



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, December 3, 2008, 7:30 P.M.  
Lake Park Town Hall  
535 Park Avenue

<b>Desca DuBois</b>	—	<b>Mayor</b>
<b>Edward Daly</b>	—	<b>Vice-Mayor</b>
<b>G. Chuck Balius</b>	—	<b>Commissioner</b>
<b>Jeff Carey</b>	—	<b>Commissioner</b>
<b>Patricia Osterman</b>	—	<b>Commissioner</b>
<hr/>		
<b>Maria V. Davis</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez Lemley</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. **PUBLIC and OTHER COMMENT**

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

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

- 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.

For Approval:

1. Regular Commission Meeting Minutes of November 5, 2008 Tab 1
2. Regular Commission Meeting Minutes of November 19, 2008 Tab 2

I. **PUBLIC HEARING(S)**

**ORDINANCE ON SECOND READING:**

**QUASI-JUDICIAL HEARING:**

3. **ORDINANCE NO. 20-2008 -Congress Avenue Properties LLC Rezoning of Parcel D AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE AN APPROXIMATELY 25.769 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED WHICH IS GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF WATERTOWER ROAD AND CONGRESS AVENUE AS DEPICTED ON THE LOCATION MAP FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.** Tab 3

**ORDINANCE ON FIRST READING:**

4. **ORDINANCE NO. 21-2008 Tax Incentives Ballot Question**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT TO NEW BUSINESSES OR TO EXEMPT EXISTING BUSINESSES WHICH EXPAND AN EXEMPTION FROM THE PAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; ESTABLISHING THE DATE OF MARCH 10, 2009 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR AN EFFECTIVE DATE. Tab 4

5. **ORDINANCE NO. 22-2008 New Marina Fishing Pier Hours**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE III, SECTION 76-74, "ENTITLED PERMITTED HOURS OF USE"; TO CHANGE THE HOURS OF PERMITTED USE OF THE LAKE PARK HARBOR MARINA TO PREVENT USE OF, AND VEHICULAR PARKING AT, THE MARINA FROM 11:00 P.M. TO 6:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION;

**PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Tab 5**

**J. RESOLUTION(S):**

**6. RESOLUTION NO. 65-12-08 Elected Officials Using Town Letterhead or Their Elected Official Title**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 47-2001 DIRECTING THAT ANY WRITTEN COMMUNICATIONS WHEREBY THE MAYOR, VICE-MAYOR OR A COMMISSIONER USES THEIR TITLE OR USES THE OFFICIAL TOWN STATIONERY MUST FIRST BE APPROVED BY A MAJORITY OF THE FULL COMMISSION AT A PUBLIC MEETING; PROVIDING FOR AN EFFECTIVE DATE.**

**Tab 6**

**K. DISCUSSION AND POSSIBLE ACTION:**

**7. Charter Change Discussion**

**Tab 7**

**L. ADJOURNMENT:**

# **Consent Agenda**

# TAB 1

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 3, 2008

Agenda Item No. *Tab 1*

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Regular Commission Meeting Minutes of November 5, 2008.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Regular Commission Meeting of November 5, 2008.

Approved by Town Manager *W. Davis* Date: *11/25/08*  
 Deputy Clerk *Jessie Hughes* *11/19/08*  
 Date of Actual Submittal

<b>Originating Department:</b> Town Clerk	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Clerk <i>JML</i> <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ 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 <input checked="" type="checkbox"/> _____:  Please initial one.

**Summary Explanation/Background:**



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
November 5, 2008 8:15 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 5, 2008 at 8:15 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Mendez Lemley.

Mayor DuBois led the Invocation.

Mayor DuBois led the Pledge of Allegiance.

Town Clerk Vivian Mendez Lemley performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

**Motion: A motion was made by Commissioner Balius to approve the Agenda; Commissioner Carey made the second.**

Vote on Motion:

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

Motion passed 5-0.

**PROCLAMATIONS:**

**Deputy William Badala**

Mayor DuBois read the proclamation to Deputy William Badala.

Deputy Badala accepted his proclamation and thanked the Commission.

**Historical Society celebrating their 10<sup>th</sup> anniversary**

Mayor DuBois read the proclamation to Dorothy Gooding of the Historical Society.

Ms. thanked the Commission and gave a brief history of her tenure with the Historical Society.

**PUBLIC and OTHER COMMENT**

None

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

**Commissioner Carey**

None

**Vice-Mayor Daly** stated: "I just wanted to bring up what we were doing in the Marina some time ago, about three months ago, I guess. We approved, or the rest of the Commission approved, adding some slips in the Marina. I knew at that time that there was going to be a problem with that other than beyond spending money at this time. I wrote back to Tallahassee again for clarification and received a letter back from them this week stating that we can't put more slips there. I'll supply you with the letter because that's not our property once again and we have to be very, very careful with what we're doing at the Marina. I tried to make everybody aware up here that that Marina has restrictions on it which a good portion of the Marina we do not own and therefore for us to do any kind of commercial, retail and so on, that's why we couldn't put the restaurant there and now that this is come about, we can't do this project. The last time it was the restaurant and they said "Well, we would let you put the restaurant there at a cost of \$80,000 a year". I didn't get any figure as to what it would cost to do that project but at this time they're just stating "No, you can't do that", and we also have an additional problem there and we don't want to go too far out and the only reason why I'm bringing it up here is because I haven't been able to make too much progress as to the restrictions in the Marina, but we also have some other things sitting in the ground out there that are totally, could be bringing us a problem. Before we make any further efforts to do anything in that Marina, I had given you sometime back when you first became part of the Town of Lake Park, the copies of the restrictions and so on and I think that area not only has the restrictions but reverted clauses which of course means that we could lose that property if we don't comply with what the directors gave to us and we use that property, but we do not own the Marina. The Marina is almost split in half and half is restrictions; half of it is not restrictions. I'm going to give you a copy of the letter. I think we all should have a copy of it. I give everybody the opportunity to know what we are voting on when it comes to the Marina. We could get into some very financial bad situations there so we need to all be a little bit more advised of what we can and can't do because if we don't, we are not only subject to losing it, we could be paying a lot of money out. So, I'm going to give you all a copy of that letter so that we all understand and I got some maps and so on so that everybody can be on the same page."

**Commissioner Balius** stated: "I appreciate you trying to keep the Town from being sued or losing the Marina and all, but this team that sits right here, there's five of us. We approve letters that go to Tallahassee that's written by the Town. Each and every one of us can't just sit down and write a letter."

**Vice-Mayor Daly** stated: "Sure, you can."

**Commissioner Balius** stated: "We authorize the Mayor to write letters on our behalf".

**Vice-Mayor Daly** stated: "I do this because I know it's a problem. I brought this up before, in fact you're the guy, you're the Commissioner who started with the restaurant, and you approved that at a workshop which you shouldn't have done, and a lot of negative things with that situation. Obviously you haven't learned your lesson."

**Commissioner Balius** stated: "Well, I've learned one thing. Ed; that I can't write a letter to Tallahassee."

**Vice-Mayor Daly** stated: "Anybody can write a letter."

**Commissioner Balius** stated: "Not if you sit on this Commission and use your name as a Commissioner."

**Vice-Mayor Daly** stated: "My name is on the letter identifying who I am. That's public record. I can get that information, you can get that information. I suggest that you try getting some of that so that you have a better understanding of what's going on and don't jeopardize this Town financially."

**Mayor DuBois** requested that the Commission be copied on the letter and she asked Attorney Thomas Baird to go over the answer to the letter so that the Commission could be properly and legally advised.

**Commissioner Balius** stated that the Commission has gone over the deed restrictions hundreds of times and many attorneys have reviewed them since 1991.

**Mayor DuBois** stated that once a copy of the letter is received the Commission would take everything mentioned about the Marina into consideration.

**Commissioner Osterman** stated that she and the Mayor had attended the advanced training of the Institute of Elected Municipal Officers which is put on by the Florida League of Cities. She thanked the Town for the opportunity to attend and recommended that the entire Commission attend.

**Mayor DuBois** stated that she learned a tremendous amount of information at the training and agreed that it was beneficial for all elected officials to attend.

**Commissioner Osterman** stated that there was discussion regarding foreclosures at the training and recommended modeling an ordinance that was created by another municipality and used as an example at the training.

She stated that she was happy to see the turnout at the elections and was pleased with both presidential candidates' speeches the night before. She stated that she was thankful and felt privileged to be in public office and sit with the Commission.

**Mayor DuBois** made comments regarding the training for elected officials and stated that it was very helpful.

She stated that if anyone was missing a Chihuahua to contact her because she knew who was in possession of the dog.

**Commissioner Carey** congratulated Recreation Director Greg Dowling on a successful car show event.

**Town Manager Maria Davis** announced that the Town's Parks and Recreation Department was now offering Tai Chi and Karate classes on Tuesday and Thursday nights at the Lake Shore Park Pavilion. Tai Chi is \$5 per class and Karate is \$10 per class. She announced that on December 13, 2008, Ms. Joan Miller of the Palm Beach Ballet Center is offering a free Christmas Concert in the Town's Mirror Ballroom.

She stated that anyone who wishes to receive news about the Town via the Town's e-newsletter she encouraged them to sign on the Town's homepage under the e-newsletter icon.

**Town Attorney Thomas Baird**

None

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of October 15, 2008
2. Resolution No. 61-11-08 Breakwater Project at the Marina – Execute a Grant Agreement with FIND for Phase 1 – Engineering, Surveying & Permitting
3. Notice of Beautification Grant Award in the Amount of \$6,000 for a Roof Replacement

Items 1 and 2 were pulled from the Consent Agenda.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve item number 2 of the Consent Agenda; Commissioner Balius made the second.**

Vote on Motion:

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

Motion passed 5-0.

Commissioner Osterman stated that on page 9 of the October 15, 2008 minutes it reflected that

she had made a 2<sup>nd</sup> on a motion in which she had retracted. She stated that she also did not make a 2<sup>nd</sup> on the final motion for the Business Tax Ordinance and that it was in fact Commissioner Balius who had made the 2<sup>nd</sup>.

**Motion: A motion was made by Commissioner Carey to approve item number 1 of the Consent Agenda with modifications; Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 5-0.

Commissioner Balius asked if the property requesting a beautification grant was a rental property.

Town Manager Maria Davis stated that the property was not a rental but a Homesteaded property.

Commissioner Balius stated that the Town had given substantial beautification grants in the past and verbiage was included in the grant which requested that the grant be paid back to the Town in full should the property be sold within a certain time frame.

Discussion ensued among the Commissioners regarding the verbiage in the Beautification Grant documents.

Community Development Director Patrick Sullivan explained how the grant would be paid back on a graduated scale.

Mayor DuBois directed Attorney Thomas Baird to come back with his recommendations for the verbiage in Beautification Grant documents.

Commissioner Osterman asked if there were any guidelines that Beautification Grant applicants must meet in order to be approved.

Community Development Director Patrick Sullivan explained that the applicant must prove that they are in need and that they own the property.

Mayor DuBois explained her recollection of the origination of the Beautification Grant.

Commissioner Carey stated that the Beautification Grant money was coming from code compliance fines.

Community Development Director Patrick Sullivan explained the grant applicants' situation.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve item number 3 of the Consent Agenda subject to conditions being placed for paying back of the Beautification Grant; Commissioner Balius made the second.**

Vote on Motion:

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

Motion passed 5-0.

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

**ORDINANCE NO. 17-2008 – Sidewalk Repair**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 72, ARTICLE I, ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"; PROVIDING FOR THE CREATION OF NEW CODE SECTION 72-2 REQUIRING PROPERTY OWNERS AND OTHER RESPONSIBLE PARTIES WHOSE PROPERTY ABUTS OR IS ADJACENT TO SIDEWALKS, TO MAINTAIN SIDEWALKS IN A SAFE CONDITION; PROVIDING FOR NEW CODE SECTION 72-3 TO BE ENTITLED "ENFORCEMENT"; PROVIDING FOR THE AMENDMENT ARTICLE II, SECTION 72-31 ENTITLED "PERMIT"; PROVIDING FOR THE AMENDMENT OF SECTION 72-32 ENTITLED "REPLACING SUBGRADE AND PAVEMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan explained the reason for Ordinance No. 17-2008 and the changes made.

Commissioner Osterman expressed her concerns with the ordinance.

Commissioner Balius also expressed his concerns with the ordinances.

Mayor DuBois spoke about her experience with companies coming in to do work on her property and the possibility of damaging the sidewalks.

Vice-Mayor Daly stated sidewalks should be reinforced with thicker concrete so that they are not damaged or cracked when vehicles drive over them.

Town Manager Maria Davis stated that the Town requires thicker concrete for specific sidewalks but it is not stated in the code.

Commissioner Balius recommended that companies obtain permits before digging around sidewalks.

Community Development Director Patrick Sullivan stated that companies such as Seacoast Utility are required to obtain permits when doing work that involves sidewalks.

Town Manager Maria Davis stated that staff needed direction with the sidewalk ordinance.

Commissioner Balius stated that if a resident breaks their sidewalk they should be responsible for fixing the sidewalk.

Town Manager Maria Davis stated that residents were responsible for repairs to their sidewalks in other municipalities that she has worked for in the past.

Attorney Thomas Baird stated that giving the responsibility of the repair of cracked sidewalks to the Town could pose a liability issue. If the responsibility of the sidewalk is given to the property owner then they could be potentially liable, but since the Town owns the sidewalk they could also be named in any potential suits. He explained that the language in the Ordinance was trying to minimize liability.

Discussion ensued among the Commissioners regarding Ordinance No. 17-2008.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**The Commission came to consensus to revise Ordinance No. 17-2008 and bring it back to a subsequent Commission meeting for approval.**

**ORDINANCE NO. 19-2008 – Final Budget Amendment**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2007-2008 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 24-2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

Finance Director Anne Costello explained the reason for Ordinance No. 19-2008.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 19-2008; Commissioner Balius made the second.**

Vote on Motion:

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

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 19-2008 by caption-only.

**DISCUSSION AND POSSIBLE ACTION**

**Public Fishing at Lake Shore Park**

Town Manager Maria Davis stated that the renovations to Lake Shore Park have made the park more attractive for fishing. She stated that the new benches were being used to clean fish which has created knife marks and the PVC irrigation pipes are being used as fishing pole holders. She asked the Commission if they wanted to allow fishing at the park and to install fish cleaning stations.

Commissioner Balius stated that the park closes at sundown and benches at the park were thrown into the water after hours.

Commissioner Carey stated that the park has been a hot spot for fishing for many years.

Mayor DuBois clarified to the Commission what Town Manager Maria Davis was requesting.

Commissioner Osterman expressed her concerns with fishing at Lake Shore Park.

Discussion ensued among the Commissioners regarding fishing at Lake Shore Park.

The Commission came to consensus to install rod holders and cleaning stations on the south end of Lake Shore Park and to prohibit fishing past the curve at the bulkhead going towards the north end of the park.

### Marina Fishing Pier Hours

Mayor DuBois recommended that the fishing pier hours be extended at the Marina.

Discussion ensued between the Commissioners regarding extending the fishing pier hours at the Marina.

Marina Director Mike Pisano stated that there would not be any problems with extending the fishing hours. He stated that the fishing pier hours would need to be extended from 9 p.m. to 11 p.m.

**Motion: A motion was made by Commissioner Balius to approve extending the fishing pier hours at the Marina from 9 p.m. to 11 p.m.; Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 5-0.

### Recreation Facility

Town Manager Maria Davis stated that she provided three different options to the Commission for approval of a new recreation facility. She stated that the first option would be to purchase a single family home at an estimate of \$250,000. The second option would be to enclose the 7<sup>th</sup> St. pavilion for an estimate of \$21,000. Option three would be to purchase a new trailer. She asked the Commission to direct staff.

Discussion ensued among the Commissioners regarding the options for a new recreation facility.

Commissioner Carey expressed his concerns with the purchase of a new trailer as a recreational facility.

**Motion: A motion was made by Commissioner Osterman to approve the purchase of a new trailer with the appropriate additions for a new recreation facility; Commissioner Balius made the second.**

Vote on Motion:

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

Motion passed 3-2.

Commissioner Balius stated that purchasing a trailer as a new recreational facility would be the fastest and easiest way to solve the recreational facility issue until a new recreational building could be built at the 7<sup>th</sup> St. ball fields. He asked what would be done with the old trailer.

Recreation Director Greg Dowling stated that the trailer would be hauled away at a cost of \$2000.

Commissioner Balius recommended using that trailer at Public Works for storage.

Recreation Director Greg Dowling stated that the trailer leaks and is infested with mold.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balias and seconded by Vice-Mayor Daly, and by unanimous vote, the meeting adjourned at 9:43 p.m.

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Mayor DuBois

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Deputy Clerk Jessica Shepherd

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Town Clerk Vivian Mendez Lemley

Town Seal

Approved on this \_\_\_ of \_\_\_\_\_, 2008.

# TAB 2

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 3, 2008

Agenda Item No. *Tab 2*

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Regular Commission Meeting Minutes of November 19, 2008.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Regular Commission Meeting of November 19, 2008.

Approved by Town Manager *W. Davis* Date: *11/25/08*  
 Deputy Clerk *Jessica Shepherd* *11/25/08*  
 Date of Actual Submittal

<b>Originating Department:</b> Town Clerk	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Clerk <i>JML</i> <input type="checkbox"/> Town Manager
<b>Advertised:</b> Date: _____ 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 <input checked="" type="checkbox"/> _____:  Please initial one.

**Summary Explanation/Background:**



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**November 19, 2008 7:30 p.m.**  
**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 19, 2008 at 7:30 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Mendez Lemley.

Mayor DuBois led the Invocation.  
 Mayor DuBois led the Pledge of Allegiance.  
 Town Clerk Vivian Mendez Lemley performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

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

Vote on Motion:

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

Motion passed 5-0.

**PUBLIC and OTHER COMMENT**

*Jeff Baumer, W.P.B., FL* – stated that his business in Lake Park was closed down and stolen from him. He expressed his concerns with the prolonged vacancy of the Park Avenue Barbeque building on Park Avenue and the new hours of operation at the Town’s library.

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

**Commissioner Balius** asked Town Manager Maria Davis for the status of hiring a new Public Works Director.

**Town Manager Maria Davis** stated that staff was currently receiving resumes and would begin the interviewing process within the next two weeks.

**Commissioner Balius** stated that Public Works did an outstanding job of restoring Miller Park. He stated that the former flag pole at the park was made from galvanized pipe and had been there since the 1940's.

He stated that he had discussions with residents regarding Vice-Mayor Daly's letter to the FDEP. He stated that he requested Resolution No. 47-2001 which prohibits Commissioners from using Town letterhead to write letters, be placed on the dias as reference. He read the Resolution to the Commission.

**Vice-Mayor Daly** stated that the Town was closer to resolving the deed restriction issues at the Marina. He stated that the issues needed to be resolved and that was why he pursued the issue.

**Commissioner Carey** stated that he was happy to see the Christmas lights up on Park Avenue.

**Commissioner Osterman** stated that the Commission had voted her to be the liaison for the Community Development Corporation which the Town established in order to seek private funding. She stated that the Town has received a grant in the amount of \$5000 from Nations Bank which will allow the Town to put on a Martin Luther King Celebration on Saturday, January 24, 2009 from 10 a.m. to 3 p.m. at Kelsey Park. She stated that the Town's event would serve as the culminating event for the whole county. She requested the Commission's approval to use her title as Commissioner to request specific speakers for the event.

**The Commission came to consensus to approve Commissioner Osterman to use her title as Commissioner to request specific speakers for the Martin Luther King Celebration.**

**Commissioner Balius** asked if the Public Works Department would be utilized for the event.

**Commissioner Osterman** stated that Recreation Department Director Greg Dowling and Grants Writer Virginia Martin were working together with other members of the CDC to coordinate and that they were pulling in help from other sources. She stated that staff would be able to address whether or not Public Works would be involved.

**Commissioner Balius** stated that there was nothing budgeted by the Town for the Martin Luther King Day Celebration.

**Town Manager Maria Davis** stated that part of the \$5000 grant could be utilized to pay for any labor incurred by Public Works.

**Commissioner Carey** asked for clarification on the event.

**Commissioner Osterman** explained that the actual Martin Luther King weekend is the weekend prior to the event in Lake Park and other cities such as Riviera Beach and West Palm Beach would be having their events on that weekend. She stated that the idea was to bridge the entire week and have the culminating event take place in Lake Park. She stated that the CDC was interested in getting other members of the community involved in quarterly meetings to assist in

various projects. She stated that if anyone was interested they could get in contact with Grants Writer Virginia Martin.

**Mayor DuBois** stated that she was concerned and alarmed that a letter of recommendation written by Vice-Mayor Daly was put on Town Manager letterhead and included in a Marina Security Bid Package. She asked Town Attorney Thomas Baird what would happen should any of the Commissioners break a Resolution.

**Attorney Thomas Baird** stated that the Towns Charter or Code does not have any provision to police Commissioners. He stated that he did not know of anything that could be legally done. He stated that a complaint could be filed with the Commission on Ethics.

**Mayor DuBois** stated that it was important for the entire Commission to be informed as to what their boundaries are with regards representation and ethical practices.

**Attorney Thomas Baird** stated that he distributed a couple of memos in response to issues raised at the last Commission Meeting. He stated that he would be happy to discuss those issues tonight or individually after the meeting. He gave a status update on the Ocampo and Sorota property foreclosures.

**Town Manager Maria Davis** announced that on December 13, 2008 from 5 p.m. to 6 p.m., Ms. Joan Miller is having a free Christmas concert in the Town's Mirror Ballroom. She stated that if anyone wishes to receive e-news to sign up on the Town's website by clicking on e-newsletter. She wished everyone a Happy Holiday.

**CONSENT AGENDA:**

1. Resolution No. 60-11-08 Motor Vehicle Policy
2. Resolution No. 64-11-08 To Add the Position and Job Description of Foreman General Infrastructure to the Town of Lake Park Classification Plan
3. Resolution No. 63-11-09 to Revise the Town of Lake Park Classification Plan to Amend the Job Description for the Position of Grounds Maintenance Crew Leader
4. Professional Engineering Services for Marina Improvement for Elements I, II, and III of F.I.N.D. Waterways Assistance Program
5. Award of Marina Security Services Contract

Item #5 was pulled from the Consent Agenda.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve items one through four of the Consent Agenda; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
-------------------	-----	-----	-------

Commissioner Balus	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

Mayor DuBois stated that because of the precarious situation with one of the Marina Security Bid packages, she would like to put the Marina Security Bid up for rebid.

Commissioner Osterman asked Town Attorney Thomas Baird to explain the situation with the Marina Security Bid package.

Town Attorney Thomas Baird explained that a bid package was submitted by one of six bidders for the Marina Security Contract. Included in that package was a letter of recommendation written by Vice-Mayor Daly on Town Manager letterhead and there was also a letter of recommendation from Interim Town Manager Cynthia Sementelli also on Town Manager letterhead. Vice-Mayor Daly had indicated that he had given the letter on plain paper to the company's representative for the purpose of using it for other bids on projects in businesses or municipalities other than Lake Park. According to the company, the secretary for the company had placed the letter in the Town of Lake Park Marina Security Bid by mistake. The issue that is still unresolved is that Vice-Mayor Daly had stated that he submitted the letter of recommendation on plain paper and does not know how the letter was transposed onto the Town Manager's letterhead. Mr. Baird stated that somehow the company presumably transposed the letter.

Mayor DuBois stated she wanted to pull the bids and put the Marina Security Bid out for rebid in order to be safe.

Commissioner Osterman stated that she was concerned that the letter was transposed to letterhead and that it was clearly done with intent.

Mayor DuBois stated that she would like to know how it happened.

Attorney Thomas Baird asked if the Mayor was directing him to find out.

Mayor DuBois asked Attorney Tom Baird to investigate the matter.

Commissioner Osterman expressed her concerns over a security company presumably transposing a letter onto Town letterhead.

Vice-Mayor Daly stated that he did not have possession of any Town letterhead. He stated that he had given the security company a letter of recommendation on plain white paper to be used for a bid packet for a project at Riviera Beach.

Town Attorney Thomas Baird stated that he would research the bid submitted to the City of Riviera Beach and would also talk with the owner of the security company.

Discussion ensued among the Commissioners regarding their concerns with the presumably transposed letter submitted for the Marina Security Bid.

**Public Comment Open.**

*Bert Bostrum, 1451 Flagler Blvd.* – stated that the Marina Security Bid should go up for rebid.

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to reject all Marina Security Bid Packages received and to put the Marina Security Bid up for rebid; Commissioner Balius made the second.**

Vote on Motion:

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

Motion passed 5-0.

**PUBLIC HEARINGS**

**QUASI-JUDICIAL HEARING: ORDINANCE ON 1st READING**

**ORDINANCE NO. 20-2008 – Congress Avenue Properties LLC Rezoning of Parcel D AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE AN APPROXIMATELY 25.769 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED WHICH IS GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF WATERTOWER ROAD AND CONGRESS AVENUE AS DEPICTED ON THE LOCATION MAP FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ex-parte communication was declared as follows:

Mayor DuBois – none  
 Vice-Mayor Daly –none  
 Commissioner Balius – none  
 Commissioner Osterman – none  
 Commissioner Carey – none

Town Clerk Vivian Mendez Lemley swore in all witnesses.

Community Development Director Patrick Sullivan explained the reason for Ordinance No. 20-2008.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 20-2008 upon 1<sup>st</sup> reading; Commissioner Balius made the second.**

Vote on Motion:

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

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 20-2008 by caption-only.

**ORDINANCE ON 2<sup>ND</sup> READING**

**ORDINANCE NO. 19-2008 – Final Budget Amendment**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2007-2008 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 24-2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 19-2008 upon 2<sup>nd</sup> reading; Commissioner Carey made the second.**

Vote on Motion:

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

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 19-2008 by caption-only.

**DISCUSSION AND POSSIBLE ACTION**

**Request Permission on the March Election Ballot a Question Regarding Tax Incentives**

Town Manager Maria Davis explained why a referendum would be needed to offer a business tax incentive to new businesses in the Town. She asked the Commission if they would like to give a tax incentive to new businesses in Town.

Discussion ensued among the Commissioners regarding business tax incentives to new businesses in the Town.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve the creation of an ordinance to which would include ballot language to adopt for a referendum question that would provide tax incentives to new businesses in the Town; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor			

Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

**2009 Palm Beach County Centennial**

Town Manager Maria Davis gave a brief overview of the Palm Beach County Centennial Event. She recommended that the Town acknowledge the Centennial at the Town's Fourth of July Event. She requested permission from the Commission to do so.

**The Commission came to consensus to permit the Town to recognize the 2009 Palm Beach County Centennial at the Town's 2009 Fourth of July Event.**

Commissioner Osterman thanked Mr. Robert Cutcher of Cutcher & Associates for his help with sorting out the deed restriction issues at the Marina.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Commissioner Balius, and by unanimous vote, the meeting adjourned at 8:35 p.m.

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Mayor DuBois

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Deputy Clerk Jessica Shepherd

---

Town Clerk Vivian Mendez Lemley

Town Seal

Approved on this \_\_\_\_ of \_\_\_\_\_, 2008.

# TAB 3

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 3, 2008

Agenda Item No. *Tab 3*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>PUBLIC HEARING</b><br><input checked="" type="checkbox"/> <b>Ordinance on Second Reading</b><br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> <b>ORDINANCE ON FIRST READING</b><br><br><input type="checkbox"/> <b>GENERAL APPROVAL OF ITEM</b><br><br><input type="checkbox"/> Other: | <input type="checkbox"/> <b>RESOLUTION</b><br><br><input type="checkbox"/> <b>DISCUSSION</b><br><br><input type="checkbox"/> <b>BID/RFP AWARD</b><br><br><input type="checkbox"/> <b>CONSENT AGENDA</b> |
|---|---|

**SUBJECT:** Petition by Congress Ave Properties LLC to rezone approximately 25.769 acres of vacant land which is generally located at the southeast corner of Watertower Road and Congress Ave from C-4 to C-2 Business District.

**RECOMMENDED MOTION/ACTION:** staff recommends adoption

Approved by Town Manager *W. J. Davis* Date: *11/25/08*

<b>Originating Department:</b> Community Development	Costs: \$ N/A  Funding Source:  Acct. #	Attachments: <b>Ordinance</b> <b>Staff Report</b>
<b>Department Review:</b> <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development <i>WJ</i>	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ 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 _____ <i>WJ</i> or Not applicable in this case _____  Please initial one.

**Summary Explanation/Background:** On or about September 19, 2008, the Town received a rezoning application ("Application") from Gentile Holloway O'Mahoney & Associates, Inc., as the authorized agent and applicant for Congress Avenue Properties Limited ("Applicant"), requesting the rezoning of a 25+ acre piece of property located on the southeast corner of Watertower Road and Congress Ave from the C-4 Business Zoning District to the C-2 Business Zoning District. The Applicant proposes to develop this property in the future with retail, and is requesting this rezoning in order to create more flexibility in how this site could be developed with retail. This rezoning will remain consistent with the surrounding C-2 zoning which includes a Lowe's, Wal-Mart, Target and Kohl's department store.

**Town of Lake Park  
Community Development Department**



**Meeting Date: November 19, 2008**

**From: Patrick Sullivan, AICP, Director**

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**To: Town Commission**

**Re: Congress Avenue Properties LLC Rezoning (C-4 to C-2 Business District)  
(to allow flexibility for future retail uses)**

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Congress Avenue Properties Limited is the fee simple owner ("Owner") of approximately 25.769 acres of vacant land ("subject property"), which is generally located at the southeast corner of Congress Avenue and Watertower Road, within the municipal boundaries of the Town of Lake Park ("Town"). The subject property's legal description is contained in **Exhibit "A"** and its general location is shown on **Exhibit "B"**, both of which are attached hereto. The subject property currently has a Future Comprehensive Land Use Designation of "Commercial/Light Industrial".

On or about September 19, 2008, the Town received a rezoning application ("Application") from Gentile Holloway O'Mahoney & Associates, Inc., as the authorized agent and applicant for **Congress Avenue Properties Limited** ("Applicant"), requesting the rezoning of the subject property from the C-4 Business Zoning District to the C-2 Business Zoning District. The Applicant proposes to develop this property in the future with retail, and is requesting this rezoning in order to create more flexibility in how this site could be developed with retail. This rezoning will remain consistent with the surrounding C-2 zoning which includes a Lowe's, Wal-Mart, Target and Kohl's department store.

Town staff reviewed the Application, and determined that the proposed rezoning of the subject property would be consistent with the Town's Land Development Regulations, and its Future Land Use Designation under the Town's Comprehensive Plan, and has recommended approval of the proposed rezoning. The Lake Park Planning and Zoning Board reviewed the subject Application at their November 3, 2008 meeting, and recommended that the Town Commission approve the Application and rezone the subject property. The future land use designations of the properties surrounding the subject property all have Future Land Use Designations of "Commercial/Light Industrial". The property to the north has been developed with a Kohl's department store and is zoned "C-2". Properties to the east are located within the Town's "C-4/CLIC(*Campus Light Industrial*)" zoning district. The property to the south is vacant but is zoned C-4 and is

within the Bioscience Overlay. The property to the west is within the TND(*Traditional Neighborhood District*) zoning district and is developed with residential multi-family (San Marco Villas), and a fast-food restaurant (Sonic).

Policy 1.4.b., provided for in Section 3.4.3 of the Future Land Use Element of the Town's Comprehensive Plan states that the intended development for this general area is a mix of commercial and light industrial uses. A large portion of the Congress Avenue Corridor has been developed under new C-2 and C-4 zoning regulations. Existing commercial retail uses in this area include Lowe's, Walmart, Target and Kohl's. All four of these retailers were rezoned from the C-4 zoning district to the C-2 zoning district to add flexibility in uses and permit retail uses which are not permitted in the C-4 District.

Policy 5.1 of the Capital Improvement Element of the Town's Comprehensive Plan states that new development shall be permitted only when the Concurrency Management System (CMS) is implemented to ensure that adequate facility capacity is available when needed to serve the development. The proposed rezoning will not deviate from this requirement. The property is currently part of a larger water management tract that flows south under Watertower Road then west under Congress Avenue, and eventually outfalls in the C-17 Canal. The 2003 Master Plan, along with the existing improvements to Congress Avenue, established this drainage system. Water and sewer is available to the property via existing connections located along Congress Avenue.

The proposed rezoning requires at least two public hearings and notice of the rezoning ordinance to be published in a newspaper of general circulation in, and of general readership in the Town. A notice in the form prescribed by Section 166.041, Fla. Stat. of the proposed rezoning Ordinance, including a map indicating the area covered by the proposed rezoning ordinance, has been published in the Palm Beach Post on October 20, 2008 for the Planning & Zoning Board hearing, in anticipation of the Town Commission hearing. The Town Commission will review the Ordinance at two separate Town Commission meetings after which, if approved, it will be adopted.

Town staff recommends that the Town Commission **APPROVE** the rezoning from the C-4 Business District to the C-2 Business District. The rezoning is consistent with the Town's Comprehensive Plan, and meets the Town's Land Development Regulations. The rezoning is consistent with the development pattern along Congress Avenue, and the rezoning to the C-2 Business District will allow a greater variety of complimentary uses and will promote the expansion of the Town's tax base.

**ORDINANCE NO. 20-2008**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE AN APPROXIMATELY 25.769 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED WHICH IS GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF WATERTOWER ROAD AND CONGRESS AVENUE AS DEPICTED ON THE LOCATION MAP FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS, Congress Avenue Properties Limited, a Florida corporation, is** the fee simple owner (“Owner”) of approximately 25.769 acres of vacant land (“subject property”) which is generally located at the southeast corner of Watertower Road and Congress Avenue, within the municipal boundaries of the Town of Lake Park, Florida; and

**WHEREAS, the subject property’s legal description is contained in Exhibit “A”** and its general location as shown in **Exhibit “B”**, both of which are attached hereto and incorporated herein; and

**WHEREAS, the subject property currently has a Future Comprehensive Land Use Designation of “Mixed Commercial/Light Industrial”;** and

**WHEREAS, Gentile, Holloway, O’Mahoney & Associates, Inc., as the authorized agent for the Owner, has submitted an application to the Town for the rezoning of the subject property, from the C-4 Business Zoning District classification to the C-2 Business Zoning District classification (the Application); and**

WHEREAS, the Owner believes the future development of the property is most appropriate for retail uses consistent with other developed properties along the Congress Avenue corridor; and

**WHEREAS**, the Town staff has reviewed the Application and determined that the proposed rezoning of the subject property is consistent with the Town's Code of Ordinances and its Future Land Use Designation under the Town's Comprehensive Plan and has recommended approval of the proposed rezoning; and

**WHEREAS**, the Lake Park Planning and Zoning Board reviewed the subject Rezoning Application at their meeting of November 3, 2008, and recommended that the Town Commission approve the Application for the subject property; and

**WHEREAS**, at its duly held quasi-judicial public hearings, the Town Commission considered the proposed rezoning, and received evidence and testimony presented by Town staff, the Planning and Zoning Board, the Applicant, the Applicant's agents and representatives, members of the public, and other interested parties regarding the Application's consistency with the Town's Comprehensive Plan and Land Development Regulations; and

**WHEREAS**, the Town Commission has determined that the rezoning of the subject property and adoption of this Ordinance is consistent with the Town's Comprehensive Plan and Land Development Regulations, and is in the best interest of the citizens and residents of the Town of Lake Park, Florida.

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

**Section 1:** The foregoing recitals are hereby incorporated herein as the findings of fact and conclusions of law of the Town Commission.

**Section 2.** The Town Commission hereby rezones the subject property from C-4 Business Zoning District (C-4) to C-2 Business Zoning District (C-2).

**Section 3.** The Town's Official Zoning Map is hereby amended to reflect the assignment of the C-2 Business District zoning classification to the subject property.

**Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 5.** All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

**Attachments:** Exhibit "A" Legal description of subject property  
Exhibit "B" Location map

## EXHIBIT "A"

### PROPERTY DESCRIPTION:

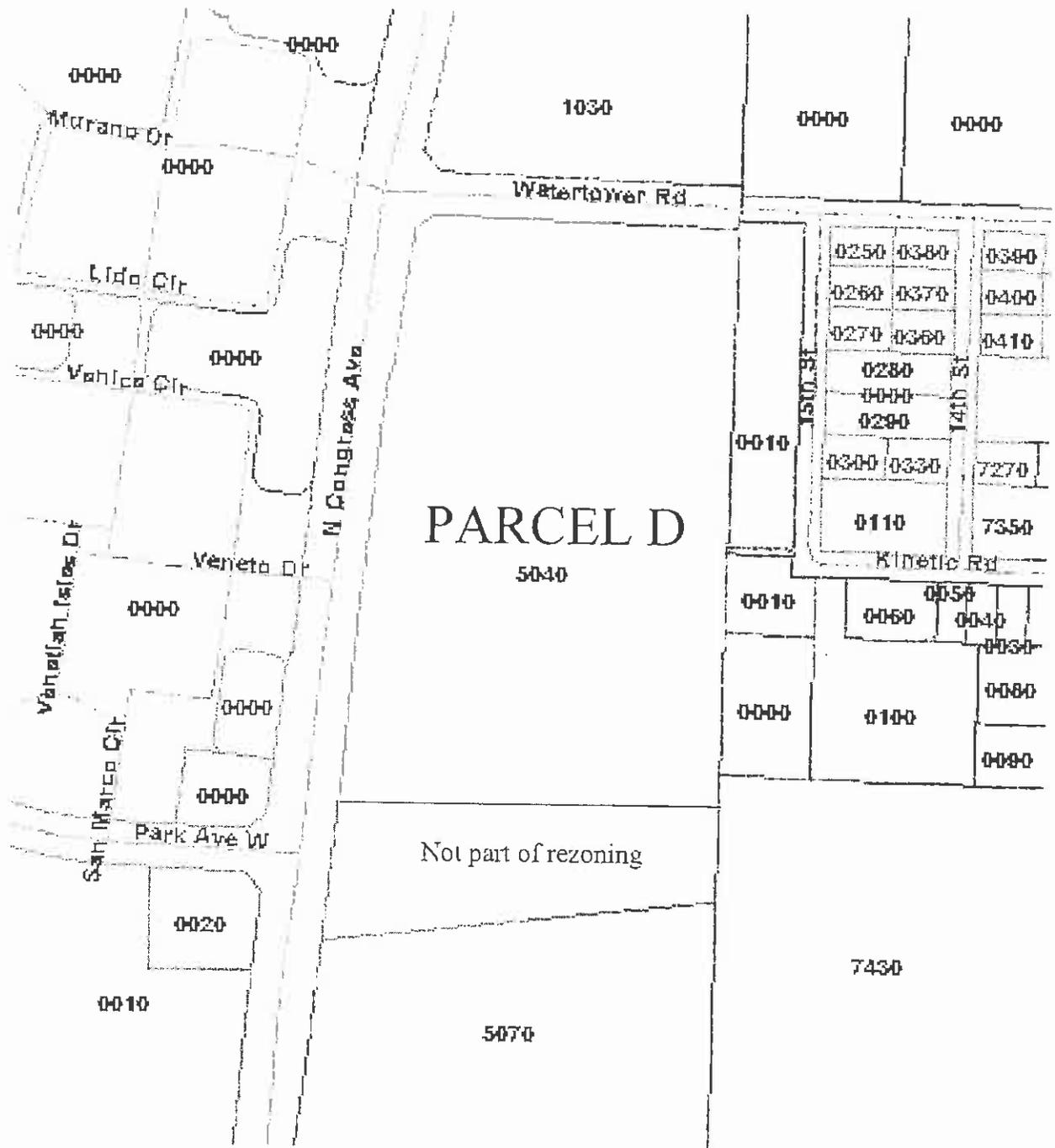
A PARCEL OF LAND BEING A PORTION OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE EAST LINE OF SOUTHEAST QUARTER OF SAID SECTION 19, NORTH 01°21'11" EAST, A DISTANCE OF 1350.88 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND;

THENCE CONTINUE ALONG SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 19, NORTH 01°21'11" EAST, A DISTANCE OF 1270.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WATER TOWER ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WATER TOWER ROAD, NORTH 87°55'28" WEST, A DISTANCE OF 705.69 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 50°32'44" WEST, A DISTANCE OF 53.17 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE FOR CONGRESS AVENUE, AS DESCRIBED IN SAID OFFICIAL RECORD BOOK 10739, PAGE 6 AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 8419.00 FEET AND A RADIAL BEARING OF SOUTH 80°59'04" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, THROUGH A CENTRAL OF 02°08'28", A DISTANCE OF 314.63 FEET TO A POINT OF NON-TANGENCY; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE THROUGH THE FOLLOWING FIVE COURSES, SOUTH 19°07'33" WEST, A DISTANCE OF 51.14 FEET TO A NON-TANGENT CURVE, HAVING A RADIUS OF 8430.00 FEET AND A RADIAL BEARING OF SOUTH 83°27'55" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°18'53", A DISTANCE OF 46.30 FEET TO A POINT OF TANGENCY; THENCE SOUTH 08°13'12" WEST, A DISTANCE OF 585.93 FEET; THENCE SOUTH 04°48'20" WEST, A DISTANCE OF 202.56 FEET; THENCE SOUTH 08°13'12" WEST, A DISTANCE OF 181.63 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, SOUTH 40°36'46" EAST, A DISTANCE OF 58.35 FEET; THENCE SOUTH 87°26'44" EAST, A DISTANCE OF 54.80 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 792.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE; THROUGH A CENTRAL ANGLE OF 15°52'21", A DISTANCE OF 219.40 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 89°59'15" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 805.00 FEET AND A CHORD BEARING OF NORTH 68°35'13" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°15'37", A DISTANCE OF 130.11 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 865.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°25'04", A DISTANCE OF 413.93 FEET TO A POINT ON THE AFOREMENTIONED EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 19 AND TO THE POINT OF BEGINNING.

CONTAINING 25.769 ACRES, MORE OR LESS.

# EXHIBIT "B"



# TAB 4

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 3, 2008

Agenda Item No. *Tab 4*

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING                               | <input type="checkbox"/> RESOLUTION                  |
| <input checked="" type="checkbox"/> <b>ORDINANCE ON FIRST READING</b> | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award                                | <input type="checkbox"/> DISCUSSION                  |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM                     | <input type="checkbox"/> CONSENT AGENDA              |
| <input checked="" type="checkbox"/> <b>Other: Referendum</b>          |  |

**SUBJECT:** Tax exemption for new and expanding businesses

**RECOMMENDED MOTION/ACTION:** Submit Ordinance to Referendum

**Approved by Town Manager** *W. Davis* **Date:** *11/25/08*

Virginia Martin, Grants Writer  
Name/Title

November 25, 2008  
Date of Actual Submittal

<b>Originating Department:</b> Grants	Costs: \$ Funding Source: Acct. #	<b>Attachments:</b> Ordinance
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <i>GM</i> _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: <u>TBD</u> Paper: <u>Palm Beach Post</u> <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>GM</u> :  Please initial one.

**Summary Explanation/Background:** This ordinance has been requested to make Lake Park competitive with other communities in the region when it comes to recruiting new businesses or encouraging existing businesses to expand their operations in this community.

**ORDINANCE NO. 21-2008**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT TO NEW BUSINESSES OR TO EXEMPT EXISTING BUSINESSES WHICH EXPAND AN EXEMPTION FROM THE PAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; ESTABLISHING THE DATE OF MARCH 10, 2009 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to §166.021, Fla. Stat. (2007), the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to §196.1955, Fla. Stat. (2007), the Town Commission has been authorized to submit to a referendum of the Town's registered electors the question of whether or not the Commission may grant property tax exemptions to qualified new businesses or existing businesses which propose to expand pursuant to Section 3 of Article VII of the State Constitution; and

WHEREAS, pursuant to §196.1995, Fla. Stat. (2007) any exemption granted may remain in effect for up to 10 years with respect to any particular facility, regardless of any change in the authority of the Town Commission which has granted an exemption; and

WHEREAS, the years of exemption and those businesses eligible for an exemption shall be based upon the criteria set forth by Florida Statutes and by such criteria as the Commission in its sole discretion may establish, on a case by case basis; and

**WHEREAS**, §100.342, Fla. Stat. (2007), requires that the Town publish two (2) notices in a newspaper of general circulation in the Town, evidencing the Town's intention to hold a referendum to determine whether a majority of the qualified electors of the Town, approve of the Town Commission granting an exemption from the payment of Town property taxes to new or expanding businesses in the town; and

**WHEREAS**, pursuant to §100.342, Fla. Stat. (2007), the first notice shall be published in the fifth week prior to the week the referendum is to be held, and the second notice shall be published in the third week prior to the week the referendum is to be held.

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

**Section 1. Referendum declared.** A Referendum is hereby called for and shall be held in the Town of Lake Park, Florida on the 10th day of March 2009, to determine whether or not a majority of the electors voting in the Referendum, support the Commission's proposal to be authorized to grant to new or expanding businesses in the town an exemption from the payment of property taxes levied by the Town.

**Section 2. Ballot title.** The ballot title which is the subject of this Referendum, and by which to be commonly referred to or spoken of, shall be captioned as "Town of Lake Park, Florida, Authorization to grant property tax exemptions to new businesses and expansions of existing businesses."

**Section 3. Conduct of Referendum.** The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places and all qualified electors of the Town of Lake Park, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Lake Park, from 7:00

a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Lake Park, Florida shall be permitted to vote on this Referendum question. In the event a majority of electors, voting in the Referendum vote affirmatively then the Town shall have satisfied the requirements of Section 196.1955, Fla. Stat. (2007) and the Town Commission shall have been authorized to grant property tax exemptions to new businesses and expansions of existing businesses. .

**Section 4. Notice and advertising of the Referendum.** The Town Clerk shall prepare and give notice of the proposed Referendum by causing appropriate notice to be published in accordance with the provisions of §100.342, Fla. Stat. (2007), at least once each week during the third and fifth weeks preceding the week in which the Referendum is to be held. The publications shall be placed in the *Palm Beach Post* a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

**Section 5. Ballot summary.** The ballot summary concerning the Referendum question shall be:

SHALL THE TOWN COMMISSION BE AUTHORIZED TO GRANT PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION, PROPERTY TAX EXEMPTIONS TO QUALIFIED NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES?

YES        FOR AUTHORITY TO GRANT EXEMPTIONS

NO         AGAINST AUTHORITY TO GRANT EXEMPTIONS

**Section 6. Canvassing.** The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the Town Commission, which shall declare the result thereof. Upon canvassing the returns of the Referendum, the result of the

Referendum shall be recorded in the minutes of the Town Commission in the manner prescribed by law.

**Section 11, Effective date.** This Ordinance shall take effect immediately upon adoption.

# TAB 5

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 3, 2008

Agenda Item No. *Tab 5*

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING                        | <input type="checkbox"/> RESOLUTION     |
| <input type="checkbox"/> Ordinance on Second Reading           |   |
| <input type="checkbox"/> Public Hearing                        | <input type="checkbox"/> DISCUSSION     |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD  |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM              | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other:                                |   |

**SUBJECT:** To Amend Chapter 76, Article III, Section 76-74 of the Town of Lake Park Code of Ordinances to Change the Hours of Permitted Use of the Lake Park Harbor Marina

**RECOMMENDED MOTION/ACTION:** Adoption of Ordinance

Approved by Town Manager *W. Davis* Date: *11/25/08*

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date of Actual Submittal

<b>Originating Department:</b> Lake Park Harbor Marina	Costs: \$ -0-  Funding Source:  Acct. #	<b>Attachments: Copy of Ordinance</b>
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" 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>BMT</u> :  Please initial one.

**Summary Explanation/Background:**

The purpose of this action is to prohibit use of the Marina and vehicular parking at the Marina between the hours of 11:00 p.m. until 6:00 a.m. in order to prevent the use of the fishing pier for fishing during such hours. Currently, no such restriction exists. Such action will not apply to persons using the launching ramps for boat recovery only, live-aboards, transients, tenants of the Marina and their guests or to employees of the Town.

**ORDINANCE NO. 22-2008**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE III, SECTION 76-74, "ENTITLED PERMITTED HOURS OF USE"; TO CHANGE THE HOURS OF PERMITTED USE OF THE LAKE PARK HARBOR MARINA TO PREVENT USE OF, AND VEHICULAR PARKING AT, THE MARINA FROM 11:00 P.M. TO 6:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida (Town) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town of Lake Park Commission has the authority to proscribe rules and regulations for the operation of the Lake Park Harbor Marina; and

**WHEREAS**, the Town Commission has reviewed the current hours of operation for the Marina and has determined that it is in the best interests of the Town and its citizens to amend the hours of operation.

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

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

**Section 2.** Chapter 76, Article III, Section 76-74 of the Town Code is hereby amended to read:

**Sec. 76-74. Permitted hours of use.**

(a) No person, except as otherwise provided herein, shall use or be present on the premises of the marina from ~~9:00~~ 11:00 p.m. until 6:00 a.m.; however, this provision shall not apply to

persons using launching ramps for boat recovery only, live-aboards, transients, tenants of the marina and their guests nor to employees of the town.

(b) Vehicular parking within the marina facility from ~~9:00~~ 11:00 p.m. until 6:00 a.m. shall be prohibited other than for the vehicles of live-aboards, transients, tenants of the marina and their guests, ramp users awaiting recovery, and authorized town employees.

**Section 3. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Codification.**

The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

**Section 5. Repeal of Laws in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon adoption by the Town Commission.

# TAB 6

**Town of Lake Park Town Commission  
Agenda Request Form**

**Meeting Date: December 3, 2008**

Agenda Item No. *Tab 6*

- |   |   |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input checked="" type="checkbox"/> <b>RESOLUTION</b><br><br><input checked="" type="checkbox"/> <b>DISCUSSION</b><br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input type="checkbox"/> CONSENT AGENDA |
|---|---|

**SUBJECT: Resolution Limiting the Use of Official Town of Lake Park Title and Letterhead in Any Written Communication**

**RECOMMENDED MOTION/ACTION:**

**Approved by Town Manager** *W. J. Davis* **Date:** *11/25/08*

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date of Actual Submittal

<b>Originating Department:</b> Town Commission	Costs: \$ -0-  Funding Source:  Acct. #	<b>Attachments: Copy of Resolution</b>
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" 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>  BMT  </u> :  Please initial one.

**Summary Explanation/Background:**

At its August 15, 2001 meeting, the Town Commission adopted Resolution 47,2001 directing that any correspondence written by the Mayor, Vice-Mayor or Commissioners on Lake Park letterhead be approved by the full Commission at a public meeting. The purpose of this action is to expand upon that language to require that any written communication by the Mayor, Vice-Mayor or member of the Town Commission which utilizes his or her official title, or is written on official letterhead of the Town of Lake Park, must be submitted for approval by a majority of the Town Commission at a public meeting prior to being mailed.

**RESOLUTION NO. 65-12-08**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 47-2001 DIRECTING THAT ANY WRITTEN COMMUNICATIONS WHEREBY THE MAYOR, VICE-MAYOR OR A COMMISSIONER USES THEIR TITLE OR USES THE OFFICIAL TOWN STATIONERY MUST FIRST BE APPROVED BY A MAJORITY OF THE FULL COMMISSION AT A PUBLIC MEETING; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park uses stationery which carries the official seal of the Town; and

**WHEREAS**, the use of the Town's stationery by the Mayor, Vice-Mayor, or a Commissioner may impute or be attributed by recipients thereof as an "official" policy position of the Town Commission; and

**WHEREAS**, the use of his or her title by the Mayor, Vice-Mayor or a Commissioner when communicating in writing may impute or be attributed by recipients thereof as an "official" policy position of the Town Commission; and

**WHEREAS**, it is important to the interests of the Town that communications from the Mayor, Vice-Mayor or Commissioners represent a spirit of unity and consistency.

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

**Section 1.** The general substance of any written communication wherein the Mayor, Vice-Mayor or a Commissioner proposes to use his or her official title or to be written on the official letterhead of the Town of Lake Park shall be subject to the approval of a majority of the Commission at a public meeting prior to mailing.

**Section 2.** Written communications from the Mayor, Vice-Mayor, or a Commissioner when representing themselves, which are not on the Town's official letterhead, shall not be subject to the approval of a majority of the Town Commission.

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

# TAB 7

**Town of Lake Park Town Commission  
Agenda Request Form**

**Meeting Date:** December 3, 2008

**Agenda Item No.** *Tab 7*

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION                   |
| <input type="checkbox"/> Ordinance on Second Reading |   |
| <input type="checkbox"/> Public Hearing              | <input checked="" type="checkbox"/> <b>DISCUSSION</b> |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input type="checkbox"/> BID/RFP AWARD                |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    | <input type="checkbox"/> CONSENT AGENDA               |
| <input type="checkbox"/> Other:                      |   |

**SUBJECT:** Charter Amendment Suggestions

**RECOMMENDED MOTION/ACTION:**

**Approved by Town Manager**

*W. Davis*

**Date:**

*11/25/08*

Name/Title

Date of Actual Submittal

<b>Originating Department:</b>  Town Commission	Costs: \$  Funding Source: Acct. #	<b>Attachments:</b>
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ 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 _____:  Please initial one.

**Summary Explanation/Background:** During the course of discussion regarding a referendum question pertaining to ad valorem tax exemptions, the Commission mentioned that it might be a good idea to review the charter for possible amendments to be determined in the March 2009 election. Staff reviewed the charter and has made the following observations/suggestions for the Commission's deliberation:

**1. ARTICLE VI. OPERATION OF COMMISSION-MANAGER FORM OF GOVERNMENT**

**Section 1. Qualifications of town manager.**

**There is one provision in this section that requires that a Town Manager have at least two (2) years of experience as a full time employee in Public Administration. Staff believes that two (2) years of experience in Public Administration is inadequate for the position. Staff recommends a minimum of five (5) years of responsible experience in Public Administration at the administrator level.**

**There is another provision in this section that provides for the appointment of the Mayor or any Commissioner to execute the duties of the Town Manager in the absence of the Town Manager. Staff believes that this defeats the premise of Manager/Commission form of government and recommends that this language be eliminated.**

**2. ARTICLE XVI. REGISTRATION AND ELECTIONS**

**Section 17. Run-off.**

**Staff discussed "run-off" elections strictly from a budgetary perspective. A typical election costs \$5,000-\$6,000. Staff suggests that election results be determined by majority vote only and that a "run-off" election only be utilized in the event of a tie in votes between two candidates.**

**3. RESIDENCY REQUIREMENT**

**Staff suggests that there be a requirement for elected officials to reside in the Town for the duration of terms.**