



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 5, 2012, 8:00 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 5, 2012 at 8:00 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Steven Hockman, Jeanine Longtin, and Tim Stevens, Town Manager Dale S. Sugerman, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley.

Vice-Mayor Rumsey led the Invocation and Mayor DuBois led the Pledge of Allegiance. Town Clerk Vivian Lemley performed the Roll Call

ADDITIONS/DELETIONS/APPROVAL OF AGENDA:

Mayor DuBois stated that Town Manager Sugerman has requested that item J.10. regarding the 8th Addendum to the PBSO contract be moved to after Public Comment and before the Consent Agenda and he request that item 8 on the Consent Agenda regarding the November 21st Commission Meeting be moved to Discussion and Possible Action as item 14.

Commissioner Longtin requested that an item be added regarding Commissioner Stevens' appointment to the Marina Task Force.

Commissioner Stevens stated that he will make the appointment during his Commissioner Comments.

Motion: A motion was made by Commissioner Hockman to approve the Agenda as amended; Commissioner Stevens made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0

PRESENTATION:

1. Discussion on the Feasibility of Partnering with the Burt Reynolds Institute for Film and Theater (BRIFT) in the Offering of Classes and the Presenting of Showcases to the Public.

Town Manager Sugerman explained that the current facility occupied by BRIFT is located in Jupiter and that the Town of Jupiter has determined that there are other needs for the facility causing BRIFT to now look for a temporary location. He explained that BRIFT are in need of a small office, classroom space and a stage and these types of facilities are available in the Town. He stated that BRIFT representatives have toured the facilities and are interested in partnering with the Town. He explained that the item on the agenda is for the Commission to discuss and determine if the Commission is interested in the partnership. He introduced Douglas Rill, Chairman of the BRIFT Board who is present and made comments and answer questions.

Mr. Rill introduced himself and explained that the Town of Jupiter has decided to sell the location that BRIFT currently occupies and that they have sub-divided and moved to several temporary facilities in Stuart and Tequesta and that they are looking to partner with Lake Park for a southern location. He stated that BRIFT has an agreement with Palm Beach County for a permanent facility within the next couple of years in the Burt Reynolds Park in Jupiter, however funds needs to be raised to build the facility. He explained that the space would be used to teach acting, theater and performing arts and that the facilities that they toured in Lake Park are appropriate.

Mayor DuBois stated that the Town has a history with Burt Reynolds and that Burt Reynolds' first public performance was in Mirror Ballroom in Town Hall.

Mr. Rill stated that BRIFT was aware of that history.

Commissioner Longtin asked for how long BRIFT would be in the facility.

Mr. Rill stated that he was not here to make a long term commitment, but that BRIFT is interested in starting a relationship with the Town and see how it develops over time.

Commissioner Longtin stated that she thinks it is a great idea.

Vice-Mayor Rumsey stated that this idea was brought to him by Will Serrano and thanked him. He asked what recognition or publicity will the Town get out of BRIFT for the use of the facility.

Mr. Rill stated that it would be a partnership and that the productions and shows that happen in this facility would promote the location as being within the Town.

Vice-Mayor Rumsey stated his support for the project.

Commissioner Stevens stated that he is excited about the project and asked about the show, classes and services provided by BRIFT and if there is a charge.

Mr. Rill stated that there is a nominal fee of \$15 - \$20 dollars per class to just cover the cost of the class.

Commissioner Stevens asked if there was a possibility of offering free or reduced rate classes for Lake Park residents.

Mr. Rill stated that he is not sure about a discount given because the price for the classes are pretty low.

Motion: A motion was made by Vice-Mayor Rumsey to direct Town Manager Sugerman to make the necessary arrangements to partner with the Burt Reynolds Institute for Film and Theater; Commissioner Hockman made the second.

Town Manager Sugerman explained that BRIFT will be asked to provide proof of insurance and to name the Town as additionally insured, indemnification arrangement will be made to protect the Town from any of the acts of BRIFT, make arrangements will be made for access to the building, and other services that may be needed. He stated that BRIFT has asked that they pay the Town \$1 per year for the use of the facility. He stated that the formal agreement will be brought back at either September 19, 2012 or October 3, 2012 Commission meeting for consideration.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

2. Presentation by Howard Foster of S&H Foster's, Inc. Requesting that the Town Commission Consider Modifying the Town Code, Section 6-5 Hours of Sale, to Allow Liquor Sales beyond 2 a.m.

Howard Foster introduced himself and stated that he operates Foster's Pub in North Palm Beach and two other bars. He provided to the Commission documentation regarding his business and operations. He stated that he would like to move his business to Lake Park.

Sherry Foster introduced herself and explained the documents that were provided to the Commission. She stated that the documents contain a list of calls for service at Foster's Pub from the Village of North Palm Beach and stated that very few of the calls were related to the Foster's Pub. She explained that the clientele that goes to the Foster's Pub are the people who work shift work or in the service industry. She stated that they are trying to find a new home to move the pub. She stated that if the Town offered an extended hours license an additional annual fee could be charge, it could be restricted to only businesses with a 4COP liquor license or SRX restaurant license, and restrict that only over 21 years of age patronage.

Mayor DuBois asked if all three of the locations operate until 5:00 am.

Ms. Foster stated that before the annexation into North Palm Beach all three operated until 5:00 am.

Commissioner Hockman asked what general location are they looking at in Lake Park.

Ms. Foster stated that they are looking at Some Place Restaurant.

Commissioner Hockman stated that location is close to apartments and voiced concern over noise from the pub.

Ms. Foster stated that the bar on Okeechobee Boulevard in West Palm Beach backs up to a neighborhood and they have put in measures to control the noise associated with the Pub. She stated that they do karaoke, pools teams, and similar types of activities. She stated that it is a neighborhood bar atmosphere.

Mr. Foster stated that they have a doorman on premises late at night seven days a week to make sure there is no noise going on outside. He stated that they would add lighting to the parking lot at the location they are looking at because it is a little dark.

Town Manager Sugerman explained that if the Commission wanted to pursue allowing for liquor sales after 2:00 am it would require an amendment of the Town Code through an Ordinance.

Attorney Baird stated that the change in the Town Code would affect any business selling alcohol making them eligible to extend the hours they sell alcohol. He is not aware of any way to limit the ability to sell after 2:00 am to particular businesses. He explained that the change in the code would be from 2:00 a.m. to 5:00 a.m. and that the only times businesses would not be permitted to sell alcohol would be from 5:00 a.m. to 7:00 a.m. seven days a week.

Vice-Mayor Rumsey suggested to poll the Commission about their position.

Ms. Foster explained that a 4COP license means full liquor and that a liquor store is not permitted to have consumption on premises.

Commissioner Stevens felt it would be great to have Foster's Pub in Lake Park and it is important for the service industry to have some place to go. However, he felt that locating Foster's Pub near a residential area would not be good and would not be in favor of changing the code. He commented that the Town has other areas that the Pub could be located that is not near residential.

Commissioner Longtin asked about the location that was occupied by Cardello's and thought that would be a better location.

Ms. Foster stated that Riveria Beach has a "Cabaret License" that deals with all the issues that the Commission has mentioned.

Vice-Mayor Rumsey stated he would like to have Foster's Pub in Town, but is unwilling to discuss allowing alcohol sales until 5:00 am.

Commissioner Stevens asked if there are any areas of the Town that the Commission would be willing to consider allowing alcohol sales until 5:00 am.

Mayor DuBois stated he does not have an issue with the location because Foster's Pub does not have live music at that time of night.

Commissioner Hockman stated that he would like to see them bring their business to Lake Park, but he has concerns regarding the proximity to residential properties. He asked if the business can be open after 2:00 am as long as it does not serve alcohol.

Attorney Baird stated that the Code does not prevent the business from being open and serving non-alcoholic beverages.

Mr. Foster stated that being open and not serving alcohol invites a younger crowd and that he is not interested in having 18 year olds in his establishment.

Mayor DuBois stated that the consensus of the Commission is not to pursue this any further.

Commissioner Longtin asked if the Code in the Industrial Section of the CRA can be amended to allow this type of business.

Attorney Baird asked if Commissioner Longtin's intent is to have different hours of operation based on the Zoning Category.

Commissioner Longtin asked if that would be possible.

Attorney Baird stated that he has not heard of such a thing, but that anything is possible.

Vice-Mayor Rumsey asked if an Entertainment District could be created and stated that he does not think that the Commission is ready to move forward with something like that.

Attorney Baird stated that he does not know the answer to that question.

Commissioner Stevens suggested that Mr. and Mrs. Foster get with staff to discuss alternatives, but that he does not think the Commission is interested in changing the code.

Commissioner Longtin stated that if it happens it will be a process.

PUBLIC and OTHER COMMENT:

Beth Kigel, President & CEO Northern Palm Beach Chamber of Commerce, introduced herself and stated that she is the new President and CEO of the Chamber of Commerce. She wants to make sure that good relationship between the Town and the Chamber are continued and enhanced moving forward. She stated that engaging the businesses in Lake Park is a strategic initiative of the Chamber and encouraged the Commission to get involved in the process.

Bobby Powell, introduced himself as State Representative Elect for District 88 which includes Lake Park. He stated that he is familiar with the municipalities within the District because of his role as a Legislative Aide to Representative Mack Bernard. He will work to keep a strong relationship with the municipalities and that he looks forward to working with the Town. He thanked all the voters that voted in the election.

Mayor DuBois stated that the Town has a lobbyist Fausto Gomez and that he looks forward to working with Representative Powell on future Legislative issues.

Representative Powell stated that he is looking forward to working with Mr. Gomez and all the Commissioners.

DISCUSSION AND POSSIBLE ACTION:

- 10. Authorizing the Mayor to Execute the 8th Addendum to the Law Enforcement Services Agreement with Palm Beach Sheriff's Office (PBSO) Beginning October 1, 2012 through September 30, 2013**

Public Comment:

John Lineweaver, 836 Evergreen Drive, he urged the Commission to use caution when considering cutting Deputies for the Town and reminded the Commission that there is no reason to cut services because the budget presented to the Commission is balanced. He stated that it was reported that the cost of a Deputy is approximately \$120,000, but that cost also covers cars, air support, mounted patrol, management, crime lab, detectives, and tax and insurance. He feels that by making the Town safer it is more attractive for people to live and work. He suggested finding ways to get the kids off the streets and into the parks. He stated that the Marina dollars should be left in the Marina so that it can be fixed and generate revenue.

Public Comment Closed.

Town Manager Sugerman explained that the Commission had questions that Town staff were unable to answer and that Lieutenant Steve Thibodaux is here to answer the Commission's questions.

Lieutenant Thibodaux thanked the Commission for the opportunity to be at the meeting to answer questions. He stated that the Town and PBSO have had a relationship since 2001 and that PBSO has provided the Town with good service. He stated that PBSO understands that everybody is struggling and that for the last two years that the contract has been held flat with no increase and three years ago there was only a 1% increase.

Commissioner Hockman stated that the Town pays for nineteen (19) Deputies, three (3) Sergeants and one (1) Lieutenant and that he has been told that there has been shifts with only two (2) Deputies on duty. He stated that his issue is that when there is only two (2) Deputies and one is called out to provide service to another area, then there is only one Deputy left to serve the Town and that the Town is paying for the Deputies to be in the Town. He stated that he does not have an issue of PBSO sending officers when there is an armed robbery, bank robbery or incidents such as that, but he does have an issue with Deputies leaving the Town for a drunken person or domestic issue. He stated that the Town is paying for nineteen (19) Deputies which equates to five (5) for two (2) shifts and four (4) for the third shift and often there are only two (2) on duty.

Lieutenant Thibodaux requested that he be provided dates of these issues and he will look into them and explore the issues for the Town, but in his conversations with Lieutenants Palenzuela and Myers, the Town has never been down to two (2) Deputies. He explained that when a Deputy is out sick, on vacation or other reason that services are pulled because the Town is a contract service to make sure the Town is never in the position of having two (2) Deputies. If a Deputy assigned to Lake Park does respond to a non-emergency incident outside the Town he encouraged the Commission to contact him and he will address it as it happens.

Commissioner Hockman asked about the role of the reserve Deputy.

Lieutenant Thibodaux explained that the reserve Deputy is a free supplement to the road patrol Deputy not a replacement for the road patrol Deputy.

Commissioner Stevens asked how many Deputies are assigned to Lake Park and what the normal ratio is of Deputies to Sergeants and Lieutenants.

Lieutenant Thibodaux explained that there are twenty-three (23) including the Lieutenant and the three (3) Sergeants. He stated that in his opinion the Town does not have enough Sergeants, but that is a free service being provided by PBSO because three (3) Sergeants do not work 24 hours a day seven days a week and those resources are pulled from other areas to cover the Town.

Commissioner Stevens stated that he has seen the cost breakdown for the Deputies, but that he has not seen a breakdown of the administrative costs such as insurance and pension and asked if that information can be provided.

Lieutenant Thibodaux explained that PBSO takes the cost of the average Deputy and that they do not provide the actual breakdown of each Deputy.

Commissioner Stevens stated that a Deputy is paid approximately \$50,000 but the cost is \$120,000 for the Deputy and that there seems to be a lot of administrative cost. He asked if PBSO provides policing services to unincorporated Palm Beach County.

Lieutenant Thibodaux stated "yes".

Commissioner Stevens asked if the Town is more safe because residents are paying County and Town taxes and PBSO is provided funds from both entities.

Lieutenant Thibodaux explained that constitutionally once an area becomes a municipality it is required to provide its own policing services and the Town is providing those services through the contract with PBSO.

Commissioner Stevens stated that it is an issue of double taxation whereas the Town pays the County and PBSO for policing services.

Lieutenant Thibodaux asked if Commission Stevens is referring to the Ad Valorem tax.

Commissioner Stevens stated "yes".

Lieutenant Thibodaux explained that the County Ad Valorem taxes include many things such as county parks, roads, libraries, and law enforcement services not just one thing. He stated that prior to the Town contracting with PBSO the ancillary services provided by PBSO were available to the Town as well.

Mayor DuBois stated that he does not have an issue with the service that PBSO provides, but he has an issue with the contract timing being that it comes up in March and it seems that every year the Town is unable to effectively negotiate the cost down. He stated that the staffing clause stated that PPBSO shall determine staff as deemed necessary and desirable to provide services to the Town and there is no definition of that PBSO defines as necessary or desirable and the Town has no recourse in the amount of staff assigned to the Town. He stated that he wants the Town administration to work with PBSO to start to define what the Town receives from PBSO and how the costs of service can be reduced. He stated that this is a small Town and is near the top of the allowable millage rate and that the Town is cutting everywhere it can and that it only seemed logical to him that this contract would be a part of those discussions.

Commissioner Stevens stated that the Town has until March 2013 to contract with another municipality or renegotiate with PBSO. He stated that he agrees with Mayor DuBois' frustration and hopes that the Town can work out something.

Mayor DuBois stated that he rode with Sergeant DeMarco one night and was very impressed with the level of service provided to the Town. He stated that it has been his experience that there are six (6) to seven (7) people on duty during any one shift

including special operations personnel and that he finds it hard to believe that there is ever a time when only two people are on duty within the Town.

Lieutenant Thibodaux agreed and stated that if he was provided specific information regarding when only two (2) Deputies were on duty that he would look into it.

Commissioner Hockman stated that he looked at the log and when he discussed it with Lieutenant Palenzuela there were some issues regarding number of Deputies on duty.

Commissioner Stevens suggested providing the officer's logs to Lieutenant Thibodaux.

Commissioner Hockman asked about the use of the auxiliary services such as the helicopter and stated that his understanding is that the helicopter and other auxiliary services are provided equally amongst all municipalities in the County.

Lieutenant Thibodaux stated that constitutionally PBSO is not required to provide services to any municipality, but as a good neighbor if a non-contract municipality needs a service PBSO provides it. He explained that if the helicopter is available and it meets PBSO standards then it would be provided to the non-contract municipality. He further explained that if there was a need at the same time for the helicopter by a contract municipality the contract municipality would be given priority.

Vice-Mayor Rumsey asked how many times PBSO did sweeps in the Town with approximately 20 to 25 Deputies in the last year.

Lieutenant Thibodaux explained he did not have that information and that the sweeps are a service provided to the Town at no charge.

Vice-Mayor Rumsey stated he recalls four (4) sweeps in the Town in the last year. He asked how often the helicopter comes over the Town and if the reserve officers are persons attempting to be hired by PBSO.

Lieutenant Thibodaux explained that the reserve Deputies are retired Deputies, and law enforcement certified personnel, that they are trained the same as a regular Deputy. He stated that it is a program that PBSO utilizes to see how hard they will work and then when a position opens depending on how hard they worked a reserve Deputy could assist them in getting hired. He stated that they work a minimum of twenty (20) hours a month, but those persons looking for employment are working twenty (20) hours a week or more.

Vice-Mayor Rumsey stated that he supports PBSO, but he does think the contract is too high however he does look at it and knows that the contract has not been raised in several years and in order to cut this contract services would have to be cut and that he is not willing to cut services. He asked about CRA dedicated officers and asked if they could let the Town know what PBSO could do for \$22,000.

Lieutenant Thibodaux stated that \$22,000 would provide approximately 520 hours of service. He explained that PBSO fee is \$42.00 per hour with a three (3) hour minimum. He would be happy to look into it and provide additional information.

Commissioner Longtin requested that Commissioner Hockman meet with Lieutenant Thibodaux and provide the dates and times regarding only having two (2) Deputies on duty. She stated that she appreciates all that PBSO does for the Town.

Motion: A motion was made by Vice-Mayor Rumsey to Authorize the Mayor to Execute the 8th Addendum to the Law Enforcement Services Agreement with Palm Beach Sheriff's Office (PBSO) Beginning October 1, 2012 through September 30, 2013; Commissioner Hockman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois		X	

Motion passed 4-1.

CONSENT AGENDA ITEMS:

3. **Regular Commission Meeting Minutes of August 15, 2012**
4. **Approval of Final Payment to Cutcher and Associates, Inc in the Amount of \$5,810.00 for Prior Professional Services Provided in Support of Marina Litigation**
5. **Resolution No. 23-08-12 Florida Annual Library State Aid Grant**
6. **Authorizing the Mayor to Sign the FEMA Designation of Subgrantee's Agent Form**
7. **Award Bid 106-2012 Downtown Irrigation and Landscaping 7th to 8th Street Chris Wayne and Associates (CWA)**
8. **Discussion Regarding the Advisability of Holding the Regularly Scheduled November 21st Commission Meeting on the Night before the Thanksgiving Holiday**

Commissioner Hockman requested that items 4 and 7 be pulled from the consent agenda.

Commissioner Longtin stated that item 8 had be moved to Discussion and Possible Action by previous action of the Commission.

Motion: A motion was made by Commissioner Stevens to approve the Consent Agenda items 3, 5, and 6; Commissioner Hockman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

4. Approval of Final Payment to Cutcher and Associates, Inc in the Amount of \$5,810.00 for Prior Professional Services Provided in Support of Marina Litigation

Town Manager Sugerman stated that the agenda item materials speak for themselves and that he is available for questions.

Commissioner Hockman stated that he has no questions that he just wanted it pulled for a separate vote.

Mayor DuBois stated that there are several calls that the Town is being charged for attempting to ascertain Mr. Cutcher's availability to schedule a meeting and that he would expect be to charged for the services rendered based on the agreed fees.

Robert Cutcher, Cutcher and Associates, Inc, explained that to provide a through explanation of each task would require ten (10) to fifteen (15) pages and that it has been their practice to provide a short description of the activity and if there were questions he would provide further explanation. He stated that the invoice is from July for services rendered from January to the middle of April. He explained that it was not only the scheduling of a meeting, but also providing information and answering questions regarding what was to be discussed at the meeting. He offered examples of work product provided on the dates in question.

Commission Longtin asked how much Cutcher and Associates, Inc has been paid for services provided regarding the Marina Litigation.

Mr. Cutcher stated that he does not have the information in front of him and stated that they have been working for the Town for six and half (6 ½) years.

Commissioner Longtin asked why this bill is coming before the Commission when no other bill from Cutcher and Associates, Inc has come before the Commission.

Mr. Cutcher explained that prior to the departure of Town Manager Davis all of the invoices and bills went to her and when Town Manager Davis was no longer with the Town he provided an e-mail to the Town's Counsel for the litigation and that he did not have a work authorization from the Town once Ms. Davis departed. It was recommended that he contact Town Attorney Baird and Attorney Baird recommended that the invoices be provided to the consulting attorney and that they would be added onto their billing on a monthly basis. He stated that he submitted an invoice in July for work performed from January to April. He stated that an invoice was not submitted until July because they were waiting on an update or conclusion to the litigation.

Mayor DuBois stated that he recalls there being communication regarding difficulty in reaching Mr. Cutcher to schedule mediation.

Commissioner Hockman stated that the work authorization is with the Town and not the Town Manager and asked why would Cutcher and Associates no longer have a work authorization when the former Town Manager left the Town.

Mr. Cutcher stated that because the litigation regarding the Marina was on-going he did not have specific tasks and as tasks would arise from the litigation former Town Manager Davis would provide verbal or e-mail authorization to perform the work.

Commissioner Stevens stated that is why the Commission changed the Town Code so that the Town Manager no longer has that authority and that the Town Attorney will now handle all the Town's litigation needs. He stated he has concerns regarding what the Town has paid in litigation fees and fees to engineers and other professionals in regards to the Marina litigation. He asked if the information and documents that Mr. Cutcher mention was provided to staff.

Mr. Cutcher stated that the information and documents were provided to the Attorney for the litigation.

Commissioner Stevens asked if the Town will have access to those materials.

Attorney Baird stated that the firm hired to represent the Town in the matter has the records and the Town will request that the records be provided.

Town Manager Sugerman stated that he has the field drawings that Cutcher and Associates did for the seawalls, but he does not have the records used in preparation for the litigation.

Mr. Cutcher stated that the records that Town Manager Sugerman is referring to was billed on a separate invoice and that this invoice deals with the review of interrogatories, documents, expert witness testimony, and litigation preparation.

Commissioner Longtin requested that the Town get all work product that it has paid for and asked that Town Manager Sugerman negotiate with Mr. Cutcher to reduce the bill to under \$5,000 and that she does not want to approve this bill.

Motion: A motion was made by Commissioner Longtin directing Town Manager Sugerman get with Mr. Cutcher and anyone else and make sure the Town has all work product that the Town is paying for and that Town Manager negotiate with Mr. Cutcher to reduce the bill under \$5,000.00. Motion failed due to a lack of a second.

Motion: A motion was made by Commissioner Stevens directing Town Manager Sugerman to request any research or materials related to Marina deficiencies.

Attorney Baird stated that can be done without a motion through the attorneys hired by the Town.

Commissioner Stevens withdrew his motion.

Motion: A motion was made by Vice-Mayor Rumsey to approve final payment of Invoice #1183 dated July 31, 2012 for work completed from January 5, 2012 until July 31, 2012; Commissioner Stevens made the second.

Commissioner Stevens stated that he thinks that some of the phone calls could be cut from the invoice and suggested approving paying \$5,500 as a compromise.

Mr. Cutcher stated that he appreciated the Commission's concern regarding fiscal responsibility, but he would be remiss if he did not mention he already eliminated from the invoice twenty-five (25) hours of review of interrogatories and depositions performed on behalf of the Town that would have been included.

Commissioner Stevens called the question.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman		X	
Commissioner Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 3-2.

7. **Award Bid 106-2012 Downtown Irrigation and Landscaping 7th to 8th Street
Chris Wayne and Associates (CWA)**

Commissioner Hockman asked what is left of the \$350,000.00.

Project Manager Richard Pittman explained that items that previous came before the Commission regarding this project included cost overruns on construction and consulting fees and that it would appear that there would not be sufficient funds for irrigation and landscaping. He stated that upon review of documentation from the Finance Department there are sufficient funds.

Commissioner Longtin asked what landscaping is currently between 7th and 8th Street.

Project Manager Pittman stated that there is currently no landscaping.

Commissioner Stevens stated that he is in favor of alternative number two (2) to replace the Cocoplum with the Green Arboricola hedge, because the Green Arboricola is very drought tolerant and pest resistant.

Motion: A motion was made by Commissioner Stevens to approve the Award Bid 106-2012 Downtown Irrigation and Landscaping 7th to 8th Street Chris Wayne and Associates (CWA) with alternative number two (2); Commission Hockman made the second.

Commissioner Longtin stated that Whitefly is an issue on all plant species.

Commissioner Stevens stated that Green Arboricola is pest resistant and that Jeff Blakely has also recommended the change.

Mayor DuBois asked what the cost difference is on changing from Cocoplum to Green Arboricola.

Commissioner Stevens stated that it is the same cost.

Project Manager Pittman stated that the increase in cost for the Green Arboricola is \$286.00 and the budget for the project can cover that increase in cost.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		

Mayor DuBois	X		
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Motion passed 5-0.

BOARD MEMBER APPOINTMENT:

9. Board Appointment to the Planning and Zoning Board

Town Clerk Lemley stated that Kimberly Glas-Castro was selected as the alternate. (see attached ballots Exhibit "A").

DISCUSSION AND POSSIBLE ACTION:

11. Authorize the Mayor to Sign a Service Agreement with J.E.S. Production and Design for Event Management Services for the 2012 Park Avenue Seafood Festival

Town Manager Sugerman stated that at the August 22, 2012 Commission meeting a proposal from J.E.S. Production and Design presented a proposal for event management for up to seven (7) events during the upcoming fiscal year. The Commission decided to limit the agreement to just the 2012 Park Avenue Seafood Festival. The service agreement is attached for the Commission's review.

Attorney Baird stated that there is one correction to change the signature lines to reflect the Town instead of the CRA.

Commissioner Hockman asked if this needs to go through the CRA since the event takes place in the CRA.

Attorney Baird stated that the Town can contract with whomever it desires to conduct the Seafood Festival.

Mayor DuBois recommended amending the signature line to reflect the Town of Lake Park.

Attorney Baird stated that all references in the contract to the CRA would need to be changed to Town.

Economic Development Director Jennifer Spicer stated that she is concerned about clause five (5) Right to Audit since this is a private company and that clause does not appear in other service agreements that the Town has entered into.

Mayor DuBois suggested putting a time limit on when the audit can be requested and if that date passes, the audit would not be done.

Attorney Baird stated that the reason the clause is in the public contract is because it is taxpayers' money and so most of these contracts contain this provision.

Ms. Spicer stated that she will be paying taxes on these funds and that the IRS would have the right to audit. She explained that the Town is not paying anything for this service. She stated that other promoters have not had a service contract with the Town, that this is the first one because it is a unique situation. She reiterated that it is not costing the Town anything and she is responsible for everything else.

Attorney Baird stated that the audit is only an audit of the services provided to the Town and that it is not an open book audit of the entities finances.

Ms. Spicer asked if this is going to be required of anyone else who does an event in the Town including Kiwanis.

Attorney Baird stated that if the Town enters into contract with them then an audit would be required.

Commissioner Stevens stated that if the Town does the audit the expense of the audit would be on the Town.

Ms. Spicer stated that her concern is that this agreement is being treated differently than other promoters in the Town.

Commissioner Hockman stated that Ms. Spicer is not prohibited from doing other events in the Town and if she wanted to do another event it would just require an application for a special permit.

Motion: A motion was made by Commissioner Stevens to Authorize the Mayor to Sign a Service Agreement with J.E.S. Production and Design for Event Management Services for the 2012 Park Avenue Seafood Festival; Vice-Mayor Rumsey made the second.

Town Manager Sugerman requested authorization from the Commission to change all references from CRA to the Town of Lake Park.

The Commission reached consensus to authorized the Town Manager to change all references from the CRA to the Town.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		

Mayor DuBois	X		
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Motion passed 4-1.

12. Selection of the Carrier/Plan for Employee Medical Insurance for FY 2013

Town Manager Sugerman stated that the Commission has discussed during the Budget Workshops the need to renew or replace the Carrier/Plan for Employee Medical Insurance for FY 2013. He stated that included in the agenda are the alternatives (see attached Exhibit "B").

Kurt Gehring, President of Gehring Group, stated that they have been working on the project for about a month and a half and noted that because of the size of the Town it is beneficial to go out to bid on an annual basis. He explained the process of received quotes from each of the health care companies and that information presented in the combination of the best rates available in the market. He explained the differences between the renewal of the current plan and three alternatives. He explained that the red is a decrease in the schedule of benefits and provided the example that in the current plan there is no deductible and alternative #3 has a \$500 deductible for services.

Motion: A motion was made by Commissioner Stevens to approve alternate #3; Vice-Mayor Rumsey made the second.

Commissioner Longtin stated that currently the Town is paying 50% of the employee family coverage and suggested that the employees be asked to pay a little bit more.

Commissioner Stevens stated that reduction in cost of 6% to the Town and the 3% from the prior year in an environment where healthcare is increasing exponentially is fair and reasonable and is voting in favor of this item.

Mayor DuBois asked what the participation is for family coverage.

Mr. Gehring stated that there are three (3) families, three (3) employee and children, three (3) employees and spouse and thirty-two (32) employees that receive insurance through the Town.

Mayor DuBois asked what contribution is by the Town for individual and family coverage.

Mr. Gehring stated that for employee only coverage the Town pays 100%. He stated that the employee contribution for family coverage is \$581.66, which is a reduction from \$618.59 or approximately \$400 annually for the employee.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		

Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

13. Discussion re: Modification to the Lake Park Harbor Marina Dockage Rate Schedule

Town Manager Sugerman provided an explanation of the item (see attached Agenda Request Form Exhibit "C").

Mayor DuBois suggested that the reduced rate be called a discount and to make the discount rate by a time certain. He stated that the discount would be given in appreciation of the renters that are currently at the Marina and at some point the rate goes back up. The problem is that it is expensive to produce a premium product, such as the Marina dockage, as sell it a discount price. He stated that his suggestion in contrary to Town Manager Sugerman's suggestion and wanted to jump start the business. He asked what it cost the Town to produce the dockage space per linear foot.

Town Manager Sugerman stated that the Marina operating budget divided by the number of linear feet in the Marina would provide the cost to the Town per linear foot and that he can provide that information to the Commission.

Vice-Mayor Rumsey stated that he is going to support the item because the new Town Manager and Marina Director have made this recommendation and this is what they think could turn the Marina around.

Commissioner Stevens stated that he understands Mayor DuBois' concerns about diminishing the product or creating a race to the bottom situation, however something needs to be done. He stated that if the rates are lowered and occupancy stays the same the Town would lose an additional \$57,000 per year in the worst case. He stated that even if they increase in slip rental by seven (7) they would break even. He stated any improvement in the number of slip rentals is an improvement revenue that the Town is currently receiving, so he is on board with trying this out.

Commissioner Hockman stated he supports this item and hopes that the rate will be kept and not go up and down year after year. He thinks that the Town is better off having a full Marina at a lower rate than an empty Marina at a premium rate.

Mayor DuBois stated that he understands the comment regarding going up and down with the rate and suggested that the reduced rate have a time certain on it for one year so that everyone knows it is for a year and at the end of the year the rate will be re-evaluated.

Town Manager Sugerman stated that staff has spent considerable time on this item, that once the Marina is full and a wait list is created the Marina will be success and opportunities to increase the rate will be available.

Mayor DuBois stated that the last time there was a wait list at the Marina the rate was very low. He stated that he is willing to give it a try.

Commissioner Longtin supports the item and suggested that as part of the marketing plan a sign stated "under new management" be put up at the Marina.

Mayor DuBois suggested that a sign facing the waterway be erected stating "Lake Park Harbor Marina".

Town Manager Sugerman stated that the next step is to bring back an Ordinance to change the rate change.

The Commission reached consensus for the Town Manager to bring back an Ordinance to change the dockage rate at the Marina.

8. Discussion Regarding the Advisability of Holding the Regularly Scheduled November 21st Commission Meeting on the Night before the Thanksgiving Holiday

Motion: A motion was made by Commissioner Stevens to cancel the regularly scheduled Commission Meeting on November 21, 2012; Vice-Mayor Rumsey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Hockman no comments.

Commissioner Longtin stated that she hopes the Town receives all the work product from Mr. Cutcher before paying the final bill. She stated that September is National Sickle Cell Awareness Month. She thanked Commissioner Hockman for representing the Town at the Florida League of Cities meeting. She stated that on Wednesday, September 12, 2012 is the First Budget Hearing and encouraged everyone to attend.

Commissioner Stevens thanked Ms. Kigel and Representative Elect Powell for taking that time out to come introduce themselves to the Commission. He thanked Mr. Lineweaver for his comments and suggestions regarding the PBSO contract. He stated that he is selecting Diane Bernhard as his appointment to the Marina Task Force.

Vice-Mayor Rumsey no comments.

Mayor DuBois requested that the information relating to the Marina Task Force be sent to Palm Beach County Commissioners Karen Markus and Priscilla Taylor. He congratulated Commissioner Hockman on his recent appoints to the Palm Beach County and Florida League of Cities committees and the Housing Leadership Counsel.

Attorney Baird no comments.

Town Manager Sugerman no comments.

ADJOURNMENT

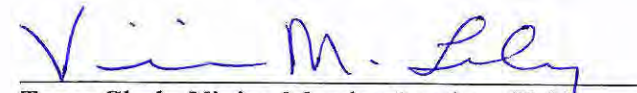
There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Rumsey and seconded by Commissioner Hockman, and by unanimous vote, the meeting adjourned at 10:15 p.m.



Mayor James DuBois



Deputy Town Clerk, Shari Canada, CMC



Town Clerk, Vivian Mendez Lemley, CMC



Approved on this 17 of October, 2012

BALLOT

S. Hockman
MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES.

THE FOLLOWING APPLICANTS REQUEST APPOINTMENT TO THE PLANNING & ZONING BOARD AS SECOND ALTERNATE:

There is only **ONE** opening for second alternate to the Planning & Zoning Board.

Applicant (s):	Yes	No
Diane Bernhard	_____	_____✓
Kimberly Glas-Castro	_____✓	_____
Eugene Zuravlov	_____	_____✓

BALLOT

LONGTIN

MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES.

THE FOLLOWING APPLICANTS REQUEST APPOINTMENT TO THE PLANNING & ZONING BOARD AS SECOND ALTERNATE:

There is only ONE opening for second alternate to the Planning & Zoning Board.

Applicant (s):	Yes	No
Diane Bernhard	<input type="checkbox"/>	<input type="checkbox"/>
Kimberly Glas-Castro	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eugene Zuravlov	<input type="checkbox"/>	<input type="checkbox"/>

THANK YOU ALL!!
;

BALLOT

Rumsey

MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES.

THE FOLLOWING APPLICANTS REQUEST APPOINTMENT TO THE PLANNING & ZONING BOARD AS SECOND ALTERNATE:

There is only ONE opening for second alternate to the Planning & Zoning Board.

Applicant (s):	Yes	No
Diane Bernhard	_____	_____
Kimberly Glas-Castro	<u>X</u>	_____
Eugene Zuravlov	_____	_____

BALLOT

TIM STEVENS
MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES.

THE FOLLOWING APPLICANTS REQUEST APPOINTMENT TO THE PLANNING & ZONING BOARD AS SECOND ALTERNATE:

There is only ONE opening for second alternate to the Planning & Zoning Board.

Applicant (s):	Yes	No
Diane Bernhard	_____	_____
Kimberly Glas-Castro	<input checked="" type="checkbox"/>	_____
Eugene Zuravlov	_____	_____

BALLOT



MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES.

THE FOLLOWING APPLICANTS REQUEST APPOINTMENT TO THE PLANNING & ZONING BOARD AS SECOND ALTERNATE:

There is only ONE opening for second alternate to the Planning & Zoning Board.

Applicant (s):	Yes	No
Diane Bernhard	_____	_____
Kimberly Glas-Castro	<input checked="" type="checkbox"/>	_____
Eugene Zuravlov	_____	_____

2012/2013 Medical RFQ Evaluation
PPO Plan

Exhibit "B"

SCHEDULE OF BENEFITS	Current CIGNA Healthcare FL Open Access Custom Plan		Renewal CIGNA Healthcare FL Open Access Custom Plan		Alternate #1 United Healthcare Choice Plus PLE w/PI	
	In Network	Out of Network	In Network	Out of Network	In Network	Out of Network
	Unlimited		Unlimited		Unlimited	
Plan Basics						
Lifetime Maximum	Unlimited		Unlimited		Unlimited	
Calendar Year Deductible						
Single	No Deductible	\$500	No Deductible	\$500	\$250	\$500
Family	No Deductible	\$1,500	No Deductible	\$1,500	\$750	\$1,500
Out of Pocket CYM	Includes CYD; Excludes Copays		Includes CYD; Excludes Copays		Includes CYD & Coinsurance; Excludes Copays	
Single	\$2,500	\$5,000	\$2,500	\$5,000	\$2,500	\$5,000
Family	\$5,000	\$10,000	\$5,000	\$10,000	\$5,000	\$10,000
Coinsurance	20%	50%	20%	50%	10%	50%
Physician Services						
Primary Care Physician	\$30	CYD then 50%	\$30	CYD then 50%	\$20	CYD then 50%
Specialist	\$50	CYD then 50%	\$50	CYD then 50%	\$35	CYD then 50%
Maternity (Initial Visit Only)	\$50	CYD then 50%	\$50	CYD then 50%	\$35	CYD then 50%
Chiropractic Services	\$50	CYD then 50%	\$50	CYD then 50%	\$20	CYD then 50%
Laboratory Services	20%	CYD then 50%	20%	CYD then 50%	No Charge	CYD then 50%
Advanced Imaging	20%	CYD then 50%	20%	CYD then 50%	\$200	CYD then 50%
Hospital Services						
Inpatient Hospital	\$600	CYD then 50%, after \$500	\$600	CYD then 50%, after \$500	CYD then 10%	CYD then 50%
Outpatient Hospital	20%	CYD then 50%, after \$500	20%	CYD then 50%, after \$500	CYD then 10%	CYD then 50%
Emergency Room	\$100	\$100	\$100	\$100	\$200	\$200
Physician Services	20%	CYD then 50%	20%	CYD then 50%	CYD then 10%	CYD then 50%
Urgent Care	\$50	CYD then 50%	\$50	CYD then 50%	\$75	CYD then 50%
Ambulance Services	20%	CYD then 20%	20%	CYD then 20%	CYD then 10%	CYD then 50%
Mental Health/Substance Abuse						
Inpatient Hospital	20%	CYD then 50%, after \$500	20%	CYD then 50%, after \$500	CYD then 10%	CYD then 50%
Outpatient Services	20%	CYD then 50%	20%	CYD then 50%	\$20	CYD then 50%
Pharmacy Plan						
Generic	\$10	Not Covered	\$10	Not Covered	\$10	\$10
Preferred Brand	\$30	Not Covered	\$30	Not Covered	\$35	\$35
Non Preferred Brand	\$50	Not Covered	\$50	Not Covered	\$60	\$60
Mail Order Copay	2.5x Retail	Not Covered	2.5x Retail	Not Covered	2.5x Retail	2.5x Retail
	Total Cost		Total Cost		Total Cost	
Employee	32	\$597.66		\$627.55		\$630.54
Employee + Spouse	6	\$1,326.82		\$1,393.18		\$1,399.82
Employee + Child(ren)	3	\$1,087.74		\$1,142.14		\$1,147.58
Family	3	\$1,834.83		\$1,926.59		\$1,935.78
		Town Cost		EE Cost		Town Cost
Employee	32	\$597.66		\$0.00		\$630.54
Employee + Spouse	6	\$962.24		\$364.58		\$1,015.18
Employee + Child(ren)	3	\$842.70		\$245.04		\$889.06
Family	3	\$1,216.25		\$618.59		\$1,283.16
Monthly Premium	44	\$31,075.40		\$4,778.36		\$32,785.02
Annual Premium		\$372,904.74		\$57,340.26		\$393,420.24
\$ Increase		N/A		N/A		\$20,515.50
% Increase		N/A		N/A		5.5%
				5.0%		5.0%



Exhibit "C"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 5, 2012

Agenda Item No. Tab 13

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input checked="" type="checkbox"/> DISCUSSION/POSSIBLE ACTION |
| <input type="checkbox"/> ORDINANCE ON SECOND READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> PRESENTATION/PROCLAMATION | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Discussion re: Modification to the Lake Park Harbor Marina Dockage Rate Schedule

RECOMMENDED MOTION/ACTION: No formal action is being requested at this time. A new dockage rate schedule is being proposed, which if acceptable must be adopted by a Resolution of the Town Commission.

Approved by Town Manager *DSS* Date: 8/16/12
DALE S. SUGERMAN / TOWN MANAGER 8/16/12
 Name/Title Date of Actual Submittal

Originating Department: Town Manager	Costs: \$ N/A Funding Source: N/A Acct. # N/A	Attachments: Dockage Rate Survey Memo Dockage Rate Spreadsheet Sec. 76-91 of the Town Code
Department Review: <input type="checkbox"/> Attorney _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance <u>BK</u> <input type="checkbox"/> Fire Dept _____	<input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Information Technology _____ <input type="checkbox"/> Library _____ <input checked="" type="checkbox"/> Marina <u><i>[initials]</i></u>	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Recreation _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager <u><i>DSS</i></u>
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 <u><i>[initials]</i></u> or Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

The Lake Park Harbor Marina is extremely underutilized and therefore revenues are extremely low. Select Town staff members have come together in an effort to craft a plan to increase the utilization, as well as the stream of revenue at the Marina. We believe the first step toward success would be to modify the dockage rate schedule.

At present, our rate structure looks like this:

Annual rate (12 months contract)	\$19.50 per foot
Summer monthly (5/1 to 10/31)	19.50 per foot
Winter monthly (11/1 to 4/30)	28.50 per foot
Charter annual (12 months contract)	21.50 per foot
Transient (daily)	1.75 per foot

Today we are currently 31% occupied (thus the comment above about underutilization). Total annual income with our 31% occupancy rate is \$332,202.00. The Town's nearest competition in terms of rental is the Riviera Beach Marina, with a per foot rental rate of \$17.70. The proposal being advanced to the Town Commission is to lower the Lake Park Harbor Marina per foot rental rate to \$17.00/linear foot of boat for annual rental and \$20.00/linear foot of boat for charter rental. (With monthly rentals during the winter months going up to \$24.00/linear foot of boat and the daily transient rate going up from \$1.75/linear foot to \$2.00/ linear foot).

Included in your packet of information is a Dockage Rate Survey conducted by Jamie Hart, Marina Director. This report provides you with a comparative analysis of the various rates being charged by the various marinas in our surrounding market.

Of course, by lowering our rate to the lowest rate in the area, we are not guaranteed that we will increase our rentals. But, the way we are doing things presently doesn't seem to be working. Therefore, we are proposing a modification to the rate structure, such that it would look like this:

Annual rate (12 months contract)	\$17.00 per foot
Summer monthly (5/1 to 10/31)	17.00 per foot
Winter monthly (11/1 to 4/30)	24.00 per foot
Charter annual (12 months contract)	20.00 per foot
Transient (daily)	2.00 per foot

Attached is a spreadsheet showing what our anticipated revenues might be, using the proposed rate structure, at 31% capacity (our present situation), 50% capacity, 75% capacity, and 100% capacity. You will immediately notice that should we lower our rates, and should we continue to remain at 31% capacity, our annualized revenues will decrease from \$ \$332,202.00 to \$275,395.32. This is a risk that you need to be aware of. However, at every other level of capacity, our revenues would increase over our current situation.

This topic is being introduced to the Town Commission for purposes of discussion. If it is your desire to modify the rate structure at the Lake Park Harbor Marina, it would have to be done by Resolution. Section 76-91 (copy attached) of the Town Code outlines the steps that the Town Commission would have to take to modify the fees.

RECEIVED

AUG 6 2012

MEMORANDUM

TO: Dale Sugerman/Town Manager
FROM: Jamie Hart Marina Director
DATE: August 6, 2012
RE: Dockage Rate Survey

*Town Of Lake Park
Office Of Town Manager*

Per your request, we recently completed the dockage rate survey of surrounding marinas that are within a close proximity to the Lake Park Harbor Marina (see survey attached as **Exhibit 1**). The marinas surveyed and approximate distances from the Lake Park Harbor Marina are as follows:

- Sailfish Marina – ¾ mile
- Palm Harbor Marina – 1 ¼ mile
- North Palm Beach Marina – ¾ mile
- Old Port Cove Marina – 1 mile
- Riviera Beach Municipal Marina – 1 mile
- Cannonsport Marina – ¾ mile
- Loggerhead Marina (PBG) – 3 miles

We ranked the dockage rates of all marinas from lowest to highest in each category and discovered that the only dockage rate lower than the Lake Park Harbor Marina is the City of Riviera Beach (see spreadsheet attached as **Exhibit 2**). Currently, the City of Riviera Beach charges a flat slip rate of \$17.70/ft. per month compared to our lowest rate of \$19.50/ft per month for summer and annual rates. The variation is much larger with the winter rate since we currently charge \$28.50/ft per month compared to the rate of \$17.70/ft per month charged by the City of Riviera Beach. We have unofficially heard that the City of Riviera Beach will most likely be increasing their monthly dockage rate by as much as 20% at the conclusion of a major renovation project to the marina which should occur within the next 6 to 12 months. The new rate proposed by the City of Riviera Beach based on a 20% increase over the current rate of \$17.70/ft per month would be approximately \$21.24/ft per month.

Also, with the exception of Cannonsport Marina which ranks consistently last due to their extremely high winter and annual rates of \$45.63/ft per month, all of the other marinas ranked are fairly close to Lake Park Harbor Marina in all categories. The rankings show that Sailfish Marina and Loggerhead Marina consistently have the closest rates to those charged at our facility. For example, Loggerhead Marina charges a published winter rate of \$30.00/ft per month compared to our winter rate of \$28.50/ft. per month. Sailfish Marina charges an annual rate of \$21.78/ft per month and Loggerhead Marina charges a slightly higher annual rate of \$22.00/ft. per month compared to our annual rate of \$19.50/ft per month. The only marina that we cannot make a comparison to is Palm Harbor Marina which presently has unpublished rates. This is typical of some of the privately held marinas who prefer negotiating their rates which they believe provides them with a competitive edge.

If you need any additional information, please do not hesitate to contact me.

JH
Attachment

EXHIBIT 1

Advertized Dockage for Local Marinas

Marina	Lake Park Harbor Marina	Sailfish	Palm Harbor	North Palm Beach	Old Port Cove
Annual (per mo)	19.50/ft	21.78/ft	Rates Unpublished	30.88/ft	25.50/ft
Summer (per mo)	19.50/ft	25.00/ft		22.23/ft	25.50/ft
Winter (per mo)	28.50/ft	33.33/ft		Negotiable	39.54/ft
Utility (per mo)	30/elec. metered	130/ inc electric		168/inc electric	155/ inc electric
Marina	Cannonisport	Loggerhead PBG	Riviera Beach		
Annual (per mo)	45.63/ft	22.00/ft	No answer after multiple calls. Dockage listed online: 17.70 per ft/mo (electric additional)		
Summer (per mo)	36.50/ft	22.00/ft			
Winter (per mo)	45.63/ft	30.00/ft (6 mo contract: 27.00/ft)			
Utility (per mo)	metered	75-115 (electric metered)			

EXHIBIT 2

Dockage Rate Comparison

	<u>Rank</u>	<u>Summer Rate</u>
Riviera Beach Marina	1	17.70/ft
Lake Park Harbor Marina	2	19.50/ft
Loggerhead Marina PBG	3	22.00/ft
North Palm Beach Marina	4	22.23/ft
Sailfish Marina	5	25.00/ft
Old Port Cove Marina	6	25.50/ft
Cannonsport Marina	7	36.50/ft
Palm Harbor Marina		UNPUBLISHED

	<u>Annual Rate</u>
Riviera Beach Marina	\$17.70/ft
Lake Park Harbor Marina	\$19.50/ft
Sailfish Marina	\$21.78/ft
Loggerhead Marina PBG	\$22.00/ft
Old Port Cove Marina	\$25.50/ft
North Palm Beach Marina	\$30.88/ft
Cannonsport Marina	\$45.63/ft
Palm Harbor Marina	UNPUBLISHED

	<u>Winter Rate</u>
Riviera Beach Marina	\$17.70/ft
Lake Park Harbor Marina	\$28.50/ft
Loggerhead Marina PBG	\$30.00/ft
Sailfish Marina	\$33.33/ft
Old Port Cove Marina	\$39.54/ft
Cannonsport Marina	\$45.63/ft
Palm Harbor Marina	UNPUBLISHED
North Palm Beach Marina	NEGOTIABLE

Lake Park Harbor Marina

Slip #	Occupied	Unoccupied	Slip Len	Present Boat Len	Boat Name	Annual Income	Current Rate	Proposed Rate/ Boat Length	31% Occupancy (Present)	50% Occupancy	75% Occupancy	100% Occupancy
1 A19	1		30	40	Deep Obsession	10,320.00	21.50	20.00	2,976.00	4,800.00	7,200.00	9,600.00
2 A20	1		30	30	Sirena	7,740.00	21.50	20.00	2,232.00	3,600.00	5,400.00	7,200.00
3 B21		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00
4 B22		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00
5 B23		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00
6 B24		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00
7 B25		x	35	32		0.00		17.00	2,023.68	3,264.00	4,896.00	6,528.00
8 B26	1		40	40	Lady in Red	9,360.00	19.50	17.00	2,529.60	4,080.00	6,120.00	8,160.00
9 B27	1		40	40	US Customs 1	9,360.00	19.50	17.00	2,529.60	4,080.00	6,120.00	8,160.00
10 B28	1		38	38	Little Deeper	9,804.00	21.50	20.00	2,827.20	4,560.00	6,840.00	9,120.00
11 B29		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
12 B30		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
13 C31		x	45	41		0.00		17.00	2,592.84	4,182.00	6,273.00	8,364.00
14 C32		x	60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
15 C33		x	60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
16 C34	1		60	64	Spirit of Palm Beach	16,512.00	21.50	20.00	4,761.60	7,680.00	11,520.00	15,360.00
17 C35		x	60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
18 C36		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
19 C37		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
20 D39		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
21 D39		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
22 D40	1		40	37	Mac	8,658.00	19.50	17.00	2,339.88	3,774.00	5,661.00	7,548.00
23 D42	1		40	40	Shawn C	9,360.00	19.50	17.00	2,529.60	4,080.00	6,120.00	8,160.00
24 D43	1		40	27	Wild Eagle	6,318.00	19.50	17.00	1,707.48	2,754.00	4,131.00	5,508.00
25 D44	1		40	36	Jonally	8,424.00	19.50	17.00	2,276.64	3,672.00	5,508.00	7,344.00
26 D45	1		40	35	Running Free	8,190.00	19.50	17.00	2,213.40	3,570.00	5,355.00	7,140.00
27 D45		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
28 D46		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
29 D47		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
30 D48		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
31 D49		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
32 D50		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
33 D51		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
34 D52		x	40	36		0.00		17.00	2,276.64	3,672.00	5,508.00	7,344.00
35 D53	1		40	34	BaBa III	7,956.00	19.50	17.00	2,150.16	3,468.00	5,202.00	6,936.00
36 D54		x	40	37		0.00		17.00	2,339.88	3,774.00	5,661.00	7,548.00
37 D55		x	40	37		0.00		17.00	2,339.88	3,774.00	5,661.00	7,548.00
38 D56		x	40	37		0.00		17.00	2,339.88	3,774.00	5,661.00	7,548.00

Lake Park Harbor Marina

	Slip #	Occupied	Unoccupied	Slip Len	Present Boat Len	Boat Name	Annual Income	Current Rate	Proposed Rate/ Boat Length	31% Occupancy (Present)	50% Occupancy	75% Occupancy	100% Occupancy
76	F97	1		45	25	Florida Fish & Wildlife	5,850.00	19.50	17.00	1,581.00	2,550.00	3,825.00	5,100.00
77	FD2	1		30	34	Keylypso	8,772.00	21.50	20.00	2,529.60	4,080.00	6,120.00	8,160.00
78	G98	1		50	22	Bones	5,148.00	19.50	17.00	1,391.28	2,244.00	3,366.00	4,488.00
79	G99		x	50	45		0.00		17.00	2,845.80	4,590.00	6,885.00	9,180.00
80	G99		x	50	45		0.00		17.00	2,845.80	4,590.00	6,885.00	9,180.00
81	G100	1		50	45	Ingram	10,530.00	19.50	17.00	2,845.80	4,590.00	6,885.00	9,180.00
82	G101		x	50	45		0.00		17.00	2,845.80	4,590.00	6,885.00	9,180.00
83	G102		x	50	45		0.00		17.00	2,845.80	4,590.00	6,885.00	9,180.00
84	G103		x	50	45		0.00		17.00	2,845.80	4,590.00	6,885.00	9,180.00
85	G104		x	50	45		0.00		17.00	2,845.80	4,590.00	6,885.00	9,180.00
86	G105	1		50	50	Lucille	11,700.00	19.50	17.00	3,162.00	5,100.00	7,650.00	10,200.00
87	G106		x	60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
88	G107	1		60	44	Turning Point	10,296.00	19.50	17.00	2,782.56	4,488.00	6,732.00	8,976.00
89	G108			60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
90	G109			60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
91	G110			60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
92	G111			60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
93	G112			60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
94	G113			60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
95	G114	1		60	70	Escapade	16,380.00	19.50	17.00	4,426.80	7,140.00	10,710.00	14,280.00
96	G115		x	60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
97	H116	1		60	74	Ain't No Big Thing	17,316.00	19.50	17.00	4,679.76	7,548.00	11,322.00	15,096.00
98	H117	1		30	28	Whistler II	6,552.00	19.50	17.00	1,770.72	2,856.00	4,284.00	5,712.00
99	H118	1		60	38	Barrels of Fun	8,892.00	19.50	17.00	2,403.12	3,876.00	5,814.00	7,752.00
100	H119		x	60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
101	H120	1		60	46	Patriot	10,764.00	19.50	17.00	2,909.04	4,692.00	7,038.00	9,384.00
102	H121		x	60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
103	H122		x	60	55		0.00		17.00	3,478.20	5,610.00	8,415.00	11,220.00
104	H123	1		60	63	Shear Water	16,254.00	21.50	20.00	4,687.20	7,560.00	11,340.00	15,120.00
105	H125		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00
106	H126		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00
107	I128		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00
108	I129	1		30	26	Fellowship	6,084.00	19.50	17.00	1,644.24	2,652.00	3,978.00	5,304.00
109	I130	1		19	17	Minnow	3,978.00	19.50	17.00	1,075.08	1,734.00	2,601.00	3,468.00
110	I131	1		30	38	Avatar	8,892.00	19.50	17.00	2,403.12	3,876.00	5,814.00	7,752.00
111	I132	1		30	77	Ya Baby	18,018.00	19.50	17.00	4,869.48	7,854.00	11,781.00	15,708.00
112	J134		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00
113	I135		x	30	27		0.00		17.00	1,707.48	2,754.00	4,131.00	5,508.00

Sec. 76-91. - Fees for rental of boat slips.

All fees for the rental of boat slips within the marina, and other charges incidental thereto, shall be established by resolution of the town commission, after receipt and review of the recommendations of the harbor marina advisory board and the town manager. Leases of boat slips shall be by a standard form slip lease agreement prepared by the town. Subleases of slips shall not be permitted, except with the prior written consent of the harbor marina manager using guidelines promulgated by the town, and only upon execution of a written sublease agreement reviewed and approved as to form by the town attorney. The harbor marina manager shall retain copies of all leases and subleases of boat slips.

(Ord. No. 21-1970. § 1, 12-2-1970; Ord. No. 12-1973. § 1, 6-20-1973; Ord. No. 17-1974. § 1, 8-7-1974; Ord. No. 7-1976. § 1, 5-5-1976; Ord. No. 20-1979. § 1, 9-26-1979; Ord. No. 14-1981. § 1, 8-5-1981; Ord. No. 1-1984. § 1, 1-4-1984; Code 1978. § 8-59; Ord. No. 2-2004. § 2, 1-21-2004)



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 5, 2012,
Immediately Following the
CRA Board Meeting
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kendall Rumsey	—	Vice-Mayor
Steven Hockman	—	Commissioner
Jeanine Longtin	—	Commissioner
Tim Stevens	—	Commissioner
.....		
Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez Lemley, 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**
- B. **INVOCATION**
- C. **PLEDGE OF ALLEGIANCE**
- D. **ROLL CALL**
- E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**
- F. **PRESENTATION:**
 - 1. **Discussion on the Feasibility of Partnering with the Burt Reynolds Institute for Film and Theater (BRIFT) in the Offering of Classes and the Presenting of Showcases to the Public.** Tab 1
 - 2. **Presentation by Howard Foster of S&H Foster's, Inc. Requesting that the Town Commission Consider Modifying the Town Code, Section 6-5 Hours of Sale, to Allow Liquor Sales beyond 2 a.m.** Tab 2

G. PUBLIC and OTHER COMMENT:

This time is provided for audience members to address 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.

- H. 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.

Recommended For Approval:

- | | |
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| 3. Regular Commission Meeting Minutes of August 15, 2012 | Tab 3 |
| 4. Approval of Final Payment to Cutcher and Associates, Inc in the Amount of \$5,810.00 for Prior Professional Services Provided in Support of Marina Litigation | Tab 4 |
| 5. Resolution No. 23-08-12 Florida Annual Library State Aid Grant | Tab 5 |
| 6. Authorizing the Mayor to Sign the FEMA Designation of Subgrantee's Agent Form | Tab 6 |
| 7. Award Bid 106-2012 Downtown Irrigation and Landscaping 7 th to 8 th Street to Chris Wayne and Associates (CWA) | Tab 7 |
| 8. Discussion Regarding the Advisability of Holding the Regularly Scheduled November 21 st Commission Meeting on the Night before the Thanksgiving Holiday | Tab 8 |

I. BOARD MEMBER APPOINTMENT:

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| 9. Planning and Zoning Board | Tab 9 |
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J. DISCUSSION AND POSSIBLE ACTION:

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| 10. Authorizing the Mayor to Execute the 8 th Addendum to the Law Enforcement Services Agreement with Palm Beach Sheriff's Office (PBSO) Beginning October 1, 2012 through September 30, 2013 | Tab 10 |
| 11. Authorize the Mayor to Sign a Service Agreement with J.E.S. Production and Design for Event Management Services for the 2012 Park Avenue Seafood Festival | Tab 11 |
| 12. Selection of the Carrier/Plan for Employee Medical Insurance for FY 2013 | Tab 12 |
| 13. Discussion re: Modification to the Lake Park Harbor Marina Dockage Rate Schedule | Tab 13 |

K. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

L. ADJOURNMENT: