



**Minutes**  
**Town of Lake Park, Florida**  
**Attorney-Client Session and**  
**Regular Commission Meeting**  
**Wednesday, April 20, 2022 6:00 PM**  
**Town Hall Commission Chamber,**  
**535 Park Avenue, Lake Park, Florida 33403**

The Town Commission met for the purpose of an Attorney-Client Session and Regular Commission Meeting on Wednesday, April 20, 2022 at 6:17 p.m. Present were Mayor Michael O'Rourke, Commissioners John Linden, Roger Michaud, and Mary Beth Taylor, Town Manager John D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez. Vice-Mayor Kimberly Glas-Castro participated via Zoom.

Town Clerk Mendez performed the roll call and Grant Writer/Public Information Officer Merrell Angstreich led the pledge of allegiance.

Mayor O'Rourke announced the following:

**THE TOWN COMMISSION WILL RECESS TO A PRIVATE ATTORNEY-CLIENT SESSION PERTAINING TO THE PETITION FILED BY PALM BEACH COUNTY WITH THE DIVISION OF ADMINISTRATIVE HEARINGS CHALLENGING THE TOWN'S ADOPTION OF AN AMENDMENT TO IT'S COMPREHENSIVE PLAN. THE ATTORNEY-CLIENT MEETING WILL BE ATTENDED BY: MAYOR MICHAEL O'ROURKE, VICE-MAYOR KIMBERLY GLAS-CASTRO, COMMISSIONERS JOHN LINDEN, ROGER MICHAUD AND MARY BETH TAYLOR, TOWN ATTORNEYS THOMAS J. BAIRD AND TOWN MANAGER JOHN D'AGOSTINO. THE ATTORNEY-CLIENT MEETING IS ANTICIPATED TO LAST UP TO ONE HOUR.**

**AT THE CONCLUSION OF THE PRIVATE ATTORNEY - CLIENT SESSION, THE COMMISSION WILL RE-CONVENE ITS REGULAR COMMISSION MEETING.**

The Commission recessed at 6:18 P.M.  
The Commission reconvened at 7:07 P.M.

**SPECIAL PRESENTATION/REPORT:**

- 1. Presentation of the National League of Cities Diversity Award to the Town of Lake Park Diversity and Inclusion Council.**

Commissioner Linden acknowledged Mr. H. Ben Frazier for founding the Lake Park Diversity and Inclusion Council in 2017. He welcomed the Members of the Diversity and Inclusion Council to approach the Dais for recognition. Commissioner Linden presented the National League of Cities Diversity Award to the Town of Lake Park Diversity and Inclusion Council.

**PUBLIC COMMENTS:**

**Mary Jane Zapp** commented in support of the Town of Lake Park Diversity and Inclusion Council. She announced that two Board Members of the Artists of Palm Beach County also served as Members of the Diversity and Inclusion Council.

**Jon Buechele** provided comments in support of the current Tennis Center and Pickleball activities led by Eric AH-Yuen.

**CONSENT AGENDA**

- 2. April 6, 2022 Regular Commission Meeting Minutes.**
- 3. Resolution 25-04-22 Authorizing and Directing the Mayor to Execute an Agreement with Spatco Energy Solutions, LLC for the Replacement of Fuel Dispensers and Related Equipment at Lake Park Harbor Marina.**
- 4. Resolution 22-04-22 Authorizing and Directing the Mayor to Execute a Contract with Regal Contractors, Inc. to Furnish Labor, Materials, and Equipment Associated with the Implantation of the Lake Shore Park Playground Expansion Project, Per Invitation to Bid 101-2022.**
- 5. Proclamation Recognizing April 29, 2022 as National Arbor Day.**
- 6. Distribution of the Town Manager Performance Evaluation Form to the Town Commission.**

**Motion: Commissioner Michaud moved to approve the consent agenda; Commissioner Taylor seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Linden	X		
Commissioner Michaud	X		
Commissioner Taylor	X		
Vice-Mayor Glas-Castro			Via Zoom
Mayor O'Rourke	X		

Motion passed 5-0.

**BOARD MEMBERSHIP NOMINATION:**

**7. Nomination of Jon Buechele for Reappointment to the Planning & Zoning Board As a Regular Member.**

**Motion: Commissioner Linden Nominated Jon Buechele for reappointment to the Planning & Zoning Board; Commissioner Michaud seconded the nomination.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Linden	X		
Commissioner Michaud	X		
Commissioner Taylor	X		
Vice-Mayor Glas-Castro			Via Zoom
Mayor O'Rourke	X		

Motion passed 5-0.

**PUBLIC HEARING – ORDINANCE ON FIRST HEARING:**

None

**PUBLIC HEARING – ORDINANCE ON SECOND HEARING:**

**8. Ordinance 01-2022 of the Town Commission of the Town of Lake Park, Florida, Amending Section 78-66 of Chapter 78, Article III, Section 78-66 Pertaining to the R-Residence Zoning District to Reference Townhouses; Providing for Severability; Providing for Codification; Providing for Repeal of All Laws in Conflict; and Providing for an Effective Date.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-66 OF CHAPTER 78, ARTICLE III, SECTION 78-66 PERTAINING TO THE R-2 RESIDENTIAL ZONING DISTRICT TO INCLUDE PROVISIONS RELATED TO TOWNHOUSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager D’Agostino explained the item.

**Motion: Commissioner Linden moved to approve Ordinance 01-2022 on second reading; Commissioner Taylor seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Linden	X		
Commissioner Michaud	X		
Commissioner Taylor	X		
Vice-Mayor Glas-Castro			Via Zoom
Mayor O’Rourke	X		

Motion passed 5-0.

Attorney Baird read the Ordinance by title only.

**OLD BUSINESS:**

**9. Town Manager’s Evaluation**

Town Manager D’Agostino explained the item. He suggested that the category of “Financial Management” previously assigned to former Commissioner Flaherty be reassigned to Commissioner Taylor. Commissioner Linden requested a copy of the original list of assigned categories for each Commissioner.

**NEW BUSINESS:**

**10. Centennial Celebration Committee Monthly Meeting Date**

Town Manager D’Agostino explained the item. Town Clerk Mendez announced that Mayor O’Rourke, Commissioners: Linden, Michaud and Taylor expressed an interest in serving on the Centennial Celebration Committee. The Commission selected Tuesday,

May 3, 2022 6:30 p.m. as the first meeting date for the Centennial Celebration Committee.

## **11. Master Permit Fee Discussion**

Town Manager D'Agostino announced that he had retained Legal Counsel for himself and Department Heads with the use of his personal funds. Attorney Robert Fernandez, Managing Partner of RHF Law Firm located at 2600 S. Douglas Road, Suite 305, Coral Gables, Florida, introduced himself to the Commission.

Attorney Baird provided a memorandum to the Commission (see Exhibit "A"). He referred to the copy of an email within Exhibit "A", and explained that he believed Town Manager D'Agostino did not agree with his opinion regarding House Bill 127. He believed Town Manager D'Agostino preferred to retain an Attorney from Jones Foster who would provide a different opinion. He was uncertain as to why Town Manager D'Agostino retained Legal Counsel; and that he would be happy to meet with Town Manager D'Agostino and his Attorney.

Town Manager D'Agostino announced that Attorney Baird could not interpret his feelings via email. He explained that he agreed with the opinion provide by Attorney Baird and announced that it took two-years to receive the written opinion. He explained that Attorney Baird refers to the Commission as his Client, and does not provide timely information and responses to Town Staff. He explained that there was an issue with communication. He announced that Nautilus 220 paid Two Million Dollars in permit fees to the Town of Lake Park, and a portion of funds would need to be returned due to the lack of a timely written opinion of Attorney Baird.

Attorney Baird referred to Exhibit "A"; announced that his opinion was rendered two-years ago and read the bolded text of paragraph three. Mayor O'Rourke questioned the original date of his opinion. Attorney Baird announced that his opinion was provided in an email to Community Development Director Nadia DiTommaso on July 21, 2020. He announced that clarification of his opinion was not requested until 2022.

Town Manager D'Agostino reiterated that there was a need for better communication. Attorney Baird reiterated that follow-up for clarification should have been requested.

Vice-Mayor Glas-Castro suggested that email communications between Town Manager D'Agostino and Town Attorney Baird was inadequate. She also suggested that Town Manager D'Agostino and Town Attorney Baird conduct weekly face-to-face meetings to circumvent miscommunication. She explained that the issue is between the Town Manager and Town Attorney and should not have come before the Commission. Mayor O'Rourke and Commissioner Michaud commented in agreement with Vice-Mayor Glas-Castro. Commissioner Taylor questioned if the original opinion was correct. Attorney Baird explained that he believed it was correct. Commissioner Linden had no comments.

Town Manager D'Agostino provided a copy of Parameters of Engagement between the Town Manager, Staff, and the Town Attorney (see Exhibit "B"). Commissioner Linden referred to the email with Exhibit "A" and explained that he was uncertain if face-to face

communications between the Town Manager and Town Attorney would be the solution. Attorney Baird announced that he would provide a written response to the “Parameters of Engagement between the Town Manager, Staff, and the Town Attorney” for examination by Attorney Robert Fernandez.

Mayor O’Rourke thanked Town Manager D’Agostino and Town Attorney Baird for their comments. He explained that the Commission does not desire to micromanage the relationship or communications between the Town Manager and Town Attorney. He announced that he looked forward to improved communication between the gentlemen.

Commissioner Linden expressed concern regarding Town Manager D’Agostino’s decision to retain Legal Counsel. Mayor O’Rourke reiterated that he looked forward to improved communication. Attorney Baird requested the permission to communicate directly with Town Manager D’Agostino. Attorney Fernandez granted permission to Attorney Baird to communicate directly with his client, John O. D’Agostino. Attorney Fernandez announced that he was not present to engage in legal disagreements; he was present to assist Town Manager D’Agostino in his request for better communication.

## **12. Resolution 26-04-22 Fiscal Year End 2021/2022 Budget Adjustment to Include American Rescue Plan Expenditures.**

Town Manager D’Agostino read the item for the record (see Exhibit “C”). Commissioner Michaud asked for clarification of the expenditure of \$3,209.96 to Verizon Wireless for Samsung Galaxy Tablets for the Public Works Department. Town Manager D’Agostino clarified that the purchase of the Tablets included subscription costs with Verizon Wireless. He announced that he anticipated staff’s utilization of Town-wide Wi-Fi. Commissioner Michaud and Mayor O’Rourke commented in support of transition to Tyler Technology Software. Commissioner Michaud suggested the collaboration between the Town of Lake Park and municipalities with Tyler Technology Software for the sharing of information.

Commissioner Linden questioned the deadline to expend all funds. Finance Director Lourdes Cariseo explained that the deadline was December 2024; she explained that funds must be appropriated, not necessarily expended. She announced that the first reporting deadline for small municipalities was April 30, 2022. Commissioner Linden announced that he calculated deficit of \$400-\$500k; he suggested that the figures appeared inflated. Town Manager D’Agostino and Finance Director Cariseo clarified that the figures were estimates. Commissioner Linden expressed concerns regarding the anticipated expenditure of \$350k for Tyler Technology Software and questioned the annual costs. Town Manager D’Agostino explained that the annual costs would be \$93k. Finance Director Cariseo explained that the Town currently expends funds for different software subscriptions. Commissioner Linden expressed concerns with the utilization of one-time use revenue and the acquisition of annual expenses. He expressed concerns regarding the Security Improvements section; he suggested that an explanation be provided to support the reported figures. He asked for clarification of Town-wide Wi-Fi utilization. Town Manager D’Agostino explained that the Town-wide Wi-Fi would be available to the Town Park systems and common areas, but would not penetrate a resident’s home. Commissioner Linden questioned if the Wi-Fi connection would be

unsecure. Information Technology Director Paul McGuinness explained that the Wi-Fi connection would be open to the public; therefore, user authentication would not be required. He explained that the Town-wide Wi-Fi would not interfere with Town Buildings servers and production systems.

Vice-Mayor Glas-Castro expressed concerns with approving the budget amendment to fund initiatives that were not previously discussed (Tyler Technologies, and Code Overhaul). She agreed that ARPA funds were a good solution for funding projects like the Town Hall roof and generators. She felt that some of the items on the list would be considered “wish list” projects that were being presented for the first time. She asked if the on-going projects that were already initiated, which are shown as incumbent funds, if those funds were not already spent. If staff was proposing to shift ARPA funding to cover those projects, what becomes of the funds that were already budgeted for those projects. She used the mobility plan as an example of a project they were moving forward with using the funds. She asked what becomes of the funds. She recapped that there were new projects that had not been previously discussed that she would like to receive additional information on. She mentioned that there were other things, like deferred maintenance projects, that need to be addressed with a funding source that they do not have. She explained that because it was a mix of funding sources she did not know if it was appropriate for it to be all included in this budget amendment for this fiscal year. According to the budget amendment these projects would be completed by the end of this fiscal year, which was unrealistic to complete all these projects. Mayor O’Rourke agreed that additional discussion was necessary for new items. Vice-Mayor Glas-Castro explained that ARPA funds do not have to be allocated until December of 2024 and spent until December of 2026. She stated that there was no reason to make a decision on items presented for the first time. Town Manager D’Agostino explained that the budget amendment did not have to be approved. He agreed that explanation of the new items needed to be provided to the Commission. Per Consensus, the Commission directed Town Manager D’Agostino to present a detailed Budget Adjustment to Include American Rescue Plan Expenditures at a future Regular Commission Meeting. Commissioner Linden asked for clarification of the expenditure for Boom Lift Trucks; Public Works Operations Manager Dwayne Bell clarified that the Boom Lift Trucks figures were estimates for three divisions within the Public Works Departments. Commissioner Taylor suggested a list of essentials, operative needs and a wish list be provided. Mayor O’Rourke reiterated that the item would appear on a future Regular Commission Meeting Agenda.

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

**Town Attorney Baird** provided an update on the Palm Beach County Plan Amendment Challenge to the Town of Lake Park Comprehensive Plan. He requested a motion to authorize him to enter into a settlement agreement with Palm Beach County to resolve the pending petition.

**Motion: Commissioner Linden moved to authorize Attorney Baird to enter into a settlement agreement with Palm Beach County to resolve the pending petition; Commissioner Michaud seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Linden	X		
Commissioner Michaud	X		
Commissioner Taylor	X		
Vice-Mayor Glas-Castro			Via Zoom
Mayor O'Rourke	X		

Motion passed 5-0.

**Town Manager D'Agostino** announced comments within Exhibit "D".

**Commissioner Linden** asked for clarification of the \$8,750.00 cost for the Community Charrette. Community Development Director Nadia DiTommaso announced that a breakdown explanation of cost would be forwarded to the Commission. He announced that he enjoyed the Rust Market and Car Show. He questioned if the Town of Lake Park planned to host a Veteran's Day Parade. Special Events Director Riunite Franks announced that the Town planned to host a Veteran's Day Parade.

**Commissioner Michaud** announced that he enjoyed the Rust Market, Car Show, and the Easter Eggstravaganza. He recognized the Special Events and Public Works Departments for a successful event. He announced the Annual Haitian Flag Day would be held on May 14, 2022, 3:30 p.m.-8:30 p.m. Faith Based Academy of Patriots Returning to Eden would host the event. He announced that PBSO Captain Thomas Gendreau requested his participation in the North Regional Bureau Advisory Board. He announced the Board acts a liaison to Palm Beach Sheriff's Office (PBSO) and that he was happy to represent the Town of Lake Park. He announced that PBSO planned to acquire body cameras for officers.

**Commissioner Taylor** questioned how the Town would provide notice of the WGI, Inc. Community Outreach. Community Development Director DiTommaso announced that WGI, Inc. would prepare paper copies of the timeline, flyer, and questionnaire. She announced that she had initiated email communication with Lake Park Elementary School, and the three churches in Town. She explained that WGI, Inc. would follow-up with Lake Park Elementary School and the Churches for distribution and collection of the questionnaires. She announced that direct mailers would be sent to all residents in the Town of Lake Park.

**Vice-Mayor Glas-Castro** thanked staff for organizing the Easter Eggstravaganza.

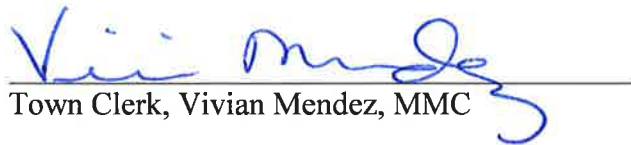
**Mayor O'Rourke** expressed gratitude to Special Events Director Riunite Franks and the Special Events Department for organizing the Easter Eggstravaganza and Sunset Celebration.

**ADJOURNMENT**

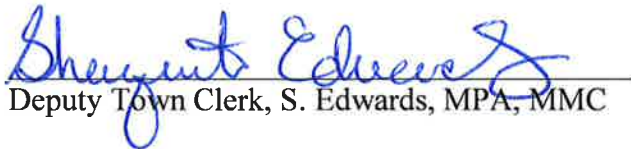
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Taylor and seconded by Commissioner Linden, and by unanimous vote, the meeting adjourned at 9:47 p.m.



\_\_\_\_\_  
Mayor Michael O'Rourke



\_\_\_\_\_  
Town Clerk, Vivian Mendez, MMC



\_\_\_\_\_  
Deputy Town Clerk, S. Edwards, MPA, MMC



Approved on this 4<sup>th</sup> of May, 2022





TOWN OF LAKE PARK  
PUBLIC COMMENT CARD

MEETING DATE: 4/20/22

**Cards must be submitted before the item is discussed!!**  
**\*\*\*Three (3) minute limitation on all comments**

Name: Mary Jane Zapp

Address: 1222 Lake Park Dr

If you are interested in receiving Town information through Email, please provide your E-mail address: \_\_\_\_\_

I would like to make comments on the following Agenda Item:  
Public Safety

I would like to make comments on the following Non-Agenda Item(s):  
\_\_\_\_\_  
\_\_\_\_\_

**Instructions:** Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.





TOWN OF LAKE PARK  
PUBLIC COMMENT CARD

MEETING DATE: 4-20-22

**Cards must be submitted before the item is discussed!!**  
**\*\*\*Three (3) minute limitation on all comments**

Name: John Buechler

Address: 275 Henderson Dr Lake Park, FL

If you are interested in receiving Town information through Email, please provide your E-mail address: \_\_\_\_\_

I would like to make comments on the following Agenda Item:  
\_\_\_\_\_  
\_\_\_\_\_

I would like to make comments on the following Non-Agenda Item(s):  
James Center / Parkland  
\_\_\_\_\_  
\_\_\_\_\_

**Instructions:** Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

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Exhibit "A"

J O N E S  
F O S T E R

## Memo

**To:** Mayor & Commission  
**From:** Thomas J. Baird, Town Attorney  
**Date:** April 20, 2022  
**Subject:** Agenda Item Tab 11 - Master Permit Fee

I am addressing the above referenced agenda item and the materials distributed as part of that item. The documents included as part of the ARF are described as background information leading up to my opinion regarding the use of Master Permit Fee funds in accordance with state legislation, House Bill 127.

The first document is something that appears to have been produced by staff which contains note entries between July 20-22, 2020. These notes are actually excerpts from emails that were exchanged between staff. I did not participate in that discussion. The 7<sup>th</sup> note is an excerpt of an email from Nadia to Bambi, John and Lourdes and references the preceding notes. She also attached HB 127 and references **permit fees**. In that email, states: "Given ... **the anticipated Nautilus permit revenue**" of close to \$2 million ... [for] a determination on House Bill 127 as it relates to the associated 'reasonable' expenditures it can be used to offset is required. As you know, it was anticipated to use the Nautilus revenue towards one-time expenditures to fund needed initiatives across all Departments in the general fund." Nadia's statement "As you know" is incorrect. I did not know that staff had "anticipated" that building permit revenue from Nautilus could be used to fund one-time expenditures in the general fund. If staff "anticipated or assumed that funds could be used to offset deficits in the general fund, this "anticipation" or assumption was incorrect.

In my response to Nadia's email (7<sup>th</sup> note), I advised her that I was uncertain what advice she was requesting. However, I did review HB 127, and noted that it was amending Fla. Stat. § 553.80(8) concerning building permit fees. Having read HB 127 within the context of the statute, it was obvious that the context of HB127 had to do with amending the Florida Building Code statute. Consequently, with respect to how the "Master Development Fees" from Nautilus, could legally be expended, I responded: **"I'm not sure what opinion you are requesting. This is my understanding of the legislation as it relates to Nautilus [building permit fees]. At such time that Nautilus begins requesting building permits, the Town's charges for the review of plans and inspections related to the building permits issued must directly relate to the Town's costs of reviewing the plans, permits and doing the inspections."**

E S T .  
1 9 2 4

This response correctly advised Nadia, that the “anticipation” or assumption by staff that Nautilus building permit fee revenue could be used for “needed initiatives across all Departments in the general fund” was incorrect. I advised her that the Nautilus building permit revenue can only be used for building services.

The change in HB 127 had to do with reporting requirements to ensure that building permit fees were being spent on building services. Given that HB 127 was amending § 553.80 (provisions in the Florida Building Code), my response to Nadia’s “request” of the impact of HB 127 correctly advised her that the Nautilus fees could not be expended on general government services or to supplement the General Fund.

Apparently, staff either misinterpreted my response, or is not familiar with the provisions of Fla. Stat. § 553.80, or both. The Town Manager proceed with a budget adjustment agenda item which relied on Nautilus permit fees to address a variety of initiatives across Departments by proposing to transfer Nautilus permit fees to the General fund. At the commission meeting, he advised the commission that staff had received an opinion from me that this was legal. I replied if that was the case I was not aware of such an opinion. Nadia was called up by the Town Manager and she indicated she could not recall. Following the meeting, my email response, as discussed above was identified as my “opinion.” As you can see, my email explained that the application of Nautilus building permit fees to support the proposed budget adjustment was not legal.

Following this meeting, I authored a formal memo, dated February 24, 2022. I opined that using building permit revenue to support or supplement general fund services is prohibited. I explained that pursuant to Fla. Stat. § 553.80(7)(a), the building permit fees from Nautilus can only be used to defer the costs of inspection and enforcement of the Florida Building Code. Furthermore, the statute clearly articulates that the building fees cannot be used for “Planning and zoning or other general government activities”

In response to my opinion, the Town Manager fired off an email stating: “We will return the funds to Nautilus. This made no sense because the funds were properly collected and could be maintained by the Town; however they must be expended for building services and cannot be used to support the general fund. Next, the Town Manager took aim at me with made unprofessional and derogatory remarks about me in an email (attached) he directed to “Janet Perry; Peter Baytarian; Larry Zabik; and Don Delaney. He copied me, my secretary and the commission. He stated: “It is time for staff to find an attorney in your office that we can rely upon for the correct information we seek.” Of course, what he really means is that he wants to have an attorney from my office provide him with legal opinions with which he agrees.

## Green, Marilyn R.

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**From:** John D'Agostino <jD'Agostino@lakeparkflorida.gov>  
**Sent:** Friday, February 25, 2022 9:36 AM  
**To:** Janet Perry; Peter Baytarian; Larry Zabik; Don Delaney  
**Cc:** Commission; Nadia DiTommaso; Baird, Thomas J.; Green, Marilyn R.  
**Subject:** Re: Use of Master Development Fees collected from Nautilus  
**Attachments:** image002.png; 2504999.pdf

**EXTERNAL EMAIL - This Message originated outside your organization. DO NOT click any links before verifying the email is safe.**

We will return the funds to Nautilus. It is time for staff to find an attorney in your office that we can rely upon for the correct information we seek. Your cover in your explanation is quite good but you have never worked for staff and often times you have never supported staff by providing what we need to run the day-to-day operations of the town. Your initial email was wholly inadequate. This item will be on the agenda to discuss with the Commission the need for staff to be better represented legally so we are not revisiting issues like this in the future. If the Commission doesn't support this initiative then we can not function properly administratively. Once again Tom, I am extremely disappointed in your service to staff and we now find ourselves in a situation whereby the funds need to be return. A great disservice to the Town. We pay you 250.00 per hour. You have repeatedly said you work for the Commission. It is high time we have the legal support we needs to rein the Town. We should have never been put in this situation. My ability to trust you in the future is irreparable.

John D'Agostino  
Town Manager, Town of Lake Park Florida

On Feb 24, 2022, at 1:35 PM, Janet Perry <jperry@lakeparkflorida.gov> wrote:

Good Afternoon,  
The email below and attachment are being forwarded to you as requested by the Town Attorney.

*Janet Perry, A.P.C.*

Executive Assistant to the Town Manager

Office of the Town Manager

**TOWN OF LAKE PARK**

535 Park Avenue

Lake Park, FL 33403

561-881-3304

561-881-3314 (fax)

[www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)

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

# Exhibit "B"

## Parameters of Engagement between the Town Manager, Staff and the Town Attorney

### Commission meeting April 20, 2022

In an attempt to create a better effective line of communication between the Town Attorney, myself and Staff, I have outlined below what I believe is necessary for the parameters of engagement for effective communication between the Manager, Staff and Town Attorney.

- **Communications:** The Town Manager and Staff have a reasonable expectation that all written communication will address the needs of the requesting department head. The Town Attorney must acknowledge all requests for information in the form of an email to the requestor with a copy to the Town Manager. With regard to upcoming agenda items, the requesting department head must advise the Town Attorney of the meeting agenda on which the item will appear as well as the Clerk's Office submittal deadline for such items. The Town Attorney must acknowledge in writing to the requestor the proposed time-line for completing the requested work. For other time-sensitive matters, the requesting department head shall provide the Town Attorney with an expectation of when his feedback or requested information is required and if there is a difference in the expected time, both the Town Attorney and the requesting department head must work out an agreed upon timeline. Such agreed upon timelines will be copied to the Town Manager at the time the request is made.
- For time sensitive matters, the Town Attorney and requesting department head must agree upon the time-line in advance before any legal work is started. If the time-line cannot be met for whatever reason, the Town Attorney must request a time extension in writing to the requesting department head with a copy to the Town Manager. The time extension must be reasonable and agreed upon by the Town Attorney and the requesting department director. The Director of Information Technology will archive all such communications in the Town's Email system between the Town Attorney and all staff. The Manager and the Town Attorney will have access to this information as necessary. The archived information will have a separate folder and accessible to the Town Manager and Department Heads. Also, such information at the request of the Town Attorney will be shared with him.

The following should represent agreed upon timelines for the Town Attorney:

- For non-emergency requests, a three-day response for less complicated opinions (opinions requiring less than 12 hours of research) seem reasonable, extending the time period by 24 hours for complicated opinions (legal research taking between 13 hours and two days).
- For emergency requests for all written opinions, a maximum of a 24-hour response is acceptable.
- The Town Attorney must return phone calls from staff within on the same business day unless the call is of an urgent matter, at which point the Town Attorney will make every effort to return such calls within 4 hours of receiving the call.
- Email responses for legal opinions will not be accepted.

- Unless the availability of the Town Attorney is restricted due to vacation, court appearances or depositions, the Town Attorney must inform the Town Manager and the requesting department head of such time constraints and work out an alternate time line that is acceptable to both the requesting department head and the Town Attorney in writing with a carbon copy to the Town Manager
- Email responses to requested legal opinions are no longer acceptable to staff and the Town Manager.
- All written Legal Opinions will be in a format customarily approved and accepted by the Town and the Town Attorney.

The Town Manager will request a standard weekly meeting time and date with the Town Attorney to review all legal matters requested by staff. The purpose of such a meeting will be to create an open line of communication for all legal matters that affect the Town. This time-period will also provide the Town Attorney with the Town Manager's input on such matters. If difficulties arise between the Town Attorney and staff, either the Town Attorney or the Department Head must inform the Town Manager of the matter. The Town Manager as the Chief Administrative Officer will address such matters directly with the Department Head or the Town Attorney and resolve the matter in a timely manner.

Finally, the Town Manager is requesting that if the Town Commission and the Town Attorney agree to the Parameters of Engagement between the Town Manager, staff and the Town Attorney as outlined herein, that the Commission vote to amend the Town Attorney's contract to include the agreed upon Parameters of Engagement. The Terms of Engagement will be given to the Town Commission and the Town Attorney on Tuesday Morning prior to the Wednesday Meeting for review and discussion at the Regular Commission Meeting of Wednesday, April 20, 2022.

Exhibit "C"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: 4/20/2022

Agenda Item No.

Agenda Title: FISCAL YEAR END 2021/2022 BUDGET ADJUSTMENTS TO INCLUDE AMERICAN RESCUE PLAN EXPENDITURES

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

Approved by Town Manager [Signature] Date: 4/13/2022

Lourdes Cariseo Finance Director

Table with 2 columns and 2 rows containing department info, costs, attachments, and advertising details.

Summary Explanation/Background:

The U.S. Treasury issued the American Rescue Plan Final Rule on January 6, 2022. The final rule allows the Town to use a standard deduction allowance of up to \$10 million dollars in aggregate, not to exceed their award amount during the program.

The Town received \$2,142,652 in 2021 and is due to receive the balance of \$2,142,652 in September 2022. Attachment "A" reflects the expenditures requested through April 12, 2022.

Recommended Motion:

I move to adopt Resolution 26-04-22.

The staff recommends adjusting the following expenditure items:



**RESOLUTION 26-04-22**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2021-2022 AS PREVIOUSLY ADOPTED BY RESOLUTION NO. 58-09-21; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, the Town Commission has previously established the budget for the Town of Lake Park for the fiscal year beginning October 1, 2021 and ending September 30, 2022; and

**WHEREAS**, at the time of its adoption, the budget properly reflected expected revenues and appropriations; and

**WHEREAS**, to implement this budget, the Town Commission adopted and levied by Resolution No. 57-09-21 a final millage rate for the Fiscal Year 2021-2022; and

**WHEREAS**, the Town Commission deems it necessary and advisable to amend the budget for the Town of Lake Park for Fiscal Year 2021-2022, which was adopted by Resolution No. 58-09-21.

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

**Section 1.** The whereas clauses are true and correct and are supported herein.

**Section 2.** An amended budget of the Town of Lake Park General Fund is hereby approved and adopted as set forth in the attached Attachment "A". An amended budget of the Town of Lake Park Marina Fund is hereby approved and adopted as set forth in the attached Attachment "A". An amended budget for the Town of Lake Park General Fund, Stormwater Fund, Streets and Roads Fund and Sanitation Fund is hereby approved and adopted as set forth in the attached Attachment "A".

**Section 3.** The Annual Budget establishes limitations on expenditures by fund and by department within funds, and the total appropriation of each fund may not be increased or decreased without specific authorization by a duly enacted resolution effecting such amendment or transfer. However, specific activity and department amounts may be exceeded upon authorization of the Town Manager so long as excesses exist in other activities within said fund budget. Notwithstanding the forgoing, the Town Commission shall approve by resolution the transfer of all appropriations in excess of \$10,000 and all transfers from the Town's Unassigned Fund Balance Account or the Town's Contingency Account.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5.** This resolution shall take effect immediately upon adoption.

Town of Lake Park  
American Rescue Plan

Attachment "A"

Award #1 FY 20/21	\$2,142,652.00	165-223.000
Award #2 FY 21/22	\$2,142,652.00	165-223.000
<b>Total Award for Town of Lake Park</b>	<u>\$4,285,304.00</u>	

Project	Amount	Description
<b>Stormwater</b>		
Account # 402-52700		
WRMA	\$29,280.00	2nd Street Roadside Bioswale Design
WRMA	\$7,420.00	2nd Street Roadside Bioswale Design
Seacoast Utilities	\$60,121.50	Water Meter 601 Federal Hwy
<b>Total</b>	<u>\$96,821.50</u>	
<b>Encumbered Funds not yet spent</b>		
WRMA	\$18,300.00	2nd Street Roadside Bioswale Design
Flotech Environmental		Removed - billable to LSD grant contingency
<b>Total Encumbered Funds</b>	<u>\$18,300.00</u>	
<b>Total Stormwater</b>	<u>\$115,121.50</u>	
<b>Mobility</b>		
Account # 900-52700		
Nue Urban Concept	\$24,850.00	Mobility Plan & Fee Ordinance Planning
Nue Urban Concept	\$30,450.00	Mobility Plan & Fee Ordinance Planning
<b>Total</b>	<u>\$30,450.00</u>	
<b>Anticipated Expenditures</b>		
Nue Urban Concept	\$164,840.00	Mobility Plan & Fee Ordinance Planning
<b>Total Mobility</b>	<u>\$195,290.00</u>	
<b>Technology Improvements</b>		
Account # 900-52700		
KDT Solutions	\$3,600.43	PW Server
KDT Solutions	\$1,200.00	PW Server
MCCI	\$912.50	Web Link Portal
Dell Marketing	\$24,343.06	Desktop Computer Replacements
Dell Marketing	\$8,975.48	Laptop Computer Replacements
Verizon Wireless	\$3,209.96	Samsung Galaxy Tablets for PW
DocuSign	\$26,620.00	E-Signature Plus Support & Implementation
<b>Total</b>	<u>\$68,861.43</u>	



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<b>Total Encumbered Funds</b>	<u>\$18,500.00</u>	
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**Anticipated Expenditures**

Roof	\$500,000.00	Town Hall
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Generators Dept 408	<u>\$350,000.00</u>	
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<b>Total Anticipated Expenditures</b>	<u>\$850,000.00</u>	
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<b>Total Building &amp; Improvments</b>	<u>\$884,875.00</u>	
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**Streets & Roads**

190-52700

**Encumbered Funds not yet spent**

Susan E. O'Rourke	\$235,400.00	Proposed Park Avenue Lane Reduction
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**Anticipated Expenditures**

Streets & Roads	<u>\$200,000.00</u>	
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<b>Total Streets &amp; Roads</b>	<u>\$435,400.00</u>	
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**Miscellaneous**

900-52700

Vizocare (on CC)	\$3,000.00	Covid Test Kits
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**Total**

**Anticipated Expenditures**

Boom Life Dept 406	\$18,334.00	
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Boom Life Dept 408	\$18,334.00	
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Boom Life Dept 190	\$18,334.00	
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Code Overhaul	\$350,000.00	
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New Irrigation Systems for Date Palm Drive	<u>\$25,000.00</u>	
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<b>Total Anticipated Expenditures</b>	<u>\$430,002.00</u>	
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<b>Total Miscellaneous</b>	<u>\$433,002.00</u>	
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<b>Total Spent, Encumbered &amp; Anticipated</b>	<u>\$2,650,448.09</u>	
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**TOWN COMMISSION MEETING**  
**Wednesday, April 20, 2022**

**COMMUNICATIONS AND GRANTS**

The Communications and Grants Department is seeking to hire a qualified individual to work as the Marketing Specialist. Must have a Bachelor's Degree in Marketing, Communications or a related field, as well as skill in the use of social media and proficiency in graphic design programs. The deadline by which to apply is 5:00 p.m. on May 16, 2022. Those interested in applying may contact the Town's Human Resources Department at 561-881-3300 Option 8, or may visit the Town's official website at [www.lakeparkflorida.gov](http://www.lakeparkflorida.gov) for additional information and to download an employment application.

**COMMUNITY DEVELOPMENT**

**WGI – Parks Master Plan Timeline:** As the Town Commission was made aware pursuant to an email sent by the Town Manager to the Town Commission on April 12 and then by Community Development with a revised schedule on April 13, WGI and Staff have created a timeline that includes an expanded community survey component and one additional outreach meeting. The timeline aims to remain on schedule even with the added outreach efforts and includes the following important dates:

**Thursday, April 21 – Monday, May 9 (revised):** Public Survey Period (electronic and paper in three languages – WGI will connect with LP Elementary and three Churches to distribute paper and coordinate retrieval of responses)

**Saturday, May 21, 9 a.m.:** Community Charrette Event (P&Z Board and Town Commission is invited)

**Saturday, June 11, 9 a.m. (revised):** Follow-up Community Meeting to review alternatives (P&Z Board and Town Commission are invited)

**Monday, August 8, 7 p.m.:** Special Call (in lieu of August 1) P&Z Board Presentation of Final Plan

**Wednesday, August 17, 6:30 p.m.:** Town Commission Presentation of Final Plan

***\*\*The entire timeline will also be mailed to all residential property addresses in the Town\*\****

We are hopeful this timeline works in order to keep the project on schedule. Assuming it does, the public outreach will commence immediately on Thursday, April 21. An addendum to the WGI contract to accommodate the additional outreach has also been received. The added costs for expanding the community survey component and for coordinating a 2<sup>nd</sup> community charrette event is \$8,750, bringing their total contract price to \$70,820. As a

final note, WGI will be surveying the parks as of April 21, 2022 and you'll notice vehicles if you are in the area.

## **PUBLIC WORKS DEPARTMENT**

1. On April 20, 2022, the department completed work to replace more than 3,600 square feet of sidewalk at three-dozen separate locations in the Town. This public infrastructure improvement project was funded through Gas Tax revenue and significantly enhances public safety, mobility, and aesthetics.
2. Furthermore, as part of the 2021 regular session, the State of Florida Legislature recognized the need for long-term planning for the provision of stormwater and wastewater municipal services and future funding requirements. Accordingly, local governments are now required to perform a 20-Year Needs Analysis for Stormwater and Wastewater and update the plan every five (5) years. The initial report is due to the State on June 30, 2022. While we are including project initiatives proposed in the Stormwater Master Plan, we would also like to seek additional input or project ideas from the Town Commission and the public. For additional information or to submit comments, please contact the Department of Public Works at (561) 881-3345 or email [publicworks@lakeparkflorida.gov](mailto:publicworks@lakeparkflorida.gov).
3. Finally, the department would like to thank our residential and business sanitation customers for their patience while we work through some equipment and staffing challenges. We remain committed to delivering the highest level of service, as scheduled. Should we anticipate any service delays, we will continue to inform you through the Town's website and social media platforms as promptly as possible and any incomplete routes will be made up on the following business day. For sanitation service-related assistance, please contact the Department of Public Works at (561) 881-3345 or email [publicworks@lakeparkflorida.gov](mailto:publicworks@lakeparkflorida.gov).

## **SPECIAL EVENTS DEPARTMENT**

### **Arbor Day:**

The Town will celebrate National Arbor Day on Friday, April 29 at 10:00 a.m. with a ceremony and tree planting on the south lawn of PBSO District 10 located on the corner of Park Avenue and 6<sup>th</sup> Street. For more information please contact the Special Events Department at (561) 840-0160 or via email at [specialevents@lakeparkflorida.gov](mailto:specialevents@lakeparkflorida.gov).

### **Sunset Celebration:**

The Town of Lake Park will host its monthly Sunset Celebration on Friday, April 29 from 6:00 p.m.– 9:00 p.m. at the Lake Park Harbor Marina. This month's event will feature live entertainment from The Big City Dogs Band providing true renditions of some of your favorite Classic Rock hits! There will be a full cash bar, happy hour prices, and a variety of food and arts & crafts vendors. For more information please contact the Special Events Department at (561) 840-0160 or via email at [specialevents@lakeparkflorida.gov](mailto:specialevents@lakeparkflorida.gov).

**TOWN OF LAKE PARK**

# **ARBOR DAY CELEBRATION**

**TREE PLANTING  
CEREMONY  
FRIDAY, APRIL 29  
10:00 AM - 11:00 AM  
PBSO DISTRICT 10  
SOUTH LAWN  
700 6TH STREET  
LAKE PARK, FL 33403**



**TREE CITY USA®**



**TOWN OF LAKE PARK  
TREE BOARD**



**Arbor Day Foundation®**

**WWW.LAKEPARKFLORIDA.GOV**





# SUNSET CELEBRATION

FREE MUSIC CONCERT

FEATURING

*Mitch*



*Jake*



## BIG CITY DOGS

*John*



*Rick*



**LIVE MUSIC \* FOOD VENDORS  
CASH BAR \* HAPPY HOUR**

**FRIDAY, APRIL 29**

**6:00 PM - 9:00 PM**

**LAKE PARK HARBOR MARINA**

**105 LAKE SHORE DRIVE**

**LAKE PARK, FL 33403**

**EVENT WILL FOLLOW CURRENT CDC GUIDELINES  
NO OUTSIDE FOOD OR DRINKS**

**FOR MORE INFORMATION  
CALL 561-840-0160 OR EMAIL  
SPECIALEVENTS@LAKEPARKFLORIDA.GOV**

