



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, May 6, 2015, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, May 6, 2015 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**SPECIAL PRESENTATIONS/REPORTS**

**None**

**PUBLIC COMMENT:**

Dale Sugerman – congratulated Town Manager D'Agostino and wished him well. He explained that he has provided the Town Manger with his business card and has offered to be a resource for any historical information of the past three years. He also extended an invitation to the Town Manager to join him at the monthly Palm Beach County City Managers Association meeting on May 22, 2015 at noon in Royal Palm Beach.

Mayor DuBois asked Mr. Sugerman to explain what he has been doing since retiring from the Town of Lake Park. Mr. Sugerman explained that his retirement lasted three days. He explained that he is the Chief Operating Officer of the Andrew "Red" Harris Foundation. He explained the tragic story behind why the foundation was established. He explained that the foundation is building artificial reef cells and they have collaborated with Palm Beach County and the Town of Jupiter to deploy the reef cells off the coast of Palm Beach County. To learn more about the foundation go to [www.andrewredharrisfoundation.org](http://www.andrewredharrisfoundation.org).

**CONSENT AGENDA:**

- 1. Regular Commission meeting minutes of April 15, 2015.**
- 2. 2015 The World Lupus Day Proclamation.**

**Motion: Commissioner O'Rourke moved to approve the consent agenda; Commissioner Rapoza seconded the motion.**

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 asked the Commission to add the introduction of the Town Manager to the agenda.

**Motion: Commissioner O'Rourke moved to add the introduction of the new Town Manager to Special Presentation/Reports on the agenda; Commissioner Rapoza seconded the motion.**

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.

**SPECIAL PRESENTATIONS/REPORTS**

**Introduction of Town Manager John O. D'Agostino.**

Town Manager D'Agostino thanked the Commission for the opportunity to work with them. He has spent the past few days getting to know the staff and assured the Commission that they are very professional and dedicated public servants that have the best interest of the Town at heart. He stated that he hopes to be Town Manager for a while and is humbled and appreciative for the Commission's trust in him.

**NOMINATION FOR BOARD MEMBERSHIP:**

**3. Erich von Unruh – Nomination for Re-appointment to the Planning and Zoning Board as a Regular Member.**

**Motion: Commissioner Rapoza nominated to re-appoint Erich von Unruh as a regular member on the Planning and Zoning Board; Commissioner O'Rourke seconded the motion.**

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 HEARING(S) – ORDINANCE ON FIRST READING:**

**None**

**PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

**4. Ordinance No. 01-2015 to Amend Chapter 10, Article IV – Noise Control.**

Town Manager D’Agostino introduced the item (see Exhibit “A”). Lieutenant Vassalotti introduced himself and stated that the proposed noise Ordinance removes the language regarding the decibel meters, which was causing difficulty enforcing the Ordinance. He stated that as long as the complainant was willing to give their name and the Deputy can also witness the loud noise, then the Palm Beach County Sheriff’s Office (PBSO) could enforce the Ordinance. He explained that the Deputy answering the compliant would issue a warning before any further action was taken. He explained that the Ordinance does not enforce with jail time, but it does have a civil penalty phase.

Commissioner Flaherty asked who would receive the penalty. Lt. Vassalotti stated that the violation (or penalty) would be issued to the individual causing the elevation of the noise. Commissioner Flaherty asked for clarification regarding anonymous complaints and how those complaints are handled. Lt. Vassalotti explained that PBSO would need a complainant to fill out a written statement in order to enforce the Ordinance.

Commissioner O’Rourke clarified the process that PBSO would follow using the proposed Ordinance as: PBSO would receive a complaint regarding noise; they would visit the complainant and get a written statement from the complainant regarding the noise. PBSO would then visit the site of the noise and give a warning to the individual causing the noise and would give instructions that if they (PBSO) were called again regarding the same complaint that they (PBSO) would issue a violation, which has fees associated with it. Lt. Vassalotti agreed.

Commissioner Rapoza asked if the written complaint would become a public record. Lt. Vassalotti explained that if the complaint escalates to the point of issuing a violation, then it becomes a public record.

Vice-Mayor Glas-Castro asked if the proposed Ordinance was the only approach staff could propose because it was not what the Commission wanted. She stated that people want to remain anonymous and if the noise is audible then action should be taken. She stated that this Ordinance does not change from what was already in the Code, which was that a person could not remain anonymous. Lt. Vassalotti stated that there are certain regulations that must be followed in law enforcement and having a complainant was one regulation they must follow. Mayor DuBois asked for clarification if Code Enforcement are able to act on an anonymous complaint. Community Development Director Nadia DiTommaso explained that Code Enforcement Officers are able to respond to anonymous complaints without the need for the signed complaint affidavit that law enforcement requires. However, the majority of noise complaints occur after hours and on weekends when the Code Enforcement staff are not on duty.

Commissioner O’Rourke asked why the Code Enforcement Officers could not be the complainant in situations where PBSO has received an anonymous complaint. Attorney Baird explained that the Code Enforcement Officers are called because of a complaint to investigate a complaint; they are not the individuals that initiate a complaint. Town

Manager D’Agostino explained that the difficulty with this situation was to allow a person to remain anonymous and still have an enforcement process. He stated that since PBSO would be issuing warnings, then it would only escalate if the noise continues. Vice-Mayor Glas-Castro explained that the situation was that the noise does continue after PBSO has given a warning and there was no recourse.

Attorney Baird explained that in Florida State Statue 162 there was an alternative Code Enforcement process that allows the Town to use a citation system for certain civil violations. The Town identifies those violations that are subject to civil fines for violating the Code and a ticket would be issued. If the individual does not pay the ticket then the Town would follow with proceedings. He explained that a Code Enforcement Officer could issue those types of citations, but the system needs to be established.

Mayor DuBois pointed out that special event permits are different from a private party, which is not open to the public. He stated that the two should not be confused. He asked that the language be included in both the Ordinance and in the special events permits to clarify. Attorney Baird asked what section of the Ordinance would the proposed language be included. Mayor DuBois clarified that the proposed language should be included in the exemption section of the Ordinance. A private party on public grounds does not exempt the private party from complying with the noise Ordinance. Vice-Mayor Glas-Castro expressed concern that the Ordinance would not be enforceable.

**Public Comment Opened:**

None

**Public Comment Closed:**

**Motion: Commissioner O’Rourke moved to approve Ordinance No. 01-2015 on second reading with additional language under Exemptions that an event not open to the public and subject to a private agreement is not exempt from this Ordinance; Commissioner Rapoza seconded the motion.**

Commissioner O’Rourke stated that procedures need to be established so that the Ordinance could be enforceable. Vice-Mayor Glas-Castro expressed concern that the Ordinance is not enforceable even though it stated that if the noise was clearly audible across property lines PBSO should be able to enforce it. Mayor DuBois stated that the Attorney has suggested a method, through another Ordinance, which would make the Ordinance enforceable. He stated that by going away from decibel meters the Town could subject itself to judgement calls. Vice-Mayor Glas-Castro stated that she would vote along with, it but has many concerns.

**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.

**5. Ordinance No. 04-2015 Amending Certain Sections of the Town Charter Article XVI Pertaining to Special Elections, Annual Elections, and Repeal of the Form of Ballots Used during an Election.**

Town Manager D'Agostino explained the item (see Exhibit "B").

**Motion: Commissioner O'Rourke moved to approve the Ordinance No. 04-2015; Vice-Mayor Glas-Castro seconded the motion.**

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.

**6. Ordinance No. 05-2015 Amending Chapter 2, Article IV of the Code of Ordinances Pertaining to Boards, Commission, and Committees.**

Town Manager D'Agostino explained the item (see Exhibit "C").

**Motion: Commissioner O'Rourke moved to approve Ordinance No. 05-2015; Commissioner Rapoza seconded the motion.**

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:**

**7. Resolution No. 12-05-15 amending the Fine Fee Schedule to add Graduated Fines for Noise Disturbance Offenses.**

Town Manager D'Agostino explained the item (see Exhibit "D").

**Motion: Commissioner O'Rourke moved to approve Resolution No. 12-05-15; Commissioner Rapoza seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other

Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

**8. Resolution 13-05-15 authorizing the Mayor to Execute a Government Obligation Contract to Finance the Acquisition of two new Sanitation Vehicles.**

Town Manager D'Agostino explained the item (see Exhibit "E"). Commissioner Flaherty asked if the Town has any other equipment manufactured by McNeilus. Public Works Director Dave Hunt stated "no" and explained that Heil manufactured the entire fleet. He felt confident that the McNeilus equipment would serve the Town well in the years to come. Commissioner O'Rourke asked if this was part of the procurement process that was established by the previous Town Manager. Public Works Director Hunt stated "yes"; it was presented to the Commission in July 2014. He explained that in fiscal year 2016 the vehicle fleet would be refurbished and no new vehicles are scheduled to be purchased until 2017. Commissioner O'Rourke asked how much of the cost of the vehicles were being financed. Public Works Director Hunt explained that 100 percent of the cost would be financed with an interest rate of 2.610 percent. Commissioner Flaherty asked how soon before the vehicles are accessible. Public Works Director Hunt stated approximately six months depending on certain factors. Commissioner O'Rourke asked if there are any issues with the current fleet. Public Works Director Hunt stated "yes" and that a reduction on repair and maintenance would continue to decrease over the next few years. Commissioner O'Rourke asked how old the current fleet was. Public Works Director Hunt stated about eight years. He explained that the industry standard was about seven years, but with the refurbishing program it could be as much as 10 to 11 years per unit. Mayor DuBois asked if any units are being sold. Public Works Director stated that they would be auctioned.

**Motion: Commissioner O'Rourke moved to approve Resolution 13-05-15; Commissioner Rapoza seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**9. Lake Park Kiwanis Basketball Tournament**

Town Manager D'Agostino explained the item (see Exhibit "F"). Recreation Manager Kathleen Carroll-Walters and Lake Park Kiwanis Club President Roger Michaud answered questions about the event. Commissioner O'Rourke asked what type of

outreach was being done for the event. Mr. Michaud explained that flyers are being sent to the schools. He stated that volunteers are needed for different tasks for the event and would appreciate volunteers that are knowledgeable in the sport of basketball. He stated that Club 100 Charities, the Recreation Department and Bethlehem Haitian Church are also involved in the event. Commissioner Rapoza asked at what time the event would begin. Mr. Michaud stated that they would begin at 10:30 a.m. on Saturday, June 6, 2015. He stated that this was a free sign-up event and that they are looking for about 32 teams. Mayor DuBois stated that sponsorships and donations are welcomed and encouraged. Mayor DuBois asked if the information would be placed on the Town's website. Recreation Manager Carroll-Walters stated "yes". Mr. Michaud stated that the deadline to sign-up would be Tuesday, May 26, 2015.

**Motion: Commissioner Flaherty moved to approve the use of Bert Bostrom Park for the middle school division during the 1<sup>st</sup> Annual Lake Park Co-Ed 3 on 3 Basketball Tournament; Commissioner Rapoza seconded the motion.**

Mr. Michaud invited everyone to the Lake Park Kiwanis Club meetings that being at noon, every Thursday, at the Tall Tails Restaurant inside of Gander Mountain.

Vote on Motion:

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

Motion passed 5-0.

### **10. Murals/Public Art on Private Property Discussion**

Town Manager D'Agostino explained the item (see Exhibit "G"). Vice-Mayor Glas-Castro gave examples of how the City of Lake Placid has established their mural program and how their mural committee works. Commissioner O'Rourke stated that a business owner suggested that the murals not be the length of the buildings and that it should be a public event. The community could get involved in the process. He stated that a committee would be a vital component in moving forward with murals in public places. Commissioner Rapoza suggested a committee be established. Mayor DuBois suggested that the progression should be that an applicant would submit an application to staff, staff would forward the application to the committee, and the committee would then forward their recommendation to the Commission for final approval. He does not feel that mural help property values, but would be in favor of temporary murals that are selected by a committee. Town Manager D'Agostino stated that murals in public places would be a good opportunity to engage the community by displaying its diversity through art. Mayor DuBois recommended that the murals not be permanent and that a space for rotation be established as well.

**Motion: Commissioner O'Rourke moved to further develop an Ordinance preparing the Town for art in public places; Commissioner Flaherty the motion.**

Town Manager D’Agostino clarified that the Commission wants an Ordinance for murals in public places that would be regulated by a committee; that the murals can appear on public and private properties; staff would construct a way to reach permission from a private property owner to display the public art; and establish continuity. Commissioner O’Rourke stated that a district be established for the murals. The Commission agreed that the Community Redevelopment Agency (CRA) would be the best district for murals in public places. Mayor DuBois suggested that addition language regarding the private property owner’s rights be protected. Town Manager D’Agostino clarified that the Commission does not want murals on public buildings, except for 800 Park Avenue (Art on Park Gallery). The Commission agreed.

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:**

**Town Attorney Baird** had no comments.

**Town Manager D’Agostino** announced that he would be attending the Governor’s Hurricane Conference next week, but would be available by phone.

**Commissioner Rapoza** welcomed Town Manager D’Agostino. She congratulated Surf Pro for being awarded Small Business of the Year and Earl Stewart Toyota for being awarded Business of the Year by the Northern Palm Beach Chamber of Commerce. She stated that the Northern Palm Beach Chamber of Commerce award ceremony would be held on May 21, 2015 and each ticket would cost \$125.

**Commissioner Flaherty** welcomed Town Manager D’Agostino.

**Commissioner O’Rourke** welcomed Town Manager D’Agostino. He congratulated the Brew House Gallery on the expansion of their establishment. He announced that the Brew House Gallery would be celebrating their first anniversary on May 16, 2015. He asked for prayers for a speedy recovery for Diane Bernhard.

**Vice-Mayor Glas-Castro** thanked Human Resources Director Bambi Turner for preparing the entries to the Northern Palm Beach Chamber of Commerce. She announced that the Palm Beach County League of Cities Installation Gala would be held on Wednesday, May 20, 2015 and that she would be sworn in as the At Large representative for another term. She asked Public Works Director Dave Hunt if there had been a problem with the vegetation truck or was there a large volume of vegetation to be picked up that the vegetation was not picked up on her street on Wednesday. Public Works



Director Hunt explained that there was an increase in the volume of vegetation on Wednesday as residents prepared for the possible storm this week and that the vegetation pick-up was completed on Thursday. Vice-Mayor Glas-Castro thanked Human Resource Director Turner for serving as Interim Town Manager. She welcomed Town Manager D'Agostino. She stated that she wanted to discuss the Volunteer Recognition Reception at a future meeting. She stated that she had concerns with the project chosen by staff for the Community Development Block Grant (CDBG) without Commission discussion or input. She congratulated the Brew House Gallery on their one-year anniversary.

**Mayor DuBois** asked the Commission for consensus to allow a public comment that was received after the Public Comment section on the agenda. The Commission gave consensus.

Anne Lynch gave an update on the activities of the Friends of the Library. She thanked the Mayor and Vice-Mayor for attending the Palm Beach Historical Society event where two Lake Park Historical Society members were honored. She announced that on May 16, 2015 at 1:00 p.m. the Red Cross would be hosting a hurricane preparedness event in the Library. She asked for planting material donations to be used at the front of the Library. She announced that the Friends of the Library would be expanding their outreach efforts and increasing the amount of programs they offer. They would be hosting a car wash to help raise funds for their programs. She announced a reading program at the Library.

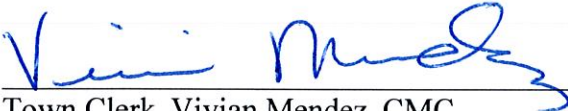
Mayor DuBois thanked Human Resource Director Bambi Turner for serving as the Interim Town Manager. He asked the Commission for consensus for a proclamation to be presented to Ms. Turner at a future Commission meeting. He requested that she not write her own proclamation. He asked if the lights at the basketball courts at Bert Bostrom Park were operational. Recreation Manager Carroll-Walters stated that the lights are working. He asked that PBSO increase the patrol around Bert Bostrom Park in the evenings. He congratulated the members of the Lake Park Historical Society that were honored by Palm Beach County. He thanked everyone who organized and attended the Volunteer Recognition Reception. He stated that the invitation list would be expanded next time. He congratulated Rechic Unique Boutique at 700 Old Dixie Highway on their grand opening. He welcomed Town Manager D'Agostino.

**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 8:51 p.m.



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



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



FLORIDA  
Approved on this 20 of May, 2015



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "A"

Meeting Date: May 6, 2015

Agenda Item No.

Agenda Title: ORDINANCE TO AMEND CHAPTER 10, ARTICLE IV – NOISE CONTROL.

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

Approved by Town Manager *Nadia Di Tommaso* Date: 4/28/2015  
*Nadia Di Tommaso*

Nadia Di Tommaso / Community Development Director  
 Name/Title

<b>Originating Department:</b>  Community Development	Costs: \$ Town Attorney Costs & Legal Ad  Funding Source: Town Attorney Budget & Town Clerk  Acct. # 001-51-514-108-31100 (Attorney) ; 106-48100 (Legal Ad)  <input type="checkbox"/> Finance _____	<b>Attachments:</b>  → Ordinance <u>01</u> -2015 → Attorney Memo
<b>Advertised:</b> Date: April 26, 2015 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:

Over the past few months, the Town Commission discussed the existing noise Ordinance on several occasions and requested staff to review the existing regulations in an attempt to condense them. The Village of Wellington's noise Ordinance was offered up as a good example. Essentially, noise ordinances should be able to accomplish two goals:

- (1) Effectively regulate noise within municipal boundaries so as to protect the public health, safety and general welfare of inhabited residential and commercial/light industrial property; and
- (2) Ensure that these very regulations are enforceable.

In recently reviewing the Town's regulations, staff determined that while they are quite extensive, they actually accomplish the above two goals. The existing regulations do so by defining what a noise nuisance is, prohibiting it, and further providing for an additional dBA noise measurement enforcement method, while allowing for certain exemptions (for example, special events). However, it can be argued that the existing Ordinance includes TOO MUCH information that may lead to confusion.



Consequently, the revised Noise Ordinance was presented to the Town Commission on 1<sup>st</sup> reading at the March 18, 2015 meeting. At this meeting, the Town Commission directed staff to make the following changes prior to 2<sup>nd</sup> reading:

- (1) Remove sound decibel chart [*Done: please note that this means that noise violations will remain subjective and enforced only by plainly audible noise, rather than providing for an objective enforcement method by actual decibel levels should the Town ever purchase a noise meter and need to utilize this enforcement method*]
- (2) Define noise disturbance and provide for a tiered enforcement method with graduated citation amounts for a 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> offense offenses and possibly criminalize the offense (*modification to the Fine Fee Schedule which is approved by Resolution would also be required*) [*Done in Section 10-153*]
- (3) Include a measurement interval (minimum 10 minutes) [*Done in Section 10-153*]
- (4) Replace 'government sanctioned' language with a specific reference to 'special event permits' [*Done in Section 10-155(4)*] – *note: this language means that special event permit holders are exempt from having to meet the requirements as proposed.*
- (5) Reference the applicability of the procedural manual for facility rentals [*Done in Section 10-152*]

Following these directives, staff modified the Noise Ordinance and the Fine Fee Schedule (approved by Resolution and listed as a separate agenda item) and provided it to Attorney Matt Ramenda for additional review. Attorney Ramenda had one of his associates research the option of criminalizing noise offenses. In addition, PBSO also questioned the constitutionality of regulating noise within public rights-of-way and Attorney Ramenda had his associate conduct this research as well.

In conclusion, staff has been advised that we cannot criminalize noise offenses since State Law does not classify noise offenses as being criminal offenses. However, the Town is able to enforce noise within public rights-of-way because the Town's proposed Ordinance is content neutral and would not be found unconstitutional on the basis that it either punishes or favors one type of sound over another. Attorney Ramenda specifically included language in the proposed Noise Ordinance which provides that plainly audible sound from a distance of 100 feet is a violation "regardless of content".

A copy of the Attorney Memo dated April 16, 2015 detailing the above two issues is enclosed with this agenda item.

Both the proposed Noise Ordinance and the proposed Fine Fee Schedule were provided to Lieutenant Vassalotti who responded they look good from a PBSO enforcement perspective. All the proposed changes are included in the enclosed Ordinance. A separate Resolution which lists the offense fine fee amounts will also need to be considered by the Town Commission.

**Recommended Motion: I MOVE TO ADOPT ORDINANCE 01-2015 on 2<sup>nd</sup> READING.**

## Memo

**To:** Matt Ramenda  
**From:** Kelly Gardner  
**Date:** April 16, 2015  
**Subject:** Town of Lake Park Noise Ordinance Considerations

### Questions Presented

1. Whether the Town is authorized to impose criminal penalties for violations of its noise ordinance such as imprisonment for a term not exceeding 60 days.
2. Whether section 316.3045, Florida Statutes, which prohibits the amplification of sound from vehicles to a level that it is plainly audible at a distance of 25 feet or more from the motor vehicle, is still valid.

### Discussion

#### Issue 1

In sum, while section 162.22, Florida Statutes, authorizes municipalities to designate penalties for violations of municipal ordinances, with maximum penalties set at sixty days imprisonment and a \$ 500 fine, an ordinance penalty cannot exceed that of state law, and a municipal ordinance may not provide for a criminal penalty for something that has been decriminalized by the state. Since the amplification of sound from a vehicle on a street or highway is a noncriminal infraction and subject to civil penalties under the Florida Uniform Traffic Control Law, such conduct has been decriminalized by the State. The Town may not enact an ordinance imposing criminal penalties for conduct essentially identical to that which has been decriminalized by the state. Therefore, it is unlikely that the Town would be permitted to enact an ordinance that provides for criminal penalties for the violation of its noise ordinance in vehicles. Also, where a municipal ordinance violation punishable by incarceration or other criminal penalties is permissible, enforcement of a violation likely would be required to be prosecuted in county court, versus before a code enforcement board or special magistrate.

Chapter 162, Florida Statutes, establishes administrative enforcement procedures and a means of imposing administrative fines by local governing bodies for violations of local codes and ordinances for which no criminal penalty has been specified. Op. Att'y Gen. Fla. 2001-77 (2001). "Such a mechanism is necessary in light of the provisions of Article V, section 1, and Article I, section 18, Florida Constitution, which provide that while commissions established by law or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices, no

administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty *except as provided by law.*" Op. Att'y Gen. Fla. 2001-77 (2001).

In 1994, the Legislature added section 162.22, which provides:

"The governing body of a municipality may designate the enforcement methods and penalties to be imposed for the violation of ordinances adopted by the municipality. These enforcement methods may include, but are not limited to, the issuance of a citation, a summons, or a notice to appear in county court or arrest for violation of municipal ordinances as provided for in chapter 901. Unless otherwise specifically authorized and provided for by law, a person convicted of violating a municipal ordinance may be sentenced to pay a fine, not to exceed \$500, and may be sentenced to a definite term of imprisonment, not to exceed 60 days, in a municipal detention facility or other facility as authorized by law"

§ 162.22, Fla. Stat. (2014). See also *City of Fort Lauderdale v. Scott*, 888 F. Supp. 2d 1279, 1293 (S.D. Fla. 2012) ("the premise of Counter-Plaintiffs' argument—that state law prohibits criminal penalties for local code violations—is incorrect. Florida law expressly permits municipalities to 'designate the enforcement methods and penalties' for violations of city ordinances. Such authorized methods and penalties include arrest, a criminal fine of up to \$500, and imprisonment of up to 60 days.").

However, while section 162.22, Florida Statutes, authorizes municipalities to designate penalties for violations of municipal ordinances, with maximum penalties set at sixty days imprisonment and a \$ 500 fine, a municipal ordinance penalty cannot exceed that of state law, and a municipal ordinance may not provide for a criminal penalty for something that has been decriminalized by the state. See *Thomas v. State*, 614 So. 2d 468 (Fla. 1993); *Wyche v. State*, 619 So. 2d 231, 237-38 (Fla. 1993); *Edwards v. State*, 422 So. 2d 84 (Fla. 2d DCA 1982).

For example, in *Thomas v. State*, a violator challenged the constitutionality of a municipal ordinance, which imposed criminal penalties for violations, that required bicycles to be equipped with a bell or gong. See 614 So. 2d at 469. The court noted that municipal ordinance penalties may not exceed state penalties for similar or identical offenses; thus, "[a] city may not enact an ordinance imposing criminal penalties for conduct essentially identical to that which has been decriminalized by the state. *Id.* at 473. Additionally, the Court noted that the legislature in chapters 316 and 318, Florida Statutes, has determined that traffic violations, including those relating to bicycles, should be punished by civil penalties. *Id.* at 470. Therefore, the court held that the criminal penalty imposed by the ordinance was "in conflict with state law" because the

Legislature had "determined that traffic violations, including those relating to bicycles, should be punished by civil penalties." *Id.* at 470-71.

Similarly, in *Edwards v. State*, 422 So. 2d 84 (Fla. 2d DCA 1982), a city ordinance prohibited the possession of certain illegal drugs and prescribed penalties for the possession of varying amounts of each substance. The ordinance required a minimum mandatory sentence and a minimum fine. *Id.* at 85. The maximum penalty for any violation was 60 days incarceration and a fine of \$500. *Id.* All conduct prohibited by the ordinance would constitute felonies under state law, and the state statutes prescribed penalties which differed in severity from the penalties established by the ordinance. *Id.* The State charged a violator in county court for the violation of the city's ordinance, and the violator challenged the constitutionality. *Id.* The court noted that a "local ordinance does not conflict with a state statute merely because it provides for a less severe penalty," but that "an ordinance penalty cannot exceed that of state law." *Id.* In some respects, the city's ordinance set greater penalties than that prescribed by Florida law because, in most cases, Florida law provides a judge with discretion to order penalties besides incarceration and to decide whether or not to impose a fine; however, the ordinance eliminates these options by requiring minimum mandatory sentences and fines. *Id.* at 86. Therefore, the court held that the portions of the ordinance, which establish minimum mandatory sentences and fines not similarly punishable under state law, are invalid because they conflict with state law. *Id.*

Also, in *Wyche v. State*, 619 So. 2d 231, 237-38 (Fla. 1993), a city ordinance was held to be invalid because its maximum penalty of six months' imprisonment was greater than the penalty imposed by state statutes regulating similar conduct. The court provided:

"While the city's ordinance is not identical to either of these statutes, it is directed at the same or less serious conduct. Although municipalities and the legislature may legislate concurrently in areas not expressly preempted to the state, a municipality's concurrent legislation may not conflict with state law. Conflict arises when municipalities punish misconduct more severely than is permitted by state statutes."

*Id.*

Here, the Town cannot enact an ordinance that provides for a penalty that exceeds penalty imposed by state statutes regulating similar conduct , or that provides for a criminal penalty for conduct that has been decriminalized by the state. Similar to the conduct subject to the ordinance in *Thomas*, the amplification of sound from a vehicle on a street or highway has been decriminalized by the State since, under the Florida Uniform Traffic Control Law, such conduct is a noncriminal infraction and subject to civil

penalties. Therefore, it is unlikely that the Town would be permitted to enact an ordinance that provides for criminal penalties for the violation of its noise ordinance in vehicles.

Also, where a municipal ordinance violation punishable by incarceration or other criminal penalties is permissible, enforcement of a violation likely would be required to be prosecuted in county court, versus before a code enforcement board or special magistrate. See *Ft. Lauderdale v. Mattlin*, 566 So. 2d 1330 (Fla. 4th DCA 1990). In *Ft. Lauderdale v. Mattlin*, an individual was charged with violating a municipal ordinance which made it unlawful to commit an act, otherwise constituting a state misdemeanor, within the city, which was punishable by incarceration. *Id.* at 1331. It noted that “[p]ursuant to the revision of article V of the constitution of this state, all ordinance violations are to be prosecuted in the county court.” *Id.* at 1331-32. The court held that “[m]unicipal ordinance violations punishable by incarceration are the equivalent of criminal prosecutions” and are entitled to the protections of the rules of criminal procedure, including speedy trial rules. *Id.* Thus, even if the Town were permitted to enact an ordinance that provides for criminal penalties for the violation of its noise ordinance, enforcement of a violation likely would be required to be prosecuted in county court, versus before a code enforcement board or special magistrate.

## Issue 2

Section 316.3045, Florida Statutes, which prohibits the amplification of sound from vehicles to a level that it is plainly audible at a distance of 25 feet or more from the motor vehicle, is invalid. In December 2012, the Florida Supreme Court issued an opinion, in *State v. Catalano*, 104 So. 3d 1069 (Fla. 2012), holding that section 316.3045, Florida Statutes, was unconstitutional and, therefore, invalid. Since the Florida Supreme Court has found the statute to be unconstitutional, if the Town were to enact an ordinance adopting the same language as section 316.3045, Fla. Stat., it likewise would be found unconstitutional and invalidated if challenged.

In *State v. Catalano*, the Florida Supreme Court found the whole statute to be unconstitutional as the result of one provision within the statute that exempts motor vehicles used for business or political purposes from the prohibition against amplifying sound from within a motor vehicle to a level that it is plainly audible at a distance of 25 feet or more from the motor vehicle. Essentially, the court found that because of that provision, the statute treated commercial and political speech more favorably than noncommercial speech, and concluded that the statute was content based because it does not apply equally to music, political speech, and advertising. 104 So. 3d at 1078-79.



“Initially, it would appear that section 316.3045(1)(a), F.S., does not regulate expression based on the content of the message as it bans all amplified sound coming from within the interior of a motor vehicle that is —plainly audiblell beyond twenty-five feet from the source. In short, the statute proscribes excessive sound emanating from vehicles on public thoroughfares. Subsection (3), however, excepts —motor vehicles used for business or political purposes, which in the normal course of conducting such business use [sound-making] devicesll from this broad proscription.

The regulation, however, treats commercial and political speech more favorably than noncommercial speech. . . . Regardless of the intent of the Legislature, section 316.3045, F.S., is a sweeping ban on amplified sound that can be heard beyond twenty-five feet of a motor vehicle, unless that sound comes from a business or political vehicle, which presumably uses sound-making devices for the purpose of expressing commercial and political viewpoints. . . . Thus, this statute is content based because it does not apply equally to music, political speech, and advertising.”

*Id.*

Since the court concluded that the statute was content based, it applied the strict standard of scrutiny, requiring the state to show that the statute “is narrowly tailored and serves a compelling state interest,” versus the less rigorous “time, place, manner analysis” that is applied to content neutral restrictions of speech and expressive conduct. The court held that:

“the restriction of the constitutionally protected right to amplify sound, despite the State’s acknowledgement that this level of noise is tolerable and safe if the source is a commercial or political vehicle, is not narrowly tailored to achieve the government’s interests in improving traffic safety and protecting the citizenry from excessive noise. Thus, we also find that the statute is unconstitutionally overbroad because it restricts the freedom of expression in a manner more intrusive than necessary”

*Id.* at 1080.

Therefore, while section 316.3045, Florida Statutes, has found to be unconstitutional and invalid by *State v. Catalano*, the court’s reasoning illustrates that the statute was found to be unconstitutional as the result of one provision. Specifically, the court took issue with the provision that exempts motor vehicles used for business or political purposes from the prohibition against amplifying sound from within a motor

April 17, 2015  
Page 6

vehicle to a level that it is plainly audible at a distance of 25 feet or more from the motor vehicle. In light of this, a statute, or an ordinance, that does not contain the provision that provides an exemption for vehicles used for business or political purposes would arguably be constitutional if challenged.

### Summary of Cases

- *City of Fort Lauderdale v. Scott*, 888 F. Supp. 2d 1279, 1293 (S.D. Fla. 2012)
  - “the premise of Counter-Plaintiffs’ argument—that state law prohibits criminal penalties for local code violations—is incorrect. Florida law expressly permits municipalities to ‘designate the enforcement methods and penalties’ for violations of city ordinances. Such authorized methods and penalties include arrest, a criminal fine of up to \$500, and imprisonment of up to 60 days. While the City has not adopted specific criminal penalties for code violations, choosing instead to address such violations mainly through civil penalties, the City retains authority to enforce its code requirements by ‘any other means.’ Specifically, in addition to the enforcement powers granted to it under the City Code, the City ‘may, in its discretion, exercise any powers given to municipalities’ by Chapter 162 of the Florida Statutes. Thus, nothing in state or local law forecloses the City from enforcing code violations through arrest or short-term imprisonment” (internal citations omitted).
  
- *Thomas v. State*, 614 So. 2d 468 (Fla. 1993)
  - The ordinance, which imposed criminal penalties for violations, required bicycles to be equipped with a bell or gong.
  - The Court noted that the legislature in chapters 316 and 318, Florida Statutes, has determined that traffic violations, including those relating to bicycles, should be punished by civil penalties. Therefore, the court held that the criminal penalty imposed by the ordinance was “in conflict with state law” because the Legislature had “determined that traffic violations, including those relating to bicycles, should be punished by civil penalties.”
  - Municipal ordinance penalties may not exceed state penalties for similar or identical offenses. Thus, “[a] city may not enact an ordinance imposing criminal penalties for conduct essentially identical to that which has been decriminalized by the state.”
  - “We hold that when a person is charged with violating a municipal ordinance regulating conduct that is noncriminal in nature, such as in the traffic control area, section 901.15(1) only permits a person to be detained for the limited purpose of issuing a ticket, summons, or notice to appear.”

- “violation of a municipal ordinance is not a ‘crime,’ and it is not a ‘noncriminal violation’ as defined in Florida Statutes.”
- *Wyche v. State*, 619 So. 2d 231, 237-38 (Fla. 1993)
  - “Finally, the ordinance is invalid because its maximum penalty of six months’ imprisonment is greater than the penalty imposed by state statutes regulating similar conduct. Florida’s loitering statute, section 856.021, Florida Statutes (1987), and its prostitution and solicitation statute, section 796.07(3)(b) (1987), create second-degree misdemeanors calling for a maximum imprisonment of sixty days in jail. While the city’s ordinance is not identical to either of these statutes, it is directed at the same or less serious conduct. Although municipalities and the legislature may legislate concurrently in areas not expressly preempted to the state, a municipality’s concurrent legislation may not conflict with state law. Conflict arises when municipalities punish misconduct more severely than is permitted by state statutes.” (internal citations omitted).
- *Edwards v. State*, 422 So. 2d 84 (Fla. 2d DCA 1982)
  - City ordinance prohibited the possession of certain illegal drugs and prescribed penalties for the possession of varying amounts of each substance. The ordinance required a minimum mandatory sentence and a minimum fine. The maximum penalty for any violation was 60 days incarceration and a fine of \$500. All conduct prohibited by the ordinance would constitute felonies under state law, and the state statutes prescribed penalties which differed in severity from the penalties established by the ordinance. The State charged a violator in county court for the violation of the city’s ordinance, and the violator challenged the constitutionality.
  - The court stated that a “local ordinance does not conflict with a state statute merely because it provides for a less severe penalty,” but that “an ordinance penalty cannot exceed that of state law.” In some respects, the ordinance set greater penalties than that prescribed by Florida law because in most cases Florida law has discretion to order penalties besides incarceration and to decide whether or not to impose a fine; however, the ordinance eliminates these options by requiring minimum mandatory sentences and fines. Therefore, the court held that the portions of the ordinance, which establish minimum mandatory sentences and fines not similarly punishable under state law, are invalid because they conflict with state law.

- *Goodman v. County Court*, 711 So. 2d 587 (Fla. 4th DCA 1998)
  - Petitioner was charged by information in the county court with violations of the municipal housing code of the City of Fort Lauderdale ("City"). The Petitioner claimed that the county court lacked jurisdiction to hear the charges because violations of the municipal housing code were within the exclusive jurisdiction of the local government code enforcement board.
  - The City may elect either method of prosecution. The creation of the code enforcement board and the assignment to it of the enforcement of housing code violations does not prohibit the City from bringing a charge in county court for a municipal code violation
- *Ft. Lauderdale v. Mattlin*, 566 So. 2d 1330 (Fla. 4th DCA 1990)
  - Appellee was charged with violating a municipal ordinance which made it unlawful to commit an act, otherwise constituting a state misdemeanor, within the city, which was punishable by incarceration.
  - "Pursuant to the revision of article V of the constitution of this state, all ordinance violations are to be prosecuted in the county court."
  - "Municipal ordinance violations punishable by incarceration are the equivalent of criminal prosecutions and are entitled to the protections of rule 3.191" including speedy trial rules.
  - "an ordinance violation punishable by incarceration is the equivalent of a misdemeanor for the purpose of applying speedy trial rules"



**Town of Lake Park Town Commission**

**Agenda Request Form**

*Exhibit "B"*

**Meeting Date: May 6, 2015**

**Agenda Item No.**

**Agenda Title: Ordinance Amending Certain Sections of Article XVI of the Town Charter pertaining to Special Elections, Annual General Elections, and the Repeal of the Form of Ballots used during Elections.**

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

Approved by Town Manager *Ralph McElh...* Date: *4/28/2015*  
*Auto Town Manager*

*Vivian Mendez - Town Clerk*  
 Name/Title

<b>Originating Department:</b>  <p style="text-align: center;">Town Clerk</p>	Costs: \$ 275.20 Funding Source: <b>Advertising</b> Acct. # 106-48100 <input checked="" type="checkbox"/> Finance <i>BKZ</i>	<b>Attachments:</b>  <b>Ordinance Advertisement</b>
<b>Advertised:</b> Date: <u>April 26, 2015</u> Paper: <u>Palm Beach Post</u> <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u><i>VM</i></u>  <b>Please initial one.</b>

**Summary Explanation/Background:** At the Regular Commission meeting of April 15, 2015 Ordinance 04-2015 was presented to the Town Commission and passed unanimously. The Ordinance amendments in Article XVI do not fundamentally alter the basic organizational or administrative structure of the Town's Commission-Manager form of government as set forth in the Town Charter. The following sections are proposed to be modified:

Section 11 – Special Elections; Section 13 – Date of General Elections; Section 22 – Form of Ballot.

**Recommended Motion:** I move to adopted Ordinance 04-2015 on second reading.

**ORDINANCE NO. 04-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CERTAIN SECTIONS OF ARTICLE XVI OF THE TOWN CHARTER; PROVIDING FOR THE AMENDMENT OF SECTION 11 PERTAINING TO SPECIAL ELECTIONS; PROVIDING FOR THE AMENDMENT OF SECTION 13 PERTAINING TO THE ANNUAL GENERAL ELECTION; PROVIDING FOR THE REPEAL OF SECTION 22, ENTITLED "FORM OF BALLOT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, prior to July 1, 1973 the Town Commission adopted a municipal Charter, which contains among other matters, provisions pertaining to the operation of the Town under a Town Commission-Town Manager form of government; and

**WHEREAS**, Sections 166.021(4) and 166.031, Fla. Stat., set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, and which charters have not been subsequently readopted; and

**WHEREAS**, pursuant to the provisions of Section 166.021(4), Fla. Stat., amendments to municipal charter provisions which were adopted prior to July 1, 1973, such as the Town's Charter, may be made by ordinance if the proposed changes do not affect the basic organizational and administrative structure of the municipal government, and if the proposed changes do not fall within any of the statutorily excluded areas which expressly require a referendum in order to adopt the proposed charter amendment; and

**WHEREAS**, the Town Commission has determined that certain sections of Article XVI of the Town Charter should be amended; and

**WHEREAS**, the proposed amendments in Article XVI do not fundamentally alter the basic organizational or administrative structure of the Town's Commission-Manager form of government as set forth in the Town Charter, or pursuant to Section 166.021(4), Fla. Stat. such that a referendum would be required.

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

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

**Section 2.** The municipal Charter for the Town of Lake Park, Article XVI, Sections 11, 13, and 22 are hereby amended to read as follows:

**Section 11. Special Election.**

Special elections ~~shall~~ may be held in the following cases: First, where there shall be no choice of any officer who should have been elected at a general election; second when a vacancy shall occur more than ninety (90) days before a general election is to be held; third, in any other case when it becomes necessary to give full force and effect and carry out the intents and purposes of the Charter of the Town of Lake Park.

**Section 13. Date of General Election.**

The general ~~annual~~ election of the Town of Lake Park shall be held in said Town on the second Tuesday in March of the calendar year-; or as may otherwise be specified in the published Notice of General Election posted by the Town Clerk.



**Section 3.** Article XVI, Section 22 entitled "Form of ballot" is hereby repealed.

**Section 22. Form of ballot**

That the official ballot (if ballot is used) to be used in all elections shall be substantially in the words, figures and form as follows; to-wit:

OFFICIAL BALLOT

DATE \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
YEAR \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

TOWN OF LAKE PARK, FLORIDA

Mark a Cross Mark (x) before the name of the Candidate of your own choice

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon adoption.

**RECEIPT**

Account: G3573  
Name: TOWN OF LAKE PARK  
Address: 535 PARK AVE  
LAKE PARK FL 33403-2603

Phone: 561-881-3300  
E-mail: VMENDEZ@LAKEPARKFLORIDA.GOV

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Order Name: NOTICE OF PROPOSED ORD  
Order Id: 408093  
Original Order Id:  
Copy Line: LEGAL NOTICE OF PROPOSED ORDINANCETOWN O  
Sales Rep: PB116 R Hindmarch (P)  
Purchase Order:  
Pay Type: Billed  
Account Group:  
Caller: VIVIAN MENDEZ  
Section: 6205 Legal Notices  
Reply Request:  
Tear Sheets: 0

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**Order Summary**  
Base: \$275.20  
Other Charges: \$0.00  
Discounts: \$0.00  
Agency Commission: \$0.00  
Sales Tax: \$0.00  

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Total Order \$275.20

**Payment Summary**  
*No payment information available.*

**RECEIPT**

Ad Name: 785721A

Ad Id: 785721

Original Ad Id:

Start: 04/26/2015  
Stop: 04/26/2015  
Issues: 1  
Words: 359  
Dimensions: 1 X 80  
Color:

**Editions**

PB Post  
PB Post Web

**RECEIPT**

**LEGAL NOTICE OF  
PROPOSED ORDINANCE  
TOWN OF LAKE PARK**

Please take notice that on Wednesday, May 6, 2015 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

**Ordinance No. 01-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV OF THE LAKE PARK CODE BY REPEALING SECTIONS 10-151 THROUGH 10-161 AND ADOPTING A NEW ARTICLE IV REGULATING NOISE IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**Ordinance No. 04-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CERTAIN SECTIONS OF ARTICLE XVI OF THE TOWN CHARTER; PROVIDING FOR THE AMENDMENT OF SECTION 11 PERTAINING TO SPECIAL ELECTIONS; PROVIDING FOR THE AMENDMENT OF SECTION 13 PERTAINING TO THE ANNUAL GENERAL ELECTION; PROVIDING FOR THE REPEAL OF SECTION 22, ENTITLED "FORM OF BALLOT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Ordinance No. 05-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV OF THE TOWN CODE, ENTITLED "BOARDS, COMMISSIONS, AND COMMITTEES"; PROVIDING FOR THE AMENDMENT OF THE TITLE OF ARTICLE IV; PROVIDING FOR THE AMENDMENT OF SECTION 2-111; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk  
Town of Lake Park, Florida  
PUB: The Palm Beach Post  
4-26/2015 #408093

**RECEIPT**

Ad shown is not actual print size.



**Town of Lake Park Town Commission**

**Agenda Request Form**

*Exhibit "C"*

**Meeting Date:** May 6, 2015      **Agenda Item No.**

**Agenda Title: Ordinance Amending Chapter 2, Article IV, Section 2-111 Entitled Election of Board and Committee Officers.**

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

**Approved by Town Manager** *Ralph M. Kibbe Sr.*      **Date:** *4/28/2015*  
*Jeta Lopez Mayor*

*Vivian Mendez - Town Clerk*

Name/Title

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Clerk</b></p>	Costs: \$ 275.20 Funding Source: <b>Advertising</b> Acct. # 106-48100 <input checked="" type="checkbox"/> Finance <i>BKZ</i>	<b>Attachments:</b>  <b>Ordinance Advertisement</b>
<b>Advertised:</b> <b>Date: April 26, 2015</b> <b>Paper: 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 _____ or Not applicable in this case <i>UM</i>  <b>Please initial one.</b>

**Summary Explanation/Background:** At the April 15, 2015 Regular Commission meeting Ordinance 05-2015 was presented to the Town Commission and passed unanimously. The Ordinance amendments in Chapter 2, Article IV, entitled "Boards, Commissions, and Committees", do not fundamentally alter the basic organizational or administrative structure of the Town's Commission-Manager form of government.

Staff proposed, at the April 15, 2015 Regular Commission meeting the following three (3) amendments to this section of the Code:

1. Amend the title from "Boards, Commissions, and Committees", to "Boards, and Committees" and remove the word Commission.
2. Each board shall annually elect a chair from its membership and a vice-chair at their first meeting of each year instead of the month of January.

3. The Town Manager shall assign a staff member to be the recording secretary who shall be responsible for producing minutes of the board or committee meeting.

**Recommended Motion:** I move to approve Ordinance 05-2015 on second reading.

**ORDINANCE NO. 05-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV OF THE TOWN CODE, ENTITLED "BOARDS, COMMISSIONS, AND COMMITTEES"; PROVIDING FOR THE AMENDMENT OF THE TITLE OF ARTICLE IV; PROVIDING FOR THE AMENDMENT OF SECTION 2-111; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, Chapter 2, Article IV, of the Town Code authorizes the Town Commission to appoint members to certain standing Boards, Commissions and Committees; and

**WHEREAS**, Chapter 2, Article IV, Section 2-111 provides for each Board, Commission or Committees election of a Chair and officers from their membership; and

**WHEREAS**, the Town Commission has determined that it is necessary and advisable to amend Article IV and Section 2-111 of the Code of Ordinances of the Town of Lake Park; and

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

**Section 1.** The whereas clauses are incorporated herein as true and correct, and the findings of the Commission.

**Section 2.** Article IV and Section 2-111 of the Code of Ordinances of the Town of Lake Park are hereby amended to read as follows:

**ARTICLE IV. BOARDS, ~~COMMISSIONS~~ AND COMMITTEES**

**Sec. 2-111. Election of board and committee officers.**

(a) *Chair.* Each board and committee of the town shall annually elect from its membership a chair, who shall preside at all meetings of such board or committee, and a ~~chair pro tem~~ vice-chair, who shall preside at all meetings of such board or committee in the absence or disability of the chair, at a regular meeting to be conducted in January, or



if there is no meeting in January then at the first meeting of the board or committee in the new year of each year.

(b) Administrative support. The Town Manager shall assign town employees to each board or committee, including a recording secretary who shall be responsible for recording the meetings and producing minutes of the board or committee meetings. ~~Secretary. Each board and committee of the Town shall elect from its membership a secretary, who shall record the proceedings of each meeting of such board or committee, at a regular meeting to be conducted in January of each year, except that the Town Clerk shall serve as the recording secretary for the planning and zoning board and code enforcement board.~~

**Section 3. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Codification.** The sections of the ordinance may be renumbered or relettered to accomplish codification, and the words “ordinance,” “section,” “article,” or “paragraph” may be changed to provide for continuity.

**Section 5. Severability.** If any section, subsection, sentence, clause, phase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon adoption.

**RECEIPT**

Account: G3573  
Name: TOWN OF LAKE PARK  
Address: 535 PARK AVE  
LAKE PARK FL 33403-2603

Phone: 561-881-3300  
E-mail: VMENDEZ@LAKEPARKFLORIDA.GOV

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Order Name: NOTICE OF PROPOSED ORD  
Order Id: 408093  
Original Order Id:  
Copy Line: LEGAL NOTICE OF PROPOSED ORDINANCETOWN O  
Sales Rep: PB116 R Hindmarch (P)  
Purchase Order:  
Pay Type: Billed  
Account Group:  
Caller: VIVIAN MENDEZ  
  
Section: 6205 Legal Notices  
Reply Request:  
Tear Sheets: 0

**Order Summary**  
Base: \$275.20  
Other Charges: \$0.00  
Discounts: \$0.00  
Agency Commission: \$0.00  
Sales Tax: \$0.00  

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Total Order \$275.20

**Payment Summary**  
*No payment information available.*

**RECEIPT**

Ad Name: 785721A

Ad Id: 785721

Original Ad Id:

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Stop: 04/26/2015  
Issues: 1  
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**Editions**  
PB Post  
PB Post Web

**RECEIPT**

**LEGAL NOTICE OF  
PROPOSED ORDINANCE  
TOWN OF LAKE PARK**

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**Ordinance No. 01-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV OF THE LAKE PARK CODE BY REPEALING SECTIONS 10-151 THROUGH 10-161 AND ADOPTING A NEW ARTICLE IV REGULATING NOISE IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**Ordinance No. 04-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CERTAIN SECTIONS OF ARTICLE XVI OF THE TOWN CHARTER; PROVIDING FOR THE AMENDMENT OF SECTION 11 PERTAINING TO SPECIAL ELECTIONS; PROVIDING FOR THE AMENDMENT OF SECTION 13 PERTAINING TO THE ANNUAL GENERAL ELECTION; PROVIDING FOR THE REPEAL OF SECTION 22, ENTITLED "FORM OF BALLOT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Ordinance No. 05-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV OF THE TOWN CODE, ENTITLED "BOARDS, COMMISSIONS, AND COMMITTEES"; PROVIDING FOR THE AMENDMENT OF THE TITLE OF ARTICLE IV; PROVIDING FOR THE AMENDMENT OF SECTION 2-111; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk  
Town of Lake Park, Florida  
PUB: The Palm Beach Post  
4-26/2015 #408093

**RECEIPT**

Ad shown is not actual print size.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "D"

Meeting Date: May 6, 2015

Agenda Item No.

**Agenda Title: Resolution Amending the Fine Fee Schedule To Add Graduated Fines For Noise Disturbance Offenses**

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE
- NEW BUSINESS - RESOLUTION**
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *Nadia Di Tommaso* Date: 4/29/2015  
*Nadia Di Tommaso*

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

<b>Originating Department:</b>  Community Development	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b>  → Resolution 12-05-15
<b>Advertised:</b> Date: N/A Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> or Not applicable in this case _____  <b>Please initial one.</b>

**Summary Explanation/Background:**

This agenda item proposes to amend the Fine Fee Schedule to include graduated fines for Noise offenses which are described and are being considered separately via Ordinance 01-2015 which proposes to amend the overall code provisions pertaining to Noise. Pursuant to the Town Commission's direction on the 1<sup>st</sup> reading of Ordinance 01-2015, staff included three fine amounts on the proposed Fine Fee Schedule as follows:

Noise disturbance	
1 <sup>st</sup> Offense	\$250
2 <sup>nd</sup> Offense (minimum of 30 minutes following the 1 <sup>st</sup> offense and within the same 24-hour period)	\$350
3 <sup>rd</sup> Offense and every subsequent offense occurring a minimum of 30 minutes after the 3 <sup>rd</sup> offense and within the same 24-hour period after the 1 <sup>st</sup> Offense)	\$450

**Recommended Motion:**  
**I MOVE TO APPROVE RESOLUTION 12-05-15.**



Town of Lake Park Town Commission

Agenda Request Form *Exhibit "E"*

Meeting Date: May 6, 2015

Agenda Item No.

**Agenda Title: Resolution Authorizing the Mayor to Execute a Government Obligation Contract to Finance the Acquisition of Two, New Sanitation Vehicles**

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON \_\_\_ READING
- NEW BUSINESS**
- OTHER: \_\_\_\_\_

Approved by Interim Town Manager *[Signature]* Date: 4/29/2015  
*Interim Town Manager*

*[Signature]*  
 David Hunt / Public Works Director

<b>Originating Department:</b> Public Works	<b>Costs: \$ 532,164.50 (over five years)</b> <b>Funding Source:</b> Sanitation Fund <b>Acct. # 404-64100 (commencing F.Y. 2016)</b> <input checked="" type="checkbox"/> Finance <i>BUR</i>	<b>Attachments:</b> - Sanitation Division Long Range Vehicle Replacement Schedule - Formal Proposal for One, Side-Loading, Residential Sanitation Truck (body quotes included) - Formal Proposal for One, Front-Loading, Commercial Sanitation Truck (body quotes included) - Government Obligation Contract for Two, Complete Trucks (Exhibit A) - Resolution No. <u>13-05-15</u>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	<b>Yes, I have notified everyone</b> <i>[Signature]</i> or Not applicable in this case _____ <b>Please initial one.</b>

**Summary Explanation/Background:**

At the July 16, 2014 Regular Commission Meeting, an Agenda Item was approved that established new sanitation rates in support of a vehicle replacement program. A vehicle replacement schedule was



submitted that called for the purchase of a residential side-loading truck and a commercial front-loading truck in Fiscal Year 2015.

Using the Florida Sheriffs Association & Florida Association of Counties' competitive Bid Award Announcement, three packages were prepared for each sanitation vehicle. Both vehicles were specified with a Mack chassis and three different manufacturers' bodies for price comparisons. The residential side-loader manufactured by McNeilus was \$13,162.72 less than the next lowest body manufacturer, New Way. The McNeilus quote included a five year cylinder warranty that was not provided by either New Way or the highest bidder, Heil.

New Way priced the front-loading commercial sanitation truck \$5,172.14 less than McNeilus. However, by using governmental cooperative purchasing price lists, staff has the latitude to select a slightly higher priced vehicle if it is deemed to be in the best interest of the Town. McNeilus parts and service has a large support network both in the state and around the country. McNeilus' Pompano Beach repair facility is larger than New Way's Ft. Pierce shop which will result in a faster turn-around time for repairs. It is also advisable for a small fleet to stick with a single manufacturer in order to increase its leverage for parts and service. For these reasons, staff is recommending the purchase of the McNeilus front-loading commercial sanitation truck.

Financing for the two vehicles will be provided by the chassis manufacturer's lending institution, KS State Bank. The terms for the government obligation contract includes a five year, fixed interest rate of 2.610% based upon five equal payments, with the first payment due January 8, 2016 (Fiscal Year 2016). The Mack/McNeilus side-loading residential sanitation truck package totals \$255,628.62 (\$270,157.50 with interest over five years). The Mack/McNeilus front loading commercial sanitation truck package totals \$247,916.47 (\$262,007.00 with interest over five years).

**Recommended Motion: I move to approve Resolution No. 13-05-15 authorizing the Mayor to execute the government obligation contract, funded by KS State Bank, for one (1) 2016 Mack LEU613 with McNeilus Model 2849 side-loading body and one (1) 2016 Mack MRU613 with McNeilus Model 4029 front-loading body for the total amount of \$532,164.50 over five years.**





**Town of Lake Park Town Commission**

**Agenda Request Form**

*Exhibit "F"*

**Meeting Date: May 6, 2015**

**Agenda Item No.**

**Agenda Title: Kiwanis of Lake Park Proposed 3 on 3 Co-ed Basketball Tournament**

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
- NEW BUSINESS
- OTHER: \_\_\_\_\_

Approved by Town Manager *Kathleen Carroll Walters* Date: *4/29/2015*

**Kathleen Carroll Walters/Recreation Manager**  
Name/Title

<b>Originating Department:</b> <b>Parks &amp; recreation Department</b>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <ul style="list-style-type: none"> <li>• Flyer</li> <li>• Lake Park Youth Program Registration Form</li> </ul>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone: <u>KCW</u> or Not applicable in this case ____ <b>Please initial one.</b>

**Summary Explanation/Background:**

Kiwanis of Lake Park is offering to host a Co-ed 3 on 3 basketball tournament for children in grades 4 through 8. The divisions will be; "Elementary Division", grades 4 and 5 to be played at the Lake Park Bethlehem Haitian Baptist Church and the "Middle School Division" grades 6 through 8 to be held at the Bert Bostrom ball park basketball courts commencing at 10:30 a.m. on Saturday, June 6, 2015.

This one day event is an outreach to the youth of Lake Park with the intention of creating a family-like atmosphere through organized recreational basketball games and a future plan to develop a recreational league for all age groups.

A number of community organizations; Kiwanis of Lake Park, Club 100 Charities and the Lake Park Bethlehem Haitian Church have joined forces to offer our local children the first of many future programs and activities.

The Town of Lake Park Youth Program Registration Forms (Recreation Department) will be available at the following locations:

Lake Park Library (529 Park Avenue, Lake Park)  
Bethlehem Haitian Baptist Church (425 Crescent Drive, Lake Park)

from Thursday, May 7<sup>th</sup> through Tuesday, May 26, 2015. Registration forms shall be turned in at the; Lake Park Library and/or the

Bethlehem Haitian Church and will be turned in as a team (**4 players per team**) not as individuals.

\*\*\*\*Copy of report card is required to confirm grade level\*\*\*\*

**Recommended Motion:** I move to approve of the use of Bert Bostrom Park for the Middle School Division during the 1<sup>st</sup> Annual Lake Park Co-Ed 3 on 3 Basketball Tournament.



**Town of Lake Park Town Commission**

**Agenda Request Form**

*Exhibit "G"*

**Meeting Date: May 6, 2015**

**Agenda Item No.**

**Agenda Title: Murals/Public Art on Private Property Discussion.**

- SPECIAL PRESENTATION/REPORTS  CONSENT AGENDA
- BOARD APPOINTMENT  OLD BUSINESS
- PUBLIC HEARING ORDINANCE
- RESOLUTION
- OTHER – DISCUSSION ITEM**

**Approved by Town Manager** *Paul McPherson* **Date:** *4/28/2015*  
*Antonia Jean Wolfe*

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

<b>Originating Department:</b>  Community Development	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b>  → Murals/Public Art on Private Property sample Ordinances (West Palm Beach, FL; Miami, FL; Toledo, OH; Los Angeles, CA)
<b>Advertised:</b> Date: N/A Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone ___ or Not applicable in this case <u>ND</u> <b>Please initial one.</b>

**Summary Explanation/Background:**

Towards the end of 2014, the Town Commission expressed interest in exploring murals/public art on private property code provisions. Currently, the Town does not regulate murals/public art on private property, but for murals/public art that are installed as business signage, and provides for the following:

**Sec. 70-103. - Permitted signs. (regulated through a signage permit)**

5. Commercial/nonresidential signage.

- (a) Wall-mounted signs in commercial and mixed commercial and light industrial districts.
  - (7) Wall signs may be painted directly onto the building provided it meets the following standards:
    - a. The sign shall be painted by a professional sign painter.
    - b. A full color rendition of the painted sign must be approved by the community development director prior to issuance of the permit.
    - c. The sign must contain a logo or other graphic elements in addition to the name and address and shall be in proportion to the existing/available sign space and harmonious in design.

The purpose of this agenda item is to allow the Town Commission to review some sample Ordinances in an attempt to possibly direct staff to move forward with Code provisions for murals/public art on private property that are general in nature and not associated with business signage. Some components to consider in the discussion would be:

- (1) Location. Will there be any limitations on where the murals/public art can be installed? Distance separation requirements from residential zoning districts? Provisions for mixed-use buildings?
- (2) Application Requirements. Will it be administrative, or require Town Commission (or other board) approval and if so, will it be subject to noticing requirements? Permit fee?
- (3) What types of artwork are acceptable? (sculptures; murals; portable paintings; painted furnishings or fixtures - example, fences/gates, railings, lighting, street lights; etc.). Any exclusions?
- (4) Size limitations for murals and freestanding public art. Will the incorporation of electrical components or moving parts be allowed?
- (5) Maintenance and Enforcement Requirements.

**Recommended Motion: Not Applicable – Discussion item only in order to provide staff with direction.**



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, May 6, 2015, 6:30 p.m.  
Lake Park Town Hall  
535 Park Avenue

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

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

- A. CALL TO ORDER/ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. SPECIAL PRESENTATIONS/REPORTS  
None
- D. PUBLIC COMMENT:  
This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.
- E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked

to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

- 1. Regular Commission Meeting Minutes of April 15, 2015 Tab 1
- 2. 2015 The World Lupus Day Proclamation Tab 2

**F. NOMINATION FOR BOARD MEMBERSHIP:**

- 3. Erich von Unruh – Nominated for Re-appointment to the Planning and Zoning Board as a Regular Member Tab 3

**G. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:**

None

**H. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

- 4. Ordinance No. 01-2015 to Amend Chapter 10, Article IV – Noise Control Tab 4

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV OF THE LAKE PARK CODE BY REPEALING SECTIONS 10-151 THROUGH 10-161 AND ADOPTING A NEW ARTICLE IV REGULATING NOISE IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

- 5. Ordinance No. 04-2015 Amending Certain Sections of the Town Charter Article XVI Pertaining to Special Elections, Annual Elections, and Repeal of the Form of Ballots Used during an Election. Tab 5

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CERTAIN SECTIONS OF ARTICLE XVI OF THE TOWN CHARTER; PROVIDING FOR THE AMENDMENT OF SECTION 11 PERTAINING TO SPECIAL ELECTIONS; PROVIDING FOR THE AMENDMENT OF SECTION 13 PERTAINING TO THE ANNUAL GENERAL ELECTION; PROVIDING FOR THE REPEAL OF SECTION 22, ENTITLED “FORM OF BALLOT”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 6. Ordinance No. 05-2015 Amending Chapter 2, Article IV of the Code of Ordinances Pertaining to Boards, Commission, and Committees. Tab 6

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV OF THE TOWN CODE, ENTITLED “BOARDS, COMMISSIONS, AND COMMITTEES”; PROVIDING FOR THE AMENDMENT OF THE TITLE OF ARTICLE IV; PROVIDING FOR THE AMENDMENT OF SECTION 2-111; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**



**I. NEW BUSINESS:**

- 7. Resolution No. 12-05-15 Amending the Fine Fee Schedule to add Graduated Fines for Noise Disturbance Offenses** **Tab 7**
- 8. Resolution No. 13-05-15 Authorizing the Mayor to Execute a Government Obligation Contract to Finance the Acquisition of Two, New Sanitation Vehicles** **Tab 8**
- 9. Lake Park Kiwanis Basketball Tournament** **Tab 9**
- 10. Murals/Public Art on Private Property Discussion** **Tab 10**

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

**K. ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, May 20, 2015**