



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, October 3, 2012, 7:05 p.m.**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 3, 2012 at 7:05 p.m. Present were Vice-Mayor Kendall Rumsey, Commissioners Jeanine Longtin and Tim Stevens, Town Manager Dale S. Sugerman, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley. Commissioner Hockman was absent.

Mayor DuBois arrived at 7:14 pm.

Vice Mayor Rumsey led the invocation and the pledge of allegiance.  
 Town Clerk Vivian Lemley performed the Roll Call

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA:**

Attorney Baird requested to add under Discussion and Possible Action the Settlement Agreement regarding the Marina Litigation versus A TM and Murphy Construction.

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

Vote on Motion:

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

Motion passed 3-0

**PROCLAMATION:**

**1. In Honor of Former Commissioner William "Bill" Otterson**

Vice-Mayor Rumsey presented a Proclamation to the family of former Commissioner William "Bill" Otterson.

**PRESENTATION:**

**2. Presentation by Nader Salour, Agent for Congress Avenue Properties Ltd., Requesting that the Town Commission Consider Modifying the Town Code, Section 78-148 (a) and (b), to Eliminate the 1,200 Foot Distance Separation Between Two Gasoline and Filling Stations**

Nader Salour stated that Congress Avenue Properties Ltd is in the final stages of negotiating with Racetrack to bring a gas station and convenience store to the Town and that during the due diligence the issue regarding the distance separation between two gasoline and filling stations was discovered. He stated that the proposed site for the gasoline station is on the corner of Congress Avenue and the proposed extension of Park Avenue and that the proposed site is approximately 950 feet from an existing gasoline station. He stated that they were surprised by the Code requirement, as it is unusual to see gasoline stations across the street from one another. He stated that during discussions with staff it was discovered that the Code provision was adopted in 1966 has not been modified since and the requirements for gasoline stations in 1966 were different from today and that a letter was submitted from Ardaman & Associates, Inc. explaining what has changed (see attached Exhibit "A"). He requested that in the Code the reference to the 1,200 foot distance between two gasoline and filling stations be removed.

Vice-Mayor Rumsey stated that he does not have an issue with the 1,200 feet, but that he does have an issue that this will remove more property from the Bioscience District and putting something else on it. He stated that this property was set aside for Bioscience and that the land available for Bioscience has gotten smaller. He stated that he is not in favor of permitting a use other than Bioscience on this property and that the Town needs to honor its commitment to the Bioscience community.

Mr. Salour stated that he believes that this tract of land was taken out of the Bioscience Overlay.

Vice-Mayor Rumsey stated that he does not agree.

Mayor DuBois requested that staff check if the property is in the Bioscience Overlay and provide a memorandum to the Commission.

Mayor DuBois asked if there are monitoring wells associated with gasoline stations and reported on a regular basis.

Roberto Balbis, Ardaman & Associates, Inc Principal Engineer stated that the system is better than monitor wells because sensors are installed in the tank and that as soon as there is a leak in the tank or lines to the dispensers the sensors are triggered and repairs can be made. Additionally the tanks can be pressure tested to detect issues.

Mayor DuBois asked if and how often are reports made regarding to status of the tanks.

Mr. Balbis stated that the Department of Environmental Protection (DEP) through the Palm Beach County Department of Environmental Resources Management (ERM) is provided regular reports.

Commissioner Stevens asked if the tanks and lines are double walled and made of fiberglass and if there is any leak to the interior lining an alarm would be triggered and it would be inspected.

Mr. Balbis stated "yes" and that appropriate action would be taken.

Vice-Mayor Rumsey requested that the item be tabled until the Commission is provided information regarding whether the land is in the Bioscience Overlay.

Mayor DuBois suggested that a motion to postpone would be appropriate.

**Motion: A motion was made by Vice-Mayor Rumsey to postpone consideration of this item until staff provides to the Commission a report on whether the subject property is in the Bioscience Overlay; Commissioner Stevens made the second.**

Commissioner Stevens stated that an alternative is to approve the location of the gasoline station on the condition that the property not be located in the Bioscience Overlay.

Mayor DuBois stated that some members of the Commission may not be concerned if the property is located in the Bioscience Overlay and that a gasoline station may be an approved use within the Bioscience Overlay.

Mr. Salour stated that this request does not entitle him to build a gasoline station at that location that it would have to be brought back for site plan approval.

Mayor DuBois stated that his concern is that he is not sure it matters if the property is located within the Bioscience Overlay or not and that it may be an approved use within the Bioscience Overlay. He stated that the Business Development Board has advised the Town that the Town does not offer anything that the Bioscience industry is interested in. He stated that when the property in the western part of the Town was annexed it was annexed to increase the commercial tax base of the Town and that the Bioscience Overlay was added later. He stated that he is interested in increase the commercial tax base in the Town in whatever way possible whether it falls in the Bioscience Overlay or not.

Town Manager Sugerman clarified that the motion is to postpone this item, which is a presentation from Congress Avenue Properties Ltd. and that there is no staff report and that action as proposed by the motion would only postpone the presentation.

Mayor DuBois explained that the purpose of the motion is to postpone the item until the Commission is provided from staff additional information and suggested that a date certain of October 17, 2012 for staff to provide the information requested.

Attorney Baird suggested changing the motion to a motion to continue the presentation to a date and time certain.

Vice-Mayor Rumsey amended the motion to a motion to continue the item to the October 17, 2012 Commission meeting.

Commission Stevens seconded the amendment.

Mayor DuBois explained that staff is to provide further information regarding whether the property is in the Bioscience Overlay.

Town Manager Sugerman explained that the closure date to add items to the agenda has been changed and that the closure for the October 17, 2012 Commission Meeting has already passed and requested that the item be continued to the November 7, 2012 Commission meeting.

Mayor DuBois stated that the Commission often directs at a meeting that items be placed on the next Commission meeting and requested that staff provide allowances for items added by the Commission.

Town Manager Sugerman stated that the item will be placed on the October 17, 2012 agenda.

Commissioner Stevens stated that he hopes that the Commission will make a decision on this request at the next meeting after staff has provided the additional information requested.

Commissioner Longtin stated whether the property is in the Bioscience Overlay or not that she is not in favor of amending the Code. She does not want to see that as a gasoline station corner and that it is too close to the school and that it is unfair to the existing gasoline station that came in under the existing Code and had the believe that that would not have competition within so many feet. She stated that a past Commission made a commitment to Bioscience, but there has not been commitment from Bioscience. She stated that her concern is not Bioscience, but that she does not want to see that as a gasoline station corner and thinks that the land could be used differently.

Mr. Salour stated that the property does meet the Code requirements for distance from school facilities. He stated that there are numerous gasoline stations within the Town that are within several hundred feet of other gasoline stations.

Vice-Mayor Rumsey asked which gasoline station that Mr. Salour is referencing.

Mr. Salour stated that on US 1 south of Northlake Boulevard there are three (3) stations located within 1200 feet of each other.

Vice-Mayor Rumsey stated that only one (1) of those stations is within Lake Park.

Mr. Salour stated that the Code does not specify that the requirement is for gasoline stations only within the Town.

Town Manager Sugerman stated that the Code does specify the requirement is for gasoline stations within the Town.

Mr. Salour stated that there are several stations along Northlake Boulevard that are located within 1,200 feet of each other.

Vice-Mayor Rumsey stated that the Town shares a borders along Northlake Boulevard with other municipalities.

Mayor DuBois stated that there is likely compliance with the Code for facilities within the Town, but that he understands Mr. Salour's point.

Vote on Motion:

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

Motion passed 4-0

**PUBLIC and OTHER COMMENT:**

*Ricky Petty, Director of Bridges at Lake Park*, thanked the Town for their support and marketing of their events. He stated that they work closely with the Library and that he looks forward to the continued partnership and ensure that the children of Lake Park grow up happy, safe and strong.

Commissioner Longtin asked Mr. Petty to explain what the organization does.

Mr. Petty explained that Bridges of Lake Park works to increase healthy births, decrease child abuse and neglect, and increase school readiness for young children. He stated that they serve families with children between 0 and 8 years old.

Vice-Mayor Rumsey asked if Bridges of Lake Park will be doing "Trunk or Treat" and if so when.

Mr. Petty stated that "Trunk or Treat" will be on October 31, 2012 at Kelsey Park.

Vice-Mayor Rumsey asked how people sign-up to participate and if there is a charge.



Mr. Petty stated that people can sign-up by contacting Bridges at Lake Park at 561-881-5060 and that he does not believe there is a charge to participate. Additionally, he stated that Mayor DuBois is participating in a County-wide initiative and will be reading the book "Ladybug Legs" at a local day care center on Thursday, October 4, 2012.

Mayor DuBois stated that he will be reading at the Bright Futures of Lake Park and the Library. He stated that the programs such as Fill in the Gap and the Easter Egg Hunt have been a great success and that he appreciates their participation.

**CONSENT AGENDA ITEMS:**

**3. Resolution No. 30-10-12 To Amend the Town Uniform Classification System to Revise the Dock Attendant Job Description**

**4. Instructor Agreement**

Mayor DuBois requested that item 4 Instructor Agreement be pulled from the Consent Agenda.

Vice-Mayor Rumsey requested that item 3 Resolution No. 30-10-12 be pulled from the Consent Agenda.

**3. Resolution No. 30-10-12 To Amend the Town Uniform Classification System to Revise the Dock Attendant Job Description**

Town Manager Sugerman stated that the purpose of this item is to revise the job description for the Dock Attendant to more accurately reflect the current duties and requirements of the position.

Vice-Mayor asked if there is a change in salary.

Town Manager Sugerman stated "no".

Mayor DuBois asked for clarification of the changes in the job description.

Town Manager Sugerman provided examples of the changes (see attached job description Exhibit "B").

Commissioner Stevens requested that in the future items of this nature have the changes underlined.

Town Manager Sugerman stated that it will be done for future items.

**Motion: A motion was made by Vice-Mayor Rumsey to approve Resolution No. 30-10-12; Commissioner Stevens made the second.**

Vote on Motion:

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

Motion passed 4-0

#### 4. Instructor Agreement

Mayor DuBois asked if there is a similar document for volunteers.

Town Manager Sugerman stated that the document for Commission approval is for paid instructors.

Recreation Director Kathleen Carroll stated that a volunteer instructor Agreement could be developed.

Commissioner Stevens stated that the Commission had directed that the process for volunteers related to background checks be streamlined.

Commissioner Longtin stated that the process had required that volunteers receive a physical.

Recreation Director Carroll stated that there are already volunteer forms that are being used.

Town Manager Sugerman stated that he considers this a contract and that all contracts require the endorsement of the Town Commission unless the Commission assigns the ability to staff. He explained that there are going to be multiple classes and programs offered, upwards of twenty (20) to thirty (30) Agreements throughout the year and asked the Commission if they want all the contracts to come before them for approval or are they willing to delegate the approval of the instructor Agreements to staff. He recommended that the Commission delegate the approval of the instructor Agreements to the Town Manager or the Recreation Director.

Mayor DuBois stated that the instructor Agreement is so through that he does not think the Commission needs to discuss each individual instructor Agreement and thinks that it would be appropriate to delegate the approval to staff.

Commissioner Longtin stated that she wants the individual contract to come before the Commission and that she wants to know who is being hired.

Commissioner Stevens stated that the Commission can be updated on what instructors have been hired.

**Motion: A motion was made by Commissioner Stevens to approve the instructor Agreement; Vice-Mayor Rumsey made the second.**

Vote on Motion:

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

Motion passed 4-0.

**Motion: A motion was made by Commissioner Stevens to delegate Instructor Agreement authority to the Town Manager and/or the Recreation Director and any approved instructor Agreement to the Commission via e-mail; Vice-Mayor Rumsey made the second.**

Vote on Motion:

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

Motion passed 3-1.

**RESOLUTION:**

**5. Resolution No. 31-10-12 Recognizing Florida League of Cities Florida City Government Week October 21- 27, 2012**



Town Manager Sugerman stated that the Florida League of Cities recognizes the benefits provided by municipal governments to the citizens of the State of Florida each year by sponsoring the *Florida City Government Week* annually in October, and asks its member municipalities to support the recognition and to educate the general public of the value of municipal government with a Resolution.

**Motion: A motion was made by Vice-Mayor Rumsey to approve Resolution No. 31-10-12 Recognizing Florida League of Cities Florida City Government Week October 21- 27, 2012; Commissioner Stevens made the second.**

Vote on Motion:

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

Motion passed 4-0.

**DISCUSSION AND POSSIBLE ACTION:**

**6. Restructuring of the Facility Rental Fee Schedule**

**Motion: A motion was made by Commissioner Stevens to approve the restructuring of the Facility Fee Schedule; Vice-Mayor Rumsey made the second.**

Commissioner Longtin stated that there are resident and non-resident fees for facility rentals and asked if that can be done at the Marina.

Town Manager Sugerman stated that there are not different fees for resident and non-resident dockage space and that this item only covers the community room at the Marina.

Mayor DuBois requested that staff find out if different fees can be charged for resident and non-resident for the Marina facilities because of the FIND grant and the Interlocal Agreement with the County. He suggested that if the item is approved that it be approved with the caveat that staff check the fees for the Marina facilities and make corrections as necessary.

Vice-Mayor Rumsey withdrew the second to the motion.

Commissioner Steven withdrew his motion.

**Motion: A motion was made by Vice-Mayor Rumsey to approve the Facility Rental Fee Schedule with the caveat that if the FIND grant prohibits different non-residential rates at the Marina facilities then the Marina facilities rate will be amended to a uniform rate the same as the residential rate in Fee Schedule; Commissioner Stevens made the second.**

Vote on Motion:

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

Motion passed 4-0.

**7. Discussion of the Settlement Agreement between the Town of Lake Park and ATM and Murphy Construction**

Town Attorney Baird stated that this item is the result of the mediation between the Town of Lake Park and ATM and Murphy Construction. He stated that the Settlement Agreement is coming before the Commission now because of a recommendation by Town Manager Sugerman and Finance Director Blake Rane to provide that the fund received from the Settlement are categorized as revenue for budgeting purposes for fiscal year 2013. He stated that the Agreement has been approved by all parties, except for a change that is advantageous to the Town by one of the minor parties to the Agreement. He explained that the reason the change has not been approved yet is because the affect party is out of the country and could not be reached, but and objection is not expected based on previous dialogue. If there is an objection then he would be obligated to bring the Agreement back before the Commission. He stated that the Attorneys of record for the Town are recommending that the Town enter into the Settlement Agreement and Release and that they are representing that the Settlement Agreement being presented is consistent with the Agreements made at mediation. He stated that the Settlement Agreement confirms that the Town will receive \$880,000 on the Settlement Agreement has been fully executed and that once the Town receives all the funds totaling \$880,000 the Town obligated to dismiss with prejudice the lawsuit.

Commissioner Longtin asked if the Commission is being asked to accept this at this meeting.

Attorney Baird stated that he is asking the Commission to authorize the Mayor to sign the Settlement Agreement and Release on behalf of the Town.

Commissioner Longtin stated that she received the document tonight and she has not had the opportunity to review the document.

Mayor DuBois asked if the document looks acceptable to Attorney Baird.

Attorney Baird stated that he is asking the Commission to find the Agreement acceptable to the Commission.

Commissioner Stevens asked if there are any confidentiality portions that would prevent any records that they have from becoming public record.

Attorney Baird stated that anything entered into the litigation is a public record.

Commissioner Longtin asked for an explanation of what each party is agreeing to pay.

Attorney Baird stated that Applied Technology is paying \$300,000, Murphy Construction is paying \$250,000, Bridge Design is paying \$140,000, Florida Floats is paying \$55,000, Dawdy Construction is paying \$60,000 and Carter & Slup is paying \$75,000.

Commissioner Longtin stated that she does not recall hearing about Carter & Slup.

Attorney Baird explained that Carter & Slup was brought in by one of the other defendants. The Town named Applied Technology, Murphy Construction and Bridge Design as defendants and then they name other parties as defendants in a cross claim against them because of negligence or breach of contract that they claim caused the Town's claim.

**Motion: A motion was made by Vice-Mayor Rumsey to authorize the Mayor to enter into a Settlement Agreement for the finalization of the Marina Lawsuit in the amount of \$880,000; Commissioner Stevens seconded the motion.**

Commissioner Longtin asked if any of the members of the Commission received the Settlement Agreement before tonight.

Vice-Mayor Rumsey stated "no", but that he has spoken with Attorney Baird several times regarding the issue.

Mayor DuBois stated "no" and that he reviewed it between the CRA and Commission meetings.

Commissioner Stevens stated that he reviewed the Agreement between the CRA and Commission meetings.

Attorney Baird stated that the Commission expressed the desire that this Agreement be brought before them as soon as possible after the beginning of the fiscal year and that this is the first meeting of the Commission after the first of the year.

Commissioner Longtin stated that she appreciated receiving the Agreement so quickly, but that she did not appreciate receiving the Agreement today and being expected to vote on it tonight.

Mayor DuBois stated that Attorney Baird was provided the Agreement today and provided it to the Commission as soon after he received it as possible.

Commissioner Stevens stated that he is glad that the litigation is at an end that it has been too many years of accumulating lawyer's fees and engineer's fees and that he is happy this is done and that the Town is at least getting the \$880,000.

Vote on Motion:

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

Motion passed 3-1.

### **COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Commissioner Longtin** asked for a status update on the negotiations with the Burt Reynolds Institute for Film & Theatre (BRIFT) for the use of Town facilities.

Town Manager Sugerman stated that a draft Agreement has been provided to BRIFT approximately one (1) month ago. He explained that Mr. Reynolds is traveling abroad and that the Board has not met to review the draft Agreement.

Commissioner Longtin asked what the agenda process is that Town Manager Sugerman spoke of earlier in the meeting.

Town Manager Sugerman stated that the agenda process was provided to the Commission in last month's monthly report. He explained that deadlines have been established with Town staff that is approximately one week earlier than it had been previously and that has resulted in the Commission receiving the agenda packages on Wednesday before the Commission meeting instead of on Friday before the Commission meeting.

Commissioner Longtin stated that she appreciates having more time to review the agenda packages.

Town Manager Sugerman stated that a schedule of deadlines for all Commission meetings through December 2013 can be provided to the Commission.

Commissioner Longtin stated that the Palm Beach County Sheriff's Office National Night Out will be held on Friday, October 12 from 5:00 pm to 9:00 pm in Royal Palm Beach.

**Commissioner Stevens** stated that he is grateful to former Commissioner Otterson's service to the Town. Thanked the Bridges of Lake Park for coming to the meeting and explaining what they do. He stated that the Presidential Debate is on tonight at 9:00 pm.

**Mayor DuBois** stated that November 11 is Veteran's Day and that there will be a Veteran's Day ceremony led by the Veteran's of Foreign Wars (VFW) at Kelsey Park. He stated that Kiwanis is having Oktoberfest on October 20, 2012 and that there are still openings for vendors and sponsors. He stated that he requested Richard Aherns to step down from the Marina Task Force and is being replaced by Wayne Creber.

Commissioner Longtin requested that the Kiwanis Oktoberfest be added to the Town calendar.

Mayor DuBois requested that the Mayor's schedule be added to the Town calendar on the website.

Town Manager Sugerman stated "yes" as long as the Mayor informs Town staff of his schedule.

Mayor DuBois stated that he provides his schedule to the Town Clerk.

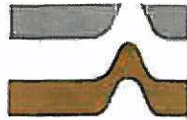
**Vice-Mayor Rumsey** had no comments.

**Attorney Baird** had no comments.

**Town Manager Sugerman** stated that a tentative Agreement has been reached with the Union on all three articles in the Collective Bargaining Agreement and congratulated Ray Wilson and Guy Masters who represent the Union and Bambi Turner and Blake Rane who represented the Town. He explained that the tentative Agreement must now be taken to the membership on the Union and voted on. As soon as the Union membership approves it the Agreement will come to the Commission for ratification.



Exhibit "A"



Ardaman & Associates, Inc.

Geotechnical, Environmental and  
Materials Consultants

AAI File No. 12-2179  
September 6, 2012

Community

SEP 07 2012

Development  
(via email)

Congress Avenue Properties  
4500 PGA Boulevard, Suite 207  
Palm Beach Gardens, Florida 33418

Attention: Nader Salour

**ENVIRONMENTAL ISSUES  
PARCEL 34.03D SERVICE STATION PROJECT  
LAKE PARK, FLORIDA**

The captioned project consists of the construction of a service station for distribution of vehicular fluids and other goods on the east side of Congress Avenue, north of the future extension of Park Avenue, in Lake Park, Florida. The location of this service station will be less than 1,200 feet from the location of the existing Murphy USA #7362 station which is located on the west side of Congress Avenue.

It is our understanding that Lake Park has a stipulation that no gasoline dispensing station can be established within 1,200 feet of an existing one. It is believed that this restriction was made in consideration to the concentration of potential sources of contamination in a small area of the town. This restriction was apparently set more than 40 years ago. It is apparent that it has not been uniformly applied (if at all), since some stations in Lake Park are closer than 1,200 feet apart.

Contamination in service stations is mainly caused by leakage from aging, single wall underground steel tanks and distribution lines which tend to corrode. Gasoline products tend to remain at the top of the groundwater table and move in the direction of groundwater flow. Certain products persist and may reach hundreds of feet from the source pending the velocity of groundwater flow.

We note that drastic changes took place in the 1990's in regards to the use of underground storage tanks because of concerns with regards to the deterioration of surficial aquifers due to contamination from petroleum products. Thus, Chapter 62-761, Florida Administrative Code called for the replacement of all single wall underground steel tanks pending their age, so that very old tanks would be replaced by 1998 and newer tanks by 2009. New technology has permitted the replacement of such tanks with double-walled fiberglass tanks. These are basically a regular storage tank inside a larger, empty tank, with the space between the walls serving as containers of any spill from the interior container where the fluid is stored. Sensors are installed to detect leaks as soon as possible. Distribution lines are similarly protected.

New service stations such as the nearby Murphy USA #7362 and the proposed service station are constructed with double wall appurtenances and sensors. Stations are inspected regularly by the Florida Department of Environmental Protection to check for violations in operating procedures.

Because of the implementation of effective protective measures there is little risk of the development of a substantial spill. The likelihood of spills at two stations at the same time is of course minimal. We note that techniques for the remediation of spills is basically standardized by now, with the installation of recovery wells and the treatment of the contaminated water by volatilizing the products of concern, as well as by filtering the recovered groundwater through charcoal beds. Thus, there is no fear of developing a large plume. The nearest drinking water wellfield is located approximately 1,700 feet west of the site but the site is not within the published zone of influence of these wells.

In brief, present regulations have resulted in the safe, monitored operation of protected storage and distribution appurtenances so that there is no danger of the development of a significant, combined plume from stations less than 1,200 feet apart. It is evident that the 1,200 feet separation rule is obsolete and can be safely eliminated.

Please do not hesitate to contact us if you have any questions concerning this report.

**ARDAMAN & ASSOCIATES, INC.**



Roberto E. Balbis, P.E.  
Principal Engineer

Attachment: Murphy FDEP Annual Tank Inspection dated December 1, 2011



Exhibit "B"

## DOCK ATTENDANT

**JOB CODE:** 610  
**DEPARTMENT:** MARINA

### **CHARACTERISTICS OF THE CLASS:**

Under the general supervision of the Dock Master and/or Harbor Marina Director, performs required marina related work in the operation of the Lake Park Harbor Marina. Performs minor repair work and maintenance related tasks on Marina property, assists in providing safe and pleasant conditions for Marina visitors, and ensures that dockage and boat ramp fees are collected and accounted for on a daily basis. Work is reviewed through observation for the achievement of desired results. Performs other work as requested. This is a non-exempt position.

### **EXAMPLES OF ESSENTIAL FUNCTIONS:**

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of any one position in the class. The omission of an essential function does not preclude management from assigning duties not listed herein if such duties are a logical assignment to the Dock Attendant position.

1. Operate the Marina Dock Master software program for vessel reservations, point of sale transactions, billing, contracts, arrivals, departures, and daily reconciliation of revenues.
2. Collect boat ramp and dockage fees, issue docking permits and parking permits for the boat ramp operations, and maintain related records.
3. Check boat arrivals daily for inventory purposes and to ensure that they are secure and in proper condition; assist docking boats on a daily basis.
4. Clean up litter around Marina and parking lot area; check dock area for unsafe conditions and report any to Dock Master and/or the Harbor Marina Director.
5. Assist the Dock Master and/or Harbor Marina Director in general maintenance tasks including but not limited to pressure washing facilities, dispensing fuel, trash removal, minor equipment repair, cleaning restrooms, and other assigned duties.
6. Enforce Marina rules and regulations and report infractions to the Dock Master and/or Harbor Marina Director.

7. Assist the Dock Master and/or Harbor Marina Director in the general operation of the Marina office including such tasks as, programming fuel and dockage rates, filling out work orders, stocking supplies for the cleaning service, and checking restrooms.
8. Operate a boat for clean-up of litter and debris throughout the Marina harbor and for other assigned maintenance tasks as needed.
9. Maintain ship store and boat ramp office and reorder any merchandise, bait or supplies as needed.

**REQUIREMENTS:**

**A. Education and Experience**

High School diploma or equivalent supplemented by (1) year of experience in operating and berthing boats. Valid Florida driver's license also required.

**B. Knowledge, Skills and Abilities**

- Knowledge of computers including Microsoft outlook
- Knowledge of marina facilities, security and safety precautions
- Knowledge of motor boat operation, docking and casting off
- Knowledge of the rules and regulations of docking facilities
- Ability to maintain simple records
- Ability to perform general maintenance and repair tasks
- Ability to understand and follow oral and written instructions
- Ability to establish and maintain effective working relationships with other employees and the public
- Must be able to swim

**PHYSICAL REQUIREMENTS:**

Tasks involve the regular, and at times sustained, performance of heavier physical tasks such as walking over rough or uneven surfaces, bending stooping, working in confined spaces and lifting or carrying moderately heavy (20 – 50 pound) items, or diesel-powered machinery or shop equipment requiring the manipulation of multiple controls, fine adjustments or both.

**ENVIRONMENTAL REQUIREMENTS:**

Tasks may require frequent exposure to adverse environmental conditions.

**SENSORY REQUIREMENTS:**

Tasks require color, sound, odor and form perception and discrimination.

## **BLOODBORNE PATHPGENS:**

### **Category II-Moderate to Minimal Risk Exposure**

It is the policy of the Town of Lake Park to prohibit discrimination on the basis of race, color, religion, gender, national origin, age, political affiliation, physical or mental disability (where the disabled persons are able to perform the work they are seeking with reasonable accommodation), marital status, familial status, or sexual orientation, or any other form of unlawful discrimination, except when such condition is a bona fide occupational qualification. Such employment practices include, but are not limited to, the recruitment, hiring, compensation, assignment, training, promotion, demotion, discipline or dismissal of employees.



## DOCK ATTENDANT

**JOB CODE:** 610  
**PAY GRADE:**  
**DEPARTMENT:** MARINA

### CHARACTERISTICS OF THE CLASS:

Under the general supervision of the Dock Master and/or Harbor Marina Director, performs general maintenance work in the operation of the Marina. Performs minor repair work and custodial tasks on Marina property, and assists in ensuring safe and pleasant conditions for Marina visitors. Work is reviewed through observation for the achievement of desired results. Performs other work as requested. This is a non-exempt position.

### EXAMPLES OF ESSENTIAL FUNCTIONS:

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of anyone position in the class. The omission of an essential function does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the Dock Attendant position.

1. Operate the Marina Dock Master software program for vessel reservations and point of sale transactions.
2. Collect ramp and dockage fees, issue docking permits and maintain related records.
3. Check boats daily to ensure they are secure and in proper condition; assist docking boats.
4. Clean up litter around Marina and parking lot area; check dock area for unsafe conditions and report any to Dock Master and/or Harbor Marina Director.
5. Paint Marina property and assist the Dock Master and/or Harbor Marina Director in general maintenance tasks.
6. Enforce Marina rules and regulations and report infractions to the Dock Master and/or Harbor Marina Director.
7. Assist the Dock Master and/or Harbor Marina Director in the general operation of the Marina office.

### REQUIREMENTS:

#### A. Education and Experience:

High school diploma or equivalent supplemented by one (1) year of experience in operating and berthing boats. Valid Florida driver's license required.

*Approved 10/7/09  
pursuant to  
Resolution 47-10-09.*

**B. Knowledge, Skills and Abilities:**

- Knowledge of computers
- Knowledge of marina facilities, security and safety precautions
- Knowledge of motor boat operation, docking and casting off
- Knowledge of the rules and regulations of docking facilities
- Ability to maintain simple records
- Ability to perform general maintenance and repair tasks
- Ability to understand and follow oral and written instructions
- Ability to establish and maintain effective working relationships with other employees and the public
- Must be able to swim

**PHYSICAL REQUIREMENTS:**

Tasks involve the regular, and at times sustained, performance of heavier physical tasks such as walking over rough or uneven surfaces, bending, stooping, working in confined spaces and lifting or carrying moderately heavy (20 – 50 pound) items, or diesel-powered machinery or shop equipment requiring the manipulation of multiple controls, fine adjustments or both.

**ENVIRONMENTAL REQUIREMENTS:**

Tasks may require frequent exposure to adverse environmental conditions.

**SENSORY REQUIREMENTS:**

Tasks require color, sound, odor and form perception and discrimination.

**BLOODBORNE PATHOGENS:**

Category II-Moderate to Minimal Risk Exposure.

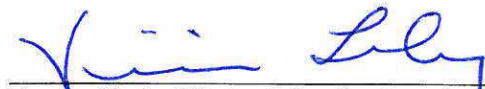
It is the policy of the Town of Lake Park to prohibit discrimination on the basis of race, color, religion, gender, national origin, age, political affiliation, physical or mental disability (where the disabled persons are able to perform the work they are seeking with reasonable accommodation), marital status, familial status, or sexual orientation, or any other form of unlawful discrimination, except when such condition is a bona fide occupational qualification. Such employment practices include, but are not limited to, the recruitment, hiring, compensation, assignment, training, promotion, demotion, discipline or dismissal of employees.

**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 Stevens, and by unanimous vote, the meeting adjourned at 8:03 p.m.

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

  
\_\_\_\_\_  
Deputy Town Clerk, Shari Canada, CMC

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



FLORIDA  
Approved on this 17 of October, 2012





# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, October 3, 2012,  
Immediately Following the  
CRA Board Meeting  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kendall Rumsey</b>	—	<b>Vice-Mayor</b>
<b>Steven Hockman</b>	—	<b>Commissioner</b>
<b>Jeanine Longtin</b>	—	<b>Commissioner</b>
<b>Tim Stevens</b>	—	<b>Commissioner</b>
.....		
<b>Dale S. Sugerman, Ph.D.</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez Lemley, CMC</b>	—	<b>Town Clerk</b>

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

A. **CALL TO ORDER**

B. **INVOCATION**

C. **PLEDGE OF ALLEGIANCE**

D. **ROLL CALL**

E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**

F. **PROCLAMATION:**

1. In Honor of Former Commissioner William "Bill" Otterson

Tab 1

G. **PRESENTATION:**

2. Presentation by Nader Salour, Agent for Congress Avenue Properties Ltd., Requesting that the Town Commission Consider Modifying the Town Code, Section 78-148 (a) and (b), to Eliminate the 1,200 Foot Distance Separation Between Two Gasoline and Filling Stations

Tab

**H. 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.

- I. 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:**

- 3. Resolution No. 30-10-12 To Amend the Town Uniform Classification System to Revise the Dock Attendant Job Description
- 4. Instructor Agreement

Tab 3  
Tab 4

**J. RESOLUTION:**

- 5. Resolution No. 31-10-12 Recognizing Florida League of Cities Florida City Government Week October 21 – 27, 2012

Tab 5

**K. DISCUSSION AND POSSIBLE ACTION:**

- 6. Restructuring of the Facility Rental Fee Schedule

Tab 6

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

**M. ADJOURNMENT:**