



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, November 7, 2012, 6:45 p.m.**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 7, 2012 at 6:45 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Jeanine Longtin, Steve Hockman, 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:**

**Motion: A motion was made by Commissioner Hockman to approve the Agenda; 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. Palm Beach County Sheriff's Office Citizen on Patrol (COP) Program**

Sergeant George Searing introduced himself and made a presentation (see attached Exhibit "C").

Commissioner Stevens stated that it is a great program and encouraged people to participate.

Vice-Mayor Rumsey requested that the information about the program be included in the e-blast and on the Town website.

Mayor DuBois asked what the Town can do to promote the program.

Sergeant Searing suggested that a space could be provided at the Seafood Festival to promote the COP program.

Town Manager Sugerman stated that he believes that the Palm Beach Sheriff's Office has a booth and suggested that he check with Lieutenant Myers.

Sergeant Searing requested that any time the Town has events that he be contacted so that they can participate.

Vice-Mayor Rumsey suggested that he participate in the monthly Sunset Celebration.

Commissioner Stevens asked how much time the volunteers are asked to commit.

Sergeant Searing stated three (3) to four (4) hours per week or twelve (12) to sixteen (16) hours a month.

Vice-Mayor Rumsey suggested that the December 7, 2012 Annual Tree Lighting Ceremony could be another opportunity to interface with the public. He asked if the car used for the COP program paid for by the Town or is it part of the contract.

Town Manager Sugerman stated that the COP program car is part of the contract.

Mayor DuBois stated that the program supplements the policing activities and adds more eyes and ears to the street and suggested that a quarter report at the Commission meeting as a way to increase their numbers.

## **2. Presentation by the Town Manager on Additional Programming for Fiscal Year 2012-2013 Which was not included in the Approved Budget**

Town Manager presented the report (see attached Exhibit "D"). He provided a copy of the most recent contract that the Town signed with an instructor to provide Zumba classes at the Lake Park Marina (see attached Exhibit "E").

Commissioner Stevens suggested discussing each item individually and stated that the General Fund is owed \$2 million from the Marina Fund and that the Marina Litigation Settlement was for \$880,000 and of that \$600,000 has not been allocated. He stated that there is \$400,000 in reserves and that some of these funds could be used to give back to the residents and provide services to the residents. He suggested that the Commission not make a decision regarding the fireworks until additional information is provided from the potential vendors that Town Manager Sugerman contacted and the item should be brought back at the December 5, 2012 meeting for further discussion by the Commission.

Mayor DuBois stated that his preference is that non-governmental organizations be developed to provide some of these events and services.

Commissioner Stevens stated that there are sponsorship opportunities and ways to potentially supplement all of the funds needed but, that he wants to bring fireworks back to Lake Park even if the Town pays for it.

Vice-Mayor Rumsey stated that he agrees with Commissioner Stevens regarding the fireworks and that residents have commented that they want the fireworks to return for 4<sup>th</sup> of July. He suggested going to some of the larger businesses in the community and asking for sponsorship. He stated that he does not think it is practical to expect non-governmental organizations to put together an event of that size. He suggested that non-governmental organizations could sponsor smaller elements of a larger event, but not paying for a \$25,000 fireworks show. He stated that the Commission needs to allocate the funds for the fireworks or work on sponsorships. He stated that this is a tricky issue and that it is an event that the community wants but, how does it get paid for.

Commissioner Stevens stated that more information from staff will be forthcoming at the December 5, 2012 meeting and suggested that if the Town paid for \$10,000 and get sponsorship for the remaining amount.

Vice-Mayor Rumsey stated that he would prefer if the entire amount was paid for through sponsorships and suggested that the Commission set a deadline for the sponsorships and then at that time see how much has been raised and then decided if there is a deficit will the Town be paying for it or if the event will be cancelled.

Commissioner Stevens concurred with Vice-Mayor Rumsey.

Vice-Mayor Rumsey stated that he wants to see the price breakdowns from the fireworks companies at the December 5, 2012 meeting.

Mayor DuBois asked what is a good method of developing sponsors for Town events.

Town Manager Sugerman stated that the Town does have a sponsorship package and sponsorship is offered at various levels and that part of the sponsorship is that the sponsor would be identified as a major or minor sponsor for the event. He stated that the sponsorship package is generic.

Vice-Mayor Rumsey stated that the sponsorship package needs to be event specific.

Mayor DuBois asked if he could take the sponsorship package and knock on doors and get sponsorships for Town events.

Attorney Baird stated that he sent a memo to the Commission regarding solicitation by the Commission and advised that the Commission on Ethics has several opinions regarding the subject and recommended that the Commission follow those opinions. He stated that the Commissioners cannot use their office to solicit donations.

Mayor DuBois stated that the reason he was recommending that the Town partner with non-governmental organizations is because it would keep the Commissioners out of a difficult situation and the donations could still be solicited.

Attorney Baird stated that Commissioners cannot solicit funds for donations from anyone that may appear before the Commission.

Commissioner Stevens asked if a person did appear before the Commission and a donation had been solicited by a Commissioner could it be disclosed at that time and satisfy the requirements.

Attorney Baird stated that Commissioner Stevens' suggestion would not be consistent with the opinions issued by the Commission on Ethics.

Commissioner Stevens requested that the opinions from the Commission on Ethics be provided to the Commission. He requested that detailed information regarding the fireworks be included with the sponsorship package so that potential sponsors would know what they are sponsoring.

Commissioner Stevens asked if Town Manager Sugerman had enough information to move forward with the fireworks.

Town Manager Sugerman stated that it is his understanding that the Commission wants the responses from each of vendors presented at the next Commission meeting for further discussion.

Mayor DuBois stated that a method if possible to be developed by the administration for the Commission to solicit sponsorship for Town events and presented to the Commission.

Commissioner Stevens concurred that a plan for sponsorship be developed. He stated that regarding the Dog Park a cost range has been provided and the cost varies depending on location and amenities and that it come down to sponsorship. He stated that Petsmart and Pet Supply were both interested in helping sponsor a dog park however, without more concrete plans they are not willing to move forward with sponsoring a dog park. He suggested that the Commission provide more direction to staff and then staff can develop a proposal and cost. He stated that the location south of the Fire Station, Community Garden are ok, and that some residents have suggested a small section of Kelsey Park. He stated that size, cost, liability and insurance issues that have to be considered but, he thinks that a dog park is one of the best ways to build community.

Mayor DuBois stated that there has been a great deal of discussion about using the property south of the Fire Station as a commuter rail platform and that he would be concerned about making a commitment to build a dog park with the idea that the site would be utilized for another purpose in the near future. He stated that the site located next the Community Garden is proposed to be used for parking for the Park Avenue area and although it is not moving forward yet that he is concerned about using that site for a dog park when it is committed for another use.

Commissioner Stevens stated that he concurs with Mayor DuBois and is why he suggested a third location at Kelsey Park.

Town Manager Sugerman stated that the area at Kelsey Park is used for flood control at this time.

Commissioner Longtin asked if the purpose of that area at Kelsey Park to be a retention pond.

Town Manager Sugerman stated that it is not the purpose of that area but, that it is serving that purpose.

Commissioner Longtin asked if the area was filled in to be utilized as a dog park it will negate the current purpose.

Commissioner Stevens suggested that there are other things that could be done to mitigate the dog park and still provided for flood control in the area and that there are other parks within the Town that could be utilized as a dog park.

Mayor DuBois suggested the various pocket parks within the Town could be utilized for a dog park.

Vice-Mayor Rumsey thinks that if the Town uses one the existing pocket parks or a portion of an existing park it would be cheaper than the \$48,000 suggested in the report. He stated that this is the reason that the Town's sponsorship package is overly generic and that sponsorship package needs to be targeted. He stated that if the Town puts a dog park on the site located south of the Fire Station would signal to the Town is not interested in having a commuter rail platform and thinks it would be a mistake to place the dog park in that location. He thinks that the benefits of the community garden far outweigh the benefits of taking a piece of that property to build a dog park. He stated that he would be in favor of the dog park being in another locations such as a pocket park or in a portion of one of the larger parks.

Mayor DuBois stated that he supports the dog park being established in an existing public use facility and it would be easier to get sponsorships.

Commissioner Stevens stated that the sponsor could have recognition at the park and could provide materials for the park such as bags. He requested that suggestions for additional locations and associated costs be brought back at the December 5, 2012 Commission meeting.

Commissioner Stevens thinks that the list provided is a great start and asked how the programs are advertised.

Town Manager Sugerman explained that for the programs that are already established they are advertised on the Town calendar, Town website calendar, flyers in the lobby of Town Hall and the Library and channel 18 and that all future programs will be advertised in the same manner.

Commissioner Stevens suggested outreach to the kids and schools would increase attendance. He discussed fees and the fees being cost prohibitive to low income seniors and kids and asked if that was a fact if the Town could supplement some of the fees so that the seniors and kids could participate.

Mayor DuBois stated that Kiwanis and other non-governmental organizations provide programs for seniors and kids. He suggested that the Town could provide a grant in support of the programs that they provide to Town residents.

Vice-Mayor Rumsey asked what the pavilion on the park is used for besides rentals and how often is it rented out for special events

Kathleen Carroll, Recreation Director, stated that the pavilion is used for martial arts and tennis luncheons and that the rental of the pavilion is increasing since the change in the fee schedule.

Vice-Mayor Rumsey stated that all the suggested programs are great but, where will these programs take place. He stated that the pavilion is underutilized and could be used for programs.

Recreation Director Carroll stated that she would work on evaluating the building.

Mayor DuBois stated that there is also a room at the Marina.

Recreation Director Carroll stated that Zumba classes will be offered at that location.

Commissioner Stevens stated that he thought was \$2,000 to \$3,000 for needed supplies for the Community Garden as a donation from the Town.

**Public Comment:**

*Erin Flaherty 639 Evergreen Drive*, thanked the Commission and Town Manager Sugerman for including the Community Garden in the process. He stated that at this time the membership fees and fundraising is used for the day-to-day operation on the Community Garden. He stated that some of the things the Community Garden could do with the \$10,000 referenced in Town Manager Sugerman's report include a pavilion with one handicap accessible unisex bathroom, raised garden beds, ADA approved raised garden beds, after school program, kids day off from school programs, potable drinking water and associated fixtures, and fabric shade structure. He stated that he is currently developing a sponsorship package. He thanked the Commission for their support of the Community Garden.

**Public Comment closed.**

Commissioner Stevens commented that all the suggestion from Mr. Flaherty are a good idea and the funds could also be used for supplies and sponsor low income families. He thinks if the Community Garden is enhanced it would be a benefit to the Town.

Mayor DuBois asked if the Community Garden is a 501(c)(3).

Mr. Flaherty stated that the Community Garden is a project of the Community Development Corporation which is a 501(C)(3).

Commissioner Stevens asked if a private resident gave a donation would they be eligible for a tax deduction for the donation and where can more information be found about the organization.

Mr. Flaherty stated "yes" and that the website is [www.lakeparkcdc.com](http://www.lakeparkcdc.com).

Commissioner Stevens suggested waiting until the sponsorship package is complete and provided to the Town before discussing it any further. He stated that he is supportive of this program and it would be the highest item on his list to sponsor.

Mayor DuBois stated that if needed that he would be contact people and companies for donation to the Town as long as there was a method of soliciting donations that is not in violation of the Code of Ethics.

**PUBLIC and OTHER COMMENT:**

*Larry Marble and Captain Ringo*, stated that they are from the Pirate's Well Restaurant that they will be holding a Lake Park Pirate Fest on Saturday, February 2, 2013 in Kelsey Park. They stated that the event will have live music, kids play area, entertainment, food and a parade along Park Avenue. They have met with Town Manager Sugerman, Community Development Director Nadia DiTommaso, and Recreation Director Kathleen Carroll. The website for the festival is [lakeparkpiratefest.com](http://lakeparkpiratefest.com).

Mayor DuBois asked if there is any action needed from the Commission at this time.

Town Manager Sugerman explained that he has met with Mr. Marble and Captain Ringo and that staff will work with and support the event and that the event will be permitted through the special event process.

Mayor DuBois requested that space be available for charitable organizations in the Town.

Mr. Mable stated that he is currently working with Relay for Life and Kiwanis and wants to benefit as many charitable organizations in the Town as possible.

Vice-Mayor Rumsey asked what type of live music will be at the event.

Mr. Mable stated that it will either be Country or Classic Rock and that he has various contacts that he is working with for the live music.

Vice-Mayor Rumsey asked where the stage for the live music will be located.

Mr. Marble stated that the live music would be at Kelsey Park.

*Frederick Williams, 957 Laurel Drive, North Palm Beach*, stated that he is the property owner of a duplex at 906 Greenbriar Drive and a fine was levied against the property for failure to pay for the business tax receipt. He stated that he was unaware that he had to pay for a business tax receipt for the duplex rental. He stated that the Town Ordinances do not cover this type of business and thinks that the fine is unjust. He stated that notice were left at the property by Code Enforcement Officer Doris Bainter, but he did not receive the notices. He stated that he has pulled permits at the location and that the Town is aware that he does not reside at the property and he has provided his address via the permit application and he did not receive the notices at his address. He stated that certified mail was sent to the property and it was not forwarded and was signed by a tenant at the property on October 12, 2012 and the tenant was no longer there and he was not made aware of the notices. He stated that the item went before the Special Magistrate and a fine was levied and it was posted at the property and that was when he was made aware of the violation. He stated that he has paid for and received the business tax receipt and he has not be paid the fine. He requested that the Commission dismiss the fine based on that the duplex is not a business and was not given the thirty days to pay for the business tax receipt.

Mayor DuBois asked if the Special Magistrate Hearing Meeting occurred.

Mr. Williams stated "yes" and that he was not present because he had not received the notice.

Mayor DuBois stated that the Commission cannot take action on this item because the Town has adopted the process of the quasi-judicial special magistrate.

Attorney Baird stated that this matter has been before the Special Magistrate and all related issues were considered. He stated that there are two options at this time if the violation is now in compliance Mr. Williams can go back to the Special Magistrate and request a reduction or waiver of any fine that has been levied or he can appeal the Magistrate's opinion. He stated that this item is not within the Commission's purview it would have to go back before the Special Magistrate. He recommended that Mr. Williams contact the Community Development Department and they will advise Mr. Williams of the procedures.

Commissioner Longtin stated that according to the Property Appraiser's website the mailing address is the property address and that is the address that was served and that Mr. Williams should contact the Community Development Department that the issues is beyond the Commission's action.

*Betty Ann Rowlett, 1411 10<sup>th</sup> Street*, she stated that the Relay for Life will be April 26 and 27, 2013. She stated that they will be having a give back night in coordination with the Pirate's Well were a portion of the proceeds will be given to Relay for Life on November 7 and 8, 2012. She stated that the 2<sup>nd</sup> Annual Pancake Breakfast with the Grinch and tickets can be purchased online at [www.relayforlifeofnorthermpalmbeaches.eventbrite.com](http://www.relayforlifeofnorthermpalmbeaches.eventbrite.com). The event will be on December 9, 2012 at 8:00 am and 10:00 am.



Vice-Mayor Rumsey asked if the Relay for Life event was on the Town website.

Vice-Mayor Rumsey asked where and what time was the Trunk or Treat.

Ms. Rowlett stated that Trunk or Treat was on October 31, 2012 at Kelsey Park from 4:00 pm to 6:00 pm. and that 267 children participated in the event.

*Caitlyn Johnston*, requested that the Commission consider adopting a Resolution urging retailers to refrain from selling flavored tobacco products in Lake Park.

Mayor DuBois asked if there was a sample resolution for the Commission's consideration.

Ms. Johnston stated "yes" a sample resolution is available and suggested the resolution be placed on an upcoming agenda.

The Commission reached consensus to place the Resolution on December 5, 2012 agenda for consideration.

**CONSENT AGENDA ITEMS:**

Commissioner Hockman requested item 6 Purchase of a Dump Bed Trailer for Public Works be pulled from the consent agenda.

Commissioner Longtin requested item 7 Holiday Decorations 10th Street, Park Avenue, and Federal Highway be pulled from the consent agenda.

Vice-Mayor Rumsey requested item 5 Placement of Memorial Marker at Marina in Memory of Michael Pisano, Marina Director be pulled from the consent agenda.

Town Manager Sugerman stated that for item 4 Supervisor of Elections Agreement for Vote Processing Equipment Use and Election Services a new agreement has been provided by the Supervisor of Elections Office and asked if the item should be pulled for discussion.

Mayor DuBois requested that the item 4 be pulled.

- 3. Regular Commission Meeting Minutes of October 17, 2012**
- 4. Supervisor of Elections Agreement for Vote Processing Equipment Use and Election Services**
- 5. Placement of Memorial Marker at Marina in Memory of Michael Pisano, Marina Director**
- 6. Purchase of a Dump Bed Trailer for Public Works**
- 7. Holiday Decorations 10<sup>th</sup> Street, Park Avenue, and Federal Highway**

**Motion: A motion was made by Commissioner Stevens to approve Consent Agenda Item 3; 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. Supervisor of Elections Agreement for Vote Processing Equipment Use and Election Services**

Commissioner Longtin asked if Attorney Baird has reviewed the agreement and if the he has any issues with the revised agreement.

Attorney Baird stated that he has reviewed the agreement and he has an issue with item 10, which is asking the Mayor to sign a document and approve it for legal sufficiency. He stated that he is not aware that is something that Mayors typically do and believes that the Attorney for the municipality would sign the document as related to its legal sufficiency. He stated that it also asks the Mayor to certify that the agreement meets all of the legal requirements of the Charter and related laws and if Mayor DuBois wants to research the Charter and related laws to ensure the agreement meets all of requirements then it would be appropriate for the Mayor to sign the document. He recommends that the Mayor not sign the agreement unless he is sure that the agreement meets with the Charter and all related laws.

Commissioner Longtin asked if the Commission could modify the agreement.

Attorney Baird stated that the agreement could be approved without item 10.

**Motion: A motion was made by Commissioner Stevens to approve the Supervisor of Elections Agreement for Vote Processing Equipment Use and Election Services with the deletion of item 10; Commissioner Longtin 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.

**5. Placement of Memorial Marker at Marina in Memory of Michael Pisano, Marina Director**

Vice-Mayor thanked staff for bring the item forward and thinks that it is a fitting tribute to someone who gave a lot to the Town.

**Motion: A motion was made by Vice-Mayor Rumsey to approve Placement of Memorial Marker at Marina in Memory of Michael Pisano, Marina Director; 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.

**6. Purchase of a Dump Bed Trailer for Public Works**

Town Manager Sugerman explained the item. (see attached agenda request form Exhibit "F").

Commissioner Hockman asked if the dump truck that the dump trailer is replacing going to be sold.

Dave Hunt, Public Works Director, stated that he intends to keep the dump truck as long as it does not need any further major repairs. He stated that there are plans to have an auction and that dump truck could be sold at auction.

Commissioner Hockman asked where the purchase of this equipment was budgeted.

Public Works Director Hunt stated that the equipment was budgeted in the capital line item request in the Streets and Road Division budget.

**Motion: A motion was made by Commissioner Hockman to approve the Purchase of a Dump Bed Trailer for Public Works; 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.

#### **7. Holiday Decorations 10<sup>th</sup> Street, Park Avenue, and Federal Highway**

Commissioner Longtin stated that the Town has paying for the banners to be hung for a long time and that previously the Public Works Department did this function. She thinks that the Town is in a budget crisis and that this is something that staff should be able to do. She stated that she will be voting no on this item.

Commissioner Stevens asked Commissioner Longtin what she suggests the Town do.

Commissioner Longtin stated that these are the same decorations that the Town has had for a long time and that the Public Works Department used to hang the decorations.

Town Manager Sugerman stated that this has been contracted in the past and paid for through the CRA budget. The funds for these types of activities have been removed from the CRA budget and put in the Town General Fund.

Mayor DuBois stated that Public Works will be hanging some of the ornaments.

Public Works Director Hunt explained that Public Works hangs the banners and that the Town does not own the lit ornaments and that they were leased and hung by the contractor.

Vice-Mayor Rumsey asked if the lit ornaments are on the Florida Power and Light (FPL) poles and that the person installing the ornaments is required to be certified to install the ornaments.

Public Works Director Hunt stated that a master electrician would be needed and that the Town and contractor work with FPL.

Commissioner Stevens stated that the question before the Commission is whether to spend \$5,785.00 to provide, install and remove thirty-eight pole mount illuminated holiday decorations on 10111 Street and on Park Avenue.

Public Works Director Hunt stated that the cost would be \$ 7,585.00 for the Clark Sales Display, Inc.-38 illuminated holiday decorations, bucket truck rental-town installed holiday banners, and Kasper Electric for three new electrical receptacles and maintenance.

Commissioner Stevens asked if the bucket truck rental was necessary.

Public Works Director Hunt stated "yes".

Town Manager Sugerman explained that the reason this item is before the Commission is because of the reduction is the Town Manager's spending authority that in the past the Town Manager approved this expenditure. He stated that he could, but would not, break out each item and authorized the expenditure for the bucket truck rental and the work by Kasper Electric, but the Clark Sales installation of the ornaments exceeds his authority and because all of these items are related to the installation of holiday decorations all of the items were put together and brought before the Commission for approval.

Commissioner Hockman asked if the Town no longer had the lit decorations.

Public Works Director Hunt stated that the Town has been using Clark Sales Displays for seven years to provide, install and remove these displays.

**Motion: A motion was made by Vice-Mayor Rumsey to approve the Holiday Decorations 10<sup>th</sup> Street, Park Avenue, and Federal Highway; Commissioner Stevens made the second.**

Mayor DuBois stated that this is the biggest sales time a year for all of the Town's commercial businesses and that this is opportunity for the Town to put \$7,500 towards supporting the businesses in the Town at the most important time of the businesses commercial season and their success benefits the Town. He thinks that this is a small contribution that the Town can make toward the success of Town business and that he is in support of this item.

Vice-Mayor asked if the trees and associated decorations still be install in the Town Green on Park Avenue and asked if those decoration belong to the Town.

Public Works Director Hunt stated "yes".

Vice-Mayor Rumsey stated that he supports the item and thinks that this is a way to give back to the community and that it will support the businesses in Lake Park.

Commissioner Hockman stated that he is in support of the Town putting up decorations, however he would see the cost for the Town to buy the supplies and decorations and for Town staff to install the decorations for future years.

Mayor DuBois suggested that staff provide the cost as part of the next budget cycle.

Commissioner Stevens stated he supports Commissioner Hockman’s direction that that cost of purchasing, installing, and removing the decorations by Town staff for future years.

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.

**BOARD MEMBERSHIP:**

**8. A Regular Membership Position Opened in the Planning and Zoning Board and One of the Alternate Members will be Chosen to Fill.**

Town Manager Sugerman explained the item. (see attached agenda request form Exhibit “G”).

Commissioner Hockman stated that his understanding of the position of the alternates is that when a regular member resigns that the 1<sup>st</sup> alternate would move to be a regular member and the 2<sup>nd</sup> alternate would become the first alternate.

Town Clerk Lemley explained that there are no provisions in the Code that would allow for staff to do so.

Attorney Baird stated that the purpose of an alternate is that if there are not enough regular members at a meeting to form a quorum that in order of priority the alternates would step in to fill the quorum. He stated that at the last meeting that one of the alternates was needed in order to make a quorum.

Town Clerk Lemley stated that Kimberly Glas-Castro was selected as a regular member on the Planning and Zoning Board.

**RESOLUTION:**

**9. Resolution No. 32-10-12 To Ratify the Tentative Agreement Reached Between the Town of Lake Park and the Federation of Public Employees for Fiscal Year 2012-2013**

Town Manager Sugerman explained the item (see attached agenda request form Exhibit "H").

Commissioner Longtin asked if there were any changes in the agreement from last year.

Town Manager Sugerman stated "no".

Vice-Mayor Rumsey asked how many union employees were bumped as related to the reduction in staff in the Budget and were any of the bumped employees moved to a higher paid position.

Town Manager Sugerman stated that there were six (6) or seven (7) employees that bumped and when all the bumping was done one (1) employee was bumped down into a position but, because of the pay range ended up with a 5% raise and one (1) did not go into a position and has been laid off. He stated that the employee that was laid off was a probationary employee that did not have any protection.

Vice-Mayor Rumsey stated that he knew from the budget that there would be one (1) lay off. He asked if an employee is bumped down if their salary can be reduced.

Bambi Turner, Human Resources Director, stated that the salary cannot be reduced if the employee is bumped down.

Vice-Mayor Rumsey stated that there would be an adjustment in the budget to account for the employee that bumped down but, received an increase in salary and asked what that for the amount of the adjustment.

Human Resources Director Turner stated that the provision in the collective bargaining agreement is that if an employee is promoted to a higher pay range the employee shall be entitled to a pay increase equal to either the entry level pay or a 5% increase from their then current salary, whichever is greater.

Vice-Mayor Rumsey requested that the Commission be provided the amount the budget has been affected by this provision and asked how many employees are represented by the union.

Human Resources Director Turner stated that she can provide the number of position in the union but, that she does not know how many employees that would equal. She provided a list of positions included in the union.

Town Manager Sugerman thinks that it is seventeen (17) positions.

Vice-Mayor Rumsey asked if the employees in those position whether a member of the union or not if they are represented by the union.

Town Manager Sugerman stated that all of the employees in the positions provided are covered by the Collective Bargaining Agreement and that in the State of Florida even if the employee is not a member of the union if listed in the Collective Bargaining Agreement the position is still covered. He provided the example of an employee that is not a dues paying member of the union and that employee wanted to bring a grievance against the Town the union does not have an obligation to represent that employee.

Commissioner Longtin asked how much are the union membership dues.

Human Resources Director Turner stated that the information would be provided under separate cover.

Mayor DuBois asked if there are any non-management positions not covered by the collective bargaining agreement.

Town Manager Sugerman stated “yes” and provided the example that the employees in the Town Clerk’s office, Community Development Department, Parks and Recreation, Finance Department, Town Manager’s Office, Human Resources, and the Library are not covered by the Collective Bargaining Agreement.

Human Resources Director Turner stated that basically all the operational services employees in the Public Works Department and the Dock Attendants at the Marina.

**Motion: A motion was made by Vice-Mayor Rumsey to approve Resolution 32-10-12; 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		
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Motion passed 4-1.

**10. Resolution No. 33-10-12 Updating the Permit Fee Schedule to incorporate Penalty Fees**

Town Manager Sugerman explained the item (see attached agenda request form Exhibit "I").

**Motion: A motion was made by Commissioner Stevens to approve Resolution 33-10-12; 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.

**DISCUSSION AND POSSIBLE ACTION:**

**11. Authorizing the Mayor to Execute a License Agreement with Burt Reynolds Institute for Film and Theatre, Inc. (BRIFT)**

Town Manager Sugerman explained the item (see attached agenda request form Exhibit "J").

Vice-Mayor Rumsey thanked staff for their work on the agreement and thinks that the Town will benefit from the arrangement. He asked about night that there are Commission meetings that parking spaces for residents attending the meetings are available.

Town Manager Sugerman stated that he will speak with BRIFT and explained that the class sizes are between eight (8) and twelve (12) students and does not foresee an issue.

Commissioner Stevens stated that noise could also be an issue on meeting nights and that they would have to see how it goes.

Commissioner Longtin stated that it does get noisy in the Mirror Ballroom but, with a class size of eight (8) to twelve (12) it might not be an issue. She thanked Vice-Mayor

Rumsey for bringing this opportunity to the Commission's attention and staff's work on the agreement. She asked if Attorney Baird has reviewed the agreement.

Attorney Baird stated that he drafted the agreement.

Commissioner Longtin asked which office will BRIFT have access to.

Town Manager Sugerman stated that it is the last office on the right in the Commission Chambers with access to the outside.

Commissioner Longtin asked if they would be asked not to use the external stairs.

Town Manager Sugerman stated that everyone is asked not to use the external stairs.

**Motion: A motion was made by Vice-Mayor Rumsey to authorize the Mayor to execute a License Agreement with BRIFT; 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.

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

**Commissioner Hockman** stated that the Seafood Festival is on Saturday, November 10, 2012. He stated that on Saturday, November 17, 2012 Boy Scout Troop will be having a pancake breakfast 8:00 am to 11:00 am and pulled pork lunch from 11:30 am to 2:00 pm at Trinity Church on Military Trail.

**Commissioner Stevens** no comments.

**Commissioner Longtin** asked if the cost to fix the Marina has been determined.

Town Manager Sugerman stated "no".

Commissioner Longtin asked what needs to be done to find out what it will cost to fix the Marina.

Town Manager Sugerman stated that the Town would need to hire a reliable engineering firm.

Commissioner Longtin asked when will that Town be hiring an engineering firm.

Town Manager Sugerman stated he does not know the answer to the question.

Commission Longtin stated that the Town has liability issues at the Marina and that the Town needs to get going on the repairs and asked what is Town Manager Sugerman's intention on getting the problem solved at the Marina.

Town Manager Sugerman stated that the walkways needs to be fixed and that he has worked with a consultant that he find extremely reliable to provide to him an estimate for the walkways and staff has a meeting on Thursday, November 8, 2012 to discuss moving forward with the repairs to the walkway. He stated that he has not discussed with staff or consultants what it needed for the ultimate repair of the problem associated with the pilings, seawalls, and the undermining of the walkways for the bigger repair.

Commissioner Longtin expressed concern over the repairs needed at the Marina.

Commissioner Stevens stated that \$100,000 has been allocated to the Marina to make improvements.

Town Manager Sugerman explained that the \$100,000 was an appropriation and was not designated for anything in particular and the Commission can determine if they want to designate those funds to hire an competent and reliable engineer to determine what the deficiencies and the cost for the repairs that Commission could use that line item.

Commissioner Longtin thinks that the Commission needs to go with that and move forward on the issues at the Marina.

Town Manager Sugerman agreed.

Commissioner Longtin asked what is needed from the Commission to move forward.

Town Manager Sugerman stated that he does not need anything to move forward.

Commissioner Hockman asked if the Town hired an engineer to do that already.

Commissioner Stevens stated that the Town has the reports from the engineer.

Town Manager Sugerman stated that the Town does have reports on the issues at the Marina.

Commissioner Longtin state that she questions those reports and suggested that spending the money to get another opinion.

Town Manager Sugerman stated that was his intention.

Commissioner Longtin stated that North Palm and Palm Beach Gardens have great dog parks and that she does not think a dog park should be on the Town's agenda right now. She stated it would be great to have a dog park and many things, but the Town has a huge liability at the Marina. She stated that the Seafood Festival is on Saturday, November 10, 2012. She wished everyone a Happy Veteran's Day and thanked everyone for their service. She wished everyone a Happy Thanksgiving and state that there will be no second Commission meeting in November. She stated that the Sunset Celebration will be on Friday, November 30, 2012.

**Vice-Mayor Rumsey** stated that there will be a Car Show on Sunday, November 11, 2012 at the park. He thanked everyone for their support regarding the illness of his father and stated that he is doing better.

**Mayor DuBois** thanked the Town staff, Palm Beach Sheriff's Office and Bridges of Lake Park for the hard work on the Trunk or Treat event. He stated that Veteran's of Foreign Wars (VFW) 9610 Veteran's Day Ceremony will be on Sunday, November 11, 2012 at 11:00 am at Kelsey Park.

**Attorney Baird** distributed the litigation status report (see attached Exhibit "K"). He stated that \$690,000 has been received from the Marina litigation settlement.

**Town Manager Sugerman** stated that he is trying to develop a closer relationship with Lake Park Elementary and he has offered to be a greater partner with the local elementary school. He stated that Assistant Principal Dr. Lewis asked the Town for the one-time use of the Town bus to take student on a field trip to Pearl Vision at the Mall on December 5, 2012. He stated that the Town would provide the bus and driver and the school and that the Gehring Group is verifying the insurance.

Commissioner Stevens asked what is the purpose of the field trip.

Town Manager Sugerman stated that he did not have that information.

Mayor DuBois stated that he would support the use of the bus.

Vice-Mayor Rumsey stated that as long as the Town is covered by the insurance he is in support of the school using the bus.

The Commission reached consensus to allow the school to utilize the bus and bus driver conditional on the Town is covered by the insurance.

**ADJOURNMENT**

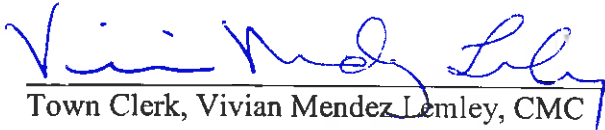
There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Rumsey and seconded by Commissioner Stevens, and by unanimous vote, the meeting adjourned at 9:05 p.m.



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



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



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



FLORIDA

Approved on this 6 of December, 2012

Exhibit "A"



**PALM BEACH COUNTY  
SHERIFF'S OFFICE  
VOLUNTEER SERVICES  
UNIT**



**WE WANT YOU TO VOLUNTEER!**



## Citizens On Patrol

The PBSO Volunteer Program was started in 1990 by two community members who approached the Sheriff to become volunteers, the first unit had 30 members

In the years following the program grew to its present form with 2700 volunteers in a highly effective and innovative program touching nearly every part of the Sheriff's office



# Volunteer Services



## Recognition

The program was awarded the highest award by the International Chiefs of Police for volunteers in law enforcement, truly a great accomplishment as there were nominees from all over the world.







# Volunteer Services



## Who are we?



- Commonly known as the COP
- 2,700 volunteers
- Established in the 1980's
- 80 different units

## What do we do?



- Patrol communities and unincorporated Palm Beach County
- Administrative and specialty unit positions



The volunteers bring "added value" to the citizens and the Sheriff's Office by providing services that are not funded by the Sheriff's budget. They act as the Eyes and Ears of the deputies and as such free up the deputies to do what they do best



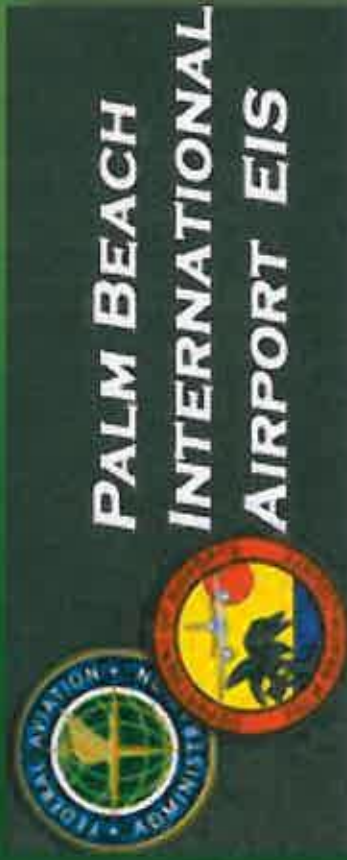


What is most visual to the citizens is the COP's or Citizens On Patrol with 74 individual units, we also have the specialty units such as the Marine Unit, Bike Unit, Mounted COP, Honor Guard, Dispatch unit, Parking Enforcement, VERT volunteer emergency response team, Traffic Monitoring unit and the latest VAST Volunteers Against Scams Team





Our airport unit is very active both in and out of uniform and one of the few operating in an international airport



Our units also remove Snipe signs and in 2011 removed over 14,000 signs from the county easements



In 2011 The PBSO Volunteer Services had a total of 138127 actual hours on patrol in vehicles, the total volunteer hours (admin and COP) totaled 353,477 man hours





Specifically to Lake Park, the unit has been a strong unit who thru the years have gone down in membership due to medical issues, retirement etc.

At present the unit is down to 3 volunteers, and we are consistently trying to recruit new members





The Lake Park Volunteer Unit averages 64 hours of patrol and 400 miles per month.





The average % of volunteers in Florida is 21.3% of the population, which for the size of the Town of Lake Park is equal approximately 1900 of the residents would be available to volunteer. We are asking for only 30 more volunteers to fully utilize the patrol car assigned.







# Join Our Team!

Sheriff Bradshaw and the men and women of the Palm Beach County Sheriff's need you to join our team

For more information call **561-433-2003**





Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 7, 2012

Agenda Item No. *Tab 2*

**Agenda Title: Presentation by the Town Manager on Additional Programming for Fiscal Year 2012-2013 Which was Not Included in the Approved Budget**

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

Approved by Town Manager *[Signature]* Date: 10/23/12

Dale S. Sugerman/Town Manager  
Name/Title

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

**Summary Explanation/Background:**

At the final public hearing on the 2012-2013 annual operating budget I was tasked with developing an outline of potential activities, and what those might cost the Town (since these specific items were not included in the proposed fiscal year budget). The enhanced activity categories included:

- Fireworks
- A dog park
- Programming for seniors
- Programming for kids
- Funding for the Community Garden
- Funding for the Lake Park Library

A few of these activities are relatively easy to identify how much they might cost:

### Fireworks

I have been in touch with one of the premier fireworks vendors who will be sending me proposals for creating a Lake Park display for a 4<sup>th</sup> of July (2013) event. Early discussion is that we will not actually hold the fireworks display on 7/04/13, but likely within a week of that date. Preliminary indications are that fireworks displays during the "high season" for fireworks (the week before, the week of, and the week after July 4<sup>th</sup>) are the most expensive. It is unlikely that we can get a decent fireworks display for \$10,000.00. However, it appears that we could get a good 12-15 display for a cost in the \$20,000 to \$25,000 range. More information to come on this topic over the next few months.

### Dog Park

It seems that we have a few options for establishing a Dog Park. The Town-owned, one acre parcel immediately south of the Fire Station has been looked at before as a possible location for a dog park. Attached to this Monthly Update Report are two memos crafted in November of 2011 and this month by Dave Hunt, Public Works Director. Fencing this area would cost between \$13,000 and \$20,000 (depending on the type of material used for the fencing and whether or not the park were split based upon the size of the dogs). This is just the cost for fencing the proposed park. Other costs include concrete work, a shelter (for protection from the brutal summer sun), drinking water and pet waste stations. Overall ballpark costs would approximate \$48,000.00 (not including disposable materials).

There is one other possibility that we are looking at. This would be the western most area of the Community Garden. Although it is considerably smaller than the parcel on 10<sup>th</sup> Street, the Community Garden sight is already fenced and will soon have a source of water (although a meter and spigot would have to be installed). We should also give some consideration to providing shade as well. Because of its size, it would have to be limited to small and medium size dogs. We estimate that the cost to create a dog park at this site would be approximately \$12,000.00 (not including disposable materials).

### Programming for Seniors

Under the leadership of Kathleen Carroll, Recreation Director, and Karen Mahnk, Library Director, a number of programs are being considered for members of our senior community. This includes:

1. Senior trips (we have recently hired a PT bus driver).
2. Bingo
3. Zumba

4. Yoga
5. Exercise/Fitness
6. Cards (bridge, canasta)
7. Board Games
8. Cooking
9. Sewing/Knitting/ Crocheting/Quilting
10. Book Club (coordinated w/ library).

At this point, we do not anticipate any major expenses for putting on these types of programs. The thinking is that if there is an expense involved, we will charge a fee to participate in order to offset our costs. These have not been fully worked out, but this programming is designed to be both revenue and expense neutral.

#### Programming for Kids

1. Recreational League programs (flag football, soccer, tee-ball, travelling baseball, etc.) conducted by contract not-for-profit organizations (negotiations are currently underway; although we are not ready for any particular announcements yet).
2. After school recreation
3. Teen Night (coordinated w/ library & teen club)
4. School day trips (when students are off due to teacher workshop, etc...)
5. Martial Arts
6. Art Programs
7. "Kid's Day Out" Saturday Programs
8. Kelsey Park Wellness Program (Para course workout)
9. Mentoring program (older teens helping younger kids with homework)
10. Club Day Friday (reading club, garden club, etc).

At this point, we do not anticipate any major expenses for putting on these types of programs, except for the recreational leagues programs sponsored by the contract not-for-profit organizations (they have their own fee structure). Other than the recreational league programs, the thinking is that if there is an expense involved, we will charge a fee to participate in order to offset our costs. These have not been fully worked out, but this programming is designed to be both revenue and expense neutral.

#### Money for the Community Garden

This is a rather straight-forward endeavor. If the Town Commission would like to make funds available for the Community Garden, it needs to set a budget (or a threshold) and we can take funds either from the General Fund Contingency line item, or we can take it from the Unrestricted Fund Balance (unappropriated reserves).

### Money for the Town Library

This also is a rather straight-forward endeavor. If the Town Commission would like to make funds available for the Lake Park Library, it needs to set a budget (or a threshold) and we can take funds either from the General Fund Contingency line item, or we can take it from the Unrestricted Fund Balance (unappropriated reserves).

### Summary

While none of the program costs are set in stone, it appears that these six categories of additional programming will have the following approximate costs:

- Fireworks                      \$ 25,000.00 (maximum)
- Dog Park                        48,000.00 (maximum; with \$12,000 alternative)
- Seniors                         minimal expense
- Kids                             minimal expense
- Community Garden        To be determined (maybe \$10K to \$15K)
- Library                         To be determined (maybe \$10K to \$15K)

It would seem that an additional appropriation of between \$75,000.00 and \$100,000 could accomplish all of these additional projects.

### Recommended Motion:

No motion is necessary at this time, as this is only an informational report. Should the Commission decide to authorize and fund any programs which have substantial costs (such as fireworks, building of a Dog Park, money for the Community Garden or money for the Town Library) we can craft a budget amendment to be considered at a later date.



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## MEMORANDUM

Date: November 30, 2011  
To: Maria Davis  
From: David Hunt, Public Works Director  
Subject: **Town Dog Park, Estimate to Build**

---

The Town property south of the Fire Station between the railroad tracks and 10<sup>th</sup> Street could be converted into a Dog Park by placing approximately 1,200 feet of four foot high chain link fence around the perimeter. There would be one entry gate and one equipment gate. This would cost around \$13,300 for galvanized fence material. Add another \$5,000 if vinyl coated fencing is specified.

There would need to be a couple of pet waste stations which consist of a bag dispenser, garbage can, and signage. This would cost about \$1,000 to set up for one year, with supply costs of around \$250 for disposable bags every year thereafter.

To get a basic fenced area for dogs to run free in would cost around \$14,300 if we went with galvanized fencing and \$19,300 if we specified vinyl coated.

Some other amenities that might be considered:

- Six foot long, recycled plastic benches at \$400 each.
- Water meter and spigot (the water bill would be a recurring expense).
- Irrigation system which would require sinking a well and bringing in electricity.
- Sod.

Ongoing maintenance of a new Town facility would have to be factored into the annual budget. The cost of this maintenance would depend upon the level of development that the park receives.



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## MEMORANDUM

Date: October 22, 2012  
To: Dale S. Sugerman, Town Manager  
From: David Hunt, Public Works Director  
Subject: **Estimates to Build Town Dog Parks: 500 block of 10<sup>th</sup> Street and at 761 Foresteria Drive**

---

The Town property south of the Fire Station between the railroad tracks and 10<sup>th</sup> Street could be converted into a Dog Park by placing approximately 1,200 feet of four foot high chain link fence around the perimeter of this acre and a quarter site. There would be one entry gate and one equipment gate. This would cost around \$13,300 for galvanized fence material. Add another \$5,000 if vinyl coated fencing is specified.

It would be wise to keep the large dogs separated from the small ones by splitting the site with 124' of fencing that has an additional gate at a cost of about \$1,550 (\$2,075 if using vinyl coated material).

Approximately 50 feet of five foot wide concrete path would have to be formed and poured to provide access from a concrete apron at the Evergreen Drive parking area to a 10'x10' picnic shelter built over a concrete slab. The path and apron would cost approximately \$4,600 and the shelter about \$15,000.

To bring drinking water into the site for the dogs and their owners would cost the following:

- Water Service Capital Connection Fee for drinking fountain only (no irrigation)	\$ 270
- One inch water service with backflow (crosses 10 <sup>th</sup> Street)	4,630
- ADA compliant drinking fountain	1,133
- ForeverFresh Pet Water Bowl	129
- Misc. plumbing parts and labor	770
TOTAL for site water	\$6,932

(It would be necessary to budget annually for the water bill.)

There would need to be a couple of pet waste stations which consist of a bag dispenser, garbage can, and signage. This would cost about \$1,000 to set up for one year, with supply costs of around \$250 for disposable bags every year thereafter.

A free standing picnic table would cost about \$1,200.

Some other amenities that might be considered would be sod and an irrigation system. This would require sinking a well and bringing in electricity.

An alternate site, while smaller and only suitable for small and medium size dogs, would be the Town owned property at the west end of the Community Garden, 761 Foresteria Drive. This quarter of an acre area (95'x105') already has fencing on four sides. All that it would require is a ten by ten fenced entry area with an inside and outside gate at a cost of about \$750.

A portion of an old asphalt parking lot remains along with a driveway apron that could serve as an ADA compliant access. A 10'x10' fabric shade canopy structure could be placed in this asphalt area for approximately \$4,700.

Potable drinking water and fixtures could be installed for around \$2,700.

A pet waste station and a picnic table could be placed for \$2,200.

There is currently an irrigation well and electricity east of this site. A simple irrigation system could be installed for the cost of materials.

The preceding figures are rough estimates using past Town projects as well as recent quotes. When budgeting it is advisable to add six to eight percent for contingencies such as parking lot striping, asphalt and concrete patching, signage, design services, and unforeseen field conditions.

Some of these tasks could be performed by Public Works personnel.

Ongoing maintenance of any new Town facility would have to be factored into the annual budget. The cost of this maintenance would depend upon the level of development that the park receives.





Exhibit "C"

TOWN OF LAKE PARK  
Department of Parks and Recreation  
**INSTRUCTOR AGREEMENT**

THIS AGREEMENT is made and entered into this 2 day of November 2012 by and between the Town of Lake Park (Town) and Linda Dascalu ("Instructor"), doing business as Linda Dascalu.

WHEREAS, the Town desires to make recreational and instructional services available to residents of the Town; and

WHEREAS, the Town desires to contract with Instructor to provide the services described herein; and

WHEREAS, the Town and Instructor desire to clarify and define their responsibilities with regard to providing such services.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the Town and Instructor hereby agree as follows:

- Services.** Instructor shall furnish the instructional services described on Exhibit "A" attached hereto ("Services") in such location or locations and times as described in Exhibit "A" and shall conduct these Services in a careful and responsible manner with due regard for the safety of participants and others. The materials, tools and equipment for the activity shall be supplied by Town and/or Instructor in accordance with Exhibit "A". Instructor shall have control over the method, manner and means by which he/she prepares and conducts the Services. Instructor shall comply with the Instructor Information and Guidelines established by the Town attached hereto as Exhibit "B" ("Guidelines"). The Town reserves the right to modify the Guidelines from time to time in its sole and absolute discretion.
- Term:** The term of this Agreement is set forth on Exhibit "A". The Town shall have the right to terminate this Agreement upon written notice to Instructor when the Town determines that it is in the best interest of the public or for the convenience of the Town. The Town shall be liable only for payment for Services performed prior to the effective date of such termination. Instructor shall have the right to terminate this Agreement for convenience by giving the Town thirty days (30) days prior written notice.
- Compensation.** Instructor shall be paid in accordance with Exhibit "A" attached hereto. Instructor acknowledges and agrees that the Services provided herein are a professional service and that the Town is neither paying Social Security benefits nor withholding taxes from the Instructor's compensation for the Services. Instructor assumes all liability and responsibility for payment of his/hr own FICA and Social Security benefits with respect to this Agreement.
- Fees/Registration.** The Town's Department of Parks and Recreation shall register all participants for the activity provided herein and collect and record all fees due. The fees charged for this activity are set forth in Exhibit "A". The Town agrees to pay Instructor in accordance with Exhibit "A". If compensation is a percentage of fees collected, the Town shall pay the percentage set forth on Exhibit "A" of all fees collected for this activity excluding non-resident fees. If compensation is an hourly fee, the Town shall pay the hourly fee set forth on Exhibit "A" and Instructor shall submit an invoice based on classroom hours worked. The Town shall pay Instructor within thirty days of the completion of the Services. The instructor shall submit to the Program Coordinator (identified on Exhibit "A") a program roster for payment two weeks prior to the completion of the Services. If the class is scheduled to meet for two weeks or less, then Instructor shall submit the program roster for payment at the completion of the Services.

**INSTRUCTOR AGREEMENT - (Continued)**

5. **Town's Obligations.** The Town shall (a) maintain the facilities and equipment and supplies provided by the Town in proper working order; (b) conduct registration, collect activity fees and process class transfers or refunds for all programs and registrants; (c) provide class/activity rosters to the Instructor; and (d) publicize the class or activity through the applicable publications of the Parks and Recreation Department.

6. **Independent Contractor.** It is specifically understood that Instructor is an independent Contractor and not an employee of the Town. Town and Instructor agree that this Agreement is not a contract of employment and that no relationship of employer/employee or principal/agent is or shall be created hereby nor shall hereafter exist by reason of the performance of the Services herein provided. The Town shall provide an IRS Form 1099 to Instructor if payments within one calendar year exceed \$600.00.

7. **Indemnity.** Instructor shall indemnify, defend and hold harmless the Town, its agents, employees and volunteers from and against any and all claims, liabilities, losses and/or causes or action which may arise from any negligent act or omission of Instructor during the performance of the Services hereunder.

8. **General Provisions.**

a. Instructor shall obtain any necessary licenses, sanctions and certifications and shall comply with all applicable Federal, State, County and Town Laws, codes and regulations in connection with the performance of the Services. Instructor shall be responsible for all damages to persons or property that may occur as a result of Instructor's fault or negligence.

b. Instructor shall take proper safety and health precautions to protect participants, the Town, the public and the property of others.

c. Notices required hereunder shall be given by written notice sent by certified U.S. mail, return receipt requested, if to the Town, to the Director of Parks and Recreation, 535 Park Avenue, Lake Park, FL 33403, and if to Instructor, to the address set forth on Exhibit "A".

d. No modification, amendment or alteration of the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

e. Instructor may not subcontract, transfer or assign any rights, responsibilities or obligations hereunder without the Town's prior written approval.

f. All exhibits attached hereto shall be incorporated into and made part hereof.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year written above.

TOWN OF LAKE PARK

By: Kathleen Carroll 11/02/2012  
Kathleen Carroll, Parks & Recreation Director

INSTRUCTOR

x Linda Masca lu  
Print Name: Linda Masca lu



# INSTRUCTOR AGREEMENT EXHIBIT "A"

Instructor Name: Linda Dascahu Class: ZUMBA  
 Address: 2132 RADNOR Rd. Juno Beach, FL. 33408  
Street City/State Zip Code  
 Work Phone: ( ) \_\_\_\_\_ Cell Phone: 561 707-3816 Home: ( ) \_\_\_\_\_  
 Email: zumbalinda561@gmail.com Social Security/Federal tax I.D. Number: 281-78-7526

Description of Services: Zumba : AEROBIC DANCE FITNESS

Class Location: LAKE PARK MARINA  
 Term: Start Date January 3, 2013 End Date ongoing

Class Schedule:

Days of the Week	Time
<u>Thursday</u>	<u>6:00</u> to <u>7:00</u>
<u>FRIDAY</u>	<u>6:30</u> to <u>8:00</u>
<u>SATURDAY</u>	<u>10:30</u> to <u>11:30</u>
	to _____

Program Coordinator: \_\_\_\_\_

Registration/Material Fees:

Residents: \$ 8.00 Non Residents \$ 9.00 Materials: \$ \_\_\_\_\_

Materials, Tools and Equipment:

Supplied by Town: N/A  
 Supplied by Instructor: Music, sound system, Lighting, Signage

If Applicable, minimum/maximum registration will be 5 and 35 participants respectively.

Compensation: (Select One)

- A flat fee of \$ \_\_\_\_\_ per hour.
- 70 Percent (30%) of the total registration fees collected.



Town of Lake Park Town Commission

Exhibit "D"

Agenda Request Form

Meeting Date: November 7, 2012

Agenda Item No. Tab 6

Agenda Title: Purchase of Dump Bed Trailer for Public Works

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

Approved by Town Manager *DSS* Date: 10/26/12

*DH*  
David Hunt, Public Works Director

<b>Originating Department:</b>  <p align="center"><b>Public Works</b></p>	<b>Costs: \$ 6,006.65</b> <b>Funding Source: DPW, Streets &amp; Roads Budget</b> <b>Acct. # 190-64100</b> <input checked="" type="checkbox"/> Finance <u><i>BKR 10-26-12</i></u>	<b>Attachments:</b> <b>(3) Vendor Quotes</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR <b>Not applicable in this case</b> _____ <b>Please initial one.</b>

**Summary Explanation/Background:** The Public Works Streets & Roads Division currently uses Vehicle No. 32 to haul bulk materials such as street asphalt, sod for swale renovations, shellrock, excavated soil, fill dirt, and mulch. This vehicle is 18 years old and the record of recent repairs required to keep it roadworthy indicate that it is nearing the end of its useful life expectancy.

Rather than replace this "one ton" dump body truck, Publics Works budgeted for the purchase of a dump trailer that has an electrically operated hydraulic arm and can carry over two tons of material. There are six pickup trucks in the fleet that are capable of towing this trailer, as needed. The cost of this trailer is one fifth the amount that the Town would pay for a new truck. The lowest of three

quotes received for this dump trailer is \$6,006.65 from Kauff's Truck & Trailer, a Lake Park business. The other two quotes received for this dump trailer are as follows:

-Tropic Trailer, Ft. Myers	\$6,104.50
-Rayside Truck & Trailer, West Palm Beach	\$6,304.00

**Recommended Motion: Approve using budgeted funds for the purchase of a dump trailer for Streets and Roads operations in the amount of \$6,006.65.**



Town of Lake Park Town Commission

Exhibit "E"

Agenda Request Form

Meeting Date: November 7, 2012


Agenda Item No. Tab 8

Agenda Title: Board Membership Appointments for the Planning and Zoning Board

- |  |   |
|--|---|
| <input type="checkbox"/> CONSENT AGENDA            | <input type="checkbox"/> DISCUSSION/POSSIBLE ACTION                 |
| <input type="checkbox"/> PRESENTATION/PROCLAMATION | <input type="checkbox"/> RESOLUTION                                 |
| <input type="checkbox"/> PUBLIC HEARING            | <input type="checkbox"/> ORDINANCE ON ___ READING                   |
| <input type="checkbox"/> BID/RFP AWARD             | <input checked="" type="checkbox"/> OTHER: <b>Board Appointment</b> |

Approved by Town Manager  Date: 10/12/12

Shari Canada, Deputy Town Clerk  
Name/Title

<b>Originating Department:</b>  Town Clerk	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> Board Applications Ballot
<b>Advertised:</b> 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>X</u>  OR Not applicable in this case ____ <b>Please initial one.</b>

**Summary Explanation/Background:** Robin Maibach has resigned from the Planning and Zoning Board creating a regular membership opening on the Planning and Zoning Board. The two alternates Kimberly Glas-Castro and James Lloyd have expressed interest in being appointed as a regular member to the Board, and their applications have been attached for your review. The purpose of this item is to fill the open position on the Planning and Zoning Board Regular Membership. The ballot is attached as well.

**Recommended Motion:** To appoint one (1) regular member to fill the vacancy on the Planning and Zoning Board.

# BALLOT

*James D. B...* 11-7-12  

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**MAYOR/COMMISSIONER**

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES. WE HAVE TWO APPLICANTS FOR THIS BOARD AS A MEMBER.

Member

	Yes	No
Kimberly Glas-Castro	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James Lloyd	<input type="checkbox"/>	<input type="checkbox"/>

# BALLOT

Tim Stevens

## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES. WE HAVE TWO APPLICANTS FOR THIS BOARD AS A MEMBER.

### Member

 Kimberly Glas-Castro

James Lloyd

Yes

No



# BALLOT

Rumsey

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## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES. WE HAVE TWO APPLICANTS FOR THIS BOARD AS A MEMBER.

Member

	Yes	No
Kimberly Glas-Castro	<u>X</u>	<u>    </u>
James Lloyd	<u>    </u>	<u>X</u>

**BALLOT**

Jeanine Longtin  
MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES. WE HAVE TWO APPLICANTS FOR THIS BOARD AS A MEMBER.

Member

	Yes	No
Kimberly Glas-Castro	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James Lloyd	<input type="checkbox"/>	<input type="checkbox"/>

Thank-you BOTH

VERY MUCH!!

# BALLOT

*Hoekman*

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## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING & ZONING BOARD WITH TWO ALTERNATES. WE HAVE TWO APPLICANTS FOR THIS BOARD AS A MEMBER.

Member

	Yes	No
Kimberly Glas-Castro	_____	_____
James Lloyd	<u>✓</u>	_____



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "F"

Meeting Date: November 7, 2012

Agenda Item No. Tab 9

Agenda Title: Resolution to Ratify the Tentative Agreement Reached Between the Town of Lake Park and the Federation of Public Employees for Fiscal Year 2012-2013.

- Consent Agenda, Presentation/Proclamation, Public Hearing, Bid/RFP Award, Discussion/Possible Action, Resolution, Ordinance on Reading, Other.

Approved by Town Manager [Signature] Date: 10/18/12
Name/Title: HUMAN RESOURCES DIRECTOR

Table with 3 columns: Originating Department (Human Resources), Costs/Funding Source, Attachments (Resolution, Collective Bargaining Agreement, etc.), Advertised status, and notification requirements.

Summary Explanation/Background:

On November 2, 2011, the Commission approved pursuant to Resolution 38-10-11 the Collective Bargaining Agreement for the term of October 1, 2011 to September 30, 2014 (the "Agreement") between the Town and the Federation of Public Employees, a Division of the National Federation of Public and Private Employees AFL-CIO (the "Union").

**The above three reopeners were collectively bargained with the Union, and on October 2, 2012, a Tentative Agreement was initialed by the negotiating representatives on behalf of the Union and on behalf of the Town. A copy of such Tentative Agreement is attached. On October 4, 2012, a majority of the bargaining unit members of the Union voted to ratify the Tentative Agreement. A copy of the letter from the Union documenting such ratification is also attached.**

**The purpose of this agenda item is ratification of the Tentative Agreement by Resolution of the Town Commission.**

**Recommended Motion: Approval of the Resolution.**



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "G"

Meeting Date: November 7, 2012

Agenda Item No. Tab 10

Agenda Title: Updating the Permit Fee Schedule to incorporate Penalty Fees.

- Consent Agenda, Presentation/Proclamation, Public Hearing, Bid/RFP Award, Discussion/Possible Action, Resolution, Ordinance on Reading, Other.

Approved by Town Manager [Signature] Date: 10/24/12

Nadia Di Tommaso / Community Development Director Name/Title [Signature]

Table with 2 rows and 3 columns: Originating Department (Community Development), Costs (\$0.00), Attachments (Resolution 33-10-12), Advertised (N/A), All parties notified, Yes I have notified everyone (ND).

Summary Explanation/Background:

On March 15, 2012 the updated Florida Building Code (FBC) became effective. On April 4, 2012 the Town Commission adopted amendments to the Florida Building Code (FBC) via Ordinance 04-2012 and incorporated these amendments into Chapter 54, Section 54-8 of the Town of Lake Park Code of Ordinances.

Prior to March 15, 2012 the last version of the FBC adopted in Chapter 54, Section 54-8, subsection 105.12 of the Town of Lake Park Code of Ordinance read:

Section 105. Permits. 105.12 Work starting before permit issuance. Upon written request and written approval of the building official, the scope of work delineated in the building application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the building official's approval or the necessary permits, shall be subject to a penalty of two hundred percent (200%) of the regular permit fee in addition to the required permit fee.

***After March 15, 2012, the amended Florida Building Code as adopted in Chapter 54 of the Town Code provides for two separate sections relating to work starting prior to permit issuance and they read:***

**Section 105. permits**

**105.12**

*Work starting before permit issuance.* Upon written request and approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection. This provision is only for the *Florida Building Code*; all other Agency approvals necessary for construction must be secured prior to this provision being applied.

**Section 109. Fees**

**109.4**

*Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty fee in addition to the required permit fees, as set forth in the approved fee schedule adopted by resolution of the Town Commission.

The March 15, 2012 modifications eliminated the 200% penalty language and included language requiring that the penalty fees be incorporated in the Town's fee schedule. In order to remain consistent with the previously supported penalty amount of 200% of the required permit fee, staff is proposing that the following language be incorporated in the permit fee schedule:

**PENALTIES**

**Any person who commences any work on a building or structure where a building or sign permit is required, who has not obtained the prior written approval from the Town's Building Official, or has not obtained the required building or sign permit shall be subject to the assessment of a penalty of two times (2Xs) the required permit fees listed herein, in addition to the regular permit fees.**

**Recommended Motion:** I move to approve this modification to the fee schedule as outlined in Resolution No. 33-10-12.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "H"

Meeting Date: November 7, 2012

Agenda Item No. Tab 11

Agenda Title: Authorizing the Mayor to Execute a License Agreement with the Burt Reynolds Institute for Film and Theatre, Inc. (BRIFT)

- Consent Agenda, Presentation/Proclamation, Public Hearing, Bid/RFP Award, Discussion/Possible Action, Resolution, Ordinance on Reading, Other.

Approved by Town Manager [Signature] Date: 10/22/12

Dale S. Sugerman, Town Manager Name/Title

Table with 3 columns: Originating Department, Costs, Attachments, Advertised, and notification details.

Summary Explanation/Background:

Over the course of the last few months, we have been working with Douglas Rill, Executive Director of the Burt Reynolds Institute for Film and Theatre, Inc. (BRIFT) to bring their organization to the Town of Lake Park.

Highlights of the arrangement include:



- BRIFT will be using one small office off of the Commission Chambers for their local headquarters.
- The Mirror Ballroom will be the main facility used to support their classes, although from time to time the Commission Chambers may also serve as a classroom.
- BRIFT will pay to the Town \$1.00 for each month of use of Town facilities.
- This is a continual annual arrangement with termination available to either party after 30 days advanced notice.
- Within the first 60 days of commencement, the Town and BRIFT will determine if the Town needs to charge BRIFT for janitorial services (if they are needed).
- Hours of Use:
  - Weekday evenings (Monday through Thursday) until 10:00 pm.
  - Friday evenings until 11:30 pm
  - Saturday mornings from 9:00 am until 12:01 pm.
- Town rental income for use of Town premises will take precedent over BRIFT usage (with adequate notice to BRIFT from the Town).
- Insurance:
  - Insurance coverage will be provided for general liability, auto liability, property damage, and workers' compensation.

According to Mr. Rill, they will be ready to go as soon as practical after approval by the Town Commission. They have not decided which class will be first. They said that they need time to let everyone know about the new facilities. He believes that it will be a couple of weeks (plus or minus) after approval by the Town Commission.

**Recommended Motion:**

I move to authorize the Mayor to execute the License Agreement between the Burt Reynolds Institute for Film and Theatre, Inc. and the Town of Lake Park as presented in the Commission packet.

# JONES FOSTER

JOHNSTON & STUBBS, P.A.

## Memo

**To:** Mayor & Commissioners  
**From:** Thomas J. Baird, Town Attorney  
**Date:** November 4, 2012  
**Subject:** Litigation Status Report  
**Cc:** Dale S. Sugerman, Town Manager

### Town of Lake Park v. Palm Beach County / IG funding lawsuit

The Commission unanimously agreed to join 14 other municipalities in a lawsuit challenging the County's authority to assess a fee against the municipalities for the Inspection General's services. The municipalities' position is that the fee the County has assessed is illegal and that the County is solely responsible for funding the Office of the Inspector General. The IG filed a Motion to Intervene into the litigation between the County and the Municipalities. The County, the Clerk of the Court (who is an Intervener because she has the responsibility of disbursing funds to the County collected from the Municipalities) and the Municipalities all opposed the IG's Motion. Judge Brunson heard arguments on the IG's Motion on October 24. She is reviewing the memoranda of law submitted by the parties, has taken these arguments under advisement, and will rule at some time in the near future (we hope). The Municipalities have filed a Motion for Summary Judgment, which if granted would dispose of the case. The arguments for this motion is scheduled may be heard by Judge Brunson as part of her non-jury trial docket on November 29, 2012. If not, the argument will be "rolled over" to the Judge's next non-jury trial docket.

### Dover v. Town of Lake Park

The Dovers appealed a decision by the Town's Special Magistrate that the Dovers' were violating the setback regulations of the Code in the manner in which they were storing their boat. The Appellate Division of the Palm Beach County Circuit Court upheld the Special Magistrate's decision and the court has filed an Mandate in this matter. The Dover's then filed an appeal with the 4<sup>th</sup> DCA, which was denied.

### Town of Lake Park v. Applied Technology and Management, Inc. (AMT), et al

The case was settled after mediation as previously reported to the Commission. The Settlement Agreement has been circulated amongst the parties. As of this date the following Defendants have executed the Settlement Agreement and the Town has received the following payments: \$300,000 from ATM; \$250,000 from Murphy Construction; \$75,000 from Carter & Sloope; and \$65,000 from Drawdy Construction Company. Payments from the other parties, totaling \$190,000 have not yet been received.

**A. FORECLOSURES INITIATED BY LENDERS**

**Bank of America v. Erik Krammer et al.**

The Town was named as a Defendant in a foreclosure action brought against Erik Krammer as a result of a Code Enforcement Lien the Town has against the property located at 912 West Jasmine Dr. An Answer to the Plaintiff's Complaint was filed on Sept. 30, 2011 to secure the Town's Lien rights. This case is pending.

**Bank of America v. Julian A. Ocampo**

The Town as named as a Defendant in a foreclosure action brought against Julian Ocampo as a result of a Code Enforcement Lien the Town has against the property located at 727 Bayberry Drive. An Answer to the Plaintiff's Complaint was filed on October 21, 2008 to secure the Town's Lien rights. A Final Judgment of Foreclose in the amount of \$145,215.08 was entered on July 23, 2012. The initial sale date set by the court was cancelled, but is being reset.

**Bank of New York Mellon v. Charles B. Capers, et al.**

The Town was named as a Defendant in a foreclosure action brought against Charles B. Capers as a result of a Code Enforcement Lien the Town has against the property located at 601 Date Palm Drive. An Answer to the Plaintiff's Complaint was filed on June 27, 2012 to secure the Town's Lien rights.

**CitiFinancial Equity Services, Inc. v. Lucencia Baptise**

The Town was named as a Defendant in a foreclosure action brought against Lucencia Baptise as a result of a Code Enforcement Lien the Town has against the property located at 730 Hawthorne Drive. An Answer to the Plaintiff's Complaint was filed on August 19, 2009 to secure the Town's Lien rights. A Motion for Summary Judgment has been filed, however, no hearing has been noticed, and consequently the case remains pending.

**Deutsche Bank v. Zaidy L. Gantt, et al.**

The Town was named a Defendant in a foreclosure action brought against Zaidy Gantt. The Town was named as a Defendant because of a Code Enforcement Lien it has against property the Defendant owns 445 Flagler Blvd. An Answer to the Plaintiff's Complaint was filed on June 26, 2009 to secure the Town's Lien rights. The case is still pending.

**Deutsche Bank National Trust v. Francs Gay, et al**

The Town was named a Defendant in a foreclosure action brought against Francs & Gina Gay. The Town was named as a Defendant because of a Code Enforcement Lien it has against property the Defendant owns at 118 2<sup>nd</sup> Street. An

Answer to the Plaintiff's Complaint was filed on April 18, 2012 to secure the Town's Lien rights.

**Deutsche Bank v. Christopher Ross, et al.**

The Town was named a Defendant in a foreclosure action brought against the Estate of Claire E. Ross as a result of a Code Enforcement Lien the Town has against the subject property located at 539 E. Redwood Drive. An Answer to the Plaintiff's Complaint was filed with the Court on August 24, 2008 to secure the Town's Lien rights. The case is still pending.

**Midfirst Bank v. Antonio L. Johnson, et al.**

The Town was named as a Defendant in a foreclosure action brought against Antonio Johnson as a result of a Code Enforcement Lien the Town has against the subject property located at 744 Cypress Drive. An Answer to the Plaintiff's Complaint was filed on June 28, 2011 to secure the Town's Lien rights. A Final Judgment in the amount of \$82,708.50 was entered on 8/22/12 and the property was sold at auction to the Lender for \$75,300 on October 9, 2012.

**PHH Mortgage Corporation v. Donald D. Jacobovitz, et al.**

The Town was named as a Defendant in a foreclosure action brought against Donald D. Jacobovitz as a result of a Code Enforcement Lien the Town has against the subject property located at 253 E. Kalmia Drive. An Answer to the Plaintiff's Complaint was filed on July 24, 2012 to secure the Town's Lien rights.

**Suntrust Mortgage, Inc. v. Michael S. Lee et al.**

The Town was named as a Defendant in a foreclosure action brought against Michael S. Lee as a result of a Code Enforcement Lien the Town has against the subject property located at 338 Cypress Drive. An Answer to the Plaintiff's Complaint was filed on November 24, 2009 to secure the Town's Lien rights. This case is still pending.

**U.S. Bank National Associates v. Gisele Lamarre, et al.**

The Town was named as a Defendant in a foreclosure action brought against Gisele Lamarre a result of a Code Enforcement Lien the Town has against the subject property located at 243 E. Ilex Drive. An Answer to the Plaintiff's Complaint was filed on December 16, 2008 to secure the Town's Lien rights. A Motion for Final Judgment has been filed by the Plaintiff, but a hearing date has not been set. This case is still pending.

**U.S. Bank National Association v. Wendy Hockman, et al.**

The Town was named as a Defendant in a foreclosure action brought against Wendy Hockman a result of a Code Enforcement Lien the Town has against the subject

November 4, 2012

Page 4

property located at 638 Flagler Blvd. An Answer to the Plaintiff's Complaint was filed on July 25, 2012 to secure the Town's Lien rights. Hockman filed a Motion for Extension of Time to respond to the Complaint. The Court granted Hockman's Motion. The case remains pending.

**Wells Fargo Bank v. Gladys C. Harris, et al**

The Town was named as a Defendant in a foreclosure action brought against Gladys Harris as a result of a Code Enforcement Lien the Town has against the subject property located at 802 Popular Drive. An Answer to the Plaintiff's Complaint was filed on June 21, 2010 to secure the Town's Lien rights. The case is pending.

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# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, November 7, 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. PRESENTATION:

1. Palm Beach County Sheriff's Office Citizens on Patrol Program

Tab 1

2. Presentation by the Town Manager on Additional Programming for Fiscal Year 2012-2013 Which was not included in the Approved Budget

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:

- |  |       |
|--|-------|
| 3. Regular Commission Meeting Minutes of October 17, 2012                                    | Tab 3 |
| 4. Supervisor of Elections Agreement for Vote Processing Equipment Use and Election Services | Tab 4 |
| 5. Placement of Memorial Marker at Marina in Memory of Michael Pisano, Marina Director       | Tab 5 |
| 6. Purchase of a Dump Bed Trailer for Public Works   | Tab 6 |
| 7. Holiday Decorations – 10 <sup>th</sup> Street, Park Avenue, and Federal Highway           | Tab 7 |

I. BOARD MEMBERSHIP:

- |   |       |
|---|-------|
| 8. A Regular Membership Position Opened in the Planning and Zoning Board and One of the Alternate Members will be Chosen to Fill. | Tab 8 |
|---|-------|

J. RESOLUTION:

- |   |       |
|---|-------|
| 9. Resolution No. 32-10-12 To Ratify the Tentative Agreement Reached Between the Town of Lake Park and the Federation of Public Employees for Fiscal Year 2012-2013 | Tab 9 |
|---|-------|
- A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA RATIFYING THE TENTATIVE AGREEMENT BETWEEN THE TOWN OF LAKE PARK AND THE FEDERATION OF PUBLIC EMPLOYEES, A DIVISION OF THE NATIONAL FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES (AFL-CIO) FOR THE 2012-2013 FISCAL YEAR; AND PROVIDING FOR AN EFFECTIVE DATE.**

- |  |        |
|--|--------|
| 10. Resolution No. 33-10-12 Updating the Permit Fee Schedule to incorporate Penalty Fees | Tab 10 |
|--|--------|

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE TOWN'S PERMIT FEE SCHEDULE PERTAINING TO PENALTY FEES FOR THE FAILURE TO OBTAIN A BUILDING OR SIGN PERMIT; PROVIDING FOR THE REPEAL OF RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

K. DISCUSSION AND POSSIBLE ACTION:

- |  |        |
|--|--------|
| 11. Authorizing the Mayor to Execute a License Agreement with Burt Reynolds Institute for Film and Theatre, Inc. (BRIFT) | Tab 11 |
|--|--------|

L. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

M. ADJOURNMENT: