



AGENDA
Lake Park Harbor Marina Advisory Board
Town of Lake Park, Florida
BOARD MEETING
August 13, 2007 7:00 PM
Lake Park Town Hall, 535 Park Ave.

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

Jim Lloyd	(Chairman & Secretary)	Ernie Small	(1 st Alternate)
Ronnie Lee Cohen	(Member)	Joseph Wexler	(2 nd Alternate)
Kelleen Allen	(Member)	Robin Maibach	(Member)
William McDow	(Member)		

- D. Approval of Agenda Additions / Deletions

- E. Approval of Minutes for July 5, 2007 Meeting.

F. **Public Comment** At this time in the meeting, any member of the public wishing to address the Board may do so. When recognized for the record, please approach the podium, and state your name and address into the microphone. Although no formal time limit has been declared, the Board requests in the interest of time that comments be held to approximately three minutes.

- G. Discussion

1. Marine Engineer – Mooring Pilings Design and North Breakwater Retrofit
2. Parking Meters
3. Slip Fees

- H. Member Comments

- I. Adjournment

Next meeting scheduled on demand



Minutes
Town of Lake Park, Florida
Harbor Marina Advisory Board Meeting
July 5, 2007 7:00 p.m.
Town Commission Chambers, 535 Park Avenue

The Lake Park Harbor Marina Advisory Board met for the purpose of a regular meeting on Thursday, July 5, 2007 at 7:00 p.m. Present were Chairperson Jim Lloyd, Board Members Ronnie Lee Cohen, William McDow, and Ernie Small. Absent were Board Members Kelleen Allen, Robin Maibach, and Joseph Wexler.

Board Member Ronnie Lee Cohen led the Pledge of Allegiance.
 Chairperson Jim Lloyd performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Town Manger Maria Davis requested that three items be added to the agenda. 1) Moorings Pilings 2) Board Member Application 3) Board Directory.

Motion: A motion was made by Board Member Cohen to approve the agenda as amended; Board Member Small made the second.

Vote on Motion:

Board Member	Yes	No	Other
Chairperson Lloyd	X		
Board Member Allen			Absent
Board Member Cohen	X		
Board Member Maibach			Absent
Board Member McDow	X		
Board Member Small	X		
Board Member Wexler			Absent

Motion passed 4-0.

Approval of Board Meeting Minutes of May 3, 2007

Board Member Ronnie Lee Cohen asked if there was an error in the minutes which stated that the new board member was appointed as a regular member. It was her understanding that when a board opening occurs the first alternate member automatically becomes a regular member and the second alternate member automatically becomes first alternate leaving the open position of second alternate for the newest member to fill. Chairperson Jim Lloyd stated that he was under the same understanding. Town Clerk Vivian Mendez explained the process of board membership status to the

board members. As per the Town Code the Commission is provided with all board applications for the current open position on a board. If a current alternate board member would like the opportunity to become a regular member, their application must be submitted along with the others. It would be up to the Commission to decide if a current alternate member would be appointed as a regular member, it is not an automatic progression in position. Conversation ensued between the board members and the Town Clerk on how the history of the board has functioned and their understanding of the process.

Motion: A motion was made by Board Member Cohen to approve the minutes; Board Member Small made the second.

Vote on Motion:

Board Member	Yes	No	Other
Chairperson Lloyd	X		
Board Member Allen			Absent
Board Member Cohen	X		
Board Member Maibach			Absent
Board Member McDow	X		
Board Member Small	X		
Board Member Wexler			Absent

Motion passed 4-0.

PUBLIC COMMENT:

The following person(s) addressed the Board:

None.

OLD BUSINESS:

“Just A Question Of Respect.”

Chairperson Jim Lloyd expressed disappointment and concern over the current conditions at the Harbor Marina. Once again it’s hurricane season and the issues with the breakwater, pilings, etc. are not resolved. In the two years of his dedicated service to the board, the Commission has not acknowledged the concerns discussed amongst the board. Unfortunately the direction of the Commission at this time was to make the board function on a part-time basis. Chairperson Lloyd stated that he was unsure if it would make any difference to discuss the nine items under New Business for five minutes each or ½ hour each, so in his opinion Chairperson Lloyd asked for a motion to adjourn the meeting.

No motion was made so the meeting continued to New Business.

NEW BUSINESS:

1. Ordinance amending the duties of the Harbor Marina Advisory Board.

Chairperson Jim Lloyd opened the floor to Town Manager Maria Davis.

Town Manager Maria Davis explained the purpose of revising the Ordinance. The Harbor Marina Advisory Board has functioned differently than any other Town board, which has been challenging to the board. Under the new Ordinance, staff would create the agenda as well as create the minutes, unlike the current practice. Staff would attend meetings to take minutes and provide guidance and answer questions.

The board has expressed concern regarding the lack of communication with their liaison and the liaison's role. Town Manager Maria Davis explained the purpose of a liaison and stated that at no Commission Meeting has a liaison from any board reported back to the Commission about the board meeting they attended and what occurred. It was recommended that a staff member, other than the Marina Manager attend all the Harbor Marina Advisory Board meetings to provide guidance to the board. The board was invited to meet with any Commissioner and to attend Commission Meetings. This would assist in the lack of communication between the two boards.

Board Member William McDow asked if the board could contribute items to the agenda. Town Manager Maria Davis stated that it would absolutely be allowed and encouraged.

Board Member William McDow expressed concern over the past direction provided to the board and how that perception has continued. The role of the liaison would be to communicate between the two and to explain what was expected by the Commission. Town Manager Maria Davis agreed with Board Member McDow that the process has not worked and that this was the reason the Ordinance was being rewritten to fix an "ill". Board Member McDow expressed concern with the repairs of the breakwater, and pilings that are still needed at the Marina to bring it to a safe environment for people to enjoy.

Chairperson Jim Lloyd asked that in the interest of time the discussion stay on point. The current topic was the new Ordinance. The Ordinance being adopted by the Commission radically reduces their role, yet the board was not informed of the item in advance. He expressed concern on the lack of respect given to the board, stating that a written notice or phone call would have notified the board of the upcoming item.

Town Manager Maria Davis stated that for all the reasons discussed, the Ordinance was being rewritten so that this board could function like all the other Town boards. Steering this board in the right direction would be the focus moving forward.

Board Member William McDow stated that there has been serious discussions that occur at their board meetings as it pertains to the breakwater, pilings, etc., but the information did not reach the Commission. This was the only board in Town that has a waiting list of applicants wanting to become members.

Board Member Ronnie Lee Cohen asked for clarification on Section 76-40 of the Ordinance asking what does "prompt" mean. If the board would not be meeting on a regular basis anymore, how would the board be able to respond promptly. Town Manager Maria Davis explained that time would be allotted for research and communication well in advance of the next meeting.

2. Agenda preparation and minutes.

Town Manager Maria Davis stated that this topic was already discussed and no further clarification was required.

3. Attendance at Commission Meetings.

Town Manager Maria Davis stated that this topic was already discussed and no further clarification was required.

4. Slip Fees

Town Manager Maria Davis requested a comparative analysis of the current Lake Park Marina Slip Fees versus other Municipal or Private Marinas. Chairperson Jim Lloyd stated that the marina board has been consistent for the past two years. Board Member William McDow stated that the marina does not have the same amenities as other area marinas. The board members would receive notice of the next meeting in advance as to provide adequate time for research for the analysis.

5. Parking Meters

Town Manager Maria Davis stated that the Town was looking to generate revenue from the marina and parking meters was one way. Staff was recommending the north section of the marina, not the south area where the trailers are parked, but the north section. A written analysis with recommendations of installing parking meters was asked of the board. Board Member William McDow asked about those boaters that have yearly slip contracts. Town Manager Maria Davis stated that he could make a recommendation as to what those that have a yearly slip contract would or could receive.

6. Ongoing Breakwater Project

Town Manager Maria Davis updated the board on the Breakwater Project indicating that 90% was completed on the baffles on the north breakwater.

7. Mooring Piling

Town Manager Maria Davis explained that three sets of mooring piling drawings were available for review. Additional copies would be distributed to the remaining board members next week. The mooring piling drawings were of the entire Marina. She requested a recommendation from the board that would be submitted to the engineer.

Board Member William McDow made a comment on the baffles that are being constructed, on the fishing pier that goes out, he recommended having riprap placed under the baffles. The underneath the baffles on the tide was going to slow down the water trying to go through the baffles. The marina does not need the water rushing underneath the baffles and filling up the channels. Town Manager Maria Davis stated that the recommendation made should also be submitted so that she could present it to the engineer on the project. She would like to bring the engineer to the next marina meeting and have them review the recommendations. Board Member William McDow also recommended putting baffles under the south breakwater to reduce the wave action in that area.

Town Manager Maria Davis updated the board regarding an artificial reef that the Environmental Resource Management has been placing concrete out near Kelsey Park. The board was invited to attend the July 18th Regular Commission Meeting where the Environmental Resource Management representative would be making a presentation to inform the public of their project.

The next update pertained to the newly issued beer and wine license for the marina. Board Member William McDow commented on getting some atmosphere at the marina, but that it was last on the list of things that were needed. He had some ideas that would help.

8. Board Member Application

Town Manager Maria Davis addressed some concerns expressed by the board at their last meeting regarding board applicants. The newly appointed board member application was distributed to the board members.

9. Board Directory

Town Manager Maria Davis also referred to the board member directory distributed which provides the board expiration dates for each member.

Town Manager Maria Davis promised to increase the communication between the Commission, staff and the board. She asked for time and patience in putting this board on a positive direction and bridging the communication gap.

MEMBER COMMENT:

Board Member William McDow expressed his concern and opinion on the manner in which a board member was chosen by the Commission.

Board Member Ernie Small had no comments.

Board Member Ronnie Lee Cohen stated that the board members should be comprised of dedicated individuals leaving the responsibility of who becomes a member to the Commission. Would like to see a person's application or resume so that she knows the experience a person has on the board.

Chairperson Jim Lloyd stated that he made his comments known earlier under Old Business, "Just A Question Of Respect". In spite of the appearance, staff and the board are on the same page. The communication has been lacking in both directions and a lot of work was yet to be done. In the board's opinion the marina was not complete as it pertains to the breakwater, pilings, etc.

Board Member William McDow asked for an update or if any progress was being made on the cable television situation at the Marina. Town Manager Maria Davis stated no, not at this time. Board Member William McDow asked if a temporary satellite dish could be mounted to the structure of a person's boat. Town Manager Maria Davis stated that she could present it to the Commission asking to relax the Ordinance on a temporary basis at the marina.

Board Member William McDow asked for an update on the State issued "No Wake Zone". Town Manager Maria Davis explained that it was her understanding that there would be a temporary "No Wake Zone" for the Breakwater, but they are not going to give the Town a permanent "No Wake

Zone” until Fish and Wildlife conduct a study of the entire coast. After they conduct their study they would determine if it was necessary for the Town to have a “No Wake Zone”.

ADJOURNMENT

There being no further business to come before the board and after a motion to adjourn by Board Member Cohen and seconded by Board Member McDow, and by unanimous vote, the meeting adjourned at 7:55 p.m.

Chairperson

Town Clerk Vivian Mendez

Approved on this 13th day of August, 2007.

Items Discussed at last mt

No. 9-19-74, § I, 5-7-1974; Ord. No. 11-1977, § 1, 9-7-1977; Ord. No. 11-1983, § 1, 7-20-1983; Ord. No. 23-1983, § 1, 12-7-1983; Ord. No. 30-1984, 11-21-1984; Ord. No. 31-1984, 11-21-1984; Ord. No. 13-1985, §§ 1, 2, 8-7-1985; Ord. No. 2-1995, § I, 1-4-1995; Ord. No. 8-1996, § I, 9-18-1996; Ord. No. 26-2001, § 1, 1-2-2002; Ord. No. 4-2002, § I, 2-6-2002; Ord. No. 16-2002, § 1, 6-5-2002; Code 1978, §§ 2-111, 2-112, 2-121, 2-131, 2-141, 2-151, 2-186—2-191, 2-254, 2-259—2-262, 2-271, 2-272, 2-281, 2-282, 2-289—2-294, 2-300—2-303, 2-310—2-314; Ord. No. 08-2004, § 2(2-151), 3-17-2004)

Sec. 2-87. Powers and duties of town attorney.

The town attorney shall be appointed and removed at the sole discretion of the town commission. The town attorney shall be responsible for the town's legal affairs and act as legal counsel for the commission, its officers and employees. (Ord. No. 06-2007, § 3, 3-7-2007)

Secs. 2-88—2-110. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES*

DIVISION 1. GENERALLY

Sec. 2-111. Election of board and committee officers.

(a) *Chair.* Each board and committee of the town shall elect from its membership a chair, who shall preside at all meetings of such board or committee, and a chair pro tem, who shall preside at all meetings of such board or committee in the absence or disability of the chair, at a regular meeting to be conducted in January of each year.

(b) *Secretary.* Each board and committee of the town shall elect from its membership a secretary, who shall record the proceedings of each meeting

*Cross references—Code compliance board, § 9-31 et seq.; planning and zoning board, § 55-61 et seq., § 54-98; historic preservation board—created and established, § 66-4; harbor marina advisory board, § 76-31 et seq.

State law reference—Public meetings and records, F.S. § 286.011.

of such board or committee, at a regular meeting to be conducted in January of each year, except that the town clerk shall serve as the recording secretary for the planning and zoning board and code enforcement board.

(Ord. No. 17-1991, § 1, 11-6-1991; Code 1978, § 2-56)

Sec. 2-112. Membership on boards and committees terminated for missing meetings; filling of vacancies.

See attached Ordinance 12-2006

(a) *Definitions.* For the purposes of this section, the following words, terms and phrases shall have the meanings herein ascribed to them:

Board means board or committee, as appropriate.

Valid excuse means one of the following:

- (1) Illness of a member or other person for whom the member is a caregiver;
- (2) Death of a member's relative; or
- (3) Scheduled absence approved in advance by the chair.

(b) *Recording of attendance.* The secretary of each board shall record the names of the board members who are present and absent at each board meeting, and shall include in the minutes of the meeting, the name of any member who has missed a meeting without a valid excuse, including regular and special meetings of said board.

(c) *Termination of membership.* Membership on a town board shall be automatically terminated for any member who, without valid excuse, misses three board meetings both regular and special in any consecutive 365-day period (any one year term of the member).

(d) *Review of minutes.* The town clerk shall be responsible for reviewing the minutes of each board to determine when a vacancy has occurred, the town clerk shall confirm the unexcused absences of the member with the board secretary and once confirmed shall subsequently publish notice of the vacancy in a newspaper of general circulation of the town. The town commission shall fill the vacancy no sooner than two weeks after the publication of such notice. The term of a board member who is removed from office for lack

of attendance shall end at the close of the third meeting in which the member failed to attend and which absence was not excused.

(e) *Notice of vacancies.* The town clerk shall monitor the terms of office for board members. Not less than 60 days prior to the end of a board member's term, the clerk shall publish a notice of the impending vacancy.

(f) *Publication of notice.* When publication of notice is required pursuant to this section, such publication shall be in the town newsletter and/or by other reasonable means of posting and publication. Copies of such notices shall be provided to the town commission at the next regular meeting following publication.

(g) *Profile sheet.* Each person seeking an initial appointment to a board shall be required to complete a profile sheet. The form for such profile sheet shall be approved by the commission. Any current regular member or alternate member seeking appointment or reappointment shall also be required to complete a profile sheet if one has not been completed within the previous three years. A profile sheet shall be due no later than 48 hours prior to the regular town commission meeting at which the appointment is scheduled to occur.

(h) *Appointment of alternate members.* The town commission shall appoint two alternates for each board. Alternate members of a board shall be appointed as first alternate and second alternate and shall serve in that order when necessary. Alternate members shall be permitted to participate in all board discussions. When an alternate member serves, the alternate member shall have all the powers and duties of a regular member including the right to vote on any matter before the board.

(i) *Ballot for action on vacancies.* The clerk shall prepare the ballot for commission action on a vacancy. The ballot shall include the name of each person seeking the appointment for which a profile sheet has been timely received. Each person seeking appointment shall be identified as a current member, current first alternate member, current second alternate member or new applicant, as appropriate. The clerk shall receive, tally and announce the results at the town commission meeting at which the balloting occurs. Thereafter, the clerk shall notify each applicant in writing of the town commission's action upon the applicant's request for appointment.

(j) *Election of chairperson and vice-chairperson.* Each board shall elect a new chairperson and vice-chairperson on an annual basis.

(k) *Residency requirement.* All members of town boards shall be residents of the town. However, unless otherwise prohibited by law, the town commission may appoint no more than two (including alternate members) town business owners to the boards of the town, excepting the

planning and zoning board, and all appointments to said boards shall be made by the town commission.

(Ord. No. 33-1974, §§ I—III, 11-20-1974; Ord. No. 10-1979, § 1, 8-1-1979; Ord. No. 8-1982, § 1, 3-3-1982; Ord. No. 16-1990, § 1, 9-5-1990; Ord. No. 4-1991, § 1, 2-6-1991; Ord. No. 11-1994, § I, 5-18-1994; Ord. No. 6-1995, § I, 3-1-1995; Ord. No. 12-2001, § 1, 8-15-2001; Code 1978, § 2-57; Ord. No. 22-2004, § 2, 11-17-2004; Ord. No. 31-2004, § 2, 1-19-2005; Ord. No. 12-2006, § 2, 11-1-2006)

Sec. 2-113. Scheduled board meetings; hours.

All meetings of the various town boards shall be conducted after 5:00 p.m.

(Ord. No. 8-1985, § 1, 5-1-1985; Code 1978, § 2-58)

Secs. 2-114—2-150. Reserved.

DIVISION 2. LIBRARY BOARD*

Sec. 2-151. Established.

There is hereby established a library board for the town.

(Ord. No. 5-1968, § I, 4-15-1968; Code 1978, § 12-16)

Sec. 2-152. Composition.

The library board shall consist of five members who shall be appointed by the town commission.

(Ord. No. 5-1968, § I, 4-15-1968; Code 1978, § 12-17)

Sec. 2-153. Qualifications.

Members of the library board shall be residents of the town; however, neither the mayor nor any member of the town commission shall be eligible to be a member of the library board.

(Ord. No. 5-1968, § II, 4-15-1968; Code 1978, § 12-18)

*State law references—Public libraries and state archives, F.S. ch. 257; municipal grants, F.S. § 257.19 et seq.

ORDINANCE NO. 12-2006

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION 2-112 ENTITLED "MEMBERSHIP ON CERTAIN BOARDS AND COMMITTEES TERMINATED FOR MISSING MEETINGS, FILLING OF VACANCIES"; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to membership on Town boards and committee in the Town's Code of Ordinances, which have been codified in Chapter 2, Section 2-112 of the Code of Ordinances; and

WHEREAS, certain provisions of Code Section 2-112 of the Town Code of Ordinances require amendment, repeal, modification, or revision; and

WHEREAS, Town staff has recommended to the Town Commission that Section 2-112 (a), (b), (c) and (d) be amended, and

WHEREAS, the Town Commission has reviewed this recommendation and has determined that amending Section 2-112 (a), (b), (c), and (d), of the Town's Code of Ordinances to provide for the termination of membership on any such board or committee due to having missed three meetings in 365 days ~~any given~~ (any one year term) of the member, is necessary to further the public's health, safety and welfare.

—

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
TOWN OF LAKE PARK, FLORIDA:**

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 2, Article IV, Divisions 1 , (a), (b), (c), and (d) of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended and repealed as follows:

Sec. 2-112. Membership on certain boards and committees terminated for missing meetings; filling vacancies.

(a) For the purposes of this section, the following words, terms and phrases shall have the meanings herein ascribed to them:

- (1) *Board* shall mean any board or committee whose members are appointed by the town commission.
- (2) *Valid excuse* shall mean one of the following:
 - a. Illness of a board member or other person for whom the member is a caregiver;
 - b. Death of a member's relative;
 - c. Emergency as approved by a majority of the board; or
 - ~~c-d.~~ Scheduled absence approved in advance in writing by the chairman town clerk.

(b) *Recording of attendance.* The secretary of each board as set forth above shall record shall set down the names of the board members who are present and absent at each board meeting, and shall include in the minutes of the meeting, the name of any member who has missed ~~a meeting~~ a meeting without a valid excuse, including regular and special meetings of such board.

(c) *Termination of membership.* Membership on a town board ~~the boards of the town, as set forth below,~~ shall be automatically terminated for any member who, without valid excuse, misses three (3) board meetings both regular and special in any consecutive 365 day period (any one year term of the member). ~~of the tree board, library board, marina and development control board, Lake Park Harbor Marina advisory board, board of adjustment, planning and zoning board, the historical preservation board, the merit and code compliance board.~~

(d) *Review of minutes.* The town clerk shall be responsible for reviewing the minutes of each board to determine when a vacancy has occurred because of lack of attendance. When it appears from the minutes that a vacancy has occurred, the town clerk shall confirm the unexcused absences of

the member with the board secretary and once confirmed shall subsequently publish notice of the vacancy in an newspaper of general circulation in the town. The town commission shall fill the vacancy no sooner than two weeks after the publication of such notice. The term of a board member who is removed from office for lack of attendance shall end at the close of the second consecutive third meeting which the member failed to attend and which absence was not excused.

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 18 day of October, 2006, the foregoing Ordinance 12-2006, was offered by Commissioner Balius who moved its approval. The motion was seconded by Vice-Mayor Daly, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

Upon Second Reading this 1 day of November, 2006, the foregoing Ordinance 12-2006, was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Osterman, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 12-2006 duly passed and adopted this 1 day of November, 2006.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
 Mayor Paul Castro

ATTEST:

Olivia Mendez
 Olivia Mendez
 Town Clerk
 TOWN SEAL
 LAKE PARK
 FLORIDA

Approved as to form and legal sufficiency:
Thomas J. Baird
 Thomas J. Baird, Town Attorney