



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, November 5, 2014, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 5, 2014 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.

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

SPECIAL PRESENTATIONS/REPORTS

None

PUBLIC COMMENT:

None

CONSENT AGENDA:

1. **Regular Commission Meeting Minutes of October 15, 2014.**
2. **Award of Annual Gasoline Fuel Contract.**
3. **Award of Annual Diesel Fuel Contract.**

Motion: Commissioner O'Rourke moved to approve the Consent Agenda; Commissioner Rapoza seconded the motion.

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:

4. Ordinance No. 14-2014 Request to Update the Capital Improvements Schedule in the Town's Comprehensive Plan Capital Improvements Element.
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE

CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Nadia DiTommaso explained the item (see attached Exhibit "A").

Vice-Mayor Glas-Castro asked if a new column identifying fiscal year 2018/2019 was added to the end of the schedule. Town Manager Sugerman explained that fiscal year 2013/2014 was removed from the spreadsheet and fiscal year 2018/2019 was added to the right side of the spreadsheet.

Mayor DuBois went through a list of suggested projects to be included in the Capital Improvement Element (CIE). The first on the list was the coastal link platform development and transit hub for bus rail and parking improvements. The Commission discussed the item and came to consensus to allocate \$500,000 for fiscal year 2017/2018 to this project.

Second on the list were improvements to Bert Bostrom Park. The improvements included ball field improvements, basketball courts rejuvenation, playground equipment, a different type of grass, lighting, and parking.

Town Manager Sugerman explained that the three projects that appear on the agenda request form as Exhibit "A" for fiscal year 2014-2015 are projects that would be completed in this fiscal year. The projects include: tennis court lighting and park restrooms; Town Hall renovations; and the Outfall to C – 17 Canal. He stated that the C – 17 Canal project would cost considerably less, because of negotiations with other parties involved. He explained that if the tennis courts lighting and park restrooms project cost more than the allocated amount, then the Town would be expected to pick up the difference. The Commission discussed the item and came to consensus to allocate \$100,000 for fiscal year 2015/2016.

Commissioner Flaherty suggested including residential street lighting to the CIE list. Town Manager Sugerman explained that several years ago a referendum question was proposed to the residents of the Town and a strong majority of the voters indicated that they did not want to pay for residential street lighting. The Commission discussed the item and came to consensus to allocate \$250,000 each year for the next five years to the CIE.

Commissioner O'Rourke asked if the Town would need to purchase land to complete the Park Avenue Extension project. He stated that his understanding was that the project had been included in the Palm Beach County Five Year Road Improvement Plan. Community Development Director DiTommaso explained that the project never made it onto the Palm Beach County Five Year Plan. Town Manger Sugerman explained that the Town would not need to purchase property to complete the Park Avenue Extension project. He explained that if a private property owner wanted to develop their property they would then need to develop the exterior perimeter of their property as well to include the portion of the Park Avenue Extension roadway that was adjacent to their property. The

Commission discussed this item but did not move forward allocating funds for this project.

Town Manager Sugerman asked the Commission to consider a general obligation bond to fund the Lake Shore Drive Promenade project over the next few years. The Commission discussed this item but did not move forward at this time.

Mayor DuBois recapped that the Commission came to consensus on including the following projects to the CIE: coastal link platform development and transit hub for bus rail and parking improvements; Bert Bostrom Park improvements; and residential street lighting.

Public Comment Open:

None

Public Comment Closed:

Motion: Commissioner O'Rourke moved to approve Ordinance 14-2014 on first reading; Commissioner Rapoza seconded the motion.

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.

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

PUBLIC HEARINGS - ORDINANCE ON SECOND READING:

5. Ordinance No. 13-2014 Repealing Chapter 2, Article I, Section 2-4 of the Town Code Entitled Provisions for Processing Public Records Request.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING CHAPTER 2, ARTICLE I, SECTION 2-4 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK ENTITLED "PROVISIONS FOR PROCESSING PUBLIC RECORDS REQUESTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Vivian Mendez explained the item (see attached Exhibit "B").

Public Comment:

None

Public Comment Closed:

Motion: Commissioner Rapoza moved to approve Ordinance 13-2014 on second reading; Commissioner O'Rourke seconded the motion.

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.

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

NEW BUSINESS:

6. Resolution No. 41-11-14 Amending the Public Records Policy and Procedures and Revising the Fee Schedule for the Same.

Town Clerk Mendez explained the item (see attached Exhibit "C").

Commissioner O'Rourke questioned the \$.15 per color copy fee outlined in the schedule.

Town Clerk Mendez explained that Florida State Statute (F.S.) 119 prescribes the actual cost of reproduction which can be charged in fulfilling a public record. The Town's color copy charge was less than the \$.15 allowed by F.S. 119.

Vice-Mayor Glas-Castro pointed out that the resolution number was inconsistent on the agenda request form with the recommended motion. Town Clerk Mendez explained that the middle sequence of numbers on a resolution identifies the month a resolution was approved and the last two numbers identify the year a resolution was approved. Therefore, the correct number for this resolution would be 41-11-14.

Motion: Commissioner O'Rourke moved to approve Resolution 41-11-14; Commissioner Rapoza seconded the motion.

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.

7. Commission Discussion on the subject of Regulating Medical Marijuana Businesses

Vice-Mayor Glas-Castro explained that this was a topic discussed at the last Palm Beach County League of Cities meeting. Although the Constitutional Amendment was defeated

at the November 4, 2014 election, there is still legislation on the books regarding medical marijuana, which takes effect in January 2015. She suggested that the Commission consider adopting basic zoning regulations to regulate where dispensaries and cultivation can occur within the Town.

The Commission discussed the item, came to consensus, and directed staff to develop draft zoning regulations changes to the Commercial 4 (C-4) and the Campus Light Industrial Commercial (CLIC) zoning districts. Nadia DiTommaso reminded the Commission that the Planning and Zoning Board would need to review the proposed zoning regulations before the language comes before the Commission.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird had no comments.

Town Manager Sugerman explained that several months ago the Commission provided direction regarding negotiations between the Town and the lease agreement with Crown Castle for the extension of their existing cell tower lease. He stated that Crown Castle has responded to those negotiations offering to match the same terms and conditions as the T-Mobile cell tower lease at the Marina, which includes 50 percent revenue sharing of all co-locators. Consensus was given to continue negotiation with Crown Castle.

Commissioner O'Rourke had no comments.

Commissioner Rapoza congratulated Mr. and Mrs. Nelson of 237 Bayberry Drive on being chosen as the November Property of the Month. She congratulated Finance Director Blake Rane and the entire Finance Department for their Achievement of Excellence designation.

Commissioner Flaherty had no comments.

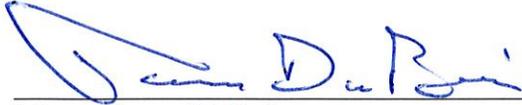
Vice-Mayor Glas-Castro congratulated Senator Bobby Powell on his re-election. She announced that the Chili Cook-off would be held on November 15, 2014 at Kelsey Park.

Mayor DuBois asked if there were a way to separate large events from being permitted within one month of each other. After some discussion, Town Manager Sugerman committed to providing the Commission with a statistical analysis report of all of the special events permits issued within the past 24 months.

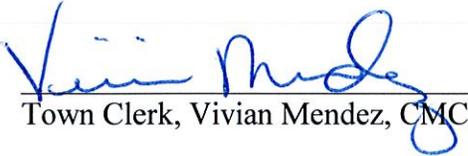
Mayor DuBois congratulated staff on the success of Fall Fest at Sunset at Lake Shore Park. He explained that he attended the grand opening of Club 100 Charities with Commissioner Rapoza, Library Director Karen Mahnk, and Recreation Manager Kathleen Carroll. He reminded everyone that the next Sister Cities meeting would take place on November 6, 2014 in West Palm Beach. He stated that the Veteran's Day ceremony would not be taking place this year in Kelsey Park. He stated that he attended the All Aboard Florida meeting.

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 8:07 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 19 of November, 2014



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "A"

Meeting Date: November 5, 2014

Agenda Item No. *4*

Agenda Title: REQUEST TO UPDATE THE CAPITAL IMPROVEMENTS SCHEDULE IN THE TOWN'S COMPREHENSIVE PLAN CAPITAL IMPROVEMENTS ELEMENT.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 1st READING
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager

[Signature]

Date:

10/23/14

Nadia Di Tommaso / Community Development Director

[Signature]

Name/Title

Originating Department: Community Development	Costs: \$ 0 Funding Source: Acct: # <input type="checkbox"/> Finance	Attachments: → Ordinance <i>14</i> -2014 → Copy of previously approved schedule via Ordinance 17-2013
Advertised: <i>N/A 1st reading</i> Date: Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone OR Not applicable in this case <i>ND</i> Please initial one.

Summary Explanation/Background:

Beginning in 2005, local governments were required to update their five-year Capital Improvements Schedule (CIS) as an annual amendment to the Comprehensive Plan to demonstrate a financially feasible schedule. Per House Bill (HB) 7207, the "Community Planning Act", adopted on June 2, 2011, the five-year schedule of capital improvements is no longer required to demonstrate that the CIS is financially feasible; however, local governments must still review and update their CIS by the adoption of an ordinance. This ordinance is no longer subject to the review of the Department of Economic Opportunity (formerly the Department of Community Affairs). Such modifications to update the five-year CIS are not deemed amendments to the local Comprehensive Plan and therefore, do not need to adhere to the comprehensive plan amendment process. Due to the fact that such an

update is still accomplished by the adoption of an ordinance by the Town Commission, a public hearing is required.

In accordance with the legislation enacted by the Community Planning Act, all local governments must review and update the Five-Year Capital Improvement Schedule of their Comprehensive Plan Capital Improvements Element consistent with the requirements of Section 163.3177 and Section 163.3180, Florida Statutes. The Capital Improvements Element identifies capital projects needed to maintain, or promote, Level of Service (LOS) standards. The Schedule of Capital Improvements includes Town projects which may be funded by federal, state or local money sources.

A CIS allows for:

- A systematic evaluation of all potential projects at the same time.
- The ability to stabilize debt and consolidate projects.
- A public relations and economic development tool.
- Focus on preserving a governmental entity's infrastructure while ensuring the efficient use of public funds.
- An opportunity to foster cooperation among departments and an ability to inform other units of government of the entity's priorities. For examples, a State grant looks highly on applications for projects that are included in the CIS.

Staff is proposing the following update to the CIS:

**2014/15 UPDATE TO THE TOWN OF LAKE PARK
COMPREHENSIVE PLAN CAPITAL IMPROVEMENTS ELEMENT AND
FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE**

1. Amend Policy 1.11 as follows:

Policy 1.11 The following Capital Improvements Schedule, as it is annually updated in accordance with State growth management requirements, includes all projects scheduled to meet or improve the adopted Level of Service Standards during the five-year planning period, and other projects that further the implementation of this Comprehensive Plan and its goals, objectives and policies.

**TOWN OF LAKE PARK FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE¹,
2014/15 – 2018/19**

Project Category	Project Name	14/15	15/16	16/17	17/18	18/19	Funding Source
4	Shuttering and hardening of all Town buildings	\$0	\$125,000	\$100,000	\$0	\$0	Grant
4	Tennis courts and lighting and Park restrooms	\$416,000	\$0	\$0	\$0		Grant (\$403,590 -FY 14/15), General Fund (\$12,410-FY 14/15)
2, 4	Lake Shore Drive Drainage Improvements	\$0	\$800,000	\$800,000	\$800,000	\$800,000	Stormwater Utility Assessment (\$75,000 each FY), Grant
4	Lake Shore Drive Promenade	\$0	\$150,000				Grant
4	New marina parking lot	\$0	\$500,000	\$500,000	\$500,000	\$500,000	Grant
2, 4	10 th Street south of Park Avenue – drainage, lighting, paving, trees	\$0	\$500,000	\$500,000	\$500,000	\$500,000	Grant, Stormwater Utility Assessment (50/50 split each FY)
2,4	Park Avenue Improvements from 7 th Street to 10 th Street through and including the FED Railroad Intersection	\$0	\$300,000/ \$25,000 for FEC	\$300,000/ \$25,000 for FEC	\$300,000/ \$25,000 for FEC	\$300,000/ \$25,000 for FEC	Grant (\$250,000 each FY), CRA Funding (\$75,000 each FY)
4	Town Hall Renovations (Floor Mirror Ballroom, Exterior Painting, Ceiling Clerk's Office, Awnings Exterior Doors, Stage Refinishing, carpeting, Window/Door repairs)	\$18,250	\$75,000	\$75,000	\$75,000	\$75,000	Grant, General Fund (\$18,250 for FY 14/15 only) (50/50 split all other FY's)

¹ Note: The Town's ability to implement certain projects in accordance with this schedule is contingent upon the receipt of grant funds as identified in the "Funding Source" column.

2	Vehicle Replacement Plan	\$0	\$119,000	\$259,000	\$259,000	\$119,000	General Fund
2	Sanitary Sewers in Tri-City Industrial Park; Lake Park Public Works; and Water Tower Road/Old Dixie Highway commercial property	\$0	\$300,000	\$300,000	\$300,000	\$300,000	Special Assessment
2	Outfall to C-17 Canal	\$100,000	\$0	\$0	\$0	\$0	Stormwater Fund
	Total	\$534,250	\$2,894,000	\$2,859,000	\$2,759,000	\$2,619,000	

Project Category Codes

- 1 – Project necessary to achieve Level of Service
- 2 – Project will enhance ability to continue to meet Level of Service
- 3 – Project will enhance ability to meet Level of Service for Optional Element
- 4 – Project will further the achievement of Comprehensive Plan goals, objectives and policies.

TOWN OF LAKE PARK ESTIMATED FUNDING SOURCES FOR CAPITAL IMPROVEMENTS 2014/15-2018/19

Funding Source	14/15	15/16	16/17	17/18	18/19
General Fund	\$30,660	\$156,500	\$296,500	\$296,500	\$156,500
Stormwater Utility Assessment	\$0	\$325,000	\$325,000	\$325,000	\$325,000
Grants	\$403,590	\$2,037,500	\$1,862,500	\$1,762,500	\$1,762,500
Special Assessment	\$0	\$300,000	\$300,000	\$300,000	\$300,000
CRA Funding	\$0	\$75,000	\$75,000	\$75,000	\$75,000
Stormwater Fund	\$100,000	\$0	\$0	\$0	\$0
Total	\$534,250	\$2,894,000	\$2,859,000	\$2,759,000	\$2,619,000

Recommended Motion: I move to APPROVE Ordinance No. 14-2014 on first reading.

for reference only
from
(ORD 17-2013)

EXHIBIT "A"
2013/14 UPDATE TO THE TOWN OF LAKE PARK
COMPREHENSIVE PLAN CAPITAL IMPROVEMENTS ELEMENT AND
FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE

1. Amend Policy 1.11 as follows:

Policy 1.11 The following Capital Improvements Schedule, as it is annually updated in accordance with State growth management requirements, includes all projects scheduled to meet or improve the adopted Level of Service Standards during the five-year planning period, and other projects that further implementation of this Comprehensive Plan and its goals, objectives and policies.

TOWN OF LAKE PARK FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE¹
 2014~~3~~- 2016~~8~~

Project Category	Project Name	11/12	12/13	13/14	14/15	15/16	16/17	17/18	Funding Source
4	Shuttering and hardening of all Town buildings	\$225,000	0	0	0 \$125,000	0 \$100,000	0	0	Grant
4	Tennis courts and ballfields resurfacing and lighting	\$100,000	0	0	0 \$50,000	0 \$100,000	0	0	Grant
2, 4	Lake Shore Drive Drainage Improvements	0	\$1,000,000 0	\$1,000,000	\$1,000,000 0 \$800,000	\$1,000,000 \$800,000	\$800,000	\$800,000	Stormwater Utility Assessment, Grant
4	Lake Shore Drive Promenade	0	0	\$1,000,000	\$1,000,000 0 150,000	0			Grant
4	New marina parking lot	\$338,000	0	0	0 \$500,000	0 \$500,000	\$500,000	\$500,000	Grant
2, 4	10 th Street south of Park Avenue – drainage, lighting, paving, trees	0	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	Grant, Stormwater Utility Assessment,
2, 4	Ball field-Expansion/Renovation	0	\$750,000	\$750,000	\$750,000	\$750,000			Grant
4	Community-center/shelter	0	\$1,000,000 0	\$1,000,000	\$1,000,000 0	\$1,000,000			Grant
4	Art in Public Places	\$75,000	\$75,000	\$75,000	\$75,000	0			Grant
4	Artist live/work space	0	\$2,000,000 0	\$2,000,000	\$2,000,000 0	0			Grant

¹ Note: The Town's ability to implement the projects in accordance with this schedule is contingent upon the receipt of grant funds as identified in the "Funding Source" column.

4	Marina breakwater, bulkhead, transient slips, move fuel docks, moorings	0	\$400,000	\$400,000 \$480,000	\$200,000 \$500,000	0	0	0	Grant
2,4	Park Avenue Improvements from US-1 to 7 th Street through and including the FEC Railroad Intersection	0	\$875,000	\$875,000 \$25,000	\$875,000 \$325,000 (\$25,000 for FEC)	\$875,000 \$325,000 (\$25,000 for FEC)	\$325,000 (\$25,000 for FEC)	\$325,000 (\$25,000 for FEC)	Grant, CRA Funding
4	Town Hall Renovations (Floor Mirror Ballroom, Exterior Painting, Ceiling Clerk's Office, Awnings Exterior Doors, Stage Replacement Refinishing, Window/Door repairs)	0	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	Grant
2	Vehicle Replacement Plan	0	\$144,000	\$252,000	\$753,000 \$144,000	\$93,000 \$252,000	\$753,000	\$93,000	General Fund, Stormwater Utility Assessment, Sanitation Fund
2	Sanitary Sewers in Tri-City Industrial Park; Lake Park Public Works; and Water Tower Road/Old Dixie Highway commercial property				\$300,000	\$300,000	\$300,000	\$300,000	Special Assessment
	Total	\$738,000	\$6,819,000	\$7,927,505,00	\$8,228,346,000	\$4,293,295,000	\$3,253,000	\$2,593,000	

Project Category Codes

- 1 – Project necessary to achieve Level of Service
- 2 – Project will enhance ability to continue to meet Level of Service
- 3 – Project will enhance ability to meet Level of Service for Optional Element
- 4 – Project will further the achievement of Comprehensive Plan goals, objectives and policies.

TOWN OF LAKE PARK ESTIMATED FUNDING SOURCES FOR CAPITAL IMPROVEMENTS 2014-2018

Funding Source	11/12	12/13	13/14	14/15	15/16	16/17	17/18
General Fund	\$0	\$48,000	\$84,000	\$251,000 \$48,000	\$31,000 \$84,000	\$251,000	\$31,000
Stormwater Utility Assessment	\$0	\$405,000	\$441,000	\$608,000 \$373,000	\$388,000 \$409,000	\$576,000	\$356,000
Grants	\$738,000	\$6,318,000	\$7,318,000 \$505,000	\$7,118,000 \$2,625,000	\$3,843,000 \$2,000,000	\$1,800,000	\$1,800,000
Sanitation Fund	\$0	\$48,000	\$84,000	\$251,000 \$48,000	\$31,000 \$84,000	\$251,000	\$31,000
Special Assessment			0	\$300,000	\$300,000	\$300,000	\$300,000
CRA Funding			0	\$75,000	\$75,000	\$75,000	\$75,000
Total	\$738,000	\$6,819,000	\$7,927,505,000	\$8,228,346,000	\$4,293,295,000	\$3,253,000	\$2,593,000



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "B"

Meeting Date: November 5, 2014

Agenda Item No. *5*

Agenda Title: Repealing Chapter 2, Article I, Section 2-4 of the Town Code Entitled Provisions for Processing Public Records Request

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON SECOND READING**
- NEW BUSINESS
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *DSS* **Date:** *10/20/14*

Vivian Mendez - Town Clerk

Name/Title

<p>Originating Department:</p> <p>Town Clerk</p>	<p>Costs: \$ 165.12</p> <p>Funding Source: Town Clerk</p> <p>Acct. # 106-48100</p> <p><input checked="" type="checkbox"/> Finance <u><i>BKR</i></u></p>	<p>Attachments:</p> <p>Ordinance</p> <p>Legal advertisement</p>
<p>Advertised:</p> <p>Date: <u>October 26, 2014</u></p> <p>Paper: <u>Palm Beach Post</u></p> <p><input type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone _____</p> <p>or</p> <p>Not applicable in this case <u><i>V.M</i></u></p> <p>Please initial one.</p>

Summary Explanation/Background: Florida State Statute number 119, better known as the "Public Records Act" states that any member of the public has a right of access. Right of access means that anyone has the right to request to inspect or receive a copy of a public record.

The Public Records Act's legislation has changed several time causing the Town Code to become outdated. One of the significant changes made to the law was that it no longer identifies one person in a municipality as the custodian of records. What this means is that anyone who generates or has access to public records are the custodian of those records. At one time the Town Clerk was identified as the custodian of the Town records, which is no longer the case.

Staff has begun training all its employees on how to handle and process public records.

In an effort to remain current with the law, staff has reviewed the Town Code and is recommending repealing the current language in the Code regarding public records.

At the October 15, 2014, the Town Commission voted unanimously to adopt Ordinance 13-2014 on first reading.

Recommended Motion: I move to adopt Ordinance 13-2014 on second reading.

ORDINANCE NO. 13-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING CHAPTER 2, ARTICLE I, SECTION 2-4 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK ENTITLED "PROVISIONS FOR PROCESSING PUBLIC RECORDS REQUESTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, both Article 1, Section 24(a) of the Florida Constitution, and Chapter 119, F.S., the "Public Records Act" ("Act"), provide a public right of access to any public record which is made or received in connection with communicating the official business of any public agency as defined therein; and

WHEREAS, the Town Manager and Town Clerk have recommended that the Town Commission repeal Section 2-4 of the Town Code pertaining to the processing of public records requests; and

WHEREAS, the Town Commission has reviewed the recommendations of the Town Manager and Town Clerk, and has determined that repealing Section 2-4, of Chapter 2, Article I, should be replaced with a resolution pertaining to the Town staff's processing of public records requests pursuant to the requirements of the Act.

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

Section 1. The whereas clauses are incorporated herein.

Section 2. Chapter 2, Article I, Section 2-4 of the Code of Ordinances of the Town of Lake Park, Florida is hereby repealed in its entirety.

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

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

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

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

RECEIPT

**LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, November 5, 2014 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

ORDINANCE NO. 13-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING CHAPTER 2, ARTICLE I, SECTION 2-4 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK ENTITLED "PROVISIONS FOR PROCESSING PUBLIC RECORDS REQUESTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida

PUB: The Palm Beach Post
10-26/2014 #315338

RECEIPT

Account: G3573
Name: TOWN OF LAKE PARK
Address: 535 PARK AVE
LAKE PARK FL 33403-2603

Phone: 561-881-3300
E-mail: VMENDEZ@LAKEPARKFLORIDA.GOV

Order Name: ORDINANCE 13-2014
Order Id: 315338
Original Order Id:
Copy Line: LEGAL NOTICE OF PROPOSED ORDINANCETOWN O
Sales Rep: PB108 Nadia Vagedes (P)
Purchase Order:
Pay Type: Billed
Account Group:
Caller: VIVIAN MENDEZ
Section: 6205 Legal Notices
Reply Request:
Tear Sheets: 0

Order Summary	
Base:	\$165.12
Other Charges:	\$0.00
Discounts:	\$0.00
Agency Commission:	\$0.00
Sales Tax:	\$0.00
Total Order	\$165.12

Payment Summary
No payment information available.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "C"

Meeting Date: November 5, 2014

Agenda Item No. *6*

Agenda Title: Resolution Amending the Public Records Policy and Procedures and Revising the Fee Schedule for the Same.

- SPECIAL PRESENTATION/REPORTS
 - BOARD APPOINTMENT
 - PUBLIC HEARING ORDINANCE ON FIRST READING
 - NEW BUSINESS – Resolution
 - OTHER: _____
- CONSENT AGENDA
 - OLD BUSINESS

Approved by Town Manager *[Signature]* **Date:** *10/23/14*

Vivian Mendez – Town Clerk

Name/Title

Originating Department: <p style="text-align: center;">Town Clerk</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: <p style="text-align: center;">Resolution</p>
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <i>VM</i> Please initial one.

Summary Explanation/Background:

In an earlier agenda item, the Town Commission took an action to repeal the Town's existing Code on fulfilling public records requests, because that provision of the Town Code was in conflict with current state law. The Public Records Act (Florida State Statute 119) establishes a right of access to public records. The attached Resolution will establish procedures to ensure that the public's right of access is fulfilled under reasonable conditions, in a reasonable amount of time, and under supervision by the custodian of the record being requested.

The proposed Resolution ensures that the Town complies with the Public Records Act of the State of Florida. In addition, the procedures outlined in the attached Resolution provide a guide to staff for the easiest and quickest way to fulfill a public records request in compliance with the law.

Based upon State law dealing with the cost of fulfilling a public records request, staff is recommending that the schedule of fees for processing public records be adopted as outlined herein.

Finally, since the Commission is being asked to modify this fee schedule, we also are asking that the fees for lien searches be adjusted to reflect the current cost of providing this service.

Recommended Motion: I move to approve Resolution ~~4/1-10-14~~.
-11-14



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, November 5, 2014, 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**

None

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.

1. Regular Commission Meeting Minutes of October 15, 2014 Tab 1
 2. Award of the Annual Gasoline Fuel Contract Tab 2
 3. Award of the Annual Diesel Fuel Contract Tab 3
- F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:
4. Ordinance No. 14-2014 Request to Update the Capital Improvements Schedule Tab 4
in the Town's Comprehensive Plan Capital Improvements Element.
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:
5. Ordinance No. 13-2014 Repealing Chapter 2, Article I, Section 2-4 of the Town Tab 5
Code Entitled Provisions for Processing Public Records Request

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING CHAPTER 2, ARTICLE I, SECTION 2-4 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK ENTITLED "PROVISIONS FOR PROCESSING PUBLIC RECORDS REQUESTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- H. NEW BUSINESS:
6. Resolution No. 41-10-14 Amending the Public Records Policy and Procedures Tab 6
and Revising the Fee Schedule for the Same.
 7. Commission Discussion on the subject of Regulating Medical Marijuana Tab 7
Businesses
- I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:
- J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, November 19, 2014