



**Minutes**  
**Town of Lake Park, Florida**  
**Special Call Commission Meeting**  
**Wednesday, July 13, 2011, 7:09 p.m.**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Special Call Commission Meeting on Wednesday, July 13, 2011 at 7:09 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Steven Hockman, Jeanine Longtin, and Tim Stevens, Town Manager Maria Davis, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley.

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

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Commissioner Hockman asked if the letter from Palm Beach County concerning the building at 115 U.S. Highway 1 was going to be discussed or put on the agenda. Town Manager Davis explained that it was previously discussed that the letter would be put on an agenda either for the first or second meeting in August. Commissioner Longtin requested that it be put on the first meeting in August since the “clock is ticking.”

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

Vote on Motion:

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

Motion passed 5-0

**APPOINTMENT OF A VICE-MAYOR:**

The Mayor indicated that Vice-Mayor Rumsey has been doing a good job thus far and entertained a motion to nominate Kendall Rumsey to remain as Vice-Mayor. Commissioner Longtin seconded for discussion and Mayor DuBois stated that a second for discussion was not needed. Commissioner Stevens nominated Kendall Rumsey for Vice-Mayor. Commissioner Longtin nominated Tim Stevens for Vice-Mayor.

Kendall Rumsey made a motion to close nominations, and Mayor DuBois then closed the nominations.

Mayor DuBois asked for all those in favor for Tim Stevens.

Vote on Motion:

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

Motion failed 2-3

Mayor DuBois asked for all those in favor for Kendall Rumsey to respond.

Vote on Motion:

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

Motion passed 3-2

Vice-Mayor Rumsey had three votes and Commissioner Stevens had two votes. Kendall Rumsey will continue as Vice-Mayor.

**PROCLAMATION:**

**Todd Dry**

Mayor DuBois read and presented Todd Dry with a Proclamation and thanked him for his service on the Planning and Zoning Board.

## PUBLIC AND OTHER COMMENTS:

Mayor DuBois reminded residents that if they wanted to discuss an agenda item, they needed to indicate that on their pink comment card. Mayor DuBois also reminded Commissioners that if anyone wanted to respond to the residents' comments/concerns, that it should be done during the Commissioner's Comments section of the agenda.

1. *Kathleen Lampkin, 618 Date Palm Drive*– indicated that the camera at the ball field may be broken. She stated that she was having issues with soccer balls hitting and coming over her fence and she had to repair her fence as a result of it. She stated that seed pods are falling over her fence into her backyard.

Mayor DuBois asked Ms. Lampkin to give her phone number on her comment card so the Town can get back to her. He asked the Town Manager to be in the touch with Ms. Lampkin.

Town Manager Davis was asked if the cameras were even working at the ball field and she responded that they weren't because of a lightning storm. She explained that they have been ordered but that she wasn't sure when.

Mayor DuBois thanked Ms. Lampkin for bringing this issue to their attention.

2. *Rick Goodsell, 410 9<sup>th</sup> St.*– he stated he wanted to see who the Citizens Requiring Accountability from Politicians were. He also stated that he is with the Community Watch and that the Community Watch meeting on the sign out front was supposed to have been changed to 6:00 pm. This wasn't done. He spoke about his frustration with how Commissioner Longtin and Hockman have been treated. They were looking into things that people can't look into themselves. CRA is number one and meters are number two. He mentioned that he hopes with the new Commission, that Commissioner Longtin and Hockman will be treated better. He indicated that he has issues regarding the CRA and how residents are told new businesses are coming and never come forth. CRA is taking care of those blocks but if should take care of the whole CRA. He hopes that everyone gets along on the Commission and that things get done.
3. *Jim Lloyd, 220 Lake Shore Dr.* – stated that in the past couple of months he has learned that this Town is full of nice folks. He thanked all those that welcomed him into their homes. He stated that he realized that this Town's government needs some improvement. He stated the actions of those who run things, only occasionally coincide with State and local law. He stated that he is happy to be part of Citizens Requiring Accountability from Politicians intend to keep an eye on Town Hall. He explained that [www.Thestreetwhereyoulive.wordpress.com](http://www.Thestreetwhereyoulive.wordpress.com) is a blog where anyone can go to read from citizens talking about the Town and 1-877-500-6560 for more information on the organization.

4. *Susan Lloyd, 220 Lake Shore Dr.* – see “exhibit A”

Mayor DuBois asked the Citizens Requiring Accountability from Politicians group to refer to itself by their full name. He also asked Ms. Lloyd if she would mind entering her document (Exhibit A) into the record. Ms. Lloyd agreed.

**Motion: Vice-Mayor Rumsey made a motion to receive and file the document; Commissioner Stevens made a second.**

Attorney Baird explained that the Public Comment Cards were kept on file as well.

5. *John Mede, 220 Lake Shore Dr.* – Congratulated the new Mayor and Commissioner Stevens. He explained that what started out as an email joke to friends and neighbors asking them to become members of Citizens Requiring Accountability from Politicians started to form into what it is now an awareness for both sides. He stated that the majority of people do have opinions on political matters, but fail to voice or act upon them and consequently end up accepting political decisions made on their behalf by elected officials. He stated that this was true from the local, County, State, and Federal levels. He explained that on the news there is always some type of news regarding how government has acted in such a way that people ask themselves “how did that happen”. He explained that what Citizens Requiring Accountability from Politicians intends to do is bring awareness and understanding to both sides of the political process, of those that represent and those that are being represented. Citizens Requiring Accountability from Politicians is to be a form of informational exchange asking how decisions are made and what has gone into the thought process of the action being taken by the elected representatives. Citizens Requiring Accountability from Politicians will be a place where citizens may go and ask questions regarding issues that affect their day to day lives and what determines the course of action that is being taken by their representatives and how the representatives arrive at their decisions. He explained that the political accountability needs to be revised. He stated that the basic components are the elected officials and their constituents and how a disconnect occurs. He explained how the pendulum swings both ways, which is what caused Citizens Requiring Accountability from Politicians to rise. He stated that he hoped the humor in the name will continue in an effort to keep the attention on matters that indeed impact lives. He explained the Citizens Requiring Accountability from Politicians is an open exchange of information. He stated that what it is not is bashing organization or group of activities who are trouble makers. He stated that respect is a requirement, which also swings both ways so that a member of Citizens Requiring Accountability from Politicians is bound to be respectful of both process and players regardless of a representative’s position. He quoted Vice-Mayor Rumsey’s saying of “We can disagree without being disagreeable”. Citizens Requiring Accountability from Politicians would like to see that moving forward and although some may be offended by the acronym, they will become aware of the intent, which is to raise citizen awareness and input and have the political representatives aware of their

positions prior to making decisions. Citizens Requiring Accountability from Politicians intent is to make transparent government exactly what it says it is, because now that is not the case.

6. *Priscilla Chase, 810 2<sup>nd</sup> Ct.* – Congratulated Mayor DuBois and Commissioner Stevens. She expressed her concerns about vacant and abandoned homes. She gave the Commission a copy of a newspaper article (see exhibit “B”) regarding the topic. She spoke about a house around her property that is abandoned and is an “eye sore” and made reference to other streets that need attention. She asked the Commission to consider more attention to this topic.

Mayor DuBois explained that there was an Ordinance that did not pass concerning registered homes and would like to see this come up again. Commissioner Longtin asked if they could bring it up now. Attorney Baird suggested that it be brought up under Commissioner’s Comments.

7. *Al Jacquet, West Palm Beach* – spoke to the Commission and citizens on behalf of State Representative Mack Bernard. He congratulated the new Mayor and Commissioner. Mr. Jacquet brought a legislative update handout for the citizens to review, which is attached as Exhibit “C”.

#### **CONSENT AGENDA:**

3. Regular Commission Meeting Minutes of May 18, 2011
4. Special Call Commission Attorney – Client Meeting Minutes of May 23, 2011
5. Regular Commission Meeting Minutes of June 1, 2011
6. Regular Commission Meeting Minutes of June 15, 2011
7. Resolution No. 17-07-11 Northlake Boulevard Task Force Interlocal Agreement for a Five Year Extension
8. Resolution No. 22-06-11 Interlocal Agreement National Pollutant Discharge Elimination System (NPDES) Third Term Permit
9. Purchase of Commercial Dumpsters
10. Award of Bid for “Eyes on Park Avenue” – Park Avenue Security Camera System to Econocomm Inc. d/b/a Mobile Communications

#### **Public Comment Open.**

*None*

#### **Public Comment Closed.**

Commissioner Hockman asked that item numbers 3, 7, 8, and 10 be pulled from the Consent Agenda for discussion.

Commissioner Longtin also asked for item number 4 to be pulled from the Consent Agenda for discussion.

**Motion: A motion was made by Commissioner Hockman to approve item number 5, 6, and 9 on the Consent Agenda; Vice-Mayor Rumsey made the second.**

Vote on Motion:

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

Motion passed 5-0

Commissioner Hockman stated that item number 3 on the Consent Agenda had a misprint in the minutes on page 30, it states the payout will be \$10,000 and should actually be \$110,000.

Commissioner Longtin also mentioned that on page 9 of the minutes, it mentioned that Commissioner Longtin stated "...the reserves are not that important." She says she doesn't recall saying that and wanted to clarify that by saying "Reserves are ultimately extremely important."

Attorney Baird recommended that the Clerk to check the quote but said the minutes could not be changed after the fact. He explained that if in fact it was incorrect, the Clerk could make that change. If it was correct, then the minutes of this meeting would be used as record of clarifying that statement.

**Motion: A motion was made by Commissioner Hockman to approve item number 3 on the Consent Agenda with the appropriate corrections; Vice-Mayor Rumsey made the second.**

Vote on Motion:

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

Motion passed 5-0

Commissioner Longtin stated that in item number 4 on the Consent Agenda, that there was another gentleman in attendance at the Attorney-Client meeting and his name is not listed in the minutes.

Attorney Baird stated that the minutes can only reflect what was stated at the meeting.

Town Manager Davis mentioned that the gentleman's name was Larry Cook.

Vice-Mayor Rumsey explained that from what he remembers, what is in the minutes is what he read before they went upstairs. Mr. Cook was not in the Commission Chamber and was actually upstairs when they got there.

**Motion: A motion was made by Commissioner Stevens to approve item number 4 on the Consent Agenda; Vice-Mayor Rumsey made the second.**

Vote on Motion:

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

Motion passed 4-1

Commissioner Hockman stated that on item number 7 on the Consent Agenda, on page 6 of 6 it was not reflecting the current Mayor's name.

The Mayor stated that the administrative change will be made.

Commissioner Hockman questioned the possible payout of up to \$5,000.00 on the Northlake Boulevard Task Force contract.

Town Manager Davis explained that historically this was in the contract but that the Northlake Boulevard Task Force has waived the requirement and she believes that the Task Force will mostly likely do the same this year, pursuant to an understanding between the parties to the Interlocal Agreement.

**Motion: A motion was made by Commissioner Stevens to approve number 7 on the Consent Agenda; Vice-Mayor Rumsey made the second.**

Vote on Motion:

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

Motion passed 4-1

Commissioner Hockman stated that on item number 8 on the Consent Agenda, he will have to abstain from voting on this because of past and future work of contracts.

Commissioner Longtin wanted to know what obligations or responsibilities this agreement holds us to if it is passed.

Public Works Director David Hunt explained the requirements of this agreement regarding pollution discharge. He explained that the Town has no other responsibilities other than to follow their interpretation of the permit and to pay our annual dues of approximately \$4,000.

**Motion: A motion was made by Commissioner Stevens to approve item number 8 on the Consent Agenda; Vice-Mayor Rumsey made the second.**

Vote on Motion:

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

Motion passed 4-0, 1 Abstained

CRA Project Manager Richard Pittman discussed item number 10 on the Consent Agenda the "Eyes on Park Avenue" bid. He gave a brief overview of what was required for these cameras as well as their intent.



Commissioner Hockman asked if the Town has upgraded its electrical at this point.

Project Manager Pittman responded “no” and explained that there is a transformer at several locations and that the conversion for providing the electrical service is part of the contract, except for behind the Post Office.

Commissioner Hockman asked approximately how much money will the Town have to spend on this project.

Project Manager Pittman explained that Casper Electric gave a quote of \$1, 200.00 to upgrade the alley, but there will also be a monthly Internet service cost.

Town Manager Davis explained that the Information Technology Director was out of Town and that she would be happy to have him get an actual monthly cost and she will provide this information to the Commission.

Vice-Mayor Rumsey asked to get an actual monthly cost for connection to the Internet to see exactly what we are looking at.

Town Manager Davis mentioned she would be happy to get that number for them, but reminded them that this is a time-sensitive matter. She asked that Virginia Martin, Grants Writer, speak to the Commission.

Grants Writer Martin confirmed the time-sensitive nature of this item and that it had been previously postponed until a full Commission was in place. She explained that if the national debt ceiling not raised, all funds not committed will be returned to the Federal government.

Town Manager Davis affirmed this.

Mayor DuBois asked if the contract is contingent on the grant money and clarified that the Town will not enter into the contract without the grant. He asked about the service agreement in view of the warranty period.

Project Manager Pittman informed the Commission that there is a one-year warranty. He explained that the extended warranty will take the Town over budget. He explained that after the one-year warranty time is up, the Town is responsible.

Commissioner Stevens asked what the poles will withstand in terms of wind load.

Project Manager Pittman stated the transmitter could withstand 118 mph and the cameras could withstand 110 mph. The fiberglass poles are 10 years old could withstand 140 mph.

Commissioner Longtin asked who would be monitoring the cameras, and asked if he will be the Palm Beach County Sheriff’s Office (PBSO).

Project Manager Pittman explained that no one will be sitting 24 hours a day looking at them. He explained that they are available for PBSO to look at on the Internet when they need to and they will have the capabilities to look at a “real time” view on their laptops.

Commissioner Longtin asked after the initial year who warranties them. She asked why not cameras in other areas, for example the ball fields.

Project Manager Pittman assured Commissioner Longtin that once the contract is over, the Town would be responsible for the cameras.

Commissioner Longtin also asked why we had to put ten cameras on three blocks. She mentioned that we should put cameras in the ball fields and industrial park because we have issues there.

Town Manager Davis explained that we already have cameras at the ball fields from the last grant.

Commissioner Longtin asked if those were functional.

Town Manager Davis explained that the cameras had been hit by lightening and were being fixed.

Commissioner Longtin asked if the cameras were being replaced at our cost.

Town Manager Davis explained that it was.

Commissioner Longtin asked if we could just take the cameras from this grant and put them at the ball fields to replace the ones that were not working.

Town Manager Davis explained that this grant was already written and could not be changed to relocate the cameras. She explained that it would not fit into the scope of work for the grant.

Commissioner Longtin asked how many cameras were at the ball fields.

Town Manager Davis was not sure and mentioned that she would get back to the Commission with that answer.

Grant Writer Martin mentioned there are eight cameras at the ball fields.

Commissioner Longtin explained that she will be voting “no” on this.

Mayor DuBois asked her to hold off on that decision because he wanted to go for a motion, and then discuss that for debate, if there is a motion and a second. Mayor DuBois then asked for a motion and a second so they could, in fact, discuss the issue.

**Motion: A motion was made by Commissioner Stevens to approve item number 10 on the Consent Agenda conditioned on the cost of Comcast being no more than \$300.00 yearly; Vice-Mayor Rumsey made the second.**

Vice-Mayor Rumsey questioned Commissioner Stevens if it was \$300.00 monthly or annually.

Commissioner Stevens answered “yearly.”

Vice-Mayor Rumsey mentioned that he was confused about the grant and if we actually had the money or not. He stated that he knows it is a time-sensitive issue.

Grant Writer Martin explained that we already had the money but we have to spend the money or we may have to send it back to Washington, and that all funds not expended could be recalled.

Mayor DuBois tried to recap the situation by saying we have a free system being installed at basically very little cost for the Town with added security and confidence to the CRA and Park Avenue for as long as it will survive. He explained that whatever time we get out of it and whatever maintenance we can put into it, we will be ahead. He said he saw it as a win if the system was approved.

Commissioner Longtin explained that she feels the need to be fiscally responsible no matter if it is Lake Park taxpayer money, County taxpayer money, State taxpayer money, or Federal taxpayer money. She feels that having ten cameras on three city blocks is too much. She reiterated that she will be voting “no” on this subject.

**Motion: A motion was made by Commissioner Stevens to approve item number 10 on the Consent Agenda conditional of the cost of Comcast being no more than \$300.00 yearly; Vice-Mayor Rumsey made the second.**

Vote on Motion:

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

Motion passed 3-2

**ORDINANCE ON FIRST READING:**  
**Ordinance No. 04-2011 K-Mart Rezoning**

**PUBLIC HEARING:** Quasi-Judicial Hearing

Ex parte Communication:

**Mayor DuBois:** stated that he had spoken to Nadia DiTommaso about this project. He has had no other communications.

**Commissioner Hockman:** stated that he spoke with Mr. Gentile a month ago. He explained that he was going to abstain from voting due to past and possible future working contracts.

**Commissioner Stevens:** stated that he was on the Planning and Zoning Board when this matter first came up. He declared no ex parte communication.

**Commissioner Longtin:** stated that she spoke Mr. Gentile regarding the project.

**Vice-Mayor Rumsey:** none.

Community Development Director Nadia DiTommaso explained the request for rezoning. She reassured the Commission that there is no development being proposed at this time. Gentile, Holloway, O'Mahoney and Associates, Inc. are working on behalf of the owner of the property. She explained that they want to change the zoning from a Commercial-1 (C-1) property to a PUD (Planned Unit Development) and she explained the Code regarding a PUD. She stated that by doing this, it will subdivide the property and it would presumably facilitate the likelihood of future redevelopment, which would benefit the Town with possible increased tax base. She explained that it would also bring the property into legal conforming use and that the Town will still have full control over the site. She explained that the Planning and Zoning Board reviewed this twice (April 4, 2011 and May 2, 2011). The Planning and Zoning Board recommended approval to the Town Commission with the conditions to add some additional plantings along the south and west property lines. She stated that staff is recommending that the Town Commission grant the approval of the change in zoning and that the applicant was here to give a presentation as well.

Dodi Glas, representative for Gentile, Holloway, O'Mahoney and Associates, Inc., gave a Powerpoint presentation (see exhibit "D") to the Commission. She gave more history on the PUD's and spoke about how the property would be broken into three separate parcels. She stated that now they have to abide by standards to two different Codes (Town and the Northlake Boulevard Overlay Zone [NBOZ]). She explained that the Town Code is older than NBOZ and these Codes differ in three different areas – landscaping, parking, and open space. She explained on slide 14, the parking difference with each of the Codes which impacted the landscaping as well. She explained that on slide 18 the buffer points and their variations, and that she would be happy to answer any other question the Commission may have.

Attorney Baird stated that the witnesses were not sworn in and proceeded to swear them in.

Commissioner Hockman reiterated that he could participate pursuant to the new County Ethics Law effective June 1, 2011 concerning conflicts of interest.

Vice-Mayor Rumsey apologized to the applicant for not being at the previous meeting and forcing them to have to come back a second time. He asked about splitting the property into three owners and who would be the ultimate decision maker when it came to landscaping.

Dodi Glas explained that unity of control designates the entity in charge.

Vice-Mayor Rumsey asked if another business came in and wanted to purchase their portion of the property would this apply to them as well.

Dodi Glas explained that the plat dictates the subdivision and that no division can occur until the Commission reviews it and the documents are in place.

Commissioner Stevens thanked the applicant on the landscaping improvements and also wanted to know if there were any downsides to the Town if they approved the PUD.

Dodi Glas explained it would only be a downside if the Commission decided they didn't like the new design. She stated that sometimes a PUD is seen as a way of getting around the Code, but that the PUD standard is higher because there are design elements that have to be met rather than just Code.

Commissioner Longtin stated that, in her opinion "this site is one of the ugliest sites in Town". She stated that this site is a prime location being at the entrance of Town, and that this is where the landscaping should be required and brought up to Code.

Mayor DuBois explained to Commissioner Longtin that this portion of the meeting is for her to ask questions of the applicant.

Commissioner Longtin asked the applicant why they couldn't get rid of the wheel stops and put in landscaping islands.

Dodi Glas explained that the parking stops were standard requirements at the time of installation and that today it meets the standard and at this time, they do not want to redesign the parking lot. She explained that they could come back at a later time to request the redesign of the lot.

Commissioner Longtin commented that the Commission could ask, in lieu of approval, to "green up" the space. She expressed concern with the process. She indicated that more would need to be done on the parking lot.

### **Public Comment Open:**

*Brent Headberg, 220 Lake Shore Dr.* – questioned the process for this agenda item and asked why this hearing was not publicized if this is an actual quasi-judicial hearing. He stated that he wants to see the notice that went out and the advertisement that went in the newspaper.

Town Manager Davis said she would be happy to provide the advertisement.

Mayor DuBois responded that this is a first reading and that the Ordinance will come back on second reading for additional discussion at that time.

Mr. Headberg commended Gentile, Holloway, O'Mahoney and Associates, Inc. for their plans and stated they are very well done. He explained that he is in support of this project and stating that he just wants clarification on the process of this hearing. He stated that he will formally request the information, if needed. He said we need to add as much as we can to enhance the landscape, etc. He is "all for it".

Mayor DuBois recommended that if he requests information in the future that he provide his contact information.

Mr. Headberg said he will send this information by email.

### **Public Comments Closed**

There were no comments from Commissioner Hockman and Vice-Mayor Rumsey

Commissioner Longtin expressed concern that she doesn't see any agendas or minutes from the Planning and Zoning Board on the Town's website. She explained that a gentleman came to one of the Planning and Zoning meetings to speak, but is not sure of his concerns. She wasn't sure if he was contacted. She stated she thought we had to send out notices to surrounding property owners and wasn't sure if that had been done. She felt we should ask for more landscaping and had concerns with drainage. She explained that she hasn't seen any issues lately, but it is still a concern. She would like to see what the Planning and Zoning Board had to say about this issue in writing. She wasn't sure if surrounding property owners were notified and would like to see landscaping improved. She explained that she will be voting "no" on this issue.

Mayor DuBois suggested that she should not tell her vote because it prejudices other's votes. He explained that there will be a motion and a second and once that is done there will be time for debate and she can discuss that then.

Attorney Baird advised the Mayor that it is perfectly permissible to discuss how they may vote or suggest how they may vote if things are done.

Mayor DuBois explained about what he remembered from being a member of the Planning and Zoning Board when Chick-Fil-A came up. He stated that he missed the

improvement to K-Mart in general but recalled some really good discussion on this project. He recalled that there was not much that could be done on this site because of the non-conforming issues and lack of set-back. He recalled that the Planning and Zoning Chairman did everything that he could to improve landscaping. He stated that Chick-Fil-A came in under the Northlake Boulevard Overlay Zone, which contains architectural standards. He stated that with each application that comes to the Town under the PUD, there will be control in place that wasn't there before as this pertains to future applicants. He looked forward to this.

**Motion: A motion was made by Vice-Mayor Rumsey to approve the K-Mart Re-zoning ordinance; Commissioner Stevens made the second.**

Vote on Motion:

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

Motion passed 3-1, 1 Abstained

Attorney Baird read Ordinance No. 04-2011 by caption- only.

**DISCUSSION AND POSSIBLE ACTION**

**Resolution No. 23-06-11 Signature on Bank Account**

Finance Director Anne Costello explained the Code issues with Section 2-85 and Section 2-222 which are in conflict, but she stated that she will be addressing that at a later date with an amendment to the Code to make it not conflict with itself. She stated that she is in need of authorized signers, and needs someone to be appointed to join the Mayor and Vice-Mayor as signers.

Commissioner Longtin nominated Commissioner Stevens to be the third signee.

**Motion: A motion was made by Commissioner Longtin to appoint Commissioner Stevens as a signatory; Commissioner Hockman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Longtin	X		

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

Motion passed 5-0

**Designation of voting Delegate and Alternate (s) to the Palm Beach County League of Cities, Inc.**

Mayor DuBois stated he would be happy to provide that service if that is what the Commission decides.

**Motion: A motion was made by Commissioner Longtin to have the Voting Delegate in the following order of Mayor DuBois, Vice-Mayor Rumsey, Commissioner Stevens, Commissioner Hockman, Commissioner Longtin; Commissioner Hockman made the second.**

Vote on Motion:

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

Motion passed 5-0

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

**Commissioner Hockman** explained that he met with the Town Manager, the Finance Director, and Marina Director concerning the “Majestic Princess” and its seizure. He expressed his disappointment and stated for the record, “The Town has never sent an email, a notice, or anything in regard to the payment that was made was unsatisfactory.” He hopes that from now on staff will now put things of this nature in letter form and not just hearsay. He stated that a lot of people have been asking what was going on about it. The Majestic Princess did get behind in what they owed the Town and were making payments. He explained that word got out about them doing a contract with West Palm and people ‘jumped the gun’ and thought the owner was going to “jump ship” and not pay the Town what they owed. He explained that they were making payments by the



agreement. He was told that the Town never made an email or any other notification that further action would be taken. He stated that he doesn't feel that this is a way to conduct business with our businesses in Town.

He asked the Town Manager if she would let him know by the next Commission meeting what the status was on the metal building at 115 U.S. Highway 1. He stated that he knew the first contractor backed out and the second, he is assuming, backed out. He thought this because the building is still standing and nothing has been done on it.

He stated that there have been a lot of rumors going on around Town. He said the first rumor is that on July 3, 2011, he was at the Marina and saw the parking lot was full. He noticed five boats backing up. He asked them why they were backing up and they responded that the Marina was full and there was no place to park. He stated that he noticed that the lot that we paid \$2.4 million for was empty and locked. He said that he went down and asked the dock attendant why we were not parking in there. The dock attendant replied that there was no key and he didn't know who had it. He stated that he made arrangements for the boats to park at Winn Dixie and went home to email the Town Manager as to why we are not utilizing the lot. He stated the Town Manager replied that "we can't use the lot because we need funds to open up the north fence and install a sliding gate." He mentioned, for the record, "Per the minutes in the August 4<sup>th</sup> meeting and again in October, the Town Manager stated that all was needed was to paint the stripes and the Town staff could do that and wouldn't cost very much." He expressed concern that costs seem to be climbing and he sent the Town Manager another email asking why we need the fence and that it should be removed. He stated the Town Manager replied that it was for security reasons. He stated that recently the security company had changed the hours and he is not sure who is watching the un-gated part of the Marina between the time when the staff leave at 5:00 p.m. or 5:30 p.m. and the security company gets there at 10:00 p.m. or 11:00 p.m. He explained that all this led to an email he received on Thursday that made him very disappointed. He explains that in this email he was being accused of threatening employees. He explained that the email explained that he was down at the dock threatening and demanding that the attendant open up the gate or else he wouldn't have a job on Tuesday. He stated that he wouldn't have done that because he was already told that the attendant didn't have a key, so why would he demand that it be opened. He mentioned that there are a lot of accusations going around about him that are not his personality. He stated that because of the lies and accusations, he is going to step down as the Library Board's liaison. He doesn't want to see any other charges or accusations against him. He is very disappointed with how things are going.

**Vice-Mayor Rumsey** welcomed Mayor DuBois and Commissioner Stevens to the dais and stated that he looks forward to working with both of them. He hopes that the Commission will be doing a proclamation for former Commissioner Osterman for her service to the Town. Mayor DuBois wanted to know if there was consensus of the Commissioners for doing that proclamation.

Commissioner Longtin explained that she did not want to vote for it because Ms. Osterman moved away in October and should not have collected the money she received nor made the votes she voted on. She believes that Ms. Osterman should have stepped

down when she moved away and believes Ms. Osterman owes the Town approximately \$5,000.00. She pointed out that Ms. Osterman never apologized for her actions and doesn't feel that they should reward her. She stated that she does wish Ms. Osterman and her family a wonderful life and states that she will be voting no.

**Motion: A motion was made by Vice-Mayor Rumsey to offer a proclamation to former Commissioner Patricia Osterman for her years of service to the Town of Lake Park; Commissioner Stevens made the second.**

Vote on Motion:

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

Motion failed 2-3

Vice-Mayor Rumsey explained that he had gone to breakfast with Mr. Mede of the Citizens Requiring Accountability from Politicians organization. Mr. Mede told him all about Citizens Requiring Accountability from Politicians and he looks forward to reading what they have to say and feels it is an excellent program. He hopes they really do keep the organization going with a "positive light" as Mr. Mede had mentioned. He wishes the organization well.

Vice-Mayor Rumsey spoke about the 4<sup>th</sup> of July celebration and that because of budget cuts it was canceled again this year. He mentioned that it had been a wonderful celebration. He has decided that it was time to "Bring Back the Boom." He felt as a community, we can bring the fireworks celebration back and he would like to see if around early September we could have our Parks and Recreation Department put together a solid budget as to what it would cost to put on a fireworks show. He stated that then he would like to see the community get behind and do what it takes to raise the money to make it happen. He explained that he knows there are some businesses in the community that will step up and will help us make it happen. He stated that there isn't much that this Town can't do when they get together. He looks forward to everyone working together and contributing to bring this back the last weekend of June.

**Commissioner Stevens** stated he was in support of bringing the fireworks back. Going door-to-door this is what he heard. He stated that fireworks and parking meters were the big issues when he was running for office. He stated that as far as the fireworks are concerned, the combination of community support and support of big business it is feasible without having to use Town funds.

He stated that on the issue of parking meters, he “knows it does generate significant revenue for the Town.” He would like to see the Town explore the decal issue and suggested using a system similar to Lake Worth’s system for their beaches. He realizes that there may be funding restraints, but he would like us to look into it.

He explained that it was a pleasure serving on his first Commission meeting and looks forward to working together with everyone to address the issues of Lake Park. He was very happy to see the turnout at the meeting and hopes everyone continues to attend the meetings, continues to contact us, and truly makes us accountable to the residents who voted us in.

**Commissioner Longtin** was concerned that the Planning and Zoning minutes and agendas were not located on the web site.

She congratulated Mayor DuBois and Commissioner Stevens and welcomed them to the Commission.

She questioned Commissioner Stevens regarding the comment he made about the parking meters making money. She suggested that he confirm the figures he has been given.

Commissioner Stevens clarified his statement by saying that the meters were not money makers, but a “source of revenue.”

Commissioner Longtin wanted to point out that expenses exceeded the revenue on the meters.

She commended Vice-Mayor Rumsey for “thinking outside of the box” regarding bringing back the fireworks. She stated that she hopes it works out because it is something she hears a lot about. She commented that money is not being budgeted in certain direction.

She wanted to make sure that people were aware of the websites that inform the public. She stated that [www.lakeparkflorida.gov](http://www.lakeparkflorida.gov) was pretty good. [www.municode.com](http://www.municode.com) will give you the Code for pretty much every municipality in the United States. She reminded everyone that you can make a Public Records Request pursuant to Florida Statute 119, and that we have to give you what you request.

Commissioner Longtin requested that the Town Manager give an update every meeting or at least once a month on the restaurants on Park Avenue. She stated that Casper’s is open for business and is a lovely little restaurant.

Commissioner Longtin asked about the new Deputy Town Clerk and asked for her name.

Mayor DuBois informed the Commission that her name was Kelly Avery.

Commissioner Longtin congratulated and welcomed Kelly and stated that she was in awe of the Town Clerk’s Office.

She mentioned that Palm Beach County has excellent hurricane information on their website ([www.pbc.com](http://www.pbc.com)). She stressed that special need residents need to pre-register with the County Emergency Operations Center (EOC) at 1-561-712-6400. Pets need to be pre-registered with Animal Control as well. She spoke of a past hurricane issue as an example of the need to register. She stressed getting a plan in order and if anyone knows of a neighbor who has special needs to remind or help them to register.

Commissioner Longtin brought up the issue of the bank Ordinance. She explained that she wanted to vote on this before, but felt it should be done in a lawful manner and felt it was not done that way initially. She asked the Mayor to consider putting it back on the agenda.

**Motion: A motion was made by Commissioner Longtin to put the bank registration ordinance on the agenda with possible amendments; Commissioner Stevens made the second.**

Vote on Motion:

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

Motion passed 4-1

Attorney Baird asked Commissioner Longtin if she could put in writing to staff what was not done correctly so we can correct it.

Commissioner Longtin thanked the citizens who went out, got informed, and voted.

Mayor DuBois mentioned that the bank registration Ordinance will be brought back and asked when it could be brought back.

Town Manager Davis and Attorney Baird confirmed it could be brought back in August as soon as they receive the corrections.

**Mayor DuBois** feels there needs to be a formal liaison to the Boards for the Town and to show support. He asked the Commission to allow him to be the liaison for the Planning and Zoning Board.

**Motion: A motion was made by Commissioner Longtin to appoint Mayor DuBois as Liaison to the Planning and Zoning Board;**

Attorney Baird informed the Commission that a motion wasn't necessary, just a consensus.

The Commission gave consensus to have Mayor DuBois be the liaison for the Planning and Zoning Board.

Mayor DuBois explained that they may visit the issue of him being the liaison for the other Boards at the next Commission meeting.

Mayor DuBois asked Attorney Baird if text messages were appropriate at the dais.

Attorney Baird said it was fine.

Mayor DuBois stated that Vice-Mayor Rumsey talked about the sponsorships of the 4<sup>th</sup> of July celebration. He feels that the Easter Egg Hunt should be one of the most important events and he asked the Finance Department to look into finding out how much the event would cost. He feels that maybe sponsorship may be just the thing to get the ball rolling. He suggested that the Commission could consider "sponsoring" the Easter Egg Hunt. He suggested that maybe later we could jump into the Irish Fest and the fireworks celebration. He feels if it isn't too much, that maybe the Commission could take a little deduction out of their next 26 pay checks to fund the Easter Egg Hunt.

Town Manager Davis agreed to finding out how much it would cost.

Mayor DuBois feels that we should also have sponsorship drives to fund afterschool programs and mentors for kids.

**Attorney Baird** welcomed and congratulated Mayor DuBois and Commissioner Stevens.

Attorney Baird informed the Commission that our current Magistrate has resigned and that she accepted a position of General Counsel of the South Florida Water Management District. He stated that in the past, the Town Attorney has recommended the Magistrates, and he recommended Gary Brandenburg. He explained that Mr. Brandenburg was a Magistrate for Palm Beach County for many years and is the former County Attorney for Palm Beach County and Indian River County. Attorney Baird stated that Mr. Brandenburg is very qualified and even lives in North Palm Beach. Mr. Brandenburg could get here in a hurry, if necessary. He asked for a consensus to accept Mr. Brandenburg.

Commissioner Longtin asked if he was related to Mary Brandenburg.

Attorney Baird reported that he was not.

Commissioner Longtin commented that she doesn't even know this gentleman.

Commissioner Stevens wanted to know if it was possible to bring back the Code Enforcement Board. He agrees with Commissioner Longtin in the fact that they don't know Mr. Brandenburg and feels that a resume would be nice to review.

Mayor DuBois commented that he has met Mr. Brandenburg once or twice and does feel that a resume would be nice to see.

Attorney Baird agreed to have a resume submitted to the Commission.

Commissioner Stevens stated he totally trusts Attorney Baird's judgment, but wants to know if the Code Enforcement Board is something they could discuss. The consensus was to discuss this at a future meeting.

Mayor DuBois asked the Town Attorney if he could get Mr. Brandenburg's resume circulated via email.

Attorney Baird agreed.

Mayor DuBois asked if we should just wait until we get the resume or if we have a Magistrate Hearing coming up.

Attorney Baird stated that there is a hearing August 4, 2011. He stated that the Commission could do a Special Call meeting to discuss this one topic. It could possibly be done the same day that we have the Budget Workshop.

Commissioner Stevens asked if this was a contract we were signing with Mr. Brandenburg.

Attorney Baird responded with a "yes".

Commissioner Hockman asked if the contract was a big one or just a couple thousand a year.

Attorney Baird stated that he thought it was an hourly rate and said it should be consistent with the same hourly rate that he received.

Commissioner Longtin said she would like to see the contract.

Mayor DuBois stated that we could schedule it at the Budget Workshop.

Town Manager Davis agreed.

**Town Manager Davis** congratulated Mayor DuBois and Commissioner Stevens and stated that she looks forward to working with both of them.

She informed the Commission that the Palm Beach County Ethics Commission requires each municipality to go through Ethics Training. This includes the Commission, staff, and all Boards. She wanted to know if the Commission wants a separate meeting or to tag it along with a regular Commission meeting and explained that staff and the Commission will have to attend. She explains that the Advisory Boards will have to have different training than the others.

Mayor DuBois wanted to know if they will come out to each of the Board meetings.

Town Manager Davis stated that she did not think they want to do that. She stated that the Commission on Ethics would prefer to do one meeting for the Boards together and a separate meeting for everyone else.

Mayor DuBois suggested scheduling it for a meeting where we have a light agenda.

Commissioner Longtin suggested scheduling it as a separate meeting because when it comes to questions, it could last awhile.

Vice-Mayor Rumsey agreed with Commissioner Longtin to conduct it as a separate meeting.

Vice-Mayor Rumsey asked if they are charging us to come out for these meetings.

Town Manager Davis stated that they were not because we are already paying for it.

Mayor DuBois instructed Town Manager Davis to go ahead and set up a meeting.


Vice-Mayor Rumsey asked Town Manager Davis if we had a time set for the July 27, 2011 Budget Workshop.

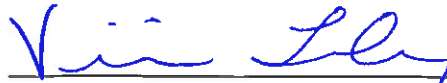
Town Manager Davis responded that the meeting would begin at 6:00 pm.

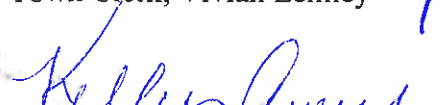
Commissioner Longtin stated that she found the Planning and Zoning minutes and agendas on the web site. They are under the Community Development tab. She mentioned that she could not find April's agenda or minutes.

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 Hockman, and by unanimous vote, the meeting adjourned at 9:56 p.m.

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

  
\_\_\_\_\_  
Town Clerk, Vivian Lemley

  
\_\_\_\_\_  
Deputy Town Clerk, Kelly Avery



Approved on this 17 of August, 2011



Hello, my name is Susan Lloyd and I live at 220 Lakeshore Dr.

I am a member of a newly formed organization named Citizens Requiring Accountability from Politicians-in short CRAP.

Within the last few months by eyes have been opened regarding our Towns Government.

The special election was a real eye opener.

Were laws broken before and during the campaign? I believe yes.

Having a commissioner move out of Lake Park and still reside on the <sup>Commission</sup> ~~board~~ for 5 months, voting on issues and collecting a paycheck. Law broken.

When the mayor position became open there should have been a temporary Mayor assigned immediately Not done Law broken.

During the campaign seating <sup>Commission</sup> ~~board~~ members and a member of the House of Representative campaigned openly for a candidate. Law broken.

Rumor has it that public work employees where told not to talk to one candidate at all and solicit votes during working hours for the other candidate. Law broken.

Campaign signs placed in <sup>swale</sup> ~~swells~~ and on Town property. Law broken.

50 campaign <sup>SIGNS MISSING</sup> ~~stolen~~: Law broken.

I found it very interesting to see the picture of the winning candidate in the Palm Beach Post surrounded by Lake Park employees.

Does this sound like sour grapes....its not its CRAP Citizens Requiring Accountability from Politicians.

Money flows thru this town like water thru a sieve.

The town paying 2.4 mil for property appraised at \$700,000

The town paid \$65,000 for employee handbooks. Original estimate was \$4,500-went to \$15,000 and then they paid \$65,000.

The Marine boardwalk- that lovely green carpeting over plywood covering the sinking pavers has to date cost the town \$150,000!

The parking meters --original cost-final cost with all ~~additional expenses~~

<sup>150,000</sup>  
150,000 - then all of a sudden there were extra fees - and how do we make money when we owe money.

## Commission

I ask this ~~board~~ that in the future any item that is presented by the town manager- large or small – especially ones that involve money are thoroughly scrutinized.

No item should be pushed thru quickly.

Ask numerous questions and know who she is dealing with.

If you vote in favor of an issue that involves money- put in a stipulation that if the cost is greater than originally stated that the vote is null and void and must come back up for review.

Your bosses – the citizens – are going to demand it.

CITIZENS REQUIRING ACCOUNTBILITY FOR POLITICIANS – CRAP – I encourage all Lake Park Citizens to join this organization. We need to watch closely all activities that goes on in Lake Park. Call us at 877-500-6560 for more information.

See you at the next meeting.

"exhibit 13"

ROYAL PALM BEACH

# Banks held responsible for abandoned homes

*The village wants to know who to contact if upkeep is necessary.*

By MITRA MALEK  
Palm Beach Post Staff Writer

ROYAL PALM BEACH — The house next door might be abandoned, but if the village has its way, it won't look like it.

A new local ordinance calls for the at least 400 vacant or foreclosed homes in the village to be registered and maintained.

"Somebody needs to be tagged with responsibility, keeping the pool working, screens up, just maintaining the property," Councilman David Swift said.

"It's been very difficult

for us to do. We need to have a legal means."

Village staff is sorting out the kinks of putting the new rules in place, namely hiring a company that would track foreclosures and match them to mortgage companies or banks.

It's unlikely banks are going to know straight away that they must register a home bound for foreclosure, Village Manager Ray Liggins said.

They will, though, when the village sends a notice to them requiring a \$150 registration fee and contact information.

"If there's a problem, we

See HOMES, 4B ▶

# Boynton Beach's program working

▶ HOMES from 1B  
"I have someone to call," Liggins said.

But it's the ordinance's maintenance requirement that gets the banks' attention, Liggins said.

"That's kind of the real kicker," he said. "Banks must monitor property if people vacate. Our goal is to keep all properties maintained and consistent with codes."

Boynton Beach adopted a similar program in February 2010, and city officials say it has worked

"It provides us with a good opportunity to make sure things are kept up," said Boynton Beach City Manager Kurt Bressner.

Bressner said he's had "zero complaints from surrounding property owners associated with foreclosed homes," since the city started the program.

A total of 1,264 properties have registered, and the city has collected \$65,250 from the program since it fiscal year started in October.

The point though isn't collecting code enforcement fines, which properties are subject to if they aren't maintained, Boynton Beach officials said.

"In some cases we are able to contact management companies to abate the nuisance prior to starting a case," said Diane Springer, the city's code compliance coordinator. "If we do have to cite the property, the bank information provided by FPRC ensures the notices of vio-

lation and hearing are going to the correct person handling that foreclosure."

FPRC is an abbreviation for the company with which Boynton Beach works to run its program: Federal Property Registration Corp., based in Melbourne. Boynton Beach is handling details to work with same vendor.

The new ordinance, which the village council passed in late April, should stop housing values from deflating and keep neighborhoods safer, council members said.

"It gives us what we need to keep the community up, the houses up to standard, so we do not adversely affect the rest of those homes around which may be on the market," Councilwoman Martha Webster said. "It makes for a good quality neighborhood."

Not everyone believes the registrations programs are without drawbacks however.

That's because some properties get registered in the *lis pendens* stage which is a notice of possible foreclosure, perhaps never to be realized.

"We're concerned that you're capturing a lot of people who don't have these vacant, abandoned foreclosed homes," said Dionna Hall, senior vice president of the Realtors Association of the Palm Beaches.

"Banks pay fees, and then distribute them to the rest of us."

©mitra\_malek@pbpost.com



Legislative Update  
**State Representative  
Mack Bernard**  
District 84

**Capitol Office:**

1201 The Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399  
(850) 488-8632

**District Office:**

526 24th Street  
West Palm Beach, FL 33407  
(561) 650-6880

**Belle Glade Office:**

110 Dr. Martin Luther King Jr. Blvd. W  
Belle Glade, FL 33430-3900  
(361) 829-1857

**Legislative Assistant:**

Al Jaquet

**District Secretaries:**

Bobby Powell  
Theresa Fordham Jones

**Committee Memberships:**

- Redistricting Committee
- Health & Human Services Committee
- Economic Development & Tourism Subcommittee
- Civil Justice Subcommittee
- House Redistricting Subcommittee
- Insurance & Banking Subcommittee
- Transportation & Economic Development Appropriations Subcommittee

Dear Friends and Neighbors,

Thank you for the honor of serving you in the Florida House of Representatives. As always, I appreciate your vote of confidence.

Without a doubt, it's good to be back in House District 84 after a challenging 2011 legislative session. Each day of the nine-week session, I was reminded that Floridians remain worried about the economy and that our focus must be on creating jobs and improving livelihoods.

I proudly sponsored 13 bills this legislative session. Eight of those bills passed the House and four passed the Senate, as well. As of this newsletter, three of the bills have been signed into law by the Governor. They include legislation that increases penalties for domestic violence offenders, prohibits Florida from doing business with companies in Iran and the Sudan, and provides additional consumer protections for insurance customers. Unfortunately, there also was some backsliding of progress on key issues and many decisions were made without my support.

At the center of controversy was the debate over how to craft a new annual state spending plan. Just as many households are making ends meet with reduced revenue, the State of Florida faced a stiff challenge creating a balanced budget without the federal stimulus dollars that helped us get by in recent years.

I hope you find this legislative update to be a useful source of information on the 2011 session. If you have any questions or would like to discuss any issues, please call my office at 561-650-6880, or send me an e-mail at [mack.bernard@myfloridahouse.gov](mailto:mack.bernard@myfloridahouse.gov). And as always, if there is anything that I can do to assist you, feel welcome to contact my office.

Thank you for giving me the opportunity to represent you.

Sincerely,

Mack Bernard



## BUDGET

The state budget, approved without my support in the final hours of the session, provides crucial funding for important projects; but it fails, in my opinion, to meet the overall needs of Floridians.

Arguably, not a single new job was created as a result of this budget, yet nearly 5,000 positions are eliminated. And though some contend it was balanced without raising taxes, the spending plan relies upon savings from a salary reduction, or what I call a personal income tax, of 3 percent on teachers, firefighters, police officers and hundreds of thousands of other participants in the Florida Retirement System.

In my opinion, this nearly \$70-billion spending plan is balanced on lopsided priorities. It appears to me that it allows multi-state and multi-national corporations to pay less than their fair share. And yet, it cuts spending on everything from public schools to affordable housing and environmental protection.

Deep cuts to public schools means funding to educate Florida's children will be reduced by \$1.35 billion. Per-student funding declines by a whopping \$542 to \$6,267 per student, or what amounts to an 8-percent cut. This produces the lowest per-student funding in Florida since the Fiscal Year 2005-06 state budget.

The budget raids millions of dollars from state trust funds intended to pay for priorities such as road construction, environmental land purchases, affordable housing, and fighting fraud. It also freezes spending for Florida Forever, the state's land-buying program, and reduces spending for Everglades restoration.

I fear the budget will cause real pain, and potentially threaten the health, safety and well-being of many Floridians. For instance, the budget slashes Medicaid reimbursement rates for hospitals and nursing homes, health departments, and non-emergency transportation. It also reduces spending on the Healthy Start program for women and infants.



Representative Bernard speaking on the floor of the Florida House of Representatives

## PUBLIC SAFETY

I believe protecting the safety and security of the public is the fundamental role of government. Floridians deserve a justice system that guarantees due process, a corrections system that provides secure prisons, and law enforcement that protects and serves all Floridians.

In this tight budget year, the Legislature focused on funding the core functions of the courts, prisons, and law enforcement. The good news is, Florida didn't have to resort to the early release of dangerous criminals into our neighborhoods and communities. The bad news is, despite my opposition, the Florida Legislature voted to close the Glades Correctional Facility, eliminating several hundred jobs.

On a brighter note, Florida finally took action on the prescription drug abuse epidemic that has plagued our state for many years. In fact, more than seven people a day are dying from prescription drug abuse in Florida, and the state's current policies have been unable to

adequately address this egregious problem. In concert with Governor Scott and Attorney General Bondi, the House worked to build consensus around an aggressive and all-inclusive solution that tackles this crisis in Florida from all angles.

This bipartisan legislation fights the prescription drug epidemic on multiple levels, but it most importantly stops the problem at the source. By prohibiting doctors from dispensing medically unbelievable amounts of the most dangerous drugs, the epidemic of prescription drug abuse in Florida can be quickly and effectively put to an end. This legislation also gives law enforcement the support and tools necessary to combat the illicit distribution of controlled substances.

I believe the legislation passed this session, although not perfect, protects our most vulnerable, guards our neighborhoods from the scourge of harmful drugs, and preserves the fundamental rights we enjoy as Americans.





## HEALTH CARE

In spite of the difficult budget challenges facing Florida, the Florida House remained committed to providing vital health care services to Floridians to the greatest extent financially possible. This year, the Legislature increased health care spending by 5.03% to provide quality health care for the neediest Floridians.

For individuals in Florida's Medicaid program, this session's reforms are bringing more accountability to the system, cracking down on fraud, and improving patient care by moving to a statewide managed care program. This move will ensure costs are controlled while delivering better and more stable services to Floridians who depend on Medicaid for their health care needs.

The Legislature restored full funding to important programs such as the Meds AD and the Medically Needy program, impacting approximately 42,115 beneficiaries in the Meds AD program and 46,096 beneficiaries in the Medically Needy program.

The Legislature also stepped up for our seniors in need of care. No one wants to stay in a nursing home if they can avoid it, and the quality of life for our seniors is higher if they can receive care at home or in their community. To address this, the legislature voted to increase the number of nursing home diversion slots, which will now allow nearly 19,000 of Florida's frailest elders who would otherwise qualify for Medicaid nursing home placement to receive necessary services in their homes or stay in their communities.

The Legislature also realized the strain that recent budget reductions had placed on Florida's developmentally disabled individuals and their families. We worked hard to protect services for Florida's developmentally disabled citizens to help maintain their quality of life and to make sure that our most vulnerable will continue receiving the care they need.



# EDUCATION

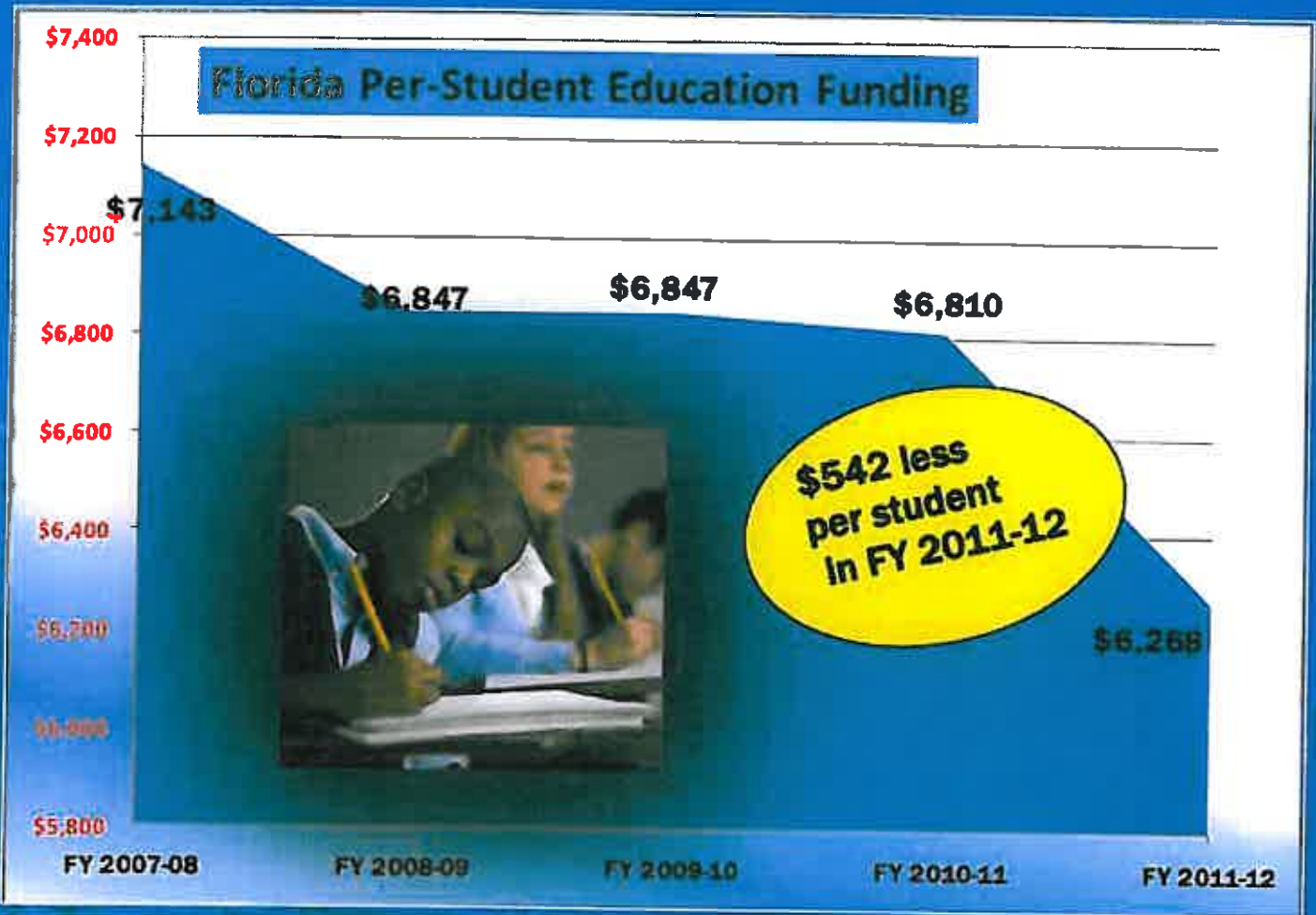
I believe Florida's economic recovery will not be complete until we establish a world-class education system for students and educators. But that goal will become harder to meet, in my opinion, under this year's state budget and certain bills that passed the Legislature.

Most glaringly, this Legislature significantly cut education funding, authorizing a disappointing 8-percent reduction in per-student funding at public schools.

Raising standards, demanding accountability and offering innovative opportunities are widely supported approaches toward attaining higher student success. But I have found in Tallahassee that often legitimate debates

on education reform have become political in tone. This year, I opposed the creation of a complex new teacher evaluation plan that many educators have said will be detrimental to teaching in Florida. The strategy requires all new teachers in Florida, starting July 1, to be evaluated on their effectiveness according to yet-developed measurements that will be based partially on students' FCAT scores.

Legislation also passed that is designed to relax enforcement of the 2002 amendment regarding class sizes by, among other changes, expanding the list of core courses that are exempt from the class-size limits.





# CONSTITUTIONAL AMENDMENTS

**Seven Constitutional Amendments passed this session that will be on the ballot in 2012:**

**Smart cap:** If approved by voters, Senate Joint Resolution 958 will limit future growth in state revenues to a formula based on population growth and inflation. If the state collects money in excess of the cap, that money will go first to the budget stabilization fund and then to school property tax reductions. This cap includes state spending only and does not apply to local governments.

**Property taxes:** Would give first-time homebuyers a property-tax discount and lower the cap on the annual rise in assessments for non-homestead property from 10 percent to 5 percent.

**Property taxes:** Would expand a property-tax discount for veterans injured in combat.

**Abortion:** Bans the use of public dollars to pay for abortions

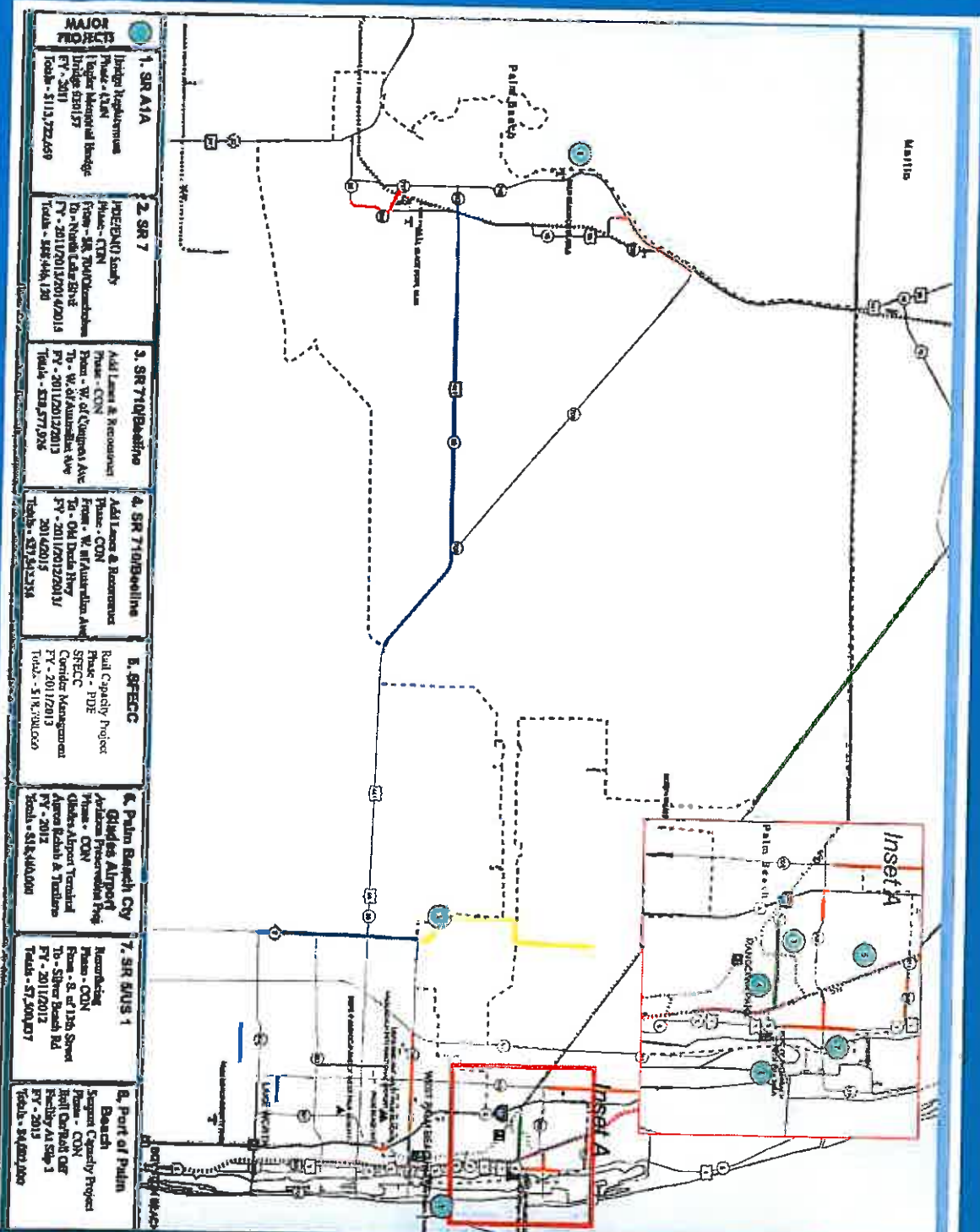
**Faith-based groups:** Repeals a Reconstruction-era constitutional amendment that bans using state dollars for religious purposes. Sponsor Sen. Thad Altman said it would allow the state to partner with successful church-affiliated social programs such as substance-abuse treatment.

**Health care:** Would ban mandated health care, an attempt to block President Obama's reforms.

**Courts:** Would require Senate confirmation of Supreme Court justices and give the Legislature greater power to review court rules.



# PROPOSED TRANSPORTATION IMPROVEMENTS FOR DISTRICT 84



<p><b>1. SR A1A</b>                  Bridge Replacement                  Phase - LTR                  Budget Modified Budget                  FY - 2011                  Total - \$113,722,459</p>	<p><b>2. SR 7</b>                  I-95/US 70/US 7                  Phase - CTN                  From - SR 710/US 7                  To - SR 710/US 7                  FY - 2011/2012/2013/2014                  Total - \$48,946,120</p>	<p><b>3. SR 710/Baseline</b>                  Add Lane &amp; Reconstruction                  Phase - CON                  From - W. of Congress Ave                  To - W. of Australian Ave                  FY - 2011/2012/2013                  Total - \$20,577,926</p>	<p><b>4. SR 710/Baseline</b>                  Add Lane &amp; Reconstruction                  Phase - CON                  From - W. of Australian Ave                  To - US 70/US 7                  FY - 2011/2012/2013/2014                  Total - \$7,513,354</p>	<p><b>5. SRECC</b>                  Rail Capacity Project                  Phase - PDE                  SRECC                  Corridor Management                  FY - 2011/2013                  Total - \$18,200,000</p>	<p><b>6. Palm Beach CV</b>                  Charles Airport                  Aviation Preservation Proj                  Phase - CON                  Charles Airport Terminal                  Altera Ramps &amp; Taxiway                  FY - 2012                  Total - \$18,400,000</p>	<p><b>7. SR 505 1</b>                  Interchange                  Phase - CON                  From - S. of 13th Street                  To - Silver Beach Rd                  FY - 2011/2012                  Total - \$7,500,000</p>	<p><b>8. Part of Palm Beach</b>                  Segment Capacity Project                  Phase - CON                  Hill Overpass CR                  Facility A1 Step 1                  FY - 2015                  Total - \$4,000,000</p>
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Transportation Improvements  
**Florida at Work**  
 FLORIDA HOUSE DISTRICT 84





**State Representative Mack Bernard**  
526 24th Street  
West Palm Beach, FL 33407  
(561) 650-6880

PRESORTED STANDARD  
U.S. POSTAGE  
PAID  
WEST PALM BEACH  
FLORIDA  
PERMIT 593

## TAX RELIEF

I believe keeping Florida a low-tax, low-cost state is vital to our state's prosperity. This session, the Legislature passed several pieces of legislation aimed at providing tax relief for Floridians.

Through a combination of tax-relief measures and appropriations, the Legislature shaped an Economic Development Package that provides \$126 million in economic development incentives. We also approved a 3-day, back-to-school sales tax holiday on clothing, shoes, and school supplies.

Additionally, Florida lawmakers passed legislation to provide corporate income tax relief to Florida's businesses. The measure we passed will actually

eliminate the corporate income tax for approximately 15,000 of Florida's small businesses.

Tax relief is not just about providing relief to families, seniors, and businesses - it is also about stimulating our economy. I believe we can speed up our economic recovery by keeping taxes and burdensome government regulations low, reducing state spending while maximizing the value of every tax dollar the state collects, and pursuing policies that encourage entrepreneurship and re-investment in our state.



# The Plaza at Lake Park

(aka: K-Mart Shopping Plaza)

**Request for:  
Rezoning  
Presented to:  
Town of Lake Park  
Commission Meeting**

**July 13, 2011**





# K-Mart Plaza



# Planned Unit Development (PUD)

- A **Planned Unit Development (PUD)**, is both a type of building development as well as a regulatory process.
- A **PUD** is a designed grouping of varied and compatible land uses, such as housing, recreation, **commercial centers**, and industrial parks, all within **one unified development** or subdivision.





# Planned Unit Development (PUD)

- PUD was created in the code and more recently expanded in 2008 to provide standards for both commercial and residential PUDs
- PUD creates a mechanism for subdivision
- PUD allows for flexible design standards (waivers)
- PUD provides special regulations for project area rather than modifying policies Town wide.



# Why PUD

- Older shopping center / pre-existing conditions
- Creates ownership opportunities
- Addresses mix of uses
- Future marketing and re-investment
- Maintains uniformity across the site





# K-Mart Plaza



Gentile  
Holloway  
O'Mahoney

# Request

- Rezone to Planned Unit Development (PUD)
- Sub-Divide property into 3 parcels/ tracts



# Background

- Center Developed in 1974
- Multiple improvements approved late 1990's & early 2000's
- Chick-Fil-A approved in August 2, 2006
- December 2010 Rezoning requested



# Request

## Rezone to Planned Unit Development (PUD)

- PUD creates a mechanism for subdivision
- PUD allows for flexible design standards (waivers)





Northlake Blvd.  
(aka The Road Aved)

Mechanical Levels

Additional Levels

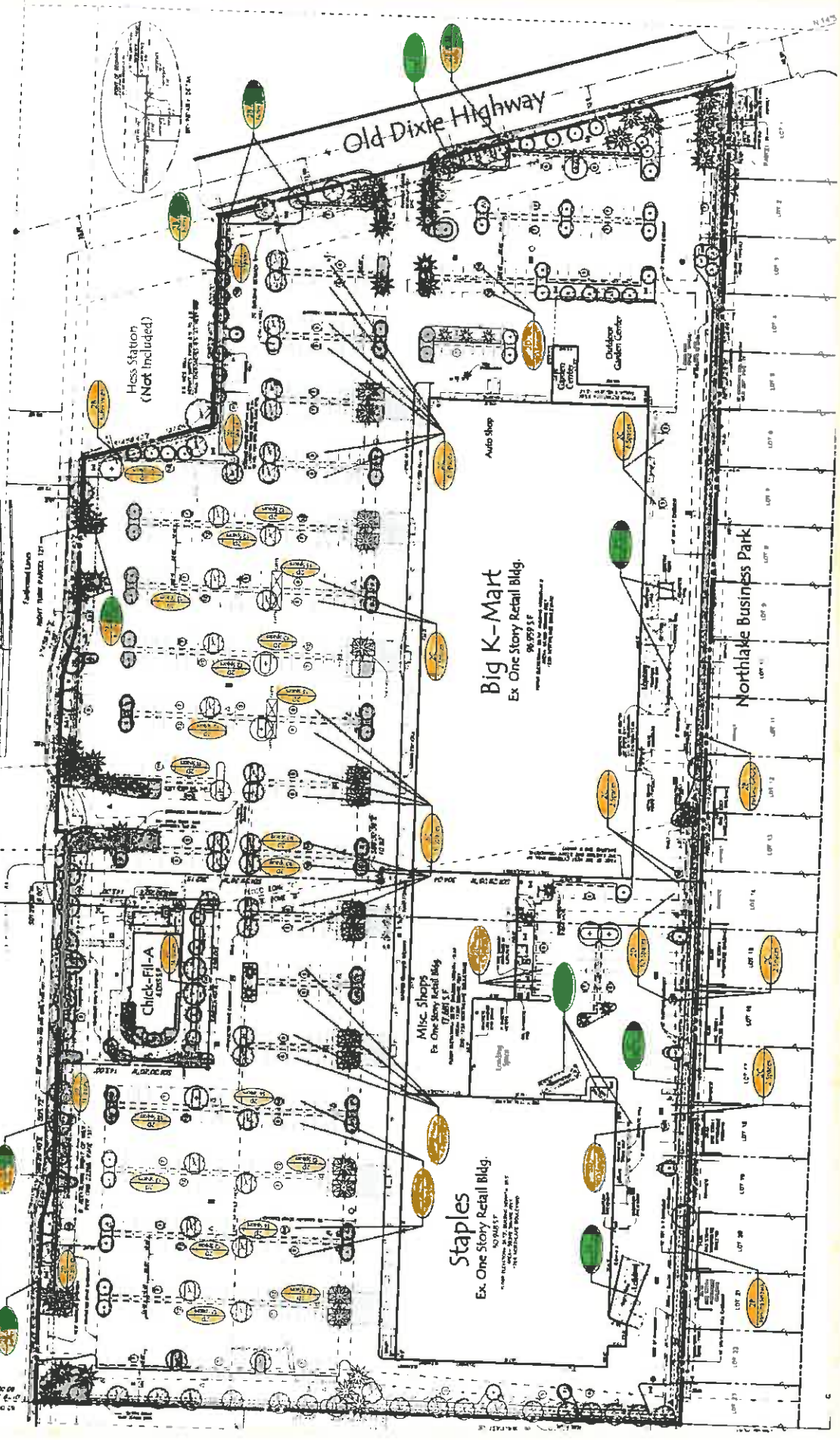
Lot 1

Lot 2

Lot 3

Lot 4

Lot 5



# Waivers

Waivers reflect the EXISTING conditions, establishes a record.

Waivers reflect policy from 2 codes (Town & NBOZ)

3 Types of Waivers:

Open Space

Parking

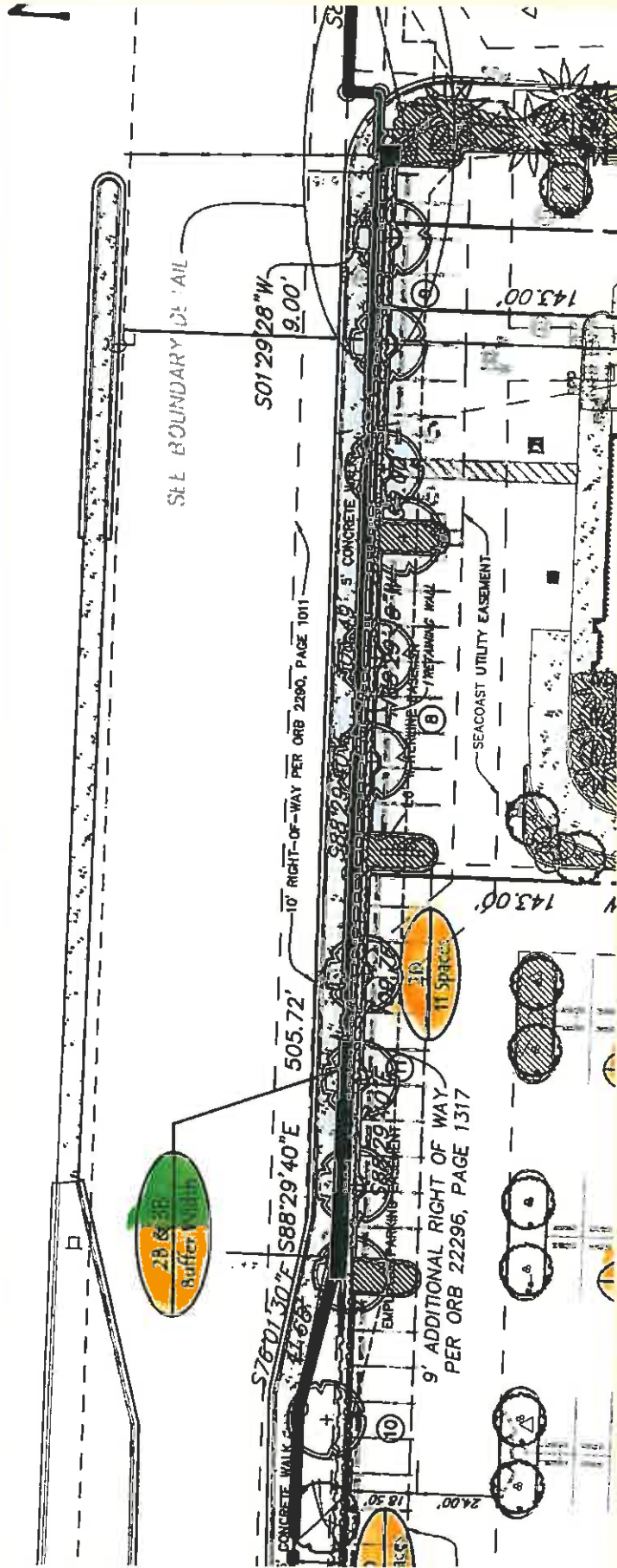
Landscaping



# Code Comparison

	Waiver#	Code Section (NBOZ or LP)	Description:	Required:	Existing:
1. Open Space	1	Section 6-2 (NBOZ)	Min. Open Space Required	15%	11%



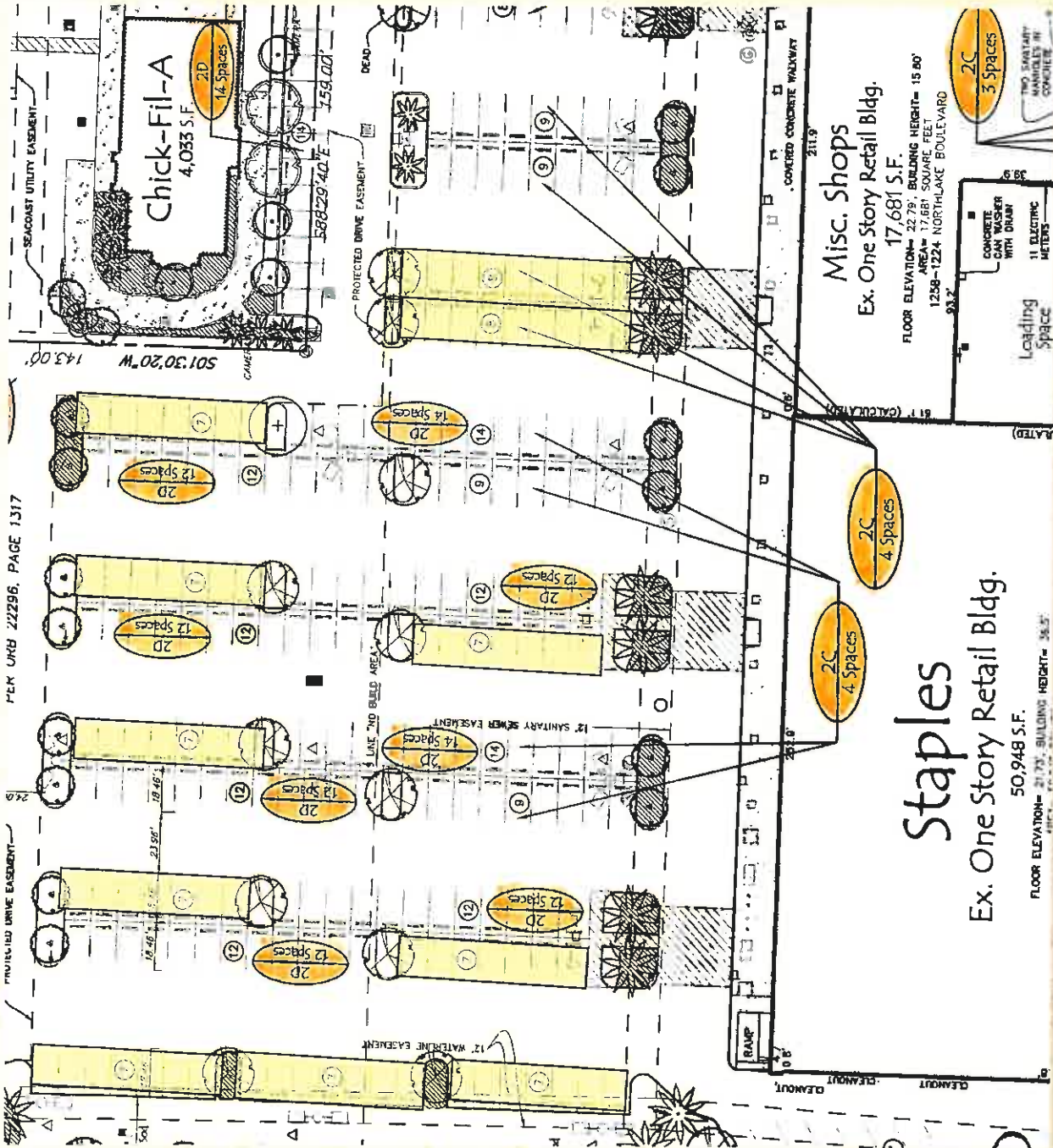




# Code Comparison

	Waiver#	Code Section (NBOZ or LP)	Description:	Required:	Existing:
2. Parking	2A	Section 78-142-1(LP)	Required No. of Parking Spaces	918 spaces	798 spaces
	2B	Section 6-2 (NBOZ)	Parking Setback	Front & Side Street: 10' Rear: 15'	3.3' & 8.82' 9'
	2C	Sec. 4-10 A.1 (NBOZ) Sec. 78-253(c)(1)(LP)	Parking area min. shade tree spacing	No Parking space more than 40' from shade tree	39 spaces affected
	2D	Sec 4-10 B (NBOZ)	Landscape Islands	Required every 9 spaces	28 rows w/ more than 9 spaces in a row





# Staples

Ex. One Story Retail Bldg.

FLOOR ELEVATION= 21.73', BUILDING HEIGHT= 36.5'

# Misc. Shops

Ex. One Story Retail Bldg.

FLOOR ELEVATION= 22.79', BUILDING HEIGHT= 15.00'  
 AREA= 17,681 SQUARE FEET  
 1258-1224 NORTHLAKE BOULEVARD

# Chick-Fil-A

4,033 S.F.

# Code Comparison

	Waiver#	Code Section (NBOZ or LP)	Description:	Required:	Existing:
5. Landscaping	3A	Sec. 4-10 F1 (NBOZ) Sec. 78-253(h)(4) (LP)	Hedges/Screening	All parking, loading or storage areas shall have cont. 3' hedge	None provided loading
	3B	Sec. 4-11 (NBOZ) Sec. 78-253(h)(1) (LP)	Landscape Buffer Widths	R/W Buffer = 15' Min. (NBOZ) Perimeter Buffer = 8' Min. (LP)	5'-35' 8'-10'
	3C	Sec. 4-11 (NBOZ) Sec. 78-253(h)(2) (LP)	Planting – Buffer Trees	116 trees (NBOZ) 122 trees (LP)	85 Buffer Tree





Gentile  
Holloway  
O'Mahoney





# Rezoning to a PUD

- NOT increasing intensity or square footage
- NOT making any site modification



# P&Z Meeting

## **P&Z Condition:**

**Add landscaping in the form of additional plantings to the hedge lines along the south and west property lines.**





## **Request: Rezone to PUD**

- **No additional intensity or square footage proposed**
- **Waivers reflect the EXISTING conditions**
- **Waivers intended to establish record**





**Section 78-77 4(a) states: A pre-existing development may convert its site to a PUD in order to provide for the subdivision of individual lots within the boundaries of the newly created PUD. Such a request shall not be required to conform to the regulations of this subsection 4 as part of such a request as long as no development is proposed.**



Northlake Blvd.  
(Gate Park Road Way)

Northwest Corner

Eastwood Lane

Northwest Corner

Northwest Corner

Northwest Corner

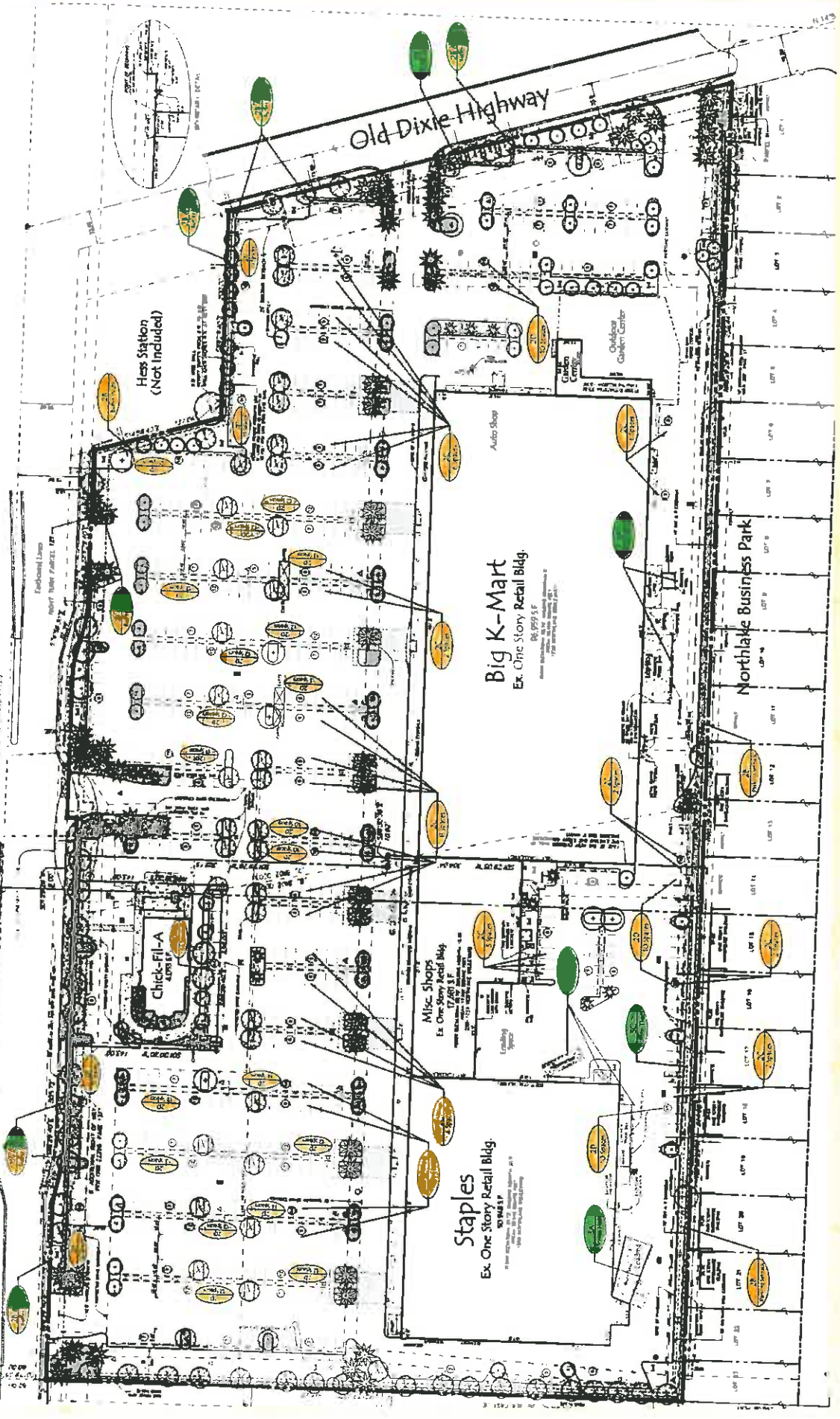
Northwest Corner

Northwest Corner

Northwest Corner

Northwest Corner

Northwest Corner



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