



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, October 19, 2016 6:30 PM,  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kimberly Glas-Castro</b>	—	<b>Vice-Mayor</b>
<b>Erin T. Flaherty</b>	—	<b>Commissioner</b>
<b>Anne Lynch</b>	—	<b>Commissioner</b>
<b>Michael O'Rourke</b>	—	<b>Commissioner</b>
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<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

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. Proclamation for Dwayne Bell, Sr. Employee of the Year for 2015

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

- & Equipment, Inc. Tab 10**
- 11. Resolution No. 45-10-16 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Grants Writer Tab 11**
- 12. Resolution No. 47-10-16 Extension of Emergency Management Standby Disaster Debris Removal and Disposal Agreement with Crowder Gulf Joint Venture, Inc. Tab 12**
- 13. Resolution No. 48-10-16 Extension of Emergency Management Standby Disaster Debris Removal and Disposal Agreement with Phillips and Jordan, Inc. Tab 13**
- 14. Reimburse Legal Fees Incurred from a Florida State Ethics Complaint Filed Against Former Commissioner Kathleen Rapoza Acting in her Official Capacity as a Town Commission Member in the Amount of \$10,110.85 Tab 14**
- 15. Christmas Tree Sales in Kelsey Park Tab 15**

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

**J. ADJOURNMENT:**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, November 2, 2016**



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, October 19, 2016, 6:30 PM  
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 19, 2016 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Anne Lynch and Michael O'Rourke (arrived at 6:38 p.m.), Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**SPECIAL PRESENTATIONS/REPORTS**

**1. Proclamation for Dwayne Bell, Sr. Employee of the Year for 2015.**

Mayor DuBois presented Mr. Bell, Sr. the proclamation. Mr. Bell, Sr. thanked his fellow co-workers, and the Commission for the proclamation.

**PUBLIC COMMENT:**

**Debbie Maken**, endorsed her husband Sonny Maken for the Port of Palm Beach seat during the November 8, 2016 election.

**CONSENT AGENDA:**

- 2. Final Public Hearing on the Budget Meeting Minutes of September 20, 2016**
- 3. Regular Commission Meeting Minute of September 21, 2016**
- 4. Resolution No. 46-10-16 Second Amendment to the U.S. Security Associates, Inc. Contract**
- 5. Notification and Approval of Emergency Purchasing Procedures used in Response to Hurricane Matthew Activities**

**Motion: Commissioner O'Rourke moved to approve the consent agenda; Commissioner Lynch seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:**

**6. Ordinance No. 10-2016 A TOWN INITIATED ORDINANCE PROPOSING THE MODIFICATION OF TOWN CODE SECTION 6-6 TO PROVIDE FOR FLEXIBILITY THAT IS CONSISTENT WITH FLORIDA STATE STATUTE 562.45(2)(A) FOR THE SALE OF ALCOHOL NEAR CERTAIN USES AND ADDITIONAL CLARIFICATIONS.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 6, SECTION 6-6 OF THE TOWN CODE PERTAINING TO THE SALE OF ALCOHOL NEAR CERTAIN USES PROHIBITED; PROVIDING FOR AMENDMENT OF SECTION 6-6 TO PROVIDE THE SAME FLEXIBILITY AS FLORIDA STATE STATUTE 562.45(2)(A); PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Opened:**

None

**Public Comment Closed:**

Town Manager D’Agostino explained the item (see Exhibit “A”).

**Motion: Commissioner Flaherty moved to approve the Ordinance 10-2016 on first reading; Commissioner Lynch seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read the Ordinance by title only.

**PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

None

**PUBLIC HEARING(S)-QUASI-JUDICIAL – RESOLUTION:**

**7. Resolution No. 39-09-16 Site Plan Application for the Special Exception use for a Self-Storage Facility that is proposed in Two Phases and will include a total of 201,600 Square Feet, to be located with the Congress Business Park Planned Unit Development.**

Disclosure of Ex-Parte Communication:

Commissioner O'Rourke had no ex-parte communication to disclose.

Vice-Mayor Glas-Castro disclosed that she emailed staff regarding the project prior to the start of the Commission Meeting.

Mayor DuBois disclosed that he met with staff regarding the project prior to the start of the Commission Meeting.

Commissioner Flaherty had no ex-parte communication to disclose.

Commissioner Lynch had no ex-parte communication to disclose.

Attorney Baird swore in all witnesses.

Town Planner Scott Shultz explained that the item was continued from the Regular Commission Meeting held on September 21, 2016 and presented the item (see Exhibit "B").

Vice-Mayor Glas-Castro asked for clarification of conditions 15 and 19. Attorney Baird explained that conditions 15 and 19 allowed the Town of Lake Park to retain a cash surety if Phase II was not constructed after the removal of temporary conditions (see Exhibit "C").

Brian Cheguis of iPlan & Design, LLC explained the item (see Exhibit "D").

**Public Comment Opened:**

None

**Public Comment Closed:**

Mayor DuBois asked for clarification of the canopy and fencing options. Mr. Cheguis explained Phase I Architecture- Canopy and Louver Options of exhibit "D".

Attorney Baird read the following condition for the record, "Prior to the issuance of any development permits the applicant shall provide a letter of credit to the Town of Lake Park equal to the amount of 110% of the cost to install the perimeter infrastructure and landscaping improvements for Phase II as shown in the approved plans. In the event that the applicant does not initiate construction of Phase II within 18 months of the completion of Phase I, the applicant shall abandon the temporary storage use in the area of Phase II where upon the Town may call the letter of credit and install the improvements secured by the letter of credit."

Mayor DuBois questioned if Attorney Baird's clarification of the conditions accurately addressed the concerns of Vice-Mayor Glas-Castro. Vice-Mayor Glas-Castro stated that she did not believe the Town was authorized to remove the fence if the applicant should abandon the use. Attorney Baird suggested that changes to the conditions should include specified language to address stipulations in the event that the applicant abandons use prior to the implementation of Phase II. He referenced condition 16 of exhibit "C" and

asked staff if Phase I included the outdoor storage area. Town Planner Schultz answered “yes” and explained that Phase I included the outdoor storage area. Attorney Baird explained that the Commission could approve the site plan for Phases I & II with conditions or they could approve Phase I and allow the applicant the option to present Phase II site plans in the future.

Commissioner Lynch agreed with the concerns of Vice-Mayor Glas-Castro and suggested that it could be beneficial to continue with Phase I and present Phase II at a later date.

Mayor DuBois and Commissioner Flaherty suggested that the louvers and classic fencing should be used for the project (see Exhibit “D”).

Vice-Mayor Glas-Castro expressed concerns with the sufficiency of the proposed landscaping, and the implementation of Phase II.

Commissioner O’Rourke asked what would be the course of action if Phase II were not completed in 18 months. Attorney Baird explained that per the proposed condition and the development order of the Town the property would need to be returned to a vacant lot with a landscaped perimeter and that the Special Magistrate would assess fines if necessary.

Vice-Mayor Glas-Castro and Commissioner Lynch expressed that they were uncomfortable moving forward with the project.

**Motion: Commissioner O’Rourke moved to approve the application per staff recommendations with additional conditions to include classic fencing, louvers and suggested modifications of the conditions provided by Attorney Baird; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**NEW BUSINESS:**

**8. A Request from the Event Organizers of the Veterans Day Car Show proposed for Sunday, November 13, 2016 to allow the Town to be a Co-Sponsor, thereby allowing for the waiver of certain fees.**

Town Manager D’Agostino explained the item (see exhibit “E”).

Mayor DuBois suggested that the event comply with the noise Ordinance of the Town in efforts to avoid complaints regarding the revving of car engines.

**Motion: Commissioner O'Rourke moved to approve the request from the Event Organizers of the Veterans Day Car Show proposed for Sunday, November 13, 2016 to allow the Town to be a Co-Sponsor, thereby allowing for the waiver of certain fees; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 5-0

**9. Commission Approval to Reject Bids Associated with the Kelsey Park & Lake Shore Park Community Development Block Grant (CDBG) Improvements Project – RFP No. 104-2016; Re-bid Project.**

Town Manager D'Agostino explained the item (see Exhibit "F").

Mayor DuBois asked if funds were available for the sodding of the demolition that had taken place at Kelsey Park. Town Manager D'Agostino explained that the Town would be able to sod Kelsey Park.

**Motion: Commissioner O'Rourke moved to reject all bids associated with the Kelsey Park Community Development Block Grant (CDBG) Improvements Project – RFP No. 104-2016; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

Public Works Director David Hunt explained that the costs of construction would be roughly \$300,000.00 of the available \$385,000.00 Community Development Block Grant if the Town continued with improvements to Lake Shore Park. He explained that the Town would return \$85,000.00 to Palm Beach County. Commissioner O'Rourke suggested that the amount of \$85,000.00 could be used as a down payment for Tennis Court Lighting at Lake Shore Park. Public Works Director Hunt explained that alternates could be included in the rebid of the project and that specifications would be provided in regards to lighting. He explained that based on the received submittals he did not believe that the Community Development Block Grant would allow the completion of both

projects at Kelsey and Lake Shore Parks. Town Manager D’Agostino asked if the rebid would include additional trash receptacles and park benches at Lake Shore Park. Public Works Director Hunt explained that the Town had applied for the fiscal year 2016-2017 Community Development Block Grant and that plans were made for additional trash receptacles and park benches.

**Motion: Commissioner O’Rourke moved to rebid the project and include the Lake Shore Park Tennis Lighting alternates; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**10. Resolution No. 44-10-16 Award Contract for RFP 105-2016, Sanitation Vehicle Refurbishment, Public Works Vehicle No. 50, to Sunbelt Hydraulics & Equipment, Inc.**

Town Manager D’Agostino explained the item (see Exhibit “G”).

Mayor DuBois asked if the remaining balance would be enough to fund the refurbishment of the Sanitation Vehicle No. 45. Public Works Director Hunt explained that there was a possibility that the Town could afford the refurbishment of both Sanitation Vehicles.

**Motion: Commissioner O’Rourke moved to approve Resolution 44-10-16; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**11. Resolution No. 45-10-16 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Grants Writer.**

Mayor DuBois asked if administrative collaboration with the Town Manager and Town Lobbyist should be included in the Job Description for the Position of Grants Writer. Town Manager D’Agostino explained that administrative collaboration would not be an issue.

**Motion: Commissioner O’Rourke moved to approve Resolution 45-10-16; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**12. Resolution No. 47-10-16 Extension of Emergency Management Standby Disaster Debris Removal and Disposal Agreement with Crowder Gulf Joint Venture, Inc.**

Town Manager D’Agostino explained the item (see Exhibit “H”).

**Motion: Commissioner O’Rourke moved to approve Resolution 47-10-16; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**13. Resolution No. 48-10-16 Extension of Emergency Management Standby Disaster Debris Removal and Disposal Agreement with Phillips and Jordan, Inc.**

Town Manager D’Agostino explained the item (see Exhibit “I”).

**Motion: Commissioner O’Rourke moved to approve Resolution 48-10-16; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner O’Rourke	X		

Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**14. Reimburse Legal Fees Incurred from a Florida State Ethics Complaint Filed Against Former Commissioner Kathleen Rapoza Acting in her Official Capacity as a Town Commission Member in the Amount of \$10,110.85.**

Town Manager D’Agostino explained that Attorney David Acton on behalf of his client Kathleen Rapoza requested reimbursement of legal fees in the amount of \$10,110.85. He explained that such fees were incurred representing former Commissioner Rapoza on an ethics complaint leveled against Kathleen Rapoza during the Earl Stewart expansion project.

**Motion: Commissioner O’Rourke moved to approve the reimbursement of incurred legal fees; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**15. Christmas Tree Sales in Kelsey Park.**

Town Manager D’Agostino explained that the administration did not agree with the private use of public land for an extended period. Mayor DuBois suggested that municipalities commonly lease private use for public land that exceeds a thirty-day period. Town Manager D’Agostino asked Mayor DuBois if he would like to lease a portion of Kelsey Park for thirty-days each year. Vice-Mayor Glas-Castro asked how the Town would limit the types of sales that would occur and select vendors or concessionaires. Mayor DuBois suggested specified language for the exclusive sale of Christmas Trees. Town Manager D’Agostino suggested that the public should benefit from the use of the land. Mayor DuBois suggested that sales could be listed as a permitted use of the property. Town Manager D’Agostino explained that staff would proceed per recommendation of the Commission. Mayor DuBois explained that he would prefer to create a facilities use that specifies a particular location; and that applications be submitted from July to August of each year for the review of the Commission. Town Manager D’Agostino asked the Commission to provide guidance and clarification about the process. Commissioner Flaherty expressed that he was in favor of establishing an ordinance that would require the applicant to address the Commission.

**Motion: Commissioner Flaherty moved to revisit the agenda item at a later date for further discussion; Commissioner Lynch seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

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

**Town Attorney Baird** requested an Attorney-Client session to discuss R.G. Towers Breach of Contract lawsuit against the Town of Lake Park. He explained that R.G. Towers had appealed the denial of the cell tower on public property. Furthermore, R.G. Towers has filed a second lawsuit for the Breach of Option Agreement that the Town Commission executed and amended. He explained that he sought the agreement of opposing counsel to a stay of the Breach of Contract action while the Town awaits the decision of the appellate panel on the appeal of the denial of the cell tower. The opposing counsel agreed and an order granted the stay of the Breach of Contract was entered on Monday, October 17, 2016. He informed the Commission that he would present an update on the Sober House Taskforce at the Palm Beach County League of Cities Meeting on Wednesday, October 25, 2016.

**Town Manager D'Agostino** requested the permission of the Town Commission to issue a proclamation in support of National Pancreatic Month.

**Motion: Commissioner Flaherty moved to approve the Proclamation in support of National Pancreatic Month; Commissioner Lynch seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**Town Manager D'Agostino** informed the Commission that Lake Park Elementary School has a new Principal. He explained that at the request of the Town Commission he would extend an invitation to the Principal of Lake Park Elementary School to a social event. He informed the Commission that the Florida League of Cities Legislative

Conference would be held on December 8<sup>th</sup>–9<sup>th</sup>, 2016 in Orlando, Florida. He announced that a phone line has been established in the Town Commission’s Office and provided phone number (561) 882-1819 as a general contact for the Town Commission. He informed the Commission that they would receive their identification badges and keys to the office upon the close of the meeting. He announced that the Operating Budget for the Town of Lake Park had been finalized and published. He announced that the Sunset Fall Fest would be held on Friday, October 28, 2016 at the Lake Park Harbor Marina. He announced that on Tuesday, October 18, 2016 the Town recognized Florida City Government Week with the participation of students from Lake Park Elementary School and Lake Park Baptist School.

**Commissioner Flaherty** had no comments.

**Commissioner Lynch** announced that the Library and the Friends of the Lake Park Public Library would sponsor a free Women’s Health Panel on Thursday, October 27, 2016 at 6:30 p.m.

**Commissioner O’Rourke** had no comments.

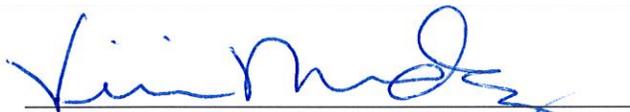
**Vice-Mayor Glas-Castro** questioned when the Mixed-Use Comprehensive Plan notice would be provided to the Town residents. Town Manager D’Agostino explained that the Town would post the information to the Town Website and send email notifications per the direction of the Town Commission. Vice-Mayor Glas-Castro suggested that those listed on the contact lists provided at the Mixed-Use Workshops be notified via email. She asked if the Town planned to participate in Read for the Record. Town Manager D’Agostino answered, “yes” and explained that staff members also planned to participate. Library Director Karen Mahnk announced that she was the event coordinator for Read for the Record and that the Commission would receive notice of the itinerary upon its completion. She announced that an event in partnership with Bridges of Lake Park would be held on Wednesday, October 25, 2016 at 5:30 p.m. in the Town Hall Mirror Ballroom. Vice-Mayor Glas-Castro announced that an R.S.V.P. was required for the Palm Beach League of Cities Luncheon held on Wednesday, October 25, 2016 in Wellington, Florida. She suggested that the staff research a Music Band called the Never Glades.

**Mayor DuBois** referenced the South Florida Southern Rock Festival Event held on October 1-2, 2016. He informed the Commission that he had received several complaints, which were forwarded to Town Manager D’Agostino. Town Manager D’Agostino received suggestions about future locations for the placement of the stage. Vice-Mayor Glas-Castro added that she had received mixed reviews about the event. Mayor DuBois recognized Commissioner Lynch as a new member with the Kiwanis Club of Lake Park.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner O'Rourke and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 9:30 p.m.

  
\_\_\_\_\_  
Mayor James DuBois

  
\_\_\_\_\_  
Town Clerk, Vivian Mendez, CMC

  
\_\_\_\_\_  
Deputy Town Clerk, Shaquita Edwards



Approved on this 3 of November, 2016