



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, November 6, 2013, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 6, 2013 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Mayor DuBois led the pledge of allegiance and Town Clerk Mendez performed the roll call.

SPECIAL PRESENTATIONS/REPORTS

1. Distinguished Service Award in Honor of Public Works Department Employee Eddie Lee Cowart Upon his Retirement from the Town of Lake Park

Mayor DuBois presented Mr. Cowart with the Distinguished Service Award in recognition of his years of service as a Public Works Department Employee.

PUBLIC COMMENT:

Amos Metayer, 427 Crescent Circle, requested the Commission install a crosswalk at the northeast corner of Crescent Circle and Crescent Drive. He stated that the foot traffic and bicycles cross at this corner has increased. He provided photographs of the corner (see attached Exhibit "A").

Vice-Mayor Glas-Castro asked if there is a sidewalk on the northeast corner of Crescent Circle and Crescent Drive.

Mayor DuBois stated that there is a sidewalk but not a sidewalk bib for a crosswalk.

CONSENT AGENDA:

2. Regular Commission Meeting Minutes of October 16, 2013

Mayor DuBois requested that the minutes be pulled for discussion. He stated that on page nine (9) of the minutes it reads that "Mayor DuBois asked if the applicant can accept site plan submittal by March 31, 2014, a bond of \$30,000 tied to the submittal of the site plan and all the other conditions provided for in the staff report. ". He believes that the applicant answered in the affirmative, but it is not included in the minutes. He requested that the applicants response be included in the minutes.

Motion: A motion was made by Commissioner O'Rourke to approve the Meeting Minutes of October 16, 2013 as amended; Commissioner Flaherty made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty | X | | |
| Commissioner O'Rourke | X | | |
| Commissioner Rapoza | X | | |
| Vice-Mayor Glas-Castro | X | | |
| Mayor DuBois | X | | |

Motion passed 5-0.

PUBLIC HEARINGS - ORDINANCES ON FIRST READING:

None

PUBLIC HEARINGS – ORDINANCES ON SECOND READING:

None

NEW BUSINESS:

- 3. Resolution No. 42-11-13 to Ratify the Tentative Agreement Reached between the Town of Lake Park and the Federation of Public Employees for Fiscal Year 2013-2014**

Town Manager Sugerman explained the item (see Attached Exhibit "B").

Motion: A motion was made by Commissioner O'Rourke to approve Resolution 42-11-13 to Ratify the Tentative Agreement reached between the Town of Lake Park and the Federation of Public Employees for Fiscal Year 2013-2014; Vice-Mayor Glas-Castro made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty | X | | |
| Commissioner O'Rourke | X | | |
| Commissioner Rapoza | X | | |
| Vice-Mayor Glas-Castro | X | | |
| Mayor DuBois | X | | |

Motion passed 5-0.

- 4. Acceptance of the Grant Agreement with the Florida Inland Navigation District for the Lake Park Harbor Marina Breakwater Project - Phase II**

Town Manager Sugerman explained the item (see attached Exhibit "C").

Commissioner O'Rourke asked if the original project submitted was for a concrete type breakwater that would be in an "L" shape.

Town Manager Sugerman explained that for the most part the breakwater would be in a north to south direction.

Commissioner O'Rourke asked how the project is being modified.

Town Manager Sugerman provided a depiction (Exhibit "D") and noted that they are not construction drawings. He explained that the two walls would create a "V" shape to protect the opening of the channel instead of a "bar" across the channel.

Mayor DuBois stated that he is glad to see the change in design because he thought the original design was not going to help and may have hurt the channel.

Commissioner O'Rourke asked where there "rip-rap" seawall would be installed and if it would touch the pier.

Jaime Hart, Marina Director, explained that this is a concept at this point and that it would not touch the pier and it would extend closer to the land-side.

Commissioner O'Rourke asked if staff is requesting the Commission to approve the Grant and it would commit the Town to the project if further funding is received.

Town Manager Sugerman stated "yes".

Commissioner Rapoza asked what are the odds of the Town receiving the matching from another grant source.

Marina Director Hart stated that a breakwater type project is eligible for several grants and the Town will be applying for these grants. He thinks it is 50/50 as all the grants have different criteria and scoring.

Town Manager Sugerman stated that the good news is that Town has good relationships with all the granting agencies. He stated that the Town would offer to put in 10% of the 50% matching to show the Town's commitment to the project.

Commissioner O'Rourke asked if this project will have an impact on the beaches and seawalls in the area by directing the water flow into other seawalls in the area and cause deterioration of the seawalls.

Vice-Mayor Glas-Castro stated that the determination regarding impact on the surrounding area would be part of the review done by the environmental permitting agency.

Commissioner O'Rourke asked if an environmental impact study would be done when the project reaches the permitting stage.

Vice-Mayor Glas-Castro stated “yes”.

Marina Director Hart stated that the neighboring properties would receive notification during the permitting process.

Vice-Mayor Glas-Castro asked what the next steps are if the Commission approves this item.

Town Manager Sugerman stated that the next step would be to go after the additional grant funding and then begin the process to go out for bid for the construction drawings.

Motion: A motion was made by Commissioner O’Rourke to approve acceptance of the grant from the Florida Inland Navigation District in the amount of \$249,115.00 and execute any agreements and necessary documents associated with acceptance of such funds; Commissioner Rapoza made the second.

Commissioner O’Rourke stated that this item reminded him of the Commission workshop regarding the Vision of the Town. He stated that it raised concerns on whether the Town was going about improvements to the Town in piece meal fashion. He stated that there are improvements needed in the Marina area and suggested that the Commission have a workshop to discuss all the improvement needed in the area around the Marina including zoning, the US1 corridor, and other improvement projects in the waterfront area.

Mayor DuBois stated that there was a public workshop schedule for the US1 corridor and will be rescheduled and would like to see the other items Commissioner O’Rourke has suggested be included in that workshop/meeting.

Commissioner O’Rourke believes that the waterfront area is one of the Town’s biggest assets, but there needs be a plan for the improvements to the area. He stated that it is the Commission’s job to put forward the vision for that area.

Mayor DuBois stated that the Planning Council has several studies regarding possible improvements to the Town’s waterfront area.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty | X | | |
| Commissioner O’Rourke | X | | |
| Commissioner Rapoza | X | | |
| Vice-Mayor Glas-Castro | X | | |
| Mayor DuBois | X | | |

Motion passed 5-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Attorney Baird had no comments.

Town Manager Sugerman had no comments.

Commissioner Rapoza congratulated the Seeds of Hope on all the work at the Community Garden. She congratulated Mr. Cowart on his years of service to the Town.

Commissioner O'Rourke stated that the Seafood Festival will be on November 9, 2013 from 11:00 am to 7:00 pm and November 10, 2013 from 10:00 am to 6:00 pm. He thanked Marina Director Hart for the Sunset Celebration and that it was an entertaining and fun event.

Commissioner Flaherty thanked all the Town staff that worked on the Sunset Celebration. He stated that the Seafood Festival is on November 9 and 10, 2013. He thanked Commissioner Rapoza for her comments regarding the Community Garden.

Vice-Mayor Glas-Castro she stated that she has been receiving questions from residents and asked Town Manager Sugerman about the voting system consultant that the Commission authorized hiring. She asked what the deadline is to place a question on the upcoming March ballot. She stated that she was advised in order to have the item on the March ballot the Ordinance would need to be on the December 18, 2013 agenda for First Reading and since the consultant is not done with his work it does not appear that the item will make the March ballot.

Attorney Baird stated he spoke with Vice-Mayor Glas-Castro and advised that he would speak with Professor Engstrom. He has spoken with Professor Engstrom and advised that Professor Engstrom is preparing to deliver a report as an expert witness in a Federal trial by Monday, November 11, 2013. However, Professor Engstrom did indicate to him that he thought it was possible to complete Phase II of the study before the end of the year. He stated that if the Commission wanted to move forward with the First Reading of the Ordinance it would have to be before the report is complete, but there is a chance the report could be completed before the Second Reading of the Ordinance.

Attorney Baird asked for the meeting dates for the hearings for the Ordinance.

Town Manager Sugerman stated that in order for the item to be on the March ballot the ballot language must be approved by two separate readings of an Ordinance and to the Palm Beach County Supervisor of Elections no later than noon, Friday, February 7, 2014. He explained that there is only one meeting in January 2014 for Second Reading and December 18, 2013 would be First Reading.

Attorney Baird stated that the Commission could also call a special meeting.

Town Manager Sugerman stated that the work that Professor Engstrom is doing may ultimately have an impact on the Town's presentation to the Department of Justice in defending the position that the Commission and citizens may want to take but he is not sure that Professor Engstrom's work will necessarily impact the language that the Commission may want to put on the ballot. He stated that the Commission may want to start thinking about the language for the ballot in order to meet the December and January meetings.

Attorney Baird stated that it is his understanding that the Commission's collective desire is to, based on the feedback received from the residents, return to a general election for the Commission with staggered Commission seats so that the electors have the ability to elect four (4) Commissioners not the current method of casting one vote. He does not think it is difficult to craft a ballot Ordinance to return to the former voting system.

Commissioner O'Rourke is concerned with the fact that there was an agreement with the Department of Justice and he is worried about crafting new language without have the Town's consultant coming up with some definitive response in regard to the issue. He thinks it would be a better plan to wait for the report from Professor Engstrom.

Mayor DuBois asked if a plan can be put into place to have the report in time to have First Reading on December 18, 2013 and Second Reading on January 15, 2014.

Attorney Baird stated that he would talk to Professor Engstrom.

Vice-Mayor Glas-Castro stated that she does not think that going back to the old system is what the Commission wants or some hybrid.

Attorney Baird suggested that the Commission have a workshop to determine what the Commission wants to do.

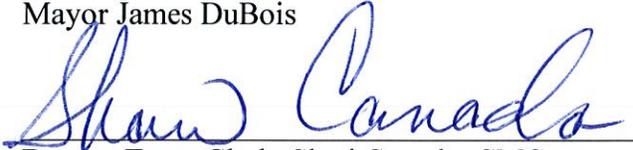
Mayor DuBois stated that the Veteran's Car Show is on Sunday, November 10, 2013 at Kelsey Park. He stated that the Seafood Festival is on November 9 and 10, 2013. He stated that on Monday, November 11, 2013 at 11:00 am there will be a Veteran's Day Ceremony at the memorial at Kelsey Park. He stated that Trunk or Treat was great. He stated the Harbor Freight has opened a new store at 440 Northlake Boulevard. He stated that he attended the Army Reserve Center Tour and should be finished in Spring on 2014. He congratulated the dog obedience center on Gateway on their 60-year anniversary. He stated that Edie's Corner Dedication will be on Thursday, November 14, 2013 at the Library. He stated that the Sunset Celebration was great.

ADJOURNMENT

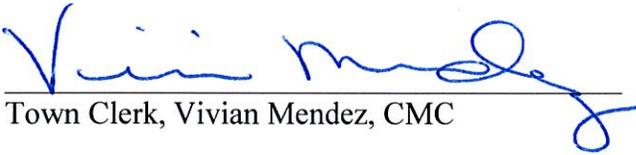
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 7:23 p.m.



Mayor James DuBois



Deputy Town Clerk, Shari Canada, CMC



Town Clerk, Vivian Mendez, CMC



Approved on this 20 of November, 2013

Exhibit "A"



crosswalk

SW corner



Crosswalk



NW corner

CROSS WALK
← SE CORNER





NE CORNER
need a CROSS
WALK



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 6, 2013

Agenda Item No. Tab 3

Agenda Title: Resolution to Ratify the Tentative Agreement Reached between the Town of Lake Park and the Federation of Public Employees for Fiscal Year 2013-2014.

- Checkboxes for SPECIAL PRESENTATION/REPORTS, BOARD APPOINTMENT, PUBLIC HEARING ORDINANCE ON ___ READING, NEW BUSINESS, and OTHER.

Approved by Town Manager [Signature] Date: 10/14/13

Name/Title: [Signature] HUMAN RESOURCES DIRECTOR

Table with 3 columns: Originating Department (Human Resources), Costs (\$ -0-), Attachments (Resolution, 2013 Collective Bargaining Negotiation Tentative Agreement, etc.), Advertised (Not Required), and Yes I have notified everyone (BMT).

Summary Explanation/Background:

On November 2, 2011, the Commission approved pursuant to Resolution 38-10-11 the Collective Bargaining Agreement for the term of October 1, 2011 to September 30, 2014 (the "Agreement") between the Town and the Federation of Public Employees, a Division of the National Federation of Public and Private Employees AFL-CIO (the "Union"). Such Agreement contains, at Article 25, Article 26 and Article 28 respectively, reopeners for the negotiation of insurance benefits, wages and pension benefits prior to the second and third year of the Agreement. A copy of the Agreement is attached for ease of reference.

The above three reopened articles were bargained with the Union on October 9, 2013, and a tentative agreement ("Tentative Agreement") was reached by the parties. A copy of such Tentative Agreement is attached.

On October 11, 2013, a majority of the bargaining unit members of the Union voted to ratify the Tentative Agreement. A copy of the October 15, 2013 letter from the Union documenting such ratification is also attached.

The purpose of this agenda item is ratification of the Tentative Agreement by Resolution of the Town Commission.

Recommended Motion: Approval of Resolution _____ 2013.



Exhibit "c"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 6, 2013

Agenda Item No. Tab 4

Agenda Title: Acceptance of the Grant Agreement with the Florida Inland Navigation District for the Lake Park Harbor Marina Breakwater Project – Phase II

- Special Presentation/Reports, Board Appointment, Public Hearing Ordinance on Reading, New Business, Other, Consent Agenda, Old Business

Approved by Town Manager [Signature] Date: 10/23/13

James C. Hart/Marina Director Name/Title

Table with 3 columns: Originating Department (Costs: \$249,115.00, Funding Source: Acct. #800-63000 - Town #800-83710 - FIND Settlement Funds [X] Finance BKR), Attachments (Grant Agreement), and Advertised (Date, Paper, [X] Not Required, All parties notified, Yes I have notified everyone, or Not applicable in this case JH, Please initial one).

Summary Explanation/Background:

On March 20, 2013, the Town Commission approved Resolution No. 08-03-13 to apply for a grant from the Florida Inland Navigation District (FIND) to construct a breakwater structure at the entrance of the Lake Park Harbor Marina to control boat wakes at this specific location.

Staff received notification on October 10, 2013 from FIND acknowledging approval of the grant in the amount of \$249,115.00 along with two original copies of the grant agreement for execution by the Town of Lake Park (see copy attached). The grant represents reimbursement of 50% of the cost to construct the project which is estimated to cost approximately \$498,230.00.

The funding source at the time of the grant was applied for, requiring a 50% local match, was designated out of settlement funds from the Marina lawsuit. However, we are pursuing other eligible grant sources to replace the settlement funds as they are now designated for improvements to the seawall/sidewalks at the Marina. Other sources of grant funding include the Florida Boating Improvement Program, Palm Beach County/Florida Boating Improvement Program, and the Florida Fish and Wildlife Conservation Committee/Boating Infrastructure Grant Program.

Staff is considering changes to the current plan that includes extending the existing breakwater across the entranceway to a "rip rap" type seawall. FIND has tentatively indicated they will agree to the proposed modifications to the plans as contemplated for the rip rap structure. This type of structure is designed to provide the maximum amount of stability to effectively control wakes based upon directional flow while also providing an environmental habitat for fish and other wildlife. The agreement specifies in paragraph 1, page 1, that "any modifications to the PROJECT'S scope of work shall require written advance notice and justification from the PROJECT SPONSOR (Town of Lake Park) and the prior written approval of FLORIDA INLAND NAVIGATION DISTRICT".

The Town has until September 1, 2015 to complete the project with submittal of all required payment reimbursement information according to the agreement. FIND may authorize an extension to the agreement for only one year, but not beyond September 30, 2016.

Recommended Motion:

I move to approve acceptance of the grant from the Florida Inland Navigation District in the amount of \$249,115.00 and execute any agreements and necessary documents associated with acceptance of such funds.

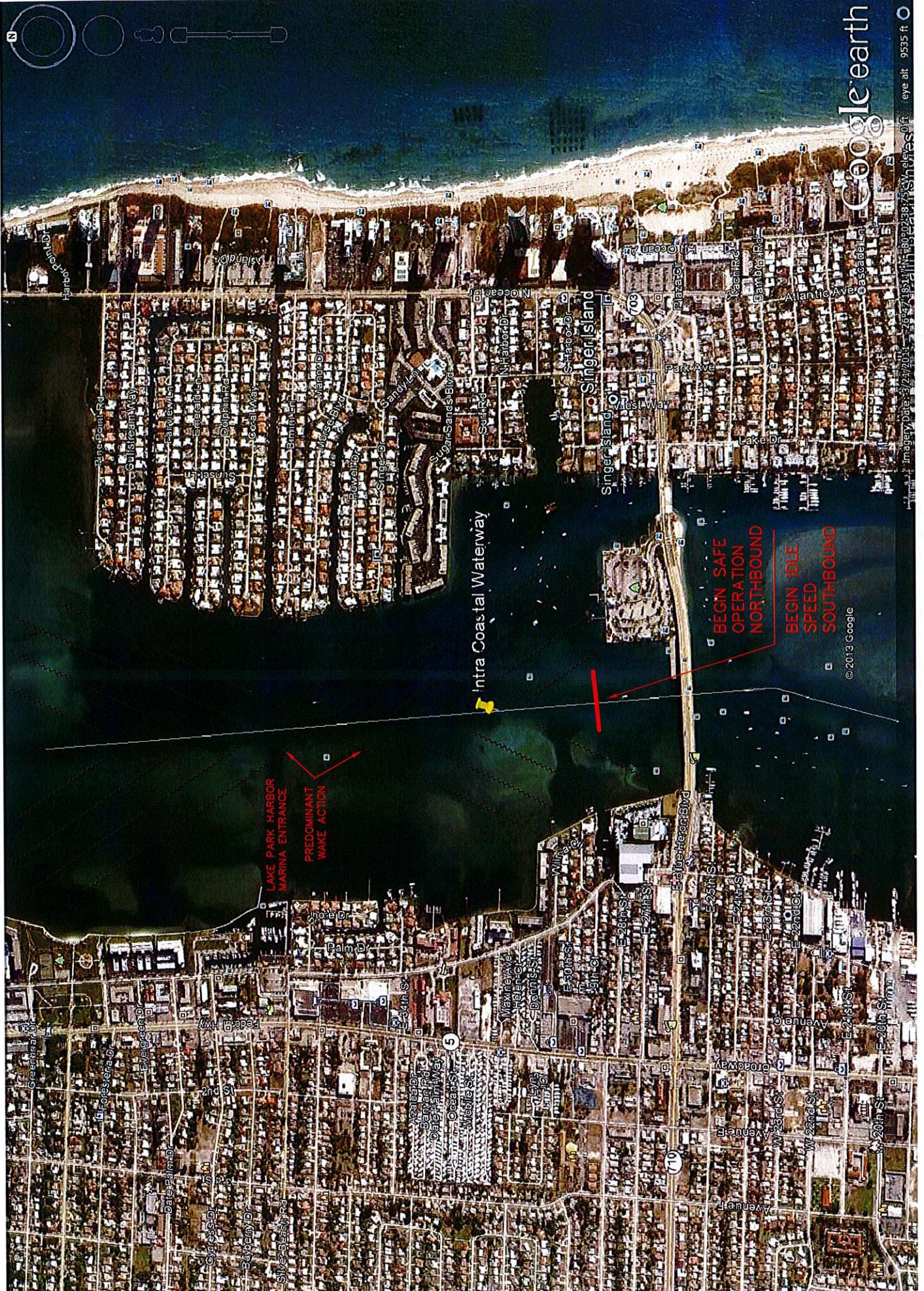
Exhibit "D"



© 2013 Google

Google earth

Imagery Date: 3/21/2011 26°47'35.84" N 80°02'58.94" W elev. -1 ft eye alt. 2084 ft



LAKE PARK HARBOR
MARINA ENTRANCE
PREDOMINANT
WAKE ACTION

Intra Coastal Waterway

Singer Island

BEGIN SAFE
OPERATION
NORTHBOUND

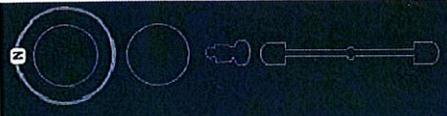
BEGIN IDLE
SPEED
SOUTHBOUND

© 2013 Google

Google earth

eye alt. 9535 ft

imagery date: 3/24/2011 264718111800238753





AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, November 6, 2013, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

| | | |
|--------------------------------|---|----------------------|
| James DuBois | — | Mayor |
| Kimberly Glas-Castro | — | Vice-Mayor |
| Erin T. Flaherty | — | Commissioner |
| Michael O'Rourke | — | Commissioner |
| Kathleen Rapoza | — | Commissioner |
| | | |
| Dale S. Sugerman, Ph.D. | — | Town Manager |
| Thomas J. Baird, Esq. | — | Town Attorney |
| Vivian Mendez, 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/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

**1. Distinguished Service Award in Honor of Public Works Department Employee
Eddie Lee Cowart Upon his Retirement from the Town of Lake Park**

Tab 1

D. PUBLIC COMMENT:

This time is provided for addressing 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.

E. 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.

2. Regular Commission Meeting Minutes of October 16, 2013

Tab 2

F. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:
None

G. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:
None

H. NEW BUSINESS:

3. Resolution No. 42-11-13 to Ratify the Tentative Agreement Reached between the Town of Lake Park and the Federation of Public Employees for Fiscal Year 2013-2014 **Tab 3**

4. Acceptance of the Grant Agreement with the Florida Inland Navigation District for the Lake Park Harbor Marina Breakwater Project – Phase II

Tab 4

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, November 20, 2013