



Lake Park Town Commission, Florida

Regular Commission Meeting

Commission Chamber, Town Hall, 535 Park Avenue, Lake Park, FL 33403

Wednesday May 01, 2024

Immediately Following the Special Call Community

Redevelopment Agency Meeting

Roger Michaud	—	Mayor
Kimberly Glas Castro	—	Vice Mayor
Michael Hensley	—	Commissioner
Mary Beth Taylor	—	Commissioner
Judith Thomas	—	Commissioner
John D'Agostino	—	Town Manager
Thomas J. Baird.	—	Town Attorney
Vivian Mendez, MMC	—	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 contract the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.

CALL TO ORDER/ROLL CALL

6:57 P.M.

PRESENT

Mayor Roger Michaud

Vice-Mayor Kimberly Glas-Castro

Commissioner Mary-Beth Taylor

Commissioner Judith Thomas

Commissioner Michael Hensley

PLEDGE OF ALLEGIANCE

The Pledge was bypassed.

SPECIAL PRESENTATION/REPORT: None

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.

-Michael Steinhauer, 435 Greenbriar- Requested to be heard on a future agenda item having a non-participant Commission member. He provided detailed comments via Exhibit A.

-Guerly Adonis, 120 S Olive Ave- requested an item be placed on the next agenda for residents but she did not elaborate. Her comment card reads as follows: "Appointment of a non-voting, non-partisan public member to the Town Commission."

-Marie Lourdes Rosembert, 120 S Olive Ave- merely stated she is from the same group 501c3. Her comment card reads as follows: "Appointment of a non-voting, non-partisan public member to the Town Commission."

-Ramona Shultz, 301 Lake Shore Drive Unit 404 expressed concern regarding new language for selling properties in Town and expects to be kept informed.

-Rafael Moscoso, 429 Greenbriar Drive spoke about having a non-participant on the Commission and ask for a future item to be on agenda.

-John Linden, 568 N Redwood Drive suggested having a contest by the residents to name the new pocket park on 7th and Park Avenue. He also spoke about a code enforcement issues that needs an explanation to residents on a future agenda.

-Ellicia Brown - school teacher spoke about getting assistance with a literacy program at their school.

-Patricia Leduc, 409 2nd Street spoke about the Lake Park scrub area.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird had no comments.

Town Manager D'Agostino presented his comments via Exhibit B and also announced his upcoming retirement.

Mayor Michaud thanked the Town Manager for everything he has done for the Town.

Commissioner Hensley wished the Town Manager well.

Commissioner Taylor also wished him well.

Commissioner Thomas thanked the Town Manager for being so supportive of her and wished him well.

Vice-Mayor Glas-Castro spoke about all of the positive contributions Town Manager D'Agostino made to the Town.

Town Attorney Baird commented on the legacy the Town Manager is leaving behind.

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.

Items 2 and 3 pulled by Commissioner Thomas.

Motion to approve consent items 1 & 4 made by Commissioner Thomas, seconded by Vice-Mayor Glas-Castro. Voting Aye: All.

Commissioner Thomas asked for clarification on item 2. The representative from Kast Construction explained that the May 2nd through the 8th request has been withdrawn. They are requesting from May 13th through the 22nd possible extended hours until 9pm on regular working days and from 7am to 7pm on Sunday, but they do not intend to work on Sunday or beyond regular hours unless needed for weather concerns.

Motion made to approve item 2 made by Commissioner Thomas, Seconded by Vice-Mayor Glas-Castro. Voting Aye: All.

Commissioner Thomas asked for clarification of the item. Town Manager D'Agostino stated that the purpose is only for road expansion in that area and that the rights to the minerals in the ground would be reserved on both the County end and the Town's in order to construct the road.

Motion made to approve item 3, Resolution 23-05-24 by Commissioner Thomas, seconded by Commissioner Taylor. Voting Aye: All

1. April 17, 2024 Regular Commission Meeting Minutes
2. Nautilus 220 – Extended Hours and Sunday Work Hours for Crane Dismantles:

May 2-8 - Requesting permission to work extended hours/overnight (24hrs and on Sunday the 5th from 7am to 7pm)

3. Resolution 23-05-24 For the Release of the Town's Reservation of Rights to Phosphate, Minerals, Metals and Petroleum for Land Previously Conveyed to Palm Beach County.
4. Resolution 25-05-24 to Approve an Interlocal Agreement with Palm Beach County for the Expansion of the CRA Boundaries.

PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:

5. Ordinance 062024 on Resiliency Standards for Tidal Flood Protection

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76 TO CREATE A NEW A NEW ARTICLE VI, ENTITLED “RESILIENCY STANDARDS FOR TIDAL FLOOD PROTECTION”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager D'Agostino explained the item see “Exhibit C”. Town Manager D’Agostino stated that the Ordinance provides for an increase in the height of the seawall. He believes that communities on Florida’s east coast are increasing their seawalls to five feet. He stated that applications that will be permitted prior to January 1, 2035 may be permitted a minimum elevation of 4 feet with 5 feet being sought by 2050. He also went on to cite State statute regarding any improvements that are made to condominiums. “The real estate is located within a tidally influenced area, the owner may be required by county or municipal ordinance to meet minimum tidal flood barrier elevation standards, furign construction, or substantial repair, or substantial rehabilitation of seawalls, banks, berms or similar infrastructure or when required to abate nuisance flooding.” He went on to say that there was talk about there being a cost of \$10,000.00 per condo, per quarter which is credited as being part of the disclosure which is in the Ordinance. However, he stated that none of this needs to be done until 2035.

He went on to say that if a seawall is beginning to fail, there will need to be a repair sooner than later and if it is not repaired they can be cited. Raul Mercado, Principal Engineer for Water Resource Management Associates (WRMA) explained Senate Bill 1094 called “The Peril of Flood” and the reason for the Ordinance and provided a verbal presentation of this item outlining Florida statutes, flooding and the need to increase seawall height. He provided a status on the seawalls in the Town of Lake Park in 2021 as reported as a result of an assessment. The ratings were mostly fair and two were serious for degradation. He advised that all other communities on the East coast of Florida are proactively increasing seawalls to 5 feet or more due to predicted sea levels rising.

Town Manager D’Agostino provided additional history on the matter. He stated that three years ago, the Town met with the properties on Lake Shore Drive regarding the seawall and it was suggested that we apply for grant money. He went on to say that the grant money comes with requirements in which the condos had to create a boardwalk on seawall. At the time, he stated the residents agreed that they did not want to go that route and they would foot the bill on their own. He stated that a structural assessment needs to take place and the property owners have the option of having the assessment done on their own.

Vice-Mayor Glas-Castro asked where they obtain the five foot surge model from. Mr. Mercado responded that it comes from a Southeast Florida Regional Climate Compact decision to use a minimum five foot standard which is based on projected sea level rises. Vice-Mayor Glas-Castro also asked if a seawall will only be cited if tidal waters flow unimpeded through or over the barrier and onto an adjacent property or right of way. Town Manager D’Agostino confirmed this to be correct. She asked if the existing seawalls meet the criteria to have another seawall placed in front of them. Mr. Mercado said that was not a part of the study. Mayor Michaud asked about the mention of four foot versus five foot seawall elevation requirements. Mr. Mercado advised that if the repairs are done now, the requirement is four feet. If the repairs are done after 2035, the requirement will be five feet with all seawalls meeting the minimum of five feet by 2035.

Public Comment:

- Michael Caputo, 301 Lake Shore Drive – Expressed concern with the language pertaining to selling their properties and asks the Commission to reconsider the verbage.
- George Ray, 501 Lake Shore Drive – would like to defer his time to John Leary.
- Kelly Steele, 301 Lake Shore Drive – asked the Town for help with what the next steps would be to address their seawall. She did not receive anything in the mail about this Ordinance and is requesting this item be tabled. She reminded everyone about the Great American Cleanup on Saturday.
- Sue Meyer, 801 Lake Shore Drive – Stated that they did not receive the letter about the Ordinance.
- Chris Steele, 301 Lake Shore drive – Asked for this Ordinance to be postponed as this item needs more discussion. Also expressed concerns over comments made about development in the Town and requests to be included in future discussions with developers.
- Quinn Resnick, 301 Lake Shore Drive – Spoke about seawall cost assessments. Requests to postpone this item.
- John Leary, 501 Lake Shore drive – Spoke about a provision in the Ordinance and a conversation with a developer. He is requesting this item be tabled for future discussion.
- Susan Raye, 301 Lake Shore Drive – Would like to have item tabled. She did not receive the letter. She talked about Nautilus 220 seawall affecting their property. She is requesting the Town send out letters to all of the residents affected in layman's terms.
- Rett Thompson, 1457 Flagler Blvd – Spoke about seawall structures and elements of flood protection.
- Jim Tangye, 801 Lake Shore Drive- Spoke about the Ordinance being a shock for all of their residents and would like to postpone this item so they have time to look into it. Mayor Michaud asked when the letter to residents was sent out. Town Manager D'Agostino said that it had not been sent out.

Mayor Michaud also asked if a postponement of this item would affect operations. Town Manager D'Agostino advised that there is no problem to delay the item to a specific date and feels that the Town should be able to meet with the residents all at once so that everyone gets the same information.

Vice-Mayor Glas-Castro asked how long the moratorium is still effective for. Town Manager D'Agostino stated it is in effect until June. He advised the Ordinance would have to have a second reading in June in order to be in line with the moratorium. Vice-Mayor Glas-Castro asked about the statutory requirement for the real estate disclosure. Town Manager D'Agostino stated that it was legislation that was recently passed by the State Legislature regarding repairs to condominiums and that an Engineer's Assessment must be done by all condominiums by the end of the year and that any potential buyers be given the disclosure. Vice-Mayor Glas-Castro asked where the specific language in the disclosure came from and that the effective had passed already. Town Manager D'Agostino stated he was not sure where the language came from but that the language would be revised and a new effective date issued. Vice-Mayor Glas-Castro asked if there was anything in the capital plan for the improvement of the outfall on South Lake. Town Manager D'Agostino stated there have been discussions about that including a balloon mechanism that would prevent water from coming into the area, but measures have not yet been taken. She requested the Town Manager provide clarifying information as requested by the residents. She does not feel that there is a need to rush to get this Ordinance done by June. Mayor Michaud agrees with there not being a need to rush.

Commissioner Hensley stated he feels we do not need to rush the process.

Commissioner Thomas stated that the title of the Ordinance has an error that needs to be adjusted. She stated that she looked at language that other municipalities have adopted and that the language in the Ordinance is consistent with theirs and also consistent with Florida Statute. She feels that the residents are asking that this item be tabled to allow for more time. Commissioner Taylor believes the item should be tabled to allow for

more time. Mayor Michaud stated the item will be tabled as a result of the Commission consensus. The Ordinance has been tabled.

PUBLIC HEARING(S) - ORDINANCE ON SECOND READING: None

NEW BUSINESS:

6. Coastal Middle and High School Graduation Waiver Requests

Town Manager D'Agostino explained that Coastal Middle and High School are asking for a waiver of fees for special events in the amount of \$873.75

Motion made to approve waiving the fees by Commissioner Taylor, Seconded by Commissioner Thomas.

Voting Yea: Mayor Michaud, Vice-Mayor Glas-Castro, Commissioner Taylor, Commissioner Thomas, Commissioner Hensley.

7. Approval of Fiscal Year 2024-2025 Budget Calendar

Town Manager D'Agostino explained the calendar (Exhibit C).

Motion made by Commissioner Taylor, Seconded by Commissioner Hensley.

Voting Yea: Mayor Michaud, Vice-Mayor Glas-Castro, Commissioner Taylor, Commissioner Thomas, Commissioner Hensley.

8. Haitian Flag Day Celebration Requests

Town Manager D'Agostino explained that the Town received a request for fee waiver in the amount of \$1,152.00 and use of some Town supplies. Commissioner Taylor asked for clarification on how much had already been given and granted to this organization's event so far by the Town. Mayor Michaud stated it was \$10,222.26. Commissioner Thomas asked what further contributions this organization would be seeking. Special Event Director Riunite Franks stated there would only be some marketing materials offered and that there are still funds left for waivers in this fiscal year.

Motion made to approve by Commissioner Hensley, Seconded by Commissioner Thomas.

Voting Yea: Mayor Michaud

Voting Nay: Vice-Mayor Glas-Castro, Commissioner Taylor.

REQUEST FOR FUTURE AGENDA ITEMS:

Vice-Mayor Glas-Castro stated that the Town's Charter does now allow for an additional person to be appointed to the Commission as some of the residents requested. She also spoke about education of the Code Enforcement process and believes this would be a good workshop for a Saturday. Mayor Michaud stated that he was interested in seeing a Community Forum with the first topic on Code Enforcement. The Commission agreed on June 27, 2024 to hold the first Forum. Commissioner Taylor stated there was nothing in the Town Newsletter about the Joint Planning & Zoning Meeting with North Palm Beach. Chief Information Officer/Grants Writer Merrell Angstreich stated that the information about that was available on the Town's website. Commissioner Hensley thanked the PBSO Sheriff's Department and the Fire Department and Mario Culpepper for their work on the fire on Saturday. Mayor Michaud stated that he recommended a proclamation for Mr. Culpepper and his heroic acts.

ADJOURNMENT:

Motion to adjourn made by Commissioner Hensley, Seconded by Commissioner Taylor.

Voting Aye: All

9:45 P.M.

FUTURE MEETING DATE: Next Scheduled Regular Commission Meeting will be held on May 15, 2024.

Mayor Roger D. Michaud

Town Seal

Laura Weidgans, Deputy Town Clerk

Approved on this _____ of _____, 2024

