



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, March 18, 2015, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, March 18, 2015 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Interim Town Manager Bambi Turner, Assistant Town Attorney Matt Ramenda, and Town Clerk Vivian Mendez.

Assistant Town Attorney Matt Ramenda served as Town Attorney for Thomas Baird.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

SPECIAL PRESENTATIONS/REPORTS

None

PUBLIC COMMENT:

None

CONSENT AGENDA:

- 1. Regular Commission meeting minutes of March 4, 2015.**
- 2. Resolution No. 09-03-15 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Positions of Camp Counselor, Event Assistant and Recreation Bus Drive**
- 3. Acceptance of the Fiscal Year 2014 Annual Report for the Community Redevelopment Agency**

Commissioner O'Rourke pulled Resolution 09-03-15 from the Consent Agenda. Mayor DuBois pulled the Regular Commission meeting minutes of the March 4, 2015 from the Consent Agenda.

Motion: Commissioner O'Rourke moved to approve item 3 on the consent agenda; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Mayor DuBois clarified that during the RaceTrac discussion during the regular Commission meeting of March 4, 2015, reference was made about a “silk filter”, but the correct term is “silt filter”. He asked that the correction be made to the March 4, 2015 meeting minutes. He stated that the minutes reflect that he was in favor of the Planning and Zoning Boards condition to the RaceTrac project, but in-fact he was not in favor of the Planning and Zoning Boards conditions. He asked that the minutes be modified to reflect this change.

Motion: Commissioner O’Rourke moved to approve item 1 as amended on the consent agenda; Commissioner Flaherty seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Commissioner O’Rourke asked for clarification to Resolution 09-03-15. Interim Town Manager Turner explained the item (see Exhibit “A”). Vice-Mayor Glas-Castro stated that the next Town Manager might desire to change the title of the Recreation Manager back to Recreation Director and therefore this item would be back before the Commission to change the job title again in the future.

Motion: Commissioner O’Rourke moved to postpone item 2 on the consent agenda; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC HEARINGS – ORDINANCE ON FIRST READING:

4. Ordinance No. 01-2015 to Amend Chapter 10, Article IV – Noise Control

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV OF THE LAKE PARK CODE BY REPEALING SECTIONS 10-151 THROUGH 10-161 AND ADOPTING A NEW ARTICLE IV REGULATING NOISE IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF

LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Nadia DiTommaso explained the item (see attached Exhibit "B").

Vice-Mayor Glas-Castro asked if sound level meters were being budgeted. Community Development Director DiTommaso stated that they were not. Vice-Mayor Glas-Castro asked how Code Enforcement would enforce the proposed Ordinance. Community Development Director DiTommaso explained that the plainly audible noise language remains in the proposed noise Ordinance and Code Enforcement staff would continue to enforce the Code using this method. She stated that the noise decibel chart that is currently in the Code has not been used in the past. Vice-Mayor Glas-Castro stated that Palm Beach County Sheriff's Office (PBSO) Lieutenant Vassalotti stated that the current noise Ordinance was unenforceable, so how would PBSO enforce the proposed Ordinance. Community Development Director DiTommaso explained that she worked with Lieutenant Vassalotti to construct the language proposed in this Ordinance and deferred to Sargent Fox to answer questions of how PBSO would enforce the Town Code. Sargent Fox explained that an Ordinance citation would be issued and the person would then be given a follow-up court date. Vice-Mayor Glas-Castro stated that an Ordinance citation would be issued, but there was no way to force the noise to be lowered at that time. Sargent Fox stated that hopefully the result of the citation being issued would be that the noise level were lowered. Vice-Mayor Glas-Castro explained that past complaints have been that PBSO was called to handle a noise complaint; PBSO answers the call and shortly after PBSO left the scene and the noise would resume. Sargent Fox explained that if a fine were issued that it might deter a person from raising the noise level after PBSO has left the scene.

Commissioner O'Rourke explained that he has many concerns with the prohibitions proposed in Section 10-153 General Prohibitions – Maximum permissible sound level by receiving land use. He read the proposed section, "Sound level measurements shall be made with a Type 2 or equivalent sound meter using..." which means the meter must be used. He felt that the meter was not the way to go. He explained that he has read other Ordinances that do not use the meter method and Sargent Fox has pointed out that the proposed Ordinance does not have an enforcement mechanism, so several key point must be addressed. Community Development Director DiTommaso added that the General Prohibition, Section 10-153 was just one method of enforcement in the proposed Ordinance. The second method was in Section 10-154 – Specific prohibitions, and it was recommended that both methods be included in the Ordinance so that either method could be used by enforcement. Assistant Town Attorney Matt Ramenda stated that some language was needed in the General Prohibition section to connect to the Specific Prohibition section. He suggested the following language "in the alternative these specific prohibitions listed in Section 10-154 are prohibited without the use of the sound meter measurement". Commissioner O'Rourke stated that several sections of the Ordinance are good, but there are no consequences should this Ordinance be violated. Community Development Director DiTommaso stated that there is a separate citation fee schedule that has been used for noise type citations.

Commissioner Rapoza asked if there was a fee for repeat offenders. Community Development Director DiTommaso explained that there was no repeat offender fee.

Vice-Mayor Glas-Castro asked if more than one citation could be issued if the violation continue. Community Development Director DiTommaso explained that the citations are issued for a complaint to come into compliance within the one day.

Commissioner Flaherty asked if there were a way to make the second offence in the same evening an arrestable offence. Assistant Attorney Ramenda suggested that the language be changed with a timeframe of maybe one hour versus one day of the citation being issued. Each citation would have a fee that would be charged for the offence.

Commissioner O'Rourke expressed concern with the language regarding ten-minute intervals of violation. Assistant Attorney Ramenda stated that the language needs to be clarified because it is ambiguous to whether or not it is ten percent of any period of observation or if it is ten percent of ten-minutes. Mayor DuBois asked that the language be clarified before the Ordinance comes back for second reading.

Vice-Mayor Glas-Castro stated that the fee schedule might need to be modified. Commissioner O'Rourke stated that the fee schedule does not appear in the Ordinance. Community Development Director DiTommaso explained that the fee schedule was adopted by Resolution so that if changes need to be made to the fees it can be amended without going through the public hearing process. She explained that the Ordinance references the Resolution. She offered to bring the Resolution back at the next Commission meeting. Mayor DuBois suggested that the Resolution be provided to PBSO as reference. Commissioner O'Rourke felt that the fee schedule should be incorporated as part of the Ordinance.

Commissioner O'Rourke asked if there was language included in the Ordinance that refers to a Special Events permit. Community Development Director DiTommaso stated that there is a Special Events Ordinance that has permit fees associated with it. Commissioner O'Rourke suggested that the language be referenced in the proposed Ordinance. Assistant Attorney Ramenda suggested saying "this section shall not apply to Special Events that have been properly permitted by the Town such as parades, festivals, etc."

Mayor DuBois stated that this Ordinance does not define permissible usage at the different Town facilities. Commissioner O'Rourke asked if the concept would be to label certain events to take place at certain facilities. Mayor DuBois stated that each facility that is being rented should have a prescribed explanation of what is being allowed at each facility, cost associated, etc. He gave an example of a staged event that may not be appropriate at Lake Shore Park, but permitted at Kelsey Park. He understood that the appropriate uses regarding facility rentals are not part of this Ordinance. Community Development Director DiTommaso explained that she would speak with the Recreation Manager to make the adjustments suggested by the Commission in the Rental Policy Handbook.

Commissioner O'Rourke suggested removing the decibel meter chart from the proposed Ordinance. Mayor DuBois recapped that the decibel meter chart would be removed; and amend the sound level meters. Assistant Attorney Ramenda suggested that having an objective standard with the decibel level. Commissioner O'Rourke explained what clearly audible across adjacent properties meant. He explained that it is not that the immediate adjacent neighbor to the property that can hear the noise, but that the property next adjacent property can hear the noise. The Commission discussed what clearly audible meant to each of them and what was considered a nuisance.

Mayor DuBois recapped that the decibel table would be removed, reference to citation fees would be included; extent to which a person can be cited, and what is arrestable; define the period of observation; define Special Events and permitted uses; reference to the Resolution for facility rentals and the uses; and share the Ordinance with PBSO to be sure they can enforce the Ordinance effectively.

Public Comment:

None

Public Comment Closed:

Motion: Commissioner O'Rourke moved to approve Ordinance 01-2015 as amended; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Assistant Attorney Ramenda read the Ordinance by title.

PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:

None

NEW BUSINESS:

5. Selection of Nominees for the Northern Palm Beach County Chamber of Commerce 2015 Leadership Awards.

Interim Town Manager Turner explained the item (see Exhibit "C").

The Commission discussed each category and came to consensus to nominate the following for the Northern Palm Beach County Chamber of Commerce 2015 Leadership Awards:

Florida Power and Light for the 2015 Business of the Year Award; Harry Dyer from Club 100 Charities for the 2015 Community Leader of the Year Award; Club 100 Charities for

the 2015 Nonprofit of the Year Award; ServPro for the 2015 Small Business of the Year Award; and A.J. Brockman from Brew House Gallery for the 2015 Young Professional of the Year Award.

6. Review of the Town Manager Employment Agreement

Interim Town Manager Turner explained the item (see Exhibit "D"). The Commission discussed the Agreement and made the following modifications to the proposed Town Manager Employment Agreement.

Section 3 – Term. The Commission came to consensus to have the Term read that "This Agreement shall automatically be renewed on its anniversary date for successive one (1) year terms unless either party provides written notice of termination of this Agreement at least 60 days before the expiration date".

Section 8 – Initial Performance Review and Subsequent Annual Reviews. Mayor DuBois expressed concern that not all of the criteria to evaluate the Town Manager's performance was included in the documents they were provided to evaluate the Town Manager. There are undefined aspects of performance that are not listed. He was not sure how the change would be made to the Agreement. He stated that the Town Manager does not need to be compensated with salary each year; instead, a non-monitory bonus can be offered. The Commission did not take action on this section.

Section 9 – Hours Per Week. The Commission came to consensus that "The Town Manager is an exempt employee of the Town as defined in the job description for the position of Town Manager and shall devote whatever time is necessary to properly perform the duties of this position it being generally understood that substantially more time than 40 hours per week may be required."

Section 13 – Life Insurance. The Commission came to consensus that the Life Insurance policy shall provide the Town Manager an amount equivalent to one (1) times the Town Manager's base salary and shall pay the total premiums for this coverage".

Section 18 – Equipment, General Business Expenses and Professional Development. The Commission discussed this section and felt that the type of equipment that would be provided to the Town Manager to performance the duties would not be specified. However, the equipment provided to the Town Manager would remain property of the Town of Lake Park.

Section 19 – Indemnify and hold harmless. Interim Town Manager Turner explained that the Town Manager was covered under the Professional Liability EO coverage, which was part of the Property and Casualty Liability Coverage.

Section 21 – Termination without Clause. The Commission came to consensus to follow the Florida State Statute language for this section. "If the Town Manager is terminated without clause the Town Manager shall be paid a lump sum severance pay consistent with Florida Statute".

Section 22 – Voluntary Resignation. The Commission came to consensus to state “In the event that the Town Manger voluntarily resigns, the Town Manager shall provide to the Commission 60 calendar days advanced written notice, but under no circumstances, less than 30 calendar days advanced written notice”.

7. Update on Town Manager Selection Process.

Interim Town Manager Turner explained the item (see Exhibit “E”).

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Ramenda had no comments.

Interim Town Manager Turner gave an update on the Seacoast Utilities sewer backup situation that took place several weeks ago. The ten residential properties that were affected have all been repaired and the families have returned to their homes. Florida Power and Light (FPL) would be undertaking a project described as maintenance work replacement of existing transmission lines square concrete poles with self-supporting spun poles located along 3rd Street and Palmetto Drive to Silver Beach Road and along Palmetto Drive and US Highway 1. The start date has changed and staff is awaiting confirmation of the new start date that is scheduled for March 23, 2015. FPL stated that no loss of power is expecting to those areas, and the Town has requested at least three days’ notice before the project begins. FPL will send letters to those affected property owners to notify them of the work as well as door hangers would be placed on the homes. Any closures to roads would be announced on the Town’s website. FPL will coordinate local traffic. The Marina remediation project should be completed by March 23, 2015; West Construction has been provided the final punch list for completion.

She asked the Commission for direction with moving the following projects through the public hearing process. The first is the Medical Marijuana zoning guidelines and the second is guidelines for art murals in the public places. The Commission discussed these items and directed staff to have the Planning and Zoning Board review the Medical Marijuana zoning provision proposed by staff. The Commission came to consensus to have the art murals in public places topic brought to the Commission for further discussion. She stated that Captain Lindskoog was expected at the April 15, 2015 regular Commission meeting to give a Citizen on Patrol (COP) report. She asked if it was still necessary for him to present the report in person since Lieutenant Vassalotti has been providing the information in his monthly report. The Commission came to consensus to have Lieutenant Vassalotti present the COP report at the April 15th meeting. The April Property of the Month has been awarded to Thi Tiet Webb of 629 Flagler Boulevard. The Sunset Celebration will be conducted on Friday, March 29, 2015 beginning at 6:00 p.m. at Lake Shore Park.

Commissioner Rapoza stated that she has heard from several residents that they are enjoying the Sunset Celebrations at Lake Shore Park and is hoping that they remain continue at Lake Shore Park. She stated that public comment timer should be controlled by the Mayor. She recommended that public comments cards that are received after the public comment portion of the agenda, the card should be kept and the person invited to

speak at the next meeting. She stated that she is looking forward to the Town Manager interviews on Saturday, March 21st.

Commissioner Flaherty expressed how nice the temporary sign outside of the Library looks and is looking forward to the permanent sign being installed.

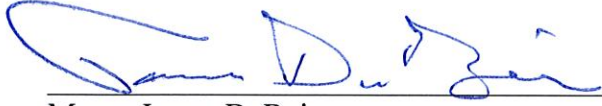
Commission O'Rourke stated that an author visited the Library on Saturday and had a great turn out. He does not agree with Commissioner Rapoza regarding public comments being limited.

Vice-Mayor Glas-Castro stated that the Palm Beach County League of Cities meeting would be conducted in Greenacres on Wednesday, March 25, 2015. She reminded everyone that on Saturday, March 21, 2015 there would be a meet and greet of the Town Managers candidates at 11:30 a.m. in the Mirror Ballroom of Town Hall. She asked Interim Town Manager Turner to clarify how the public interview process would be conducted. Interim Town Manager Turner stated that the public would have an opportunity to write their questions on a pink comment card and then provide it to the Town Clerk. The Town Clerk would then provide it to the Interim Town Manager who would then pass it to the Mayor. She explained that the schedule would be very flexible since they have three candidates to interview.


Mayor DuBois explained the public comment procedure that he follows during a meeting. He stated that public comments cards could be received for any item on the agenda up until the item was heard. If a comment card was received for a non-agenda item he would turn to his fellow Commissioner and receive consensus from them before inviting the person to the podium to speak if the public comment portion of the meeting had passed. He stated that comment cards could be received throughout an entire meeting.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner O'Rourke and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 8:45 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 1 of April, 2015



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "A"

Meeting Date: March 18, 2015

Agenda Item No. *2*

Agenda Title: Resolution to Amend the Town of Lake Park Uniform Classification System to Revise the Job Descriptions for the Positions of Camp Counselor, Event Assistant and Recreation Bus Driver

- SPECIAL PRESENTATION/REPORTS **CONSENT AGENDA**
- BOARD APPOINTMENT OLD BUSINESS
- PUBLIC HEARING ORDINANCE ON ____ READING
- NEW BUSINESS
- OTHER: _____

Approved by Town Manager

[Signature]
Antoin Paxon Manager

Date:

3/2/2015

Name/Title

<p>Originating Department:</p> <p>Human Resources</p>	<p>Costs: \$ -0-</p> <p>Funding Source:</p> <p>Acct. #</p> <p><input type="checkbox"/> Finance _____</p>	<p>Attachments: Resolution; Revised Camp Counselor Job Description in Redline Format and Current Job Description; Revised Event Assistant Job Description in Redline Format and Current Job Description; and, Revised Recreation Bus Driver Job Description in Redline Format and Current Job Description</p>
<p>Advertised:</p> <p>Date: _____</p> <p>Paper: _____</p> <p><input checked="" type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone _____</p> <p>or</p> <p>Not applicable in this case</p> <p>BMT</p> <p>Please initial one.</p>

Summary Explanation/Background:

Currently, three job descriptions exist in the Town of Lake Park Uniform Classification System respectively entitled Camp Counselor, Event Assistant and Recreation Bus Driver. At its August 20, 2014 meeting the Town Commission changed the position title of Recreation Director to Recreation Manager.

The purpose of this action is to revise the Camp Counselor, Event Assistant and Recreation Bus Driver job descriptions to reflect that these three positions answer to the Recreation Manager. Copies of the revised job descriptions are attached in redline format, as well as the current job descriptions for ease of reference.

There will be no additional financial burden placed on the budget of the Town as a result of this action.

Recommended Motion: I move to adopt Resolution 09-03-15.



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: March 18, 2015

Agenda Item No. 4

Agenda Title: ORDINANCE TO AMEND CHAPTER 10, ARTICLE IV – NOISE CONTROL.

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[X] PUBLIC HEARING ORDINANCE ON 1st READING
[] RESOLUTION
[] OTHER

Approved by Town Manager [Signature] Date: 3/10/2015

Nadia Di Tommaso / Community Development Director [Signature]

Table with 3 columns: Originating Department (Community Development), Costs (\$0), Attachments (Ordinance 01-2015), Advertised (N/A on 1st reading), and notification status (Yes/No).

Summary Explanation/Background:

Over the past few months, the Town Commission discussed the existing noise Ordinance on several occasions and requested staff to review the existing regulations in an attempt to condense them.

- (1) Effectively regulate noise within municipal boundaries so as to protect the public health, safety and general welfare of inhabited residential and commercial/light industrial property; and
(2) Ensure that these very regulations are enforceable.

In recently reviewing the Town's regulations, staff determined that while they are quite extensive, they actually accomplish the above two goals. The existing regulations do so by defining what a noise nuisance is, prohibiting it, and further providing for an additional dBA noise measurement enforcement method, while allowing for certain exemptions (for example, special events).

The proposed Ordinance still includes two methods of noise enforceability through focusing strictly on inhabited residential and commercial/light industrial properties by providing two sections: "Specific Prohibitions" (generally enforceable by *plainly audible* noise) and "General Prohibitions" (enforceable by *dBA* levels). It also maintains an "Exemptions" section to safeguard those activities (for example, special events, emergency work, etc.) from temporary adherence to the noise Ordinance, whether it be from the *plainly audible* enforcement method, or the *dBA* enforcement method.

All the proposed changes are included in the enclosed Ordinance.

Recommended Motion: I MOVE TO APPROVE ORDINANCE 01-2015 on 1st READING.



Exhibit "C"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: March 18, 2015

Agenda Item No. 5

Agenda Title: Selection of Nominees for the Northern Palm Beach County Chamber of Commerce 2015 Leadership Awards

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON _____ READING
- NEW BUSINESS**
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Interim Town Manager Brian McElwain Date: 3/5/2015

Name/Title

Originating Department: Commissioner Kathleen Rapoza	Costs: \$ -0- Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Copies of the Northern Palm Beach County Chamber of Commerce Online Award Application Forms
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case: BMT Please initial one.

Summary Explanation/Background:

At the March 4, 2015 Commission meeting, Commissioner Kathleen Rapoza advised the Commission that the Northern Palm Beach County Chamber of Commerce is seeking to identify nominees for the following awards:

- 2015 Small Business of the Year Award
- 2015 Community Leader of the Year Award
- 2015 Nonprofit of the Year Award
- 2015 Business of the Year Award; and
- 2015 Young Professional of the Year Award

The purpose of this agenda item is to identify nominees for the above awards.

Attached are copies of the online application forms which list the criteria for each award.

The deadline for submittal of completed application forms to the Chamber is 4:00 p.m. on Friday, April 10, 2015. Award recipients will be honored at the Northern Palm Beach County Chamber of Commerce Leadership Awards Dinner which will take place at the PGA National Resort and Spa on Thursday, May 21, 2015.

Recommended Motion: I move to nominate the following for the 2015 Leadership Awards as specified below:

_____ for the 2015 Small Business of the Year Award

_____ for the 2015 Community Leader of the Year Award

_____ for the 2015 Nonprofit of the Year Award

_____ for the 2015 Business of the Year Award; and

_____ for the 2015 Young Professional of the Year Award



Exhibit "D"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: March 18, 2015

Agenda Item No. 6

Agenda Title: Review of the Town Manager Employment Agreement

- SPECIAL PRESENTATION/REPORTS
 - BOARD APPOINTMENT
 - PUBLIC HEARING ORDINANCE ON ____ READING
 - NEW BUSINESS**
 - OTHER: _____
- CONSENT AGENDA
 - OLD BUSINESS

Approved by Town Manager *Donna McKeithen* Date: 3/5/2015
Interim Town Manager

Name/Title

Originating Department: Human Resources	Costs: \$ -0- Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Draft Town Manager Employment Agreement
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case: BMT Please initial one.

Summary Explanation/Background:

At the February 18, 2015 Commission meeting, it was determined that the Interim Town Manager would provide a boilerplate Town Manager Employment Agreement to the Commission for discussion as a future agenda item.

Recommended Motion: There is no recommended motion.

TOWN MANAGER EMPLOYMENT AGREEMENT

This Town Manager Employment Agreement (the Agreement), is made and entered into this _____ day of _____, 2015, by and between the Town of Lake Park, a Florida municipal corporation, (hereinafter "Town") and _____ (hereinafter "Town Manager"),

WHEREAS, Article III, Section 1 of the Town Charter establishes a Commission Manager form of government for the Town; and

WHEREAS, pursuant to Article VI, Section 1 the Lake Park Town Commission (hereinafter the "Commission") is required to appoint a Town Manager who shall be the administrative head of the Town under the Commission's general supervision; and

WHEREAS, a majority of the Commission voted to appoint _____ as the Town Manager of the Town;

WHEREAS, the powers and duties of the Town Manager as the chief administrative officer of the Town government are as set forth in Section 2-82 the Code of Ordinances of the Town (hereinafter "Town Code") ; and

WHEREAS, the Commission and the Town Manager intend by this Employment Agreement to set forth the terms, conditions, and compensation and benefits pursuant to which the Town Manager is to be employed by the Commission.

NOW THEREFORE, it is agreed and acknowledged as follows:

SECTION 1: Recitals

The recitals stated above are true and correct and are incorporated herein.

SECTION 2: Appointment

Pursuant to Article V, Section 1, and Section 2-81 of the Town Code, the Commission, appoints _____ as Town Manager.

SECTION 3: Term

The term of this Agreement shall be one (1) year. This Agreement shall automatically be renewed on its anniversary date for successive one [1] year terms unless either Party provides written notice of termination of this Agreement at least 90 days before the expiration date. All terms, conditions, compensation, and benefits shall remain in effect until the expiration of the term of the Agreement. The Town Manager shall be entitled to all compensation, including salary and the continuation of all benefits, for the remainder of the term of this Agreement.

SECTION 4: Duties and Authority

Town agrees to employ _____ as Town Manager to perform the functions and duties specified in ARTICLE VI, Section 4 of the Town Charter and Chapter 2, Article III Sections 2-82 and 2-83 of the Town Code.

SECTION 5: Non-Interference

Commission members shall address their questions and concerns regarding the financial condition, operations, personnel and other Town matters directly to the Town Manager. Individual members of the Town Commission shall not, acting alone and without authorization of the Town Commission, direct the Town Manager to enter into or terminate any contract, to grant or withhold funds to any person, or instruct any Town employees under the Town Manager's control to take or refrain from taking any action. Pursuant to Article VI, Section 4 of the Town Charter, the Town Manager has full control over administrative service and those powers and duties set forth in Chapter 2, Article III, Section 2-82 of the Town Code.

SECTION 6: Compensation

The Commission agrees to pay Town Manager an annual base salary of \$____,____, payable in installments at the same time that the other employees of the Town are paid. In the event of any salary adjustments agreed to between the Commission and the Town Manager, this Agreement shall be automatically amended.

The Town Manager may receive an annual salary adjustment as may be agreed to by a majority of the Town Commission. The amount of said increase shall be determined by the Commission.

SECTION 7: Residency

The Town Manager shall establish residency within the Town of Lake Park within _____ and shall maintain residency in the Town of Lake Park, unless a majority the Commission determines otherwise, and this Agreement is amended accordingly.

SECTION 8: Initial Performance Review and Subsequent Annual Reviews

The Town Commission shall conduct an initial review of the performance of the Town Manager six (6) months from the effective date of this Agreement, and shall 6 (six) months thereafter conduct its first annual review to evaluate the performance of the Town Manager. Thereafter, the Commission shall conduct an annual review and evaluation of the Town Manager's performance in accordance with criteria mutually developed and adopted by the Town Commission and the Town Manager which may, among other items, consist of goals and performance objectives which the Commission deems necessary for the proper operation of the Town and the attainment of the Commission's policy

objectives. The Commission and Town Manager may establish a relative priority among the mutually agreed goals and performance objectives. The adopted goals and objectives shall be reasonably attainable within the time limitations specified and within the annual operating and capital budgets as appropriated by the Commission in the applicable fiscal year. The initial goals and performance objectives shall be established within 120 days after commencement of the Town Manager's employment. The goals and objectives shall be re-established thereafter on an annual basis, within 60 days after the annual review and performance evaluation of the Town Manager.

SECTION 9: Hours Per Week

The Town Manager shall devote whatever time is necessary to properly perform the duties of the position; it being generally understood, however, that on average, a minimum of 40 hours per week is necessary for adequate job performance.

SECTION 10: Vacation Leave and Sick Leave

During the first year of this Agreement, the Town Manager shall be credited with the same number of days of vacation leave for an employee with _____ years of service with the Town. Thereafter the Town Manager shall accrue vacation leave and sick leave

SECTION 11: Holidays

The Town Manager shall be entitled to the same paid holidays granted to the Town's employees.

SECTION 12: Health Benefits

The Commission shall provide the Town Manager coverage under its comprehensive Preferred Provider Option Plans, including medical, dental and vision. In addition, it shall provide both short term and long term disability coverage for the Town Manager under its current plans. Coverage shall commence in accordance with the terms of the providers' respective contracts, or any exceptions thereto granted by Provider.

SECTION 13: Life Insurance

The Commission shall provide a term life insurance policy for the Town Manager in an amount equivalent two (2) times the Town Manager's base salary and shall pay the total premiums for this coverage. Coverage shall commence in accordance with the terms of the provider's contract.

SECTION 14: Retirement

During the first year term of this Agreement, the Town shall contribute into a deferred compensation account or retirement plan chosen by the Town Manager in an amount equal to _____ percent of the Town Manager's annual base salary. For any subsequent terms of the Town Manager's employment, the Town Commission shall determine the percentage contributed in an amount greater, if any, than this percentage. In such cases this Agreement shall be deemed to be automatically amended to reflect the new percentage of contribution. All such funds shall be owned by the Town Manager and fully transferable upon the termination of the Town Manager's employment to the extent allowed by law.

Within the first thirty (30) days of the Town Manager's employment, the Town shall make all necessary arrangements and approve all necessary documents to allow the Town Manager's direct deposit of earned income in both the ICMA-RC 457 Deferred Compensation Plan and the ICMA-RC 401(a) Defined Contribution Plan.

SECTION 15: Dues and Subscriptions

The Town agrees to pay the Town Manager's professional dues for membership in the International City/County Management Association (ICMA), the Florida City and County Management Association (FCCMA), and the Palm Beach County City Management Association (PBCCMA). The Town shall pay other dues and subscriptions on behalf of the Town Manager provided these dues and/or subscriptions have been appropriated in the Town's budget.

SECTION 16: Outside Activities

With the prior approval of the Commission (which such approval shall not unreasonably be withheld), the Town Manager may engage in additional professional activities separate and apart from Town matters, provided said activities do not conflict or interfere with the performance of the Town Manager's duties and responsibilities to the Town.

SECTION 17: Moving Allowance and Housing Expenses

In the event the Town Manager is required to establish residency in the Town, the Commission agrees to pay up to _____ for moving expenses incurred by the Town Manager.

SECTION 18: Equipment, General Business Expenses and Professional Development

The Town shall provide appropriate equipment necessary for the Town Manager to perform the Town Manager's official responsibilities, including, but not limited to a laptop computer and cell phone which shall remain the property of the Town.

The Commission agrees to budget for and to pay for reasonable and customary travel and subsistence expenses of the Town Manager for professional and official travel, meetings, and occasions to adequately continue the professional development of the Town Manager and to pursue necessary official functions for the Town, including but not limited to the ICMA annual conferences, the Florida League of Cities annual conferences, and meetings of such other national, regional, state, and local governmental groups and committees in which the Town Manager serves as a member. If the Town Manager uses his own vehicle for professional or official travel outside the geographical limits of the Town, then the Town shall reimburse the Town Manager at the then currently published Internal Revenue Service or General Services Administration mileage allowance for vehicular travel.

The Commission also agrees to budget for and to pay for travel and subsistence expenses of the Town Manager for short courses, institutes, and seminars that are necessary for the Town Manager's professional development, continuing education, and for the good of the Town.

The Commission acknowledges the value of having the Town Manager participate and be directly involved in local civic clubs or organizations. Accordingly, the Commission shall pay for the reasonable membership fees and/or dues to enable the Town Manager to become an active member in local civic clubs or organizations.

Section 19: Indemnify and hold harmless

The Town shall self-insure or otherwise provide and pay for professional liability insurance to fully defend, indemnify and hold harmless the Town Manager against any and all claims, demands, suits, actions or proceedings of any kind or nature, arising out of the performance of the Town Manager's duties and responsibilities as Town Manager.

SECTION 20: Termination for Cause

The employment of the Town Manager may be terminated by a majority vote of the membership of the Commission for cause in accordance with the procedures set forth herein below. The term "for cause" shall be defined to mean:

- 1) Misfeasance, malfeasance and/or nonfeasance in performance of Town duties and responsibilities;

- 2) Conviction of a felony, whether or not adjudication is withheld during the term of this Agreement;
- 3) Willful neglect of duty, including the inability or unwillingness to properly discharge the responsibilities of office;
- 4) Violation of any substantive Town policy, rule, or regulation, which would subject any other Town employee to termination;
- 5) The commission of any act which constitutes moral turpitude;
- 6) A knowing or intentional violation of the Palm Beach County, State of Florida, or the International City/County Management Association's Code of Ethics.

If the Town Manager is terminated for cause, the Parties hereto expressly agree that the Commission is under no legal obligation to pay the Town Manager any severance pay. However, in accordance with Section 10, the Commission shall pay the Town Manager any accrued and unpaid salary and benefits earned prior to the effective date of termination. Other than the payment required by Section 10, the Town shall have no further financial obligation to the Town Manager pursuant to this Agreement.

SECTION 21: Termination without Cause

The Town Manager may be terminated "without cause" by a majority vote of the Commission at any time.

If the Town Manager is terminated without cause the Town Manager shall be paid a lump sum severance pay consistent with Florida Statutes. Additionally, in accordance with Section 10, the Town Manager shall be entitled to be paid any accrued and unpaid salary and benefits earned prior to the effective date of termination. The Town shall also compensate the Town Manager the financial value of the health insurance coverage it pays for the Town Manager following the date of termination for three months. After the payments described above are made, the Town shall have no further financial obligations to the Town Manager, and the Town Manager shall execute a general release to that effect.

SECTION 22: Voluntary Resignation

In the event that the Town Manager voluntarily resigns, the Town Manager shall provide to the Commission 30 calendar days advance written notice, but under no circumstances less than 30 calendar days advance written notice. The Town Manager shall not be entitled to severance pay; however, the Town Manager shall be entitled to receive accrued unused vacation and accrued unused sick leave

SECTION 23: Return of Town Property

Upon the Town Manager's termination of employment, whether voluntary resignation or with or without cause, the Town Manager shall, within three (3) business days, return all Town property to the Town, including but not limited to keys, cell phone, lap top computer,

public records not maintained at Town Hall and any other documents or property of the Town.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date set forth below.

ATTEST:

TOWN OF LAKE PARK

By: _____
Vivian Mendez, Town Clerk

By: _____
James DuBois, Mayor

Date

Date

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

Thomas J. Baird, Town Attorney

Date

TOWN MANAGER

Date



Exhibit "E"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: March 18, 2015

Agenda Item No. 7

Agenda Title: Update on the Town Manager Selection

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON _____ READING
- NEW BUSINESS**
- OTHER: _____

Approved by Town Manager *Carol M. Kline* Date: *3/11/2015*
Inter Town Manager

Name/Title

<p>Originating Department: Human Resources</p>	<p>Costs: \$ -0- Funding Source: Acct. # <input type="checkbox"/> Finance _____</p>	<p>Attachments: Copies of the applications of the four remaining Town Manager applicants; a matrix setting forth the outcomes of the criminal background checks, credit checks, degree verification, employment reference checks, litigation checks; and, copies of the completed Telephone Employment Reference Forms</p>
<p>Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone _____ or Not applicable in this case: BMT Please initial one.</p>

Summary Explanation/Background:

At the February 18, 2015 Commission meeting, the following five finalists were chosen by the Commission for the position of Town Manager:

- Lyndon L. Bonner, of Flagler Beach, Florida
- John O. D'Agostino, of Mansfield, Massachusetts
- James D. Drumm, of Zephyrhills, Florida
- Gregory L. Dunham, of Kenly, North Carolina
- Robert Kellogg, of Palm City, Florida

Since then, Mr. Gregory L. Dunham has contacted staff and has advised that he is withdrawing his application for the position of Town Manager.

At the March 4, 2015 meeting, staff advised that Commission that a report on the outcome of the full criminal background checks, degree verifications, credit checks, media checks, litigation checks and telephone reference checks would be provided at this meeting. And this is the purpose of this agenda item.

The back-up to this agenda item is organized in the following manner:

1. A matrix setting forth the outcomes of the criminal background checks, credit checks, degree verifications, employment reference checks, and litigation checks; and
2. Copies of the applications of the four remaining Town Manager applicants in alphabetical order, immediately followed by copies of the completed Telephone Employment Reference Forms for each finalist.

As of the date of publication of this agenda, staff had not heard back from all employment references contacted for each applicant. A supplement to this agenda item will be provided to the Commission prior to the March 18, 2015 meeting with the outcome of balance of the employment reference checks and the outcome of the media checks.

Recommended Motion: There is no action requested at this time as the purpose of this agenda item is a report only.

MATRIX

MATRIX
OUTCOME OF BACKGROUND CHECKS ON FIVE TOWN MANAGER FINALISTS

Names of Semi-Finalists	Criminal Background Checks	Credit Checks	Degree Verification	Employment Reference Checks	Media Checks	Litigation Checks	Salary Requirements
Lyndon L. Bonner, Flagler Beach, Florida ¹	Satisfactorily Completed	Satisfactorily Completed	Satisfactorily Completed	Four out of six former employers responded	To be provide in a supplement to this agenda item	No litigation found	Okay with base salary of \$117,000/year dependent upon the rest of the agreement (e.g., executive plan for pension, etc.)
John O. D'Agostino, Mansfield, Massachusetts	Satisfactorily Completed	Satisfactorily Completed	Satisfactorily Completed	Three out of five former employers responded	To be provide in a supplement to this agenda item	No litigation found	Okay with base salary of \$117,000/year
James D. Drumm, Zephyrhills, Florida	Satisfactorily Completed	Satisfactorily Completed	Satisfactorily Completed	One out of six former employers responded	To be provide in a supplement to this agenda item	No litigation found	Okay with base salary of \$117,000/year
Gregory L. Dunham, Kenly, North Carolina	WITHDREW ON 3/11/2015	N/A	N/A	N/A	N/A	N/A	N/A
Robert Kellogg, Palm City, Florida	Satisfactorily Completed	Satisfactorily Completed	Satisfactorily Completed	Two out of four former employers responded	To be provide in a supplement to this agenda item	No litigation found	Okay with base salary of \$117,000/year

¹ Mr. Bonner stated on his employment application that he is credentialed through the International City/County Management Association (ICMA). We have confirmed that he is a credentialed Town Manager through ICMA.



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, March 18, 2015, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
.....		
Bambi McKibbon-Turner	—	Interim Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

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

A. **CALL TO ORDER/ROLL CALL:**

B. **PLEDGE OF ALLEGIANCE:**

C. **SPECIAL PRESENTATIONS/REPORTS:**

None

D. **PUBLIC COMMENT:**

This time is provided for addressing 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.

E. **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.

1. Regular Commission Meeting Minutes of March 4, 2015 Tab 1
 2. Resolution No. 09-03-15 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Descriptions for the Positions of Camp Counselor, Event Assistant and Recreation Bus Driver Tab 2
 3. Acceptance of the Fiscal Year 2014 Annual Report for the Community Redevelopment Agency Tab 3
- F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:
4. Ordinance No. 01-2015 to Amend Chapter 10, Article IV – Noise Control Tab 4
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV OF THE LAKE PARK CODE BY REPEALING SECTIONS 10-151 THROUGH 10-161 AND ADOPTING A NEW ARTICLE IV REGULATING NOISE IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.
- G. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:
None
- H. NEW BUSINESS:
5. Selection of Nominees for the Northern Palm Beach County Chamber of Commerce 2015 Leadership Awards Tab 5
 6. Review of the Town Manager Employment Agreement Tab 6
 7. Update on Town Manager Selection Process Tab 7
- I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:
- J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, April 1, 2015