AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, January 16, 2013,
Immediately Following the
CRA Board Meeting
Lake Park Town Hall
535 Park Avenue

James DuBois	—	**Mayor**
Kendall Rumsey	—	**Vice-Mayor**
Steven Hockman	—	**Commissioner**
Jeanine Longtin	—	**Commissioner**
Tim Stevens	—	**Commissioner**
Dale S. Sugerman, Ph.D.	—	**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

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. ADDITIONS/DELETIONS - APPROVAL OF AGENDA

F. PROCLAMATION:

1. **Honoring Captain Gerald Rapoza as Lake Park Citizen on Patrol October 2012 Volunteer of the Month** **Tab 1**

G. PRESENTATION:

2. **Presentation to the Town of Lake Park of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association by Darlene Malaney, Director of Financial Services of the Palm Beach County Clerk and Comptroller's office.** **Tab 2**

H. PUBLIC and OTHER COMMENT:

This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

I. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

Recommended For Approval:

3. Regular Commission Meeting Minutes of December 19, 2012 **Tab 3**

4. Resolution Appointing the Poll workers for the General Municipal Election to be Conducted on March 12, 2013 **Tab 4**

J. PUBLIC HEARING:
ORDINANCES ON SECOND READING:

******* OPEN PUBLIC HEARING*******

A. Staff Report

B. Public Comments

C. Commission Deliberation

5. Ordinance No. 12-2012 Request for a Text Amendment to Section 78-148 (a) to Reduce the Distance Separation Between Gas Stations from 1,200 feet to 500 feet. **Tab 5**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-148(a) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO REDUCE THE DISTANCE SEPARATION BETWEEN GASOLINE AND FILLING STATIONS USES FROM 1,200 FEET TO 500 FEET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Ordinance No. 13-2012 Request for a Text Amendment in the Park Avenue Downtown District (PADD) Sign Code to Modify the Language Whereby it Would Increase the Permitted Awning Signage Height in Table 78-70-7 from 6 inches to 10 inches. **Tab 6**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING TABLE 78-70-7, WHICH IS CONTAINED WITHIN SECTION 78-70 OF THE TOWN'S CODE OF ORDINANCES

WHICH PERTAINS TO AWNING SIGNS, BY INCREASING THE SIZE OF LETTERS, NUMBERS, AND LOGOS FROM SIX INCHES TO TEN INCHES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

K. ORDINANCE ON FIRST READING:

7. **Ordinance No. 01-2013 – Text amendment to Section 9-42 of the Town of Lake Park Code of Ordinances to reflect the recent changes in §162.12, Florida Statute which (1) Eliminated the requirement that certified mail notices for code enforcement violations and hearings be sent with return receipt; (2) Clarified that for property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation; and (3) Provided for an alternative whereby all certified mail notices may also be sent to another address provided by the property owner in writing instead of to the address listed by the tax collector.** **Tab 7**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE II, SECTION 9-42 OF THE TOWN CODE, ENTITLED "NOTICES" PERTAINING TO NOTICES FOR CODE ENFORCEMENT VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

L. DISCUSSION AND POSSIBLE ACTION:

8. **Establishment of a Priority List for Use of CDBG Funds** **Tab 8**
9. **Accepting a Proposal from J.E.S. Production and Design for the Coordination of a Park Avenue Green Market** **Tab 9**
10. **Accepting a Proposal from J.E.S. Production and Design for the Coordination of the 2013 Lake Park Seafood Festival** **Tab 10**
11. **Town Manager Six Month Performance Evaluation** **Tab 11**
12. **Establishment of Goals and Objectives for the Town Manager** **Tab 12**

M. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

A report from the Town Manager and the Town Attorney pertaining to a serious delinquency at the Lake Park Harbor Marina.

N. ADJOURNMENT

Proclamations

TAB 1

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 1

Agenda Title: Proclamation Honoring Captain Gerald Rapoza as Lake Park Citizen on Patrol October 2012 Volunteer of the Month.

[ ]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[X]	**PRESENTATION/PROCLAMATION**	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 1/8/13

Vivian Mendez – Town Clerk
Name/Title

Originating Department: **Mayor DuBois**	Costs: $ 0.00 Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Palm Beach County Sheriff's Office Fax**
Advertised: Date: _____ Paper: _____ **[X] 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 *VM* or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background: At the December 19, 2012 Regular Commission Meeting Mayor DuBois announced that Lake Park Citizen on Patrol volunteer Captain Gerald Rapoza had received the October 2012 Volunteer of the Month award from the Palm Beach County Sheriff's Office. Mayor DuBois suggested that the Town honor Captain Rapoza by presenting him with a proclamation recognizing his achievement.

Recommended Motion: Approve proclamation to Captain Gerald Rapoza.

PROCLAMATION

HONORING CAPTAIN GERALD RAPOZA

AS OCTOBER 2012 VOLUNTEER OF THE MONTH

WHEREAS, Captain Gerald Rapoza commenced as a volunteer for the Lake Park Citizens on Patrol in March 2010; and

WHEREAS, Captain Gerald Rapoza went above and beyond expectation working as a solo volunteer in Lake Park; and

WHEREAS, Captain Gerald Rapoza while maintaining daily patrols also conducted crime prevention surveys for businesses within the Town; and

WHEREAS, Captain Gerald Rapoza continued with volunteer meetings, and actively recruited new members, patrolled all Town areas, and provided intelligence to deputies; and

WHEREAS, Captain Gerald Rapoza met with business owners and residents, and conducted various surveys; and

WHEREAS, Captain Gerald Rapoza has been commended by the Palm Beach County Sheriff's Office as the October 2012 Volunteer of the Month.

NOW, THEREFORE, be it resolved, on behalf of the Commission of the Town of Lake Park, I James DuBois, Mayor of the Town of Lake Park do hereby honor Captain Gerald Rapoza for his achievement and his services to the citizens of Palm Beach County and the Town of Lake Park.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 16th day of January, 2013.

BY: _____
Mayor, James DuBois

ATTEST: _____
Town Clerk, Vivian Mendez

PALM BEACH COUNTY
SHERIFF'S OFFICE

FACSIMILE TRANSMISSION

Kathy Rapoza

Volunteer

TELEPHONE: (561) 881-3326 **FAX:** (561) 881-3327

DATE: 1/3/2013 **TIME:** 12:22 PM

TO: Mayor DuBois **FAX NUMBER:** 881-3314

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 3

REMARKS:

Please see attached sheets FYI

THIS FACSIMILE CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE ADDRESSEE(S) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS FACSIMILE, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY COPYING OR DISSEMINATION OF THIS FACSIMILE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY TELEPHONE TO ARRANGE FOR THE RETURN OF THE ORIGINAL FACSIMILE.

Rapoza, Kathy

To: James DuBois (jdubois@lakeparkflorida.gov)
Subject: Response

Mayor DuBois;

I am faxing the comments stated at the Awards Ceremony last month by Captain Nancy Grimes. Jerry received an attractive framed plaque for this honor. Thought you may like to know.

Kathy Rapoza
District 10
Business Partnership Program
Crime Prevention Unit
561-881-3326

October 2012 Volunteer of the Month

Volunteer, Cpt. Gerald Rapoza - Lake Park COP, Unit 8

Volunteer, Captain Gerald C. Rapoza went above and beyond expectation, working as a solo volunteer in Lake Park. While maintaining daily patrols, he also conducted crime prevention surveys for businesses within the town. Capt. Rapoza continued with volunteer meetings, actively recruited new members, patrolled all town areas, provided intelligence to deputies, met with business owners and residents, and conducted various surveys. He is commended for his volunteer service to PBSO and the citizens of Palm Beach County.

Nancy L. Grimes, M.P.A.
Captain – Districts 5,11,12,13
Palm Beach County Sheriff's Office
38840 State Road 80
Belle, Glade, FL 33430

PRESENTATION

TAB 2

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **January 16, 2013** **Agenda Item No.** Tab 2

Agenda Title: Presentation to the Town of Lake Park of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association by Darlene Malaney, Director of Financial Services, of the Palm Beach County Clerk and Comptroller's Office.

[ ]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[X]	**PRESENTATION**/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager DSS **Date:** 1/2/13

Dale S. Sugerman/ Town Manager
Name/Title

Originating Department: Town Manager	Costs: $ **0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** + Certificate of Achievement. + Award of Financial Reporting Achievement
Advertised: Date: _____ Paper: _____ [X] 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 DSS **Please initial one.**

Summary Explanation/Background:

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to the Town of Lake Park by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR) for the year ended September 30, 2011. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Ms. Darlene Malaney, Director of Financial Services for the Palm Beach County Clerk and Comptroller's Office will be in attendance at the meeting to make the presentation of the Certificate of Achievement to the Town on behalf of the GFOA.

Certificate of Achievement for Excellence in Financial Reporting

Presented to

Town of Lake Park
Florida

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
September 30, 2011

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.

President

Executive Director

The Government Finance Officers Association of the United States and Canada

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Finance Department

Town of Lake Park, Florida

The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Date October 30, 2012

Consent Agenda

TAB 3

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 3

Agenda Title: Regular Commission Meeting Minutes of December 19, 2012

[X]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 12/31/12

Shari Canada, Deputy Town Clerk
Name/Title

Originating Department: Town Clerk	Costs: $ **0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** Agenda Minutes Exhibit "A" Exhibit "B" Exhibit "C"
Advertised: Date: _____ Paper: _____ **[X]** 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 _X_ **Please initial one.**

Summary Explanation/Background:

Recommended Motion: To approve the Regular Commission Meeting Minutes of December 19, 2012.

REVISED AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, December 19, 2012, 7:00 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	**Mayor**
Kendall Rumsey	—	**Vice-Mayor**
Steven Hockman	—	**Commissioner**
Jeanine Longtin	—	**Commissioner**
Tim Stevens	—	**Commissioner**
Dale S. Sugerman, Ph.D.	—	**Town Manager**
Thomas J. Baird, Esq.	—	**Town Attorney**
Vivian Mendez, CMC	—	**Town Clerk**

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A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. ADDITIONS/DELETIONS - APPROVAL OF AGENDA

F. PUBLIC and OTHER COMMENT:
This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

G. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item

will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

Recommended For Approval:

1. Regular Commission Meeting Minutes of December 5, 2012 — Tab 1
2. ~~Revised Supervisor of Elections Agreement for Vote Processing Equipment Use And Election Services~~ — ~~Tab 2~~

New - 2. Award Bid 107-2012 Custodial Services Term Contract for Town Hall, PBSO District 10 Substation, Public Works Department, Lake Park Harbor Marina And Lake Shore Park Restrooms — Tab 2

3. Resolution No. 34-12-12 In Support of the Palm Beach County Health Department Effort to Urge Local Tobacco Retailers to Refrain from Marketing and Selling Flavored Tobacco Products. — Tab 3
4. Resolution No. 35-12-12 Establishing the General Municipal Election — Tab 4
5. Canceling the Regularly Scheduled January 2, 2013 Commission Meeting on the Day after New Year's Day — Tab 5

H. PUBLIC HEARING:
ORDINANCE ON SECOND READING:

***** OPEN PUBLIC HEARING*****

A. Staff Report

B. Public Comments

C. Commission Deliberation

6. Ordinance 10-2012 Request for a small-scale land use amendment for 711, 725 and 761 Foresteria Drive to re-designate from Medium Density Residential to the Public Buildings and Grounds land use designation — Tab 6

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND THE FUTURE LAND USE DESIGNATION OF PARCELS OF REAL PROPERTY HAVING THE PROPERTY ADDRESSES OF 711, 725 AND 761 FORESTERIA DRIVE AND OWNED BY THE TOWN'S COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

A. Staff Report

B. Public Comments

C. Commission Deliberation

7. Ordinance 11-2012 Request to Rezone 711, 725 and 761 Foresteria Drive from Residential-2 to the P-Public District zoning designation. **Tab 7**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING THREE PARCELS OF REAL PROPERTY LOCATED AT 711, 725, AND 761 FORESTERIA DRIVE FROM RESIDENTIAL 2 (R2) TO PUBLIC DISTRICT (P); PROVIDING FOR AN AMENDMENT TO SECTION 78-76 OF THE TOWN CODE WHICH INCORPORATES BY REFERENCE THE ZONING MAP OF LAKE PARK REFLECTING THE CHANGE IN ZONING TO THE PUBLIC ZONING DISTRICT OF THE PROPERTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

******* CLOSE PUBLIC HEARING*******

I. <u>ORDINANCES ON FIRST READING:</u>

8. Ordinance No. 12-2012 Request for a Text Amendment to Section 78-148 (a) to Reduce the Distance Separation Between Gas Stations from 1,200 feet to 500 feet. **Tab 8**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-148(a) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO REDUCE THE DISTANCE SEPARATION BETWEEN GASOLINE AND FILLING STATIONS USES FROM 1,200 FEET TO 500 FEET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

9. Ordinance No. 13-2012 Request for a Text Amendment in the Park Avenue Downtown District (PADD) Sign Code to Modify the Language Whereby it Would Increase the Permitted Awning Signage Height in Table 78-70-7 from 6 inches to 10 inches and Provide for Uniformity Throughout Contiguous Plazas. **Tab 9**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING TABLE 78-70-7, WHICH IS CONTAINED WITHIN SECTION 78-70 OF THE TOWN'S CODE OF ORDINANCES WHICH PERTAINS TO AWNING SIGNS, BY INCREASING THE SIZE OF LETTERS, NUMBERS, AND LOGOS FROM SIX INCHES TO TEN INCHES AND PROVIDING FOR UNIFORMITY THROUGHOUT CONTIGUOUS PLAZAS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

J. <u>COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:</u>

K. <u>ADJOURNMENT:</u>

Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, December 19, 2012, 7:00 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, December 19, 2012 at 7:00 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Jeanine Longtin, and Steve Hockman, Town Manager Dale S. Sugerman, Town Attorney Thomas Baird, and Town Clerk Vivian Mendez. Commissioner Tim Stevens arrived at 7:03 pm.

Vice-Mayor Rumsey led the invocation and Mayor DuBois led the pledge of allegiance. Town Clerk Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA:

Motion: A motion was made by Commissioner Stevens to approve the Agenda; Commissioner Longtin made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC and OTHER COMMENT:

Rick Goodsell, 410 9th Street, stated that he enjoyed the art class offered by the Artist of Palm Beach County at the Art on Park Gallery last month. His understanding was that there would be free art classes for residents offered every month and asked where the information on the art classes could be found. He thanked Hoa Hoang, Chief Information Technology Officer, for his work on ensuring that channel 18 is functioning properly. He stated that he works with the Community Watch and that they are concerned about the sober houses and how it can be regulated, licensed and inspected and asked for a list of sober houses in the Town.

Mayor DuBois suggested that a link to the art classes be put on the Town website. He stated that he is glad that Mr. Goodsell's issue regarding channel 18 has been resolved. He stated that this year it looks like more progress will be made to pass legislation regarding sober houses and that Attorney Baird will provide a report at the end of the meeting. He is unaware of a list of sober houses in the Town, but the Town has a list of rental houses and it may cover sober houses.

Town Manager Sugerman stated that the list of rentals may or may not cover the sober houses because they do not have to register as a sober house. He stated that himself, Attorney Baird and the Commission are working diligently with State Legislators to create a registration process, listing process and a regulatory process for sober houses and are hopeful that this legislation will be passed this year.

Mr. Goodsell recommended that the residents contact the State Legislators and express the need to pass legislation regarding sober houses.

Mayor DuBois agreed that the residents should contact State Legislators and support the legislation regarding sober houses.

Mr. Goodsell wished the Town Staff and Commission a Happy Holiday.

CONSENT AGENDA ITEMS:

1. **Regular Commission Meeting Minutes of December 5, 2012**
2. **Award Bid 107-2012 Custodial Services Term Contract for Town Hall, PBSO District 10 Substation. Public Works Department, Lake Park Harbor Marina And Lake Shore Park Restrooms**
3. **Resolution No. 34-12-12 In Support of the Palm Beach County Health Department Effort to Urge Local Tobacco Retailers to Refrain from Marketing and Selling Flavored Tobacco Products**
4. **Resolution No. 35-12-12 Establishing the General Municipal Election**
5. **Canceling the Regularly Scheduled January 2, 2013 Commission Meeting on the Day after New Year's Day**

Commissioner Longtin requested items 2, 3 and 4 be pulled from the Consent Agenda.

Motion: A motion was made by Commissioner Longtin to approve Consent Agenda items 1 and 5; Commissioner Stevens made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner			

Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

2. **Award Bid 107-2012 Custodial Services Term Contract for Town Hall, PBSO District 10 Substation. Public Works Department, Lake Park Harbor Marina And Lake Shore Park Restrooms**

Commissioner Longtin stated that this is an item where the Town could save funds and so based on that and given that the Town is in a financial struggle and that she would rather cut money here than in the police contract and that she will be voting against this item. She made a motion to decline the award of Bid 107-2012.

Town Manager Sugerman stated that Robert's Rules of Order require that a motion be made in the affirmative not the negative.

Motion: A motion was made by Vice-Mayor Rumsey to approve Award of Bid 107-2012 Custodial Services Term Contract for Town Hall, PBSO District 10 Substation. Public Works Department, Lake Park Harbor Marina And Lake Shore Park Restrooms to USSI in the Amount of $26,452.80 for Year One of the Three Year Contract; Commissioner Stevens made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 4-1.

3. **Resolution No. 34-12-12 In Support of the Palm Beach County Health Department Effort to Urge Local Tobacco Retailers to Refrain from Marketing and Selling Flavored Tobacco Products**

Commissioner Longtin asked why the Resolution is being brought before the Commission and asked what this resolution does that the Tobacco Control Act of 2009

does not do and explained that the Act provides the Food and Drug Administration (FDA) the power to handle this situation.

Mayor DuBois stated that the Commission was asked to consider the Resolution along with several other municipalities in Palm Beach County.

Town Manager Sugerman explained the item (see Agenda Request Form attached as Exhibit "A").

Commissioner Longtin stated that she does not see where passing this Resolution does anything and that this is a feel good item. She is not into feel good items and that the FDA has the authority related to this matter and that she will be voting no.

Motion: A motion was made by Vice-Mayor Rumsey to approve Resolution No. 34-12-12; Commissioner Stevens made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 4-1.

4. Resolution No. 35-12-12 Establishing the General Municipal Election

Commissioner Longtin asked what the Town can do to get its voting rights back because there are four seats up and that there should be four votes.

Attorney Baird stated that the Commission could put a referendum on the ballot to change the Charter back to the former system that the Town had for voting.

Commissioner Longtin asked if the Town did put a referendum on the ballot would the Department of Justice get involved again.

Attorney Baird stated that he does not know if the Department of Justice would get involved and that the only thing he can advise the Commission is how to change the voting method.

Commissioner Longtin asked if the Department of Justice needs to be asked before the Town puts a referendum on the ballot.

Attorney Baird stated "no".

Commissioner Longtin stated that it could be changed back by a vote of the people whereas it was changed to the current voting method by the Commission.

Attorney Baird clarified that the voting method was changed by an Order of the Federal District Court.

Commissioner Longtin asked if a vote of the people could change it back.

Attorney Baird stated "yes".

Mayor DuBois asked what the Commission needs to do to pursue placing a referendum on the ballot.

Attorney Baird stated that it could not be on the upcoming Municipal election but it could be on the Mayoral ballot in March of 2014.

Town Manager Sugerman stated that the deadline for getting on the ballot for the March 2013 election is February 8, 2013 and therefore there is time for two readings of an Ordinance to place it on the March 2013 ballot. However, that would mean that the Commission would have to have first reading of an Ordinance on January 16, 2013 and second reading at the February 6, 2013 meeting. It would be difficult to get the Ordinance prepared and approved in time to meet the deadline.

Mayor DuBois stated that he would feel uncomfortable about such a short time period and that it would be jamming something through to a referendum. He stated that there is no telling how it would turn out and if there was an opportunity to hear more from resident on this item he would prefer to have that opportunity.

Commissioner Longtin disagreed with Mayor DuBois and stated that she would like to have the referendum on the March 2013 ballot, but she would acquiesce and suggested placing the item on the next ballot whether it is the Town Mayoral election or not.

Vice-Mayor Rumsey agreed with Commissioner Longtin and thinks that the way the change in voting method was pushed on the Town was not very American and was not the best situation that the Town could ask for. But the Town did get better than the original presentation from the Department of Justice. He reminded the residents that the election is on March 12, 2013 and that all four Commission seats will be up and the that the qualifying period for the election is from noon on January 29, 2013 to noon on February 12, 2013. If anyone is interested in running for Commission they need to get with the Town Clerk during that period to submit their paperwork.

Motion: A motion was made by Commissioner Longtin to approve Resolution No. 35-12-12; Commissioner Hockman made the second.

Mayor DuBois stated that the underlying issue for this topic is a sensitive topic for many people in the Town and that is why he would go beyond a simple discussion and decision about this topic to include public input.

Commissioner Longtin asked what is sensitive about the issue.

Mayor DuBois stated that there is the Voting Act of 1965 and that there is a great deal of sensitivity by minorities and how they feel about their right to voting and that he thinks that it is a sensitive subject.

Commissioner Longtin stated that this item does not address that issue and suggested discussing something at a later date.

Mayor DuBois stated that it depends on who you ask.

Commissioner Stevens requested a copy of the Federal Court Order regarding the Town's election procedures.

Attorney Baird stated "yes".

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

ORDINANCE ON SECOND READING:

6. Ordinance 10-2012 Small Scale Land Use Amendment for 711, 725 and 761 Foresteria Drive Proposing a Public Buildings and Grounds Land Use Designation

Mayor DuBois opened the Public Hearing.

Town Manager Sugerman explained that the item is a Small Scale Land Use Amendment for 711, 725 and 761 Foresteria Drive changing the Land Use Designation from Medium Density Residential to Public Buildings and Grounds. He stated that the Ordinance was

approved on First Reading at the December 5, 2012 Commission Meeting and that staff recommends that the Commission approve the Ordinance on Second Reading.

Commissioner Longtin asked what are the plans for these properties.

Town Manager Sugerman stated that the immediate plans are to continue to use the property as a community garden and that he has not heard any specific plans for doing anything else with the property in the near term.

Commissioner Longtin asked what are the ultimate plans for the properties.

Town Manager Sugerman stated that he does not know.

Commissioner Longtin asked if the Public Buildings and Grounds Land Use Designation is the same zoning that would be used if the property was a parking lot.

Town Manager Sugerman stated it could be.

Commissioner Longtin asked what is preventing the Town from making this property into a parking lot.

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

Commissioner Stevens stated lack of demand.

Mayor DuBois stated lack of funds.

Commissioner Longtin stated that the Town is $2 million into this property which is being used as a garden. She stated that she does not have an issue with gardens but, that she has something against over $2 million being spent on these properties when the CRA is at a bare bones minimum right now.

Commissioner Stevens stated that the funds have been spent and asked if Commissioner Longtin is suggesting there is a lack of parking.

Commissioner Longtin stated that the properties were purchased for a parking lot and if parking is not needed she suggested that the properties be sold.

Commissioner Stevens stated that given the state of the Real Estate Market that he does not think that now is the time to be selling property but, it is something that the Town could look into.

Commissioner Longtin stated that she does not know what the plans are for this property and thinks that the Commission should talk about selling the properties.

Mayor DuBois stated that he would like to tell property owners along Park Avenue that want to develop their properties but say they cannot because of lack of parking that here is all the parking that you could need and that they can proceed with their developments.

Commissioner Longtin stated that she concurs with Mayor DuBois and asked if this is something the Commission should discuss now.

Mayor DuBois stated that when the Town has the funding to develop the properties into a lighted parking lot with proper fencing and landscaping and all the other requirements that he would like to see the development of these properties as a parking lot move forward.

Commissioner Longtin stated that Mayor DuBois suggested that the Town negotiate with the area business owners to participate in the development of these properties into a parking lot.

Mayor DuBois clarified his statement and stated that when the Town is willing to move forward to develop these properties as a parking lot with any contribution from the private property owners or as an ongoing contribution for parking but, it is an issue of who will go first on this the private property owners or the Town.

Commissioner Longtin stated that the property was purchased for a parking lot not a garden and that the Commission needs to discuss it, but it is a different issue than the one before the Commission.

Mayor DuBois stated that he wants to discuss the long-term vision for the property including how to finance, how to develop and to do all the other things but, the first step in the process is to change the Land Use Designation.

Commissioner Longtin agreed and stated that she would not mind keeping a piece of the property a garden if that is what the public wants.

Attorney Baird stated that this item is a plan amendment and what it will allow the Commission to do is to either have a garden there or a parking lot on the property and that the Commission has time to discuss what their future plans are for the property but, this is the first step in the process.

Town Manager Sugerman stated that he was looking at a use for the properties and met with Community Development Director Nadia DiTommaso and it was discovered that the current use of a community garden did not conform to the Land Use Designation and that this item is an attempt to correct the Land Use Designation and Zoning for the current use.

Mayor DuBois stated that he would take it a step further and stated that this item is also a step in the direction of the original purpose the property was purchased which was to create a parking lot to enhance the business appeal of Park Avenue.

Public Comment:

None

Public Comment Closed.

Motion: A motion was made by Commissioner Hockman to approve Ordinance 10-2012 on Second Reading; Commissioner Stevens made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read into the record the Ordinance by title only.

7. **Ordinance 11-2012 Request to Rezone 711, 725 and 761 Foresteria Drive from Residential-2 to the P-Public District zoning designation.**

Town Manager Sugerman stated that previous item was an Ordinance dealing with the Land Use Designation and that this Ordinance is regarding the Zoning for the parcels located at 711, 725 and 761 Foresteria Drive and this Ordinance would change the Zoning from Residential-2 to P-Public District and staff recommends that the Commission adopt the Ordinance on Second Reading.

Public Comment:

None

Public Comment Closed.

Commissioner Longtin asked if both Ordinances 10-2012 and 11-2012 will make the current use of garden legal and also permit the property to be used for parking.

Town Manager Sugerman stated that the Ordinances are aimed at creating a Zoning and Land Use Designation for public use and if the further question was asked whether parking is a public use the answer is yes. These Ordinances are not designated to create parking spaces on those three parcels.

Commissioner Longtin asked when the Town actually build parking on these parcels will the Commission have to change the Land Use and Zoning Designations.

Town Manager Sugerman stated "no".

Motion: A motion was made by Commissioner Hockman to approve Ordinance 11-2012 on Second Reading; Commissioner Stevens made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read into the record the Ordinance by title only.

Mayor DuBois closed the Public Hearing.

ORDINANCES ON FIRST READING:

8. **Ordinance No. 12-2012 Request for a Text Amendment to Section 78-148 (a) to Reduce the Distance Separation Between Gas Stations from 1,200 feet to 500 feet.**

Town Manager Sugerman explained the item (see Agenda Request Form attached as Exhibit "B").

Commissioner Longtin stated that she does not like going to intersections and seeing gas stations on every corner however, she is sure that this item will pass. Once the Ordinance passed as she told the applicant she will be more amenable to their request but, she will be voting no on this item.

Motion: A motion was made by Commissioner Stevens to approve Ordinance 12-2012 on First Reading; Commissioner Hockman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner			

Hockman	X		
Commissioner Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 4-1.

Attorney Baird read into the record the Ordinance by title only.

9. Ordinance No. 13-2012 Request for a Text Amendment in the Park Avenue Downtown District (PADD) Sign Code to Modify the Language Whereby it Would Increase the Permitted Awning Signage Height in Table 78-70-7 from 6 inches to 10 inches and Provide for Uniformity Throughout Contiguous Plazas.

Town Manager Sugerman explained the item (see Agenda Request Form attached as Exhibit "C").

Commissioner Longtin asked what if part of the contiguously owned property have different owners how can the Town enforce the uniformity of the contiguous color scheme, pattern selection, size of awning and size of signage.

Community Development Director Nadia DiTommaso stated that if the language is adopted the way it is being proposed if two separate building owners were to come through the signage permit process they would have to make sure their awning match each other if the building abut one another.

Commissioner Longtin asked if one property owner comes in a wants a change to their signage would they have to get approval from the abutting property owner.

Community Development Director DiTommaso stated "no" and explained that typically one property owner would apply for awning signage and then when the neighboring business owner would come in and apply for awning signage staff would attempt to make the signage a compatible as possible to the previously install signage.

Commissioner Longtin stated that the signage just has to be compatible not exactly the same.

Town Manager Sugerman asked if two different property owners own contiguous properties and owner A comes in and want ten (10) inch letters on their awning and owner B does not must owner A wait for owner B to come in so that the signage is compatible.

Community Development Director DiTommaso explained that owner A would not have to wait at that point in time owner A would already have their signage on the building.

Town Manager Sugerman asked what would happen if neither property had signage.

Community Development Director DiTommaso stated that the property owner would be asked to work together to get signage that is compatible. She stated that the owners would not be required to have identical signage if that is not desired, but would be require to have compatible signage as long as the visual is uniform.

Commissioner Longtin stated that her concern was not the signage but, if the signage has stripes and one owner does not want the strips will the whole plaza have to change and it could be a bit of a nightmare for the business owners as well as staff.

Vice-Mayor Rumsey concurred with Commissioner Longtin. He asked if one business owner comes in and changes the awning and wants ten inch (10") letters and then the neighboring business owners comes in and changes the awning and wants six inch (6") letters who wins.

Attorney Baird stated that the first applicant set the scheme and all subsequent applicants would have to adhere to the established scheme.

Vice-Mayor Rumsey asked if there are color guidelines in the PADD.

Community Development Director DiTommaso stated that there are color guidelines for building structures not for signage.

Vice-Mayor Rumsey asked if one owner wants a green awning, a second owner wants a black awning and a third wants a pink awning and they do not go together how can there be a requirement that they are all compatible.

Community Development Director DiTommaso stated that that the original language changed the maximum letter signage from six inches (6") to ten inches (10") and shall remain uniform throughout all contiguous plazas. Then when it went before the Planning and Zoning Board there was discussion regarding uniformity and the Board's recommendation was to provide variables to define uniformity and determine how uniformity would be assessed. She stated that staff came up with scheme, pattern selection, size of awning and size of signage based on the criteria that is typically used to review signage permits. She stated that there is some grey area and agreed with the Commissioner's comments and the Commission can amended or delete the language.

Vice-Mayor Rumsey stated that one of the criticisms of the Downtown Park Avenue area is that it looks like a bunch of little strip plazas because they all look alike and that he would like to see some unique character and difference in the signage because that would make a more interesting Downtown then the straight line corridors with the same awnings and signage. He stated that it seems that this would add a lot of grey area to the Town Code that the Town does not have a lot of ways to enforcing.

Commissioner Stevens stated that the sign of the letter is measureable and that he would assume that most businesses would like the opportunity to make their letter larger and

suggested that the increase in the maximum letter height to ten inches (10") but, not addressing the color scheme, pattern selection, size of awning and size of signage more subjective criteria.

Vice-Mayor Rumsey stated that he could support Commissioner Stevens suggestion.

Commissioner Longtin concurred and thinks that staff has a good idea in what they are trying to achieve and thinks that the Commission should pass the ten-inch (10") letter height and have staff come back with different language on the remainder of the language.

Mayor DuBois stated that given the consensus of the Commission he does not think that the Commission can move forward with the item before them at this time.

Town Manager Sugerman stated that he thinks that the Commission can move forward with the item. He stated that staff's original suggestion was to change the letter height and when the Planning and Zoning Board reviewed the item they recommended that language regarding uniformity for color scheme, pattern selection, size of awning and size of signage be added.

Attorney Baird stated that if the Commission wants to remove the language regarding uniformity the language "and shall remain uniform throughout all contiguous plazas. Uniformity would apply to all buildings that abut on another. The criteria to determine uniformity would include, but is not limited to: color scheme, pattern selection, size of awning and size of signage".

The Commission reached consensus to delete the language "and shall remain uniform throughout all contiguous plazas. Uniformity would apply to all buildings that abut on another. The criteria to determine uniformity would include, but is not limited to: color scheme, pattern selection, size of awning and size of signage" from the Ordinance.

Town Manager Sugerman recommended that language "and providing for uniformity throughout contiguous plazas" be deleted from the title of the Ordinance.

The Commission concurred.

Motion: A motion was made by Commissioner Longtin to approve Ordinance 13-2012 as amended; Vice-Mayor Rumsey made the second.

Commissioner Longtin stated that she would like for the Planning and Zoning Board to continue to work on the concept of compatibility of signage.

Mayor DuBois stated that he attended the Planning and Zoning Board meeting where this was discussed and thinks that there is a point where getting too much inconsistency is a problem but, that the Planning and Zoning Board's intent was to create visual and street appeal to the signage.

Attorney Baird stated that the fifth (5th) Whereas clause will also have to be amended to delete the reference to uniformity.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read into the record the Ordinance by title only.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Attorney Baird stated that there have been several Sober House Task Force conference calls recently discussing the legislation that the Coalition of Cities is going to propose. He stated that the proposed legislation substantially increases regulation of Sober Houses. The legislation has broad based support and not only defines Sober Houses but also includes them in the same regulatory framework as substance abuse facilities. The regulation would include the licensing of Sober Houses, the requirement that they register with the municipalities in which they are located, and a separation requirement of one thousand (1,000) feet between Sober Houses as currently applied to Community Residential Homes. He stated that the bill has a Senate sponsor Senator Clemmons from Palm Beach County and a sponsor is needed in the House of Representatives and that Fausto Gomez has suggested Representative Gonzalez from Miami who is actively involved in Florida League of Cities issues. He stated that what is more significant about moving forward is that there is some buy in from the Department of Children and Families and substance abuse facilities themselves who view the "rogue" Sober Houses as a threat to their industry because they are unregulated. He stated that the Cities of Boca Raton and Delray Beach have retained their own lobbyist and there is a third lobbyist that has been employed by a private citizen and they will assist Mr. Gomez, however Mr. Gomez is still the most connected of those lobbyists in most respects. It looks like the legislation is cued up to move forward this year with a lot of support. He stated that the there was information provided to the Commission from Mr. Gomez regarding Sober Houses in Tampa and Saint Pete and articles from the Tampa Bay Times regarding unregulated Sober Houses. He stated that the issue is no longer a Lake Park issue it has become a State-wide issue and that bodes well for the passage of legislation. He wished everyone a Happy Holidays and a Happy New Year.

Town Manager Sugerman stated that the final outstanding settlement check from the Marina Litigation has been received by the Town. He stated that on the Consent Agenda the Commission cancelled the January 2, 2013 meeting and that traditionally is the CRA meeting as well and there is not another CRA meeting to present to the CRA Board an option to cancel the January 2, 2013 CRA meeting. He suggested that the CRA meeting be scheduled for January 16, 2013 at 6:30 pm. He explained that there would be minutes to approve and discussion item regarding going to quarterly CRA meetings.

The Commission reached consensus to schedule the next CRA meeting for January 16, 2013 at 6:30 pm.

Mayor DuBois asked if the CRA Plan had any definition or delineation of meeting times for the CRA Board or any requirement for the Board to meet on a monthly basis.

Commissioner Hockman wished everyone a Happy Holiday and New Year. He stated that the Sunset Celebration will be on December 28, 2013 from 4:00 pm to 7:00 pm at the Marina and encourage people to attend.

Vice-Mayor Rumsey wished everyone a Happy Holidays and New Year and hopes that everyone has a great 2013.

Commissioner Longtin asked if the Commission desired discussing the voting method for Lake Park.

Mayor DuBois stated yes and that the Commission needs to determine if the Town should revert to the way it was or if there is an opportunity to do if differently. He stated that the Commission needs to determine what it wants to bring back.

Commissioner Longtin stated that she likes the at-large aspect but what she wants is that if there are four seats open that she should get four votes.

Mayor DuBois stated that the most important things for him is that the seats are broken up so that two commission seats are up for election every three years.

Commissioner Longtin concurred and stated that there is the possibility of losing a lot of knowledge when all four seats are up at once.

Mayor DuBois stated that another concern is what if there are four seats up for election and only three people qualify to run for election. He suggested at Town-wide election every three years with two seats up for election. He stated that there were several districts in the Town and noted that the San Marco development was annexed after the change in voting method and previously there was no residential in the Town west of Dixie Highway. He stated that districts are one way of doing it but, that he is not sure if it is the best way.

Commissioner Longtin stated that she does not want to separate anyone and that Lake Park is one community regardless of where someone lives they should be voting for who

represents them. She stated that all the Commissioners represent every business and resident in the Town.

Vice-Mayor Rumsey asked if Commissioner Longtin is recommending a workshop on this item and that if she were that he would support her.

Commissioner Longtin stated that by having a workshop, it would push off any possibility of getting this issue on the March 2013 ballot but she does not know if the Commission wants to have the issue on that ballot.

Vice-Mayor Rumsey stated that realistically that even if it was on the March 2013 ballot that it is three (3) years away from going into effect because the 2014 election is Mayoral only. He stated that it would not hurt anything to wait the additional year and put the referendum on the Mayoral election. He explained that the first choice of the Department of Justice was to create districts.

Mayor DuBois stated that is why he was talking about district and that the Town needs to be very careful.

Commissioner Longtin stated that she would have never bought the premise of the Department of Justice and that if she was on the Commission at the time she would have fought the premise.

Vice-Mayor Rumsey stated that the Commission at the time did fight the premise however; the lawsuit could have cost the Town millions of dollars.

Attorney Baird explained that it was cost prohibitive for the Town to challenge the lawsuit and there was no alternative than to find the best worst settlement.

Commissioner Longtin stated that for her the Department of Justice never proved their premise.

Commissioner Hockman thinks that the voting method should be at large with a vote for each seat. He stated that if there are district and no one qualified for one of the districts would there be an open seat.

Vice-Mayor Rumsey stated that one of arguments that he made against the districts was if all four of the Commissioner's are in different districts and there is $8,000 next year's budget for sidewalks the four Commissioner's would then be fighting over where to spend the $8,000 instead of working for the best Town-wide solution.

Commissioner Longtin stated that districts would divide the Town and the Town does not need to be divided.

Vice-Mayor Rumsey stated that he is in favor of discussing this item further. He stated that there have been two (2) elections with the limited voting method.

Attorney Baird explained that in the first election after the change in voting method was made the result the Department of Justice wanted did not happen and that in fact there was not even a black candidate. The intent of the lawsuit was to provide black people in the Town, which are nearly the majority of the voting age population, the opportunity to elect an individual to one of the four seats. He explained that the only alternative to that system that was acceptable to the Department of Justice was single member districts whereby the seats would be partitioned throughout the Town and only those individuals within that district would be able to run for that seat and the residents within that district would vote on that Commission seat. He stated that it would have created a system of each voter would vote for one Commissioner and the Mayor. He stated that previous system provided a voter with the opportunity to vote for all four Commission seats and the Mayor.

Commissioner Stevens asked if the Federal Government would come back and change the voting method again if the Town goes back to the previous system.

Attorney Baird stated that he had this discussion with the Department of Justice's attorney after the first election and was told that the Department of Justice would have the same obligation to come back and use the available data to prove that the Town has a racially biased voting system and it would be a new case. If that were to occur it stacks up more favorably for the Town because the Town would have had two elections under the new method and despite the change the results that were desired by the Federal Government were not achieved.

Mayor DuBois asked if Town Manager Sugerman has enough information based on this discussion to move forward.

Commissioner Longtin stated that nothing has ever prevented anyone from running for office in the Town but she does think it is wise to for the Town to have a charrette or something to invite the public and vet the issue.

Vice-Mayor Rumsey recommended letting the next Commission take on the issue because there would be another election under the limited voting method. He suggested that Town Manager Sugerman be given the direction to bring the item back for Commission consideration after the election.

Commissioner Longtin stated that she does not want to put it off and that it needs to happen.

Vice-Mayor Rumsey stated that he does not disagree that it needs to happen and that he does not care.

Commissioner Longtin stated that she would like to think that whether any of the current Commissioners are sitting on the dais or not that all of them would be advocating getting their voting rights back.

Vice-Mayor Rumsey agreed, but thinks that the Commission that would be sitting here after the March 2013 election deserves the right to bring the issue forward.

Mayor DuBois suggested that the Administration be directed to develop a proposal and a timeline and bring it back to the January 16, 2013 meeting.

Town Manager Sugerman explained that the referendum could be placed on the March 2013 ballot but that it would not take effect until the March 2016 election so there is no sense in hurrying. He stated that through his experience with Charter Amendments that it takes a community between six (6) and twelve (12) months to understand the importance of supporting a Charter Amendment. He suggested that the Commission wait until after the March 2013 election and use the Task Force concept to deal with the issue. He explained that the Task Force would have one appointment from each Commissioner, have a specific task, the duration of the Task Force would be no longer than six (6) months, the meetings are open to the public with notice and minutes, and in the end staff would bring forward a recommendation to the Commission. He stated that the recommendation from the Task Force could be a charrette to encourage more participation from the community.

Commissioner Longtin stated that it is a start.

Mayor DuBois stated that he appreciates that a recommendation from the Task Force could be a charrette because he does not think that the Task Force model is open enough to public comments. He stated the point is to be able to take input and be able to respond back to their comments and concerns and it might take more than one charrette. He stated that he appreciates the Task Force method but also thinks it needs a wider scope.

Commissioner Stevens stated he concurs and stated that the advantage of having a workshop during the qualifying period of January 29, 2013 and February 12, 2013 is that more people may become interested in running for Commission. However, he thinks waiting until after the election and giving the Town more data in terms of statistics for the Department of Justice would be the best way to go and is in support of the method suggested by Town Manager Sugerman.

The Commission reached consensus to utilize the suggestion made by Town Manager Sugerman.

Commissioner Longtin stated that she looked to see if the art class offered by the Artists of Palm Beach County were on the Town's website and did not see anything advertised and suggested that it be advertised more.

Town Manager Sugerman stated that he has it noted and will look into it. He stated that the class Mr. Goodsell attended was an acrylic paint class and that he was pleased with the class.

Commissioner Longtin stated that a few years ago she received a list of all known Sober Houses and opined that the list exists and requested that Mr. Goodsell be provided a copy. She stated that she was unable to attend the Seafood Festival but, heard that is was a success and gave kudos to Jennifer Spicer the event producer. She stated that she heard that at the last meeting that the decision was made to allow Ms. Spicer to submit a

proposal to do other events and asked if other people would be allowed to submit proposal as well.

Town Manager Sugerman stated that he is meeting with Ms. Spicer regarding one event for a Green Market and that there has not been discussion beyond that event.

Commissioner Longtin stated that she thinks that the opportunity to do events in the Town should be opened up to everybody.

Commissioner Stevens stated that anyone could come and make a proposal to do an event in the Town.

Commissioner Longtin stated that she does not think that it is known that the Town is looking for that and she thinks that the it should be done in a more open manner. She asked regarding the Marina Litigation if the Town has received all of the documents.

Attorney Baird stated that the Town has received all the releases and money due and that the Town's obligation now is to file a Dismissal with Prejudice of the lawsuit.

Commissioner Longtin explained that she is talking about the documents that the Attorney representing the Town and the Town's experts had compiled.

Attorney Baird stated that the Town has received all of the documents from Mr. Cutcher and explained that the Attorneys have numerous boxes that the Town has to make arrangements to have them transported to the Town.

Commissioner Longtin stated that she wants to opportunity to review the documents from the litigation.

Attorney Baird stated that Commissioner Longtin would be provided access the documents that she wants to review.

Town Manager asked if this is the information that Commissioner Longtin is requesting was a part of the closed door sessions.

Attorney Baird stated "yes" and noted that the records would become public once the Dismissal is filed.

Town Manager Sugerman explained that the records have not become public yet.

Commissioner Longtin asked for a status update on One Park Place.

Town Manager Sugerman explained that he is in weekly contact with the current property owners and that he anticipates that the report he will receive on Wednesday, December 20, 2012 is that the bank has taken the property back but, that information has not been confirmed.

Commissioner Longtin stated that there was a discussion in the past regarding increasing the size of the 6th Avenue ballfields and asked for a status update.

Vice-Mayor Rumsey stated that it has not moved forward.

Town Manger Sugerman stated that he is not aware of the issue.

Mayor DuBois commented that it is part of the CRA Plan.

Commissioner Hockman stated that the Commission approved that a group move ahead an attempt to purchase the properties surrounding the ball field but, that he does not know the status of the issue.

Commissioner Longtin stated that there has been a rash of poisoning of dogs in dog parks in California and other places and recommended that people be careful if they take their dog to a dog park. She stated that she is not in favor of a four (4) foot fence at the proposed dog park because too many dogs can jump a four (4) foot fence. She stated that Commissioner Stevens requested that the minutes on the website be word searchable and asked if minutes on the website are word searchable.

Town Manager Sugerman stated that he does not think the minutes are word searchable.

Commissioner Longtin asked if it can be done.

Town Manager Sugerman stated "yes" and asked if the Commission wants to know the expense associated with making the minutes word searchable.

Commissioner Longtin stated that she did not realize there would be an expense.

Town Manager Sugerman stated that it could be a very expensive proposition.

Commissioner Longtin asked the Commission if they desired to find out the cost associated with making the documents on the Town website word searchable.

The Commission reached consensus and directed Town Manager Sugerman to bring back a cost to make the documents on the Town website word searchable.

Commissioner Longtin discussed e-mail from the Commissioners to the Town Manager being shared with others and issues related to her garbage being gone through, phone calls being monitored and the comments made by Vice-Mayor Rumsey at the December 5, 2012 Commission meeting regarding his e-mail. She wished everyone a Happy Holidays and a Safe New Year.

Commissioner Stevens stated that the discussion regarding word searchable minutes brings up the discussion about the Commission meetings being streamed and downloadable and asked if the meetings are currently placed on the website after the meetings.

Commissioner Hockman stated that the meeting videos are on the website and downloadable.

Mayor DuBois asked if the meeting could be view online.

Commissioner Hockman stated that the meetings can be watched on-line or downloaded but are not live.

Mayor DuBois stated that he was not aware that the meeting videos were on the website.

Town Manager Sugerman stated that he believes that the videos were placed on the website within days of the Commission and CRA Board's approval.

Commissioner Stevens thanked Mr. Goodsell for his comments and thanked him for his service with the Community Watch. The next Community Watch meeting is on January 16, 2013 at 10:00 am. He stated that he supports advertising the free art classes on the website and suggested adding it to the newsletter and the Art on Park Gallery window. He stated that he supports registration, licensing, regulation, and the 1,000-foot separation of Sober Houses and encouraged residents to contact their legislatures in support of the legislation. He stated that his thoughts and prayers go out to the families affected by the Sandy Hook Elementary School tragedy. He stated that the Grumpy Grouper restaurant is now open. He wished everyone a Happy Holidays.

Mayor DuBois stated that Captain Gary Raposa, Lake Park Citizens on Patrol, was selected as the Palm Beach Sheriff's Office (PBSO) Citizens on Patrol volunteer of the month.

Commissioner Longtin suggested that Mr. Raposa be give a Proclamation at the next Commission Meeting.

The Commission reached consensus to give Mr. Raposa a Proclamation.

Mayor DuBois stated that on Saturday, December 16, 2012 was the PBSO Fill in the Gap event and it was a tremendous success and that this is Deputy Johnson's third year with the program. He stated that the Tree Lighting event was great. He stated that Grumpy Grouper is now open. He stated that he received a e-mail from L.J. Parker, contributor to the Historical Society, containing a paper from Elizabeth Pearson who work for Harry Kelsey and that the paper contained a first person account of Mr. Kelsey. He thanked Mr. Parker for the e-mail and noted that membership in the Historical Society is very affordable and encouraged residents to join. He requested updates be provided to the Commission on the status of the Charter School. He wished everyone a Happy Holiday and New Year and thanked the Town staff and Commission for all their hard work this past year and that he looks forward to a prosperous new year.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Rumsey and seconded by Commissioner Stevens, and by unanimous vote, the meeting adjourned at 8:50 p.m.

_____
Mayor James DuBois

_____
Deputy Town Clerk, Shari Canada, CMC

_____
Town Clerk, Vivian Mendez Lemley, CMC

Town Seal

Approved on this _____ of _____, 2012

DRAFT

Exhibit "A"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: December 19, 2012 **Agenda Item No.** Tab 3

Agenda Title: Resolution No. -12-12 In support of the Palm Beach County Health Department Effort to Urge Local Tobacco Retailers to Refrain from Marketing and Selling Flavored Tobacco Products

[X]	**CONSENT AGENDA**	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[X]	**RESOLUTION**
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager DSS **Date:** 12/7/12

Vivian Mendez Lemley – Town Clerk on behalf of Mayor James DuBois
Name/Title

Originating Department: **Town Clerk/Mayor**	Costs: $ 0.00 Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Resolution** **Emails from Janiece Davis, Mayor DuBois and Town Manager Sugerman;** **Resolutions of support from other municipalities**
Advertised: Date: _____ Paper: _____ **[X] 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 VAL or Not applicable in this case ____ **Please Initial one.**

Summary Explanation/Background. At the November 5, 2012 Regular Commission meeting Caitlyn Johnston, a student from Matlock Preparatory, approached the podium, and urged the support of the Commission to urge local tobacco retailers to refrain from marketing and selling flavored tobacco products. The attached Resolution is simply a measure of support for the Palm Beach County Health Department's Tobacco Prevention and Control Program a component of which is a youth advocacy program dedicated to raising awareness about the marketing tactics used by the tobacco industry to gain youth smokers.

Recommended Motion: Adopt the attached Resolution.

Town of Lake Park Town Commission

Agenda Request Form

Exhibit "B"

Meeting Date: December 19, 2012 **Agenda Item No.** Tab 8

Agenda Title: Request for a text amendment to Section 78-148 (a) to reduce the distance separation between gas stations from 1,200 feet to 500 feet.

[ ]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[X]	**ORDINANCE ON 1st READING**
[ ]	BID/RFP AWARD	[ ]	OTHER:

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

Nadia Di Tommaso / *Community Development Director* ND
Name/Title

Originating Department: **Community Development**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** ➔ **Staff Report** ➔ **Exhibit "A" – Existing Code Sections** ➔ **Exhibit "B" – Environmental Letter** ➔ **Exhibit "C" – Existing Gas Stations Spreadsheet** ➔ **Ordinance 12-2012**
Advertised: Date: ***N/A for 1st reading*** Paper: _____ [ ] 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___*ND*____ or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background:

See Staff Report.

Town of Lake Park
Community Development Department

Meeting Date: *December 19, 2012*

To: TOWN COMMISSION **Re: Text Amendment to Section 78-148 (a) to reduce the distance separation between gas stations from 1,200 feet to 500 feet.**

Applicant: Town of Lake Park

SUMMARY

At the Town Commission meetings of October 3 and 17, 2012, Mr. Nader Salour, as the agent for Congress Avenue Properties Ltd., asked the Town Commission to modify Section 78-148 (a) (Exhibit "A") of the Town Code to modify the Code's requirement of a 1,200 foot separation between gasoline/oil filling stations. An environmental consultant, Mr. Roberto Balbis, also addressed the Commision regarding this Code requirement and submitted a letter dated September 6, 2012, providing justification for Congress Avenue Properties Ltd.'s request (Exhibit "B").

Staff has prepared a spreadsheet outlining the various gas stations in Town and their distances from one another (Exhibit"C"). Staff has determined that there are three existing gas stations within the Town's boundaries that do not currently comply with the 1,200 foot distance separation as required by the Town Code. Two of these stations were built prior to the effective date (1966) of the Town Code's separation requirement. The third station, Sunoco at 980 Northlake Boulevard, was constructed in 1983, after the effective date of the Code provision which requires separation between facilities. There is no written variance or development order which exists to justify the siting of this gas station in conflict with the Code. It is important to note that with respect to the siting of gas stations along Northlake Boulevard, the zoning regulations contained within the Northlake Boulevard Overlay Zone (NBOZ) apply. Specifically, Chapter 78, Appendix A, Section 2-3(2) of the Town of Lake Park Code of Ordinances requires that automobile service stations located on Northlake Boulevard be separated by a minimum of 500 feet.

At the October 17th, 2012 Town Commission meeting, the Town Commission made a motion directing staff to pursue a Code text amendment to Section 78-148(a) reducing the distance **between two gasoline and oil filling station or service station** from 1,200 feet to 600 feet. However, because the NBOZ section referenced herein above establishes a separation of 500 feet between auto service stations, staff is recommending that Section 78-148(a) be amended to require only a 500 foot separation between gasoline and oil filling or service stations.

P&Z RECOMMENTATION: Approved 4-0.

Recommended Motion: Staff recommends that the Town Commission approve a motion to amend Section 78-148(a) to reduce the distance separation **between gasoline and oil filling station or service station** from 1,200 feet to 500 feet.

Town of Lake Park Town Commission

Exhibit "C"

Agenda Request Form

Meeting Date: December 19, 2012 **Agenda Item No.** Tab 9

AGENDA TITLE: Request for a text amendment in the Park Avenue Downtown District (PADD) Sign Code to modify the language whereby it would increase the permitted awning signage height in Table 78-70-7 from 6 inches to 10 inches and provide for uniformity throughout contiguous plazas.

[ ]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[X]	**ORDINANCE ON 1st READING**
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager DJS **Date:** 12/10/12

Nadia Di Tommaso / *Community Development Director* ND
Name/Title

Originating Department: **Community Development**	Costs: $ 0.00 Funding Source: Acct. # [ ] Finance _____	**Attachments:** ➔ **Staff Report** ➔ **Ordinance 13-2012**
Advertised: Date: ***N/A for 1st reading*** Paper: _____ [ ] 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___*ND*___ or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background:

See Staff Report.

Town of Lake Park
Community Development Department

Meeting Date: **December 19, 2012**

To: TOWN COMMISSION

Re: Text Amendment- Amending the language in the Park Avenue Downtown District (PADD) Sign **Code**

Applicant: **Town of Lake Park**
Address: **Park Avenue Downtown District**
Re: **Amending the PADD Sign Code to increase the permitted awning signage height in Table 78-70-7 of Section 78-70 from 6 inches to 10 inches and provide for uniformity throughout contiguous plazas.**

SUMMARY

The Town staff recommends an amendment to the text contained in Table 78-70-7 which sets forth the permitted signs within the Park Avenue Downtown District (PADD).

Currently, Section 78-70 does not permit the letters of awning signs to exceed 6 inches. Some of the plazas off of Park Avenue and 10th Street have fixed awning signs with 10 inch letters. It may be that some of these signs were installed quite some time ago and possibly under different codes. When the PADD was adopted, it did not provide for an amortization schedule which would have required the signs of these businesses to be brought into compliance with the regulations established in the PADD. Consequently, the businesses which had signs prior to the adoption of the PADD were never required to replace their signs with signs which conformed to the PADD regulations. New businesses, however, are required to meet the requirements of the PADD which limits the letters of signs to six inches thereby creating a conflict between businesses.

Staff proposes a text amendment to change the 6 inch sizing limitation to 10 inches for awning signs in the PADD sign code. The 10 inches would remain consistent with the Town's overall signage as long as the sign area is in proportion to the size of the awning. It is important to take note that the 10 inches is a *maximum* and this size is dependent on the size of the awning and the proposed sign's proportionality to the awning.

Staff is of the opinion that perhaps this inconsistency between sign codes was overlooked when the PADD signage code was adopted. Rather than requiring the businesses which have signs with letters which exceed six inches to conform to the PADD, **staff is recommending a text amendment to allow awning signs with letters of up to 10 inches. The proposed amendment is for the section of the Code shown on page 2.**

Planning and Zoning Board (P&Z) RECOMMENDATION: The P&Z heard this item at its November 5th, 2012 meeting. The Board members voted unanimously to approve the amendment to Table 78-70-7 in Section 78-70 to increase the awning size limitation from 6 inches to 10 inches. Additionally, the motion included a provision to incorporate "uniformity" language in this same section of the Code to ensure that all contiguous awnings, regardless of building ownership, are required to match. Staff expanded on this proposal in its recommended motion on the following page.

Recommended Motion:

Staff recommends that the Town Commission adopt a motion to amend Table 78-70-7 of Section 78-70 to allow the letters of awning signs within the PADD to have a maximum height of 10 inches and provide for uniformity throughout contiguous plazas. Uniformity would apply to all buildings that abut one another. The criteria to determine uniformity would include, but is not limited to: color scheme, pattern selection, size of awning and size of signage.

(Sec. 78-70)

PROPOSED
TEXT AMENDMENT

Table 78-70-7

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Awning Sign	In proportion to the size of the awning	-	Business name, address, phone number, and logo, and words depicting the nature of the business (letters shall not be more than 50% of the height of the letters depicting the business name)	*Letters, numbers, and logo shall not exceed ~~6~~ 10 inches in height and shall remain uniform throughout all contiguous plazas. Uniformity would apply to all buildings that abut one another. The criteria to determine uniformity would include, but is not limited to: color scheme, pattern selection, size of awning and size of signage.
-	-	-	-	*Located only on a valance

TAB 4

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 4

Agenda Title: Resolution Appointing the Poll workers for the General Municipal Election to be conducted on March 12, 2013 for Commissioners.

[X]	**CONSENT AGENDA**	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[X]	**RESOLUTION**
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager DSS **Date:** 12/20/12

Vivian Mendez, Town Clerk
Name/Title

Originating Department: **Town Clerk**	Costs: **$ 4,185.00** Funding Source: **Elections** Acct. # **106-33000** **[X] Finance** _____	**Attachments:** **Resolution**
Advertised: Date: _____ Paper: _____ **[X] 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 *VM* **Please initial one.**

Summary Explanation/Background:

Recommended Motion: Approve Resolution appointing the Poll workers for the General Municipal Election to be held on March 12, 2013 for Commissioners.

RESOLUTION NO.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPOINTING INDIVIDUALS TO SERVE AS ELECTION POLLWORKERS: AS CLERKS, COMPUTER LAPTOP OPERATORS, AND INSPECTORS FOR THE GENERAL ELECTION ON TUESDAY MARCH 12, 2013 FOR THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, PALM BEACH COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park will conduct a general municipal election on Tuesday, March 12, 2013 to elect Commissioners for the Town Commission of the Town of Lake Park, Florida; and

WHEREAS, in order to promptly conduct this election, it is necessary to appoint individuals to serve as clerks, computer laptop operators, and inspectors.

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

SECTION 1. The Town Commission hereby appoints the following persons to serve as clerks, computer laptop operators, and inspectors for the March 12, 2013 General Election:

Precinct 1378—Community United Church of Christ

Clerk:	Kerisha Ellis
Inspectors:	Mary Miller
	Ronnie Lee Cohen
	Bettye Hodges
	Guilerne Bonheur
	Charlene Ulmer
	Alfred Francois
Laptop Operator:	Tambia McIntosh

Precinct 7010, 7012-St. John Lutheran Church

Clerk:	Freddie Calloway
Inspectors:	Gerald Kielty
	Mair Buddug
	Rose Cherisma
	Jean Hughes
	Monica Vincent
Laptop Operator:	Virginia Smith

Precinct 1376, 1382—Lake Park Town Hall

Clerk:	Marion Harrison
Inspector:	Marie Carroll
	Miriam Davis
	Betty Bennett
	Donald Six
Laptop Operator:	Deborah Wiggins

Section 2. The poll workers are hereby directed to conduct the General Municipal Election in accordance with Florida law, and in such a manner to prevent fraud, deceit, and abuse; and to make the returns of the election public in the manner prescribed by law.

Section 3. This Resolution shall take effect immediately upon adoption.

Ordinance on Second Reading

TAB 5

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 5

Agenda Title: Request for a text amendment to Section 78-148 (a) to reduce the distance separation between gas stations from 1,200 feet to 500 feet.

[ ]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[X]	**PUBLIC HEARING**	**[X]**	**ORDINANCE ON 2nd READING**
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 1/3/13

Nadia Di Tommaso / *Community Development Director* ND
Name/Title

Originating Department: **Community Development**	Costs: $ 185.76 (2 Ordinances) Funding Source: **Town Clerk** Acct. # [X] Finance BKR	**Attachments:** ➔ **Staff Report** ➔ **Exhibit "A" – Existing Code Sections** ➔ **Exhibit "B" – Environmental Letter** ➔ **Exhibit "C" – Existing Gas Stations Spreadsheet** ➔ **Ordinance 12-2012** ➔ **Legal Ad**
Advertised: Date: **01/06/2013** Paper: **Palm Beach Post** [ ] 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___*ND*____ or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background:

See Staff Report.

Town of Lake Park
Community Development Department

Meeting Date: *January 16, 2013*

To: TOWN COMMISSION (2nd Reading)

Re: Text Amendment to Section 78-148 (a) to reduce the distance separation between gas stations from 1,200 feet to 500 feet.

Applicant: Town of Lake Park

SUMMARY

At the Town Commission meetings of October 3 and 17, 2012, Mr. Nader Salour, as the agent for Congress Avenue Properties Ltd., asked the Town Commission to modify Section 78-148 (a) (Exhibit "A") of the Town Code to modify the Code's requirement of a 1,200 foot separation between gasoline/oil filling stations. An environmental consultant, Mr. Roberto Balbis, also addressed the Commision regarding this Code requirement and submitted a letter dated September 6, 2012, providing justification for Congress Avenue Properties Ltd.'s request (Exhibit "B").

Staff has prepared a spreadsheet outlining the various gas stations in Town and their distances from one another (Exhibit"C"). Staff has determined that there are three existing gas stations within the Town's boundaries that do not currently comply with the 1,200 foot distance separation as required by the Town Code. Two of these stations were built prior to the effective date (1966) of the Town Code's separation requirement. The third station, Sunoco at 980 Northlake Boulevard, was constructed in 1983, after the effective date of the Code provision which requires separation between facilities. There is no written variance or development order which exists to justify the siting of this gas station in conflict with the Code. It is important to note that with respect to the siting of gas stations along Northlake Boulevard, the zoning regulations contained within the Northlake Boulevard Overlay Zone (NBOZ) apply. Specifically, Chapter 78, Appendix A, Section 2-3(2) of the Town of Lake Park Code of Ordinances requires that automobile service stations located on Northlake Boulevard be separated by a minimum of 500 feet.

At the October 17th, 2012 Town Commission meeting, the Town Commission made a motion directing staff to pursue a Code text amendment to Section 78-148(a) reducing the distance **between two gasoline and oil filling station or service station** from 1,200 feet to 600 feet. However, because the NBOZ section referenced herein above establishes a separation of 500 feet between auto service stations, staff is recommending that Section 78-148(a) be amended to require only a 500 foot separation between gasoline and oil filling or service stations.

P&Z RECOMMENTATION: November 5, 2012, approved 4-0.

TOWN COMMISSION: December 19, 2012, approved 5-0 on first reading.

Recommended Motion: Staff recommends that the Town Commission **approve** a motion on second reading to amend Section 78-148(a) to reduce the distance separation between gasoline and oil filling station or service station from 1,200 feet to 500 feet.

Exhibit "A" – Existing Code Sections

Proposal to reduce from 1,200 to 500 feet.

Sec. 78-148. - Gasoline and filling stations—Prohibited near certain uses.

(a)

Prohibition. No gasoline and oil filling station and no service station shall be erected within 1,200 feet of any church, hospital, school or other similar institution, **or within 1,200 feet of location of another gasoline and oil filling station or service station located within the town**.

(b)

Method of measurement. The method of measurement that shall apply in such cases shall be by measurement of the air-line distance made or taken from the nearest boundary of the lot or premises where such existing station is located to such building or structure used as a church, hospital, school or other similar institution or to the boundary of the lot or premises where another station is to be erected. Nothing in this section shall prohibit the operation of existing gasoline or reconstruction of any presently existing gasoline and oil filling stations or service stations.

(c)

Exception. This section shall not apply to any automobile service station and permitted ancillary uses located in the C-3 zoning district.

Northlake Boulevard Overlay Zone (NBOZ) Regulations

Sec. 2-3. - Use definitions and supplemental regulations.

(2)

Automotive service station means an establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles. An automotive service station shall be subject to the following supplementary use standards:

(c)

There shall be a minimum separation distance of **500 feet from the nearest points of property lines for a parcel developed for use as an automobile service station** and a parcel occupied by a church, school or hospital.

For reference only.

Exhibit "B" – Environmental Letter

Ardaman & Associates, Inc.
Geotechnical, Environmental and Materials Consultants

AAI File No. 12-2179
September 6, 2012

Congress Avenue Properties
4500 PGA Boulevard, Suite 207
Palm Beach Gardens, Florida 33418

Attention: Nader Salour

ENVIRONMENTAL ISSUES
PARCEL 34.03D SERVICE STATION PROJECT
LAKE PARK, FLORIDA

The captioned project consists of the construction of a service station for distribution of vehicular fluids and other goods on the east side of Congress Avenue, north of the future extension of Park Avenue, in Lake Park, Florida. The location of this service station will be less than 1,200 feet from the location of the existing Murphy USA #7362 station which is located on the west side of Congress Avenue.

It is our understanding that Lake Park has a stipulation that no gasoline dispensing station can be established within 1,200 feet of an existing one. It is believed that this restriction was made in consideration to the concentration of potential sources of contamination in a small area of the town. This restriction was apparently set more than 40 years ago. It is apparent that it has not been uniformly applied (if at all), since some stations in Lake Park are closer than 1,200 feet apart.

Contamination in service stations is mainly caused by leakage from aging, single wall underground steel tanks and distribution lines which tend to corrode. Gasoline products tend to remain at the top of the groundwater table and move in the direction of groundwater flow. Certain products persist and may reach hundreds of feet from the source pending the velocity of groundwater flow.

We note that drastic changes took place in the 1990's in regards to the use of underground storage tanks because of concerns with regards to the deterioration of surficial aquifers due to contamination from petroleum products. Thus, Chapter 62-761, Florida Administrative Code called for the replacement of all single wall underground steel tanks pending their age, so that very old tanks would be replaced by 1998 and newer tanks by 2009. New technology has permitted the replacement of such tanks with double-walled fiberglass tanks. These are basically a regular storage tank inside a larger, empty tank, with the space between the walls serving as containers of any spill from the interior container where the fluid is stored. Sensors are installed to detect leaks as soon as possible. Distribution lines are similarly protected.

New service stations such as the nearby Murphy USA #7362 and the proposed service station are constructed with double wall appurtenances and sensors. Stations are inspected regularly by the Florida Department of Environmental Protection to check for violations in operating procedures.

2200 North Florida Mango Road, Suite 101, West Palm Beach, Florida 33409 Phone (561) 687-8200 FAX (561) 640-7375
Louisiana Alexandria Baton Rouge Monroe New Orleans Shreveport
Florida Bartow Cocoa Fort Myers Miami Orlando Port Charlotte Port St Lucie Sarasota Tallahassee Tampa West Palm Beach

Exhibit "C" – Existing Gas Stations Spreadsheet

GAS STATION DISTANCE SEPARATION RESEARCH

Name	Address	Year Building Constructed	Date of Opening	Distance *(Measured to the closest station IN LAKE PARK)*
Murphy Oil USA #7362 (WALMART)	103 N. Congress	2006	7/23/2008	Walmart to B.P.: **7392 feet**
Hess Express #09240 (B.P. GAS)	1216 Northlake	2001	8/23/2002	
Northlake AutoCare	1000 Northlake	1965	9/16/2003	B.P. to Northlake Auto Care: 528 feet
Assume 1st Inc. (SUNOCO)	980 Northlake	1983	9/12/2008	Northlake Auto Care to SUNOCO: 272 feet
Pit Stop Food Mart (VALERO)	1401 10th St	1961	3/1/2006	SUNOCO to VALERO: 1056 feet
Hayma Enterprise (TEXACO)	917 10th St	1964	5/17/2011	VALERO to TEXACO: **1584 feet**
Longrun Oil Corp (VALERO)	140 N. Fed. Hwy	1960	7/3/2003	TEXACO to VALERO (US.1) : **8976 feet**
Chaves Lakes Park Corp (7-ELEVEN)	1220 N. Federal	1990	9/5/2006	VALERO (US.1) to 7-ELEVEN: **3696 feet**

ORDINANCE NO. 12-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-148(a) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO REDUCE THE DISTANCE SEPARATION BETWEEN GASOLINE AND FILLING STATIONS USES FROM 1,200 FEET TO 500 FEET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; 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 zoning and land development regulations which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town Commission has also adopted supplemental district regulations pertaining to gasoline and filling station uses which have been codified in Chapter 78, Article V of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff is recommending a zoning Code text amendment to Chapter 78, Article V, Section 78-148(a) to reduce the distance separation between gas stations from 1,200 feet to 500 feet; and

WHEREAS, Town staff has reviewed the zoning Code text amendment and has recommended that Town Code Section 78-148(a) be amended to reduce the distance separation between gas stations from 1,200 feet to 500 feet; and

WHEREAS, the Town's Planning and Zoning Board, following a public hearing, has recommended that the Town Code be amended to reduce the separation requirement between gasoline and filling station uses from 1,200 feet to 500 feet; and

WHEREAS, the Town Commission has considered and accepted the

recommendations of the Town staff and the Planning and Zoning Board and has determined that a reduction in the distance separation between gasoline and filling station uses would further the public health, safety and general welfare.

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

Section 1. The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article V, Section 78-148(a) of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 78-148(a) - Gasoline and filling stations—Prohibited near certain uses.

(a)

Prohibition. No gasoline and oil filling station and no service station shall be erected within 1,200 feet of any church, hospital, school or other similar institution, or within ~~1,200~~ 500 feet ~~of location~~ of another gasoline and oil filling station or service station located within the town.

Section 3. **Severability.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 4. **Repeal of Laws in Conflict**. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. **Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance may be re-numbered or re-lettered to accomplish such.

Section 6. **Effective date.** This Ordinance shall take effect immediately upon passage.

LEGAL NOTICE OF PROPOSED ORDINANCE TOWN OF LAKE PARK

Please take notice that on Wednesday, January 16, 2013 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 12-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-143(a) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO REDUCE THE DISTANCE SEPARATION BETWEEN GASOLINE AND FILLING STATIONS USES FROM 1,200 FEET TO 500 FEET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 13-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING TABLE 78-70-7, WHICH IS CONTAINED WITHIN SECTION 78-70 OF THE TOWN'S CODE OF ORDINANCES WHICH PERTAINS TO AWNING SIGNS, BY INCREASING THE SIZE OF LETTERS, NUMBERS, AND LOGOS FROM SIX INCHES TO TEN INCHES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, Town Clerk
Town of Lake Park, Florida

PUB: The Palm Beach Post 1-6-13
#35889

TAB 6

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 6

AGENDA TITLE: Request for a text amendment in the Park Avenue Downtown District (PADD) Sign Code to modify the language whereby it would increase the permitted awning signage height in Table 78-70-7 from 6 inches to 10 inches.

[ ]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[X]	**PUBLIC HEARING**	**[X]**	**ORDINANCE ON 2nd READING**
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 1/3/13

Nadia Di Tommaso / *Community Development Director* ND
Name/Title

Originating Department: **Community Development**	Costs: $ 185.76 (2 ordinances) Funding Source: **Town Clerk** Acct. # X Finance BR	**Attachments:** ➔ **Staff Report** ➔ **Ordinance 13-2012** ➔ **Legal Ad**
Advertised: Date: **01/06/2013** Paper: **Palm Beach Post** [ ] 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___*ND*____ or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background:

See Staff Report.

Town of Lake Park
Community Development Department

Meeting Date: **January 16, 2013**

To: TOWN COMMISSION (2nd Reading)

Re: Text Amendment- Amending the language in the Park Avenue Downtown District (PADD) Sign Code

Applicant: **Town of Lake Park**
Address: **Park Avenue Downtown District**
Re: **Amending the PADD Sign Code to increase the permitted awning signage height in Table 78-70-7 of Section 78-70 from 6 inches to 10 inches.**

SUMMARY

The Town staff recommends an amendment to the text contained in Table 78-70-7 which sets forth the permitted signs within the Park Avenue Downtown District (PADD).

Currently, Section 78-70 does not permit the letters of awning signs to exceed 6 inches. Some of the plazas off of Park Avenue and 10th Street have fixed awning signs with 10 inch letters. It may be that some of these signs were installed quite some time ago and possibly under different codes. When the PADD was adopted, it did not provide for an amortization schedule which would have required the signs of these businesses to be brought into compliance with the regulations established in the PADD. Consequently, the businesses which had signs prior to the adoption of the PADD were never required to replace their signs with signs which conformed to the PADD regulations. New businesses, however, are required to meet the requirements of the PADD which limits the letters of signs to six inches thereby creating a conflict between businesses.

Staff proposes a text amendment to change the 6 inch sizing limitation to 10 inches for awning signs in the PADD sign code. The 10 inches would remain consistent with the Town's overall signage as long as the sign area is in proportion to the size of the awning. It is important to take note that the 10 inches is a *maximum* and this size is dependent on the size of the awning and the proposed sign's proportionality to the awning.

Staff is of the opinion that perhaps this inconsistency between sign codes was overlooked when the PADD signage code was adopted. Rather than requiring the businesses which have signs with letters which exceed six inches to conform to the PADD, **staff is recommending a text amendment to allow awning signs with letters of up to 10 inches. The proposed amendment is for the section of the Code shown on page 2.**

Planning and Zoning Board (P&Z) RECOMMENDATION: The P&Z heard this item at its November 5th, 2012 meeting. The Board members voted unanimously to approve the amendment to Table 78-70-7 in Section 78-70 to increase the awning size limitation from 6 inches to 10 inches. Additionally, the motion included a provision to incorporate "uniformity" language in this same section of the Code to ensure that all contiguous awnings, regardless of building ownership, are required to match.

Town Commission 1st Reading: The Town Commission considered this item on first reading at its December 19, 2013 meeting. The uniformity component suggested by the Planning and Zoning Board was discussed. The Town Commission would like to see some variety in signage in order to create character and steer clear of the "strip mall aesthetic". While it was suggested that compatibility may be an item that staff can explore in the future, the Town Commission approved the item on first reading after eliminating the proposed uniformity language and simply approved increasing the size of the letters, numbers, and logos of awning signs from 6 inches to 10 inches.

Recommended Motion:

Staff recommends that the Town Commission approve a motion on second reading to amend Table 78-70-7 of Section 78-70 to allow the letters, numbers and logos of awning signs within the PADD to have a maximum height of 10 inches.

(Sec. 78-70)

PROPOSED
TEXT AMENDMENT

Table 78-70-7

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Awning Sign	In proportion to the size of the awning	-	Business name, address, phone number, and logo, and words depicting the nature of the business (letters shall not be more than 50% of the height of the letters depicting the business name)	*Letters, numbers, and logo shall not exceed ~~6~~ 10-inches in height.
-	-	-	-	*Located only on a valance

ORDINANCE NO. 13-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING TABLE 78-70-7, WHICH IS CONTAINED WITHIN SECTION 78-70 OF THE TOWN'S CODE OF ORDINANCES WHICH PERTAINS TO AWNING SIGNS, BY INCREASING THE SIZE OF LETTERS, NUMBERS, AND LOGOS FROM SIX INCHES TO TEN INCHES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; 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 zoning districts which pertain to the development of land, and these districts have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town Commission has codified the Park Avenue Downtown District (PADD) in Chapter 78, as Article III, Section 78-70 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff is recommending the amendment of Chapter 78, Article III, Section 78-70, pertaining to awning signs; and

WHEREAS, the Town staff has recommended that Table 78-70-7 which is contained within Section 78-70 be amended to increase the size of letters, numbers, and logos in awning signs from six inches to ten inches; and

WHEREAS, the Town's Planning and Zoning Board has recommended that the Town Commission accept the staff's recommendation and amend Town Code Section 78-70, Table 78-70-7; and

WHEREAS, the Town Commission, after review of the recommendations from Town staff and the Planning and Zoning Board, and after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend the Town's Code to provide for such additional regulations.

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

Section 1. The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article III, Section 78-70, Table 78-70-7 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

TABLE 78-70-7 – Permitted Signs

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Awning Sign	In proportion to the size of the awning	-	Business name, address, phone number, and logo, and words depicting the nature of the business (letters shall not be more than 50% of the height of the letters depicting the business name)	*Letters, numbers, and logo shall not exceed ~~6~~ 10-inches in height.
-	-	-	-	*Located only on a valance

Section 3. **Severability.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 4. **Repeal of Laws in Conflict**. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. **Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance may be re-numbered or re-lettered to accomplish such.

Section 6. **Effective date.** This Ordinance shall take effect immediately upon passage.

LEGAL NOTICE OF PROPOSED ORDINANCE TOWN OF LAKE PARK

Please take notice that on Wednesday, January 16, 2013 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 12-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-143(a) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO REDUCE THE DISTANCE SEPARATION BETWEEN GASOLINE AND FILLING STATIONS USES FROM 1,200 FEET TO 500 FEET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 13-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING TABLE 78-70-7, WHICH IS CONTAINED WITHIN SECTION 78-70 OF THE TOWN'S CODE OF ORDINANCES WHICH PERTAINS TO AWNING SIGNS, BY INCREASING THE SIZE OF LETTERS, NUMBERS, AND LOGOS FROM SIX INCHES TO TEN INCHES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, Town Clerk
Town of Lake Park, Florida

PUB: The Palm Beach Post 1-6-13
#35889

Ordinance on First Reading

TAB 7

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 7

AGENDA TITLE: **Text amendment to Section 9-42 of the Town of Lake Park Code of Ordinances to reflect the recent changes in §162.12, Florida Statute which (1) Eliminated the requirement that certified mail notices for code enforcement violations and hearings be sent with return receipt; (2) Clarified that for property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation; and (3) Provided for an alternative whereby all certified mail notices may also be sent to another address provided by the property owner in writing instead of to the address listed by the tax collector.**

[ ]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[X]	**ORDINANCE ON 1st READING**
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 1/7/13

Nadia Di Tommaso / *Community Development Director*
Name/Title

Originating Department: **Community Development**	Costs: $ 0 Funding Source: Acct. # [ ] Finance _____	**Attachments:** ➔ **Ordinance 01-2013** ➔ **Copy of Florida State Statute 162.12** ➔ **Copy of League of Cities Director email**
Advertised: Date: ***N/A for 1st Reading*** Paper: [ ] 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___*ND*____ or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background:

The Town Attorney informed Staff that during the 2012 Legislative Session, the Florida Legislature amended §162.12, Florida Statute. These amendments include: **(1)** all certified mail must be sent to the address listed in the tax collector's office for tax notices, ***OR*** to another address provided by the property owner in **writing**; **(2)** for property owned by a corporation, notices may be provided by certified mail to the registered agent of the Corporation; and **(3)** eliminating the requirement for notices to be sent with a return receipt request. The first change outlined above will allow the Town to use an alternate address for mailing purposes as long as it is submitted by the property owner, in writing, to the Town. The second change simply clarifies our current procedure by confirming that the agent of a corporation is the appropriate individual to notice. The third change deviates the most from our current procedure and it eliminates the return receipt requirement. Consequently, a certified notice will be considered to have been received by the recipient if it is not returned to the Town within 30 days. Finally, Staff also replaced the "code compliance board" terminology with the "Special Magistrate" to reflect our current operations.

Recommended Motion: **Approval of Ordinance 01-2013 on first reading.**

ORDINANCE NO. 01-2013

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE II, SECTION 9-42 OF THE TOWN CODE, ENTITLED "NOTICES" PERTAINING TO NOTICES FOR CODE ENFORCEMENT VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; 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 the Town's Code Enforcement procedures which have been codified in Chapter 9 of the Town's Code of Ordinances; and

WHEREAS, the Town Staff has recommended to the Town Commission that Chapter 9, Article II, Section 9-42 of the Code of Ordinances be amended to comply with a change in Florida Statute §162.12 pertaining to the elimination of the return receipt requirement for code enforcement notices by certified mail; and

WHEREAS, Town Staff has also recommended an amendment to Section 9-42 to provide for notices for Code Enforcement violations and/or hearings by corporations by serving the registered agent of the corporation; and

WHEREAS, Town Staff has also recommended an amendment to Section 9-42 to provide for the property owner to submit an alternate mailing address in writing to the Town for certified mail notices for Code Enforcement violations and hearings; and

WHEREAS, the Town Commission has reviewed the recommendations of Town Staff, and has determined that amending Section 9-42 of Article II, Chapter 9 of the Town's Code of Ordinances 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 9, Article II, Section 9-42 of the Town Code is hereby amended to read as follows:

Sec. 9-42. - Notices.

(a) All notices required by this article shall be provided to the alleged violator by:

(1) Certified mail, ~~return receipt requested,~~ provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, ~~and~~ or at any other address provided to the town by the property owner in writing for the purpose of receiving notices ~~by such owner~~ and i~~s~~f returned as unclaimed or refused, notice may be provided by posting as described in subsections (b)(1) and (2) of this section.~~, and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing;~~ For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation.

(2) Hand delivery by a law enforcement officer, code compliance officer or other person designated by the town;

(3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age, and informing such person of the contents of the notice; or

(4) In case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a)(1) of this section, at the option of the ~~code compliance board~~ Special Magistrate, notice may also be served by publication or posting as follows:

(1) Publication. Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are

prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as in F.S. §§ 50.041 and 50.051.

(2) Posting. In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted for at least ten days prior to the hearing or prior to the expiration of any deadline contained in the notice in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the town hall. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail, as required under subsection (a) of this section.

(d) Evidence that an attempt has been made to hand deliver or mail notice as provided under subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, ~~it~~ shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

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.

Select Year: 2012 Go

The 2012 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 162
COUNTY OR MUNICIPAL CODE ENFORCEMENT

View Entire Chapter

162.12 Notices.—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail to the address listed in the tax collector's office for tax notices, or to any other address provided by the property owner in writing to the local government for the purpose of receiving notices. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board, notice may also be served by publication or posting, as follows:

(a)1. Such notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show

that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

History.—s. 1, ch. 80-300; s. 11, ch. 86-201; s. 3, ch. 87-391; s. 10, ch. 89-268; s. 6, ch. 94-291; s. 6, ch. 99-360; s. 3, ch. 2000-125; s. 1, ch. 2012-13.

Note.—Former s. 166.062.

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Nadia DiTommaso

From: Richard Radcliffe C. [RRadcliffe@pbcgov.org]
Sent: Wednesday, December 19, 2012 3:40 PM
To: Nadia DiTommaso
Cc: Dale Sugerman; Jeriise Hansen
Subject: FW: Noticing Requirements per FSS 166.012

Nadia,

As per our discussion I'm sending you the Senate Bill number and statue about the change in code enforcement notification for special magistrate or code enforcement boards. SB 704 in 2012 amended 162.12. FS. to remove the "return receipt" requirement only. The bill passed and is Chapter 2012-13, Laws of Fla. Notices still must be sent certified mail.

If I can help in any way please don't hesitate to contact me.

Richard

Richard C. Radcliffe
Executive Director
rradcliffe@pbcgov.org
The Palm Beach County League of Cities, Inc.
P.O. Box 1989, Governmental Center
West Palm Beach, Florida 33402
Tel. 561-355-4484; Fax 355-6545
www.leagueofcities.org

Discussion And Possible Action

TAB 8

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 8

Agenda Title: Establishment of a Priority List for use of CDBG Funds

[ ]	CONSENT AGENDA	[X]	**DISCUSSION/POSSIBLE ACTION**
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 1/8/13

Dale S. Sugerman/Town Manager
Name/Title

Originating Department: **Town Manager**	Costs: $ **0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **None**
Advertised: Date: _____ Paper: _____ [ ] 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 ____ **Please initial one.**

Summary Explanation/Background:

The Town has been advised that it is eligible for $37,294.00 in CDBG funds for FY 2013. To that end, the Town Commission will have to make a final determination as to which grant eligible project you would like to have the funds applied to. Suggestions offered by members of the Town Commission to date include:

- Work on the Marina parking lot.
- Creating a parking lot on the west end of the Community Garden.
- Creating a train station vehicle parking lane.
- Adding sod to the property near the proposed railroad station.
- Creating a dog park (possibly in conjunction with the Community Garden).
- Demolishing the wall at the Marina parking lot and adding lighting.

The senior staff will also be working on creating a list of grant eligible projects and, although they have not completed their list of items as of the writing of this Agenda Request Form, I plan to pass out at the Town Commission meeting the staff's list of recommended grant eligible projects.

Recommended Motion: I move to adopt the following priority list for the use of $37,294.00 in grant eligible CDBG funds during calendar year 2013:

- First priority:
- Second priority:
- Third priority:
- Forth priority:

TAB 9

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **January 16, 2013** **Agenda Item No.** Tab 9

Agenda Title: Accepting a Proposal from J.E.S. Production and Design for the Coordination of a Park Avenue Green Market

[ ]	CONSENT AGENDA	[X]	**DISCUSSION/POSSIBLE ACTION**
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 1/2/13

Dale S. Sugerman/ Town Manager
Name/Title

Originating Department: Town Manager	Costs: **$ 0.00 hard costs** **Possible waiver of fees and support by the Public Works Department in hanging banners.** Funding Source: Acct. # [ ] Finance _____	**Attachments:** Proposal from J.E.S. Production and Design for a Park Avenue Green Market
Advertised: Date: _____ Paper: _____ [X] 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 ____ **Please initial one.**

Summary Explanation/Background:

The Town Commission has asked that additional event coordination take place within the community to both promote the Town of Lake Park and to bring additional visitors to town to increase the amount of potential business for local merchants. To that end, Jennifer Spicer of J.E.S. Production & Design has forwarded to the Town a proposal to plan and coordinate a Green Market on Park Avenue. A copy of the proposal is attached.

The event will be a Green Market which will take place every Saturday from 5:00 pm until 9:00 pm starting with the first Saturday in February. The Green Market will include booths for vendors with vegetables, food, and arts & crafts. Ms. Spicer will be responsible for all costs associated with the staging of the event. The Town will be responsible for helping to promote the event via our various means and methods of electronic communication. The Town is also being asked to waive any fees associated with the placement of banners, along with assistance from the Public Works Department in the hanging of the banners. Should the Town determine that security services are needed (beyond the typical amount of PBSO and private security available in Town on a Saturday evening) the event coordinator is asking that the Town provide that coverage.

Recommended Motion: I move to accept the proposal for a Park Avenue Green Market as submitted by J.E.S. Production and Design on December 21, 2012.

J.E.S PRODUCTION & DESIGN

Proposal
Submitted to:
The Town of Lake Park
Park Avenue Green Market

Prepared by:
Jennifer Spicer

J.E.S Production & Design
PO Box 530013
Lake Park, FL. 33403
(561) 633-6034
jesprodesign@gmail.com

Submitted on
December 21, 2012

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Why Choose J.E.S Production & Design	*4*
Company Background	*5*
Success Stories/Testimonials	*5*

1. PROPOSED EVENT

In the course of this project we will deliver the following at no cost to the Town of Lake Park (except where indicated).

- **Park Avenue Green Market**

The proposed event will take place on each Saturday of every month, during the hours of 5:00 pm until 9:00 pm. Starting the first Saturday in February 2013. J.E.S Production and Design will focus in attracting the following vendors:

1. Arts & Crafters
2. Vegetables
3. Food
4. Miscellaneous vendors

2. OBJECTIVES

We have analyzed the Town of Lake Park, and believe the following objectives must be achieved.

- Generating and increasing additional pedestrian traffic.
- Attracting new businesses and retaining current merchants.
- Exposing businesses to new spectators.

3. REQUIREMENTS

J.E.S Production & Design has identified the following requirements that should be met in order to complete this event successfully.

- All events coordination will need to be promoted in " ***The Town of Lake Park's webpage/newsletter or any advertising materials that the Town may provide to the community and businesses***
- ***The Town of Lake Park*** shall allow J.E.S Production & Design to market and involve all current businesses within the municipality
- ***PBSO Department/Security***- *Services provided by the Town of Lake Park*
- ***Trash control provided by The Department of Public Works***- Paid by J.E.S Production & Design
- ***Banners installation & Signage Permits***- Banners will be provided by J.E.S Production & Design, at no cost to the Town of Lake Park and installed by The

Town of Lake Park Public Works department at no cost to J.E.S Production & Design. In addition, the Town of Lake Park will waive all signage permits.

- ***Event Permit***- Paid by J.E.S Production & Design

The following fees are to be collected and paid solely to: Event Coordinator/ J.E.S Production & Design.

- Vendor Fees
- Income From All Sponsorships Participation
- And any or all proceeds from all scheduled events coordinated by: J.E.S Production & Design

4. WHY CHOOSE J.E.S PRODUCTION & DESIGN

When comparing our capabilities and our proposed solution, the benefits are:

- Knowledge and appreciation of the area
- Cost effective
- Extensive marketing for the Town of Lake Park.
- Flexibility and reliability
- Prior event coordination knowledge

5. *COMPANY'S BACKGROUND*

Founded in January 2007 as ***J.E.S Production & Design,*** our events marketing and coordination is known for its success and business exposure. We have been quite successful in attracting spectators, vendors and event sponsors.

J.E.S Production & Design currently, markets throughout the State of Florida. It has won respect, recognition and popularity for its success.

Mission Statement

The company's mission is to identify and select the best possible marketing tools, to assure success and positive feedback for the community, from the businesses and the spectators.

SERVICES PROVIDED

- Event Coordination
- Sponsorship Involvement

- Vendor Selection
- Full Entertainment
- Event Marketing/Advertising
- Volunteer recruitment

6. *SUCCESS STORIES/TESTIMONIALS*

- Palm Beach Post newspaper- On the Community Section
- www.pbpulse.com- Events section
- The Weekender- Is a local publication that has been distributed throughout Northern and Central Palm Beaches
- Vendor/Spectators- upon request
- On Line websites- www.floridaevents.com, www.seafood.com, www.wheretheshowsare.com, www.events.com, www.festivalsandevents.com, etc.

TAB 10

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **January 16, 2013** **Agenda Item No.** Tab 10

Agenda Title: Accepting a Proposal from J.E.S. Production and Design for the Coordination of the 2013 Lake Park Seafood Festival

[ ]	CONSENT AGENDA	[X]	**DISCUSSION/POSSIBLE ACTION**
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager DSS **Date:** 1/3/13

Dale S. Sugerman/ Town Manager
Name/Title

Originating Department: Town Manager	Costs: **$ 0.00 hard costs** **Possible waiver of fees and support by the Public Works Department in hanging banners.** Funding Source: Acct. # [ ] Finance _____	**Attachments:** Proposal from J.E.S. Production and Design for the 2013 Lake Park Seafood Festival
Advertised: Date: _____ Paper: _____ [X] 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 DSS **Please initial one.**

Summary Explanation/Background:

The Town Commission was apparently very pleased with the outcome of the 2012 Lake Park Seafood Festival. The event was considered a great success. Believe it or not, it is time to start the planning for the 2013 Seafood Festival. To that end, Jennifer Spicer of J.E.S. Production & Design has forwarded to the Town a proposal to plan and coordinate the 2013 Lake Park Seafood Festival. A copy of the proposal is attached.

What is being proposed is very similar in nature to the 2012 Seafood Festival; however Ms. Spicer is suggesting that it be a two-day event, rather than just the one day. She plans to coordinate it for Saturday, November 9th from 11:00 am until 7:00 pm and on Sunday, November 10th from 10:00 am until 6:00 pm. Ms. Spicer will be responsible for all costs associated with the staging of the event. The Town will be responsible for helping to promote the event via our various means and methods of electronic communication. The Town is also being asked to waive any fees associated with the placement of banners, along with assistance from the Public Works Department in the hanging of the banners. Should the Town determine that security services are needed (beyond the typical amount of PBSO and private security available in Town over a weekend in November) the event coordinator is asking that the Town provide that coverage.

Recommended Motion: I move to accept the proposal for the 2013 Lake Park Seafood Festival as submitted by J.E.S. Production and Design on December 21, 2012.

J.E.S PRODUCTION & DESIGN

Proposal
Submitted to:
The Town of Lake Park
4th Annual Lake Park Seafood Festival

Prepared by:
Jennifer Spicer

J.E.S Production & Design
PO Box 530013
Lake Park, FL. 33403
(561) 633-6034
jesprodesign@gmail.com

Submitted on
December 21, 2012

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Objectives	*3*
Requirements	*4*
Why Choose J.E.S Production & Design	*4*
Company Background	*5*
Success Stories/Testimonials	*5*

1. PROPOSED EVENT

In the course of this project we will deliver the following at no cost to the Town of Lake Park

- **4th Annual Lake Park Seafood Festival** -The proposed event will be a two day event and it will be scheduled for the following dates: November 9th and 10th, during the hours of 11:00 am until 7:00 pm on Saturday and 10:00 am until 6:00 pm on Sunday. J.E.S Production and Design will focus in attracting the following vendors:
-

1. Arts & Crafters
2. Food
3. Miscellaneous vendors
4. And any Town of Lake Park departments that may be interested in participating at no cost to the participants.

2. OBJECTIVES

We have analyzed the Town of Lake Park, and believe the following objectives must be achieved.

- Generating and increasing additional pedestrian traffic.
- Attracting new businesses and retaining current merchants.
- Exposing businesses to new spectators.

3. REQUIREMENTS

J.E.S Production & Design has identified the following requirements that should be met in order to Complete this event successfully.

- All events coordination will need to be promoted in " ***The Town of Lake Park's webpage/newsletter or any advertising materials that the Town may provide to the community and businesses***
- ***The Town of Lake Park*** shall allow J.E.S Production & Design to market and involve all current businesses within their municipality
- ***PBSO Department/Security-*** *Services provided by the Town of Lake Park*

- ***Trash control provided by The Department of Public works***- Paid by J.E.S Production & Design
- ***Banners installation & Signage Permits***- Banners will be provided by J.E.S Production & Design, at no cost to the Town of Lake Park and installed by The Town of Lake Park Public works department at no cost to: J.E.S Production & Design, in addition, the Town of Lake Park will waive all signage permits.
- ***Event Permit***- Paid by J.E.S Production & Design

The following fees are to be collected and paid solely to: Event Coordinator/ J.E.S Production & Design.

- Vendor Fees
- Income From All Sponsorships Participation
- And any or all proceeds from all scheduled events coordinated by: J.E.S Production & Design

4. WHY CHOOSE J.E.S PRODUCTION & DESIGN

When comparing our capabilities and our proposed solution, the benefits are:

- Knowledge and appreciation of the area
- Cost effective
- Extensive marketing for the Town of Lake Park.
- Flexibility and reliability
- Prior event coordination knowledge

5. *COMPANY'S BACKGROUND*

Founded in January 2007 as ***J.E.S Production & Design,*** our events marketing and coordination is known for its success and business exposure. We have been quite successful in attracting spectators, vendors and event sponsors.

J.E.S Production & Design currently, markets throughout the State of Florida. It has won respect, recognition and popularity for its success.

Mission Statement

The company's mission is to identify and select the best possible marketing tools, to assure success and positive feedback for the community, from the businesses and the spectators.

SERVICES PROVIDED

- Event Coordination
- Sponsorship Involvement
- Vendor Selection
- Full Entertainment
- Event Marketing/Advertising
- Volunteer recruitment

6. SUCCESS STORIES/TESTIMONIALS

- Palm Beach Post newspaper- On the Community Section
- www.pbpulse.com- Events section
- The Weekender- Is a local publication that has been distributed throughout Northern and Central Palm Beaches
- Vendor/Spectators- upon request
- On Line websites- www.floridaevents.com, www.seafood.com, www.wheretheshowsare.com, www.events.com, www.festivalsandevents.com, etc.

TAB 11

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 11

Agenda Title: Review of the Town Manager Six-Month Performance Evaluation for the Evaluation Period of June 29, 2012 to December 29, 2012

[ ]	CONSENT AGENDA	[x]	**DISCUSSION/POSSIBLE ACTION**
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 1/7/13

Sandi McLibton-Turner, HUMAN RESOURCES DIRECTOR
Name/Title

Originating Department: Human Resources	**Costs: $ -0-** Funding Source: Acct. # [ ] Finance _____	**Attachments: Copies of Two Completed Evaluation Forms**
Advertised: Date: _____ Paper: _____ **[x] 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:

Pursuant to Section 7 of the June 29, 2012 Employment Agreement between the Town of Lake Park and Town Manager Dale Sugerman, an initial performance review is required to take place six months from the effective date of the Agreement. Attached are copies of all of the completed evaluation forms for the period of June 29, 2012 to December 29, 2012 which have been received from the Commission as of the submittal of this agenda item for the January 16, 2013 Commission meeting.

Town of Lake Park

PERFORMANCE EVALUATION FORM
TOWN MANAGER

Each member of the Town Commission should complete this form, rating the Town Manager's performance in each of the areas noted below. The Manager's tasks are divided into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are also provided for additional comments.

TOWN MANAGER James DuBois

Evaluator 's Name

EVALUATION PERIOD 6/29/2012 to 12/29/2012

EVALUATION SCALE

5	Outstanding	Consistently achieves and exceeds all standards/objectives of work performance.
4	Very Effective	Regularly meets and frequently exceeds standards of work performance.
3	Effective	Regularly meets standards of work performance.
2	Marginally Effective	Often fails to meet standards of work performance.
1	Ineffective	Clearly and consistently fails to meet standards of work performance.

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

3 Maintains open and informative communications with the Town Commission
4 Knowledgeable of current developments affecting the local government management field.
4 Effectively implements and enforces Town policies and procedures
4 Demonstrates a capacity for innovation and creativity
4 Anticipates problems and develops effective approaches for solving them.
4 Maintains a work atmosphere conducive to productivity and efficiency
4 Takes responsibility for staff actions.
4 Encourages department heads to make decisions within their own areas without the Town Manager's approval, yet maintains general control of operations
4 Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving
4 Properly controls the Town's operational and functional activities and motivates others to maximum performance
___ Effectively recruits professional staff

COMMENTS: "5" is simply not adequate

2. FISCAL MANAGEMENT

4 Possesses knowledge of governmental accounting/budget procedures
4 Prepares a balanced budget to provide services at a level directed by the Town Commission
4 Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
4 Possesses awareness of the importance of financial planning and accounting controls through long-range fiscal forecasting
4 Utilizes effective negotiation with labor unions and in legal actions to minimize costs to the Town
4 Expenditures are made within budget limitations according to established policy

COMMENTS:

_____

_____

_____

_____

3. PERSONAL SKILLS/COMMUNICATIONS

4 Willing to commit time necessary to complete required tasks
4 Demonstrates high concern for ethical behavior
4 Skillful in verbal communication
4 Skillful in written communication
4 Informs the Commission of current issues and administrative developments
4 Encourages a positive attitude regarding the Town
4 Receptive to constructive criticism and advice
___ Manages stress effectively

COMMENTS:

_____

_____

_____

_____

4. RELATIONS WITH THE TOWN COMMISSION

4 Works with the Commission to establish annual goals and objectives and provides regular reports. Provides regular reports to the Commission on the status of Commission directives.
4 Carries out the directives of the Commission as a whole, rather than those of any one member
4 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
4 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
4 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

5. COMMUNITY RELATIONS

4 Effectively addresses and accommodates citizen complaints
4 Shows a sensitivity to and appreciation of diversity of the Town's population
4 Responsive to issues of both commercial and residential populations
4 Takes a "hands-on" approach when necessary
4 Maintains an effective working relationship with other local governments
4 Takes a diplomatic approach to problem solving
4 Projects a positive image on behalf of the Town of Lake Park
4 Provides management support to Town Boards
____ Effectively informs residents of Town news through Town produced media. i.e. Newsletter.

COMMENTS:

ADDITIONAL SUMMARY COMMENTS:

OVERALL RATING:

5 -	Outstanding	2 -	Marginally Effective
(4 -)	Very Effective	1 -	Ineffective
3 -	Effective		

EVALUATOR'S SIGNATURE

1/3/13
DATE

Town of Lake Park

PERFORMANCE EVALUATION FORM
TOWN MANAGER

Each member of the Town Commission should complete this form, rating the Town Manager's performance in each of the areas noted below. The Manager's tasks are divided into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are also provided for additional comments.

TOWN MANAGER

Kendall Rumsey
Evaluator 's Name

EVALUATION PERIOD

6/29/2012 to 12/29/2012

EVALUATION SCALE

5	Outstanding	Consistently achieves and exceeds all standards/objectives of work performance.
4	Very Effective	Regularly meets and frequently exceeds standards of work performance.
3	Effective	Regularly meets standards of work performance.
2	Marginally Effective	Often fails to meet standards of work performance.
1	Ineffective	Clearly and consistently fails to meet standards of work performance.

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

2 Maintains open and informative communications with the Town Commission

4 Knowledgeable of current developments affecting the local government management field.

4 Effectively implements and enforces Town policies and procedures

3 Demonstrates a capacity for innovation and creativity

4 Anticipates problems and develops effective approaches for solving them.

3 Maintains a work atmosphere conducive to productivity and efficiency

2 Takes responsibility for staff actions.

3 Encourages department heads to make decisions within their own areas without the Town Manager's approval, yet maintains general control of operations

3 Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving

3 Properly controls the Town's operational and functional activities and motivates others to maximum performance

N/A Effectively recruits professional staff

COMMENTS:
I have been greatly disappointed by Mr. Sugerman's communication with me during his tenure to date. If I do not ask a direct question I don't get an answer & often times it seems as though details of importance are left out.

2. FISCAL MANAGEMENT

4 Possesses knowledge of governmental accounting/budget procedures

4 Prepares a balanced budget to provide services at a level directed by the Town Commission

4 Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively

4 Possesses awareness of the importance of financial planning and accounting controls through long-range fiscal forecasting

3 Utilizes effective negotiation with labor unions and in legal actions to minimize costs to the Town

4 Expenditures are made within budget limitations according to established policy

COMMENTS:

_____

_____

_____

_____

3. PERSONAL SKILLS/COMMUNICATIONS

3 Willing to commit time necessary to complete required tasks
4 Demonstrates high concern for ethical behavior
3 Skillful in verbal communication
2 Skillful in written communication
2 Informs the Commission of current issues and administrative developments
3 Encourages a positive attitude regarding the Town
2 Receptive to constructive criticism and advice
NA Manages stress effectively

COMMENTS:
As previously stated I have been extremely disappointed in Mr. Sugerman's ability to communicate.

_____

_____

4. RELATIONS WITH THE TOWN COMMISSION

4 Works with the Commission to establish annual goals and objectives and provides regular reports. Provides regular reports to the Commission on the status of Commission directives.
3 Carries out the directives of the Commission as a whole, rather than those of any one member
3 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
3 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
4 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

5. COMMUNITY RELATIONS

3 Effectively addresses and accommodates citizen complaints
4 Shows a sensitivity to and appreciation of diversity of the Town's population
3 Responsive to issues of both commercial and residential populations
4 Takes a "hands-on" approach when necessary
4 Maintains an effective working relationship with other local governments
3 Takes a diplomatic approach to problem solving
4 Projects a positive image on behalf of the Town of Lake Park
4 Provides management support to Town Boards
3 Effectively informs residents of Town news through Town produced media. i.e. Newsletter.

COMMENTS:
I have received complaints from residents regarding Mr. Superman's follow thru & dismissive responses.

ADDITIONAL SUMMARY COMMENTS:
I wish Mr. Superman well in his tenure w/ Lake Park. I hope at some point he improves his communication skills with Commission & residents.

OVERALL RATING:

5 -	Outstanding	2 -	Marginally Effective
4 -	Very Effective	1 -	Ineffective
(3 -)	Effective		

EVALUATOR'S SIGNATURE

12.5.12
DATE

TAB 12

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 16, 2013 **Agenda Item No.** Tab 12

Agenda Title: Establishment of Goals and Objectives for the Town Manager

[ ]	CONSENT AGENDA	[X]	**DISCUSSION/POSSIBLE ACTION**
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[ ]	OTHER:

Approved by Town Manager _____ **Date:** 1/3/13

Dale S. Sugerman/ Town Manager
Name/Title

Originating Department: **Town Manager**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** Memorandum of October 17, 2012 requesting a goals and objectives session. Memorandum of October 26, 2012 with an initial suggested list of goals and objectives.
Advertised: Date: _____ Paper: _____ [X] 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____ **Please initial one.**

Summary Explanation/Background:

Under the terms of the Employment Agreement between the Town and the town manager, there is an obligation for the Commission and the manager to set goals and objectives within 120 days of the initial employment. It was determined by the Commission in October to move the date of the setting of the goals and the objectives to a Commission meeting during the month of January in 2013. This item is being placed on the agenda so that the Commission and the manager may mutually adopt and establish a relative priority among mutually agreed goals and performance objectives.

MEMORANDUM

TO: Honorable Mayor and Members of the Town Commission

FROM: Dale S. Sugerman, Town Manager

DATE: October 17, 2012

SUBJECT: Goals and Objectives Setting Session

Under the terms of my employment agreement as your town manager, there is an obligation for the Commission and the manager to set goals and objectives within 120 days of my initial employment. Specifically, Section 7 of the employment agreement says:

> *"The 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 six (6) 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 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 further mutually adopt and 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 and appropriations provided. <u>The initial goals and performance objectives shall be established within 120 days after commencement of the Town Manager's employment</u>. 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"* [emphasis added].

My first day of work was July 2, 2012. 120 days will be October 29th; so it appears that we should either hold a special meeting prior to October 29th to establish the initial goals and performance objectives, or the Commission should authorize an extension of the initial 120 day period such that the list can be mutually worked on over the coming weeks.

I am receptive to either way of establishing a timeframe for the development of the initial goals and performance objectives.

Dale

Dale S. Sugerman, Ph.D.
Town Manager

MEMORANDUM

TO: Honorable Mayor and Members of the Town Commission

FROM: Dale S. Sugerman, Town Manager

DATE: October 26, 2012

SUBJECT: Goals and Objectives for January Commission Meeting

At the October 17, 2012 Commission meeting, I was asked to develop a list of goals and objectives which the Commission could critique and then make a final decision on where I should be concentrating my efforts as Town Manager. To help move this process along as soon as possible, I thought that I would begin to share my list with you now. It is broken down into 5 major categories with activities outlined within each. They are:

Organizational Development

- Updating or creating a Vision, Mission, and Values for the organization.
- Establishing survey mechanism and measurements for determining the effectiveness of our organizational performance.
- Re-writing and scheduling training for emergency preparedness.
    - Establishing a formal EOC at Fire Station #68.
    - Creating an off-site IT back-up at Fire Station #68.

Staff Development

- Providing leadership development and training for individuals.
- Building a "team" amongst the members of the senior staff.
- Building teams within each operating department.
- Development of a team-based cost-saving incentive program.
- Elimination of the Employee of the Year program.

Community Activities

- Enhancing the code compliance efforts.
    - Working on cleanup of business window signage.
- Increasing recreational programming.
- Providing more CRA and business community outreach.
- Establishing a mixed-use overlay along the Federal Highway corridor.

Financial

- Increasing revenues.
    - Looking at current streams of revenue to ensure adequacy for supporting municipal services (i.e. franchise fees)
- Reducing expenses
    - Constantly looking for ways to reduce costs.
- Refinancing long-term debt.
- Facilitate the forgiveness of the Marina debt to the General Fund.
- Analysis of ad valorem revenues from commercial property.

Major Projects

- Police services contract options.
- Lake Shore Drive drainage improvements.
- Industrial area sanitary sewers.
- Marina projects:
    - Usage of the marina and increase in revenues.
    - Repair of the existing walkways.
    - Major construction repairs.

Of course, this is just a start of the many goals and objectives that need to be accomplished. I am sure that each of you has many things that you would like to add to my list. Your input and comments are welcomed.

Respectfully submitted,

Dale

Dale S. Sugerman, Ph.D.
Town Manager