



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, October 2, 2013, 6:45 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 2, 2013 at 6:45 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Town Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**SPECIAL PRESENTATIONS/REPORTS**

Mayor DuBois stated that a Public Comment Card had been received.

**Public Comment:**

*Eugene Zuravlov, 128 E Jasmine Drive*, commented on Proclamations presented to Staples and Publix.

**1. Proclamation Honoring Lisa Colgan for her Years of Service on the Library Board**

Mayor DuBois read the Proclamation.

**2. Proclamation Honoring Staples in Lake Park**

Mayor DuBois presented the Proclamation.

**3. Proclamation Honoring the Lake Park Kiwanis**

Mayor DuBois presented the Proclamation.

**4. Proclamation Honoring Publix in the Northlake Promenade Shoppes**

Mayor DuBois presented the Proclamation.

**5. Proclamation Honoring the Toyota Motor Corporation and Earl Stewart Toyota**

Mayor DuBois presented the Proclamation.

**PUBLIC COMMENT:**

None

**CONSENT AGENDA:**

Mayor DuBois requested that item 8 Regular Commission Meeting Minutes of September 18, 2013 be pulled from the consent agenda.

- 6. **First Public Hearing on the Budget Minutes of September 10, 2013**
- 7. **Special Call Regular Commission Meeting Minutes of September 10, 2013**
- 8. **Regular Commission Meeting Minutes of September 18, 2013**
- 9. **Resolution No. 27-09-13 Authorizing the Mayor to Sign the Application for State Aid to Libraries**
- 10. **Resolution No. 35-10-13 Authorizing the Mayor to Approve the Town Piggybacking the "Hurricane / Disaster Debris Removal, Reduction and Disposal Agreement" Between the Solid Waste Authority and CrowderGulf Joint Venture, Inc.**
- 11. **Resolution No. 36-10-13 Authorizing the Mayor to Approve the Town Piggybacking the Hurricane / Disaster Debris Removal, Reduction and Disposal Agreement" Between the Solid Waste Authority and Phillips and Jordan, Inc.**
- 12. **Declaring Certain Town Owned, Tangible Personal Property as "Surplus" and Eligible for Disposal**
- 13. **Consenting to the Execution of the Interlocal Agreement for the Final Termination and Dissolution of the South East Risk Management Association**

**Motion: A motion was made by Commission O'Rourke to approve Consent Agenda Items 6-7 and 9-13; Vice Mayor Glas Castro made the second.**

Vote on Motion:

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

Motion passed 5-0.

**8. Regular Commission Meeting Minutes of September 18, 2013**

Mayor DuBois stated that the following statement was reflected in the September 18, 2013 minutes on page 5: "Mayor DuBois recommended that the item be changed to specify that the Parking Permit is for the use of the ramp and that it is for a twenty-four (24) hour period. Commissioner O'Rourke spoke in opposition of the change because this is changing what the Commission is doing and thinks there needs to be proper notice and withdrew his second to the motion". He wanted to clarify that it was not his intent to request a large change in the advertised item on the agenda it was only intended that the item be modified and brought back to the Commission on another agenda. He stated that

he would generally not “pull the rug” out from under an agenda item and ask for it to be completely changed.

**Motion: A motion was made by Commission O’Rourke to approve the Regular Commission Meeting Minutes of September 18, 2013, with the qualifications made by Mayor DuBois; Commissioner Rapoza made the second.**

Vote on Motion:

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

Motion passed 5-0.

**BOARD APPLICANTS:**

Mayor DuBois invited the applicants to introduce themselves and give a brief history of themselves.

Ludie Francois introduced herself and provided background information about herself.

Erich Von Unruh introduced himself and provided background information about himself.

Martin Schneider introduced himself and provided background information about himself.

Gunny Brutus introduced himself and provided background information about himself.

Vice-Mayor Glas-Castro asked how many regular and alternate members are needed for the Planning and Zoning Board.

Town Clerk Mendez explained that the alternate member became a regular member when the Code changed. The Planning and Zoning Board currently has three (3) regular members. Therefore, there are two (2) regular member and two (2) alternate member openings on the Planning and Zoning Board.

Vice-Mayor Glas-Castro asked how many openings are on the Library Board.

Town Clerk Mendez explained that the Library Board currently has five (5) regular members and two (2) alternate members openings.

Commissioner O’Rourke asked if the alternate member would become a voting member when a regular member is absent at a meeting.

Town Clerk Mendez stated “yes”.

Vice-Mayor Glas-Castro asked if as a practice alternate members have been permitted to participate in discussion and if all the regular members are present would not be permitted to vote.

Town Clerk Mendez stated “yes”.

**14. Consideration of Erich Von Unruh as a Regular Member of the Planning and Zoning Board**

**Motion: A motion was made by Commissioner Flaherty to Nominate Erich Von Unruh as a Regular Member to the Planning and Zoning Board; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

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

Motion passed 5-0.

**15. Consideration of Ludie Francois as an Alternate Member of the Library Board**

**Motion: A motion was made by Commissioner O'Rourke to Nominate Ludie Francois as an Alternate Member of the Library Board; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

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

Motion passed 5-0.

**16. Consideration of Gunny Brutus as an Alternate Member of the Library Board**

**Motion: A motion was made by Commissioner Rapoza to Nominate Gunny Brutus as an Alternate Member of the Library Board; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		

Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**17. Consideration of Ludie Francois as a Regular Member of the Planning and Zoning Board**

Commissioner O'Rourke stated that based on the order of the applications on the agenda and there being two (2) regular and (2) alternate member openings on the Planning and Zoning Board that Ludie Francois would be appointed as a regular member and Martin Schneider would be an alternate member. He stated that Martin Schneider has experience as a Planner and that would be a valuable commodity for a member of the Planning and Zoning Board. He requested that Martin Schneider's application be considered first.

Vice-Mayor Glas-Castro suggested that Ms. Francois be nominated as an alternate member of the Planning and Zoning Board.

**Motion: A motion was made by Commissioner O'Rourke to Nominate Ludie Francois as an Alternate Member of the Planning and Zoning Board; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

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

Motion passed 5-0.

**18. Consideration of Martin Schneider as a Regular Member of the Planning and Zoning Board**

**Motion: A motion was made by Vice-Mayor Glas-Castro to Nominate Martin Schneider as a Regular Member of the Planning and Zoning Board; Commissioner Rapoza made the second.**

Vote on Motion:

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

Motion passed 5-0.

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

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

Town Manager Sugerman and Community Development Director Nadia DiTommaso explained the item (see attached Exhibit "A").

Mayor DuBois asked that the notice that is sent include language that the sign is currently a Legal Non-Conforming sign and that the sign does not meet current code requirements and requested that the sign is brought into compliance with the Code. He stated that the deadline for conformity has been in place for years and as some point the sign must be brought into conformity.

**Motion: A motion was made by Commissioner O'Rourke to adopt Ordinance 15-2013 on First Reading; Commissioner Rapoza made the second.**

Vote on Motion:

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

Motion passed 5-0.

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

**PUBLIC HEARINGS - ORDINANCE ON SECOND READING/QUASI-JUDICIAL:**

**20. Ordinance No. 14-2013 Adoption of Staff Initiated Text Amendment to Modify Chapter 22, Article III, of the Town Code of Ordinances Entitled "Mobile Vendors" Providing for Amendments Pertaining to Food and Merchandise Sales and Services by Mobile Vendors in the Town.**

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

**Motion: A motion was made by Commissioner O'Rourke to adopt Ordinance 14-2013 on Second Reading; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		

Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

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

**QUASI-JUDICIAL PUBLIC HEARING:**

**21. Resolution No. 34-10-2013 Request by Offlease Automart LLC to Establish a Vehicle Sales with an Accessory Vehicle Repair Shop Establishment for Minor Installations without the Use of Heavy Machinery for Repairs of the Drainage and/or Refilling of Vehicles with Fluids at 130110th Street in the C-1 Business District.**

Mayor DuBois opened the Quasi-Judicial Hearing.

Attorney Baird swore in the applicant, witnesses and staff.

Attorney Baird polled the Commission for ex-parte communication.

Vice Mayor Glas-Castro stated that she had e-mail communications with Community Development Director Nadia DiTommaso regarding the item and that she drove by the site.

Mayor DuBois stated that as part of his duties as liaison to the Planning and Zoning Board he attended the Planning and Zoning Board meeting when this item was considered. He did not communicate with staff regarding the item.

Commissioner O'Rourke stated that he spoke with John Beale, Realtor, regarding this property.

Commissioners Flaherty and Rapoza had no ex-parte communications regarding this item.

Community Development Department Director DiTommaso explained the item (see attached Exhibit "C").

Jerry Lee, Applicant, introduced himself and his partners Chris McKee and Dan Wyne. He advised that he did not have a formal presentation and that he was available to answer questions from the Commission.

**Commission Deliberation:**

Vice-Mayor Glas-Castro stated that the staff report and the site plan include a reference to a service area as a hub cap and rim installation area. She asked if this is going to be a shop where one could get designer rims and if not what will the area be utilized to do.

Mr. Lee stated “no”. He explained that the area will be utilized to replace tires and stated that they are not mechanics and that they will not be changing oil or anything of that nature.

Mr. McKee stated that is for the replacement of broken or missing hubcaps and rims that have been purchased for resale. They will not be open to the public for repairs.

Commissioner O’Rourke asked how long the applicant has been in the business of automobile sales.

Mr. Lee stated that combined they have been in the business over 90 years.

Commissioner Flaherty asked if other areas were looked at in the Town. He expressed concern about having a car lot on 10<sup>th</sup> Street which is the entrance to the Downtown area. Otherwise, he likes the business idea that the applicant is presenting.

Mr. McKey stated that they do not want to look like a car lot and that is why they like the 1301 10<sup>th</sup> Street location. He stated that this is not going to be the “typical retail” car dealership.

Mayor DuBois asked if the request for the use to do tire, hubcap and rim repairs is what has triggered the special exception section of the Town Code of Ordinances.

Community Director DiTommaso explained that vehicle sales requires special exception approval in the Commercial -1 (C1) zoning district and stated that the special exception is for Vehicle Sales and Accessory Vehicle Repair.

Vice-Mayor Glas-Castro asked if Vehicle Repair could be approved as a special exception.

Community Development Director DiTommaso stated “no”.

Mayor DuBois asked if vehicle sales without repair would also require special exception approval.

Community Development Director DiTommaso stated “yes”.

Vice-Mayor Glas-Castro asked if special exceptions run with the land or the business.

Attorney Baird stated that it would run with the land.

Vice-Mayor Glas-Castro asked if a condition of approval could be that the special exception runs with the business and not the land so that if the Town moved forward with redevelopment in the 10<sup>th</sup> Street corridor it would not be vested interest.

Attorney Baird stated that the Commission could not impose that condition because the zoning runs with the land. If the desire is to limit the repair aspect of the use, he suggested that condition four (4) “The repair shop component of the special exception



use shall be limited to minor installations only without the use of heavy machinery or fluids” be changes to “The business may be permitted to install tires, rims and hubcaps as necessary”.

Commissioner O’Rourke asked the applicant if they objected to the change.

Mr. Lee stated that they have no objection to the change in condition four (4).

Vice-Mayor Glas-Castro stated that the Code of Ordinance list the special exception as “Vehicle Sales and Accessory Repair Shop”.

Attorney Baird stated that if it is the Commission desire to limit the use of the property to vehicle sales and changing out tires, hubcaps and rims then any reference to the vehicle repair shop that appears in the Resolution should be eliminated. He stated that staff can make those changes based on Commission action and the Commission can adopt the Resolution as amended.

Vice-Mayor Glas-Castro suggested that the conditions also include that the changing of tires, hubcaps and rims only occur normal business hours when the sales operation is open to the public and that no outside vehicles will be accepted for service.

The applicant agreed to the changes to the conditions for approval.

Mayor DuBois asked if they will be taking trade-ins.

Mr. Lee stated “yes”. He explained that any trade-in that is deemed un-repairable or vehicle that they do not want to display in the lot, those vehicles would not remain on the property for an extended period of time.

Mayor DuBois asked if they received a delivery of vehicles could the delivery be maintained on the property.

Mr. McKee stated “yes”.

Vice-Mayor Glas-Castro stated that the existing fence on the south side of the property is chain-link and asked if that is what is being proposed for the north side of the property. She asked how the west side of the property is being secured.

Mr. Lee stated “yes”.

Mr. McKee stated that the west side will have the same fencing as the rest of the property with a hedge.

Commissioner O’Rourke asked if the hedge would be on the outside of the hedge.

Mr. McKee stated “yes”.

Vice-Mayor Glas-Castro asked if chain-link fence is allowed along a major corridor such as 10<sup>th</sup> Street.

Community Development Director DiTommaso stated “yes” and explained that the landscaping is required to be on the outside of the fence.

Commissioner O’Rourke asked what is the height of the fence.

Mr. McKee stated five (5) feet the same height as the hedge.

Mayor DuBois suggested an “estate” type of fence similar to fencing behind the Publix on Northlake Boulevard.

Mr. Lee stated that “estate” type fencing is expensive. He explained that the fence will be hedged so that it is hidden.

Mayor DuBois stated that a hedged fence creates a kind of “opacity” where a person could get in behind the fence at night whereas, the “estate” type fencing allows some transparency.

Mr. Lee stated that the business is not generating a lot of walk in traffic.

Mayor DuBois asked what hedge material will be used.

Mr. McKee stated that the hedge material will not be ficus and that it will be similar to the hedge material at the Bennett Auto Supply across the street. He stated that it is a Town approved xeriscape hedge. He stated that the hedge will be 32” at installation.

Mayor DuBois stated that for a number of years there will be a difference between the height of the hedge and the fence and that the chain-link fence would be visible.

Vice-Mayor Glas-Castro expressed concern about having chain-link fence along 10<sup>th</sup> Street and suggested bollards that would restrict vehicles from being removed or brought onto the property or an aluminum decorative fence.

Mr. McKee stated that they considered putting in posts similar to Vice-Mayor Glas-Castro’s suggestion but cost is a consideration. He stated that they cannot afford decorative fencing. He explained the reasons that chain-link has been chosen over posts. He stated that the main reason is security and access to the property.

Mayor DuBois stated that the Town has put a lot of effort into rehabilitating 10<sup>th</sup> Street and that the Community Redevelopment Agency (CRA) has provided a loan and a grant to this property. He suggested a four (4) foot fence. He asked what is the maximum fence height in the front of property in residential areas.

Community Development Director DiTommaso stated that the maximum fence height in residential areas is forty (40) inches and up to an additional six (6) inches for decorative features.

Mayor DuBois asked what is the maximum rear fence height in Commercial areas.

Community Development Director DiTommaso stated eight (8) feet.

Commissioner O'Rourke asked if the property is in the CRA boundaries.

Mayor DuBois stated "yes".

Commissioner O'Rourke stated that the restaurant that was at that location has been closed for approximately two (2) years and that it is his view that the Commission should work with these applicants to have a business operating at the property. He understands about the aesthetics because the Commission wants to make the Town better.

Mr. Wyne stated that he understands the Commission's concerns and that he is a stickler for the appearance of the overall area because he realizes the importance to them and the Town. He stated that they have been maintaining the property and improving the appearance by ensuring that trash is removed. He assured that the property will not be an eye sore. He stated that they need to be security minded and they will not put up a barrier that will be a stockade but will discourage someone thinking about stealing vehicle on the property. He stated that an aluminum fence does not provide the security necessary for this type of business.

Vice-Mayor Glas-Castro stated that chain-link fence is a deal killer for her.

Mayor DuBois asked what can be done to save money in order for the applicant to be able to install a better streetscape.

Mr. Lee asked for a description of decorative fence.

Mayor DuBois stated a rod iron, steel or aluminum material with spacing of four (4) inches apart or less and half-inch diameter.

Vice-Mayor Glas-Castro stated that Mercedes dealership on Alternate A1A has a low rail system and Arrigo Dodge has a low rail system and bollards.

Attorney Baird suggested that the Commission allow the applicant to work with staff to met the Commission's expectations.

Mr. Wyne stated that if the Commission wants a decorative fence then they will install a decorative fence. He stated that he spoke with Public Works Director Dave Hunt and he suggested the new fencing that was installed at the Marina, which is a pipe fence with a wire running through it. He stated that he can duplicate that fence and install a hedge and the fence will be hidden within a few months. He stated that will prevent anyone from taking vehicles from the property.

Mayor DuBois thinks that is the way to go and thanked the applicant for effort to work on the issue. He asked if the item was going to have to be brought back for the Commission to approve the changes.

Mr. Wyne stated that "time is money" and requested if possible that the Commission approve the item at this meeting.

Attorney Baird stated in order to accomplish the changes directed by the Commission the following changes to the Resolution would have to be made: (1) amended the title of the Resolution to delete "WITH AN ACCESSORY REPAIR SHOP ESTABLISHMENT", (2) amend the first Whereas clause of the Resolution to delete "with accessory repair shop", (3) amend Section 2 of the Resolution to delete "with accessory repair shop", (4) amend the plans referenced in Section 2 subparagraph (1) to delete references to vehicle repair shop so that the plans are consistent with the approved development order, (5) delete condition (4) and to add the condition that the business may be permitted to install tires, rims and hubcaps as necessary only during normal business hours when the sales operation is open to the public and that no outside vehicles will be accepted for service, (6) amend the plans, if they show a chain-link fence, to show a decorative fence, and (7) amend the Resolution to add the condition that a decorative fence is required along the west property line.

Town Manager Sugerman stated that the applicant does not think that a decorative fence is definitive enough for them to implement.

Vice-Mayor Glas-Castro asked if there is a name for the type of fence that was installed at the Marina.

Town Manager Sugerman stated that it is called a post and cable fence.

Mr. Wyne stated that they would submit a picture of the fence at the Marina with the Fence Permit.

**Public Comment:**

None

**Motion: A motion was made by Vice-Mayor Glas-Castro to approve Resolution No. 34-10-2013, as amended; Commissioner O'Rourke made the second.**

Vote on Motion:

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

Motion passed 5-0.

**NEW BUSINESS:**

**22. Canceling the January 1, 2014 Regular Commission Meeting**

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

**Motion: A motion was made by Commissioner O'Rourke to cancel the January 1, 2014 regularly scheduled Commission meeting; Commissioner Rapoza made the second.**

Vote on Motion:

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

Motion passed 5-0.

**23. Resolution No. 37-10-13 Recognizing Florida City Government Week October 20 - 26, 2013**

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

**Motion: A motion was made by Commissioner O'Rourke to approve Resolution No. 37-10-13; Commissioner Rapoza made the second.**

Vote on Motion:

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

Motion passed 5-0.

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

**Attorney Baird** no comments.

**Town Manager Sugerman** no comments.

**Commissioner O'Rourke** stated that he attended the Florida League of Cities Growth Management and Economic Development Committee meeting on September 20, 2013.

**Commissioner Rapoza** congratulated everyone that received a proclamation. She stated that she has a certificate of appreciation for Diane Bernhard for her contributions to the Summer Camp Program.

**Mayor DuBois** thanked Earl Stewart and Toyota Corporation for their donations to the Town. He stated that he has a letter to Governor Rick Scott regarding sober homes and

asked for the Commission to authorize him to sign it on behalf of the Town (see attached Exhibit "F").

**Motion: A motion was made by Commissioner O'Rourke to Authorize the Mayor to Sign the Letter; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

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

Motion passed 5-0.

Mayor DuBois stated that the letter is working concurrently with legislation that is being proposed regarding regulation on sober homes. He stated that the legislation looks promising. He confirmed that the Commission authorized the local Veterans of Foreign Wars (VFW) use of tables, chairs and a microphone speaker system for Veteran's Day. He stated that Trunk or Treat is coming up at the end of October. He thanked the Library for the opportunity to read to the kid's last night for the Twilight Hours Reading Program. He stated he will be reading "Otis" tomorrow for the kid's.

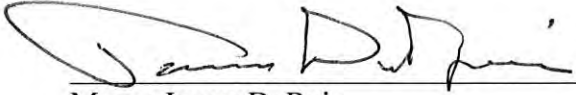
Commissioner Rapoza stated that Kiwanis wants to participate in Trunk or Treat and the Tree Lightning this year.

**Commissioner Flaherty** no comments.

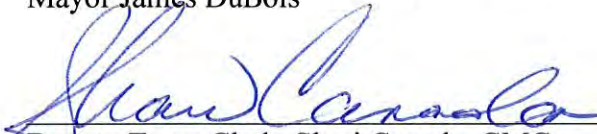
**Vice-Mayor Glas-Castro** no comments.

**ADJOURNMENT**

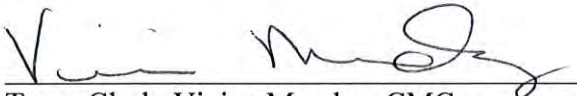
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 8:40 p.m.



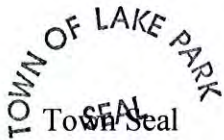
Mayor James DuBois



Deputy Town Clerk, Shari Canada, CMC



Town Clerk, Vivian Mendez, CMC



FLORIDA

Approved on this 16 of October, 2013

Exhibit "A"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 2, 2013

Agenda Item No. Tab 19

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

- [ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[X] PUBLIC HEARING ORDINANCE ON 1st READING
[ ] NEW BUSINESS
[ ] OTHER

Approved by Town Manager [Signature] Date: 9/20/13

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

Table with 3 columns: Originating Department (Community Development), Costs (\$0), Attachments (Ordinance 15-2013, Copy of Courtesy Letter from April 2011), Advertised (Date: N/A on 1st reading), and notification details.

Summary Explanation/Background:

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



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

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

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

**Staff recommends approval.**

**Recommended Motion: I MOVE TO APPROVE ORDINANCE NO. 15-2013 on first reading.**

Exhibit "B"



Town of Lake Park Town Commission  
Agenda Request Form

Meeting Date: October 2, 2013

Agenda Item No. *Tab 20*

**Agenda Title:** ADOPTION OF A STAFF INITIATED TEXT AMENDMENT TO MODIFY CHAPTER 22, ARTICLE III, OF THE TOWN CODE OF ORDINANCES ENTITLED "MOBILE VENDORS" PROVIDING FOR AMENDMENTS PERTAINING TO FOOD AND MERCHANDISE SALES AND SERVICES BY MOBILE VENDORS IN THE TOWN

- SPECIAL PRESENTATION/REPORTS  CONSENT AGENDA
- BOARD APPOINTMENT  OLD BUSINESS
- PUBLIC HEARING ORDINANCE ON 2<sup>nd</sup> READING
- NEW BUSINESS
- OTHER: \_\_\_\_\_

Approved by Town Manager *DS* Date: 9/20/13

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

<b>Originating Department:</b>  Community Development	Costs: \$ Legal Ad Funding Source: Town Clerk Acct. #106-48100 <input type="checkbox"/> Finance _____	<b>Attachments:</b>  → Ordinance 14-2013 → Legal Ad
<b>Advertised:</b> Date: 09-22-2013 Paper: Palm Beach Post <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 <u>ND</u> or Not applicable in this case _____  <b>Please initial one.</b>

**Summary Explanation/Background:**

The original Mobile Vendor Ordinance was adopted in June 2010 under the *solicitation* Chapter 22 of the Town of Lake Park Code of Ordinances.

Over the past few months, staff has had several discussions internally about the current Mobile Vendor registration requirement. There is some confusion with the language as it is currently written and as it relates to individuals who simply come into Town to provide a service from a point of sale outside of the Town. Examples are: a housekeeper who comes in to clean a house; or a handyman who repairs a sliding glass door and does not need a permit to do so; or a landscaper who cuts

grass on a bi-weekly basis. If these individuals/companies are not selling their service from their motor vehicle, and are naturally registered elsewhere, whether it be through a Home Office Business Tax Registration or a Commercial Business Tax Registration, then staff's interpretation of the Ordinance is that they would not need a Mobile Vendor Registration. *Services* are performed at households every single day and it is unreasonable and impossible to assume that each and every *service* being performed would require a Mobile Vendor registration; however, in order to adequately capture this interpretation, the Ordinance needs to be modified slightly as proposed in the attached Ordinance to provide a clear enforcement mechanism for Mobile Vendors traveling the streets of the Town with the intent to "solicit", in other words "sell" from their motor vehicles. The existing language also serves to protect existing businesses in Town by placing distance separation requirements on Mobile Vendors selling food, merchandise or services similar to those sold by established businesses in Town who have a physical commercial location.

This being said, there are certain motor vehicles that do sell services from their motor vehicles, such as the Mobile Car Wash; Mobile Pet Grooming; and Mobile Marina Repair (for example) that may travel our streets in an attempt to sell their services. These vehicles would fall under our Mobile Vendor classification and would need to register. The landscaper, who cuts the lawn every week and either has a Home Office Business Tax Registration, or a Commercial Business Tax Registration, would not need to register as a Mobile Vendor for the *service* being provided in the Town of Lake Park from another point of sale.

**Staff is proposing minor changes to the Code pursuant to the attached Ordinance to simply clear up this confusion. While the proposed changes do not affect how the Ordinance is currently being enforced and will not require any additional restrictions or requirements, the Ordinance will serve to provide some clarity as it relates to vehicles selling services (*requires a registration*) versus providing services that were initiated from a point of sale other than the motor vehicle (*does not require a registration*).**

**Town Commission Recommendation on 1<sup>st</sup> Hearing (09-18-2013): Unanimous approval 5-0.**

**Recommended Motion: I move to ADOPT Ordinance 14-2013 on second reading.**



Exhibit "c"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 2, 2013

Agenda Item No. *Tab 21*

**Agenda Title: REQUEST BY OFFLEASE AUTOMART LLC TO ESTABLISH A VEHICLE SALES WITH AN ACCESSORY VEHICLE REPAIR SHOP ESTABLISHMENT FOR MINOR INSTALLATIONS WITHOUT THE USE OF HEAVY MACHINERY FOR REPAIRS, OR THE DRAINAGE AND/OR REFILLING OF VEHICLES WITH FLUIDS AT 1301 10<sup>TH</sup> STREET IN THE C-1 BUSINESS DISTRICT**

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

Approved by Town Manager *[Signature]* Date: 9/20/13

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

<b>Originating Department:</b>  Community Development	Costs: \$ Legal Ad and Certified Mail Funding Source: Applicant Acct. # 4714  <input type="checkbox"/> Finance _____	<b>Attachments:</b>  → Staff Report → Resolution 34-10-2013 → Copy of Applicant's Application → Copy of Legal Ad and Certified Letter → Survey and Site Plan; Photometric Plan– <i>available as a separate file in the drop box</i>
<b>Advertised:</b> Date: <b>September 22, 2013</b> Paper: <b>Palm Beach Post</b> <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 <u>ND</u> – see <i>notation in costs field</i> or Not applicable in this case _____  <b>Please initial one.</b>

**Summary Explanation/Background:** PLEASE SEE STAFF REPORT.

**Recommended Motion:** I MOVE TO APPROVE THE PROPOSED SPECIAL EXCEPTION APPLICATION FOR A VEHICLE SALES WITH AN ACCESSORY VEHICLE REPAIR SHOP ESTABLISHMENT FOR MINOR INSTALLATIONS WITHOUT THE USE OF HEAVY MACHINERY FOR REPAIRS, OR THE DRAINAGE AND/OR REFILLING OF VEHICLES WITH FLUIDS AT 1301 10<sup>TH</sup> STREET IN THE C-1 BUSINESS DISTRICT.



**TOWN LAKE OF PARK  
TOWN COMMISSION**  
Meeting Date: October 2, 2013

**SPECIAL EXCEPTION APPLICATION BY OFFLEASE AUTOMART TO  
OPERATE A VEHICLE SALES WITH AN ACCESSORY REPAIR SHOP  
ESTABLISHMENT AT 1301 10<sup>TH</sup> STREET**

**APPLICANT'S REQUEST:** Offlease Automart LLC (the "Applicant") has submitted an application for a Special Exception use of vehicle sales with the accessory use of vehicle repair (the Application) for the property located at 1301 10<sup>th</sup> Street ("Property" or "Site"). The existing building on the Site is proposed to be used as a sales office and customer service area. The covered outdoor area is proposed to be used as a hubcap and rim installation area without the use of heavy machinery other than hand-held and electrically-operated tools.

**BACKGROUND:**

Applicant(s): Offlease Automart LLC  
Property Owner(s): Prime Plaza Inc.  
Address/Location: 1301 10<sup>th</sup> Street  
Net Acreage: 0.947  
Legal Description: KELSEY CITY LOTS 19 TO 30 INC BLK 79  
Existing Zoning: Commercial-1 (C-1)  
Future Land Use: COMMERCIAL

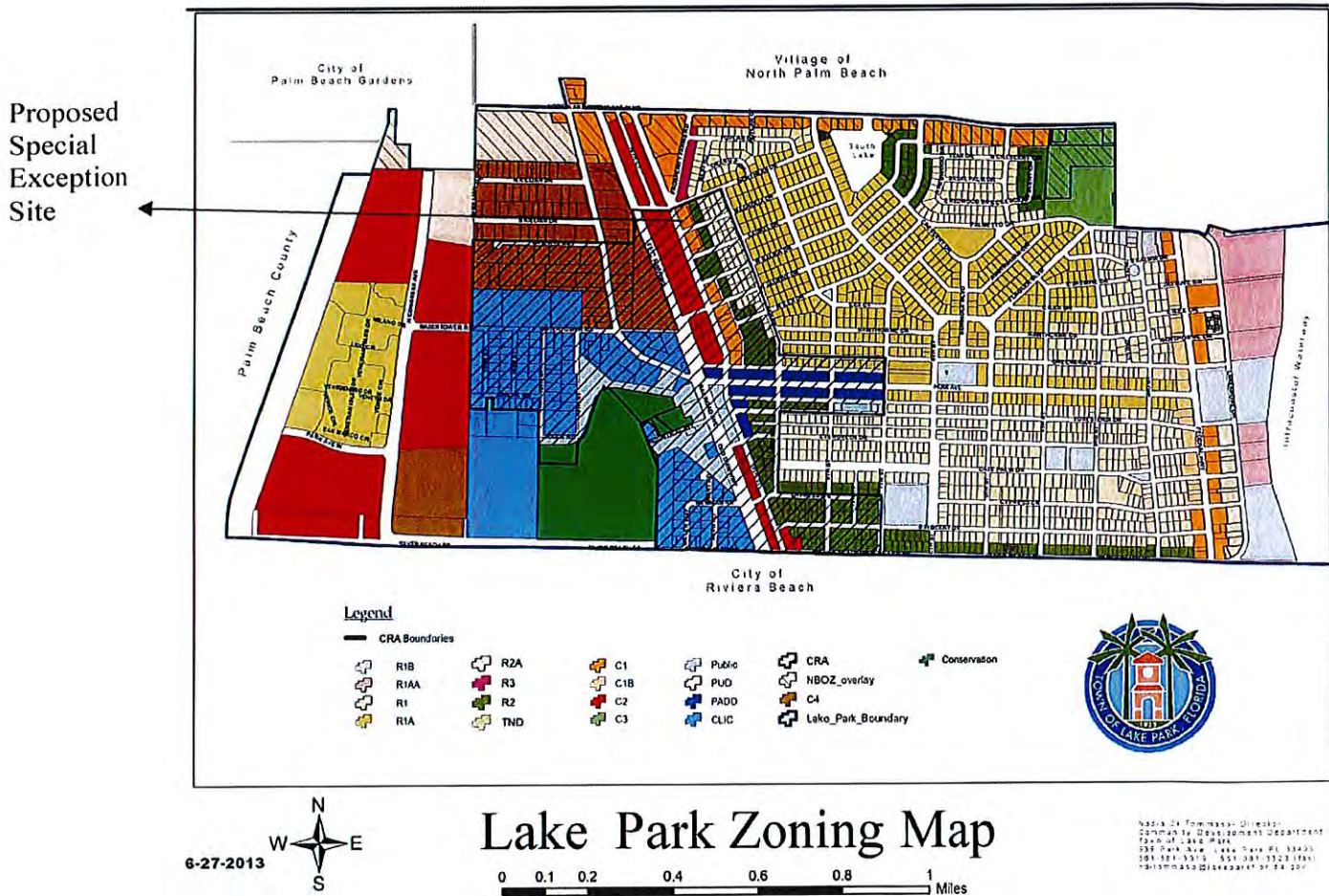
**Figure 1: Aerial Image**



### Adjacent Zoning

North: Residential-3 (R-3)  
 South: Commercial-1 (C-1)  
 East: Residential-2 (R-2)  
 West: Commercial-2 (C-2)

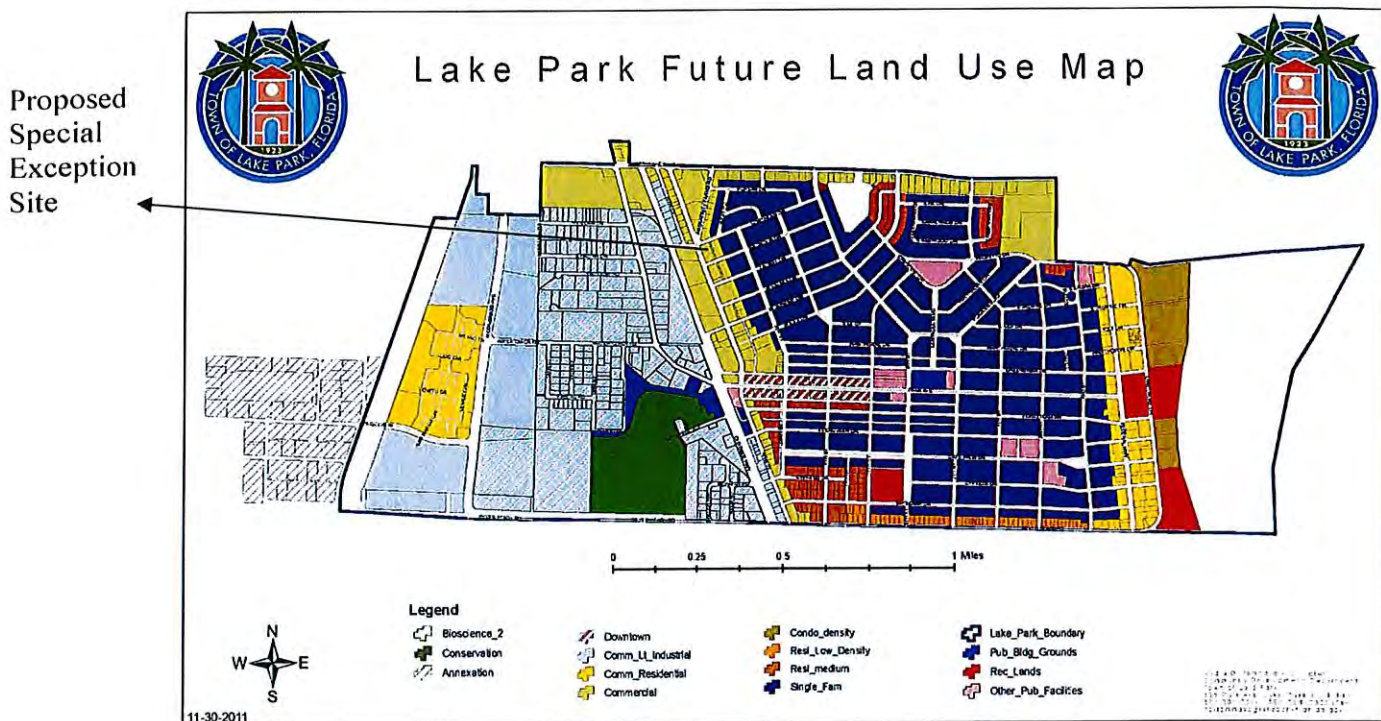
Figure 2: Town Zoning Map



### Adjacent Existing Land Use

North: Commercial  
 South: Commercial  
 East: Commercial  
 West: Commercial

**Figure 3: Town Future Land Use Map (FLUM)**



## I. SUMMARY OF APPLICATION

The Applicant is proposing to use the Site for the Special Exception use of vehicle sales with an accessory vehicle repair shop to be used as a hubcap and rim installation area without the use of heavy machinery other than hand-held and electrically-operated tools. The Site is located at 1301 10<sup>th</sup> Street and has a zoning designation of *C-1 Business District*. The Applicant proposes to sell vehicles and accessory parts for vehicles.

### Existing Conditions

The existing building on the Site has been vacant for more than a year. The building on the Site was constructed in 1973 for use as a restaurant and has been used as such over the years. The C-1 Business District permits various commercial uses, including offices, retail shops, restaurants and vehicle-related uses. These uses currently exist upon surrounding parcels. While the Site also abuts a multi-family building immediately to the east, this use is a legal, non-conforming use because the underlying land use of the multi-family site is Commercial. There is a Town alleyway located offsite as can be seen on Figure 4 below and it includes a wall with hedge material. The adjacent site's east property line includes a fence with trees. All these components serve as a buffer between the non-conforming residential multi-family use and the Site (see Figure 4 below). Staff is also proposing as a condition of approval that additional palm trees be installed along the east landscape buffer as shown on the Site Plan. These trees would complete the landscape scheme and serve as additional buffer material. Additional photos of the existing structure and on-site landscaping can be seen in Figures 5 through 7.

**Figure 4: View of alleyway from the north side**



*The picture above depicts the Town's alleyway as the buffer between the Site and the multifamily apartment complex seen to the rear of the property line. The demarcation line for the alley is the concrete wall with hedges on the residential property side and the wooden fence on the Site's property line.*

**Figure 5: View from 10<sup>th</sup> Street (west side)**



*Above is a view of the Site from 10<sup>th</sup> Street. In addition to the heavy landscaping, the Applicant is proposing a fence to secure the lot. The fence will be placed behind the existing landscaping per the code requirement.*

Google Map



**Figure 6: View from Northern Drive (north side)**



*The picture above shows the front of the building with two points of access and the existing sign.  
Google Map*

**Figure 7: View from Magnolia Drive (south side)**



*Illustrates the third point of access which is currently closed off by the existing fence.  
The picture also illustrates the rear parking area.*

*Google Map*

## II. ANALYSIS OF SPECIAL EXCEPTION CRITERIA

Staff has evaluated the Application against the six (6) criteria for Special Exception uses pursuant to Code Section 78-184. The Commission must determine that all six criteria must be met for an Applicant to be entitled a Special Exception Use.

1. **The proposed special exception use is consistent with the goals, objectives, and policies of the town's comprehensive plan.**

**Objective 1, Policy 1.5 of the Town's Future Land Use Element (FLUE) within the Town's Comprehensive Plan states the following:**

*The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.*

### **CRITERIA MET.**

The proposed Special Exception use would authorize a vehicle sales use with the accessory use of vehicle repairs. The business would operate in a building that has been vacant for more than one year. The previous use of the Site was a restaurant. The Applicant is proposing a use to a Site which is currently vacant and not contributing to the Town's tax base. The Site adjacent town-owned alleyway has a concrete wall and the Site has a fence and trees along the east side, all of which adequately buffer the proposed use from the adjacent non-conforming multi-family residential use. The Application is being reviewed by Mr. Masoud Atefi from the Palm Beach County engineering department regarding the traffic impacts on the surrounding properties. Mr. Atefi has provided verbal confirmation that the proposed use will not negatively affect the traffic in the surrounding area. A copy of the Applicant's traffic analysis which has been submitted to Palm Beach County is included with the special exception application that is enclosed.

**Objective 5, Policy 5.2 of the Town's FLUE states:**

*The Town shall foster the redevelopment of declining neighborhoods, underutilized parcels, and areas that demonstrate substandard and/or slum and blight conditions.*

### **CRITERIA MET.**

The Site is currently underutilized because it has been vacant for more than a year. The Applicant proposes to occupy the Site with a commercial use.

2. **The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.**

**CRITERIA MET**

The Site has sufficient parking per the Town's Code requirements which requires the following breakdown:

**Customer Service Parking Space Requirement:**

*→One space for each 500 square feet of enclosed gross floor area (9 spaces required) AND one space per each 4,500 square feet of outdoor sales display (2 spaces required). A total of 11 customer service spaces are required and the Applicant is exceeding the requirement by providing 12 spaces.*

**Employee Parking Space Requirement:**

*→One space per employee of the shift of largest employment (3 spaces required). The Applicant is exceeding the requirement by providing 6 spaces.*

**ADA Parking Space Requirement:**

*→One accessible parking space is required. The Applicant is providing one space.*

A total of 15 customer service, employee and ADA spaces are required for the proposed use and the Applicant is exceeding the requirement by providing a total of 19 spaces. The remaining spaces onsite will be used for inventory, with the exception of three existing parking spaces along the east building wall which are conditioned to be removed in an effort to provide for better circulation (see conditions of approval in Section III of this Report).

The Boundary Survey and Site Plan submitted with the Application indicates that the building is 4,344 square feet, with an outdoor display area of 7,585 square feet. According to the Floor Plan submitted by the Applicant, most of the internal space of the building will be used for office, customer service area and restroom facilities (*see interior photos below*). The Applicant also proposes to incorporate perimeter fencing into the existing landscaping, with a mesh, to meet the Town's screening requirement for vehicle storage. The Site is landscaped; however, staff is proposing as a condition of approval that the Applicant incorporate a hedge line within the north and west landscape buffers, along with three additional shade trees within the east landscape buffer. The Applicant included this proposal on their Site Plan.

3. **The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.**

**CRITERIA MET**

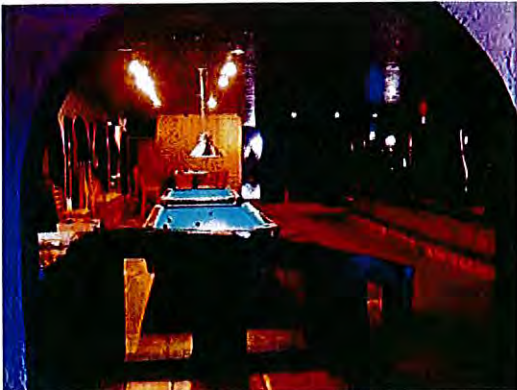
The proposed Special Exception use is compatible with the character of the existing commercial uses along 10<sup>th</sup> Street, as it is in close proximity to multiple auto-related establishments and gas stations.

The Applicant intends to preserve the existing layout of the Site while incorporating the required parking on the exterior and defining the interior space to allow for a customer service area and a sales office (see the Applicant's floor plan included with the Applicant's Special Exception application). The building was constructed in 1974 and has historically been utilized as a restaurant with a full kitchen. The Applicant proposes to maintain the existing kitchen onsite, but will **not** be utilizing it as part of its motor vehicle operation. The Applicant is proposing to close-off the interior kitchen entrance as to not utilize it as part of the proposed motor vehicle business. The existing building on-site meets the Town's setback requirements.

The Applicant's Photometric Plan included herein as Exhibit "A" demonstrates that there is adequate lighting onsite. The existing Florida Power & Light (FPL) light poles and light fixtures are located in the Town-owned alleyway, but were installed previously to provide lighting to the Site. The Owner controls the meter for these light fixtures and is responsible for their billing through FPL. The existing light shields mitigate illumination onto the neighboring multi-family residential complex. One added light fixture is being proposed for the northwest corner of the Site. This would allow the Applicant to meet the required illumination levels on this side of the Site. The Property Owner previously installed directional light fixtures on the Site to illuminate the Site's parking area. These lights have been inactive due to the building's abandonment; however, the Applicant is proposing to reactivate the light fixtures. The Applicant's Photometric Plan meets the Town's lighting requirements. In addition, the Applicant is proposing security cameras onsite to monitor its exterior inventory.

The Applicant's business hours of operation will be 9:30 A.M. to 8:00 P.M., Monday through Friday; 9:30 A.M. - 7:00 P.M. on Saturdays; and 12:00 P.M. - 5:00 P.M. on Sundays. These hours are similar to those of the other businesses along 10<sup>th</sup> Street.

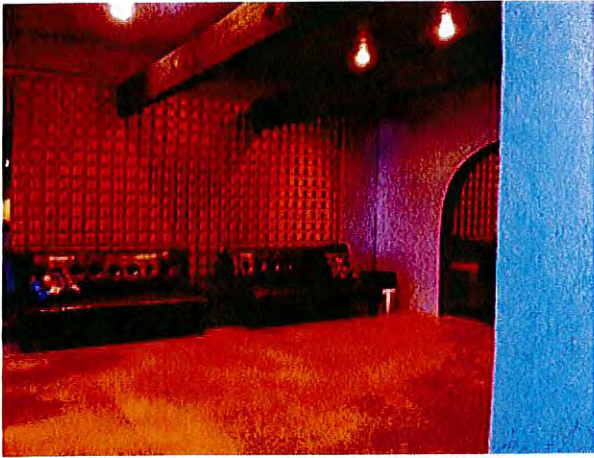
**Interior photos of building:**



*Proposed Customer Seating and Recreational Waiting Area*



*Proposed Customer Seating and Refreshment Bar Area*



*Proposed Customer Seating Area*



*Proposed Customer Seating Area*



*Proposed Finance/Insurance and Sales Office Area*

- 4. The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.**

#### **CRITERIA MET**

Currently, there are no other vehicle sales establishments in the C-1 or C-2 Business District along 10<sup>th</sup> Street in the immediate vicinity. While there are other vehicle-related establishments, these businesses are not engaged in vehicle sales.

**5. The proposed special exception use does not have a detrimental impact on surrounding properties based on:**

- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;**

**CRITERIA MET**

The Applicant's business is proposing to employ 3 people. The Site's interior space and exterior parking layout can accommodate the three employees and the expected number of customers.

- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and**

**CRITERIA MET**

The proposed Special Exception use will not have operations that will generate excessive noise or odor. The Applicant proposes landscaping and a fence around the perimeter of the Site to prevent visual nuisances. The Applicant will not be conducting operations that require the use of oil or other chemicals onsite. A covered outdoor repair area which would be fenced and landscaped is proposed. This area would be used only for the installation of wheel hubcaps and rims without the use of heavy machinery. No other types of nuisances are expected to be generated by the proposed Special Exception use.

- c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.**

**CRITERIA MET**

The Application is being reviewed by Mr. Masoud Atefi from the Palm Beach County Engineering Department. Mr. Atefi has provided verbal confirmation that the proposed use would not negatively affect traffic in this area and the Applicant's traffic analysis which is included with their application indicates that the proposed use will have a lesser impact on traffic than the use previously operated onsite.

**6. That the proposed special exception use:**

- a. Does not significantly reduce light and air to adjacent properties.**

**CRITERIA MET**

The Applicant is not adding or reducing light to the Site that would affect light or air to adjacent properties. The Application meets the lighting requirements of the Town Code with the proposal of an additional light fixture on the northwest corner. Based on staff's evaluation of the Photometric Plan submitted, the neighboring multi-family residential development will not be impacted by lighting from the Site. The Applicant does not have any operations that will affect the air quality.

**b. Does not adversely affect property values in adjacent areas.**

**CRITERIA MET**

The proposed Special Exception use would not generate any negative impacts that will result in a decreased property value. The redevelopment of the Site may increase property values of adjacent properties.

**c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.**

**CRITERIA MET**

Neither the proposed use nor the proposed layout of the Site are expected to interfere with any future development or improvements in the surrounding area. Rather, the utilization of the Site may encourage additional redevelopment in the area.

**d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.**

**N/A**

**e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.**

**CRITERIA MET**

The existing Site layout will remain the same. The nature of the proposed Special Exception use does not require pedestrian amenities or benches and will be adequately serviced through the Town's Public Works department. The Site is able to accommodate pedestrians and bicyclists.

### **III. STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed special exception use of "vehicle sales with an accessory vehicle repair shop" subject to the following conditions of approval:

- (1) The Applicant shall develop the Property consistent with the following Plan submitted by Compass Surveying:
  - a. Boundary Survey and Site Plan referenced as Sheet 1 of 1, and prepared by Clyde O. McNeal PSM, signed and sealed 08/12/2013 and received and dated by the Town's Department of Community Development on 08/26/2013.

- b. Photometric Plan prepared and signed and sealed by Ronald Levinson, P.E. on 08/27/2013 and received and dated by the Town's Department of Community Development on 08/27/2013.
- (2) A thirty (30) inch hedge shall be installed within the north and west perimeter landscape buffers pursuant to the Site Plan. All perimeter hedge material, including the existing hedge material surrounding the outdoor covered area, shall be maintained at a minimum 5-foot height. Three additional palm trees at a minimum 12 foot height and 3-foot trunk diameter shall be installed within the east landscape buffer pursuant to the Site Plan.
  - (3) Three (3) existing parking spaces along the east building wall shall be removed per the Site Plan.
  - (4) The repair shop component of the special exception use shall be limited to minor installations only without the use of heavy machinery or fluids.

#### **IV. PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board, at its September 12, 2013 meeting, unanimously approved the special exception use application with additional condition of approval (4) listed above relating to the repair shop component of the use.





Exhibit "D"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 2, 2013

Agenda Item No. Tab 22

Agenda Title: Cancelling the January 1, 2014 Regular Commission Meeting

- Agenda options: SPECIAL PRESENTATION/REPORTS, BOARD APPOINTMENT, PUBLIC HEARING ORDINANCE ON READING, NEW BUSINESS (checked), OTHER.

Approved by Town Manager [Signature] Date: 9/20/13

Vivian Mendez - Town Clerk
Name/Title

Table with 3 columns: Originating Department (Town Clerk), Costs (\$0.00), Attachments (None), and Advertised (Not Required).

Summary Explanation/Background: The first regularly scheduled Commission meeting in January falls on January 1, 2014. Since this is New Year's Day, it would be inappropriate to hold a meeting. Staff is recommending canceling this meeting.

Recommended Motion: I move to cancel the January 1, 2014 regularly scheduled Commission meeting.

Exhibit "E"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 2, 2013

Agenda Item No. Tab 23

Resolution Recognizing Florida City Government Week,
Agenda Title: October 20 - 26, 2013

- [ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON \_\_\_ READING
[ ] NEW BUSINESS
[X] OTHER: Resolution

Approved by Town Manager [Signature] Date: 9/20/13

Name/Title Kathleen Carroll, Director of Parks and Recreation

Table with 3 columns: Originating Department (Recreation), Costs (\$ 0.00), Attachments (Resolution, Florida League of Cities Announcement), Advertised (Not Required), and notification status (Not applicable).

Summary Explanation/Background:

The Florida League of Cities recognizes the benefits provided by municipal governments to the citizens of the State of Florida each year by sponsoring the Florida City Government Week annually in October...

Recommended Motion:

I move to adopt the Resolution \_\_\_\_\_, 2013, recognizing Florida City Government Week, October 20 -26, 2013.

[To be discussed by Mayor DuBois during his Commissioner  
Comments portion of the agenda]

September 30, 2013

Governor Rick Scott  
Executive Office of Governor Rick Scott  
400 S. Monroe Street  
Tallahassee, FL 32399

Dear Governor Scott:

As you are aware, the Department of Children and Families performed a survey over the summer regarding the feasibility of registering sober homes. This was done pursuant to the 2013-2014 General Appropriations Act.

The undersigned cities urge you to support regulation of Recovery Residences/Sober Houses in the form of state-wide licensing/registration for the following reasons:

1. To create a consistent standard of operation to be applied consistently throughout the state.
2. To provide for accountability for the owners/operators of these homes.
3. To help end abuses that are occurring in some of the homes (i.e. House for Women operated by a registered sexual offender; multi-family residence owned and operated by same person as owner of bar it is attached to; insurance fraud; patient brokering; etc.).
4. To require background checks for owners/operators of the homes in order to help end the abuses as referenced in paragraph 3 above. These background checks would be similar to those already required for the owners/operators of the following types of homes/facilities:
  - a. Addictions Receiving Facility;
  - b. Day or Night Treatment;
  - c. Day or Night Treatment with Community Housing;

- d. Detoxification;
- e. Intensive Inpatient Treatment;
- f. Intensive Outpatient Treatment;
- g. Medication-Assisted treatment for opiate addiction;
- h. Outpatient Treatment;
- i. Residential Treatment;
- j. Facilities that provide Intervention services; and
- k. Facilities that provide prevention services

Pursuant to §§ 397.311(18) and 397.403, *Fla. Stat.* as well as

- l. Assisted Living Facilities;
- m. Adult Family-Care Homes;
- n. Adult Day Care Centers

Pursuant to §§ 429.174, 429.67, 429.919, *Fla. Stat.*, and

- o. Service Providers for the Department of Elderly Affairs; and
- p. Community Residential Homes pursuant to Chapter 419, *Fla. Stat.* to name just a few.

5. To ensure that certain life safety standards are followed in order to keep the residents safe in the event of a fire (similar to the requirements for the homes/facilities referenced in Paragraph 5 above).
6. The "Community Housing" aspect of "Day or Night Treatment with Community Housing" is already licensed by the Department of Children and Families pursuant to § 397.311(18)(a)3, *Fla. Stat.* and the only difference between the licensed facilities referenced in this statute and unlicensed sober homes is that the "Community Housing" facility which is nothing more than a residence for persons in recovery is owned and/or operated by the same person or entity that owns and operates the "Day or Night Treatment Facility" even though no treatment is provided in the "Community Housing" home, whereas a Sober House (again nothing more than a residence for persons in recovery) may be owned or operated by anyone and is not directly affiliated with the treatment facility.

Thank you very much for supporting the Cities of Florida.

Sincerely,

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# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, October 2, 2013,  
Immediately Following the  
CRA Board Meeting  
Lake Park Town Hall  
535 Park Avenue

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

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

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

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

1. Proclamation Honoring Lisa Colgan for her Years of Service on the Library Board Tab 1
2. Proclamation Honoring Staples in Lake Park Tab 2
3. Proclamation Honoring the Lake Park Kiwanis Tab 3
4. Proclamation Honoring Publix in the Northlake Promenade Shoppes Tab 4
5. Proclamation Honoring the Toyota Motor Corporation and Earl Stewart Toyota Tab 5

D. **PUBLIC COMMENT:**

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

- E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item

will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

6. First Public Hearing on the Budget Minutes of September 10, 2013 Tab 6
7. Special Call Regular Commission Meeting Minutes of September 10, 2013 Tab 7
8. Regular Commission Meeting Minutes of September 18, 2013 Tab 8
9. Resolution No. 27-09-13 Authorizing the Mayor to Sign the Application for State Aid to Libraries Tab 9
10. Resolution No. 35-10-13 Authorizing the Mayor to Approve the Town Piggybacking the "Hurricane / Disaster Debris Removal, Reduction and Disposal Agreement" Between the Solid Waste Authority and CrowderGulf Joint Venture, Inc. Tab 10
11. Resolution No. 36-10-13 Authorizing the Mayor to Approve the Town Piggybacking the Hurricane / Disaster Debris Removal, Reduction and Disposal Agreement" Between the Solid Waste Authority and Phillips and Jordan, Inc. Tab 11
12. Declaring Certain Town Owned, Tangible Personal Property as "Surplus" and Eligible for Disposal Tab 12
13. Consenting to the Execution of the Interlocal Agreement for the Final Termination and Dissolution of the South East Risk Management Association Tab 13

F. BOARD APPLICANTS:

14. Consideration of Erich Von Unruh as a Regular member of the Planning and Zoning Board Tab 14
15. Consideration of Ludie Francois as an Alternate Member of the Library Board Tab 15
16. Consideration of Gunny Brutus as an Alternate Member of the Library Board Tab 16
17. Consideration of Ludie Francois as a Regular Member of the Planning and Zoning Board Tab 17
18. Consideration of Martin Schneider as a Regular Member of the Planning and Zoning Board Tab 18

G. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

19. Ordinance 15-2013 Staff Initiated request to Extend the Legal Non-Conforming Signage Expiration Date for Signs that Do Not Meet the Town's Current Code Requirements from May 31, 2014 to July 5, 2016 in Section 70-104(E) of the Town of Lake Park Code of Ordinances Tab 19

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

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

**20. Ordinance No. 14-2013 Adoption of Staff Initiated Text Amendment to Modify Chapter 22, Article III, of the Town Code of Ordinances Entitled “Mobile Vendors” Providing for Amendments Pertaining to Food and Merchandise Sales and Services by Mobile Vendors in the Town.**

**Tab 20**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, OF THE TOWN CODE ENTITLED “MOBILE VENDORS”; PROVIDING FOR AMENDMENTS PERTAINING TO FOOD AND MERCHANDISE SALES AND SERVICES BY MOBILE VENDORS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. QUASI-JUDICIAL PUBLIC HEARING:**

**21. Resolution No. 34-10-2013 Request by Offlease Automart LLC to Establish a Vehicle Sales with an Accessory Vehicle Repair Shop Establishment for Minor Installations without the Use of Heavy Machinery for Repairs of the Drainage and/or Refilling of Vehicles with Fluids at 1301 10<sup>th</sup> Street in the C-1 Business District.**

**Tab 21**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR VEHICLE SALES WITH AN ACCESSORY REPAIR SHOP ESTABLISHMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**J. NEW BUSINESS:**

**22. Canceling the January 1, 2014 Regular Commission Meeting**

**Tab 22**

**23. Resolution No. 37-10-13 Recognizing Florida City Government Week October 20 – 26, 2013**

**Tab 23**

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

**L. ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, October 16, 2013**