



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, October 16, 2013, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 16, 2013 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**SPECIAL PRESENTATIONS/REPORTS**

None

**PUBLIC COMMENT:**

*Michelle Aleman and Rose Michaud* spoke about the partnership between the Friends of the Library and Bridges of Lake Park and thanked the Commission for their participation in reading to children at the Library.

**CONSENT AGENDA:**

1. **Final Public Hearing on the Budget Minutes of September 25, 2013**
2. **Regular Commission Meeting Minutes of October 2, 2013**
3. **Revised Letter of Support for the Palm Beach County Criminal Justice Commission Fiscal Year 2014 Revised Allocation of Justice Assistance Grant Funds in the Amount of \$362,544**
4. **Resolution No. 38-10-13 Authorizing and Directing the Mayor to Execute and Agreement for a One Year Term with Hy-Byrd Inc., to Continue to Provide the Town Building Inspection, Permitting and Other Building Official Services**
5. **Authorize the Town Manager to Execute a Letter of Engagement with Nowlen, Holt & Miner, P.A.**

**Motion:** A motion was made by Commissioner Flaherty to approve the Consent Agenda; Commissioner Rapoza made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		

Mayor DuBois	X		
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Motion passed 5-0.

**PUBLIC HEARINGS - ORDINANCES ON FIRST READING:**

None

**PUBLIC HEARINGS – ORDINANCES ON SECOND READING:**

- 6. Ordinance 15-2013 Staff Initiated request to Extend the Legal Non-Conforming Signage Expiration Date for Signs that Do Not Meet the Town's Current Code Requirements from May 31, 2014 to July 5, 2016 in Section 70-104(E) and 70-104(E)(3) of the Town of Lake Park Code of Ordinances**

Town Manager Sugerman explained the item (see attached Exhibit “A”).

**Motion: A motion was made by Commissioner Flaherty to approve Ordinance 15-2013 on Second Reading ; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

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

**NEW BUSINESS:**

- 7. Authorization for Payment of Automobile Liability Deductible to the Florida Municipal Insurance Trust for the September 16, 2010 Vehicular Accident Claim**

Town Manager Sugerman explained the item (see attached Exhibit “B”). He made a correction and stated that to date the Town has paid \$8,827.79 towards the deductible amount.

**Motion: A motion was made by Commissioner Flaherty to authorize the payment to the Florida Municipal Insurance Trust in the amount of \$10,000.00; Vice-Mayor Glas-Castro made the second.**

Commissioner O'Rourke asked what is the amount of the Town's insurance deductible.

Town Manager Sugerman stated \$25,000 and explained that if the claimant had sued for \$100,000 it would be out of the Town's hands and it would be between the claimant and

the insurance company and the insurance company would only look to the Town for the deductible amount of \$25,000 per claim.

Commissioner Rapoza asked how many people were involved in the accident.

Bambi Turner, Human Resources Director stated that the vehicle that was struck by the Town Sanitation Clam Truck had two (2) passengers.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**8. Resolution No. 39-10-13 Authorize and Directing the Mayor to Execute a Letter Agreement with Calvin, Giordano, and Associates Inc., for the Maintenance of its Inkforce Code Enforcement Software**

Town Manager Sugerman explained the item (see attached Exhibit "C").

Commissioner Rapoza asked if the Town decides to go with another software how much notice is the Town required to provide.

Town Manager Sugerman explained that this item will continue the maintenance agreement for one (1) year and that the Town owns the software.

Mayor DuBois asked what other types of software products are that the other departments might utilize.

Town Manager Sugerman explained that the Town's current finance software has a module for Code Enforcement and there are other vendors that provide this type of software. He stated that staff will be exploring all of the packages available.

**Motion: A motion was made by Commissioner Rapoza to approve Resolution No. 39-10-13; Commissioner Flaherty made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**9. Resolution No. 40-10-13 Amending Resolution 57-08-07 to Modify the Facility Rental Fee Schedule**

Town Manager Sugerman explained the item (see attached Exhibit "D").

Commissioner O'Rourke asked if different fee structure options have been explored for evening rentals for a set period of time.

Town Manager Sugerman stated "no" and explained that the renters know how long they want to rent the facility and pay the hourly rate for the time period. He stated that instead of having an evening package that the hourly rate is charged.

Kathleen Carroll, Recreation Department Director, stated that when the fee schedule was changed last year it went from a block evening time to an hourly fee rental structure and it is working out much better.

Commissioner O'Rourke asked what the rate structure is at other Town rental facilities.

Recreation Department Director Carroll stated that the current fee schedule is working better than past fee schedules. She explained that previously when the Mirror Ballroom was rented and the renter wanted to set up from 9:00 am to Noon, leave to have the wedding and return for the reception from 6:00 pm to midnight the renter was charged an hourly rate for the whole day and it was cost prohibitive. She explained that the current fee schedule charges a separate setup and breakdown fee, which is much less, and then charge the hourly rate for the actual event. She stated that it works for the room at the Marina and the indoor pavilion. She stated that rentals have increased.

Mayor DuBois asked about the rental fees for Kelsey Park.

Recreation Department Director Carroll stated that there was a fee to rent the entire park and half the park and they are no longer doing it that way. She explained that it was set up that way because people were inquiring about weddings and that there were some wedding planners that were bypassing the Recreation Department and going to the Community Development Department for a Special Event Permit, but there was also the rental fee involved and the wedding planners were trying to bypass that fee. She stated that by setting a flat fee for the rental of the park more people are interested in using the park.

Mayor DuBois asked if there was an event at the Pavilion that spilled out into the park would the renter have to rent the Pavilion and the Park.

Recreation Department Director Carroll explained that people rent the Park for the actual wedding ceremony and then might rent the Pavilion or Mirror Ballroom for the reception.

Commissioner O'Rourke asked about the rental of the "Sunset Room" at the Marina.

Recreation Department Director Carroll stated that the “Sunset Room” is being rented for different events and is being used for the Martial Arts Program and if there is a rental the Martial Arts Program is moved to another facility.

Commissioner O’Rourke asked about the fees for the use of the “Sunset Room” for the Martial Arts Program.

Recreation Department Director Carroll explained that the room is being utilized as a “Dojo” and it is easier to leave the equipment in place and the goal is once the clientele for the Martial Arts Program is established that it will move to Downtown Park Avenue. She stated that the instructor agreement is structured to assist with the development of clientele in Lake Park and then move to Downtown Park Avenue.

**Motion: A motion was made by Commissioner O’Rourke to approve Resolution No. 41-10-13; Commissioner Flaherty made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**10. Resolution No. 41-10-13 A Resolution of the Town Commission of the Town Lake Park Amending Resolutions 20-05-10, 40-11-11, and 09-06-12 to Extend a Permit to Authorize Commercial Investments, LLC Doing Business as Earl Stewart Toyota to Continue the Temporary Use of a Lot it Owns for the Storage of its Vehicle Inventory Which Includes an Office Trailer Upon the Property for Use as a Vehicle Sales Office**

Town Manager Sugerman and Community Development Department Director Nadia DiTommaso explained the item (see attached Exhibit “E”).

Vice-Mayor Glas-Castro asked what the Town is doing to enforce the conditions of the Resolution regarding the advertising.

Community Development Director DiTommaso stated that all that staff can do and have been doing is monitoring the advertisings.

Vice-Mayor Glas-Castro stated that the applicant has not met any of the conditions of approval including the advertising condition.

Community Development Director DiTommaso explained that the condition regarding advertising is a condition in the proposed Resolution not the currently approved Resolution.

Mayor DuBois asked if there was a condition regarding advertising in the last resolution.

Town Manager Sugerman stated “no” there was no condition regarding advertising in the last resolution.

Joshua Stewart and Jason Stewart, applicant, introduced themselves.

Joshua Stewart stated that the advertising issue is a Toyota Corporation issue and that they would make Toyota Corporation aware of the correct City for the Toyota Corporation website. He stated that they do not use North Palm Beach in their advertising that they have branded themselves to the point that they do not need to have the Town listed. He stated that they are aware that this is an issue for the Town and that the Town has been very generous to them and they are happy to advertise that they are located within the Town of Lake Park. Regarding the use of the property he stated that they are not prepared at this time to agree to the \$50,000 bond (condition (D) and requested that an extension be granted without the \$50,000 bond. He stated that they have every intention to move forward with the expansion as quickly as possible and have shown the conceptual drawing to staff and are moving forward.

Jason Stewart stated that the reason for the delay is that given the current economic and political conditions they are deciding between three (3) expansion plans. He stated that they are compliance issues with Toyota Corporation regarding the building and are working through those items. He stated that they have every intention to move forward with the expansion.

Joshua Stewart stated that they are requesting that Town staff’s recommendation be modified that final site plan submittal be March 31, 2014.

Vice-Mayor Glas-Castro asked if this is not approved will they be cited by Code Enforcement and given a reasonable time to comply and would they need remove the asphalt and sod it.

Town Manager Sugerman stated “yes”.

Joshua Stewart stated that if that were to occur it would be a devastating blow to their business.

Commissioner O’Rourke stated that the applicant has already gone against the agreement they have made and not just once and now they are asking for a third extension.

Joshua Stewart stated that he does not see it that way but he sees were the Commissioner O’Rourke is coming from. He stated that when they made the original agreement they had every intention of moving forward but that certain forces beyond their control made it not possible to move forward.

Commissioner O’Rourke asked what the expansion is waiting for.

Joshua Stewart stated that they need a few more months. He stated that Toyota Corporation requires that they have to bring their building up to the newest standards and that their franchise agreement with Toyota Corporation if they do not proceed with the expansion and it will involve the development of the subject property.

Commissioner O'Rourke asked if the applicant understands that if they do not come to some reasonable place with the Town that the Town could cite the property and that would be detrimental to their business.

Joshua Stewart stated that he agrees and he feels it is completely reasonable to receive an extension to March 31, 2014 for submittal of the final site plan, which is three (3) more months than Town staff has recommended, without the \$50,000 bond. He stated that it is as much in their interest to move forward in a timely manner as it is for the Town.

Commissioner O'Rourke stated that what he is hearing is that they are doing everything they need to do for their business. He stated that they are a great business and glad they are here but this is the Town and they seem to be taking the position to wait until they are ready to make a business move and that is why the Town is asking for the performance bond.

Joshua Stewart stated that he does not think it is unreasonable to asked for an extension to March 31, 2014 and that the Town has the power to inflict far more damage than \$50,000 by shutting down their used car department. He stated that would cost them hundreds of thousands of dollars a month. He stated that they will move forward.

Commissioner O'Rourke asked from a business prospective and the fact that they have not fulfilled their agreement two (2) other times that it would be a good idea to put up a certain amount of money to guarantee their performance.

Jason Stewart stated that the money they have spent on architecture services is the good faith that they are moving forward with the expansion.

Mayor DuBois asked what they will do with the used car business during construction.

Joshua Stewart stated that the expansion will be done in phases.

Commissioner O'Rourke asked if it would be a good business decision to put up the guarantee so that the Town does not take Code Enforcement action.

Joshua Stewart asked why the Town is asking for the guarantee if it is not necessary.

Commissioner O'Rourke stated because they have not performed up to the agreement on two (2) previous occasions and now they are asking for a third extension.

Joshua Stewart stated that they have "skin in the game" and have \$30,000 in the past few months on architecture services for the expansion.

Commissioner O'Rourke stated that the Town has "skin in the game" also and have asked the applicant to perform to the standards set for the Town and that the Commission is trying to bring the Town to a certain level and the Commission believes in the Town.

Joshua Stewart stated that they believe in the Town also and that they have made improvements along Federal Highway within the Town since 2010. He stated that they have no intention of dragging this out more than it needs to be and wishes that they had a better idea of how things would move forward when they made the original agreement and they do not like to ask for extensions.

Commissioner O'Rourke stated that the applicant is a good member of the Town and that he wants that to continue and that his discussion is about that they had certain obligations that they did not fulfill. He asked if the performance bond was \$30,000 and that the extension to submit a final site plan was March 31, 2014 would that be agreeable.

Joshua Stewart stated that it would have to be discussed and that he appreciates any concessions during negotiations.

Mayor DuBois suggested \$25,000 and a March 31, 2014 deadline. He stated that if the Commission decided to pass the Resolution with conditions there is really nothing for the applicant to do but comply or be cited. He stated that if a Resolution was not approved with or without the conditions on the date and bond the applicant would be faced with a Code Violation issue which can accrue a fine on a daily basis and those fines are not refundable. He stated that the bond is refundable if the applicant meets the obligations of the Resolution. He suggested that the submittal of the final site plan be changed to March 31, 2014 and to reduce the bond to \$25,000. He stated that the Town does not want the money; what the Commission wants is the best expansion possible.

Commissioner Rapoza stated that the applicant has proven themselves as a legitimate business in the Town and they have earned their reputation. She wants to see a deal that makes everyone happy here and that she would like to see the extension to March 31, 2014 be granted with the performance bond.

Commissioner O'Rourke asked how long is the extension.

Community Development Director DiTommaso stated that the extension is for twelve (12) month from the current Resolutions expiration date and that the applicant is requesting an additional three (3) to the twelve (12) month recommended by staff.

Town Manager Sugerman explained that the applicant is asking for an additional twelve (12) months to complete the project and staff as requested that the applicant submit the site plan by December 31, 2013. The applicant is requesting that the site plan submittal date by March 31, 2014.

Commissioner O'Rourke thinks that the Commission is considering giving the applicant the extension of the site plan to March 31, 2014 and reducing the bond to \$30,000. He thinks the \$30,000 is reasonable.

Jason Stewart asked if they were not breaking ground by December 31, 2014 that they would lose the performance bond.

Mayor DuBois stated “no”.

Jason Stewart stated that the site plan submittal deadline would be March 31, 2014 and if they failed to provide the site plan by March 31, 2014 they would forfeit the bond.

Mayor DuBois asked if the applicant can accept site plan submittal by March 31, 2014, a bond of \$30,000 tied to the submittal of the site plan and all the other conditions provided for in the staff report (see Exhibit “E”).

The applicant concurred.

**Motion: A motion was made by Commissioner O’Rourke to approve Resolution No. 41-10-13 with the following modifications that in condition A. the date of December 31, 2013 be modified to March 31, 2014 and that in condition D. the amount of \$50,000 be modified to \$30,000 and that in conditions B and C that the December 31, 2013 be changed to March 31, 2014; Commissioner Flaherty made the second.**

Vice-Mayor Glas-Castro clarified that the site plan submittal is a complete application including architecture, landscaping, and engineering not just a conceptual site plan.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

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

**Attorney Baird** had no comments.

**Town Manager Sugerman** stated that Florida City Government Week will be held October 20 through October 26, 2013, that the theme is “My Town I’m part of it I’m proud of it”. He stated that there will be events at Town Hall during the week and in particular 5<sup>th</sup> grade students from Lake Park Elementary and Lake Park Baptist School will be here for a tour, a mock Town Commission meeting, and Public Works trucks.

**Commissioner O’Rourke** stated that Mary Jo McCool passed away. He stated that he was not at the September 25, 2013 Final Budget Hearing because he had to appear at the Governor’s Clemency Board and he was not able to get back in time for the meeting.

**Commissioner Flaherty** had no comments.

**Commissioner Rapoza** asked if there are any scheduled workshops for the Commission.

Town Manager Sugerman stated “no” there are no workshops scheduled. He stated that outstanding workshops to schedule include visioning workshop and the Federal Highway Mixed Use Corridor Overlay Community Meeting.

Commissioner Rapoza suggested a workshop on renaming Lake Shore Park. She asked for an update regarding net fishing.

Town Manager Sugerman stated that he had no update on net fishing because the Commission requested that the item be set aside for the time being.

**Vice-Mayor Glas-Castro** stated that on Friday, October 18, 2013 the Florida League of Cities Legislative Policy Committee will be meeting to finalize the priorities for the upcoming legislative sessions. She stated that she is a member of the Urban Administration Committee and the top five (5) priorities from their last meeting were sober houses, short-term vacation rentals, collection of overdue utility fees, use of city employees for public works projects versus having to go out for bid and a dedicated funding source for homelessness. She stated at the October 18, 2013 meeting the committee is supposed to near it to two (2) priorities. She stated that a strong Palm Beach County delegation that will be at the meeting to urge that sober houses remain as a key priority for the committee.

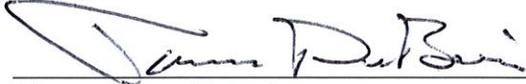
Mayor DuBois asked about the proposed legislation for the sober houses.

Town Manager Sugerman stated that the legislation has not been put into bill format yet and the various parties are working with the legislative delegation to get a bill crafted.

**Mayor DuBois** stated that he attended a meeting on October 16, 2013 with the Northern Palm Beach County Chamber of Commerce regarding the All Aboard Florida expansion and the Tri-Rail expansion.

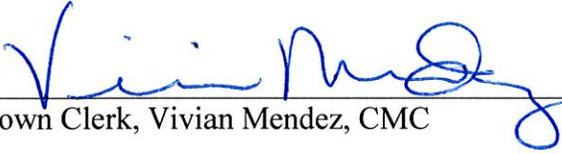
**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 8:00 p.m.



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

\_\_\_\_\_  
Deputy Town Clerk, Shari Canada, CMC



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



FLORIDA

Approved on this 6 of November, 2013

Exhibit "A"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 16, 2013

Agenda Item No. Tab 6

Agenda Title: STAFF INITIATED REQUEST TO EXTEND THE LEGAL NON-CONFORMING SIGNAGE EXPIRATION DATE FOR SIGNS THAT DO NOT MEET THE TOWN'S CURRENT CODE REQUIREMENTS FROM MAY 31, 2014 TO JULY 5, 2016 IN SECTION 70-104(E) AND 70-104(E)(3) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES

- [ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[X] PUBLIC HEARING ORDINANCE ON 2nd READING
[ ] NEW BUSINESS
[ ] OTHER

Approved by Town Manager [Signature] Date: 10/14/13

Nadia Di Tommaso / Community Development Director [Signature]
Name/Title

Table with 3 columns: Originating Department (Community Development), Costs (Legal Ad, Funding Source: Town Clerk, Acct: #106-48100), Attachments (Ordinance 15-2013, Copy of Legal Ad, Copy of Courtesy Letter from April 2011), Advertised (Date: 10-06-13, Paper: Palm Beach Post), and notification status.

Summary Explanation/Background:

In 2003, the Town of Lake Park signed an Interlocal Agreement with Palm Beach County (PBC), the Village North Palm Beach (NPB) and Palm Beach Gardens (PBG) to create the Northlake Boulevard Task Force and adopt guidelines along Northlake Boulevard from Interstate 95 to US-Highway 1. In doing so, the Northlake Boulevard Overlay Zone (NBOZ) was created in an attempt to share common zoning, landscaping, and signage guidelines and properly coordinate all issues related to the NBOZ between jurisdictions. In short, the NBOZ guidelines are a separate set of zoning code requirements for properties located on the south side of Northlake Boulevard in the Town of Lake Park.

Shortly after joining the Task Force in 2003, the Lake Park Town Commission decided to withdraw the Town from the Task Force and consequently withdrew from adopting the NBOZ guidelines. NPB, PBG and PBC adopted the NBOZ guidelines in 2003 which include a 10-year timeframe for non-conforming signs to come into compliance. It was only on July 5, 2006 that Lake Park rejoined the Task Force and adopted the NBOZ guidelines. Hence, Lake Park's 10-year compliance schedule only began on July 5, 2006, making Lake Park the only municipality participating in the Northlake Boulevard Task Force to establish a signage compliance date of July 5, 2016 and not 2013 similar to PBC, PBG and NPB. In recent years however, PBC, and PBG have extended their signage compliance date to 2014 in order to provide additional time to their property owners. NPB was able to deal with the issue early on and managed to eliminate their pole signs (for example) by providing financial assistance to their affected property owners.

This being said, The Town of Lake Park also has an overall signage Code regulating signage in the entire Town. Generally, when Codes have overlapping sections relating to the same issue, the more restrictive Code section applies. This overall signage Code, found in Chapter 70 of the Town Code of Ordinances, sets forth a May 31, 2014 compliance date for ALL non-conforming signs throughout the Town. This date was already extended once by a prior Town Commission from July 1, 2013 to May 31, 2014 given the previous economic downturn and the need to grant some relief to property owners. This one-year extension was approved through Ordinance 03-2011 and approximately 700 courtesy letters to ALL commercial property owners were mailed following the Ordinance approval on April 6, 2011. A copy of the courtesy letter which explains the action that took place is included with this agenda item.

In an attempt to further alleviate the strain to commercial property owners in ALL areas of the Town and most importantly afford property owners, including those located in the NBOZ, the same 10-year signage compliance timeline, staff is recommending that the non-conforming signage compliance date is extended to **July 5, 2016** in the overall signage Code in Article IV, Section 70-104(e) and (e)(4). The extension will also bring back the originally intended compliance date for property owners located within the NBOZ. *NO change to the permitted or prohibited signs is being proposed.* Staff recommends approval.

**Town Commission 1<sup>st</sup> Reading - October 2, 2013: Unanimous Approval 5-0.**

**Recommended Motion: I MOVE TO ADOPT ORDINANCE NO. 15-2013 on second reading.**

Exhibit "B"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 16, 2013

Agenda Item No. Tab 7

Agenda Title: Authorization for Payment of Automobile Liability Deductible to the Florida Municipal Insurance Trust for the September 16, 2010 Vehicular Accident Claim

- Special Presentation/Reports, Board Appointment, Public Hearing Ordinance on Reading, New Business, Other.

Approved by Town Manager [Signature] Date: 10/17/13
Name/Title: HUMAN RESOURCES DIRECTOR

Table with 3 columns: Originating Department (Human Resources), Costs (\$10,000.00), Attachments (FMIT Invoice Details), and Advertised status.

**Summary Explanation/Background:**

On September 16, 2010, Lake Park Public Works Department Vehicle No. 65 (a sanitation clam truck) backed into a passenger vehicle driven by a Lake Park resident. The Town's property and casualty insurer was the Florida League of Cities/Florida Municipal Insurance Trust (FMIT), and the Town's deductible pursuant to its automobile liability insurance coverage at the time was \$25,000. To date, the Town has paid a total of \$9,704.87 toward this deductible amount as follows:

- \$5,943.91 paid in December 2010
- \$2,883.88 paid in February 2011

In addition to the above property damage payments and pursuant to the terms of our member agreement, FMIT has recently paid an additional \$10,000 in bodily injury liability to settle with one of the claimants. The Town of Lake Park has received a deductible invoice from FMIT for reimbursement of the \$10,000.00 payment. In accordance with Ordinance 13-2009, the Town's current purchasing policy, any legal settlement exceeding the amount of \$5,000 shall be approved by the Town Commission in a public meeting. The purpose of this item is to obtain the Commission's authorization for payment of the amount of \$10,000 to FMIT towards the deductible amount.

Since such authorization for payment of this amount is being sought within 60 days of the end of Fiscal Year 2013, it can be paid from Fiscal Year 2013 Insurance Claims Deductibles.

**Recommended Motion: I move to authorize the payment to the Florida Municipal Insurance Trust of the amount of \$10,000.00.**



Exhibit "C"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 16, 2013

Agenda Item No. *Tab 8*

**Agenda Title:** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A LETTER AGREEMENT WITH CALVIN, GIORDANO AND ASSOCIATES INC., FOR THE MAINTENANCE OF ITS INKFORCE CODE ENFORCEMENT SOFTWARE

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

Approved by Town Manager *DSS* Date: *10/14/13*

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

<b>Originating Department:</b>  Community Development	Costs: \$ 9,579 FY 13/14 Funding Source: <b>Community Development</b> Acct. # 500-34000  <input type="checkbox"/> Finance _____	<b>Attachments:</b>  → Resolution __-10-2013, including Exhibit "A" (Letter Agreement and breakdown of maintenance costs)
<b>Advertised:</b> Date: <i>N/A</i> Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone ___ OR Not applicable in this case <u><i>ND</i></u>  <b>Please initial one.</b>

**Summary Explanation/Background:**

In 2005, the Town of Lake Park purchased the INKforce software from Calvin, Giordano and Associates, Inc. (CGA). CGA is the owner and creator of this software which serves to track Code Enforcement cases. According to our Finance Department records, the Town purchased the software at the time for \$ 43,260 along with accepting a yearly maintenance charge to essentially maintain the software. In light of the fact that the Town purchased the software and that the Code Enforcement Division has been using this software over the years as its main database for code enforcement cases, the Town's Community Development Department currently relies on the software for Code Enforcement tracking purposes. While it seems the yearly maintenance charges are a consequence of the initial purchase of the software in 2005, it is important to formalize these maintenance charges in the form of a Letter Agreement approved by the Town Commission. These charges are currently \$ 9,579 as included in Exhibit "A" of the enclosed Resolution and require Town Commission approval. These charges have shown to increase by 3% every fiscal year.

While the Town in 2005 decided to make a substantial investment by purchasing the INKforce software and for the most part the software has been satisfactory, the Community Development Department, along with the Finance Department and possibly other departments, will be exploring options on alternative software programs that may serve to combine various departmental functions over the next six to eight months. In the meantime, however, the FY 13/14 budget has already incorporated the required \$ 9,579 in order to have the software maintained while the Town is exploring other options. Maintaining the software is required in order for our Code Enforcement operation to carry on and CGA, being the owner of the software, is the only entity that can provide this service. Staff is recommending approval.

**Recommended Motion: I MOVE TO APPROVE RESOLUTION \_\_\_-10-2013.**

Exhibit "D"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 16, 2013

Agenda Item No. Tab 9

Agenda Title: Resolution Amending Resolution 57-08-07 to Modify the Facility Rental Fee Schedule

- Checkboxes for SPECIAL PRESENTATION/REPORTS, BOARD APPOINTMENT, PUBLIC HEARING ORDINANCE ON READING, NEW BUSINESS, and OTHER.

Approved by Town Manager [Signature] Date: 10/9/13

Kathleen Carroll/Recreation Director Name/Title

Table with 3 columns: Originating Department (Parks & Recreation), Costs (\$ 0.00), Attachments (Resolution No. 57-08-07, etc.), Advertised (Not Required), and notification status.

Summary Explanation/Background:

On September 26, 2007, the Commission adopted Resolution 57-08-07 establishing the Fee Waiver Criteria and Fee Reduction Schedule for Rental of Town Facilities.

At the October 3, 2012 meeting, the Commission approved the current Facility Rental Fee Schedule which established a per-hour rental fee structure for residents and non-residents, as well as a deposit structure. A copy of the current schedule is attached.

Staff has determined that the current \$500.00 deposit for rental of the Mirror Ballroom and the current hourly rate structure of \$200.00 for residents and \$250.00 for non-residents for use of Kelsey Park have proved to be too costly for all-day events.

Staff is recommending that Resolution 57-08-07 be amended to adjust the Fee Waiver Criteria and Fee Reduction Schedule for Rental of Town Facilities to reduce the deposit for rental of the Mirror Ballroom from \$500.00 to \$250.00 and to reduce the hourly fee for the rental of Kelsey Park to a flat rate of \$400.00.

**Recommended Motion:**

I move to approve Resolution No. \_\_-10-2013.



Exhibit "E"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 16, 2013

Agenda Item No. Tab 10

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK AMENDING RESOLUTIONS 20-05-10, 40-11-11, AND 09-06-12 TO EXTEND A PERMIT TO AUTHORIZE COMMERCIAL INVESTMENTS, LLC DOING BUSINESS AS EARL STEWART TOYOTA TO CONTINUE THE TEMPORARY USE OF A LOT IT OWNS FOR THE STORAGE OF ITS VEHICLE INVENTORY WHICH INCLUDES AN OFFICE TRAILER UPON THE PROPERTY FOR USE AS A VEHICLE SALES OFFICE

- Special Presentation/Reports, Board Appointment, Public Hearing Ordinance on Reading, New Business - Resolution, Other, Consent Agenda, Old Business.

Approved by Town Manager [Signature] Date: 10/9/13

Nadia Di Tommaso / Community Development Director [Signature]

Table with 3 columns: Originating Department (Community Development), Costs (\$250), Attachments (Staff Memo, Resolutions, etc.), and Advertised status.

Summary Explanation/Background: Please refer to the Staff Memo.

Recommended Motion: I MOVE TO APPROVE RESOLUTION \_\_\_-10-2013 with conditions of approval A through E.



Town of Lake Park  
Community Development Department

**Nadia Di Tommaso**  
*Community Development Director*

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Meeting Date: **October 16, 2013**

To: **TOWN COMMISSION**

RE: **Earl Stewart Toyota - Extension of Temporary Vehicular Storage Lot Use and Temporary Office Trailer for Used Car Sales.**

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**HISTORY**

Earl Stewart Toyota acquired the property upon which the Journey's Inn and the El Colonial restaurant were located in August 2004. Over the years, the abandoned Journey's Inn and El Colonial restaurant became a huge eyesore to the community. In May 2010, Commercial Investments LLC, doing business as Earl Stewart Toyota (the Applicant) requested permission from the Town Commission to demolish the Journey's Inn and El Colonial restaurant buildings on the property to use it for the temporary storage of vehicles. Pursuant to Resolution 20-05-10, the Town Commission approved a permit which authorized the Applicant to demolish the Journey's Inn and the El Colonial restaurant buildings thereby granting the Applicant a temporary use of the property for temporary vehicular storage until the Applicant would begin construction of its new buildings and facilities consistent with a site plan that was to be approved by the Town Commission. Resolution 20-05-10 also provisioned that following demolition, the Applicant was required to fill the subject property with crushed asphalt and was required to grade it. Resolution 20-05-10 contained a condition that required the subject property to be fully landscaped in accordance with the approved site plan if the timeline for the site plan approval and construction of the expanded dealership was not met. This timeline was set for a two(2)-year period ending April 30, 2012, at which time the Applicant would have had to either apply for a new temporary permit or would have to be in the process of moving forward with the expansion of the dealership. In addition, the temporary permit was approved with the condition that the lot would have a minimum of 18 trees around the perimeter and that construction of the new facility would commence by May 5, 2012, or the subject site would be required to be fully landscaped per the Town of Lake Park landscaping regulations. The Applicant satisfied the landscaping provision and installed 18 trees around the perimeter of the subject property.

Given the market conditions, the Applicant addressed the Commission once again at the October 19, 2011 Town Commission meeting and requested that the Town Commission grant it temporary approval for an office trailer. The Commission directed staff to bring forward an amendment to Resolution 20-05-10 which would allow for the temporary office trailer pursuant to certain

conditions. The temporary office trailer was approved unanimously at the November 2, 2011 Town Commission meeting under Resolution 40-11-11. The office trailer is currently installed on the property and had an initial expiration date of April 30, 2012.

Earl Stewart Toyota addressed the Town Commission once again in June 2012 requesting an extension of the permit for the use of the lot as a vehicular storage lot (*approved under Resolution 20-05-10 with an April 30, 2012 expiration date*) and the temporary office trailer for used car sales (*approved under Resolution 20-05-10 with an April 30, 2012 expiration date*) to October 1, 2013, with the development plans for the site being submitted by December 31, 2012, instead of the previously provisioned April 30, 2012. Additionally, rather than to fully landscape the site pursuant to the previous condition on Resolution 20-05-10, Earl Stewart Toyota proposed to landscape the perimeter pursuant to plans VLP-1, VLP-2 and IR-1, which included additional shade trees and a Cocoplum hedge along certain perimeter landscape buffers namely, North Federal Highway, Lakeshore Drive, and half of East Ilex Drive. The extension, along with the landscaping request, was approved under Resolution 09-06-12. *While the Applicant had also introduced a request for a 340 foot flagpole at this time and this request was approved only with a 50 foot height maximum, the Applicant decided not to pursue the flagpole.*

### **CURRENT STATUS**

The Applicant completed the landscaping improvements pursuant to the obligations of Resolution 09-06-12, however it failed to submit the development plans for the expansion of the dealership by the prescribed deadline of December 31, 2012. Staff has been communicating with the Applicant since November 2012 reminding them of their obligations. After staying in communication a handful of times over the course of approximately six (6) months from November 2012 until May 2013, staff decided to issue a written correspondence to the Applicant regarding the expiration date of October 1, 2013 on their current Resolution. This letter has been included with this agenda item.

Staff recommends the Town Commission ONLY approve the extension if the Stipulation Agreement outlined in condition "D" of the Resolution, is executed. This Agreement will require the Applicant to provide the Town with a Cashiers' check in the amount of \$ 50,000 within seven (7) business days of the effective date of the Resolution if adopted. If this does not compel the Applicant to satisfy the obligations of the Resolution on or before December 31, 2013, the Town shall automatically be entitled to the \$50,000 in funds.

### **STAFF RECOMMENDATION**

Staff recommends that the Town Commission **APPROVE** Resolution \_\_-10-2013 for the extension request for the temporary use of a vehicular storage lot and a temporary office trailer subject to the following conditions and any additional conditions as may be added by the Town Commission:

- A. Permit Duration. The Applicant shall submit a site plan application for the subject property which meets all of the criteria required by the Town Code, together with the appropriate application fee on or before December 31<sup>st</sup>, 2013.

- B. Office Trailer. Provided the Applicant submits an application for a site plan together with the required fee, and the application is deemed to be a complete application by the Community Development Department on or before December 31, 2013, the Applicant may continue to maintain the trailer for use as a used vehicles sales office until December 31, 2014.
- C. Storage of Vehicles. Provided the Applicant submits an application for a site plan together with the required fee, and the application is deemed to be a complete application by the Community Development Department on or before December 31, 2013, the Applicant may continue the use of the subject property for the storage of its vehicle inventory until December 31, 2014.
- D. This approval is subject to **the Applicant entering into an Agreement, attached hereto as Exhibit "A", which requires the Applicant to provide the Town with a Cashiers' check in the amount of \$ 50,000 within 7 business days of the effective date of this Resolution. The Applicant agrees that its failure to meet any of the conditions pertaining to the temporary use of its property on or before December 31, 2013, shall automatically entitle the Town to the \$50,000 in funds deposited by the Town into its PNC bank account.**
- E. Advertising. Earl Stewart Toyota shall only advertise their facility as being located in the Town of Lake Park. There shall be no advertisements that state or imply that Earl Stewart Toyota is located in North Palm Beach or Northern Palm Beach.



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, October 16, 2013, 6:30 p.m.  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kimberly Glas-Castro</b>	—	<b>Vice-Mayor</b>
<b>Erin T. Flaherty</b>	—	<b>Commissioner</b>
<b>Michael O'Rourke</b>	—	<b>Commissioner</b>
<b>Kathleen Rapoza</b>	—	<b>Commissioner</b>
<b>Dale S. Sugerman, Ph.D.</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. **CALL TO ORDER/ROLL CALL**

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

None

D. **PUBLIC COMMENT:**

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

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

1. Final Public Hearing on the Budget Minutes of September 25, 2013 Tab 1
2. Regular Commission Meeting Minutes of October 2, 2013 Tab 2
3. Revised Letter of Support for the Palm Beach County Criminal Justice Commission Fiscal Year 2014 Revised Allocation of Justice Assistance Grant Funds in the Amount of \$362,544 Tab 3
4. Resolution No. 38-10-13 Authorizing and Directing the Mayor to Execute an Agreement for a One Year Term with Hy-Byrd Inc., to Continue to Provide the Town Building Inspection, Permitting and Other Building Official Services Tab 4
5. Authorize the Town Manager to Execute a Letter of Engagement with Nowlen, Holt & Miner, P.A. Tab 5

**F. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:**  
None

**G. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:**

6. Ordinance 15-2013 Staff Initiated request to Extend the Legal Non-Conforming Signage Expiration Date for Signs that Do Not Meet the Town’s Current Code Requirements from May 31, 2014 to July 5, 2016 in Section 70-104(E) and 70-104(E)(3) of the Town of Lake Park Code of Ordinances Tab 6

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE IV, SECTION 70-104(e) AND (e)(3) OF CHAPTER 70 PERTAINING TO LEGAL NON-CONFORMING SIGNS; PROVIDING FOR THE EXTENSION OF THE AMORTIZATION DATE FOR LEGAL NON-CONFORMING SIGNS TO JULY 5, 2016; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**H. NEW BUSINESS:**

7. Authorization for Payment of Automobile Liability Deductible to the Florida Municipal Insurance Trust for the September 16, 2010 Vehicular Accident Claim Tab 7
8. Resolution No. 39-10-13 Authorize and Directing the Mayor to Execute a Letter Agreement with Calvin, Giordano, and Associates Inc., for the Maintenance of its Inkforce Code Enforcement Software Tab 8
9. Resolution No. 40-10-13 Amending Resolution 57-08-07 to Modify the Facility Rental Fee Schedule Tab 9
10. Resolution No. 41-10-13 A Resolution of the Town Commission of the Town Lake Park Amending Resolutions 20-05-10, 40-11-11, and 09-06-12 to Extend a Permit to Authorize Commercial Investments, LLC Doing Business as Earl Stewart Toyota to Continue the Temporary Use of a Lot it Owns for the Storage of its Vehicle Inventory Which Includes an Office Trailer Upon the Property for Use as a Vehicle Sales Office Tab 10

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

**J. ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, November 6, 2013**