



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, November 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, November 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, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**SPECIAL PRESENTATIONS/REPORTS:**

**Presentation by Will Wagner to Amend Felony Murder Statutes of the State of Florida.**

Former Town of Lake Park Mayor Will Wagner asked the Town to sponsor a resolution to amend the Felony Murder Statutes to include Death by Hit and Run either by vehicle or vessel. The presentation included a six (6) minute video. He explained that his quest includes lobbying for a new law that would include leaving the scene of an accident without notification or aid that would result in a First Degree Felony charge with a 15-year minimum sentence. He asked the Commission to direct either the Town Clerk or the Town Manager to contact the Palm Beach County League of Cities and ask to have this presentation before them. Vice-Mayor Glas-Castro asked if he had any legislative sponsors. Mayor Wagner stated that he did not have any legislative sponsors. Vice-Mayor Glas-Castro expressed concern that the Legislative Session would be starting sooner than usual and that it might be late to have the support of the legislators this session. Mayor Wagner stated that all they could do was try. Mayor DuBois suggested that Mayor Wagner contact House Representative Irv Solesburg, House Representative Patrick Rooney, and Senator Jeff Clemens. He stated that a Legislative meeting would be open to the public on December 8, 2015 in Belle Glade, where Mayor Wagner could speak before them. Mayor Wagner stated that he would like to make contact with the administrator and ask to be placed on their agenda. Mayor Wagner explained that the Resolution he was requesting would be similar to the Resolution adopted by the Town Commission 1995 (see Exhibit "A"). Attorney Baird would contact staff to create a Resolution based on the Resolution adopted in 1995. Mayor Wagner thanked the Commission. The Commission came to consensus to direct staff and the Town Attorney to work on a Resolution to be presented at a future Commission meeting. Mayor DuBois thanked Mayor Wagner for his presentation.

**Childhood Cancer Awareness Week Proclamation.**

The representative accepting the proclamation was expected later in the evening, so the proclamation was postponed until later in the evening.

**Proclamation Recognizing the Month of November as National Pancreatic Cancer Awareness Month.**

The representative accepting the proclamation was expected later in the evening, so the proclamation was postponed until later in the evening.

**PUBLIC COMMENT:**

**Roselyn Saunders** – 211 Hawthorne Drive suggested that a rainbow parade be conducted during the Tree Lighting Ceremony in December.

**CONSENT AGENDA:**

**Regular Commission meeting minutes of November 4, 2015.  
Dumpster Purchase of Commercial Sanitation Operations**

**Motion: Commissioner O’Rourke moved to approve 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.

**PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:**

**None**

**PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

**None**

**NEW BUSINESS:**

**Request for Approval for Payment of the Settlement Amount for October 31, 2014 Vehicular Accident Involving a Department of Public Works Vehicle and to Amend the Fiscal Year 2015 Budget to Provide for Payment Thereof.**

Town Manager D’Agostino presented the item (see Exhibit “B”). Commissioner Rapoza raised many concerns with the lack of information provided in the packet regarding the

settlement agreement. She expressed concerned regarding the investigation of the accident, what was included in the accident report, who determined that the Town of Lake Park was at fault, and were citations issued. Town Manager D’Agostino responded that the Town’s former insurance agent, Florida League of Cities (FLC), did not consult the Town of Lake Park when negotiating the settlement agreement. He stated that the police report did not determine fault nor were either driver cited. Human Resources Director Bambi Turner explained that the Town was dissatisfied with the manner in which the FLC handled the case on behalf of the Town despite the repeated efforts to not settle the case. She explained that the Town has been following up since the settlement to no avail. She explained that based on the information the Town provided and the information the other driver provided to the FLC, neither driver was determined to be at fault. However, the Palm Beach County Sheriff’s Office (PBSO) Officer that responded stated to the Town’s driver that he thought the driver of the other vehicle was at fault, and would cite the driver, but that did not occur. Commissioner Rapoza expressed her dissatisfaction with the case, how it was handled, and the settlement. Human Resources Director Turner agreed that the Town was so dissatisfied with the FLC that they are no longer the Town’s insurance agent. Commissioner O’Rourke asked what was the Town’s deductible. Human Resource Director Turner explained that the Town’s deductible was \$25,000 and the settlement was for \$22,000. She explained that the Town had expressed concerns repeatedly with the FLC on settling claims without first consulting the Town and it was to no avail. Town Attorney Baird explained that the way these contracts work are that when the Town entered into the agreement with the FLC it gave them the right to settle claims in exchange for their defense of the claim. That includes claims that are under the deducible amount. He explained that if the Town Commission decides to not execute the settlement agreement then, under the terms of the contract with the FLC, the FLC could tell the Town to defend their own claim at their own expense. The Commission expressed many concerns with the settlement agreement and the way the FLC handled the case. Commissioner O’Rourke asked what insurance company the Town was now using. Human Resources Director Turner stated that effective October 1, 2015 the Town’s insurance agent was Preferred Government Insurance Trust (PGIT). Attorney Baird stated that he has had about 20-years of excellent experience with PGIT. Commissioner Flaherty asked how many cases had FLC settled. Human Resources Director Turner explained that they had settled many cases over the years and had included the Town in several of those cases.

**Motion: Commissioner O’Rourke moved to authorize payment of the settlement amount of \$22,000 for this claim to the Florida League of Cities; Vice-Mayor Glas-Castro seconded the motion.**

Commissioner Rapoza expressed concern with the settlement and the position the Town was placed with the insurance agent. Commissioner O’Rourke agreed with Commissioner Rapoza.

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

Finance Director Blake Rane explained that the \$22,000 would be transferred from Fund Balance to pay for the settlement of the claim.

**Motion: Commissioner O'Rourke moved to approve a Resolution for the budget adjustment to increase the budget by \$5,000; 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

### **Marina Annual Pass Rate**

Town Manager D'Agostino explained the item (see Exhibit "C"). Mayor DuBois explained the history of his request to have the item discussed. He asked the Commission to approve an annual Marina boat launch rate of over \$100. He asked staff if any records indicate if passes were sold for six (6) launches at \$50. Finance Director Rane explained that the email received from the Marina staff indicated that they were not actively marketing the six (6) launches at \$50 for over the past few years, and therefore the Town does not have many sales of that program. He explained that in prior years about 50 of the launch passes had been sold. Mayor DuBois suggested that the Commission to direct staff to create a Resolution for an annual Marina boat launch rate program that would include daily parking. He clarified that the current daily fee was \$10.00 to launch a vessel. He suggested an annual rate program be established and the annual rate would begin from the date the pass was purchased. Vice-Mayor Glas-Castro asked what the difference was between an annual pass and a launch card. She asked if the launch card would expire after the amount of launches purchased were completed. Mayor DuBois explained that the annual pass would not have a card to be punched like the launch cards. Town Manager D'Agostino asked if the Commission would prefer a similar Resolution to the one that was created in 1998 (see Exhibit "C"). Mayor DuBois stated that he would prefer that there be no limit to the amount of launches with an annual pass. Town Manager D'Agostino asked what the suggested annual boat launch fees would be. Mayor DuBois suggested \$125 for residential vessels and \$250 for commercial vessels. Commissioner O'Rourke expressed concern with the program being discussed. He suggested that the Commission wait until a Marina Director were hired and had an

opportunity to provide input about the program. Mayor DuBois asked that the motion include that the Marina Director be provided the opportunity to provide input. Town Manager D'Agostino assured the Commission that the established program would be implemented and not go by the waist-side. He stated that a draft Resolution would be brought before the Commission to consideration at a future agenda. Mayor DuBois thanked the Commission for their support of the Marina annual pass.

**Childhood Cancer Awareness Week Proclamation.**

Mayor DuBois presented the proclamation to a representative from "The Give".

**Proclamation Recognizing the Month of November as National Pancreatic Cancer Awareness Month.**

Mayor DuBois presented the proclamation to a representative from "The Give".

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

**Town Attorney Baird** explained that he and the Town Manager have discussed a foreclosure action against 940 Park Avenue. The property does not have a mortgage, but have recorded instruments against the property. He explained that if the Town were successful in the foreclosure, then the Town would be responsible for the maintenance of the property. Vice-Mayor Glas-Castro asked how much it would cost to undergo the foreclosure proceedings. Attorney Baird stated that there was a \$400.00 filing fee and if it were not contested, it could cost \$5,000. If it were contested, then the cost would go up. Town Manager D'Agostino explained that \$10,000 was budgeted in the Community Redevelopment Agency (CRA) for legal services. Commissioner Rapoza asked how much would it cost to give the building a "facelift". Town Manager D'Agostino stated that the building official could give an estimate of the cost to secure the property until a Request for Proposal were created for development. He stated that they would look to include the adjacent properties. Commissioner Flaherty asked if it would include the property next to 940 Park Avenue. Town Manager D'Agostino stated that the Town would look into additional parcels for developing purposes.

**Motion: Commissioner O'Rourke moved to authorize the Town Attorney to file a foreclosure proceedings; 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

Attorney Baird wished everyone a Happy Thanksgiving.

**Town Manager D'Agostino** stated that the Library has a "Food for Fines" drive where anyone that has an overdue book could bring the book back to the Library and a non-perishable food item and the fines would be waived. He stated that the Library has an "Angel Tree" and everyone was encouraged to pick up an angel at the Library. He stated that he has spent time at the Bethlehem Haitian Baptist Church and was able to see how they run their afterschool and day care programs. He stated that the Church was in desperate need of volunteers to work with the children. Anyone interested was invited to contact Peg (the manager). Peg could be reached at 203-984-6254. He stated that on Tuesday he would be assisting Club 100 Charities at the Church putting together food baskets. He explained that Art on Park would be hosting an event where 15% of the proceeds would be donated to the Audubon of the Everglades 50 Year Anniversary Exhibit on November 20, 2015 from 5:00 – 8:00 p.m. with an after party at the Brew House Gallery. The exhibit would be from November 15<sup>th</sup> through December 31, 2015 at the Art on Park Gallery. He announced that Jonathan Luscomb was the Town's new Marina Director and would begin on December 7, 2015. He stated that Mr. Luscomb would be attending the December 2<sup>nd</sup> meeting and would introduce himself to the Commission.

**Commissioner Rapoza** wished everyone a Happy Thanksgiving.

**Commissioner Flaherty** wished everyone a Happy Thanksgiving.

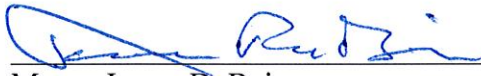
**Commissioner O'Rourke** stated that there were many noise complaints received regarding an event that took place on November 7<sup>th</sup> at Lake Shore Park. He explained that Palm Beach County Sheriff's Office (PBSO) were called and responded, but the noise continued after PBSO gave them a warning. He stated that there may have been a confusing as to the event being a Town event. He asked that the Town Manager and Lt. Vassalotti review the situation of the loud music and complaints received.

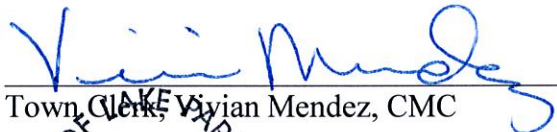
**Vice-Mayor Glas-Castro** announced that Wednesday, November 25<sup>th</sup> was the monthly Palm Beach County League of Cities luncheon in Boynton Beach. She announced that Friday, December 4, 2015 would be the Tri-City BBQ in Belle Glade. She asked for the sanitation schedule for Thanksgiving and how it would be announced. Public Works Director Dave Hunt stated that the sanitation pickup would take place on Friday. He stated that it would be announced in the Palm Beach Post, the Town's website, channel 18, also postings would be placed on the Town Hall and Public Works doors. Town Manager D'Agostino explained that staff was looking into additional manners of notifying the public of events in Town, including changes to the sanitation schedule. He stated that e-blast would be re-instated and Public Works has been asked to develop a refrigerator magnet that would outline the sanitation schedule for 2016. Vice-Mayor Glas-Castro wished everyone a Happy Thanksgiving.

**Mayor DuBois** stated that the North Palm Beach County Chamber of Commerce Government Affairs Committee met and two (2) of the Town's projects were uploaded to their approval funding system. The Lake Shore Drive funding and the Park Avenue Extension effort. He announced that the Veteran's Day ceremony was very small and thanked everyone that attended. He asked if anyone had attended the Veteran's Car Show. Town Manager D'Agostino stated that the event was a success. Mayor DuBois thanked the Commission for supporting the Marina annual pass Resolution concept.

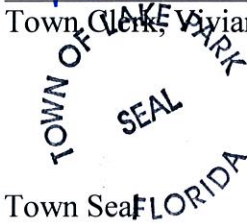
**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner O'Rourke, and by unanimous vote, the meeting adjourned at 8:15p.m.

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

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

Town Clerk, Vivian Mendez, CMC



Approved on this 2 of December, 2015



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 18, 2015

Agenda Item No.

**Agenda Title: Request for Approval for Payment of the Settlement Amount for October 31, 2014 Vehicular Accident Involving a Department of Public Works Vehicle and to Amend the Fiscal Year 2015 Budget to Provide for Payment Thereof**

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

Approved by Town Manager *[Signature]* Date: 11/1/15

*Bonnie McEllison*

Name/Title HUMAN RESOURCES DIRECTOR

<p><b>Originating Department:</b></p> <p>Human Resources</p>	<p>Costs: \$22,000.00</p> <p>Funding Source: FY 2015 Insurance Claims Deductibles</p> <p>Acct. #900-49500</p> <p><input checked="" type="checkbox"/> Finance <u><i>BKR</i></u></p>	<p><b>Attachments:</b> Copy of Florida League of Cities Invoice in the Amount of \$22,000.00; and Resolution to Amend the Fiscal Year 2015 Budget and Attachment A</p>
<p><b>Advertised:</b></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><b>Not applicable in this case</b></p> <p><u>BMT</u></p> <p>Please initial one.</p>



**Summary Explanation/Background:**

On the morning of October 31, 2014, Public Works Department Commercial Sanitation Vehicle No. 43 was struck by a privately owned 2004 Toyota Solara. According to the Town's Employee Accident Report submitted regarding this incident and further internal follow-up investigation, Vehicle No. 43 swung left in order to make a tight right turn into the parking lot at 1401 Old Dixie Highway in Lake Park when the Toyota approached at a high rate of speed in order to pass Vehicle No. 43 and instead struck Vehicle No. 43 on the right hand side. Both Vehicle No. 43 and the Toyota were damaged, with the Toyota determined to be a total loss with damages sustained in the amount of \$22,000.00. Although the Employee Accident Report and accident diagram provided by Town employees showed that the driver of the Toyota was at fault, neither the driver of the Toyota nor the driver of Vehicle 43 was cited by the Palm Beach County Sheriff's Office. Florida League of Cities settled this claim in the amount of \$22,000.00, all of which the Town is responsible for paying to the Florida League of Cities as it is less than the Town's \$25,000 deductible.

The purpose of this agenda item is two-fold. First, it is to obtain authorization from the Commission to pay the settlement amount of \$22,000.00, which will be paid out of the Town's insurance fund for Fiscal Year 2015. Second, it is to increase the Fiscal Year 2015 budget by \$5,000 to ensure that there is an adequate amount in the insurance fund to cover this settlement.

**Recommended Motions:**

- (1) I move to authorize payment of the settlement amount of \$22,000.00 for this claim to the Florida League of Cities; and**
- (2) I move to approve Resolution \_\_\_\_\_ to increase the Fiscal Year 2015 budget by \$5,000.**



Exhibit "C"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 18, 2015

Agenda Item No.

Agenda Title: Ramp Launch Fees at the Marina

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

Approved by Town Manager

Date: 11/10/15

John O. D'Agostino, Town Manager

Name/Title

<p><b>Originating Department:</b>  Town Manager</p>	<p>Costs: \$ 0 Funding Source: Acct. # [ ] Finance _____</p>	<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>➤ Ordinance 23, 1989</li> <li>➤ Resolution 66, 1989</li> <li>➤ Resolution 39, 1990</li> <li>➤ Resolution 62, 1991</li> <li>➤ Resolution 27, 1994</li> <li>➤ Resolution 51, 1996</li> <li>➤ Workshop minutes with Marian Board June 30, 1997</li> <li>➤ Commission Meeting June 3, 1998</li> <li>➤ Resolution 36, 1998</li> <li>➤ Resolution reference 4, 16, 2003</li> <li>➤ Resolution 41-08-06</li> <li>➤ ARF March 18, 2009</li> </ul>
<p><b>Advertised:</b> Date: _____ Paper: _____ [ X ] 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 _JOD_  <b>Please initial one.</b></p>

**Summary Explanation/Background:**

Ramp launch fees and the establishment of various costs to launch boats from the Marina Boat Launch Ramp have been discussed and resolutions passed since 1989. In order to understand the progression of such fees, I have attached several resolutions, and Commission Meeting Minutes to illustrate the context of the discussion and the decisions made by subsequent boards over this time period (1989 to present).

**Ordinance 23, 1989** repealed section 8-42 (b) of the code regarding parking fees for parking over 24 hours at the Lake Park Marina. **Also, section 8-64 of the Code provides that marina fee schedules are to be established by Resolution.**

Resolution Language Heading	Resolution Number	Summary of Charges
A Resolution of the Commission of the Town of Lake Park, Florida, Establishing Rates For Extended Parking and ramp Use Within the Marina Facility Pursuant to Section 8-64 of the Code; Providing an Effective Date	<b>Resolution 66, 1989</b>	<ul style="list-style-type: none"> <li>➤ Parking Permits for more than 24 hours shall be \$12.00. Parking Permits for personal vehicles of Marina tenants shall be issued at no charge.</li> </ul> <p><b>RAMP Charges:</b></p> <ul style="list-style-type: none"> <li>➤ Single Launch \$5.00</li> <li>➤ Launch card 10 single launches at \$4.00/launch or \$40.00</li> </ul>

Resolution Language Heading	Resolution Number	Summary of Charges
A Resolution of the commission of the Town of Lake Park, Florida Establishing rates for Marina Slip Rental; Providing for Payment of State Sales tax on All Slip Rentals; Establishing an Administrative Fee for Processing Lease Documents; Establishing Rates for Ramp Use within the Marina facility; Establishing terms and conditions for issuance and use of Ramp Stickers; Establishing Rates for Extended Parking within the Marina Facility; Providing for fees to be collected for dishonored checks; Providing for an Effective Date.	<b>Resolution 39, 1990</b>	<ul style="list-style-type: none"> <li>➤ Single Launch, paid at time of use \$5.00</li> <li>➤ Launch Card, purchased in advance \$40.00</li> <li>➤ Ramp Sticker (unlimited ramp use, Monday thru Friday only during fiscal year of issuance \$50.00</li> <li>➤ Two Stickers (unlimited ramp use during fiscal year of issuance) \$100.00</li> </ul>

The policy under Resolution 39, 1990 for Ramp Stickers shall be as follows:

1. Ramp Stickers shall be issued for Non-Commercial use only upon payment of the annual fee and execution of a statement, to be provided by the Town, attesting to the purchaser's understanding and acceptance of the terms and conditions upon which the ramp sticker is issued. Ramp stickers shall be valid during the fiscal year for which it is issued.
2. Ramp Stickers shall be affixed to the purchaser's boat trailer, by the Dock Master or Dock Attendant, upon payment therefore.
  - a. One ramp sticker shall entitle the purchaser to unlimited use of Marina Launching ramps on weekdays only (Monday thru Friday) within the hours established for ramp use.
  - b. Two Ramp Stickers shall entitle the purchaser to unlimited use of Marina launching ramps within the hours established for ramp use.
  - c. Ramp Stickers for unlimited use of Marina Launching ramps shall be available on a first-come first-serve basis to not more twenty-five marina patrons.

Resolution Language Header	Resolution Number	Summary of Charges
<p>A Resolution of the Commission of the Town of Lake Park, Florida, establishing beginning and Ending dates for six (6) month Marina lease Terms; Establishing rates for Marina Slip Rental; Providing for payment of state sales tax on all slip rentals for processing lease documents; Establishing an administrative fee for processing lease documents establishing rates for ramp use within the Marina Facility; Establishing terms and conditions for issuance and use of ramp stickers; Establishing rates for extended parking within the Marina Facility; Providing for fees to be collected for dishonored checks; Providing an Effective date.</p>	<p><b>Resolution 62, 1991</b></p>	<ul style="list-style-type: none"> <li>➤ Recapitulation of the charges established above in Resolution 39, 1990.</li> <li>➤ Further, the terms and conditions outlined above are the same as established in Resolution 39, 1990.</li> </ul>

Resolution Language Header	Resolution Number	Summary of Charges
<p>A Resolution of the commission of the Town of Lake Park, Florida, Establishing beginning and Ending dates for six (6) month Marina Lease Terms;</p>		<ul style="list-style-type: none"> <li>➤ Recapitulation of the charges established above in Resolution 62, 1991 and Resolution 39, 1990.</li> </ul>

<p>Establishing the basis for Application of Rates for Marina Slip Rental; Establishing Rates For Marina Slip Rental; Providing for Payment of State Sales Tax on all Slip Rentals; Establishing an Administrative Fee for Processing Lease Documents; Establishing rates for Ramp use within the Marina Facility; Establishing terms and conditions for Insurance and use of Ramp Stickers; Establishing Rates for Extended Parking within the Marina facility; Providing for fees to be collected for dishonored checks; Providing an Effective Date.</p>	<p><b>Resolution No. 27, 1994</b></p>	<ul style="list-style-type: none"> <li>➤ Further, the terms and conditions outlined in Resolution 39, 1990 are the same except for the following added language:</li> <li>➤ Ramp stickers shall be valid only during the fiscal year of issuance and A ramp sticker maybe invalidated by the Dock Master, with prior approval of the Town Manager for good cause shown.</li> </ul>
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Resolution Language Header	Resolution Number	Summary of Charges
<p>Resolution of the Commission of the Town of Lake Park, Florida, Establishing Beginning and Ending dated for six (6) month Marina Lease Terms; Establishing the basis for application of rates for Marina Slip Rental; Establishing Rates for Marina Slip Rental; Providing for Payment of State Sales Tax on all slip rentals; Establishing Rates for Ramp use within the Marina facility; Establishing terms and conditions for issuance and use of ramp stickers; Establishing rates for extended parking within the Marina Facility; Providing for fees to be collected for dishonored checks; Providing an Effective Date.</p>	<p><b>Resolution 51, 1996</b></p>	<p>Rates for use of Marina/launching ram(s) shall be as follows and based on price per vessel:</p> <ul style="list-style-type: none"> <li>➤ Single Launch and parking for up to 24 hours, paid at the time of use \$7.00</li> <li>➤ Launch Card and Trailer rig parking for up to 24 hours purchased in advance (10 Single Launches at \$6.00/Launch) \$60.00</li> </ul> <p><b>Ramp Stickers:</b></p> <ul style="list-style-type: none"> <li>➤ One sticker (ramp use and trailer rig parking up to 24 hours Monday thru Friday only during fiscal year of issuance \$75.00.</li> <li>➤ Two stickers (ramp use and trailer rig parking up to 24 hours seven (7) days per week during fiscal year</li> </ul>

		<p>of issuance \$125.00</p> <ul style="list-style-type: none"> <li>➤ The ramp policy language Resolution 27, 1994 remains the same in Resolution 51, 1996.</li> </ul>
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On June 3, 1998, the Commission directed staff to prepare a revised resolution relative to certain fees charged at the Lake Park Marina as noted in staff recommendations listed in the memorandum dated May 28<sup>th</sup> from Commissioner Brian Sullivan. He noted that the town was losing money on ramp stickers. He suggested they take this out. The resolution that exists gives an incentive to purchase the launch card. Commissioner Sullivan would like to change that to offer 12 single launches instead of 10. Commissioner Roetz agreed the motion carried on ramp Stickers 5-0.

Resolution Language Header	Resolution Number	Summary of Charges
<p>A resolution of the Commission of the Town of Lake Park, Florida; Establishing beginning and ending dates for six (6) month marina lease terms; Establishing the basis for application of rates for Marina Slip Rental; Providing for payment of State Sales tax on all slip rentals; Establishing an Administrative Fee for Processing lease documents; Establishing rates for Ramp Use within the Marina Facility; Establishing rates for extended Parking within the Marina Facility; Providing for Fees to be collected for dishonored checks; Providing an Effective Date.</p>	<p><b>Resolution 36, 1998</b></p>	<ul style="list-style-type: none"> <li>➤ Single launch and trailer rig parking for up to 24 hours, paid at the time of use Weekday Rate \$7.00</li> <li>➤ Single Launch and Trailer rig parking for up to 24 hours, paid at the time of the use Weekend and Holiday Rate \$10.00</li> <li>➤ Launch card and trailer rig parking for up to 24 hours purchased in advance (12 single launches at \$10.00) \$100.00</li> <li>➤ Extended trailer rig parking permits shall be made available for purchase to Marina Launching ramp patrons for parking within the Marina Facility for periods of more than twenty-four (24) hours. The rate for extended parking permits shall be twelve dollars (\$12.00) per twenty-four hour period.</li> </ul>

In April 16, 2003, at a regular commission meeting a motion was made by Commissioner Garretson to set the rates at \$7.00 during the week and \$10.00 on the weekend and holiday for ramp use and

boat launching. As stated in the first paragraph of the Agenda Request Form, fees for the Marina can only be set by Resolution. The vote therefore maybe invalid as the fees were not set by resolution.

Resolution Language Header	Resolution Number	Summary of charges
A Resolution of the Town Commission of the Town of Lake Park, Florida approving the revised dockage rate schedule for the Lake Park Harbor Marina for vessel owners and providing an effective date	<b>Resolution 41-08-06</b>	Marina Manager David Hinaman stated that the launch and retrieve rate remains at (10 dollars per vessel and boaters could park for free. He stated that boaters who park overnight at the Marina would be charged an additional twelve (12) dollars. This resolution was passed on a 4-0 vote, Mayor Castro was absent.

On March 18, 2009, an Agenda Request Form Authored by Town Manager Maria Davis provided a Summary Explanation of the following: Commissioner Carey requested staff to explore an annual ramp pass for boaters. Staff discussed various options and is recommendation that the Marina sell a "punch card" for \$100.00 per year, which would entitle the customer to launch 12 times per year. Since the rate to launch a boat is \$10.00 per launch, essentially the annual pass would provide for 2 free launches with the purchase of 10.

**Yearly Marina Ramp Passes:** Commissioner Carey asked if more than one card could be sold per year. The Town Manager said yes. Commissioner Balius recommended a \$50.00 card in addition to the \$100.00 card. Marina Director Mike Pisano state that it was at the Commission's discretion to have an additional \$50.00 card. A motion was made by Commissioner Carey to have a \$50.00 buy five launches get one free launch Marina ramp pass; Vice Mayor Second. Vote passed 5-0.

Based on Ordinance 8-64 of the Town Code, Marina fee schedules are to be established by resolution and not by vote of the Commission without a resolution.

**In Summary:** The last Resolution vote taken by the Town of Lake Park, Board of Commissioners was Resolution 41-08-06 which states that Launch and Retrieve rate remains at \$10.00 per vessel and boaters could park for free. Boaters who park overnight at the Marina would be charged an additional \$12.00.

In order to have a meaningful discussion on Marina Launch Fees, this historical information is necessary for the Commission to have a meaningful discussion on rates and fees, whether to provide punch cards with annual launch fees as was discussed and

implemented in years past or to continue with the 41-08-06 Resolution of \$10.00 per vessel with free overnight parking.

**Recommended Motion:** At this point a motion is not necessary however, guidance to staff is recommended. If the Commission desires another resolution clarifying or elaborating on earlier Resolutions, staff will proceed upon guidance from the Commission as a whole.





*Exhibit "A"*

**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:**      **November 18, 2015**      **Agenda Item No.**

**Agenda Title:**      **Presentation by Will Wagner to Amend Felony Murder Statutes of the State of Florida**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> SPECIAL PRESENTATION/REPORTS<br><input type="checkbox"/> BOARD APPOINTMENT<br><input type="checkbox"/> PUBLIC HEARING ORDINANCE ON _____ READING<br><input type="checkbox"/> NEW BUSINESS<br><input type="checkbox"/> OTHER: _____ | <input type="checkbox"/> CONSENT AGENDA<br><input type="checkbox"/> OLD BUSINESS |
|--|--|

**Approved by Town Manager** *J. D'Agostino*      **Date:** 11/5/15

**John O. D'Agostino, Town Manager**

**Name/Title**

<b>Originating Department:</b>  Town Manager	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <ul style="list-style-type: none"> <li>• Resolution 28, 1995</li> <li>• Resolution 46, 1995</li> <li>• Website:  <a href="http://www.Derrickwagnerfoundation.com">www.Derrickwagnerfoundation.com</a> for more information.</li> </ul>
<b>Advertised:</b> Date: _____ Paper: _____ <input 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 ____  <b>Please initial one.</b>

**Summary Explanation/Background:**

Former Mayor Will Wagner would like to request that the Town of Lake Park sponsor a resolution to go on record to amend the Felony Murder Statutes to include Death by Hit and Run either by vehicle or vessel.

He also has a six minute video on this subject that he would like to indulge the Commission on. He will answer questions after the video presentation

**Recommended Motion:** Move to authorize the Town Attorney to draft a resolution to the Palm Beach County Delegation to sponsor a bill to amend the Felony Murder Statutes of the State of Florida to include Death by Hit and run either by vehicle or vessel.

RESOLUTION NO. 28, 1995

A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, URGING THE PALM BEACH COUNTY LEGISLATIVE DELEGATION TO SUPPORT EFFORTS TO AMEND FLORIDA'S FELONY/MURDER STATUTE TO INCLUDE THE ACT OF VEHICULAR HIT AND RUN AMONG THE ENUMERATED OFFENSES OF SAID STATUTE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.027, Fla. Stat. requires the driver of any vehicle involved in an accident resulting in the injury of any person to immediately stop the vehicle and render aid and also requires the immediate reporting of the accident to the local police authority;

WHEREAS, failure to comply with Section 316.027, Fla. Stat. may result in the death of an injured person due to the injured person being unable to receive medical attention in a timely manner; and

WHEREAS, a death resulting from the carelessness and neglect of a hit and run driver is more appropriately viewed as a homicide.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:


SECTION I

The Commission of the Town of Lake Park, Florida, does hereby urge the Palm Beach County Legislative Delegation to support efforts to amend Florida's felony/murder statute (Section 782.04, Fla. Stat.) to include the act of vehicular hit and run among the enumerated offenses of said Statute.

SECTION II

This Resolution shall take effect immediately upon passage.

ATTEST:

  
TOWN CLERK

#1 C:\-TLP\RESOL\VEHICLE.RES  
July 5, 1995

0 46

RESOLUTION NO. 46, 1995

A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, URGING THE PALM BEACH COUNTY LEGISLATIVE DELEGATION TO SUPPORT H.B. #173 AND S.B. #16 IN EFFORTS TO AMEND FLORIDA'S FELONY/MURDER STATUTE TO INCLUDE THE ACT OF VEHICULAR HIT AND RUN AMONG THE ENUMERATED OFFENSES OF SAID STATUTE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.027, Florida Statutes requires the driver of any vehicle involved in an accident resulting in the injury of any person to immediately stop the vehicle and render aid and also requires the immediate reporting of the accident to the local police authority;

WHEREAS, failure to comply with Section 316.027, Florida Statutes may result in the death of an injured person due to the injured person being unable to receive medical attention in a timely manner; and

WHEREAS, a death resulting from the carelessness and neglect of a hit and run driver is more appropriately viewed as a homicide.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

SECTION I

The Commission of the Town of Lake Park, Florida, does hereby urge the Palm Beach County Legislative Delegation to support House Bill #173 and Senate Bill #16 in efforts to amend Florida's felony/murder statute (Section 782-04, Florida Statutes) to include the act of vehicular hit and run among the enumerated offenses of said Statute.

SECTION II

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

READ AND ADOPTED THIS 15 DAY OF NOVEMBER, 1995.



William P. Wagoner  
MAYOR

Sally S. Hall



# AGENDA

Lake Park Town Commission  
 Town of Lake Park, Florida  
 Regular Commission Meeting  
 Wednesday, November 18, 2015,  
 Immediately Following the  
 Visioning Workshop.  
 Lake Park Town Hall  
 535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kimberly Glas-Castro</b>	—	<b>Vice-Mayor</b>
<b>Erin T. Flaherty</b>	—	<b>Commissioner</b>
<b>Michael O'Rourke</b>	—	<b>Commissioner</b>
<b>Kathleen Rapoza</b>	—	<b>Commissioner</b>
<hr style="border-top: 1px dashed black;"/>		
<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, 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/ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. SPECIAL PRESENTATIONS/REPORTS**

1. Presentation by Will Wagner to Amend Felony Murder Statutes of the State of Florida Tab 1
2. Childhood Cancer Awareness Week Proclamation Tab 2
3. Proclamation Recognizing the Month of November as National Pancreatic Cancer Awareness Month Tab 3

**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.

4. Town Commission Meeting Minutes of November 4, 2015

Tab 4

5. Dumpster Purchase of Commercial Sanitation Operations

Tab 5

F. **PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:**

G. **PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

None

H. **NEW BUSINESS:**

6. Request for Approval for Payment of the Settlement Amount for October 31, 2014 Vehicular Accident Involving a Department of Public Works Vehicle and to Amend the Fiscal Year 2015 Budget to Provide for Payment Thereof

Tab 6

7. Marina Annual Pass Rate

Tab 7

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

J. **ADJOURNMENT:**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, December 2, 2015**