



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, October 17, 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, October 17, 2012 at 7:00 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Jeanine Longtin, Steve Hockman, and Tim Stevens, Town Manager Dale S. Sugerman, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley.

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

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA:**

Mayor DuBois stated that there is one deletion from the Agenda.

Town Clerk Lemley explained that item I.8. Palm Beach County Commission on Ethics Compliance Review Memorandum is to be deleted from the Agenda.

**Motion: A motion was made by Commissioner Hockman to approve the Agenda as amended; 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

**PRESENTATION:**

- 1. Presentation by Boy Scout Troop #180 on their Community Service Work at the Seeds of Hope Community Garden**

Michael Goldstein, Senior Patrol Leader for Boy Scout Troop #180, introduced himself and stated that himself and other troop members are here to provide a brief overview of their garden and how it has helped the community. He introduced Troop Member Austin Daniels.

Austin Daniels stated that typical fundraisers for Boy Scout Troops are popcorn and Christmas Tree sales and that the popcorn is no longer sold. He stated that there is only one opportunity a year to sell Christmas Trees and that other fundraising opportunities were needed. He stated that the opportunity found was a plot in the Seeds of Hope Community Garden and that some of the benefits have been opportunities for fundraising, earning merit badges, and experience running a business. He stated that the things that the Troop members have learned are valuable to the Troop and their regular lives.

Blake Weger introduced himself and explained that the Troop participates in a Green Market as a fundraising tool for the Troop. He stated that the Troop members pick the vegetables the morning of the Green Market and sells the produce at the Market. He stated that the members have learned about the produce and marketing. He stated that the Troop does ten (10) markets per year and average \$450 per market. He stated that the money raised would pay for the plot however, one of the Troop Leaders has donated the cost of the plot and the proceeds from the Market are used to support the Troops Summer Camp.

Gabriel Coughlin explained that the Troop member and leaders have installed an irrigation system in the garden otherwise a Troop member would have to come to the garden every week to water the plants. He stated that the garden is approximately 60,000 square feet and of that, the Troop has approximately 35,000 square feet. He explained the irrigation system and Roger from Sunnyland Irrigation assisted the troop in installing the irrigation system.

Zach Morgan introduced himself and explained that the Seeds of Hope Community Garden was established as a community cooperative in an economically depressed area of Lake Park and that the location of the garden was an eye sore before the garden was established. He stated that the garden provides an opportunity for the people in the community to grow their own crops and have a place to get fresh produce within walking distance of their homes. He stated that the garden has had a positive effect on the participating Troop members and leaders through learning about agriculture, salesmanship, and ownership and pride in seeing the garden grow.

Daniel Donohoe introduced himself and stated that the Troop would like to see the garden continue to grow and expand. He stated that they would like to see the garden grow so that it can meet the request for produce from the local community. He stated that the Troop wants to maintain the irrigation system and expand it to the other garden plots. He stated that the Troop will continue to not only maintain their garden space but assist in maintaining the overall appearance of the garden. He stated that the unused and not sold produce is given to the Lord's Place which services the local communities. He stated that the Troop would like to install a sign on the Foresteria side of the garden to recognize the various organizations that contributed to the garden.

Troop Leader explained that the irrigation was installed for the entire garden and that individuals can tie into the irrigation system for their own gardens and that the Troop will continue to maintain the irrigation. He stated that the Troop members have done it all from planting the seeds, selling the produce, and maintaining the property.

Mayor DuBois asked what is the best selling item.

Troop Leader stated "lettuce" and that they also grow bean, peppers, garlic, onions, kale, beets, carrots and other produce.

Mayor DuBois asked where and when the produce is sold.

Troop Leader stated that the produce is sold at the Green Market in Palm Beach Gardens on Sundays. He explained that they have not had their first harvest yet and that they will start selling at the Green Market in about a month.

**PUBLIC and OTHER COMMENT:**

None.

**CONSENT AGENDA ITEMS:**

2. **Regular Commission Meeting Minutes of September 5, 2012**
3. **Commission Budget Hearing Meeting Minutes of September 12, 2012**
4. **Special Call Final Public Hearing on the Budget Meeting Minutes of September 19, 2012**
5. **Regular Commission Meeting Minutes of September 19, 2012**
6. **Special Call Final Public Hearing on the Budget Meeting Minutes of September 24, 2012**
7. **Regular Commission Meeting Minutes of October 3, 2012**

Commissioner Longtin request that item 7 be pulled from the Consent Agenda.

**Motion: A motion was made by Vice-Mayor Rumsey to approve Consent Agenda Items 2 - 6; 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

**7. Regular Commission Meeting Minutes of October 3, 2012**

Commissioner Longtin stated that on the first page the time of Mayor DuBois' arrival is not noted and that her notes stated that he arrived at 7:14 pm and requested that the time be added to the minutes.

**Motion: A motion was made by Commissioner Longtin to approve the Regular Commission Meeting Minutes of October 3, 2012 as amended; 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 5-0

**DISCUSSION AND POSSIBLE ACTION:**

**8. Palm Beach County Commission on Ethics Compliance Review Memorandum**

This item was deleted from the Agenda.

**9. Presentation by Nader Salour, Agent for Congress Avenue Properties Ltd., Requesting that the Town Commission Consider Modifying the Town Code, Section 78-148 (a) and (b), to Eliminate the 1,200 Foot Distance Separation Between Two Gasoline and Filling Stations**

Town Manager Sugerman stated that this item was continued from the October 3, 2012 Commission Meeting and explained the item (see attached Agenda Request Form Exhibit "A").

Nader Salour explained that the Code requiring the 1,200 foot distance separation between two gasoline and filling station was adopted in 1966 and the main issue was

environmental concerns. He stated that since that time the strides have been made to mitigate the environmental concerns. He stated that the Code does not apply to current gasoline stations given the requirements to protect the environmental, that abutting municipalities do not have these limitation and requested that the Town modify the Code to permit gasoline stations within 1,200 feet of each other.

Commissioner Hockman stated that the map included in the agenda package needs to be updated and stated that he does not have a problem with a gas station at the proposed location.

Vice-Mayor Rumsey asked if the proposed extension of Park Avenue is located is in the Bioscience Overlay.

Community Development Director, Nadia DiTommaso explained that the property designated for the Park Avenue extension is the northern border of the Bioscience Overlay.

Vice-Mayor Rumsey stated that he understands that this is not about a particular site, however he is in favor of the proposed location and modifying the code. He stated that anything that can be done to enhance the Town's business space should be considered.

Commissioner Stevens stated that he is in favor of putting a gas station at the proposed location. He stated that environmental concerns is not the only reason for requiring the separation and asked if there are any reasons that the Code should not be modified.

Mr. Salour explained that it is difficult to provide other reasons to require the separation. He stated that it is common to see gas stations across the street from each other and the proposed location in 800 feet from the nearest gas station within Lake Park. He stated that economically it must work for gas stations to be located near each other.

Commissioner Stevens asked if there are environmental regulation in place for gas stations.

Mr. Salour stated "yes".

Commissioner Longtin asked if this agenda item is to eliminate the 1,200 foot distance between gas stations or would it be to modify the distance.

Town Manager Sugerman explained that this item is to get direction from the Commission on how to proceed.

Commissioner Longtin stated that she is happy with the way the Code is currently written.

Commissioner Hockman asked what the proposed gas station location is zoned.

Community Development Director DiTommaso stated that is it zoned C-2.

Mayor DuBois asked if gas stations are an approved use in the Bioscience Overlay.

Community Development Director DiTommaso stated that in the underlying zoning district C-2 gas stations are approved as a special exception and would have to go through the special exception approval process.

Vice-Mayor Rumsey asked how many people would be employed by the proposed gas station.

Mr. Salour stated that he does not have that information with him and stated that if this moves forward that information would be included in the presentation given when they come before the Commission for site plan approval.

Mayor DuBois stated that another reason for the Code could have been a concern regarding the over proliferation of gas stations. He stated that in this case he does not see the other corners around the proposed location being used in that manner. He suggested that the a motion could be to direct staff to prepare a modification to the Code section 78-148 to omit the 1200 foot separation requirement for gas stations.

Town Manager Sugerman explained that the Code currently reads that "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" and that Mr. Salour's request is to just modify the portion dealing with "or within 1,200 feet of location of another gasoline and oil filling station or service station located within the Town".

Mr. Salour concurred.

Mayor DuBois suggested that staff be directed to modify the Code Section 78-148 to omit 1200 foot separation between or within 1,200 feet of location of another gasoline and oil filling station or service station located within the Town.

Commissioner Stevens stated that for this purpose that the 1200 feet does not have to be omitted the separation could be changed to 600 feet.

**Motion: A motion was made by Commissioner Stevens to direct staff to prepare an Ordinance modifying the Town Code section 78-148 adjusting the amount of feet between another gasoline and oil filling station or service station located within the Town to 600 feet; 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

**10. Request from the Village of North Palm Beach (NPB) for a Joint Meeting on November 8, 2012 at 6:30 p.m. at the Village of North Palm Beach Council Chamber Located at 501 US Highway 1**

Town Manager Sugerman explained the request from the Village of North Palm Beach (see Agenda Request Form attached as Exhibit "B").

Vice-Mayor Rumsey stated that he has no problem with the meeting, but he is not available on November 8, 2012.

**Motion: A motion was made by Commissioner Steven to hold a Special Meeting of the Town of Lake Park Commission on Thursday, November 8, 2012 in conjunction with the Village of North Palm Beach at 6:30 pm at the Village of North Palm Beach Council Chambers located at 501 US Highway 1 and to direct staff to notice the meeting accordingly; Commissioner Hockman made the second.**

Commissioner Longtin stated that she is not available on November 8, 2012.

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

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

**Commissioner Longtin** announced Oktoberfest is upcoming.

Mayor DuBois stated that Oktoberfest has been cancelled.

Town Manager Sugerman explained that he received notice of the cancellation today and that there has been a change in leadership of the Kiwanis Club and that the timing of the Oktoberfest for this year did not work.

Mayor DuBois suggested bring together the leadership of the other non-governmental and charity organizations in the Town and multiple those numbers and have them work together for an event.

Commissioner Longtin asked for a status update regarding the Burt Reynolds Institute for Film and Theatre (BRIFT) agreement for use of Town facilities.

Town Manager Sugerman stated that the item is anticipated to be on the November 7, 2012 Agenda.

Commissioner Longtin asked for a status regarding the Marina Litigation Settlement Agreement.

Attorney Baird stated that the Settlement Agreement is being processed and signed by all parties and is hopeful that checks will be in process before the next Commission meeting.

Commissioner Longtin stated that the Sunset Celebration is on Friday, October 26, 2012 at 6:00 pm at the Marina.

**Commissioner Stevens** thanked Boy Scout Troop 180 for all of their hard work in the Seeds of Hope Community Garden.

**Commissioner Hockman** stated that on Thursday, November 19, 2012 Movie Madness will be at the Library and the movie is "Over the Hedge". On October 31, 2012 the Library is having a Halloween Party and that there will be Trunk or Treat in Kelsey Park being put on by Palm Beach Sheriff's Office and Bridges of Lake Park. He stated that on November 4, 2012 there will be a Car Show in the Publix Plaza. He stated that the Election is coming up and encouraged people to vote and spend time looking at the amendments on the ballot. He thanked Boy Scout Troop #180 and that this month is popcorn month and the funds raised pays for the members to go to summer camp.

**Vice-Mayor Rumsey** stated that Commissioner Stevens had come up with ideas during the budget process for small programs that he would like to bring forward and hopes that the ideas will be coming forward soon because there are suggestions that need to be evaluated by the Commission.

Commissioner Stevens stated that some ideas will be coming forward at the November 7, 2012 Commission meeting.

Town Manager Sugerman stated that the information will be provided to the Commission in his report on October 30, 2012 and then there will be a discussion at the November 7, 2012 meeting.

**Mayor DuBois** thanked Boy Scout Troop 180. He stated that Trunk or Treat is on October 31, 2012 at Kelsey Park. He stated that the Lady Bug Book reading event was a success. He stated that Florida Power and Light (FPL) are installing new poles, power lines, and transformers. He explained that his property was one of the access point and there was some damage to his lawn and he called the number that was on the notification card and FPL came out and repaired the lawn. He encouraged anyone with the same situation to contact FPL to make the repairs. He stated that he wants to bring non-government organizations such as Kiwanis, Bridges at Lake Park, Friends of the Library, and other organizations together to put on events and social programs within the Town and that there could be a method of providing funding from the Town for the events and social programs.

Commissioner Stevens stated that as long as the events are for seniors and children that it does not matter who is doing it.

Commissioner Longtin stated that she would like the Town to work with these organizations.

**Attorney Baird** had no comments.

**Town Manager Sugerman** explained that the Florida Inland Navigation District (FIND) grant funds were not given for the Marina building, therefore the fees for Town facilities rental for resident verse non-resident can be different and that no changes to the Resolution adopting the rental fee are needed. He stated that October 21 through October 27, 2012 is Florida City Government Week and that 5<sup>th</sup> Grade students from Lake Park Elementary and Lake Park Baptists will be celebrating the week with the Town and will see presentations related to the history of Lake Park and the operations of the Town. He provided a document to the Commission (see attached Exhibit "C") and explained that his contract requires the Town Manager and Commission to set goals and objectives within 120 days of his initial employment and that 120 days will be October 29, 2012. He suggested holding a special meeting prior to October 29, 2012 or the Commission could authorize an extension of the 120-day period so that the goals and objectives can be established.

Mayor DuBois suggested that the extension be granted for this one instance for 60 days because of the upcoming holiday season. He suggested Town Manager Sugerman get with each Commissioner individually and come back in 90 days or if not grant an extension of 60 days and the Commission and Town Manager would do it as a group.

Commissioner Longtin stated that because of the holidays that she is ok with a 90 day extension.

Commissioner Stevens suggested the first meeting in January so that it is after the holidays and there is enough time to get with each Commissioner.

Vice-Mayor Rumsey concurred.

Town Manager Sugerman stated that he will prepare a list for discussion by the Commission at the first meeting in January.

**Motion: A motion was made by Commissioner Stevens directing Town Manager Sugerman to prepare goals and performance objectives by the January 2, 2013 Commission Meeting; Commission Hockman seconded the motion.**

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

Town Manager Sugerman advised the Commission that there was a significant rain event on October 17, 2012 and that Lake Park received 2.63 inches of rain according to the South Florida Water Management District. He stated that the event did not reach the threshold to be considered a flood, but it was classified as a severe standing water. He stated that Public Works Department responded and did their best and worked with PBSO to clear the drains that were cluttered with debris to make sure the water receded as quickly as possible.

Vice-Mayor Rumsey stated that the Town was featured on channel 25 regarding the rain event and he thanked the Public Works Department.

Commissioner Longtin asked if it was high tide.

Town Manager Sugerman stated “no”.

Mayor DuBois asked if the Town has it own rain gauges.

Town Manager Sugerman stated “no”.

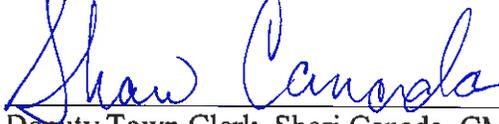
Commissioner Stevens suggested rain gauges be associated with the Town’s sprinkler systems.

**ADJOURNMENT**

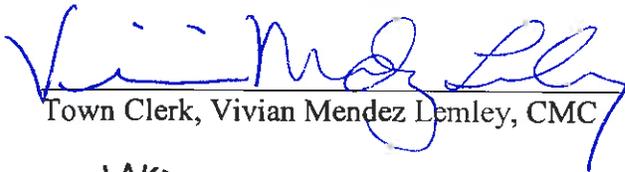
There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Rumsey and seconded by Commissioner Stevens, and by unanimous vote, the meeting adjourned at 8:10 p.m.



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



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



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



Approved on this 7 of November, 2012



Town of Lake Park Town Commission

Exhibit "A"

Agenda Request Form

Meeting Date: October 17, 2012

Agenda Item No. Tab 9

Agenda Title: Presentation by Nader Salour, agent for Congress Avenue Properties Ltd., requesting that the Town Commission consider modifying the Town Code, Section 78-148 (a) and (b), to eliminate the 1,200 foot distance separation between two gasoline and filling stations.

- Consent Agenda, Presentation/Proclamation, Public Hearing, Bid/RFP Award, Discussion/Possible Action Resolution, Ordinance on Reading, Other.

Approved by Town Manager [Signature] Date: 10/5/12

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

Table with 3 columns: Originating Department (Community Development), Costs (\$0.00), Attachments (List of maps and letters), Advertised (Date, Paper), Notification (All parties notified), and Initials.

Summary Explanation/Background:

At the October 3rd Town Commission meeting, Mr. Nader Salour, agent for Congress Avenue Properties Ltd., provided a presentation requesting consideration by the Town Commission to modify Section 78-148 (a) and (b) of the Town Code such that if amended, the required 1,200 foot distance separation between two gasoline/oil filling stations, would no longer apply.

In response to the Town Commission's comments and concerns, staff has prepared a spreadsheet outlining the various gas stations in Town and their distance from one another. The path of reference, as well as the spreadsheet is attached. Staff has determined that we have three (3) gas stations that do not meet the 1,200 foot distance requirement from another station within the Town. Two of these stations were built prior to the Code taking effect in 1966. The third station, Sunoco at 980 Northlake Boulevard, was built in 1983 when the Code was in full effect. Staff is unable to locate the development order to determine whether unique conditions were applied to the approval of this gas station.

In addition, there was some concern with regards to Mr. Salour's parcel being located within the Bioscience Research Protection Overlay (BRPO). An excerpt of the Future Land Use Map, as well as a location map is attached. A small portion of the entire Congress Avenue Properties parcel is actually within the BRPO. The portion within the BRPO is that part of the parcel which is reserved for the future Park Avenue extension road as shown on the attached location map. The gas station will be proposed to be built just north of the road and will not be located within the BRPO.

The gas station discussed by Congress Avenue Properties at the October 3<sup>rd</sup> Town Commission meeting, is proposed to be located on the portion of the site directly north of the proposed alignment for the Park Avenue extension road. Only the Park Avenue extension portion of the parcel is located within the BRPO. All areas located north of the proposed Park Avenue extension, along Congress Avenue, are not located within the BRPO (see attached Location Map). This being said, staff would like to advise the Town Commission of the following:

- (1) Since this would be a code amendment, consideration for the elimination of the 1,200 foot distance separation would apply to all areas in Town, not only Congress Avenue Properties.
- (2) This agenda item is not being considered for site plan approval.
- (3) All aspects of development, inclusive of zoning and land use designations, must be considered through the site plan approval process which includes a public hearing component. At that time, the Town Commission may likely consider incorporating the Park Avenue extension road portion that immediately abuts the proposed development as a condition of approval.

**Recommended Motion:** Based on the presentation previously provided and the information provided this evening, it is recommended that the Town Commission make a determination as to whether any action should be taken and if so, can direct staff on how to proceed.

**EXCERPT OF THE TOWN OF LAKE PARK FUTURE LAND USE MAP**

*PROPOSED GAS STATION LOCATION SHOWN BELOW*



**Legend**

 Bioscience\_2

**LOCATION MAP**

**CONGRESS AVENUE PROPERTIES LTD**

**Property Control Number: 36-43-42-19-00-000-5040**



## GAS STATION DISTANCE SEPARATION RESEARCH

Distance (Measured to the closest station IN LAKE PARK)			
Name	Address	Year Building Constructed	Date of Opening
Murphy Oil USA #7362 (WALMART)	103 N. Congress	2006	7/23/2008
Hess Express #09240 (B.P. GAS)	1216 Northlake	2001	8/23/2002
Northlake AutoCare	1000 Northlake	1955	9/16/2003
Assume 1st Inc. (SUNOCO)	980 Northlake	1983	9/12/2008
Pit Stop Food Mart (VALERO)	1401 10th St	1961	3/1/2006
Hayma Enterprise (TEXACO)	917 10th St	1964	5/17/2011
Longrun Oil Corp (VALERO)	140 N. Fed. Hwy	1960	7/3/2003
Chaves Lakes Park Corp (7-ELEVEN)	1220 N. Federal	1990	9/5/2006

Walmart to B.P.: 7392 feet

B.P. to Northlake Auto Care: 528 feet

Northlake Auto Care to SUNOCO: 272 feet

SUNOCO to VALERO: 1056 feet

VALERO to TEXACO: 1584 feet

TEXACO to VALERO (US.1) : 8976 feet

VALERO (US.1) to 7-ELEVEN: 3696 feet

Lake Park Gas Stations



**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.

(Code 1966, § 45-62; Ord. No. 4-1966, § 1, 4-4-1966; Ord. No. 26-1990, § 8, 10-31-1990; Ord. No. 3-1997, § 1, 1-22-1997; Code 1978, § 32-92)



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.

Because of the implementation of effective protective measures there is little risk of the development of a substantial spill. The likelihood of spills at two stations at the same time is of course minimal. We note that techniques for the remediation of spills is basically standardized by now, with the installation of recovery wells and the treatment of the contaminated water by volatilizing the products of concern, as well as by filtering the recovered groundwater through charcoal beds. Thus, there is no fear of developing a large plume. The nearest drinking water wellfield is located approximately 1,700 feet west of the site but the site is not within the published zone of influence of these wells.

In brief, present regulations have resulted in the safe, monitored operation of protected storage and distribution appurtenances so that there is no danger of the development of a significant, combined plume from stations less than 1,200 feet apart. It is evident that the 1,200 feet separation rule is obsolete and can be safely eliminated.

Please do not hesitate to contact us if you have any questions concerning this report.

**ARDAMAN & ASSOCIATES, INC.**



Roberto E. Balbis, P.E.  
Principal Engineer

Attachment: Murphy FDEP Annual Tank Inspection dated December 1, 2011



Town of Lake Park Town Commission

Exhibit "B"

Agenda Request Form

Meeting Date: October 17, 2012

Agenda Item No. Tab 10

Agenda Title: Request from the Village of North Palm Beach (NPB) for a joint meeting on November 8th, 2012 at 6:30 p.m. at the Village of North Palm Beach Council Chambers located 501 US-Highway-1.

- Consent Agenda, Presentation/Proclamation, Public Hearing, Bid/RFP Award, Discussion/Possible Action, Resolution, Ordinance on Reading, Other.

Approved by Town Manager [Signature] Date: 10/5/12

Nadia Di Tommaso / Community Development Director [Signature]

Table with 2 rows and 3 columns: Originating Department (Community Development), Costs (\$0.00), Attachments (Village of NPB Code Section 45-35.1(10)(f), amendment request, Ordinance 03-2003), Advertised (N/A), Notification status (Yes/No).

Summary Explanation/Background:

North Palm Beach (NPB) contacted staff regarding a joint meeting. The Village Shoppes, the eastern portion of the Publix plaza located in NPB, is requesting a change to their conceptual signage plan to allow more signage. Given the shared municipality boundary, their development order requires that this change be presented at a joint meeting with the Lake Park Planning & Zoning Board which is already scheduled for Thursday, October 18th at 6:30 p.m. in the North Palm Beach Council Chambers. Consequently, their Village Code Section 45-35.1(10)(f) (attached) requires that a Joint approval hearing of both Commissions also be held. This item is being initiated by NPB. They will be handling the notices and providing the necessary back-up materials for distribution prior to the meeting. The joint Commission meeting is scheduled for Thursday, November 8th at 6:30pm in the NPB Council Chambers located at 501 US-1. The Village of NPB is respectfully requesting the Town Commission's attendance in an attempt to discuss all proposed modifications which require joint approval.

Recommended Motion: Staff is requesting that the Town Commission consider attending a joint meeting on Thursday, November 8th, 2012

## 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. The initial goals and performance objectives shall be established within 120 days after commencement of the Town Manager's employment. 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 29<sup>th</sup>; so it appears that we should either hold a special meeting prior to October 29<sup>th</sup> 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.

A handwritten signature in cursive script that reads "Dale". The signature is written in black ink and is positioned above a solid horizontal line.

Dale S. Sugerman, Ph.D.  
Town Manager



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, October 17, 2012, 7:00 p.m.  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kendall Rumsey</b>	—	<b>Vice-Mayor</b>
<b>Steven Hockman</b>	—	<b>Commissioner</b>
<b>Jeanine Longtin</b>	—	<b>Commissioner</b>
<b>Tim Stevens</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 Lemley, 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**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

**E. ADDITIONS/DELETIONS - APPROVAL OF AGENDA**

**F. PRESENTATION:**

**1. Presentation by Boy Scout Troop #180 on their Community Service Work at the Seeds of Hope Community Garden**

Tab 1

**G. 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.**

**H. 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:**

2. Regular Commission Meeting Minutes of September 5, 2012 Tab 2
  3. Commission Budget Hearing Meeting Minutes of September 12, 2012 Tab 3
  4. Special Call Final Public Hearing on the Budget Meeting Minutes of September 19, 2012 Tab 4
  5. Regular Commission Meeting Minutes of September 19, 2012 Tab 5
  6. Special Call Final Public Hearing on the Budget Meeting Minutes of September 24, 2012 Tab 6
  7. Regular Commission Meeting Minutes of October 3, 2012 Tab 7
- I. **DISCUSSION AND POSSIBLE ACTION:**
8. Palm Beach County Commission on Ethics Compliance Review Memorandum Tab 8
  9. Presentation by Nader Salour, Agent for Congress Avenue Properties Ltd., Requesting that the Town Commission Consider Modifying the Town Code, Section 78-148 (a) and (b), to Eliminate the 1,200 Foot Distance Separation Between Two Gasoline and Filling Stations Tab 9
  10. Request from the Village of North Palm Beach (NPB) for a Joint Meeting on November 8, 2012 at 6:30 p.m. at the Village of North Palm Beach Council Chamber Located at 501 US Highway 1 Tab 10
- J. **COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:**
- K. **ADJOURNMENT:**