

Minutes
Town of Lake Park, Florida
Budget Workshop Meeting
Wednesday June 28, 2006, 7:30 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Budget Workshop Meeting on Wednesday, June 28, 2006 at 7:30 PM. Present were Mayor Castro, Vice Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Paul Carlisle, Town Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Before the meeting began Mayor Castro addressed the Commission and explained that at an Executive Session held on June 7, 2006, there was a discussion regarding Dr. Sallent's law suite pertaining to the Horse Statues. A Stipulation of Settlement was presented by the Town Attorney for the Mayor's signature before this budget workshop began. Mayor Castro explained that at the next Regular Commission meeting, scheduled for July 5, 2006, with the approval of the Town Commission, he would sign the Stipulation of Settlement. Copies of the settlement would be included in the July 5, 2006 agenda packet.

Mayor Castro led the Pledge of Allegiance.
Town Clerk Vivian Mendez performed the Roll Call.

DISCUSSION AND POSSIBLE ACTION:

Legal

Commission Balius stated that since his return to the Commission the legal fees had bounced up and down. Mayor Castro commented that the budget of 1997-1998 were astronomical in comparison to today because there were other issues that required more legal assistance back then.

Town Manager Paul Carlisle explained that the proposed budget was compared to that of 2002. In 2003/2004 budgeted amount was \$306,000.00. The 2005/2006 budget was \$203,000.00. Commissioner Balius stated that in the past there were other issues that the Town Attorney was doing which brought the amount needed to be higher. Commissioner Balius stated that the Town is in a better situation now. Town Manager Paul Carlisle agreed and stated that the Town is in a much better legal and financial state that it had been several years ago. Town Manager Paul Carlisle stated that the stream line budget difference between this year and last year is the reduction of outside legal services to \$10,000.00, because most of the cases would be settled. Mayor Castro stated that he received a letter from the State of Florida regarding the Fire Pension Fund indicating that the Town is delinquent in distribution of funds. Town Manager Paul Carlisle explained that the Town had an Ordinance to repealing the 1%, the Town should not receive notice. Mayor Castro informed the Town Manager that a letter, from the State of Florida, indicated that the Town has not recorded the funds received. Finance Director Cindy Sementelli stated that she would speak with Patty Shoemaker regarding the letter. Mayor Castro stated that Thomas Baird would give a presentation regarding the legal budget for the Commission.

Town Attorney Thomas Baird stated that the outside legal fees will need additional funds, that can be taken from the non-outside legal fees, to cover for a possible appeal regarding the Fire

Pension Fund case, as it might cost more than \$10,000.00. It is difficult to estimate the post trial motions. The verdict is still out awaiting the Judges opinion on this case.

Town Attorney Thomas Baird compared previous budget years to the proposed budget for the Commission, highlighting that his firm has come below budget each year. Town Attorney Thomas Baird stated that when his firm took over the Town's legal cases, the Town had ten (10) outstanding legal cases, today it only has one (1). The Town is also involved in mortgage foreclosure cases, where the Town is named as a party because they might have a Code Compliance lien. The Attorneys involvement on foreclosure cases are minimal.

Town Attorney Thomas Baird provided the Commission a history of Town employee turnaround, highlighting that his firm has stay consistent during all the changes in personnel.

Town Attorney Thomas Baird stated that the requested hourly fee was increased incrementally last year, and was requesting an increase in hourly rate this year. The new rate was requested at \$210.00 an hour. Town Attorney Thomas Baird provided the Commission a list of municipalities and the current rate they are charged, between \$195 and \$210 an hour. Town Attorney Thomas Baird assured the Commission that regardless of the hourly rate excepted, his firm would still strive to come in under the budgeted amount. Town Attorney Thomas Baird stated that he would be available to answer any questions at this time from the Commission.

Commissioner Balius inquired about the requested rate. Town Attorney Thomas Baird stated that the requested rate was \$210.00, including that last year \$200.00 was requested and the Commission raised his rate to \$175.00.

Commissioner Osterman asked what other municipalities such as Palm Spring's rate was, since they are about the same size. Town Attorney Thomas Baird stated that his firm represents Palm Springs and the rate is \$185.00, but will be requesting an increase to \$210.00 as well. Town Attorney Thomas Baird gave a comparison of rates from private sector to municipal government where the private sector receives \$300-\$350.

Vice-Mayor Daly indicated that he needed to bring some information to the table regarding the service the Town has received from the Attorneys. Vice-Mayor Daly explained that as the liaison for the Planning and Zoning Board he has been approached, by several members of that board, of their displeasure with the Town Attorney representation at a meeting, and asked how could this be improved. Town Attorney Thomas Baird stated that any member of the board can contact his office to explain the specifics and he would then discuss those issues with his partner. Vice-Mayor Daly re-irritated that something needs to be done to prevent this situation from reoccurring. Town Attorney Thomas Baird explained that the Town staff and Board members lack of familiarity of the Florida State Statues and Florida Planning & Zoning laws has made it difficult for his staff. Mayor Castro interjected and explained to Thomas Baird that being unprepared for a meeting had nothing to do with familiarizing staff and board members with State Laws. Town Attorney Thomas Baird stated that staff can contact his office with specifics incidents to rectify the situation.

Commissioner Osterman suggested an anonymous survey of the Planning & Zoning Board to have their concerns addressed without making the Board members feel intimidated by the Attorney.

Commissioner Balius stated that if this situation has occurred several times, were the Town Manager and Town Attorney informed. Town Manager Paul Carlisle stated that he has discussed these situations with the Attorney, most recent a stipulation agreement that was not provided to the Board and the Town Attorney was not familiar with the agreement. Mayor Castro stated that better communication is needed between Town staff and the Town Attorneys. A discussion regarding this issue ensued between the Town Attorney and the Town Manager.

Mayor Castro stated that without an evaluation process, for legal services, it makes this budget process difficult. Mayor Castro stated that the Commission takes this opportunity to discuss

issues with its legal services rather than a formal evaluation process. Mayor Castro stated that although this budget workshop was intended to discuss the possible rise in hourly rate, the Commission had taken the opportunity to provide constructive criticism. Vice-Mayor Daly stated staff should provide alternatives, so that the Commission can do a proper comparison. Mayor Castro stated that personally he has received exceptional service from the Town Attorney. Commissioner Balius stated that compared to the past attorneys, this firm has been the best. Mayor Castro stated that today's issue was hourly salary. Mayor Castro stated that the Commission can come to consensus on an hourly salary, but no vote can be made because the meeting was a workshop.

Commissioner Carey suggested \$200.00 an hour instead of \$210.00, which was requested.

Commissioner Balius stated that with the salary at \$200.00 an hour it would be a 20% raise.

Town Attorney Thomas Baird stated that he does not look at this as a raise, but a value of service that the Town will receive from the firm, as compared to other municipalities of the same size as Lake Park. The level of service compared to other municipalities was based on quality, which his firm provides the Town.

Vice-Mayor Daly suggested \$190.00 an hour instead of \$200.00. Mayor Castro stated that he agreed with \$190.00.

Commissioner Osterman suggested \$195.00 and meet in the middle of the other Commissioners.

Mayor Castro decided that \$195.00 would be placed in the budget for legal services for Town Attorney Thomas Baird. Mayor Castro stated that additional hours of service are anticipated in the coming year.

Town Manager Paul Carlisle suggested \$5,000.00 be moved out of outside legal services, since the rate will be \$195.00 instead of \$200.00, if additional funds are needed the Commission can amend the budget. Mayor Castro suggested leaving the \$5,000.00 extra in and placing the other \$5,000.00 just in case, and leaving the rate at \$215.00.

Town Attorney Thomas Baird stated that the largest cost would be in the assessment program, which is in the Community Redevelopment Agency (CRA). If the Community Redevelopment Agency (CRA) has its own budget for legal, that was where the money should be placed. Finance Director Cindy Sementelli confirmed that the Community Redevelopment Agency (CRA) has a legal budget.

Town Attorney Thomas Baird stated that the budget before the Commission is adequate without knowing absent litigation. Mayor Castro agreed that things could happen with would alter the budget. Town Manager Paul Carlisle stated that if an unforeseen situation occurs the Commission could amend the budget.

Vice-Mayor Daly stated that he would support the rate of \$195.00. Commissioner Balius stated he just averaged everyone's suggested rate and the average is \$195.00 an hour.

Town Attorney Thomas Baird thanked the Commission and asked to be excused from the rest of the meeting.

Harbor Marina

Commissioner Osterman inquired if the Harbor Marina Advisory Board had an opportunity to review the proposed budget. Town Manager Paul Carlisle stated that the Harbor Marina Advisory Board would receive the budget at their next regular scheduled meeting.

Town Manager Paul Carlisle began by saying that FEMA (Florida Emergency Management Agency) would probably not pay for the breakwater, which would cause the budget to be amended. The total could be in the area of \$16,000.00 to the loans principal and interest over 20 years. Town Manager Paul Carlisle stated that it would still leave the Town with about \$68,000.00 over and above what it cost, based on the rate of 80% occupancy, and projected revenues from the ship store. Town Manager Paul Carlisle stated that the budget proposed would continue the yearly rate to stay the same at \$17.50, and create a winter monthly rate (November to April) of \$25.50 or a 6 month winter rate of \$22.50. This could entice boaters to sign a yearly slip rate, get the lower rate, and guarantee them a slip should they decide to leave and come back several months later, giving the Marina Manager the opportunity to rent out the slip. Town Manager Paul Carlisle stated that the rate could impact the budget, should the Commission come to consensus at this meeting with the proposed rates.

Harbor Marina Manager David Hinaman was available for questions from the Commission. Commissioner Osterman wanted to know if a slip renter that leaves town can have their friend dock their boat in the slip, while the original boat slip owner was away. Town Manager Paul Carlisle explained that the boat lease is specific for the vessel, not their friends or families vessel to use while they are gone. The lease holder is required to notify the Harbor Marina Manager of their return because the slip might be used by a transient.

Commissioner Balius asked for clarification regarding the line item listed as improvements other than buildings, which shows \$558,000.00. Finance Director Cindy Sementelli stated that the amount was for the remaining construction from October or November.

Commissioner Balius asked about other unexpected expenses. Town Manager Paul Carlisle explained that those items are budgeted under operating expenses.

Commissioner Balius asked about the electric upgrade that a boater might request. Town Manager Paul Carlisle explained that the only electric that would be upgraded would be the one by the outer pier, but if someone wanted the electric upgraded they would pay for the upgrade. Mayor Castro wanted to know if a lot of fuel was being sold. Town Manager Paul Carlisle stated the diesel was a big seller, not gas. Mayor Castro pointed out that the revenue seemed low. Town Manager Paul Carlisle explained that the hurricane was a hit as well as a few of the pumps were not working, again due to the hurricanes.

Vice-Mayor Daly inquired about any ship store plans improvements. Harbor Marina Manager David Hinaman stated that the ship store clerk does more than just sit inside of the ship store. A list of other functions that the ship store clerk does was listed for the Commission. Harbor Marina Manager David Hinaman stated some ideas he has to improve the ship store such as, selling Marina logo t-shirts, hats, safety items, etc. Mayor Castro stated that during the Grand Opening he did not see anything he would purchase in the ship store.

Town Manager Paul Carlisle explained that his vision was to have hats, coolies, shirts, maybe a sandwich cooler with pre-made sandwich that could be sold.

Mayor Castro stated that a breakwater was needed. Town Manager Paul Carlisle agreed that it was important to have a breakwater, which would cost about \$250,000.00, which can be funded over 30 years.

Commissioner Carey inquired about the brick area in front of the ship store. Town Manager Paul Carlisle stated that tables and chairs with umbrellas are possible. Mayor Castro stated that he was asked about possible picnic table by the boat ramp. Town Manager Paul Carlisle stated that the Harbor Marina Advisory Board has discussed benches around the Marina.

Mayor Castro asked for a review of the overall budget. Town Manager Paul Carlisle explained the reserved fund and the administrative cost.

Commissioner Osterman inquired about the expenses of the benches and pie lines. Mayor Castro stated that it would not be accepted considering it was so expensive. Town Manager Paul Carlisle explained the expenses associated with the Harbor Marina.

Vice-Mayor Daly inquired about the irrigation system that was installed at the Harbor Marina. Town Manager Paul Carlisle stated that the irrigation company and the Town have corresponded regarding bringing the system into compliance.

Commissioner Balius inquired about the added interest, which was about \$250,000.00. Town Manager Paul Carlisle stated that it would be about \$22,000.00 added for interest, which would be added to the interest and principal section of the budget. This would leave the Harbor Marina with a balance of \$53,000.00.

Commissioner Carey inquired about the number of vessels without annual leases. Harbor Marina Manager David Hinaman stated that there are no annual leases at the moment. Currently the Harbor Marina only has month to month leases, which explained the proposed schedule was being provided to the Commission.

Vice-Mayor Daly asked about promotional material. Harbor Marina Manager David Hinaman stated that there are several advertisements out for the Lake Park Harbor Marina.

Commissioner Carey inquired about a fund for the Harbor Marina Advisory Board. Town Manager Paul Carlisle stated that when the Harbor Marina Advisory Board plans an event, like a fishing tournament, the funds are from the promotional fund.

Town Manager Paul Carlisle stated that a recent fishing tournament at the Harbor Marina was very successful. Mayor Castro wanted to know why the Commission was not informed of the tournament. Harbor Marina Manager David Hinaman stated that Tropical Fishing had an Executive Tournament and they rented several spots and held the tournament themselves. Mayor Castro stated that in the future inform the Commission of any such tournaments that are occurring at the Harbor Marina.

Commissioner Balius asked at what percentage was at the Harbor Marina. Harbor Marina Manager David Hinaman stated that the Marina is at about 75%. Town Manager Paul Carlisle stated that this was the cause for the proposed annual slip lease, so the Town can continue to collect even when vessels are not in the Harbor Marina.

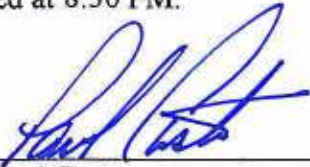
Mayor Castro suggested hosting a tournament. Commissioner Balius stated that he had a conversation with the Harbor Marina Advisory Board and they were receptive to the idea of a tournament. Town Manager Paul Carlisle stated that staff and the advisory board needed to communicate about a tournament. Mayor Castro stated that in the past the advisory board hosted the tournaments.

Commissioner Balius inquired about the wave continuator. Harbor Marina Manager David Hinaman stated that a crew chief took a look at it and would be available to assess it in about 14 days. The damage was extensive due to the hurricane, which FEMA would assist in paying. The Commission came to consensus on the approval of the budget proposed for the Harbor Marina.

Mayor Castro asked the Commission to please review the Stipulation of Settlement on the Sallent case as it would be presented at the next Commission meeting.

ADJOURNMENT

There being no further business to come before the Commission, and after a motion to adjourn by Commissioner Carey, and seconded by Vice-Mayor Daly, by a unanimous vote, the meeting adjourned at 8:30 PM.



Mayor Paul Castro



Town Clerk Vivian Mendez



Approved on this 19 of July, 2006.

AGENDA

Lake Park Town Commission

Town of Lake Park, Florida

TOWN COMMISSION BUDGET

WORKSHOP

Wednesday June 28, 2006 at 7:30 p.m.

Lake Park Town Hall

535 Park Avenue

Paul Castro	—	Mayor
Edward Daly	—	Vice Mayor
G. Chuck Balius	—	Commissioner
Jeff Carey	—	Commissioner
Patricia Osterman	—	Commissioner
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Paul Carlisle	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. DISCUSSION AND POSSIBLE ACTION
 - 1. Legal
 - 2. Marina
- E. ADJOURNMENT