUTION NO. 49-10-09 – Florida League of Cities Request to Support Legislation to Regulate Sober Houses

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA URGING THE PALM BEACH COUNTY AND FLORIDA LEAGUE OF CITIES TO SUPPORT LEGISLATION TO REGULATE HALFWAY HOUSES ALSO KNOWN AS SOBER HOUSES AND TO REQUIRE THAT THESE FACILITIES BE LICENSED AS FORMAL REHABILITATION TREATMENT FACILITIES BY THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Rumsey to approve Resolution No. 49-10-09; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner			

Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

DISCUSSION AND POSSIBLE ACTION:

Authorization for the Mayor to Send a Letter on Behalf of the Commission to Senator Atwater and House Representative Mack Bernard Regarding Regulating Sober Houses

Mayor DuBois explained the reason for the item.

Commissioner Rumsey recommended that the letter be sent to the entire Legislature.

Attorney Thomas Baird stated that a letter should be sent to the State's Senator Chris Smith. He stated that all of those letters are copied to each member of the delegation.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Carey to approve authorization for the Mayor to send a letter on behalf of the Commission to Senator Atwater, House Representative Mack Bernard, and State Senator Chris Smith regarding regulating Sober Houses; Commissioner Rumsey made the second.

Vote on Motion:

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

Motion passed 5-0.

COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

Commissioner Rumsey: "There are a couple of things I want to bring up tonight as far as Commissioner comments. One of them, about two weeks ago the Historic Society of Lake Park welcomed Burt Reynolds to our community and it was an evening with Burt Reynolds that took place up in the Mirror Ballroom. For those of you who don't know, he got his start here in Lake Park and it was one of the nicest evenings that I know I've attended since I moved into Lake Park and I wanted to congratulate the Historic Society for all their hard work in doing that. I know it was a pretty big coup to get him here. Diane Sophinos and Joe Lorelli really helped to gear that up and I wanted to thank them for their hard work on that because it really was a nice evening and really was something very special for all of us in attendance.

Then I also wanted to talk a little bit about the parking meters. "Mr. Brown and Mr. Abernathy I appreciate you both coming here tonight and completely understand your feelings on where this is going. We are in a situation in this Town where we started our budget year $900,000 in the hole and we chose not to raise taxes on the citizens of this community. What we chose to do was unfortunately, we laid employees off, we also, our employees are taking five days off without pay this year. They will still be employed by the Town but they will be taking five days off without pay. There will be no employee bonuses there will be no employee raises, anything like that. So, unfortunately as a way for us to balance this budget, we did put in parking meters in this Town. I can tell you after long exhaustive conversations that we've been having now for several months no one on this dais is in favor of bringing parking meters into the Town. It's the lesser of a really bad evil. Instead of having to lay off continually more employees, we did choose to bring in the parking meters. It may be a mistake. We all make mistakes and we should not be held responsible forever. We should be able to move on from those mistakes and continue to serve the Town and that's what we're trying to do here, and I appreciate both of you coming here tonight. I think that probably we should be able to find some kind of solution to help you with the extended hours or something. I know that we'll get with the Town Manager and see if we can find some kind of solution for that, because we don't want to put anybody out of business, just like we don't want to lay off our employees, we certainly don't want to cut our employees benefits any further back than they already have been and we want to take care of the employees of this Town and the citizens of our community in the best way we can. So I really appreciate you both coming here and hope that you'll hang in there with us and let us find a solution that will help you out."

Vice-Mayor Carey stated that he understood if someone wanted to stay out an extra few hours fishing or diving that it would not be good to hit them with a $25 fine but instead charge by the hour however many hours they go over. He explained that the reason the Town did not always obtain three bids was because they could piggyback off of another municipality that's already done the work. The Town saves money on not taking three bids on every project they do.

Commissioner Daly stated that he was always one to believe in the bidding process. He stated that the parking meter bid was a piggyback bid that he did not agree with. He stated that Mr. Hockman's figures were accurate and it would have been better to bid out the project to get a better price. He stated that the installation would cost the Town more money than it should have. He stated that the installation would hurt the Town's businesses. He stated that those people

who would be using the park with their kids would be the people who would be the least able to afford $1.00 per hour for parking meters. He stated that the he felt that the parking meter installation was a bad move and he never supported it. He stated that he once said he recommended cutting back the salaries of higher paid employees. He mentioned that Economic Development Director Jennifer Spicer was hired at a starting salary of $80,000 and an employee who worked for the Town for nine years was laid off. He stated that the Town recently hired two people, one in Finance and the other as a Clerk. He stated that the employee that was laid off was qualified to do either of those jobs. He stated that in reference to hiring employees in a higher salary bracket, in today's market, employees could be hired for much less. He discussed the issues he had with the parking meters and the purchase of two new pickup trucks. He recommended that the Town stop spending and the Commission consider a hiring freeze. He stated that they needed to look at the overall spending of the Town. He recommended a workshop or meeting to review salaries and see where cuts could be made.

Commissioner Osterman: "I have a couple of different things. The first thing I wanted to say is I didn't understand why Mr. Hockman didn't get his papers. I was notified at 11 a.m. on Monday that your packet was...I was copied on the e-mail that was sent to you that said it was ready and there was another e-mail that went out today and a lot of the information and the numbers regarding some of the allegations that you're making are in there to show you that you're incorrect." "The other thing that I wanted to bring up was...Thank you very much to the Public Works Director for the report. It was delivered to us just tonight on the dais and I'm wondering if I don't know if tonight is the right time or not but to just kind of do an overview or at the next meeting, we can read through it but I would just like the report to be submitted for the public to hear as well, and lastly I don't know if the Commission was aware of a flyer that was going around the Town again making allegations specifically about the Town Manager and her tenure down in Miami. So I actually went on to the website and contacted one of the Commissioners who was working and still is elected in South Miami and worked with... and I have her cell phone as she is happy to speak with any of the other members of the Commission if anybody in the audience would like to call the number. The public number is 305-668-2483. Her name is Commissioner Velma Palmer and she has been serving in the Town since 2004 and she just couldn't say enough positive things. I asked over and over because the allegations of impropriety have been going around and I'm really getting tired of people hiding and not coming out. I know that Commissioner Daly, you had brought up something that you had and I know that we went to Attorney Baird and asked specifically if you have something, bring it forward, we would all want to know. Things need to just be brought out in the open and all of this needs to be dealt with because I think there is a very different agenda going on and I think that it is putting our Town in jeopardy of a lawsuit for a hostile workplace and a retaliation lawsuit because in my opinion, it has not been the Town Manager's behavior that has been inappropriate but Commissioner Daly's in terms of requests about removal of an employee for personal reasons. All of this started happening after the three sexual harassment complaints that had to be dealt with and there weren't any problems before that so, I think there's a different agenda going on here. I don't like the allegations and I think it's time that things are brought out in the open so that the Commission can get down to the work that it's meant to do."

Mayor DuBois explained that staff had provided Mr. Hockman with answers to his questions regarding the parking meters and had provided the information that he requested. She stated that

the information could be produced for the public's viewing as well. She stated that she could not be present for Mr. Burt Reynolds' appearance. She requested consensus from the Commission to send Mr. Burt Reynolds a thank you letter from the Town.

The Commission came to consensus to send Mr. Burt Reynolds a thank you letter on behalf of the Town.

Attorney Thomas Baird gave an update on the United States of America vs. the Town of Lake Park case. He stated that the Town's attorneys have requested the Department of Justice's review of one of the alternative remedies that has been on the table for discussion and they will continue that dialogue for tomorrow. He asked the Commission to authorize him and the Town's attorneys for the case to negotiate a remedy that is acceptable to the Department of Justice as well as the Town of Lake Park and bring it back no later than the October 21, 2009 Commission Meeting. He also requested another Attorney Client Session for October 21, 2009 to discuss the remedy if necessary.

Mayor DuBois stated that she had no problem with having an Attorney Client Session on October 21, 2009.

Attorney Thomas Baird explained that a Special Call Meeting could be noticed for October 21, 2009 so that the Commissioners would not have to wait for a long period of time between meetings.

Commissioner Daly stated that he received a package in the mail approximately one year ago and he shared it with Attorney Baird and he chose not to bring it forward. He asked Attorney Baird if it would be okay to copy the document and give it to the Commission for their review.

Attorney Baird stated that documents could be given to the Commission as long there was not interaction or a public meeting outside of the Commission meeting to discuss the documents.

Mayor DuBois requested that the packet be given to them before the Commission meeting so that they have a chance to review it.

Town Manager Maria Davis: "Mr. Hockman's figures, as Commissioner Daly mentioned, he said they were accurate. Mr. Hockman's figures for the record are not accurate on the meters. Just for the record, they're not accurate, I don't think he understands what he is looking at number one and there would have not been any savings. Secondly, the public records request that you asked for Mr. Hockman, it was ready for you to pick up, you were e-mailed twice. Everything you asked for is sitting in the clerk's office. It's been sitting there since Monday and you're more than welcome to pick it up after you pay for the public records request for the money, the money that it costs staff to copy it. So you can get that at any time. As far as the CRA's Economic Development Director's salary, number one, that salary is not in the General Fund, it is the Community Redevelopment Agency. This is a highly skilled position that required a degree and a lot of experience in marketing and I believe that anyone that holds a position with those types of responsibilities in a CRA. We can do a survey and you will see that Ms. Spicer is probably underpaid for the job that she's got. I do know the CRA Director in

Riviera Beach makes $187,000. The CRA Director in Delray Beach makes well over $100,000. I am quite comfortable, and I believe acted appropriately and frugally in getting a talented administrator that hit the ground running and I don't apologize one iota for the pay scale that she's making because it's market scale. She's not being paid any more than what the market calls for so I'm sorry if people think $80,000 is not appropriate for that position. I don't think they understand that position nor do they understand what the market is. Secondly, there was discussion about an employee that was laid off and was apparently qualified to do the CRA Director's job and apparently qualified to do the HR Assistant's job. That employee, as valued as she is, there was not enough work in that department to keep that level of staff. We had to cut positions, we had to cut salaries and we did. It is the most distasteful part of my job and I think of the job of this Commission. This was a valued employee, is a valued employee. I've spent quite a bit of time making phone calls trying to get her placed. The bottom line is we had to tighten our belts. Just what Commissioner Daly is talking about is just what we did. We tightened our belts, and a lot of this balancing of the budget has been placed on employees backs. Last year, I cut their insurance. This year, they're taking five days off without pay. There is no COLA, there's no merit. Wage freeze!!?? They're taking a pay cut!! Nobody's getting an increase in salary. Most of these cuts are on the backs of the employees and anyone who wants to know the truth…instead of the smoke and mirrors that's being blown up here. Please make an appointment with me and come and sit in my office and I will show you the numbers and I will show you categorically that we acted appropriately and frugally with the taxpayer's dollars. I'm sorry, Mr. Hockman, I think you're well intentioned but your numbers are so off base. Anyway, so you do have your pay scale freeze and lastly, the document that you're requesting or that you want to provide to the Commission, I asked for a copy of that because you were pushing an agenda, Commissioner that I felt was not fair, highly inappropriate and I asked to see what it is this anonymous package that came to you. You would not give me the common courtesy of a copy of it. So I'm very happy that it's coming out to the Commission. I'm very happy about it because it's common knowledge. I have nothing to hide, so I'm happy you're doing it. Let's get it out on the table and as far as I'm concerned, I'm actually happy that you suggested it. Now, I'm finished with my comments, however, I do want to get back to the city's work which I feel we have not been able to do because of these distractions and the personal attacks which are totally counterproductive.

"Our public library in the Skylar Room, tomorrow October 8th from 3 o'clock to 3:45, we are inviting all three and four year olds to a very special storybook event "The Very Hungry Caterpillar".

Commissioner Rumsey: "I had decided that I was not going to talk about the memo that went around Town today, but I am going to talk about it. We're better than this and this personal destruction we're trying to kill each other with as a community. We're better than this. I heard all the rumors about Maria Davis when I was running for election. I heard them all and you know what I did when I got elected? I made an appointment with Ms. Davis and I said "Tell me the truth, is this true?" Her comments to me were "Yes they're true, and this is what happened". Maria Davis was 17 years old when something happened in her life that she's not particularly proud of. If all of us want to hold our lives up for everyone else to view, God knows what we're going to find about each other, but she has worked her entire life to make herself better then what she was when she was 17 years old. Okay, there are a number of other comments you have in

your memo here, Mr. Hockman. The vac truck is one of the things that you allege here was not bid. Vivian, Madam Clerk, I'm sorry, can you please, I had a meeting today with some of the staff after I saw this memo. I want to be up front with everyone and let them know that I had a meeting with the staff and asked these questions, so I'm going to ask some people some questions now to make sure that we all have the facts. On the vac truck, can you please tell me the date that was approved?"

Town Clerk Vivian Lemley: "September 17th 2008".

Commissioner Rumsey: "Can you please tell me what the vote was on purchasing the vac truck and who voted in the affirmative and who voted in the negative?"

Town Clerk Vivian Lemley: "It was part of the Consent Agenda item for that evening and it was unanimously passed, purchased Sterling model for the storm water utility."

Commissioner Rumsey: "And can you please tell me who on the Commission voted on that evening?"

Town Clerk Vivian Lemley: "On that evening was former Commissioner Balius, Commissioner Carey, Commissioner Osterman, Vice-Mayor Daly and Mayor DuBois."

Commissioner Rumsey: "There was also allegations as far as the EAR in one of the e-mails that was sent to us by Mr. Hockman. Can you please tell me what date that was approved?"

Town Clerk Vivian Lemley: "The EAR was approved on May 2, 2007."

Commissioner Rumsey: "Can you please tell me who voted in the affirmative on that vote?"

Town Clerk Vivian Lemley: "It was voted on as Resolution 39-05-07. It was voted on unanimously by all of the members of the Commission at the time."

Commissioner Rumsey: "And who were the Commissioners at that time?"

Town Clerk Vivian Lemley: "Commissioner Balius, Commissioner Carey, Commissioner Osterman, Vice-Mayor Daly and Mayor Castro."

Commissioner Rumsey: "Thank you. As far as the parking meters, can you please advise the date that those were approved, and the vote, how it went down on that one."

Town Clerk Vivian Lemley: "The parking meters' first discussion was on May 20, 2009. It was part of the Town Manager's goals for 2009 through 2010. It was then discussed on July 22, 2009 as a Budget Workshop. It was also presented as an Exhibit to the Budget at that time. At the Workshop, that was July 22nd, consensus was given at that meeting. On August 5th 2009, the purchase of parking meters was a Consent Agenda item in which it was approved. It was actually pulled for further discussion and then approved."

Commissioner Rumsey: "Who pulled the item?"

Town Clerk Vivian Lemley: "You did."

Commissioner Rumsey: "And what was the vote on it, please?"

Town Clerk Vivian Lemley: "After the discussion, it was a vote of 3 to 1. The Mayor was not in at that meeting, so it was Commissioner Rumsey, Commissioner Osterman and Vice-Mayor Carey who voted for it and Commissioner Daly who voted against it."

Commissioner Rumsey: "Okay, and when was the final vote on that one?"

Town Clerk Vivian Lemley: "That was the August 5th meeting. The final time it came on our Agenda was August 19th, 2009 and it was for Ordinance on First Reading for Setting the Rate for the Parking Meters. That was Ordinance 10-2009. That Ordinance was passed on first reading. Commissioner Rumsey, Commissioner Osterman, Vice-Mayor Carey, and Mayor DuBois voted for it and Commissioner Daly voted against it, and on this Agenda we have the last meeting minutes."

Commissioner Rumsey: "There's also been allegations made that Ms. Davis when she filled out her application for employment with our Town, lied. May I have the Human Resources Director come to the podium please? I asked for a copy of Ms. Davis' application today, did I not?"

Human Resources Director Bambi McKibbon-Turner: "Yes you did, Commissioner."

Commissioner Rumsey: "And, did we discuss Ms. Davis' application to the Town?"

Human Resources Director Bambi McKibbon-Turner: "Yes we did."

Commissioner Rumsey: "Did you find that Ms. Davis lied on any portion of her application?"

Human Resources Director Bambi McKibbon-Turner: "No, I did not."

Commissioner Rumsey: "Did you do a background check on Ms. Davis?"

Human Resources Director Bambi McKibbon-Turner: "Yes I did."

Commissioner Rumsey: "Did anything pop up on her background check?"

Human Resources Director Bambi McKibbon-Turner: "Nothing came up on her Florida Department of Law Enforcement background check or her National Comprehensive background check."

Commissioner Rumsey: "However, Ms. Davis did have a yes on her application on a certain category that you went back to her and asked her a question about, is that correct?"

Human Resources Director Bambi McKibbon-Turner: "Yes, that is correct."

Commissioner Rumsey: "And how did Ms. Davis respond to that question?"

Human Resources Director Bambi McKibbon-Turner: "Ms. Davis responded yes to the arrest question on her application. I spoke with her on September 1, 2006 and I told her that we had run a national and state criminal background check that both came back clear, negative, and asked her why she checked off yes to the arrest question, and she said that 33 years before when she was a teenager, she was convicted for an offense, she was underage. She disclosed this on her application even though she knew it would not come up because she wanted to provide full disclosure."

Commissioner Rumsey: "Madam, can you please say again, how many years before that the offense took place?"

Human Resources Director Bambi McKibbon-Turner: "Thirty-three years prior to the date of her application to the Town."

Commissioner Rumsey: "And what was her age at the time?"

Human Resources Director Bambi McKibbon-Turner: "Seventeen."

Commissioner Rumsey: "Seventeen years old, thirty-three years prior."

Human Resources Director Bambi McKibbon-Turner: "Yes that is correct."

Commissioner Rumsey: When did the Commissioners, who were in charge of hiring the new Town Manager, receive the application?"

Human Resources Director Bambi McKibbon-Turner: "They actually received the application on September 6, 2006."

Commissioner Rumsey: "And at what date was her employment approved?"

Human Resources Director Bambi McKibbon-Turner: "The Clerk has that information."

Town Clerk Vivian Lemley: "The contract was approved for the Town Manager on January 3, 2007.

Commissioner Rumsey: "On January 3, 2007, and what was the date the Commission received the applications, again?"

Human Resources Director Bambi McKibbon-Turner: "September 6th, 2006."

Commissioner Rumsey: "So from September until January, the Commission did have the applications by the candidate where this was checked off that yes there had been an arrest in her

past when she was seventeen years old?"

Human Resources Director Bambi McKibbon-Turner: "That is correct."

Commissioner Rumsey: "Can you please tell me what the vote of the Commission and Mayor was to approve the hiring of Maria Davis?"

Town Clerk Vivian Lemley: "It first came up on December 6, 2006 where the offer was made and the contract negotiation began and it was unanimous at that point to offer Maria Davis the job of Town Manager. On the dais that evening was Commissioner Balius, Commissioner Carey, Commissioner Osterman, Vice-Mayor Daly, and Mayor Castro."

Commissioner Rumsey: "And you said that it was unanimous?"

Town Clerk Vivian Lemley: "Correct. The contract was then approved on January 3rd, 2007 in which it was a vote of 4 to 1 with Commissioner Balius, Commissioner Carey, Commissioner Osterman, and Vice-Mayor Daly voting for the contract and Mayor Castro voting against the contract."

Commissioner Rumsey: "Thank you. I want to apologize to the community for going into this and I want to apologize to my fellow Commissioners for going into this, however folks we're better than having to do this and this innuendo that is going around our Town trying to character assassinate people needs to stop. We've got more important business for this community than to kill each other over what we did when we were seventeen years old. This Town deserves better. We started out the year $900,000 in the hole. Let's find solutions to that. Let's be part of the solution, not the problem. I heard when I was running for this seat, I heard all the stories, I heard them all. Now I've been accused of drinking the Kool Aid of Maria Davis. Well guess what folks, I haven't drank any Kool Aid from anybody, I've actually gotten in here and investigated and learned what was going on to see for myself and that's what we need our community to do. We need everybody to be part of the solution here. Not just go out and try to kill each other to make a point. I apologize again, Madam Mayor, and I apologize to the community, but I thank you for your time."

Mayor DuBois thanked Commissioner Rumsey.

ADJOURNMENT

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

_____
Mayor DuBois

_____
Deputy Clerk Jessica Shepherd

_____
Town Clerk Vivian Lemley

Town Seal

Approved on this ___ of _____, 2009.

TAB 2

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: **November 4, 2009** Agenda Item No. Tab 2

[ ] PUBLIC HEARING [X] RESOLUTION

[ ] ORDINANCE ON FIRST READING [ ] ORDINANCE ON SECOND READING

[ ] BID/RFP Award [ ] DISCUSSION

[ ] GENERAL APPROVAL OF ITEM [X] CONSENT AGENDA

[ ] Other:

SUBJECT: **Resolution – Town Surplus Auction**

RECOMMENDED MOTION/ACTION: **Approval**

Approved by Town Manager _____ **Date:** 10/29/09

Michael Arnold, Public Works Director **10/28/09**
Name/Title Date of Actual Submittal

Originating Department: **Public Works**	Costs: $ **TBD** Funding Source: Acct. #	Attachments: **Resolution** **Auctioneer's Agreement**
Department Review: [ ] Community Affairs ____ [ ] Community Development___ [X] Finance _____	[ ] Fire Dept _____ [ ] Grants ____ _____ [ ] Human Resources_____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Town Attorney_____ [X]Town Clerk _____ [X] Town Manager _____
Advertised: Date: _____ Paper: _____ [X] 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_____: Please initial one.

Summary Explanation/Background:

The Town periodically auctions off surplus vehicles, equipment, materials, furniture and other items that are obsolete, no longer functional, no longer serve their intended purpose, have served or exceeded their useful life, etc. The Town currently has a number of such items. Staff has prepared the attached resolution that identifies these, declares them as surplus, and authorizes the Town Manager to dispose of them by means of a public auction. An auction date of Saturday, November 7, 2009, has been designated and an auctioneer has been retained. This firm, Florida Auctioneers, Inc., has conducted such auctions for the Town for a number of years. There is no direct cost to the Town for these services; rather, the auctioneer takes a percentage of the proceeds paid in the form of Buyer's Premiums (not to exceed a total of $800.00) as sole compensation. The auction will be held at the Public Works Complex on Old

Dixie Highway, and public inspection of items to be sold will be at 9:00 AM followed by the actual auction at 10:00 AM. The Town is required to gather and organize items to be auctioned and to have two staff members present on the day of the auction to operate, demonstrate and/or display items and to provide general assistance. Proceeds from the auction will be deposited in the General and/or Sanitation Funds as applicable. Approval of this resolution is requested and recommended.

RESOLUTION NO. 53-11-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; CLASSIFYING CERTAIN TOWN OWNED EQUIPMENT AND MISCELLANEOUS ITEMS AS SURPLUS; AUTHORING THE TOWN MANAGER TO DISPOSE OF SAID SURPLUS EQUIPMENT AND MISCELLANEOUS ITEMS APPROPRIATELY; DIRECTING THAT THE PROCEEDS DERIVED FROM DISPOSAL OF SAID SURPLUS EQUIPMENT AND MISCELLANEOUS ITEMS BY MEANS OF PUBLIC AUCTION BE DEPOSITED IN THE TOWN'S GENERAL FUND, AND THE TOWN'S SANITATION FUND; DIRECTING THAT THE TOWN'S FIXED ASSET RECORDS BE AMENDED TO REFLECT DISPOSAL OF SAID SURPLUS EQUIPMENT AND MISCELLANEOUS ITEMS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Manager of the Town of Lake Park has the power and Authority pursuant to the provisions of the Town Code to dispose of surplus personal property of the Town of Lake Park (Town); and

WHEREAS, the Town Manager has identified certain items of Town Property which are surplus property; and

WHEREAS, surplus property means any personal property belonging to the Town which is capable of being used by the Town, but which is in excess of the normal operating requirements of the Town; and

WHEREAS, the Town Manager has determined that it is in the best interest of the Town, and the public health, safety and general welfare of the Town, and its residents to dispose of the surplus property identified herein; and

WHEREAS, the items of personal property listed herein have been classified by the Town Manager as surplus property of the Town to be disposed of at public auction with the proceeds of the sale of the surplus property to be deposited in the Town's General Fund, and the Town's Sanitation Fund.

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

SECTION 1. The Whereas clauses are incorporated herein as true and correct.

SECTION 2. That certain Town owned property, which is obsolete and/or the continued use thereof is uneconomical, inefficient and/or serves no useful function, is hereby classified as surplus property.

GENERAL FUND
VEHICLE AUCTION LIST

'97 Scag 48" mower	PW	vin SN4200146	asset #01188
'04 Hustler Super Z 72" mower	PW	vin 4040904	asset #2601
'00 Club Car Golf Cart	PW		

GENERAL FUND
EQUIPMENT AUCTION LIST

File cabinets, tables, computers, keyboards, monitors, modems, office chairs, television, speakers, piano, holiday decorations, aerator, miscellaneous small office items, tools and equipment, roto-tiller, digital cameras, vacuum cleaner, printer, DVD & VHS spindles/carousels, microwave.

SANITATION FUND
VEHICLE AUCTION LIST

'01 Volvo/Heil Sidearm	SAN	asset #2148
'98 Ford LaBrie Recycle Truck	SAN	asset #01120

SANITATION FUND
EQUIPMENT AUCTION LIST

Pressure washer

SECTION 3. That the Town Manager is hereby authorized to dispose of the above described surplus property for amounts bid thereon at public auction or to dispose of appropriately.

SECTION 4. That the Town Manager is hereby directed to see that all proceeds derived from disposal of said surplus property as bid thereon at public auction is deposited in the Town's General Fund and the Town's Sanitation Fund.

SECTION 5. That the Town Manager is hereby directed to see that the Fixed Asset records of the Town are amended to reflect disposal of said surplus property in the manner required by the Auditor General.

SECTION 6. This Resolution shall take effect immediately upon passage.

TAB 3

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: November 4, 2009 Agenda Item No. Tab 3

[ ]	PUBLIC HEARING	[✓]	**RESOLUTION**
[ ]	Public Hearing	[ ]	DISCUSSION
[ ]	ORDINANCE ON FIRST READING	[ ]	BID/RFP AWARD
[ ]	ORDINANCE ON SECOND READING	[✓]	**CONSENT AGENDA**
[ ]	GENERAL APPROVAL OF ITEM	[ ]	Other:

SUBJECT: Disadvantage Business Enterprise (DBE)/Minority Business Enterprise (MBE) Policy Statement for the Local Agency Plan Certification by the Florida Department of Transportation

RECOMMENDED MOTION/ACTION: Adoption

Approved by Town Manager _____ **Date:** 10/29/09

Virginia Martin, Grants Writer
Name/Title

October 29, 2009
Date of Actual Submittal

Originating Department: Grants	Costs: $ N/A Funding Source: Acct. #	**Attachments:** Resolution Policy Statement Action Plan
Department Review: [ ] Community Affairs ____ [ ] Community Development__ [ ] Finance _____	[ ] Fire Dept _____ [✓] Grants GM [ ] Human Resources_____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Town Attorney_____ [ ] Town Clerk_____ [✓] Town Manager _____
Advertised: Date: _____ Paper: _____ [✓] 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 GM: Please initial one.

Summary Explanation/Background: The Town is working to get its Local Agency Program (LAP) Certification for the Florida Department of Transportation and the Federal Highway Administration.. At this time, we have an FDOT grant of $330,500 for the Park Avenue Project

from 7th Street to Federal Highway. Certification is required to get this grant, which will be used as leverage to get other grants to complete the project. We must have a DBE/MBE Policy and plan in place to get our LAP Certification.

RESOLUTION NO. 54-11-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ADOPTING POLICIES AND AN IMPLEMENTATION PLAN FOR TITLE VI AND RELATED STATUTES NON-DESCRIMINATION AGREEMENT FOR FLORIDA DEPARTMENT OF TRANSPORTATION AND THE FEDERAL HIGHWAY ADMINISTRATION FUNDING

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town desires to implement strategies that will improve the economic well being of the community; and

WHEREAS, the Florida Department of Transportation requires that Municipalities acquire Local Agency Program (LAP) Certification to insure that the Agency has the capacity to comply with Federal operating and reporting requirements; and

WHEREAS, Disadvantaged Business Enterprise (DBE)/Minority Business Enterprise (MBE) policies and procedures must be approved by the governing body of the agency; and

WHEREAS, an implementation plan must be in place to apply the policies approved by the governing body of the Town; and

WHEREAS, the Town of Lake Park wishes to enter into a Local Agency Program Agreement with the Florida Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida:

SECTION 1. The Town Commission approves the Disadvantaged Business Enterprise Policies and Procedures.

SECTION 2. The Town Commission authorizes and directs the Mayor to sign and submit the requisite copy of the Disadvantaged Business Enterprise (DBE)/Minority Business Enterprise Policy Statement to the Florida Department of Transportation as part of the Town's LAP Certification Application.

SECTION 4. The Town Commission directs the Town Manager to act as Liaison to the Florida Department of Transportation in matters related to Disadvantaged Business Enterprises/Minority Business Enterprises contracting with the Town for State and Federally funded highway projects.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

DBE AFFIRMATIVE POLICY STATEMENT & ACTION PLAN

POLICY STATEMENT

The Town of Lake Park is committed to the effective implementation of the Disadvantaged Business Enterprise (DBE) Program, such businesses hereinafter designated as DBEs as defined in Title 49, Code of Federal Regulations (CFR) Part 26. This program will be executed in accordance with the regulations of the United States Department of Transportation (DOT) as a condition of receiving DOT funding.
It is the policy of the Town of Lake Park to:

a) Ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Town's highway programs;
b) Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
c) To ensure that Lake Park's DBE program is narrowly tailored in accordance with applicable law;
d) Ensure that only firms which fully meet this part's eligibility standards are permitted to participate as DBEs;
e) Help remove barriers to the participation of DBEs in DOT-assisted contracts; and
f) Assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Town of Lake Park will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract. The Town of Lake Park shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The Town of Lake Park shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.
In administering the DBE Program, the Town of Lake Park will not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.
No contractor, sub-recipient, or subcontractor shall discriminate on the basis of race, color, national origin, or sex in the performance on any DOT-assisted contract. Contractors shall carry out the applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements will result in a material breach of the contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of the agreement. The Town of Lake Park may take enforcement action

under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action. The Town of Lake Park may refer to the United States Department of Justice, for prosecution under 18 United States Code (USC) 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

The Town Manager has been designated as the DBE Liaison Officer. In that capacity, the Town Manager is responsible for implementing all aspects of the DBE Program.

This DBE policy statement is available to all Town of Lake Park department heads, Commissioners, Administrators and to the DBE and non-DBE business community. The policy statement is also available on the Town of Lake Park website at www.lakeparkflorida.gov.

_____ _____

Desca DuBois, Mayor
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

Date

(Attest)

I. DESIGNATION OF LIAISON OFFICER

The Town of Lake Park will aggressively recruit disadvantaged businesses as subcontractors and suppliers for all contracts with the Florida Department of Transportation. The Town has appointed a Liaison Officer to develop and maintain this Affirmative Action Plan in accordance with the requirements of Rule Chapter 14-78, F.A.C.

The Liaison Officer will have primary responsibility for developing, maintaining, and monitoring the Town's utilization of disadvantaged subcontractors in addition to the following specific duties:

1. The Liaison Officer shall aggressively solicit bids from disadvantaged business subcontractors for all Florida Department of Transportation contracts;

2. The Liaison Officer will submit all records, reports, and documents required by the Florida Department of Transportation, and shall maintain such records for a period of not less than three years, or as directed by any specific contractual requirements of the Florida Department of Transportation.

The following individual has been designated Liaison Officer with responsibility for implementing the Town's affirmative action program in accordance with the requirements of the Florida Department Transportation.

Maria V. Davis
Town of Lake Park
535 Park Avenue
Lake Park, Florida 33403-2603
(phone) 561-881-3304

II. AFFIRMATIVE ACTION METHODS

In order to formulate a realistic Affirmative Action Plan, the Town of Lake Park has identified the following known barriers to participation by disadvantaged subcontractors, before describing its proposed affirmative action methods:

1. Lack of qualified disadvantaged subcontractors in our specific geographical areas of work;

2. Lack of certified disadvantaged subcontractors who seek to perform Florida Department of Transportation work;

3. Lack of interest in performing on Florida Department of Transportation contracts;

4. Lack of response when requested to bid;

5. Limited knowledge of Florida Department of Transportation plans and specifications to prepare a responsible bid.

In view of the barriers to disadvantaged businesses stated above, it shall be the policy of the Town of Lake Park to provide opportunity by utilizing the following affirmative action methods to ensure participation on the contracts with the Florida Department of Transportation. The Town of Lake Park will:

1. Provide written notice to all certified DBE subcontractors in the geographical area where the work is to be subcontracted by the Town;

2. Advertise in minority focused media concerning subcontract opportunities with the Town;

3. Select portions of the work to be performed by DBEs in order to increase the likelihood of meeting contract goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);

4. Provide adequate information about the plans, specifications, and requirements of the contract, not rejecting subcontractors without sound reasons based on a thorough investigation of their capabilities;

5. Waive requirements of performance bonds where it is practical to do so;

6. Attend pre-bid meetings held by the Florida Department of Transportation to apprise disadvantaged subcontractors of opportunities with the Town;

7. Follow up on initial solicitations of interest to DBE subcontractors to determine with certainty whether the DBE company is interested in the subcontract opportunity.

The Town of Lake Park understands that this list of affirmative action methods is not exhaustive and will include additional approaches after having established familiarity with the disadvantaged subcontracting community and/or determined the stated approaches to be ineffective.

III. IMPLEMENTATION

On contracts with specific DBE goals, the Town of Lake Park will make every effort to meet contract goals as stated by utilizing its affirmative action methods. On projects with no specific goals, the Town will, as an expression of good faith, seek to utilize DBE subcontractors where work is to be subcontracted.

IV. REPORTING

The Town of Lake Park, shall keep and maintain such records as are necessary to determine the Company's compliance with its DBE Affirmative Action Plan.

The Company will design its record keeping system to indicate:

1. The number of DBE subcontractors and suppliers used by the Company, identifying the items of work, materials and services provided;

2. The efforts and progress being made in obtaining DBE subcontractors through local and community sources;
3. Documentation of all contracts, to include correspondence, telephone calls, newspaper advertisements, etc., to obtain DBE participation on all Florida Department of Transportation projects;
4. The Company shall comply with Florida Department of Transportation's requirements regarding payments to subcontractors including DBEs for each month (estimate period) in which the companies have worked.

V. DBE DIRECTORY

The Town of Lake Park will utilize the DBE Directory published by the Florida Department of Transportation.

The Town will distribute Form Number 275-030-01, Schedule A, Certification Form # 1, to potential DBE contractors and assist in their completion.

TAB 4

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: NOVEMBER 4, 2009 Agenda Item No. Tab 4

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	ORDINANCE ON FIRST READING	[ ]	ORDINANCE ON SECOND READING
[ ]	BID/RFP Award	[X]	**DISCUSSION/APPROVAL**
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Florida Power & Light Street Lighting Agreement to Install and Maintain Four Street Lights on Bayberry Drive.

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager Ue. Lewis **Date:** 10/28/09

Richard Pittman/CRA Project Manager
Name/Title

October 28, 2009
Date of Actual Submittal

Originating Department: Public Works	Costs: **$ 76.28/month** Funding Source: **Street & Road Fund** Acct. # **190-43000**	**Attachments:** **FPL Agreement** **Pole Location Drawing**
Department Review: [ ] Community Affairs ____ [ ] Community Development___ [ ] Finance _____	[ ] Fire Dept _____ [ ] Grants _____ [ ] Human Resources_____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Town Attorney_____ [ ]Town Clerk _____ [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ [X] 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_____: Please initial one.

Summary Explanation/Background: This fiscal year budget includes funds to provide additional street lighting in the Town. Bayberry Drive has been selected to be the first street to receive additional lighting. FPL is the most expedient source to provide street lights.

The Town Commission recently requested a presentation of street lighting options. Subsequent research into the options available indicates that options outside of FPL are somewhat limited and will take time to implement. The Town has retained a street lighting consultant to research lease purchase opportunities and LED lighting options. The consultant's presentation is on the same agenda as this item. The Commission may want to defer a decision on this item until after the street lighting presentation.

The subject street lighting agreement provides for FPL to provide, install and maintain four (4) 200 watt high pressure sodium cobra head street lights. Each street light will be attached to a wood pole and energized by overhead wiring. These proposed street lights are typical of the existing street lighting found at intersections in the Town's residential neighborhoods.

The four street lights will be installed on the north side of Bayberry Drive between 2nd Street and 3rd Street. There is no initial cost to the Town for FPL to provide these lights. The Town is currently billed on average $6,500/month for street lighting. The monthly invoice for the addition of these four street lights will increase by approximately $ 76.28. The breakdown of costs as approved by the Florida Public Service Commission is as follows:

200 Watt HPS fixture	$ 5.82/mo.	
FPL Maintenance	$ 1.85/mo.	
Energy (Varies)	$ 1.84/mo	
Wood Pole	$ 2.62/mo.	
SUB TOTAL		$12.13/mo.
Approximate Misc. Charges:		
Energy Conservation Cost Recovery	$ .09/mo.	
Capacity Payment Recovery Charge	$ .12/mo.	
Environmental Cost Recovery Charge	$ .03/mo.	
Storm Charge	$ .27/mo.	
Fuel Charge	$ 5.07/mo.	
SUB TOTAL		$ 5.58/mo.
Gross Receipts Tax	$ .22/mo.	
Franchise Charge******	$ 1.14/mo	
TOTAL COST PER STREET LIGHT PER MONTH		**$ 19.07**

****** Returned to Town