



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**September 2, 2009 8:15 p.m.**  
**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 2, 2009 at 8:15 p.m. Present were Mayor DuBois, Vice-Mayor Carey, Commissioners Daly, Rumsey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Lemley.

Mayor DuBois led the invocation and the Pledge of Allegiance.  
 Town Clerk Vivian Lemley performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

**Motion: A motion was made by Vice-Mayor Carey to approve the Agenda; Commissioner Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

Town Manager Maria Davis apologized and stated that Consent Item #2 Resolution No. 39-09-09 Pension Plan Amendment needed to be pulled from the Consent portion of the Agenda.

**Motion: A motion was made by Commissioner Osterman to reconsider the Agenda; Commissioner Rumsey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

**Motion: A motion was made by Commissioner Osterman to approve the Agenda as amended; Commissioner Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC and OTHER COMMENT**

*Merilee Tutcik, 623 7<sup>th</sup> St.* – recommended that the Town give former Town Manager Terry Leary a plaque for her efforts in beginning the TIF funding and for her other services to the Town.

Mayor DuBois thanked Ms. Tutcik for her suggestion and stated that the item could be placed on a future Commission Meeting for Discussion and Possible Action.

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of August 5, 2009
2. Resolution No. 39-09-09 Pension Plan Agreement
3. Reappoint Candace Moss to the Library Board
4. Seeds of Hope Community Garden

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Carey to approve items 1, 3, and 4 of the Consent Agenda; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC HEARING: ORDINANCES ON 1st READING**

**ORDINANCE NO. 12-2009 - Text and Use Changes to Chapter 78 regarding Group and Transient Uses**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK; BY AMENDING CHAPTER 78, ARTICLE 1, SECTION 78-2 ENTITLED "DEFINITIONS" TO ADD A NEW DEFINITION FOR THE TERM "TRANSIENT RESIDENTIAL USE " AND "GROUP HOME" AND TO AMEND THE DEFINITION OF "COMMUNITY RESIDENTIAL HOME" AND "SUBSTANCE ABUSE TREATMENT FACILITIES"; AMENDING CODE SECTION 78-61 ENTITLED "R-1AA RESIDENCE DISTRICTS"; AMENDING CODE SECTION 78-62 ENTITLED "R-1A RESIDENCE DISTRICTS"; AMENDING CODE SECTION 78-63 ENTITLED "R-1B RESIDENCE DISTRICTS";**

AMENDING CODE SECTION 78-64 ENTITLED “R-1 RESIDENCE DISTRICTS”; AMENDING CODE SECTION 78-65 ENTITLED “R-2A RESIDENCE DISTRICTS”; AMENDING CODE SECTION 78-66 ENTITLED “R-2 RESIDENCE DISTRICTS”; AMENDING CODE SECTION 78-67 ENTITLED “R-3 RESIDENCE DISTRICTS”; AMENDING CODE SECTION 78-69 ENTITLED “C1-B BUSINESS DISTRICTS”; AMENDING CODE SECTION 78-70 ENTITLED “C-1 BUSINESS DISTRICTS”; AMENDING CODE SECTION 78-71 ENTITLED “C-1 BUSINESS DISTRICTS”; AMENDING CODE SECTION 78-72 ENTITLED “C-2 BUSINESS DISTRICTS”; AMENDING CODE SECTION 78-73 ENTITLED “C-3 REGIONAL BUSINESS DISTRICT”; AMENDING CODE SECTION 78-74 ENTITLED “C-4 BUSINESS DISTRICT”; AMENDING CODE SECTION 78-75 ENTITLED “CLIC-1 CAMPUS LIGHT INDUSTRIAL/COMMERCIAL DISTRICT”; REPEALING SECTION 78-80 “STATUS OF SUBSTANCE ABUSE TREATMENT FACILITIES AND COMMUNITY RESIDENTIAL HOMES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Public Comment Open.**

*Tim Kasher, 315 Foresteria Dr.* – thanked Town Clerk Vivian Lemley for her timely response in filling his public record request. He apologized for not picking up the request and stated that he would come by soon to do so. He expressed his concerns regarding the sober living facility in his neighborhood. He stated that there was no state or county licensing for the home. He stated that the women who live at the facility bring approximately 15 cars to the home on the weekends and he has been unable to get his boat out of the neighborhood because of the all of the cars. He stated that he wanted to give the Commission some information from the facility’s website. He gave more examples of the issues he has been experiencing because of the facility.

Mayor DuBois asked Attorney Thomas Baird for direction regarding whether or not the Commission should accept and view the information from the facility’s website that Mr. Kasher wanted to present to the Commission.

Attorney Thomas Baird explained that he was aware of the website. He stated that he investigated the representations on the website and confirmed that it was in compliance. He stated that the purpose of the hearing was to discuss the Ordinance on transient housing. He stated Mr. Kasher has zeroed in on the legislative reasons for why the Commission should adopt the Ordinance and is documenting the impacts of what transient housing does to a single-family neighborhood. He stated that Mr. Kasher has done a great job in gathering the information.

Mr. Kasher asked how the Commission would quantify that someone is transient.

Mayor DuBois stated that there would be observation of the facility.

Mr. Kasher continued to express his concerns regarding the transient housing. He stated that he did not agree with permitting transient homes in Residential 1 areas.

**Public Comment Closed.**

Attorney Baird explained the different types of licensed homes and in what areas they were permitted. He explained the purpose of Ordinance No. 12-2009.

**Motion: A motion was made by Commissioner Rumsey to approve Ordinance No. 12-2009 upon 1<sup>st</sup> reading; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read Ordinance No. 12-2009 by caption-only.

**ORDINANCE NO. 13-2009 – Updated Purchasing Policies and Procedures**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE AT CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED “PURCHASING” TO AMEND SECTION 2-243 ENTITLED “REQUIREMENT OF GOOD FAITH”; SECTION 2-245 ENTITLED “DEFINITIONS”; SECTION 2-247 ENTITLED “PROCUREMENT METHODS”; SECTION 2-248 ENTITLED “COMPETITIVE SEALED BID PROCESS”; SECTION 2-249 ENTITLED “COMPETITIVE SEALED PROPOSAL PROCESS”; SECTION 2-250 ENTITLED “ALTERNATIVE SOURCE ELECTION”; AND SECTION 2-252 ENTITLED “PROTESTED SOLICITATIONS AND AWARDS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Finance Director Anne Costello explained the changes that would take place to the purchasing policies and procedures.

Commissioner Daly asked what the 21 day advertisement would be changed to.

Ms. Costello explained that the old code had a 28 day notice and the new code would be a 21 day notice for projects up to a certain dollar amount and a 30 day advertisement requirement for projects over \$200,000.

Town Manager Maria Davis stated that the advertisement would be changed from a 28 day advertisement requirement to a 21 day advertisement requirement.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Daly to approve Ordinance No. 13-2009 upon 1<sup>st</sup> reading; Vice-Mayor Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 13-2009 by caption-only.

**ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 10-2009 – Parking Meter Legislation**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES ENTITLED “TRAFFIC AND MOTOR VEHICLES”, PROVIDING FOR THE AMENDMENT OF ARTICLE I, SECTION 30-2 ENTITLED “PROHIBITED PARKING”; PROVIDING FOR THE CREATION OF NEW ARTICLE IV TO BE ENTITLED “PARKING METERS”; CREATING**

**NEW SECTION 30-71 TO BE ENTITLED “PARKING METERS; PARKING METERED SPACES, ZONES; INSTALLATION”; CREATING A NEW SECTION 30-72 TO BE ENTITLED PARKING WHEN METER/METER RECEIPT INDICATES VIOLATION; MAXIMUM PERIOD; DAYS EFFECTIVE; PARKING WITHIN SPACES”; CREATING A NEW SECTION 30-73 TO BE ENTITLED “COLLECTION OF MONEY”; CREATING A NEW SECTION 30-74 TO BE ENTITLED “USE OF SLUGS, ETC.; DAMAGING METERS”; CREATING A NEW SECTION 30-75 TO BE ENTITLED “ENFORCEMENT”; CREATING A NEW SECTION 30-76 TO BE ENTITLED “DEFINITIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Carey to approve Ordinance No. 10-2009 upon 2<sup>nd</sup> reading; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly		X	
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 4-1.

Attorney Baird read Ordinance No. 10-2009 by caption-only.

**ORDINANCE NO. 11-2009 - Registration of “Out of Town Businesses” that Conduct Business in Lake Park**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 2 OF THE TOWN CODE CREATING ARTICLE VI ENTITLED “ BUSINESS REGISTRATION FEE ESTABLISHED”; PROVIDING FOR THE CREATION OF SECTION 2-320 ENTITLED “BUSINESS REGISTRATION FEE REQUIRED FOR CERTAIN**

**BUSINESSES”; PROVIDING FOR THE CREATION OF SECTION 2-321 ENTITLED “APPLICATION FOR BUSINESS REGISTRATION RECEIPT”; PROVIDING FOR THE CREATION OF SECTION 2-322 ENTITLED “ISSUANCE OF A BUSINESS REGISTRATION RECEIPT”; PROVIDING FOR SECTION 2-323 ENTITLED “CONDUCTING BUSINESS BASED UPON FALSE STATEMENT PROHIBITED”; PROVIDING FOR THE CREATION OF SECTION 2-324 ENTITLED “ENFORCEMENT OF VIOLATIONS OF REGISTRATION REQUIREMENTS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor DuBois asked Community Development Director Patrick Sullivan for clarification on the types of businesses that the Ordinance addressed.

Community Development Director Sullivan explained that a business that is run out of the home would be considered a home occupation which would not be addressed by Ordinance 11-2009 but under the Business Tax Receipt Ordinance.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Rumsey to approve Ordinance No. 11-2009; Commissioner Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read Ordinance No. 11-2009 by caption-only.

**DISCUSSION & POSSIBLE ACTION**

**Earl Stewart Toyota Demolition and Subsequent Use**

Community Development Director Patrick Sullivan explained that Mr. Stewart had applied for a demolition permit to tear down Journey's Inn and the El Colonial restaurant on U.S. Highway One. He stated that in reviewing the demolition permit, issues had come to the forefront that were not addressed in the permit. One of the issues was what would happen to the property once everything was demolished. If he wanted to utilize the space for parking then there would have to be code compliance for creating a parking lot. He explained that they were currently parking on the lot with the understanding that it would be temporary until Mr. Stewart informed them of how he intended to proceed with the property. He stated that other issues had arisen such as the permit application required an NPDES permit, they were concerned about the material that would be used on the property which was crushed concrete, and there was a concern regarding storm water runoff from the demolition and whether or not they would need something from an engineer certifying whether or not there would be an impact. He stated that none of the information on these issues was provided to him. He stated that he wrote a letter to Mr. Stewart outlining the issues. One of the issues addressed in the letter was whether or not there would be landscaping on the property once they have torn down all of the buildings. He stated that they currently had no intention of landscaping the lot. He believed it was their intention to wait until the property was built out. He stated that there were already existing plants on the lot and it was his contention that those plants could be preserved and replanted.

Jason Stewart introduced himself and explained that he and Mr. Earl Stewart wanted to do everything that Mr. Sullivan explained. He stated that they were requesting permission to place concrete on the vacant land and place new cars around the perimeter to be visible from the road. He stated that they currently did not have the funds to landscape and irrigate the property. He stated that it was something they hope to do in the future when business and the economy pick up.

Mayor DuBois asked for clarification of how the lot would look and be set up.

Mr. Stewart stated that current landscaping on the lot would remain but no additional landscaping would be added.

Commissioner Rumsey asked if the shrubs and greenery that were currently on the property would remain.

Mr. Stewart explained that the only shrubs and palm trees that would be removed were those that were up against the hotel, all other vegetation would remain.

Commissioner Rumsey requested that Mr. Stewart bring back a site plan to the Town for review and consideration.

Mr. Stewart stated that he had provided Mr. Sullivan with a site plan.

Community Development Director Sullivan stated that the site plan he received gave an illustration of the trees that would be removed, but not an illustration of how the cars would be parked and the landscaping would look like.

Commissioner Rumsey stated that the fire marshal would need to inspect the property and an illustration of where the cars would be parked needed to be in the site plan. He asked if the palms and plants around the pool area could remain as an island in the middle.

Mr. Stewart explained that the demolition would not allow for those palms and plants to remain in the middle of the property.

Vice-Mayor Carey asked if the palms and plants could be removed and placed on Earl Stewart's current property.

Commissioner Daly asked that Mr. Earl Stewart be cooperative and provide landscaping on the property.

Mr. Jason Stewart explained that the demolition would cause all of the current electrical wiring and irrigation to be removed or destroyed and they would have to reinstall an entirely new system.

Mayor DuBois asked if just the perimeter of the property could be landscaped.

Mr. Stewart stated that he could look into possible plants and shrubbery that would not need to be watered often.

Commissioner Osterman stated that staff has informed them that the required documents from the EPA have not been filed for the permit. The crushed concrete and sediment would have significant runoff into the lagoon which would not be acceptable. She stated that she wondered why the Commission had received the request since so little had been done. She stated that a project that looks like it's not very well done for a significant amount of time would have an adverse affect on other businesses and the residents. She stated that the information that Mr. Stewart has provided to the Commission was insufficient for them to make a guided decision.

Commissioner Rumsey asked about the NPDES survey that was required.

Town Manager Davis stated that she wanted Mr. John Downs of Calvin Giordano to explain the NPDES survey.

John Downs of Calvin Giordano & Associates explained that the NPDES was a storm water pollution prevention plan that needed to be done for the project, which was very inspection and labor intensive. The most important issue was runoff from storms. All storm water structures that would be impacted by the runoff would need to be inspected to ensure that there was no additional sedimentation getting into those structures and if there were any sign of sedimentation there would need to be fabric or hay bales installed into the structures.

Commissioner Rumsey asked how long the structures would need to be inspected.

Mr. Downs stated that there would need to be inspections once a month when there is no rain and inspections every day if there is a significant amount of rain for as long as the project is under construction. He stated that having crushed concrete on the site would have a significant negative impact on the drainage system if it runs off the site. He stated that crushed concrete becomes set concrete over time.

Commissioner Rumsey asked if they could use gravel instead of crushed concrete.

Mr. Stewart stated that he did not know if they could afford the gravel instead of the crushed concrete. He stated that they wanted to start the demolition to be rid of the Journey's Inn building and make a statement that progress was on its way in Lake Park.

Discussion ensued between the Commissioners, Town Manager, Mr. Downs, and Mr. Stewart regarding the best course to take for the project.

Attorney Thomas Baird suggested that the Commission approve a Resolution that approves the demolition permit and identifies what will be on the site and what Mr. Stewart is willing to do and what the Commission is willing to accept. The site plan must be accurate as far as dimensions and where things are located.

Discussion ensued between Mr. Stewart and the Commission regarding the project.

Town Manager Maria Davis stated that Mr. Stewart would have to comply with EAP and obtain the NPDES survey. She stated that this should be a stipulation.

Mr. John Downs recommended a true site plan showing what's needed with recycled asphalt. He explained and answered the Commissioners questions.

Mr. Stewart asked if he could get an approval subject to the trees being installed.

Commissioner Osterman stated that she would give that approval in two weeks.

Commissioner Daly asked Mr. Stewart to get with Community Director Patrick Sullivan to put together everything that was needed and bring it back to the Commission in two weeks.

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Mayor DuBois** stated that she represented Lake Park at the Tabernacle Missionary Baptist Church last Saturday regarding the stimulus money. There was a lot of good information on how to obtain stimulus money. She stated that there was a program on E-Blast provided by the Indiantown Non-Profit Housing Incorporation for people to obtain grants for weatherizing their home.

She stated that she was excited about the Community Garden.

**Commissioner Osterman** stated that she had just signed the grant to receive funding from the CDC for the Community Garden. She announced that next Wednesday night at 6:30 p.m. is the Community Watch Meeting. She encouraged residents to get involved.

**Commissioner Daly**

None

**Vice-Mayor Carey**

None

**Commissioner Rumsey** stated that he received a phone call last Sunday night from his next door neighbor stating that her home was on fire. He thanked the Fire Department from Palm Beach County, Palm Beach Gardens and North Palm Beach for their care and timely response. He also thanked the Sheriff's Department for their timely response to the matter.

He announced that on Saturday from 7 a.m. to 4 p.m., Brown Baggin' It will be having a Book and Bake Sale on Park Avenue. It will be a benefit book sale with over 800 books whose proceeds will go to charity.

**Town Attorney Thomas Baird** requested that the Commission authorize staff to notice two Attorney-Client sessions. The first of which will take place on September 16, 2009 at 6 p.m. to meet with Attorney Joe Downs regarding the construction lawsuit at the Marina and the second to take place on September 30, 2009 at 6 p.m. to meet with Attorney Grogan to discuss the United States of America Voting Rights lawsuit.

He stated that in the course of reviewing the Transient Housing Ordinance he noticed that changes needed to be made to the Reasonable Accommodations Ordinance.

**Town Manager Maria Davis** asked the Commission if they would be interested in sponsoring the Holiday Boat Parade again for this year. The Commission had customarily donated \$250 in the past. She explained the benefits the Town would receive by sponsoring the parade.

**The Commission came to consensus to sponsor the 2009 Holiday Boat Parade for \$250.**

**Town Manager Davis** stated that the Sheriff's Department was recruiting 11 to 14 year old boys and girls to play flag football. Uniforms would be provided. If anyone is interested they could stop by the District 10 office substation located at 700 6<sup>th</sup> St. to pick up a registration form or contact Corporal Mancino at 561-881-3326.

She stated that the Town's Tennis Pro was offering free tennis lessons for children every Wednesday night throughout the school year. The Town's Afterschool Program commenced on August 30, 2009 and would take place Monday through Friday from 2:00 p.m. to 4:30 p.m. with indoor and outdoor activities.

She announced that on the weekend of September 11<sup>th</sup> through September 13<sup>th</sup>, Florida State Parks are celebrating literacy and you could get into a State Park for free with a library card or

donation of a library book and there are free educational programs, free admission for school groups, reading groups and book clubs.

She announced that on September 12<sup>th</sup> from 9 a.m. to 12 p.m. the second annual ARC in the Park will take place. There will be a parade which begins at 9 a.m. at the clock tower and run to Kelsey Park. The Sunset High School Marching Band, Ladies of Harley, Girl Scout Troup Number 20187, Grand Marshal Robert Mooney, PAVE Students and PBSO Cadets will be in attendance. There will also be face painting, music and DJ, local vendors and refreshments.

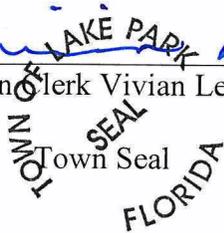
**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rumsey and seconded by Commissioner Daly, and by unanimous vote, the meeting adjourned at 9:35 p.m.

  
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Mayor DuBois

  
\_\_\_\_\_  
Deputy Clerk Jessica Shepherd

  
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Town Clerk Vivian Lemley



Approved on this 7 of October 2009.