



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, June 5, 2013, 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>
<hr/>		
<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. 2013 Legislative Update by Senator Jeff Clemens
2. 2013 Lobbying Update by Fausto Gomez

Tab 1  
Tab 2

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.**

3. Regular Commission Meeting Minutes of May 15, 2013 Tab 3
4. Waiving of Parking Fees for the July 4<sup>th</sup> Community Celebration in June (June 29, 2013) and Closing Lake Shore Drive from Greenbriar Drive to just North of Foresteria Drive Leaving the South Parking Area Open Tab 4
- F. **BOARD MEMBERSHIP APPOINTMENT:**
5. Library Board Appointment Tab 5
- G. **OLD BUSINESS:**  
None
- H. **PUBLIC HEARINGS - ORDINANCE ON FIRST READING:**
6. Ordinance No. 08-2013 Text Amendment to Section 78-71 Tab 6  
**A TEXT AMENDMENT TO SECTION 78-71 TO INCLUDE AN “ANIMAL SERVICE ESTABLISHMENTS” USE AS A SPECIAL EXCEPTION USE, AND “ANIMAL DAY CARE ESTABLISHMENT”, “ANIMAL GROOMING ESTABLISHMENT”, “ANIMAL INDOOR TRAINING CENTER”, AND “PET SHOP” USE AS A PERMITTED USE WITHIN THE C-1 BUSINESS DISTRICT, AS WELL AS CREATING A “SPECIAL EXCEPTION” SUBSECTION TO THE C-1 BUSINESS DISTRICT TO INCLUDE SOME EXISTING C-1 PERMITTED USES AND THE NEW “ANIMAL SERVICE ESTABLISHMENT” USE AS A SPECIAL EXCEPTION USE. MODIFICATION TO SECTION 78-2 TO INCLUDE DEFINITIONS FOR THE VARIOUS USES BEING AMENDED IN THE C-1 BUSINESS DISTRICT.**
- I. **PUBLIC HEARINGS – ORDINANCE ON SECOND READING/QUASI-JUDICIAL:**
7. Ordinance No. 07-2013 Adoption of the Florida-Friendly Use on Urban Landscapes Ordinance Tab 7  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ENTITLED “UTILITIES”, BY CREATING A NEW ARTICLE IV ENTITLED “FLORIDA-FRIENDLY FERTILIZER USE” AND ESTABLISHING REGULATIONS TO ADDRESS STORMWATER RUNOFF WITH EXCESSIVE NUTRIENT LEVELS IN WATER BODIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**
- J. **NEW BUSINESS:**  
None

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

**L. ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, June 19, 2013**

**SPECIAL  
PRESENTATION/  
REPORT**



# TAB 1



**Town of Lake Park Town Commission  
Commission Workshop**

**Agenda Request Form**

**Meeting Date:** June 5, 2013

**Agenda Item No.** *Tab 1*

**Agenda Title: 2013 Legislative Update by Senator Jeff Clemens.**

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

**Approved by Town Manager** *[Signature]* **Date:** *5/24/13*

Dale S. Sugerman, Ph.D./Town Manager  
Name/Title

<b>Originating Department:</b>  <p align="center"><b>Town Manager</b></p>	Costs: \$ <b>0.00</b> Funding Source: Acct. # <b>N/A</b> <input type="checkbox"/> Finance _____	<b>Attachments:</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case ____ <b>Please initial one.</b>

**Summary Explanation/Background:**

Senator Jeff Clemens (D-27) will be in attendance at the Commission meeting to give an update on the 2013 legislative session which ended in Tallahassee on May 3<sup>rd</sup>.

**Recommended Motion:**

No motion is necessary as this is a verbal presentation by Senator Clemens.

# TAB 2



**Town of Lake Park Town Commission  
Commission Workshop**

**Agenda Request Form**

**Meeting Date:** June 5, 2013

**Agenda Item No.** *Tab 2*

**Agenda Title: 2013 Lobbying Update by Fausto Gomez.**

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

**Approved by Town Manager** *[Signature]* **Date:** *5/25/13*

Dale S. Sugerman, Ph.D./Town Manager  
**Name/Title**

<b>Originating Department:</b>  <p align="center"><b>Town Manager</b></p>	Costs: \$ <b>0.00</b> Funding Source: Acct. # <b>N/A</b> <input type="checkbox"/> Finance _____	<b>Attachments:</b>  End-of-Session Report from Fausto Gomez.
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case ____  <b>Please initial one.</b>

**Summary Explanation/Background:**

Fausto Gomez, the Town's lobbyist, will be in attendance at the Commission meeting to give an update on his lobbying efforts during the 2013 legislative session which ended in Tallahassee on May 3<sup>rd</sup>.

**Recommended Motion:**

No motion is necessary as this is a verbal presentation by Mr. Gomez.

2350 Coral Way, Suite 301  
Miami, Florida 33145  
(305) 860-0780 (Telephone)  
(305) 860-0580 (Facsimile)  
(305) 905-9801 (Mobile)

200 West College Avenue, Suite 204  
Tallahassee, Florida 32301  
(850) 222-9911 (Telephone)  
(850) 807-2539 (Facsimile)

[fgomez@gomezbarker.com](mailto:fgomez@gomezbarker.com)

**Gomez Barker  
Associates, Inc.**

# Memorandum

**To:** Hon. James DuBois, Mayor  
Hon. Kimberly Glas-Castro, Vice Mayor  
Hon. Erin Flaherty, Commissioner  
Hon. Michael O' Rourke, Commissioner  
Hon. Kathleen Rapoza, Commissioner

**From:** Fausto B. Gomez

**CC:** Dale S. Sugerman, Town Manager

**Date:** May 29, 2013

**Re:** End-of-Session Report (2013)

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We are pleased to present this report detailing the accomplishments of the Town of Lake Park during the 2013 legislative session. Aided by the first projected budget surplus in three years, legislators presided over a relatively smooth session as excess revenues did much to pave over significant disagreements. As one observer remarked "More money; less problems."

Florida legislators passed a record \$74.5 billion state budget (an increase of more than \$4 billion from the current fiscal year) along with significant legislation dealing with Elections, Ethics, and Campaign Finance. It was also, nevertheless, a session marked by unresolved policy differences in state and local pensions, an expansion of Medicaid eligibility, economic development incentives, and taxes.

In the midst of this, Lake Park fared very well. Along with Senator Jeff Clemens and Representative Bobby Powell, this firm worked to:

- Secure a Line Item (1640C) of \$200,000 for "Lake Shore Drainage Improvements." Only two cities in Palm Beach County along with the County, received water project support and unfortunately the Governor vetoed the vast majority of these; including Lake Park. The other Palm Beach projects the Governor vetoed were in Riviera Beach and three County Lake Worth Lagoon initiatives. Statewide, the Governor vetoed a total of \$368 million; with \$37.4 million of that amount from local water projects.

At the beginning of the legislative year the Governor's Office published criteria as a guide to legislative funding and for subsequent evaluation purposes. From this criterion the legislature established a formal application and a requirement that the project had to be publicly presented to the Senate and House Appropriations Committees and endorsed by a majority of the legislative delegation. Your staff completed the form(s) and we secured the endorsement of the Palm Beach Legislative Delegation and presented the project in the House and Senator Clemens in the Senate. It was because of this that Florida TaxWatch, the most well-known watchdog organization in Tallahassee, which every year lists funding projects that it says were placed in the budget without public review and debate, spared local water projects from being listed as "turkeys." Notwithstanding the Governor's own criteria, and the process that he helped establish, when the vetoes were issued Governor Scott announced a new "filter" for local projects. He stated, "My filter was this: One is it going to help our families get more jobs? Two, will it help improve our education system in the state? And three, will it help make government more efficient?" This was a different standard than his office had previously announced.

Along with our colleagues who represent other local governments and in consultation with legislators, we are beginning to chart a course for the next fiscal year. The plan is to establish an official water project grants review and recommendation program at the South Florida Water Management District or employ and fund the "Water Projects Grant Program" at the Department of Environmental Protection (DEP). The latter was previously created under 403.885, F. S. and it would be similar to the process currently employed for the Florida Recreational Development Assistance Program (FRDAP).

I think it important to recognize other legislators who helped secure the Lake Park allocation. These included Senators Joe Negron from Palm City and Anitere Flores from Miami and Representatives Seth McKeel from Lakeland and Steve Crisafulli from Merritt Island. They joined with Senator Clemens and Representative Powell in assuring that the Lake Shore Drainage Improvement was legislatively funded.

- Include in the Conforming Bill to the state budget language directing the Department of Children and Families to study the Sober Home problem and look for ways to stop these unlicensed homes from expanding in residential neighborhoods. DCF must report back to the Governor, President of the Senate, and Speaker of the House by December of this year with their finding and recommendations.

State oversight of Sober Homes is a Lake Park initiative and for the two legislative sessions prior to this one the Town spearheaded the issue. Lake Park used to be the sole voice lobbying for relief of the incursion of Sober Homes into residential communities and, in fact, faced opposition from some neighboring cities. That is all in the past and all of Palm Beach is now working in concert.

- Preserve \$375,003 in current funding to Lake Park from the Communications Services Tax (CST). SB4122 and HB303 would have repealed the authority of local governments to levy the CST. These bills failed. Additionally, the House Finance and Tax Subcommittee held a workshop to tax all communications services at the same rate, regardless of the type of service, method of delivery, or location of the user. Although the Finance and Tax proposal was intended to be revenue neutral, there were no details.
- Preserve \$309,659 in current funding to Lake Park from local Business Taxes. The House Finance and Tax Subcommittee held a workshop to establish three uniform tax classifications based on the square footage of the business. Again, although the



Finance and Tax proposal was intended to be revenue neutral, there were no details.

- Assure a minimum of \$6,674 in state funds to support the Lake Park Library. The legislature funded "Aid to Local Libraries" at \$2.1 more than that requested by the Department of State so that should mean an increase in the monies provided to Lake Park.
- Help pass CS/SB52 by Senator Nancy Detert which prohibits the operation of a motor vehicle when texting. .

Equally critical to the above was the ability to pass legislation that reduced Lake Park's operating responsibilities and expenditures and to thwart bad policy that would have preempted home rule authority or imposed additional unfunded mandates. An example of the latter was HB7123 by the House Select Committee on Claims Bills which would have significantly raised sovereign immunity limits. Under current law, the state has waived sovereign immunity in tort actions up to \$200,000 for individual actions and up to \$300,000 for all actions arising out of the same incidence or occurrence. The bill would have increased the waiver of sovereign immunity for political subdivisions only (defined to include cities, counties, and school board), up to \$1 million for individual actions or up to \$1.5 million for all actions arising out of the same incidence or occurrence. This is a five-fold increase on the current waiver of sovereign immunity. Another example was SB1716 by Senator Rene Garcia that would have exempted certain new developments from having to comply with impact fee, transportation concurrency, or proportionate share requirements for three years.

Following is a detailed list of key issues that my partners, associates, and I lobbied and/or monitored on your behalf. We were actively engaged both in helping pass legislation that facilitated local governance as well as assuring that bills that would have negatively impacted Lake Park did not become law.

- Pension Reform

The Florida Retirement System (FRS) was the focus on much legislative debate and its revamping was a priority of the Speaker of the House. Senators voted to defeat a compromise amendment to the measure (HB7011) which would close the traditional pension plan to new employees and move them into a 401(k)-style "defined contribution system." Supporters of the reform indicated that the state's pension plan is not fully funded while those against the change stated that the pension plan is one of the few things that made state employment, with its relatively low pay, attractive to workers. This issue will again be addressed next legislative session.

- Property Insurance

During the legislative session, 63 bills were filed regarding property insurance, 45 of which specifically proposed changes to Citizens, and one of which passed (SB1770). That bill did not make the robust structural changes proposed by the Senate and others. The House of Representatives prevailed, but still Citizens' coverage levels will be reduced from \$1 million to \$700,000 over three years, a clearinghouse will be set up to shop customers in the private market, and coverage is prohibited for new buildings seaward of the coastal construction line. The legislation also sets up an Inspector General for Citizens.

Of particular importance, existing Citizens customers keep the 10% rate cap on annual rate hikes. This was crucial to legislators from Southeast Florida and to Chief Financial Officer Jeff Atwater. He said "I do not believe that the Legislature should rip these caps off and try to accelerate rates. It will damage the economic growth that is now taking place."

- Right to Speak

The Florida Legislature passed legislation that says public agencies must make "reasonable" accommodations for public testimony – subject to time constraints and other normal limits (SB50). The bill is a result of two District Court of Appeal rulings that held that while the Florida Constitution and the "Government in the Sunshine" laws require public governing bodies to meet openly, there is no legal requirement that they let the public speak at meetings.

- Ethics

One of the overriding priorities of the legislature this session was ethics reform. CS/SB2 by Senator Jack Latvia gives the Florida Commission on Ethics (COE) the authority to place liens on real property in order to collect financial disclosure fines. The bill provides a grace period to amend financial disclosure forms and now requires municipal finance directors to file financial disclosure. Finally, the COE is authorized to initiate investigations and candidates or elected officials are prohibited from accepting public employment if known that the position is being offered for the purpose of gaining influence over the official. The Governor approved this measure on May 1<sup>st</sup>.

- Campaign Finance

The Governor has already approved CS/CS/CS/HB569 relating to campaign finance. Of interest to local governments that have an ordinance or charter provision that adopt the Florida Election Code as the controlling law for elections; the contribution limit is increased to \$1,000 per person per election. Also, candidates would have to file an increased number of campaign finance reports.

As always, please do not hesitate to contact me if you have any questions or desire additional information. We appreciate the Mayor joining us in Tallahassee and assisting with the lobbying efforts just like we appreciate the support and guidance provided by the other elected and appointed officials of the Town. Thank you for allowing us to represent the Town of Lake Park.



# **Consent Agenda**

# TAB 3



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** June 5, 2013

**Agenda Item No.** *Tab 3*

**Agenda Title:** Regular Commission Meeting Minutes of May 15, 2013

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

**Approved by Town Manager** *DSS* **Date:** *5/21/13*

*Vivian Mendez, Town Clerk*  
 Name/Title

<b>Originating Department:</b>  <b>Town Clerk</b>	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Agenda</b> <b>Meeting Minutes</b> <b>Exhibit A, B, C, D, F, and G.</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	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>VM</i> <b>Please initial one.</b>

**Summary Explanation/Background:**

**Recommended Motion:** To approve the Regular Commission Meeting Minutes of May 15, 2013.



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, May 15, 2013,  
Immediately Following the  
Special Call 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 Palm Beach County Sheriff's Office Deputy Brandon Milliner

Tab 1

**D. PUBLIC COMMENT:**

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

**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.

2. Regular Commission Meeting Minutes of May 1, 2013 Tab 2
  3. Award the Purchase of Engineered Wood Fiber to Superior Mulch, Inc. in the Amount of \$7,425.00 which includes Delivery Tab 3
  4. Approval of Change Order to the Contract with USSI to Add Cleaning Service For the Lake Park Library Tab 4
  5. Award of the Repair of Public Works Sanitation Vehicle to Sunbelt Waste Equipment Tab 5
- F. BOARD MEMBERSHIP APPOINTMENT:
6. Board Membership Appointments for the Planning and Zoning Board Tab 6
- G. OLD BUSINESS:  
None
- H. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:
7. Ordinance No. 07-2013 Adoption of the Florida-Friendly Use on Urban Landscapes Ordinance Tab 7  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ENTITLED "UTILITIES", BY CREATING A NEW ARTICLE IV ENTITLED "FLORIDA-FRIENDLY FERTILIZER USE" AND ESTABLISHING REGULATIONS TO ADDRESS STORMWATER RUNOFF WITH EXCESSIVE NUTRIENT LEVELS IN WATER BODIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.
- I. PUBLIC HEARINGS – ORDINANCE ON SECOND READING/QUASI-JUDICIAL:
8. Ordinance 06-2013 Amending the Code of Ordinances Changing the Starting Time for Commission Meetings Tab 8  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, DIVISION 2, SECTION 2-51, OF THE TOWN CODE ENTITLED "MEETINGS" TO CHANGE THE TIME OF MEETINGS OF THE TOWN COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**J. NEW BUSINESS:**

- |   |               |
|---|---------------|
| <b>9. Review and Response to the Marina Task Force Report</b>   | <b>Tab 9</b>  |
| <b>10. Completing the Annual Performance Evaluation of the Town Manager</b>   | <b>Tab 10</b> |
| <b>11. Resolution No. 10-05-13 Amend the Town of Lake Park Uniform Classification System to Revise the Job Descriptions for the Positions of Camp Counselor and Recreation Bus Driver</b> | <b>Tab 11</b> |
| <b>12. Resolution No. 11-05-13 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Assistant to the Finance Director</b>       | <b>Tab 12</b> |

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

**L. ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, June 5, 2013**





**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, May 15, 2013, 7:00 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, May 15, 2013 at 7:00 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 Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

**SPECIAL PRESENTATIONS/REPORTS**

**1. Proclamation Honoring Palm Beach County Sheriff's Office Deputy Brandon Milliner**

Mayor DuBois presented the Proclamation to Palm Beach County Sheriff's Office Deputy Brandon Milliner.

**PUBLIC COMMENT:**

*Pastor Vilnet Vilse, Bethlehem Haitian Baptist Church, 425 Crescent Drive, explained that the church was established in 1999 and are interesting in supporting and serving the residents of the Town of Lake Park. He stated that they promote many educational programs such as partial scholarships for youth members of the community who are interested in seeking a secondary education. He explained that the church would like to open a daycare, recreation, and outreach center that would benefit the residents. The center would provide a location for children to do homework and play after school. He stated that the center would provide jobs and could bring the crime level down. He stated that the church does several programs throughout the year and that one of the most successful programs is the Bethlehem Community Youth Booster (see attached Exhibit "A"). He stated that the Youth Booster is a one-day event that is meant to keep the youth members of the community on the track to success. The event will be held on Saturday, May 25, 2013 from 8:00 am to 1:00 pm at the church. He asked for the Commission's support for the youth programs at the church.*

**CONSENT AGENDA:**

Vice-Mayor Glas Castro requested item 3, Award of Engineered Wood Fiber to Superior Mulch, Inc., be pulled from the Consent Agenda.

**2. Regular Commission Meeting Minutes of May 1, 2013**

3. **Award the Purchase of Engineered Wood Fiber to Superior Mulch, Inc. in the Amount of \$7,425.00 which includes Delivery**
4. **Approval of Change Order to the Contract with USSI to Add Cleaning Service For the Lake Park Library**
5. **Award of the Repair of Public Works Sanitation Vehicle to Sunbelt Waste Equipment**

**Motion: A motion was made by Commissioner O'Rourke to approve Consent Agenda items 2, 4, and 5; Commissioner Flaherty 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.

3. **Award the Purchase of Engineered Wood Fiber to Superior Mulch, Inc. in the Amount of \$7,425.00 which includes Delivery**

Vice-Mayor Glas-Castro asked if alternate materials that are also compliant with the Americans with Disabilities Act (ADA) were evaluated and a cost comparison done.

Public Works Director, David Hunt explained that an alternative material that is acceptable to insurance companies and playground associations would be a recycled tire chopped rubber and that the upfront costs for this material would be significantly more expensive than the Engineered Wood Fiber (ADA Mulch).

**Motion: A motion was made by Commissioner O'Rourke to approve awarding the purchase of Engineered Wood Fiber to Superior Mulch, Inc. in the amount of \$7,425.00 including delivery; 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.

**BOARD MEMBERSHIP APPOINTMENT:**

6. **Board Membership Appointments for the Planning and Zoning Board**



Public Comment:

*Cynthia Grey, 503 Sabal Palm Drive*, explained that she has volunteered to be on the Planning and Zoning Board. She stated that the Town Code states that if a person is a resident of Lake Park, then that person qualifies to serve on the Board. She stated that if there is an opening on a board and a person is qualified then that person would be appointed to the Board. She stated that she has been “rejected” from serving on the Board on three (3) occasions. She stated that the Town Code does not specify that the persons on the Planning and Zoning Board be of a particular profession in order to serve. She stated that the Commission should be encouraging the residents of the Town to serve on the Town Boards. She requested that if the Commission is going to “reject” an applicant then they should provide an explanation as to why they were rejected.

Commissioner O’Rourke asked why he only has two (2) ballots when there were three (3) applicants listed on the agenda.

Mayor DuBois stated that one (1) applicant withdrew their application.

Town Clerk Mendez advised that the Town Clerk’s office received a phone call this morning and an e-mail in the afternoon from Martin Schneider requesting to withdraw his application from consideration for the Planning and Zoning Board at this time.

Mayor DuBois stated that the Board appointment process would be discussed at the Commission Workshop on Thursday, May 30, 2013.

Town Manager Sugerman confirmed that the Board appointment process is on the Commission workshop agenda.

Town Clerk Mendez announced that the Commission did not reach consensus to appoint any applicant. (See attached ballots as Exhibit “B”).

**OLD BUSINESS:**

None

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

**7. Ordinance No. 07-2013 Adoption of the Florida-Friendly Use on Urban Landscapes Ordinance**

Town Manager Sugerman explained the item (see attached Exhibit “C”).

Commissioner O’Rourke stated that he has experience regarding this issue from when he served on the Northern Palm Beach County Improvement District. He thinks that the Federal Standards are way beyond where they should be and by implementing these regulations on the State of Florida and its waterways, it puts the State and local governments in a difficult situation and could result in fines as a result of the Federal Standards.

**Motion: A motion was made by Vice-Mayor Glas-Castro to adopt Ordinance 07-2013 on First Reading; Commissioner Flaherty made the second.**

Mayor DuBois stated that his understanding of the Ordinance is that it is different from the maximum daily load and the numerical criteria litigation going on between the Environmental Protection Agency (EPA) and the State of Florida. He stated that this Ordinance deals with Best Practices and not particular to a numerical criteria.

Commissioner O'Rourke stated that he understands Mayor DuBois' comments and that he made his statement in an effort to try to protect the Town.

Mayor DuBois asked if this Ordinance is related to the litigation between the State of Florida and the EPA.

Town Manager Sugerman stated that it is somewhat related because they are all dealing with clean water. However, this ordinance does not deal with the on-going litigation dealing with the total daily maximum load numbers. This ordinance is regarding best practices regarding the local uses of fertilizers and to be in compliance with the National Pollutant Discharge Elimination System (NPDES). He explained that the Town is a "co-permittee" for the NPDES permit through the North Palm Beach Water Improvement District with eighteen (18) other jurisdictions.

Attorney Baird stated that this is a model Ordinance and that all of the "co-permittee" municipalities are being requested to adopt the Ordinance.

Vice-Mayor Glas-Castro asked if no one can use fertilizer with nitrogen or phosphorus then how is the Town going to enforce it.

Mayor DuBois explained that the Ordinance is stating that the soil is loaded with phosphorus and that nitrogen is ok and to use only fertilizer that is low in phosphorus.

Vice-Mayor Glas-Castro asked for clarification of Section 84, Timing of Fertilizer Applications, 1, No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period or to saturated soils.

Public Works Director Hunt explained that the intent of the Ordinance is that anyone that applies fertilizers do so in accordance to the directions provided by the manufacture and to limit the amounts of nitrogen and phosphorous that are being packaged and properly applied by homeowners. He stated that the intention is to not apply fertilizer within three (3) feet of a waterway, on damp ground, or immediately after a rainstorm. He stated the intention is to restrict the timing and location of fertilizer not to outright ban the use.

Attorney Baird explained that the prohibited application period is defined as the time period during which a Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of the Town, issued by the National Weather Service, or if heavy rain (2 inches or more within a twenty-four (24) hour period) is likely.

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:**

**8. Ordinance 06-2013 Amending the Code of Ordinances Changing the Starting Time for Commission Meetings**

**Motion: A motion was made by Commissioner O'Rourke to adopt Ordinance 06-2013 on Second Reading; Commissioner Flaherty 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.

**NEW BUSINESS:**

**9. Review and Response to the Marina Task Force Report**

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

Vice-Mayor Glas-Castro stated that in the report it comments that if the conceptual parking plan were considered, it would need to be engineered. She asked if the parking plan within the Interlocal Agreement (ILA) had been engineered before it was adopted.

Town Manager Sugerman explained that he does not believe the ILA has signed and sealed drawings, but as part of the purchase of that property, the upper parking lot had a design layout for parking spaces. The ILA called for a certain amount of parking spaces within the upper parking lot. The Marina Task Force reviewed the plans and are recommending that the Town meet with Palm Beach County and discuss the parking

situation because the space will not meet the requirement in the ILA for a certain amount of parking spaces. The Task Force would like to have the integration of the two parking lots as the conceptual parking plan. The ILA does not call for the integration of the parking lots; it just called for a certain amount of parking spaces of the upper lot.

Commissioner O'Rourke stated that if the Commission were to adopt the recommendation of the Task Force then the Town would need to go back to Palm Beach County to modify the change to the ILA.

Town Manager Sugerman stated "yes", that is recommendation number five (5) from the Task Force.

Commissioner O'Rourke felt it was important to acknowledge the hard work by all the Task Force members. He felt that the Marina is an asset to the Town and it needs to be better utilized. He felt that the County would work with the Town to make the Marina successful.

Mayor DuBois thanked the Task Force and recommended that the Commission review each recommendation one by one. He stated that some of the recommendations do not take much revenue to implement. He explained that a recommendation listed is to not charge for launching, but rather charge for parking. He stated that some of the other recommendations would require revenue and time. He explained that although the Marina has been built with different forms of grant funds, it is a Town Marina, and he has not seen many large vessels within the Town and would not want to spend capital to accommodate the smaller percentage of boaters that use the Marina.

Commissioner O'Rourke stated that he reviewed the operating revenue for the Marina which is negative a half a million dollars. He felt that the construction issues need to be addressed before some of the recommendations from the Task Force are addressed. He asked if the recommended traffic flow pattern would interfere with the boat ramp.

Town Manager Sugerman explained that there would be two ways under the proposed recommendations for a large boat owner to launch a boat. First a boater could go east on Silver Beach Road to the boat ramp, launch their boat, and then drive straight to the upper parking lot. Second, a boater could drive up Lake Shore Drive, launch their boat, and drive up to the upper parking lot.

Commissioner O'Rourke stated that it seems that larger boat owners would have a harder time traveling on Lake Shore Drive.

Town Manager Sugerman stated that it would be much easier to come in from Federal Highway to Silver Beach Road than on Lake Shore Drive. He clarified that the Task Force members felt that there are no other facilities that allows overnight parking of large rigs in the area. He pointed out that the Marina has overnight parking with nighttime security.

Vice-Mayor Glas-Castro would prefer that the Town approach the County with the concept to change the ILA before expending monies on drawings.

Commissioner Flaherty stated that one of the main issues discussed during the Task Force meeting was that the boaters with larger rigs were driving over the parking humps in order for them to park. The overall goal was to have more public access.

Mayor DuBois stated that he would like to see where a larger rig generates more revenue for the Marina than a smaller rig. He explained that he personally picks up his boating supplies at the supermarket rather than at the Marina store.

Commissioner O'Rourke asked if the Mayor would like things done immediately without extensive funds expended.

Mayor DuBois "yes", he would like to review the recommendations and see what can be accomplished. He asked if the Town meets the first portion of the ILA for the current parking plan.

Town Manager Sugerman stated that the Town does meet the requirement.

Mayor DuBois felt that the Town should find out what the County will allow before requesting engineering plans. He stated that one of the recommendations is to install some way-finding signs that may need to be moved in the future to accommodate the traffic flow of the parking lot.

Town Manager Sugerman explained that the signs would go up in the right-of-way of Federal Highway and a Florida Department of Transportation (FDOT) permit would be required.

Mayor DuBois suggested offering some type of annual pass. He felt it would be a big seller.

Commissioner O'Rourke asked if there was anything in the ILA regarding rates or an annual pass.

Town Manager Sugerman stated that the ILA does not stipulate or regulate the Town's ability to charge for parking.

Vice-Mayor Glas-Castro explained that the County has a similar program where they do not charge for each launch, but charge instead for parking.

Commissioner Rapoza does not want to lose sight of the long-term goal for the Marina. She would like to see a package offered for the majority.

Town Manager Sugerman explained that both recommendations one and two would take engineering design and some expense.

**Motion: A motion was made by Commissioner O'Rourke to approach Palm Beach County with a modified parking plan for the Interlocal Agreement; Commissioner Flaherty made the second.**

Mayor DuBois explained that the ILA has language that allows the Town to go back to the Palm Beach County Commission for review or extensions. At this time the Town is in compliance, so there is no need to go to them for an extension. He stated that the question to the County could be, would they consider the Town coming back with an alternate parking plan which would reduce the amount of parking spaces.

Town Manager Sugerman stated that the Task Force does not want to go back to the County to reduce the amount of parking spaces because that would cause a red flag. What the Task Force recommended was going to the County and talking about the improved plan as it relate to safety, additional use, and more access to the waterway.

Mayor DuBois understands the spin that the Task Force wants to present to the County.

Town Manager Sugerman asked for clarification on the motion. He asked if the Commissioners motions was to approach the County to see what type of reception we get to modifying the ILA that would improve safety, traffic flow, public access, but it might diminish the number of parking spaces that are currently required in the ILA.

Commissioner O'Rourke stated that he preferred the way Town Manager Sugerman has phrased it.

**Motion: A motion was made by Commissioner O'Rourke to approach the County to see what type of reception we get to modifying the ILA that would improve safety, traffic flow, public access, but it might diminish the number of parking spaces that are currently required in the ILA.**

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 next item that would not cost the Town a lot would be to change the rate schedule and create the annual rates.

Town Manager Sugerman stated that they may need to move a few parking kiosks, which should be within his spending authority. He suggested having staff tackle recommendation number 4, and if it should exceed his spending authority he would bring it back to the Commission for a decision.

Mayor DuBois suggested changing the current honor system at the boat ramp to maintain a sense of control. He stated that the new kiosk system may require no form of cash therefore eliminating the need for the current honor system.

**Motion: A motion was made by Commissioner O'Rourke to have staff implement a fee structure based on the recommendation of the Marina Task Force with regard to parking; Vice-Mayor Glas-Castro made the second.**

Mayor DuBois stated that the motion did not mention his suggestion of improving the procedures of taking the cash and asked the Town Manager if the Task Force recommendation would encompass it.

Town Manager Sugerman believes that it is an administrative function rather than a policy function. If staff recommends changing the fees at the Marina then that would be a policy function, which would need Commission approval.

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 they had two of the five recommendation covered. He asked if there was anything that needed to be done.

Commissioner O'Rourke felt that the two motions that were made covered all of the recommendations provided by the Task Force.

Mayor DuBois stated that the only other recommendation that was made was regarding signage and a portion of that recommendation could be implemented now.

Town Manager Sugerman suggested going with the way-finding signs and leaving the larger monumental signage for if the parking lot is reconfigured.

**Motion: A motion was made by Commissioner O'Rourke to approve installation of way-finding signs for the Marina, not to exceed \$5,000; 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.

Mayor DuBois asked when would the portions of this report, that have not yet been addressed, be on an agenda.

Town Manager Sugerman stated that the items would be brought back in 60 days because the June agendas will be closing in the next few days. He explained that he has already begun preliminary discussions with the County explaining what the Marina Task Force was doing and the direction the Commission may want to go in, so this will not be a surprise to the County.

Mayor DuBois asked if he would provide a progress report and let the Commission know what further action may be needed.

Town Manager Sugerman committed to providing a progress report at one of the meetings in July.

**Motion: A motion was made by Commissioner O'Rourke to present the Marina Task Force Members with proclamations thanking them for all their efforts; 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.

#### **10. Completing the Annual Performance Evaluation of the Town Manager**

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

Vice-Mayor Glas-Castro asked if the former Commission had established any goals, criteria, standards, anything for this Commission to base this evaluation on.

Town Manager Sugerman stated "no."

Commissioner Rapoza asked if the former Commission had provided any comments pertaining to his performance.

Town Manager Sugerman explained that the employment agreement called for a review in 90 days, which was pushed out to six (6) months, but not all members of the former Commission completed the evaluation. He recognizes that this is a difficult task for the Commission, but it really is important.

Mayor DuBois asked if it would be easier to have individual meetings with the Commissioners.

Town Manager Sugerman has always welcomed individual meetings with the Commissioners.



Commissioner Rapoza asked if this should be discussed at the Commission Workshop.

Commissioner O'Rourke stated that this is an individual evaluation and should not be discussed at the Workshop. He believes that the evaluation should clearly reflect what the Commissioners feel and should include any constructive criticism of the Town Manager's performance.

Mayor DuBois stated that the previous evaluation are public record should anyone wish to review them. He stated that the evaluations are to be returned to the Human Resources Director.

**11. Resolution No. 10-05-13 Amend the Town of Lake Park Uniform Classification System to Revise the Job Descriptions for the Positions of Camp Counselor and Recreation Bus Driver**

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

**Motion: A motion was made by Commissioner O'Rourke to approve Resolution 10-05-13; 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.

**12. Resolution No. 11-05-13 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Assistant to the Finance Director**

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

**Motion: A motion was made by Commissioner O'Rourke to approve Resolution 11-05-13; Commissioner Flaherty 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** stated that he spoke with Professor Instrum who is putting together segmented proposals with the initial scope of work of analyzing election results, which may be in the range of \$2000 to \$3000.

**Town Manager Sugerman** announced three events. The Artist of Palm Beach County are hosting the Art on Park Spring Exhibit which began on May 1<sup>st</sup> and will conclude on June 27<sup>th</sup>. The Sunset Celebration will take place on Friday, May 31<sup>st</sup> at the Marina from 5:00 p.m. to 8:00 p.m. with live music, a cash bar, food, artist display, and recently they have included line dancing. A community celebration called “Fourth of July in June” will take place on June 29<sup>th</sup> from 4:00 p.m. until 8:00 p.m. at Lake Shore Park, which is a free fun family friendly event. It will include music, food, beverages, games, and rafts.

**Commissioner Rapoza** stated that the Marina video was well done. She announced that the next Community Watch meeting is at 6:30 p.m. in June at the Fire Station and encouraged everyone to attend and get involved with preventing crime in the Town. She requested that two proclamations be presented; one for Barbara Claus for the donation of the \$500, which purchased Teddy Bears to the Bridges at Lake Park for Christmas, and for Caroline Fallon from First United Bank for their involvement with Lake Park Elementary. She stated that she has been invited to attend the Divers Boat Owners meeting in June and she will report back to the Commission after that meeting.

**Motion: A motion was made by Commissioner Rapoza to present a proclamation to Barbara Claus; 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.

Mayor DuBois explained that First United Bank has adopted Lake Park Elementary and have provided anything that they have needed.

**Motion: A motion was made by Commissioner Rapoza to present a proclamation to Caroline Fallon and staff at First United Bank; 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		
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Motion passed 5-0.

**Commissioner Flaherty** thanked Pastor Vilse for coming to the Commission meeting and explaining their event taking place on May 25<sup>th</sup> from 8:00 a.m. until 1:00 p.m. He thanked Cynthia Grey for her commitment to be placed on the Planning and Zoning Board. He explained that he attended the Citizens on Patrol (COP) meeting, and thanked Jerry Rapoza for his involvement in the COP's. He learned at the COP meeting some safety tips for the summer months, such as locking back windows and doors; keeping cars locked when gassing up; he encouraged women to not leave their purses in the car when entering a daycare. He asked for consensus from the Commission to establish a parking pass program for the parking meters.

Commissioner O'Rourke suggested bringing this topic up at the Commission Workshop.

Vice-Mayor Glas-Castro stated that she has heard from a non-resident that they would purchase a parking pass if the Town offered it.

Commissioner O'Rourke stated that he has heard from the Tennis Association Lake Park team that they would like to purchase parking passes for their players.

Mayor DuBois asked Commissioner Flaherty if he would concede this item to the Commission Workshop.

Commissioner Flaherty "yes".

**Commissioner O'Rourke** stated that he attended the open reception at Artist of Palm Beaches at 800 Park Avenue before the Commission meeting began, which was great. The Artists were very excited to be in Lake Park and asked him what was going on with 801 Park Ave as well as 754 Park Ave. He simply explained that the Town is working on both situations. He stated that several meetings ago the Commission asked staff to create a shared access parking Ordinance and he wanted to add to it. He explained that once again the barriers are up on the 754 Park Ave property and wondered if it was considered a life safety issue if an emergency vehicle needed to get into that area.

Town Manager Sugerman explained that when the original barriers were put up staff asked the Fire Marshall to review the situation and the Fire Marshall explained that it was not considered a life safety issues because the vehicles are equipped with tools to get through the area.

Commissioner O'Rourke expressed concern and would like to invite the Fire Marshall to a meeting to answer questions.

Town Manager Sugerman stated that if the Commission voted on inviting the Fire Marshall to a meeting, then he would be glad to do so.

Discussion ensued regarding the life safety issue and a possible need of creating an Ordinance to deal with the cross access parking lot issue.

Town Attorney Baird stated that there would be a need to show why such an Ordinance needed to be established and currently the Fire Marshall has already told the Commission that there is no life safety issue with the property, therefore there is no need to enact such an Ordinance. If the Commission would still want an Ordinance created, he would do so, but the Commission would need to come up with a way to enforce the Ordinance.

The Commission continued discussing the life safety and shared parking areas on Park Ave.

Commissioner O'Rourke thanked Pastor Vilse for coming to the meeting. He stated that he will be addressing, during the Commission Workshop, some youth program ideas he has.

**Vice-Mayor Glas-Castro** thanked the Marina Task Force members as well as the other volunteers in Town. She stated that although the Town does not have many boards or committees, she encouraged residents to volunteer and match their skill set with a board or committee.

**Mayor DuBois** was asked by the VFW if the Town could donate the use of the PA system for the Memorial Day Ceremony on Sunday, May 26<sup>th</sup> at Kelsey Park at 11:00 a.m. He requested the use of some chairs, a tent, and the PA system. He has volunteered his time so no staff overtime will be needed for this event. He requested that going forward all Memorial Day and Veteran's Day events be placed on the Town calendar, that they be allowed to use the PA system, chairs, and a tent at no cost.

**Motion: A motion was made by Vice-Mayor Glas-Castro to support the VFW with the use of the Town's PA system, chairs, and a tent for Memorial Day and Veteran's Day events going forward; Commissioner Flaherty 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 at a previous meeting the Vice-Mayor had requested the waiving of fees for the 700 Park Ave project and no motion was made by the Commission although they reached consensus.

Town Manager Sugerman stated that plans have not been submitted for the 700 Park Ave project. He stated that staff contacted the property owner and the property owner has agreed to pay the fees upfront. An agenda item will be brought before the Commission to consider waiving the fees.

Commissioner O'Rourke asked when would that item be brought forth because the property owner needs relief quickly.

Town Manager Sugerman explained that once the application and fees have been submitted, staff would need to go through there process before it will come to the Commission.

Vice-Mayor Glas-Castro asked if it was simply a review of the application and can that process be expedited.

Town Manager Sugerman explained that it is a site plan process and therefore it needs to go before the Planning and Zoning Board before it would come to the Commission.

Mayor DuBois thanked the Marina Task Force for all their recommendations and most will be implemented. He reminded everyone that Commission meetings would now begin at 6:30 p.m. He stated that the Palm Beach County League of Cities Gala would take place on May 22<sup>nd</sup> from 11:30 a.m. until 1:30 p.m. the cost is \$65.00 at the Kravis Center.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner O'Rourke, and by unanimous vote, the meeting adjourned at 9:30 p.m.

---

Mayor James DuBois

---

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this \_\_\_\_\_ of \_\_\_\_\_, 2013

Exhibit "A"

# PLAN - PREPARE - PROTECT Your FUTURE



FOR IMMEDIATE RELEASE

CONTACT: (561)-320-1335  
(561) -541-0342

CHRISTIAN COMMUNITY YOUTH BOOSTER  
*"Keeping our Youths in the Right Path"*  
*Partnering with Local Churches*  
Pastor Vilnet Vilse 561-541-0342  
vilnetvilse@yahoo.com

**TO ALL CHURCHES!...PASTORS.....YOUTH DIRECTORS.....PARENTS**

A ...UNIQUE OPPORTUNITY ...TO INVEST IN AND TO GIVE OUR YOUTH A **BOOSTER** TO SUCCEED IN LIFE. **DON'T MISS IT! SPONSOR A YOUTH! WE'LL EDUCATE THEM!...YOU FEED THEM!**

**Bethlehem Community YOUTH BOOSTER - Educational Workshop & Health Fair** for Children, YOUTHS and ADULTS.

**THEME: "PLAN - PREPARE - PROTECT Your FUTURE"**

**Here's Information You Need** for Good **BOOST** in LIFE, HEALTH, EDUCATION and CAREER!

**SATURDAY, MAY 25, 2013** at Bethlehem Haitian Baptist Church, 425 Crescent Dr. Lake Park, FL

**Mark the time: From 8:00am to 1:00pm.**

**There will be Three (3) separate Sessions: 1 for Youth - 1 for Children - 1 for Adults**

**Dynamic Presentations by:** PALM BEACH SHERIFF'S OFFICE (3<sup>rd</sup> Year in a row), LOVE PROTECTS YOU.ORG./ FIRST CARE FAMILY SERVICES (2<sup>nd</sup> Year in a row), Health Care and Life Skills Instructor (3<sup>rd</sup> Year in a row), Christian LICENSED MENTAL HEALTH AND FAMILY COUNSELOR, Career and Health Educator, Miraculous and Powerful Testimony from Young Man victim of Crime by Association, and more...

The **FREE dual event** provides an informative and entertaining way for Men and Women (All Ages) to learn about healthy choices and decisions to keep them away from jail and prison system, remain free from infectious diseases including HIV/AIDS, Keep & Love your Beautiful God-given skin color, remain pure and strong from peer sexual pressure, learning life skills for a better future, health issues that are important to them, family values and communication skills.

**HEALTH FAIR** Conducted & Sponsored by **AZURE COLLEGE**: FREE HEALTH SCREENS CHECK UP for BLOOD SUGAR, DIABETES, BLOOD PRESSURE

In addition, **Bethlehem COMMUNITY YOUTH BOOSTER** will provide food for BREAKFAST and LUNCH for \$12.00 if register before Friday May 24, or \$15.00 if you wait on Saturday of the event,

**SPECIAL DISCOUNT** if you register now and tell us you heard it on this SHOW /RADIO or Church.

Exhibit "B"

# BALLOT

Gina Flaherty  
**MAYOR/COMMISSIONER**

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall **Diane Bernhard** be appointed to the Planning and Zoning Board as a:

	Yes	No
Regular Member	<u>X</u>	_____
Alternate Member	_____	_____



# BALLOT

*R. Gals-Cook*

**MAYOR/COMMISSIONER**

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall **Diane Bernhard** be appointed to the Planning and Zoning Board as a:

Regular Member

Yes

No

X

\_\_\_\_\_

Alternate Member

X if needed

# BALLOT

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## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall **Diane Bernhard** be appointed to the Planning and Zoning Board as a:

	Yes	No
Regular Member	_____	_____
Alternate Member	_____	_____

# BALLOT

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## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall **Diane Bernhard** be appointed to the Planning and Zoning Board as a:

	Yes	No
Regular Member	_____	_____X
Alternate Member	_____	_____

# BALLOT

*O'Rourke*

---

## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall **Diane Bernhard** be appointed to the Planning and Zoning Board as a:

	Yes	No
Regular Member	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alternate Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# BALLOT

*Gina Flaherty*

---

## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall Cynthia Grey be appointed to the Planning and Zoning Board as a:

	Yes	No
Regular Member	<input type="checkbox"/>	<input type="checkbox"/>
Alternate Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*not approved*

# BALLOT

O'Rourke

MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall Cynthia Grey be appointed to the Planning and Zoning Board as a:

	Yes	No
Regular Member	_____	_____✓
Alternate Member	_____	_____✓

# BALLOT

*K. G. Coakley*  
MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall Cynthia Grey be appointed to the Planning and Zoning Board as a:

	Yes	No
Regular Member	_____	<u>X</u> _____
Alternate Member	_____	<u>X</u> _____

# BALLOT

---

## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall Cynthia Grey be appointed to the Planning and Zoning Board as a:

	Yes	<input checked="" type="radio"/> No
Regular Member	_____	_____
Alternate Member	_____	_____



# BALLOT

*Rapoza*

---

## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER PLANNING AND ZONING BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS THREE (3) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER APPOINTED.

THERE ARE OPENINGS FOR TWO (2) REGULAR MEMBERS AND ONE (1) ALTERNATE.

Shall Cynthia Grey be appointed to the Planning and Zoning Board as a:

	Yes	No
Regular Member	_____	_____ <i>X</i>
Alternate Member	_____	_____

Exhibit "C"



### Town of Lake Park Town Commission

### Agenda Request Form

Meeting Date: May 15, 2013

Agenda Item No. *Tab 7*

**Agenda Title: Adoption of the Florida-Friendly Fertilizer Use on Urban Landscapes Ordinance**

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

Approved by Town Manager *DSS* Date: 5/3/13

*David Hunt*  
David Hunt, Public Works Director

<b>Originating Department:</b>  <b>Public Works, Stormwater Fund</b>	<b>Costs: None</b> Funding Source: Acct. # <input type="checkbox"/> Finance <u>N/A</u>	<b>Attachments:</b> <b>Proposed Ordinance</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	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 <input checked="" type="checkbox"/> <b>Not applicable in this case</b> <b>Please initial one.</b> <i>ghd</i>

**Summary Explanation/Background:** In 1972, the federal government passed the Clean Water Act. One of its provisions called for the issuance of a permit to any entity discharging a pollutant into navigable waters. The National Pollutant Discharge Elimination System (NPDES) detailed specific permit requirements for non-point source pollutants such as oily water coming off of wet pavement. The federal government acknowledgement of home rule, and the fact that each state had unique stormwater issues, allowed each state to administer its own permit as long as it met, at a minimum, the federal requirements.

It was determined that municipalities discharge effluents, such as motor oil from roadways, floatable trash, and fertilizers from landscaped areas into waters of the state through their municipal separate storm sewer system (MS4). Federal requirements set effluent limits for the amount of nutrients,

such as nitrogen (N) and phosphorous (P), that could be found in receiving bodies of water due to these discharges. The state is expected to enforce these limitations. Bodies of water that exceed the limits are considered impaired and state, county, and local agencies are expected to work together to implement programs that will clean up these waterways.

The Town of Lake Park's stormwater runoff discharges into the receiving bodies of water of the South Florida Water Management District's C-17 flood control canal and the Intracoastal Waterway. While these water bodies are not considered to be impaired adjacent to the Town, there are sections that are receiving excessive nutrients which are promoting overgrowth of algae and aquatic vegetation. The Town's NPDES permit stipulates that the Town must take steps to help improve these Palm Beach County waterways.

As an alternative to adopting a Florida-Friendly Landscaping Ordinance that would suggest what kind of plants with which to landscape, mulching specifications, efficient irrigation practices, proper pesticide usage, and reductions in stormwater runoff, the Town may adopt the attached Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes pursuant to State Senate Bill 494 (2009).

The purpose and intent of this Ordinance is to regulate the proper use of fertilizers by any applicator; to require proper training of commercial and institutional fertilizer applicators; to establish training and licensing requirements; to establish a Prohibited Application Period; and to specify allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This Ordinance requires the use of Best Management Practices to minimize negative environmental effects associated with excessive nutrients in our water bodies, which have been observed in and on Palm Beach County's natural and constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset important to the environmental, recreational, cultural and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.

The Town's Public Works Department is already complying with provisions of this Ordinance by having staff trained in the proper use of fertilizer and ensuring that, as a part of a contract, vendors applying fertilizer on Town property have a properly trained staff.

It should be noted that in the current session of the State Legislature, an amendment to an environmental regulation bill (HB99), that would block communities from regulating fertilizer use on lawns until 2016, has passed the House and is pending Senate review. This will be counter to the 2009 Senate Bill 494. It is recommended that the Town move ahead with the first reading of the fertilizer Ordinance to demonstrate compliance with the current legislation. The approval of the Town Ordinance on second reading can be postponed until the Senate completes its action on the bill before it. The Town shall follow the mandates of the legislation that is adopted.

**Recommended Motion:** Approval of Ordinance on First Reading.



Exhibit "D"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 15, 2013

Agenda Item No. Tab 9

Agenda Title: Review and Response to the Marina Task Force Report

- Checkboxes for SPECIAL PRESENTATION/REPORTS, BOARD APPOINTMENT, PUBLIC HEARING ORDINANCE ON READING, NEW BUSINESS (checked), and OTHER.

Approved by Town Manager [Signature] Date: 4/18/13

Dale S. Sugerman, Town Manager Name/Title

Table with 3 columns: Originating Department (Town Manager), Costs/Funding Source (Costs: \$ TBD, Acct. # N/A), Attachments (Report from the Marina Task Force dated March 11, 2013), and Advertised (Not Required checked).

Summary Explanation/Background:

On March 11, 2013 I filed with the Town Commission the Report from the Marina Task Force. A copy of that report is included with this Agenda Request Form.

In summary, the Marina Task Force made the following recommendations:

- 1) Implement the integration of the two parking areas based upon the conceptual parking plan enclosed within Attachment A of the report.

- 2) Change the traffic flow pattern of the entire parking areas based upon the traffic pattern enclosed within Attachment B of the report.
- 3) Develop and implement a new locational and wayfinding scheme of signage as identified in Attachment C of the report.
- 4) Modify the parking fee structure based upon the schedule outlined in the report.
- 5) Approach Palm Beach County to request a modification to the existing Interlocal Agreement.

**Recommended Motion:**

Guidance and direction on some or all of the 5 recommendations is requested of the Town Commission.

## MEMORANDUM

TO: Honorable Mayor and Members of the Town Commission

FROM: Dale S. Sugerman, Town Manager

DATE: March 11, 2013

SUBJECT: Report from the Marina Task Force

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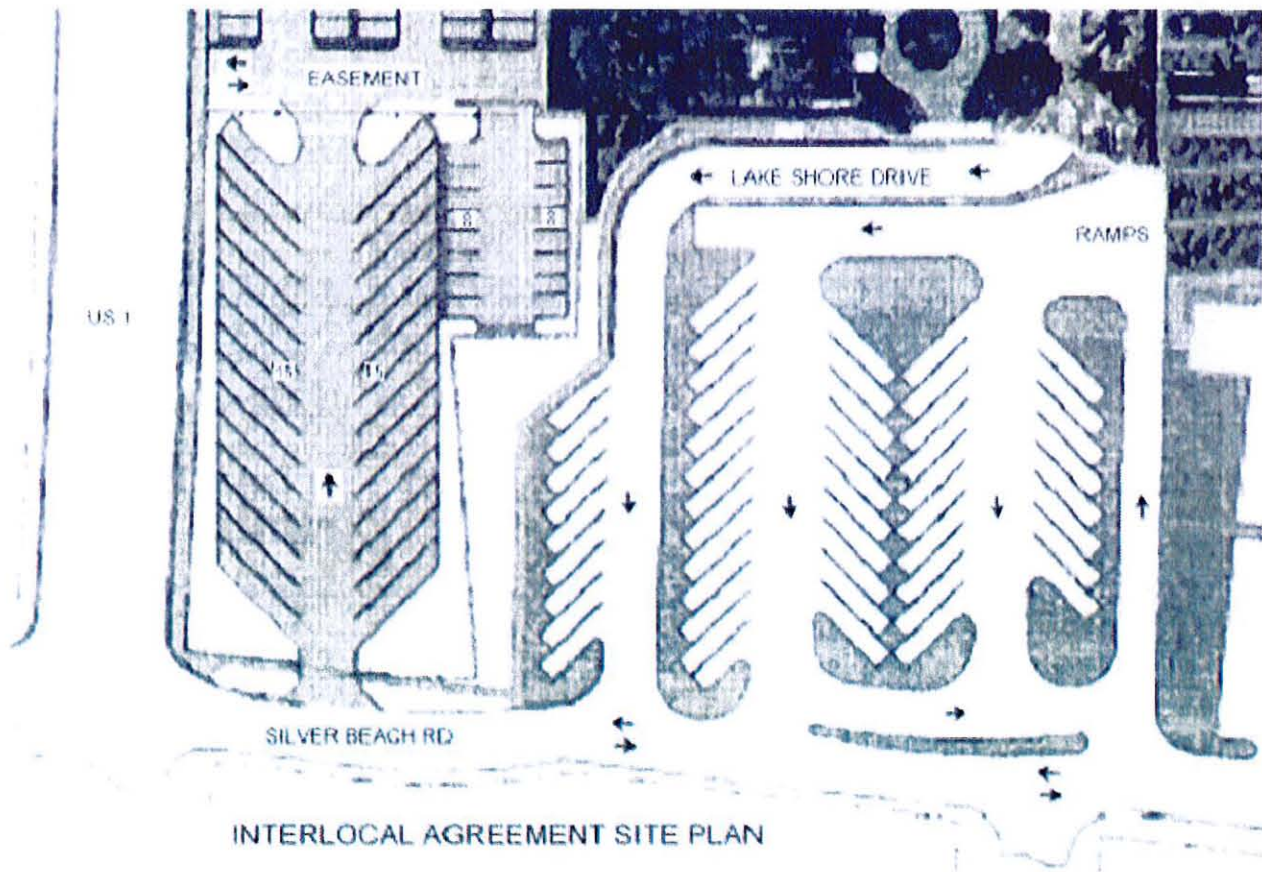
In August of 2012 the Town Commission appointed 5 citizens and as town manager I appointed 4 staff members plus myself to a Marina Task Force. The 5 citizen appointees included Diane Bernhard, Wayne Creber, Erin Flaherty, Brent Headberg, and Jorge Quintero. The other four staff members included Marina Director James Hart, Public Works Director David Hunt, Project Manager Richard Pittman, and Finance Director Blake Rane. The Marina Task Force was given three specific assignments and six months to complete those assignments. The assignments included:

- 1) Dealing with parking at the Marina (including the configuration of the existing lot and better integration of the corner lot at US 1 and Silver Beach Road).
- 2) Dealing with traffic flow at the Marina (including abandoning the current right-of-way of Lake Shore Drive which cuts through the lower parking lot, reconfiguring the existing lot to accommodate the larger trucks and boat trailers, tearing down the existing wall, and integrating the corner lot).
- 3) Developing alternatives for enhancing revenues both through a reconfiguration of the existing lots, and finding a way to better utilize our daily boat launch ramp and supporting facilities.

The Task Force met once a month, for six consecutive months between the months of September 2012 and February 2013. What follows below is the final report from the Task Force.



## Dealing with Parking

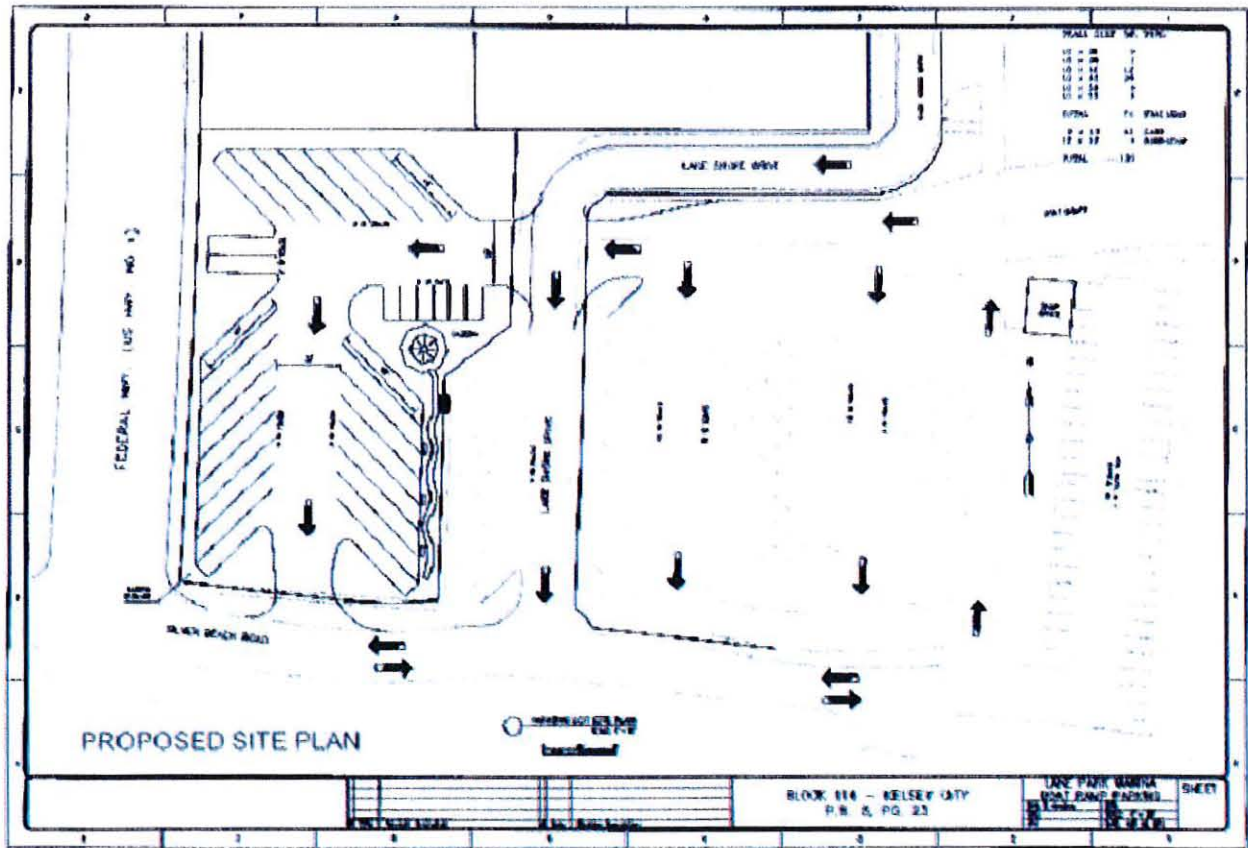


Displayed above is the existing parking configuration as proposed in the Interlocal Agreement between the Town of Lake Park and Palm Beach County which funded the acquisition of the upper parking lot along Federal Highway. It reflects the existing parking lot configuration with the exception of the 16 proposed standard sized car parking spaces which have yet to be constructed.

When one analyzes the current use of the existing parking lots (both the lower existing parking lot and the upper recently purchased parking lot) it is apparent that the parking stalls do not easily accommodate the size of the largest rigs that trailer boats to the facility, launch their boat and then park in the parking lot. Many trucks with large trailers actually jump the wheelstops in the lower lot because the length of the truck and trailer do not fit within the existing parking spaces in the lower lot. If they didn't jump the wheelstop, the back end of the trailer would hang into the travel lane. Also, many of

these larger rigs do not park in the upper parking lot (which can handle the larger rigs) because movement into and out of the upper parking lot is difficult at best.

The first effort of the Task Force was to develop a conceptual parking plan to integrate the lower and the upper lot, with as many larger (55' and 50') parking spaces as physically possible fitting into the upper parking lot only; such that the lower parking lot would not need any significant reconfiguration and costs could be held to a minimum.



The conceptual parking plan above, which has been developed with the help of Task Force member Brent Headberg, would accommodate eight 55' and nine 50' parking spaces in the upper lot (see also Attachment A). As proposed, the reconfigured upper lot can be easily reached after the boat is launched at the ramp.

Once the upper and the lower parking lots are physically reconfigured, the overall parking space count would result in the following total parking spaces being available throughout the Marina:



## Parking Space Configuration

<u>Size of Parking Spaces</u>	<u>Number</u>	<u>Type</u>
10' x 55'	8	Vehicle & Trailer
10' x 50'	9	Vehicle & Trailer
10' x 45'	36	Vehicle & Trailer
10' x 40'	12	Vehicle & Trailer
10' x 38'	2	Vehicle & Trailer
10' x 30'	<u>9</u>	Vehicle & Trailer
Trailer spaces	76	
9' x 19'	42	Automobile
12' x 19'	<u>4</u>	Handicapped
Automobile spaces	46	
<b>Total Parking Spaces</b>	<b>122</b>	

In advance of the development of the proposed conceptual parking plan for both the upper and lower parking lots, including the creation of eight 55' parking spaces and nine 50' parking spaces in the upper lot, a survey was conducted over a period of approximately three weeks by Marina staff of the number and lengths of the larger rigs typically using the facility. Results showed that there were approximately seven (7) larger rigs ranging from 50' to 55' in length that parked in the lower lot during the survey time frame from 9/21/12 to 10/15/12. The number of larger rigs in the 50' to 55' size range represented approximately 12% of the total number of rigs surveyed; or approximately 7 out of a total of 60 rigs. The number of larger rigs in the 50' plus size range would typically be higher during the summer season when the boat ramp facility is at its peak use.

The proposed conceptual parking plan (Attachment A) depicts 27 large parking spaces and 6 car parking spaces in the upper parking lot. The InterLocal agreement (ILA) between Palm Beach County and the Town of Lake Park for the acquisition of the upper parking lot calls for an "additional 30 boat trailer parking spaces along with 16 standard vehicle parking spaces" (see Section 2.01, Exhibit "A", Phase I, No. B of the InterLocal Agreement R2010, 1943, dated November 16, 2010). Obviously, the proposed

conceptual parking plan does not meet the exact intent of the ILA. That being said, it is the belief of the Marina Task Force that the proposed conceptual parking plan results in a much better parking scheme than what was envisioned when the ILA was approved by Palm Beach County and the Town of Lake Park.

The proposed conceptual parking plan is a much better parking scheme for a number of reasons. First and foremost, as proposed, it provides an adequate number of very large parking spaces such that larger rigs will have easily accessible parking spaces in the upper lot where they will not have to jump any wheelstops to fit into a properly sized parking space. Second, the proposed conceptual plan has been designed to increase the utilization of both the existing lot and the upper parking lot due to the proposed interconnectivity of the two lots. Finally, and possibly most importantly, the reconfigured parking plan greatly enhances safety for boat-hauling traffic. All of the traffic movements have been internalized to the parking areas; with no ingress or egress from U.S. Highway 1 (Federal Highway). All internal travel lanes are one-way, thus ensuring that no rig will be put into a position of having to back up (but to leave from a parking space). Finally, any rig which leaves the parking lot must do so via the signalized intersection of Federal Highway and Silver Beach Road.

The conceptual parking plan creates 25 large (45', 50' and 55') boat trailer parking spaces, 2 smaller trailer spaces (38') and 6 standard parking spaces in the upper lot. While the Interlocal Agreement calls for "30 *additional boat trailer parking spaces* (without any indication of size) *along with 16 standard vehicle parking spaces*" (emphasis added), the proposed conceptual parking plan better utilizes the existing space of the upper parking lot to meet the demand for the much needed longer trailer spaces. While the Task Force attempted to develop a conceptual parking plan which satisfied the Interlocal Agreement, the resulting plan better addresses market demands and will increase utilization of the upper lot through improved traffic flow.

Since the proposed conceptual parking plan cannot meet the exact intent of the ILA, Palm Beach County will have to be approached for acceptance of the proposed conceptual parking plan via a modification of the Interlocal Agreement.

The conceptual parking plan is just that; it is conceptual. If the proposed parking plan is to become a reality, it would have to be designed by a licensed professional engineer, and all of the appropriate permits would have to be obtained before this project could be bid out to a licensed contractor to undertake the necessary construction. No budget estimates have been developed at this time. Should the Town Commission wish to proceed with the proposed parking plan, then a budget would have to be developed.

### **Dealing with Traffic Flow**

At present, the traffic circulation through both the lower parking lot and the upper parking lot is not working effectively. Anyone who would like to park their truck and trailer in the upper parking lot has to negotiate a series of tight turns to get into the lot, and then negotiate an awkward set of maneuvers to exit the upper parking lot onto U.S. 1. To that end, the Task Force has developed a safer plan of traffic flow which corrects the current conditions, ultimately directing the flow of all truck and trailer traffic to utilize the signalized light at U.S. 1 and Silver Beach Road. This makes for a much safer movement when exiting the Marina site.

The new pattern of traffic flow includes the following dynamics:

- Lake Shore Drive would remain southbound only from Cypress Drive to Silver Beach Road.
- The traffic pattern through the eastern (lower) parking lot remains the same. The western (upper) lot can only be accessed from Lake Shore Drive or from the boat ramp drive aisle.
- All traffic patterns along the parking aisles with pull-in parking spaces are conveniently set up as one-way only parking.
- A new access drive will be constructed at the point where trailers traveling south on Lake Shore Drive can make an easy right hand turn into the upper parking lot (at the western-most 90° bend in the road). This new access drive to the upper parking lot is also directly in line with the boat ramp, providing easy access between the ramp and the upper parking lot.

While not a physical improvement, it will also be necessary to redefine the existing right-of-way of Lake Shore Drive in as much as current and future plans have moved Lake Shore Drive to the west; but the legal description has not been adjusted accordingly.

To summarize, boat trailer traffic will enter the Marina either from Lake Shore Drive or Silver Beach Road, eventually driving to the southeast corner of the property. All vehicles would then turn left (to the North) at the eastern most traffic aisle, continuing northbound until reaching the boat ramp. The boat could then be launched and the vehicle and empty trailer would travel westward to one of the appropriate parking aisles (with oversized rigs being directed to the upper parking lot). A traffic flow map can be found in Attachment B.

Another topic dealing with traffic flow addressed by the Task Force was the issue of signage (both locational and wayfinding). The Task Force recognized that appropriate signage both along the U.S. 1 roadway corridor and near and within the Marina property is critical. Therefore, a full report with recommendations and alternatives was developed by Task Force member Jorge Quintero. The members of the Task Force have fully endorsed Mr. Quintero's work. A copy of his report and recommendations can be found in Attachment C.

Finally, although it was not a specific assignment, the Task Force considered the topics of landscaping and architectural features, such as a gazebo or pergola. Colors were also discussed and the Task Force would like the ultimate plans to include signage and architectural features with *Lake Park Yellow* and existing tan as the basic colors used throughout the Marina property. The conceptual parking plans do identify locations for potential architectural features which should be built to match the existing Marina color and design scheme.

**Developing Alternatives for Enhancing Revenue**  
**(Lot Reconfiguration and Boat Ramp)**

The Marina Task Force studied the topic of enhancing revenues, based upon a reconfiguration of the two parking lots as well as the use of the boat ramp facility. The Task Force developed a plan wherein the Lake Park Harbor Marina facility would do everything that it could to encourage an increased usage of the facility. To that end, it was suggested that we should encourage use of the facility by providing free boat ramp launch services (currently we charge \$10.00 per launch) and that we concentrate on generating additional revenue by charging for the use of the parking facilities as well as the current availability of some of the slips for daytime or weekend use (short-term only).

In addition, it has been suggested by the Task Force that a variety of launch, park, and dock options should be offered to weekend transient boaters. The following fee schedule has been developed:

Launch fee:	No charge.
Parking (in numbered spaces):	\$2.00 per hour with a 5 hour minimum*.
Daytime launch, park, and dock:	\$25.00**
Launch, park, and weekend dock:	\$49.00/night up to a 3 night maximum**
Annual non-commercial daytime parking pass:	\$50.00 to \$75.00***
Annual commercial parking pass:	\$150.00**

- \* Using the current parking meter kiosk system.
- \*\* Special use passes to be purchased at the Dockmaster's office.
- \*\*\* Members of the Task Force could not agree on a final fee for this service and therefore a range of costs has been outlined in the report.

## Summary

In summary, the Marina Task Force is making the following recommendations:

- Implement the integration of the two parking areas based upon the conceptual parking plan enclosed herein (Attachment A).
- Change the traffic flow pattern of the entire parking areas based upon the traffic pattern enclosed herein (Attachment B).
- Develop and implement a new locational and wayfinding scheme of signage (Attachment C).
- Modify the parking fee structure based upon the schedule outlined above in this report.
- Approach Palm Beach County to request a modification to the existing Interlocal Agreement.

On behalf of the Town Commission, myself, the members of the staff, and the residents of the Town of Lake Park, I would like to thank all members of the Marina Task Force for their incredible hard work, their tremendous insight into the subject, their individual and collective skills, and the end product which has resulted in this Report.

Respectfully Submitted,



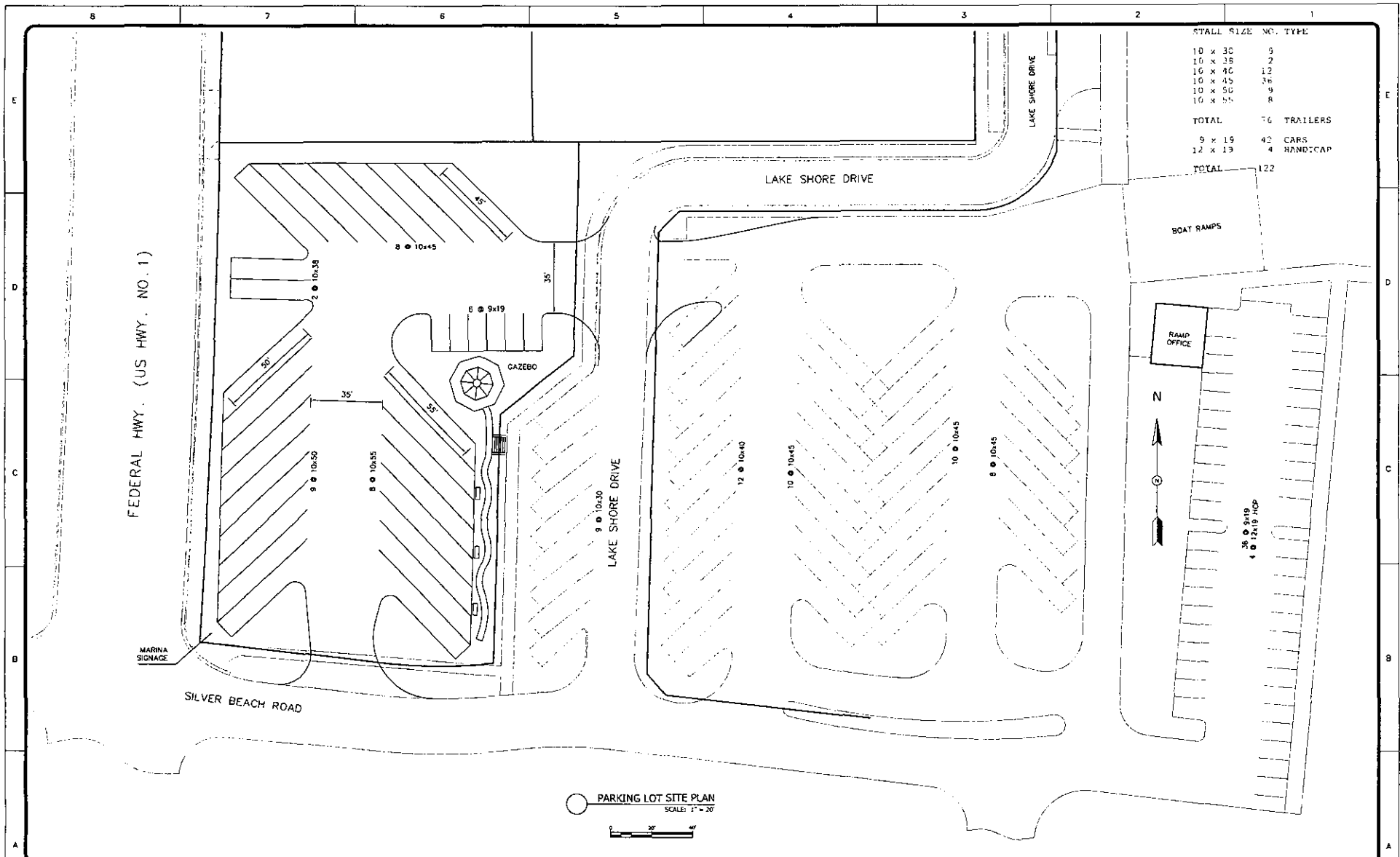
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Dale S. Sugerman, Ph.D.  
Town Manager

cc: Members of the Marina Task Force

ATTACHMENT

A



STALL SIZE	NO.	TYPE
10 x 30	9	
10 x 38	2	
10 x 40	12	
10 x 45	36	
10 x 50	9	
10 x 55	8	
<b>TOTAL</b>	<b>76</b>	<b>TRAILERS</b>
9 x 19	42	<b>CARS</b>
12 x 19	4	<b>HANDICAP</b>
<b>TOTAL</b>	<b>122</b>	

FEDERAL HWY. (US HWY. NO. 1)

MARINA SIGNAGE

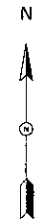
SILVER BEACH ROAD

LAKE SHORE DRIVE

LAKE SHORE DRIVE

BOAT RAMPS

RAMP OFFICE



36 ● 9x19  
4 ● 12x19 HCP

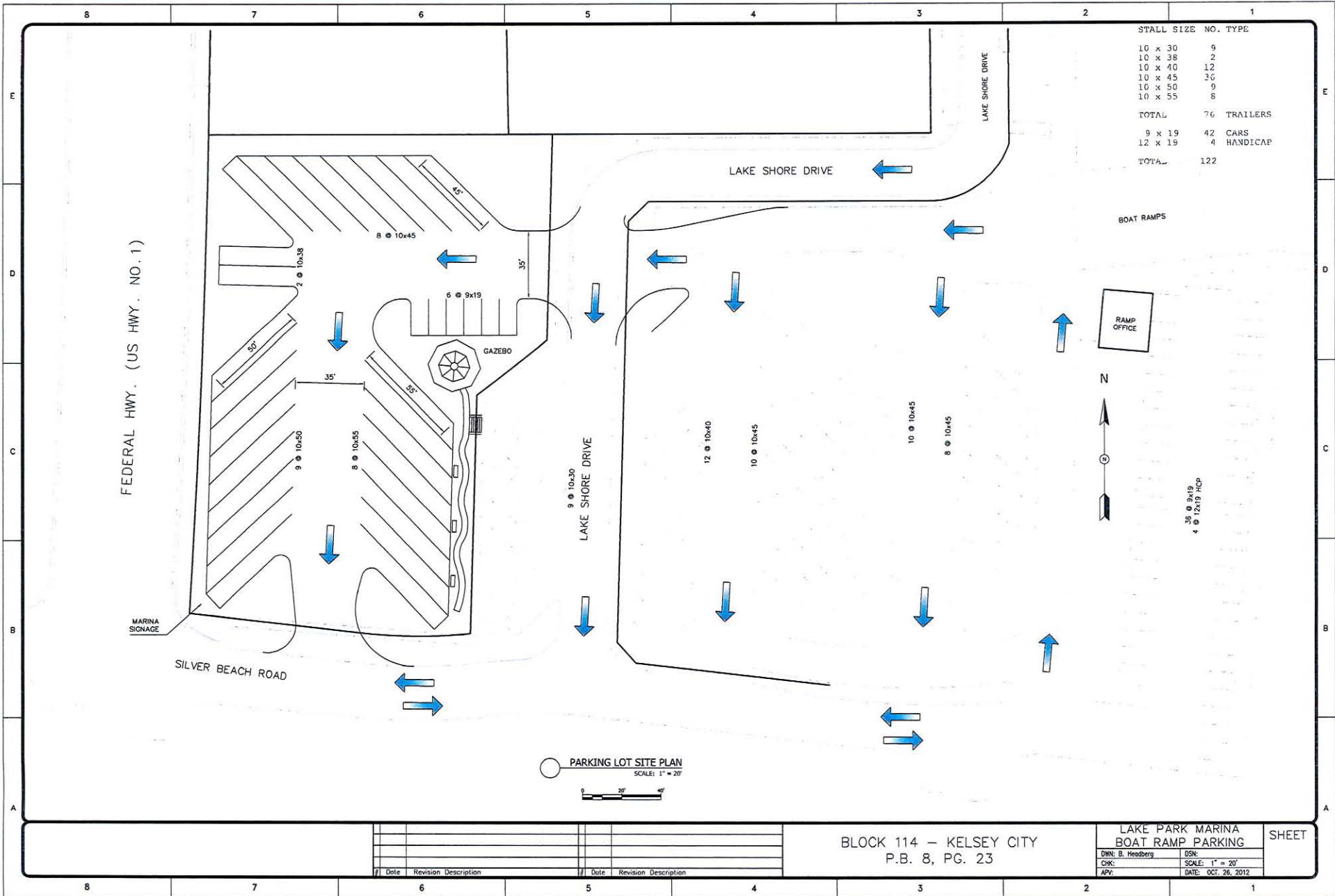
Date	Revision	Description	Date	Revision	Description

BLOCK 114 - KELSEY CITY  
P.B. 8, PG. 23

LAKE PARK MARINA BOAT RAMP PARKING		SHEET
DWN: B. Heedberg	DSN:	
CR:	SCALE: 1" = 20'	
AP:	DATE: OCT 26, 2012	



# ATTACHMENT B



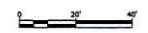
STALL SIZE	NO.	TYPE
10 x 30	9	
10 x 38	2	
10 x 40	12	
10 x 45	36	
10 x 50	9	
10 x 55	8	
<b>TOTAL</b>	<b>76</b>	<b>TRAILERS</b>
9 x 19	42	CARS
12 x 19	4	HANDICAP
<b>TOTAL</b>	<b>122</b>	

RAMP OFFICE



35 @ 9x19  
4 @ 12x19 HCP

PARKING LOT SITE PLAN  
SCALE: 1" = 20'



BLOCK 114 - KELSEY CITY  
P.B. 8, PG. 23

LAKE PARK MARINA BOAT RAMP PARKING		SHEET
DNW: B. Headberg	DSN:	
CHK:	SCALE: 1" = 20'	
APV:	DATE: OCT. 26, 2012	

Date	Revision	Description	Date	Revision	Description

# ATTACHMENT C

## ATTACHMENT C

### **Marina Signage Report and Recommendations.**

By Jorge Quintero

Looking at the directional metal signs the Town has placed on US 1 and Dixie highway that include the Town logo and a background of blue with white letters. I don't know what the dimensions of the signs are, or the height that they need to be, but I am assuming that the Town can craft the signs to meet the required height and dimensions. I attempted to use the font style that appeared to me closest in appearance to the existing signs. What I am showing for the "Lake Park" letters is the font known as @MingLiu. The marina letters are Arial Bold, but in both cases they should be the same as what has been used on the current signs.

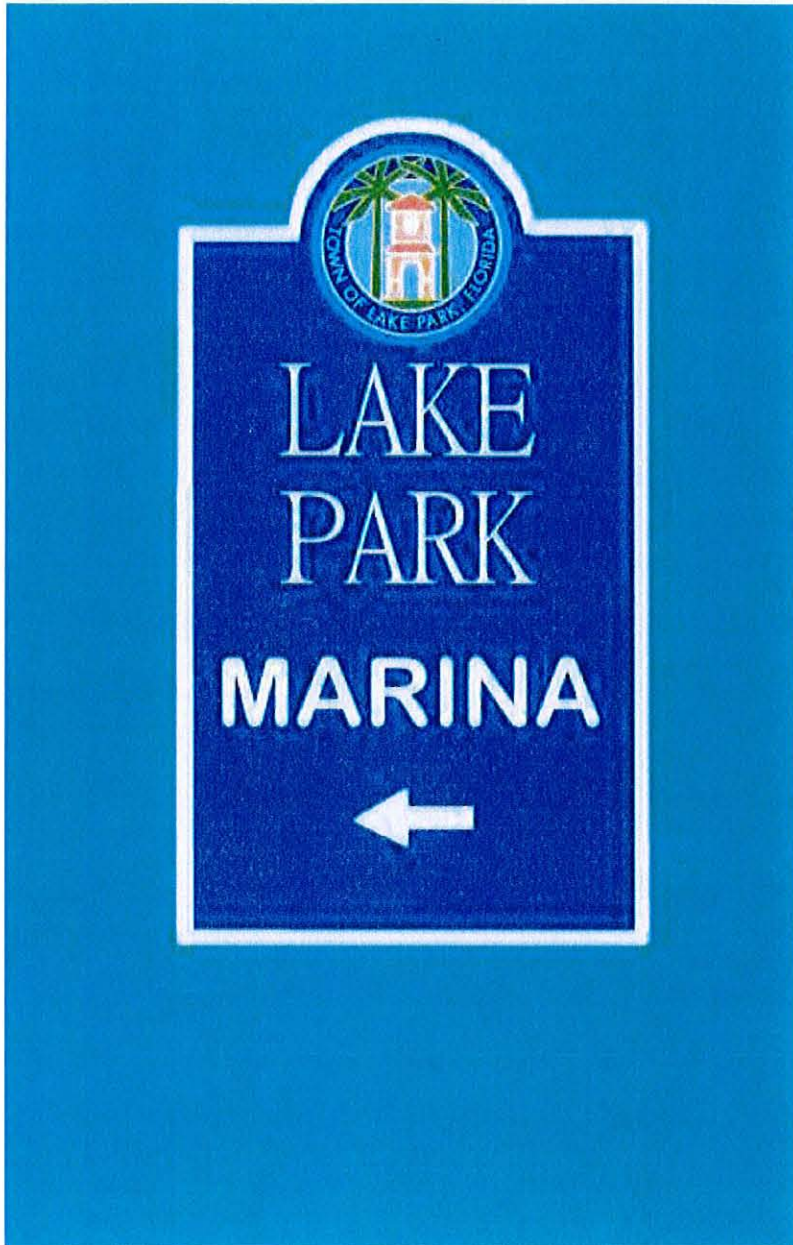
The following sign would be placed on the east side of US 1, facing south, at the corner of Cypress Drive and US 1. It would direct northbound traffic to turn right on Cypress Drive.



LAKE  
PARK  
MARINA

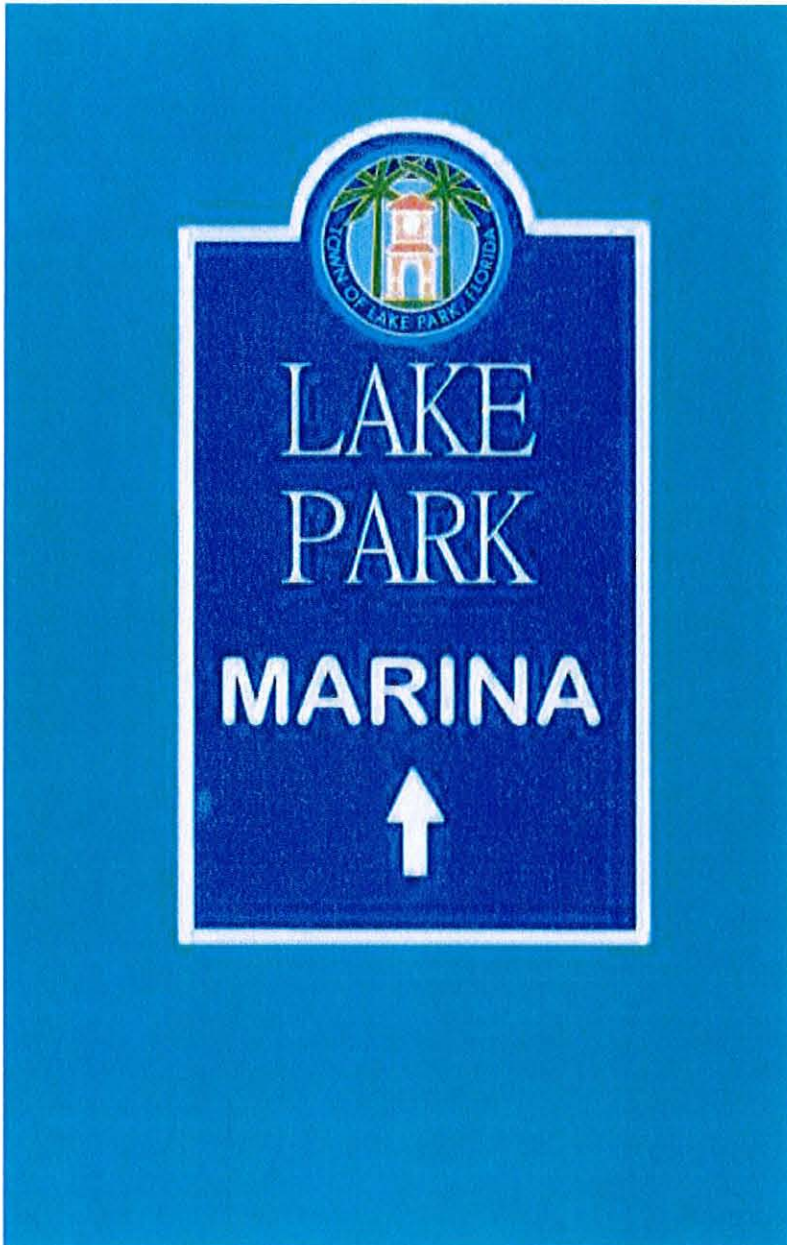


The following sign would be placed on the west side of US 1, facing north, either within the R.O.W. or within east/west drainage easement the Town owns in the vicinity of the Dunkin Donuts store. It would direct south bound traffic to turn left onto Cypress Drive.





If a suitable location can be found, I think it would be helpful to have the following sign somewhere further north on US 1, perhaps just behind the northernmost Town entry sign at US 1 and Palmetto. It would direct southbound traffic toward the marina.



In addition to the directional signs, I was asked to consider additional options to the monument sign at the intersection of US 1 and Silver Beach Road. I was asked to present the signs with either the Town logo or the Marina logo, and to present them with the entire name "Lake Park Harbor Marina" on one and two lines, as well as the shortened name "Lake Park Marina" on a single line.

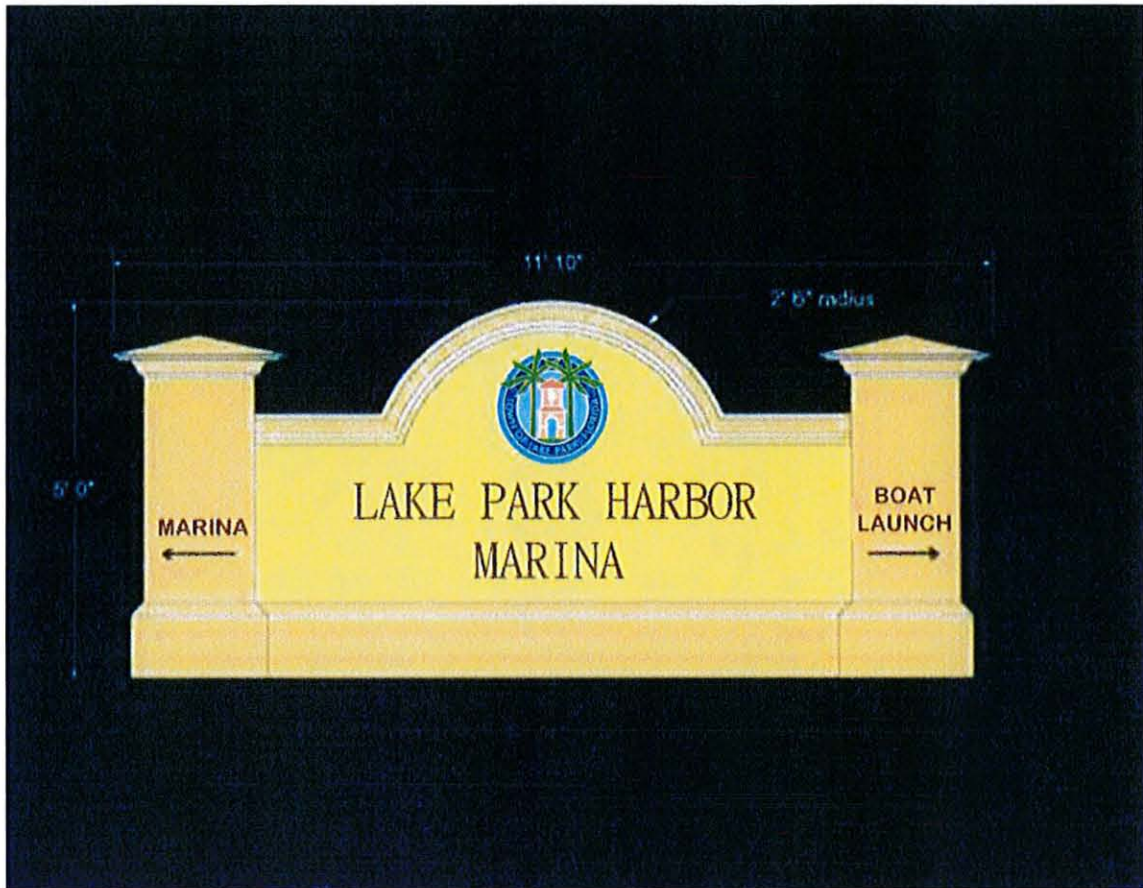
I was also asked to include colors utilized on the existing town entry signs, which I was told was sort of yellow and tan. They appeared more beige and tan to me, but for purposes of this presentation, I am utilizing yellow and tan. Colors are difficult to match on computer screens as the screen colors themselves will vary significantly. For purposes of these drawings, the colors are meant primarily to indicate where the contrasting colors occur. The actual colors should be verified by staff. Fonts are the same as those used on the directional signs.

Here are the versions utilizing the Town logo. The first one is with the long version name "Lake Park Harbor Marina" on a single line.





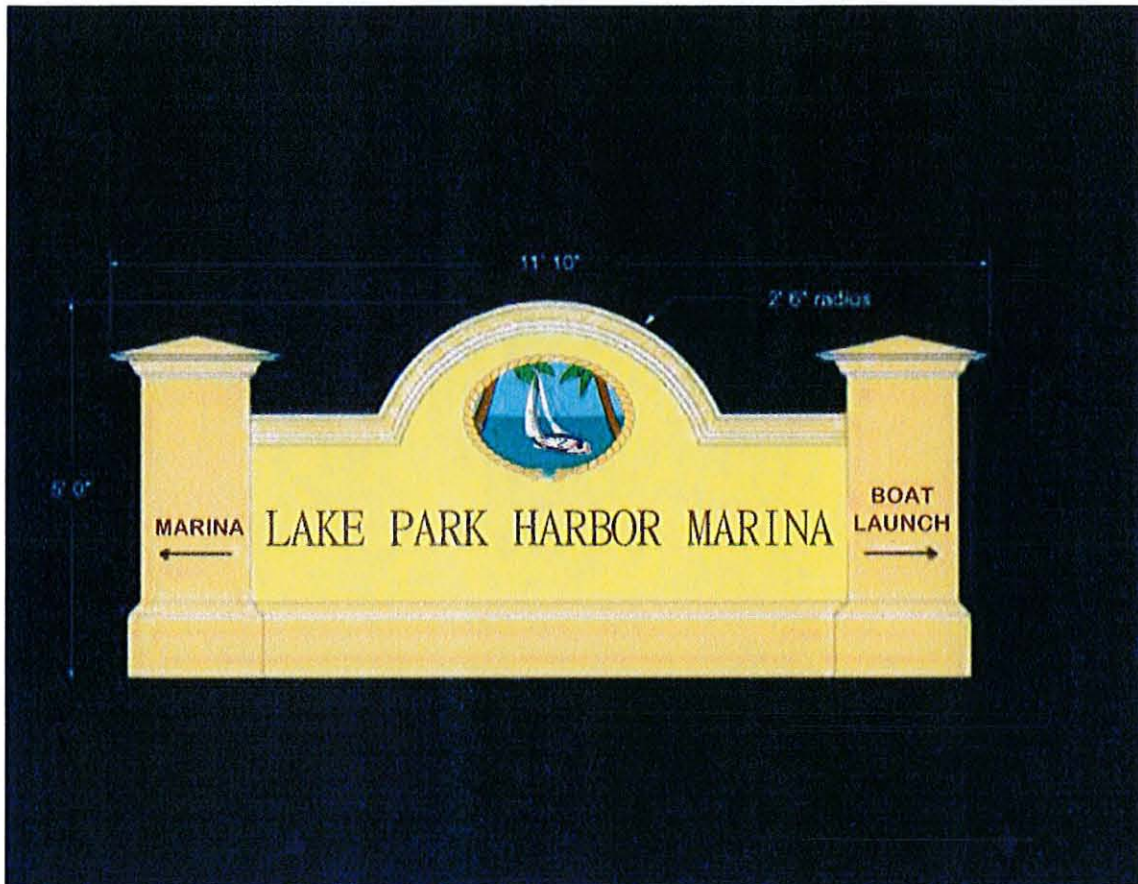
This version is with the Town logo and the long-version name on two lines.



Here is the version with the Town logo and the shortened name “Lake Park Marina”.

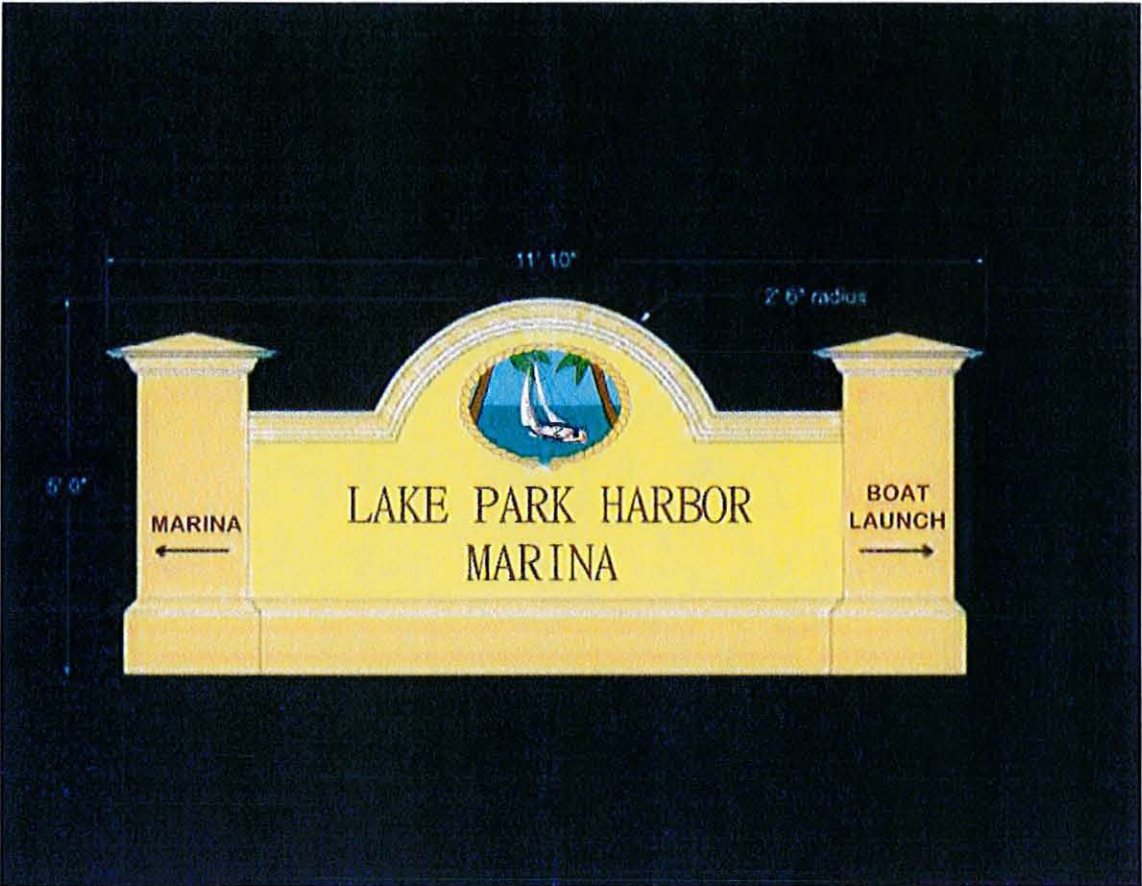


The next three versions utilize the marina logo. The first one presents the long version name "Lake Park Harbor Marina":

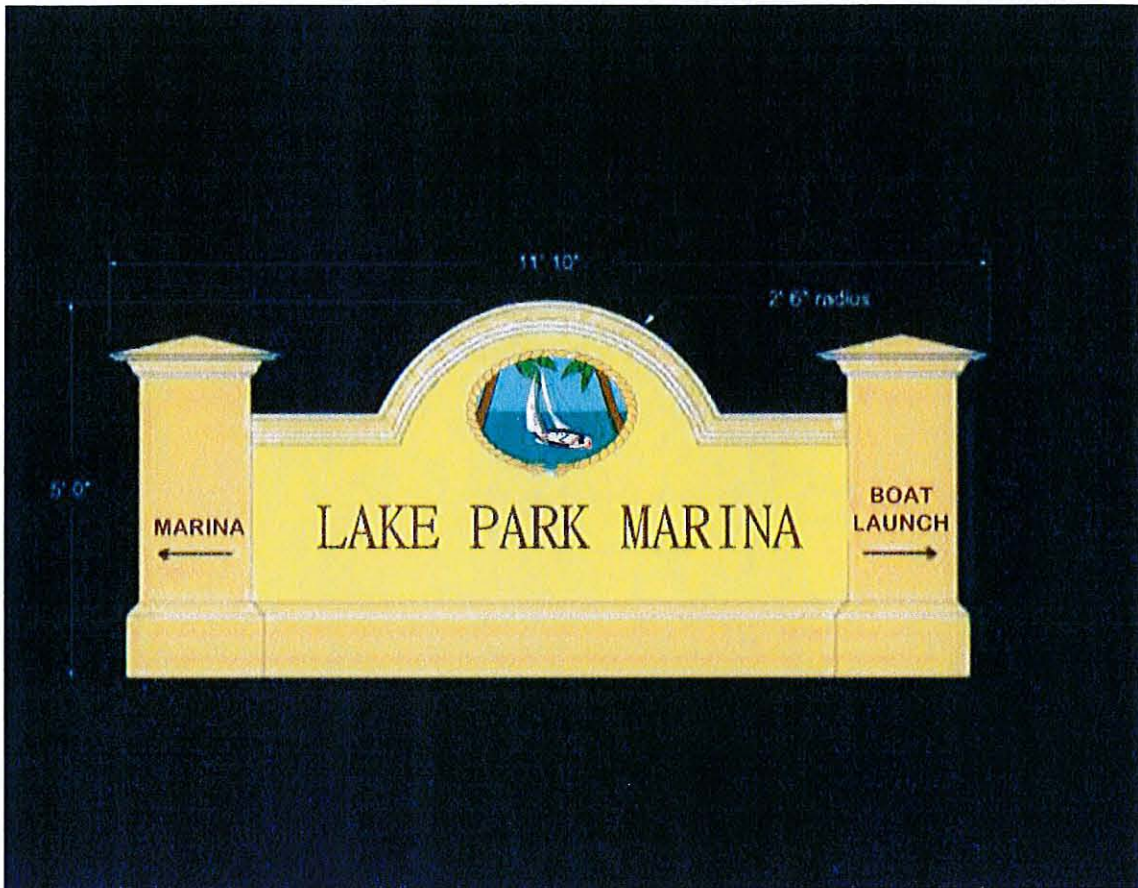




This one uses the marina logo with the long-version name on two lines.



The last version utilizes the marina logo with the shortened name “Lake Park Marina”.





Town of Lake Park Town Commission

Exhibit "E"

Agenda Request Form

Meeting Date: May 15, 2013

Agenda Item No. Tab 10

Agenda Title: Completing the Annual Performance Evaluation of the Town Manager

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

Approved by Town Manager  Date: 4/29/13

Name/Title Pamela McMillon-Surver  
HUMAN RESOURCES DIRECTOR

<b>Originating Department:</b> Human Resources	<b>Costs:</b> \$ -0- Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> Town Manager Evaluation Form and Town Manager Job Description
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	<b>Yes I have notified everyone:</b> <b>BMT</b> or Not applicable in this case _____ <b>Please initial one.</b>

Summary Explanation/Background:

Pursuant to Section 7 of the June 29, 2012 Employment Agreement between the Town of Lake Park and Town Manager Dale Sugerman, the Commission is required to conduct an annual review to evaluate the performance of the Town Manager. Such review is due for the period of June 29, 2012 to June 29, 2013. The Town Manager evaluation form is being distributed with this agenda item, along with a copy of the job description for the position of Town Manager. Please complete the attached evaluation form and return it to the Human Resources Director in hard copy format no later than June 3, 2013 for placement on the June 19, 2013 Commission Agenda.





# Town of Lake Park

## PERFORMANCE EVALUATION FORM

### TOWN MANAGER

Each member of the Town Commission should complete this form, rating the Town Manager's performance in each of the areas noted below. The Manager's tasks are divided into five (5) categories and provide for the rating of each item in the category using the evaluation scale shown. Spaces are also provided for additional comments.

**TOWN MANAGER**

\_\_\_\_\_  
**Evaluator 's Name**

**EVALUATION PERIOD**

\_\_\_\_\_  
**6/29/2012 to 6/29/2013**

### EVALUATION SCALE

5	Outstanding	Consistently achieves and exceeds all standards/objectives of work performance.
4	Very Effective	Regularly meets and frequently exceeds standards of work performance.
3	Effective	Regularly meets standards of work performance.
2	Marginally Effective	Often fails to meet standards of work performance.
1	Ineffective	Clearly and consistently fails to meet standards of work performance.

## 1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

- \_\_\_ Maintains open and informative communications with the Town Commission
- \_\_\_ Knowledgeable of current developments affecting the local government management field.
- \_\_\_ Effectively implements and enforces Town policies and procedures
- \_\_\_ Demonstrates a capacity for innovation and creativity
- \_\_\_ Anticipates problems and develops effective approaches for solving them.
- \_\_\_ Maintains a work atmosphere conducive to productivity and efficiency
- \_\_\_ Takes responsibility for staff actions.
- \_\_\_ Encourages department heads to make decisions within their own areas without the Town Manager's approval, yet maintains general control of operations
- \_\_\_ Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving
- \_\_\_ Properly controls the Town's operational and functional activities and motivates others to maximum performance
- \_\_\_ Effectively recruits professional staff

### COMMENTS:

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## 2. FISCAL MANAGEMENT

- \_\_\_ Possesses knowledge of governmental accounting/budget procedures
- \_\_\_ Prepares a balanced budget to provide services at a level directed by the Town Commission
- \_\_\_ Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- \_\_\_ Possesses awareness of the importance of financial planning and accounting controls through long-range fiscal forecasting
- \_\_\_ Utilizes effective negotiation with labor unions and in legal actions to minimize costs to the Town
- \_\_\_ Expenditures are made within budget limitations according to established policy



COMMENTS:

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**3. PERSONAL SKILLS/COMMUNICATIONS**

- \_\_\_ Willing to commit time necessary to complete required tasks
- \_\_\_ Demonstrates high concern for ethical behavior
- \_\_\_ Skillful in verbal communication
- \_\_\_ Skillful in written communication
- \_\_\_ Informs the Commission of current issues and administrative developments
- \_\_\_ Encourages a positive attitude regarding the Town
- \_\_\_ Receptive to constructive criticism and advice
- \_\_\_ Manages stress effectively

COMMENTS:

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**4. RELATIONS WITH THE TOWN COMMISSION**

- \_\_\_ Works with the Commission to establish annual goals and objectives and provides regular reports. Provides regular reports to the Commission on the status of Commission directives.
- \_\_\_ Carries out the directives of the Commission as a whole, rather than those of any one member
- \_\_\_ Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
- \_\_\_ Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
- \_\_\_ Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

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**5. COMMUNITY RELATIONS**

- \_\_\_ Effectively addresses and accommodates citizen complaints
- \_\_\_ Shows a sensitivity to and appreciation of diversity of the Town's population
- \_\_\_ Responsive to issues of both commercial and residential populations
- \_\_\_ Takes a "hands-on" approach when necessary
- \_\_\_ Maintains an effective working relationship with other local governments
- \_\_\_ Takes a diplomatic approach to problem solving
- \_\_\_ Projects a positive image on behalf of the Town of Lake Park
- \_\_\_ Provides management support to Town Boards
- \_\_\_ Effectively informs residents of Town news through Town produced media. i.e. Newsletter.

COMMENTS:

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ADDITIONAL SUMMARY COMMENTS:

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OVERALL RATING:

- |                    |                          |
|--------------------|--------------------------|
| 5 - Outstanding    | 2 - Marginally Effective |
| 4 - Very Effective | 1 - Ineffective          |
| 3 - Effective      |                          |

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**EVALUATOR'S SIGNATURE**

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**DATE**

## TOWN MANAGER

**JOB CODE:** 100  
**DEPARTMENT:** TOWN MANAGER

### CHARACTERISTICS OF THE CLASS:

Under the general supervision of the Town Commission, serve as the Chief Administrative Officer of the Town by directing and supervising the administration of all departments, and by implementing policy established by the Town Commission. Work is reviewed through periodic evaluations by the Town Commission. Performs such other duties as may be required by the Town Commission not inconsistent with the Town Charter, State law or applicable Ordinances. This is an exempt position.

### EXAMPLES OF ESSENTIAL FUNCTIONS:

1. Appoints, hires, disciplines and removes all employees and department heads of the Town in accordance with the Town established employee policies and procedures.
2. Provides staffing for the appointed boards, committees, and agencies of the Town, as necessary or directed by the Town Commission.
3. Prepares and submits to the Town Commission a monthly report. Also, directs all department heads to file monthly reports with the Office of Town Manager, which shall collect and forward these reports to the Town Commission without correction or modification.
4. Prepares, with the assistance of the Finance Director an annual budget and presents the same to the Town Commission with a message describing the important features, and is responsible for the administration of such budget after adoption.
5. Prepares and submits to the Town Commission at the end of each fiscal year a complete report on the preceding year's finances and administrative activities, which report shall include an annual audit for the preceding fiscal year prepared by an independent auditor retained by the Town Commission.
6. Keeps the Town Commission advised of the financial condition and future needs of the Town, and make such recommendations as may be desirable on a timely basis. The Town Manager is encouraged to actively seek out potential grant monies that may be available to support Town projects.

*Approved on  
6/20/12  
Resolution 14-06-12*

7. Recommends to the Town Commission a standard schedule of pay for all Town positions, including minimum and maximum rates of pay.
8. Organizes, reorganizes, consolidates, combines or abolishes positions, offices, department divisions or departments of the Town only with the approval of the Town Commission.
9. Recommends in consultation with the Town Attorney appropriate action with respect to negotiation, approval and/or rejection of labor agreements with public employee organizations acting on policy directives provided by the Commission in proper sessions.
10. Recommends to the Town Commission the adoption of such Ordinances and policies as may be necessary or expedient for the health, safety or welfare of the community, or for the improvement of administrative services.
11. Attends meetings of the Town Commission, Town committees and boards, and other Town meetings, as the Town Manager deems necessary, or as directed by the Town Commission. At such meetings, the Town Manager shall have the right to take part in the discussion, but without a vote.
12. Serves as purchasing agent for the Town, responsible for overseeing the purchase of equipment and supplies pursuant to Town policy.
13. Provides staff support services for the Mayor and Commission members which shall be limited to those necessary in support of Town activities.
14. In consultation with the Town Attorney, enforces the Town's laws and Ordinances.
15. Investigates the affairs of the Town, or complaints regarding any department or division; investigates all complaints in relation to matters concerning administration; investigates complaints regarding service maintained by public utilities; and, sees that all terms and conditions imposed in favor of the Town in any franchise, contract or agreement are faithfully observed.
16. Devotes all working time to the discharge of official duties.

**REQUIREMENTS:**

**A. Education and Experience:**

Bachelor's degree in Public Administration or a closely related field from an accredited college or university and at least five (5) years of experience as a full-time employee in Public Administration at the administrative level. Must possess a valid Florida driver's license.



**B. Knowledge, Skills and Abilities:**

- Knowledge of the organization, functions of a municipal government
- Knowledge of budgetary development, administration and control
- Knowledge of local Codes, Ordinances and regulations
- Ability to plan and coordinate complex administrative activities
- Ability to formulate plans, budgets and related policy papers, synthesizing information from a variety of sources
- Ability to delegate authority and responsibility appropriately
- Ability to communicate effectively both orally and in writing
- Ability to follow complex oral and written instructions
- Ability to work effectively with the Town Commission, the general public and Town staff

**PHYSICAL REQUIREMENTS:**

While performing the duties of this job, the employee is frequently required to walk, sit and talk or hear. The employee will be required to use hands to manipulate, handle, feel or operate objects or controls and reach with hands and arms. The employee is occasionally required to climb, stand or balance, stoop, kneel or crouch. Task may involve extended periods of time at the computer keyboard. The employee must occasionally lift and/or move up to 20 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Extensive close work, and extensive PC monitor work are required.

**ENVIRONMENTAL REQUIRMENTS:**

Tasks performed without exposure to adverse environmental conditions (dirt, cold, rain, fumes).

It is the policy of the Town of Lake Park to prohibit discrimination on the basis of race, color, religion, gender, national origin, age, political affiliation, physical or mental disability (where the disabled persons are able to perform the work they are seeking with reasonable accommodation), marital status, familial status, or sexual orientation, or any other form of unlawful discrimination, except when such condition is a bona fide

occupational qualification. Such employment practices include, but are not limited to, the recruitment, hiring, compensation, assignment, training, promotion, demotion, discipline or dismissal of employees.



Town of Lake Park Town Commission

Exhibit "F"

Agenda Request Form

Meeting Date: May 15, 2013

Agenda Item No. Tab 11

**Agenda Title: Resolution to Amend the Town of Lake Park Uniform Classification System to Revise the Job Descriptions for the Positions of Camp Counselor and Recreation Bus Driver**

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 4/29/13  
*[Signature]*  
 Name/Title HUMAN RESOURCES DIRECTOR

<b>Originating Department:</b> Human Resources	<b>Costs: \$ -0-</b> Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> Resolution, Revised Job Descriptions in Redline Format, and Current Job Descriptions
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>BMT</u> <b>Please initial one.</b>

Summary Explanation/Background:

Currently, two job descriptions exist in the Town of Lake Park Uniform Classification System entitled Camp Counselor and Recreation Bus Driver. The purpose of this item is to revise these job descriptions to more accurately reflect the current duties and requirements of this position as the summer camp program has evolved.

**There will be no additional financial burden placed on the budget of the Town of Lake Park as a result of this action as the hourly rates for these positions will remain the same, as follows:**

- **Camp Counselor -- \$7.79 per hour**
- **Recreation Bus Driver -- \$7.79 per hour**

**Copies of the revised job descriptions are attached in redline format as well as the current job descriptions for ease of reference.**

**Recommended Motion: Approval of Resolution**





Town of Lake Park Town Commission

Exhibit "G"

Agenda Request Form

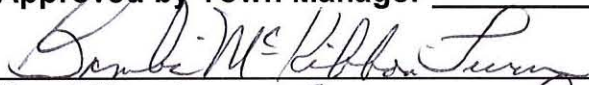
Meeting Date: May 15, 2013

Agenda Item No. Tab 12

Agenda Title: Resolution to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Assistant to the Finance Director

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

Approved by Town Manager  Date: 4/30/13

  
 Name/Title HUMAN RESOURCES DIRECTOR

<b>Originating Department:</b> <b>Human Resources</b>	<b>Costs: \$ -0-</b> Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments: Resolution; Revised Job Description in Redline Format; and, Current Job Description</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	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 <b>Not applicable in this case</b> <b><u>BMT</u></b> <b>Please initial one.</b>

Summary Explanation/Background:

Currently, a job description exists in the Town of Lake Park Uniform Classification System entitled Assistant to the Finance Director. The purpose of this item is to revise this job description to more accurately reflect the current duties and requirements of this position, and to change the title from Assistant to the Finance Director to Chief Accountant.

**There will be no additional financial burden placed on the budget of the Town of Lake Park as a result of this action as the annual salary range for this position will remain the same, which is \$50,854.75 to \$78,943.41.**

**A copy of the revised job description is attached in redline format as well as the current job description for ease of reference.**

**Recommended Motion: Approval of Resolution**

# TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5, 2013

Agenda Item No. *Tab 4*

Agenda Title: Waiving of Parking Fees for the July 4<sup>th</sup> Community Celebration in June (June 29, 2013) and Closing Lake Shore Drive from Greenbriar to Just North of Foresteria Leaving the South Parking Area Open.

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

Approved by Town Manager *DSS* Date: *5/25/13*

Kathleen Carroll/Recreation Director  
Name/Title

<b>Originating Department:</b>  Parks & Recreation Department	<b>Costs: \$ TBD</b> Funding Source: Acct. # <input checked="" type="checkbox"/> Finance <u><i>BK2</i></u>	<b>Attachments:</b>  -Flyer
<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><i>KAC</i></u> OR Not applicable in this case _____ <b>Please initial one.</b>

**Summary Explanation/Background:**

The Commission has approved the July 4<sup>th</sup> Community Celebration to be held on June 29, 2013 from 4:00 p.m. to 8:00 p.m. Town sponsored community events usually have all parking fees waived in and around the event site. The event site for the July 4<sup>th</sup> Community Celebration will be Kelsey Park and Lake Shore Park. Staff is recommending that all parking fees be waived in and around this event site from 10:00 a.m. to 10:00 p.m. on June 29, 2013.

Staff is also requesting a partial closure for this event of Lake Shore Drive from Greenbriar Drive to just north of Foresteria Drive from 10:00 a.m. to 10:00 p.m. leaving the south parking area open. The Palm Beach County Fire Rescue fire engine as well as the American Red Cross Blood Mobile will be present and such closure will allow for parking and easy access for these large vehicles.

**Recommended Motions:**

- (1) To waive parking fees at Kelsey Park and Lake Shore Park from 10:00 a.m. to 10:00 p.m. on June 29, 2013; and
- (2) To partially close Lake Shore Drive from Greenbriar Drive to just north of Foresteria Drive from 10:00 a.m. to 10:00 p.m. on June 29, 2013 leaving the south parking area open.



# Town of Lake Park



# Community Celebration!

(4th of July in June)

## SATURDAY JUNE 29

### 4 - 8 P.M.

## LAKE SHORE PARK

*(EAST OF U.S. HWY 1 ALONG THE INTRACOASTAL BETWEEN NORTHLAKE & BLUE HERON BLVDS.)*

**Celebrate our independence day  
early at this year's Lake Park  
Community Celebration.**

**Free Family Fun Event!  
Music, Food, Beverage, Games  
Arts and Crafts**



**Town of Lake Park  
Parks and Recreation Department 561-881-3338  
[www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)**

# **Board Membership**



# TAB 5



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** June 5, 2013

**Agenda Item No.** *Tab 5*

**Agenda Title: Board Membership Appointment for the Library Board**

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

**Approved by Town Manager** *DSS* **Date:** *5/20/13*

*Vivian Mendez* – Town Clerk  
Name/Title

<b>Originating Department:</b>  Town Clerk	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Application</b> <b>Ballot</b>
<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 <i>VM</i> or Not applicable in this case _____ <b>Please initial one.</b>

**Summary Explanation/Background:** The Town Commission may appoint up to five (5) regular members and two (2) alternate members to the Library Board. Currently there are five (5) regular members and no alternate members appointed to the Library Board.

The Town Clerk's office has received an application from Diane Bernhard for appointment to the Library Board. Her application is attached for your review. Additionally, attached is a ballot.

**Recommended Motion:** To appoint applicant Diane Bernhard as an alternate member of the Library Board.

MAY - 6 2019

RECEIVED

# The Town of Lake Park

## Application to Serve on Town Boards and Committees

This application serves as an information file of the skills, talents and interests of citizens who are willing to serve on advisory boards and committees for the Town of Lake Park. When an opening occurs on one of the Boards on which you have indicated a desire to serve, your application will be submitted to the Town Commission. You will be notified by mail when appointment has been made.

Please print the following information:

Name: Bernhard Diane  
Last First Middle

Address: **301 Lake Shore Drive, #203, Lake Park, FL 33403**

Telephone: home 561.844.1333 work \_\_\_\_\_ cell 561.707.7057

E-Mail Address dianebernhard@comcast.net

	Yes	No
Are you a resident of Lake Park	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you a non-resident business owner in Lake Park	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are you a registered voter (Response to this question is not mandatory)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do you currently serve on a Town Board or Committee	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If so, which one(s): \_\_\_\_\_

Have you been convicted of a crime

If so, when? No where? \_\_\_\_\_

Please indicate your preference by number "1" through "5" of no more than five boards on which you wish to serve, with #1 being the most desired and #5 being the least desired.

Choice #	Board	Choice #	Board
_____	Code Compliance *	_____	Tree Board
_____	CRA Board (Community Redevelopment Agency)	_____	Planning & Zoning/Historic
_____	Harbor Marina Advisory Board	_____	Preservation Board *
_____	Construction Board of Adjustments & Appeals	<u>1</u>	Library Board

Please note: Membership on these (\*) Boards require members to complete an annual financial disclosure form pursuant to F.S. 112.3145 (1)(a), (2)(b), (7)

Your Name: Diane Bernhard

Please indicate the reason for your interest in your first and second choices:

I read – and write. I take out books from the library on a regular basis. I have used the computers there. I believe that the community library should be a hub of social and educational events. I want to help find ways to make it more attractive and useful for the community.

Number of Meetings of the above boards you have attended in the past six months: 1

Your educational background: (High school, College, Graduate School or other training)

High School and some College. PostSecondary training in Massage and Allied Subjects. Training as a Health Coach.

What is/was your profession or occupation: I am a Licensed Massage Therapist and Certified Health Coach. Formerly, an instructor of biological sciences – anatomy, physiology, pathology, and a public speaker.

How long: 30+ Years

Please indicate employment experience that you feel relates to your desired service on an advisory (Library Board) or committee: I am a published writer. I have consulted public and private libraries – and librarians – for research and confirmation of the information that I presented.

Please indicate other general experience or community involvement that you feel qualifies you to serve on the boards you have chosen: I have served the community of Lake Park through an ad hoc committee which was formed to revise the town's employee handbook. I was appointed to the Lake Park Harbour Marina Task Force.

Feel free to attach additional sheets if required. Also, please attach your resume, if available

Please return your completed form to the Office of the Town Clerk, 535 Park Avenue, Lake Park, Florida 33403

**I HEREBY CERTIFY THAT THE STATEMENT AND ANSWERS PROVIDED ARE TRUE AND ACCURATE. I UNDERSTAND THAT ANY FALSE STATEMENTS MAY BE CAUSE FOR REMOVAL FROM A BOARD OR COMMITTEE, IF APPOINTED:**

Signature: Diane Bernhard Date: May 3, 2013

# BALLOT

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## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER LIBRARY BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS FIVE (5) REGULAR MEMBERS AND NO ALTERNATE MEMBERS APPOINTED.

THERE ARE OPENINGS FOR TWO (2) ALTERNATE MEMBERS.

Shall **DIANE BERNHARD** be appointed to the Library Board as an:

Yes                  No

Alternate Member

\_\_\_\_\_

**Ordinance**  
**on**  
**First**  
**Reading**

# TAB 6





Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5, 2013

Agenda Item No. *Table*

**Agenda Title:** TEXT AMENDMENT TO SECTION 78-71 TO INCLUDE AN "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE, AND "ANIMAL DAY CARE ESTABLISHMENT", "ANIMAL GROOMING ESTABLISHMENT", "ANIMAL INDOOR TRAINING CENTER", AND "PET SHOP" USE AS A PERMITTED USE WITHIN THE C-1 BUSINESS DISTRICT, AS WELL AS CREATING A "SPECIAL EXCEPTION" SUBSECTION TO THE C-1 BUSINESS DISTRICT TO INCLUDE SOME EXISTING C-1 PERMITTED USES AND THE NEW "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE. MODIFICATION TO SECTION 78-2 TO INCLUDE DEFINITIONS FOR THE VARIOUS USES BEING AMENDED IN THE C-1 BUSINESS DISTRICT.

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING ORDINANCE ON 1<sup>st</sup> READING
  - NEW BUSINESS
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS

Approved by Town Manager *DSS* Date: *5/25/13*

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

<b>Originating Department:</b>  Community Development	Costs: \$ 1,250 plus required advertisement(s) Funding Source: Applicant ("Barkley's") Acct. # 4649 <input checked="" type="checkbox"/> Finance <i>BKR</i>	<b>Attachments:</b> <ul style="list-style-type: none"> <li>→ Staff Report</li> <li>→ Ordinance _____</li> <li>→ Exhibit "A" Table of Contents PBC Animal Care and Control Ordinance</li> <li>→ Exhibit "B" Section 10-155 – Noise Level Chart</li> <li>→ Exhibit "C" Section 11-1 – Definition for Domesticated Animal</li> </ul>
<b>Advertised:</b> Date: <i>N/A on first reading</i> 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><i>ND</i></u> OR Not applicable in this case _____ <b>Please initial one.</b>

Summary Explanation/Background: PLEASE SEE STAFF REPORT.

Recommended Motion: APPROVAL.



Meeting Date: June 5, 2013

To: TOWN COMMISSION

**Re:** TEXT AMENDMENT TO SECTION 78-71 TO INCLUDE AN "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE, AND "ANIMAL DAY CARE ESTABLISHMENT", "ANIMAL GROOMING ESTABLISHMENT", "ANIMAL INDOOR TRAINING CENTER", AND "PET SHOP" USE AS A PERMITTED USE WITHIN THE C-1 BUSINESS DISTRICT, AS WELL AS CREATING A "SPECIAL EXCEPTION" SUBSECTION TO THE C-1 BUSINESS DISTRICT TO INCLUDE SOME EXISTING C-1 PERMITTED USES AND THE NEW "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE. MODIFICATION TO SECTION 78-2 TO INCLUDE DEFINITIONS FOR THE VARIOUS USES BEING AMENDED IN THE C-1 BUSINESS DISTRICT.

**Applicant:** Barkley's Canine Club      **Staff Recommendation:** APPROVAL

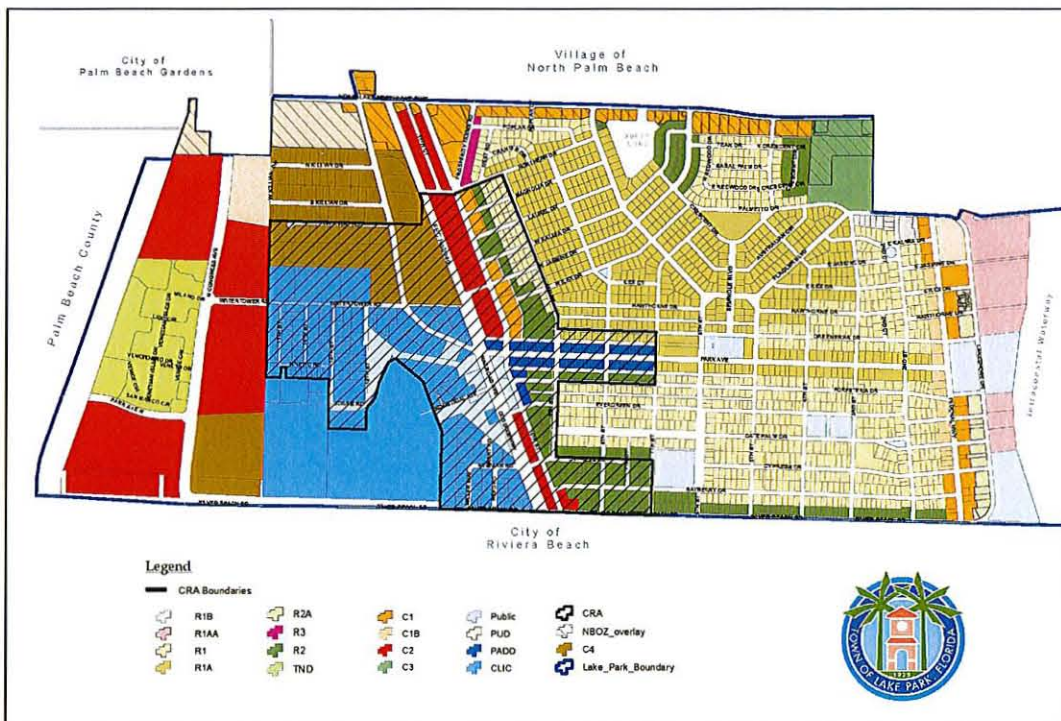
[Planning & Zoning Board Recommendation, May 6, 2013: Approval 4-0](#)

**SUMMARY**

This Staff Report addresses a request for a Text Amendment to the Town of Lake Park Code of Ordinances filed by Barkley's Canine Club ("Applicant"). The Applicant proposes to include "Animal Service Establishment" as a special exception use in the C-1 Business District. Staff is also proposing the inclusion of additional animal-related uses, namely, "Animal Grooming Establishment", "Animal Training", and "Pet Shop" as permitted uses in the C-1 Business District. Currently, the C-1 Business District does not include special exception uses, therefore this application is also proposing the creation of a Special Exception use section. In doing so, and in accepting the Planning and Zoning Board's recommendations, staff is proposing the re-distribution of some currently permitted uses into the proposed Special Exception use category and is proposing that the respective 'use' definitions be added to Section 78-2 of the Town of Lake Park Code of Ordinances.

The C-1 Business District is intended to permit low intensity commercial uses, such as offices, personal services, and retail, along the south side of Northlake Boulevard from Old Dixie Highway to US-1, along the east side of 10th Street, and along portions of the east and west side of US-1, as illustrated in **Figure 1** below.

**Figure 1: Zoning Map; C-1 District in Orange**



Lake Park Zoning Map





## HISTORY

In early 2012, the Applicant received approval from the Town's Community Development Department for an animal "instructional studio" and an animal "beauty shop" at 524 Northlake Boulevard. Both the "instructional studio" use and the "beauty shop" use are currently permitted uses in the C-1 Business District. Following this initial application, the Applicant met with a Town Planner to discuss a request to use the facility as a use including "day care" and boarding for animals. The Applicant was informed that the C-1 Business District does not permit "day care" nor the boarding of animals as a permitted use. In the latter part of 2012, Town staff determined that the Applicant was boarding animals at its facility. The Applicant was cited by the Town's Code Enforcement Division for operating a use not permitted in the C-1 Business District. As a result, the Applicant sought a text amendment to incorporate the day care and boarding uses as permitted uses in the C-1 Business District. The Applicant submitted an application to the Town.

## APPLICATION

In researching the Town's Code of Ordinances, staff determined that the Town Code is deficient with regard to uses that are specific to animal related establishments. Consequently, staff is proposing to create an "Animal Service Establishment" use per the Applicant's request for an animal boarding facility, which would be subject to certain conditions. The amendments propose to classify a portion of the Applicant's business as an "Animal Service Establishment" which would incorporate the animal boarding component. This use, as proposed, would require special exception application approval due to the potential impacts of including this use in a predominantly low-intensity commercial district that abuts residentially zoned parcels. The special exception application will be presented under separate cover at a future Town Commission meeting. All animal-related establishment uses are regulated by Palm Beach County (PBC) Animal Care and Control under very strict regulations relative to the business owner's operation and are routinely inspected by PBC (see **Exhibit "A"** for the Table of Contents for PBC Animal Care and Control which lists the regulating criteria).

In addition to proposing the "Animal Service Establishment" use in the C-1 Business District as a special exception use, additional animal-related uses are also being proposed as permitted uses due to their low-intensity commercial nature and minimal impacts. Respective definitions for these uses are also being proposed in Section 78-2. Those uses being proposed as permitted by right, are defined as daytime uses that are entitled to generate slightly higher noise levels as indicated on the Town's Noise Ordinance chart as can be seen in "**Exhibit "B"**". Staff also recommends that the following uses be re-listed as special exception uses in the C-1 Business District due to their potential heightened impacts to noise, traffic, odors and design complexities. Some of these uses are being proposed using new use titles in an attempt to remain consistent with the Northlake Boulevard Overlay Zone (NBOZ) use titles for those properties located on the south side of Northlake Boulevard and within the C-1 Business District. The intent of each use remains the same. They include:

- Gasoline and other motor-fuel stations, to be re-listed as "Automotive Service Station"
- Mortuaries, to be re-listed as "Funeral Home"
- Motels, to be re-listed as "Motel/Hotel"
- Hospitals, sanitariums and medical clinics
- Substance abuse treatment facilities
- Sales, service and rental of motor vehicles, to be re-listed as "Vehicle Sales and Rental"

Pursuant to the Town Code, an applicant who applies for Special Exception Use approval will need to meet the criteria listed in **Sec. 78-184** of the Code. The Town Commission may also include conditions of approval pertaining to special exception uses such as:

1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.
2. Establish a special setback, open space requirement, and/or lot area or dimension.
3. Limit the height, size, and/or location of a building or other structure.
4. Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
5. Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.
6. Limit or otherwise designate the number, size, location, height and/or lighting of signs.

7. Require the use of, and designate the size, height, location and/or materials for, berming, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.
8. Require the protection and/or relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources.
9. Require specific architectural details and/or design that produces a physical development which is compatible in appearance with the uses permitted by right in the zoning district.
10. Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the town's comprehensive plan.

**Staff recommends the following Text Amendments to Sections 78-2 and 78-71 of the Town of Lake Park Code of Ordinances:**

**Sec. 78-2 Definitions:**

**Animal Day Care Establishment.** An indoor facility operated between the hours of 7am-10pm, for the purpose of providing care and protection of domesticated animals, no overnight boarding.

**Animal Grooming Establishment.** An indoor facility operated between the hours of 7am-10pm which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related grooming services (not to include breeding, veterinary, dentistry or overnight boarding).

**Animal Service Establishment.** An establishment which may include any of the following uses as specified in the individual zoning district.

(1) *Pet Stores*<sup>a</sup>. An indoor facility operated for the sale of domesticated animals, which includes overnight boarding;

(2) *Boarding Kennel*<sup>a</sup>. An indoor facility, where domesticated animals are boarded during the daytime or kept overnight.

Definition Attached as Exhibit "C"

Section 10-155 Attached as Exhibit "B"

<sup>a</sup> Noise nuisances which exceed permitted decibel levels as prescribed in the Town Code in Section 10-155 shall be mitigated by requiring extra insulation or any other improvements which is certified by a licensed noise professional and submitted to the Town's Community Development Department under a building permit application. Boarding shall be limited to domesticated animals. The Town Commission may require sound proofing or additional setbacks and landscaping to minimize noise and visual impacts on adjacent properties. Outdoor runs shall be paved or turfed, fenced, and connected to a Town-approved wastewater treatment facility and shall not be located any closer than 40 feet from adjacent residentially-zoned properties.

**Animal Indoor Training Center.** A facility operated between the hours of 7am-10pm for the teaching and training of domesticated animals.

**Automotive Service Station.** An establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or



supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, and a convenience store selling retail goods .

**Funeral Home.** An establishment engaged in preparing deceased human beings for burial, and managing and arranging funerals.

**Hospital, Sanitarium or Medical Center.** A facility for humans or animals, which provides primary, secondary, or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions.

**Motel/Hotel.** A commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rents to tenants. The establishment may be constructed in a bulding or a group of buildings and may include one or more accessory uses such as dining rooms/restaurant or convenience/retail stores.

**Pet Shop.** An indoor facility operated between the hours of 7am-10pm for the purpose of selling animal accessories.

**Substance Abuse Treatment Facility.** A facility having one or more service components and operated by service providers licensed by the State of Florida as defined in Chapter 397, Fla. Statute.

**Vehicle Sales and Rentals.** An establishment engaged in the sale or rental from the premises of new or used motor vehicles or equipment, watercraft, recreational vehicles or mobile homes, with or without incidental service, maintenance or repair. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home. The sale or rental of industrial or agricultural vehicles is prohibited.

**Sec. 78-71. C-1 Business District.**

Within the C-1 Business District, the following regulations shall apply:

(1) Uses permitted. Within the C-1 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

**a. Animal Day Care Establishment**

**b. Animal Grooming Establishment**

**c. Animal Indoor Training Center**

**a-d.** Appliance stores, including radio and television services.

**b-e.** Bakeries the products of which are sold at retail but not produced on the premises.

**c-f.** Banks.

**d-g.** Barbershops, beauty shops, chiropodists, masseurs.

**e-h.** Fertilizer, stored and sold at retail only.

**f.** ~~Gasoline and other motor fuel stations.~~

**g-i.** Laundry pickup stations.

**h.** ~~Mortuaries.~~

**i.** ~~Motels.~~



~~j. Vehicle sales and rentals, including and accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:~~

- ~~1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;~~
- ~~2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and~~
- ~~3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.~~

~~k. j.~~ Offices, business and professional.

~~l. k.~~ Outdoor miniature golf courses, all objects limited to eight feet in height and such building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.

~~l.~~ Pet Shop

m. Restaurants.

n. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.

o. Indoor Theatres.

~~p. No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated.~~

~~q. Hospitals, sanitariums and medical clinics.~~

~~r. Motels without shop fronts or stores facing the street.~~

~~s. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.~~

~~t. p.~~ Instructional studios; including but not limited to, studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the Town's community development director.

~~u. q.~~ Transient residential use

(2)

Special exception uses permitted pursuant to section 78-184:

a. Animal Service Establishment

b. Automotive Service Station

c. Funeral home

d. Hospital, Sanitarium or Medical Clinic

e. Motel/Hotel

f. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.

g. Vehicle Sales and Rentals, including accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:

1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;
2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.

**Recommended Motion: Staff recommends that the Town Commission make a motion to APPROVE this Ordinance on first reading.**

**ORDINANCE NO. 08-2013**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "DEFINITIONS" TO CREATE VARIOUS USE DEFINITIONS; AMENDING CHAPTER 78, ARTICLE III, SECTION 78-71 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "C-1 BUSINESS DISTRICT" TO ADD THE PERMITTED USES OF ANIMAL SERVICE ESTABLISHMENT, ANIMAL DAY CARE ESTABLISHMENT, ANIMAL INDOOR TRAINING CENTER, ANIMAL GROOMING ESTABLISHMENT, AND PET SHOP; AND TO CREATE A SPECIAL EXCEPTION USE CATEGORY; 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 such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted general provisions pertaining to land development and zoning, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

**WHEREAS**, the Town's Community Development Department has recommended amendments to Sections 78-2 and 78-71 of Chapter 78 of the Code of Ordinances, known as the Zoning Code; and

**WHEREAS**, the amendments to the Zoning Code add definitions for permitted and special exception uses to the C-1 Business District; and



**WHEREAS**, the Town’s Planning and Zoning Board has reviewed the proposed amendments to the Town Code of Ordinances and has provided its recommendations to the Town Commission; and

**WHEREAS**, the Town Commission has determined that the recommended amendments would further the public’s health, safety and general welfare.

**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 as the legislative findings of the Town Commission.

**Section 2.** Chapter 78, Article I, Section 78-2 is hereby amended to add the following definitions, as follows:

***Sec. 78-2 Definitions:***

**Animal Day Care Establishment.** An indoor facility operated between the hours of 7am-10pm, for the purpose of providing care and protection of domesticated animals, no overnight boarding.

**Animal Grooming Establishment.** An indoor facility operated between the hours of 7am-10pm which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related grooming services (not to include breeding, veterinary, dentistry or overnight boarding).

**Animal Service Establishment.** An establishment which may include any of the following uses as specified in the individual zoning district.

**(1) Pet Stores<sup>a</sup>.** An indoor facility operated for the sale of domesticated animals, which includes overnight boarding;

(2) **Boarding Kennel**<sup>a</sup>. An indoor facility, where domesticated animals are boarded during the daytime or kept overnight.

<sup>a</sup> Noise nuisances which exceed permitted decibel levels as prescribed in the Town Code in Section 10-155 shall be mitigated by requiring extra insulation or any other improvements which is certified by a licensed noise professional and submitted to the Town's Community Development Department under a building permit application. Boarding shall be limited to domesticated animals. The Town Commission may require sound proofing or additional setbacks and landscaping to minimize noise and visual impacts on adjacent properties. Outdoor runs shall be paved or turfed, fenced, and connected to a Town-approved wastewater treatment facility and shall not be located any closer than 40 feet from adjacent residentially-zoned properties.

**Animal Indoor Training Center.** A facility operated between the hours of 7am-10pm for the teaching and training of domesticated animals.

**Automotive Service Station.** An establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, and a convenience store selling retail goods .

**Funeral Home.** An establishment engaged in preparing deceased human beings for burial, and managing and arranging funerals.

**Hospital, Sanitarium or Medical Center.** A facility for humans or animals, which provides primary, secondary, or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions.



**Motel/Hotel.** A commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rents to tenants. The establishment may be constructed in a bulding or a group of buildings and may include one or more accessory uses such as dining rooms/restaurant or convenience/retail stores.

**Pet Shop.** An indoor facility operated between the hours of 7am-10pm for the purpose of selling animal accessories.

**Substance Abuse Treatment Facility.** A facility having one or more service components and operated by service providers licensed by the State of Florida as defined in Chapter 397, Fla. Statute.

**Vehicle Sales and Rentals.** An establishment engaged in the sale or rental from the premises of new or used motor vehicles or equipment, watercraft, recreational vehicles or mobile homes, with or without incidental service, maintenance or repair. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home. The sale or rental of industrial or agricultural vehicles is prohibited.

**Section 3.** Chapter 78, Article I, Section 78-71 of the Code is amended to add certain uses by right and special exception uses within the C-1 Business District, as follows:

***Sec. 78-71. C-1 Business District.***

Within the C-1 Business District, the following regulations shall apply:

(1) Uses permitted. Within the C-1 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

- a.** **Animal Day Care Establishment**
- b.** **Animal Grooming Establishment**
- c.** **Animal Indoor Training Center**
- a: d.** Appliance stores, including radio and television services.

- ~~b.~~ e. Bakeries the products of which are sold at retail but not produced on the premises.
- ~~c.~~ f. Banks.
- ~~d.~~ g. Barbershops, beauty shops, chiropodists, masseurs.
- ~~e.~~ h. Fertilizer, stored and sold at retail only.
- ~~f.~~ ~~Gasoline and other motor fuel stations.~~
- ~~g.~~ i. Laundry pickup stations.
- ~~h.~~ ~~Mortuaries.~~
- ~~i.~~ ~~Motels.~~
- ~~j.~~ ~~Vehicle sales and rentals, including and accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:~~
  - ~~1.~~ ~~The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;~~
  - ~~2.~~ ~~No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and~~
  - ~~3.~~ ~~The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave runners, which are part of the specific business.~~
- ~~k.~~ j. Offices, business and professional.
- ~~l.~~ k. Outdoor miniature golf courses, all objects limited to eight feet in height and such building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.
- l. Pet Shop
- m. Restaurants.
- n. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.
- o. Indoor Theatres.
- ~~p.~~ ~~No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated.~~
- ~~q.~~ ~~Hospitals, sanitariums and medical clinics.~~
- ~~r.~~ ~~Motels without shop fronts or stores facing the street.~~
- ~~s.~~ ~~Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet~~



~~of a residential zoning district.~~

~~t.p.~~ Instructional studios; including but not limited to, studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the Town's community development director.

~~u. q.~~ Transient residential use

(2)

Special exception uses permitted pursuant to section 78-184:

- a. Animal Service Establishment
- b. Automotive Service Station
- c. Funeral home
- d. Hospital, Sanitarium or Medical Clinic
- e. Motel/Hotel
- f. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.
- g. Vehicle Sales and Rentals, including accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:
  - 1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;
  - 2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
  - 3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.

**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.

# Palm Beach County Animal Care and Control Ordinance 98-22

## Animals Chapter 4\*

\***Editor's note:** Ord. No. 98-22, §§ 1--31, adopted June 16, 1998, amended the Code by repealing former Ch. 4, §§ 4-1--4-21, 4-31--4-35, 4-51--4-56, 4-66, and 4-67, and adding a new Ch. 4, §§ 4-1--4-31. Former Ch. 4 pertained to similar subject matter and derived from Ord. No. 79-16, adopted December 4, 1979; Ord. No. 82-9, adopted March 23, 1982; Ord. No. 89-2, adopted March 3, 1989; Ord. No. 92-7, adopted April 21, 1992; and Ord. No. 93-24, adopted September 21, 1993.

**State law references:** Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g).

Sec. 4-1. Short title.

Sec. 4-2. Definitions.

Sec. 4-3. Females in heat.

Sec. 4-4. Dog and cat control.

Sec. 4-5. Animals creating nuisances.

Sec. 4-6. Scientific experimentation/animals as prizes.

Sec. 4-7. Injured animals, action required.

Sec. 4-8. Keeping/adopting stray animals and maintaining feral cats.

Sec. 4-9. Animal waste.

Sec. 4-10. Rabies vaccinations.

Sec. 4-11. Dog and cat rabies/license tags.

Sec. 4-12. Redemption and adoption.

Sec. 4-13. Adoption fees and sterilization requirements for dogs and cats.

Sec. 4-14. Records.

Sec. 4-15. Humane education.

Sec. 4-16. Animal bites and quarantining.

Sec. 4-17. Placement and impoundment of honeybee hives.

Sec. 4-18. Guard dogs.

Sec. 4-19. Evictions, jail terms, community service adjudications, and other involuntary occurrences; effect on animals.

Sec. 4-20. Disposal of bodies of dead animals.

Sec. 4-21. Livestock.

Sec. 4-22. Number of animals; acreage restrictions/excess animal habitats.

Sec. 4-23. Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.

Sec. 4-24. Animal care; manner of keeping.

Sec. 4-25. Dogs and cats offered for sale; health requirements.

Sec. 4-26. Animal agencies.

Sec. 4-27. Aggressive dogs, dangerous dogs and vicious dogs.

Sec. 4-28. Sterilization program for dogs and cats.



Sec. 4-29. Hobby breeder permits.

Sec. 4-30. Animal care and control special master hearings.

Sec. 4-31. Interference with enforcement.

Sec. 4-32. Violations, civil infractions, civil penalties.

Sec. 4-33. First offenders course.

Exhibit B: Town of Lake Park Noise Ordinance

Sec. 10-155. - Maximum permissible sound levels by receiving land use.

No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.

TABLE 1

Sound Levels by Receiving Land Use

Receiving Land Use	Time	Sound Level Limit dBA
Conservation	6:00 a.m.–7:00 p.m.	55
	7:00 p.m.–6:00 a.m.	50
Residential	7:00 a.m.–10:00 p.m.	55
	10:00 p.m.–7:00 a.m.	50
Commercial/Residential and Downtown	7:00 a.m.–10:00 p.m.	55
	10:00 p.m.–7:00 a.m.	50
Commercial	At all times	60
Commercial/Light Industrial	At all times	65
Public Buildings/Grounds and Other Public Facilities	7:00 a.m.–10:00 p.m.	60
Recreation and Open Space	10:00 p.m.–7:00 a.m.	55

Date 12-13 § 15-5 Ord No. 13-1990 § 1 10-3-1990 Ord No. 07-2012 § 2 3-2-2012

Exhibit C: Section 11-1 – Definition for “Domesticated Animal”

**Sec. 11-1. - Definitions.**

(...)

***Domesticated household pet and domesticated animal*** includes dogs, cats, parrots, parakeets, canaries, rabbits, guinea pigs, gerbils, hamsters, fish, turtles and other animals that can be legally sold in a licensed pet shop in the State of Florida, and which are kept as pets for the purpose of providing human companionship. Domesticated household pets and/or domesticated animals do not include animals which are considered "exotic" or "wild animals", and/or which require a permit from the State of Florida before such animals may be purchased, sold, or possessed. The following animals are not considered household pets or domesticated animals pursuant to this chapter: livestock, wild animals as defined by the State of Florida Fish and Wildlife Conservation Commission, and hoofed animals of any kind, excluding purebred miniature potbellied pigs, also known as *Sus scrofa bittatus*. The *Sus scrofa bittatus* are considered household pets, and may be kept in compliance with the applicable provisions of this chapter.

(...)

# TAB 7

**Ordinance**  
**on**  
**Second**  
**Reading**





Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5, 2013

Agenda Item No. *Tab 7*

Agenda Title: Adoption of the Florida-Friendly Fertilizer Use on Urban Landscapes Ordinance

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

Approved by Town Manager *[Signature]* Date: *5/20/13*

*[Signature]*  
David Hunt, Public Works Director

<b>Originating Department:</b>  <b>Public Works, Stormwater Fund</b>	<b>Costs: None</b> Funding Source: Acct. # <input type="checkbox"/> Finance <u><i>N/A</i></u>	<b>Attachments:</b> <b>Proposed Ordinance</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ Or <b>Not applicable in this case</b> <i>[initials]</i> <b>Please initial one.</b>

**Summary Explanation/Background:** In 1972, the federal government passed the Clean Water Act. One of its provisions called for the issuance of a permit to any entity discharging a pollutant into navigable waters. The National Pollutant Discharge Elimination System (NPDES) detailed specific permit requirements for non-point source pollutants such as oily water coming off of wet pavement. The federal government acknowledgement of home rule, and the fact that each state had unique stormwater issues, allowed each state to administer its own permit as long as it met, at a minimum, the federal requirements.

It was determined that municipalities discharge effluents, such as motor oil from roadways, floatable trash, and fertilizers from landscaped areas into waters of the state through their municipal separate storm sewer system (MS4). Federal requirements set effluent limits for the amount of nutrients,

such as nitrogen (N) and phosphorous (P), that could be found in receiving bodies of water due to these discharges. The state is expected to enforce these limitations. Bodies of water that exceed the limits are considered impaired and state, county, and local agencies are expected to work together to implement programs that will clean up these waterways.

The Town of Lake Park's stormwater runoff discharges into the receiving bodies of water of the South Florida Water Management District's C-17 flood control canal and the Intracoastal Waterway. While these water bodies are not considered to be impaired adjacent to the Town, there are sections that are receiving excessive nutrients which are promoting overgrowth of algae and aquatic vegetation. The Town's NPDES permit stipulates that the Town must take steps to help improve these Palm Beach County waterways.

As an alternative to adopting a Florida-Friendly Landscaping Ordinance that would suggest what kind of plants with which to landscape, mulching specifications, efficient irrigation practices, proper pesticide usage, and reductions in stormwater runoff, the Town may adopt the attached Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes pursuant to State Senate Bill 494 (2009).

The purpose and intent of this Ordinance is to regulate the proper use of fertilizers by any applicator; to require proper training of commercial and institutional fertilizer applicators; to establish training and licensing requirements; to establish a Prohibited Application Period; and to specify allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This Ordinance requires the use of Best Management Practices to minimize negative environmental effects associated with excessive nutrients in our water bodies, which have been observed in and on Palm Beach County's natural and constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset important to the environmental, recreational, cultural and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.

The Town's Public Works Department is already complying with provisions of this Ordinance by having staff trained in the proper use of fertilizer and ensuring that, as a part of a contract, vendors applying fertilizer on Town property have a properly trained staff.

It should be noted that in the current session of the State Legislature, an amendment to an environmental regulation bill (HB99), that would block communities from regulating fertilizer use on lawns until 2016, has passed the House and is pending Senate review. This will be counter to the 2009 Senate Bill 494. It is recommended that the Town move ahead with the first reading of the fertilizer Ordinance to demonstrate compliance with the current legislation. The approval of the Town Ordinance on second reading can be postponed until the Senate completes its action on the bill before it. The Town shall follow the mandates of the legislation that is adopted.

**Recommended Motion:** Approval of Ordinance on Second Reading.

**ORDINANCE NO. 07- 2013**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ENTITLED “UTILITIES”, BY CREATING A NEW ARTICLE IV ENTITLED “FLORIDA-FRIENDLY FERTILIZER USE” AND ESTABLISHING REGULATIONS TO ADDRESS STORMWATER RUNOFF WITH EXCESSIVE NUTRIENT LEVELS IN WATER BODIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 303(d) of the federal Clean Water Act and the resulting Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection (FDEP) has classified specific water bodies in Palm Beach County (the County) as “impaired” as a result of the presence of excessive nutrients; and

**WHEREAS**, Section 403.9337, Fla. Stat., requires those governmental entities located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Section 403.067, Fla. Stat. to adopt regulations to implement Florida-Friendly™ fertilizer use on urban landscapes; and

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1           **WHEREAS**, the FDEP on the 2<sup>nd</sup> day of March 2011, issued its Palm Beach County  
2 Municipal Separate Storm Sewer System Permit No. FLS 000018-003 (hereinafter referred to as  
3 the “MS4 Permit”) to 41 governmental entities including Town of Lake Park; and

4           **WHEREAS**, the MS4 permit requires all of the 41 governmental entities (including Lake  
5 Park) which are within the watershed of a nutrient impaired water body to adopt all of the  
6 requirements set forth in the FDEP’s Model Ordinance for Florida Friendly Fertilizer Use on  
7 Urban Landscapes; and

8           **WHEREAS**, surface water runoff and base flow runoff leaves residential neighborhoods,  
9 commercial centers, industrial areas, and other lands in the Town and the County enters into  
10 natural and artificial stormwater and drainage conveyances and natural water bodies within the  
11 Town and the County; and

12           **WHEREAS**, phosphorus and nitrogen, the primary nutrients associated with the  
13 degradation of surface water, are commonly the primary components of fertilizer for turf and  
14 landscape application; and

15           **WHEREAS**, the quality of streams, lakes, and wetlands is important to environmental,  
16 economic, and recreational prosperity and to the health, safety, and welfare of the residents of the  
17 Town and County; and

18           **WHEREAS**, algae blooms and accelerated growth of aquatic weeds in the Town’s and  
19 the County’s water bodies have heightened community concerns about water quality and  
20 eutrophication of surrounding waters; and

21           **WHEREAS**, it is generally recognized that Eastern Palm Beach County soils naturally  
22 have adequate phosphorus content for most vegetative needs and that additional phosphorus is  
23 therefore only occasionally needed to create or maintain a vibrant landscape; and

1           **WHEREAS**, it has been recognized that proper application of slow-release nitrogen  
2 sources is more efficiently used by plants and less likely to leach or runoff; and

3           **WHEREAS**, this Ordinance is part of a larger regulatory program to address nonpoint  
4 sources of nutrient pollution which is scientifically based, and economically and technically  
5 feasible; and

6           **WHEREAS**, in the process of adoption of this Ordinance, Town Commission has  
7 considered scientific information, including input from the Department of Environmental  
8 Protection, the Department of Agriculture and Consumer Services, and the University of Florida  
9 Institute of Food and Agricultural Sciences.

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

12           **SECTION 1. Chapter 32 of the Town Code, entitled “Utilities” is hereby amended to**  
13 **create a new Article IV, entitled Florida-Friendly Fertilizer Use, as follows:**

14           **ARTICLE IV. FLORIDA-FRIENDLY FERTILIZER USE**

15           **SEC. 32-80 . Definitions.**

16           The following words, terms, and phrases, when used in this chapter, shall have the  
17 meanings ascribed to them in this section, except where the context clearly indicates a different  
18 meaning:

19           “Application” or “Apply” means the actual physical deposition of fertilizer to turf or  
20 landscape plants.

21           “Applicator” means any person who applies fertilizer on turf and/or landscape plants in  
22 Town of Lake Park.

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1           “Approved Test” means a soil test from the University of Florida, government, or other  
2 commercial licensed laboratory that regularly performs soil testing and recommendations.

3           “Best Management Practices (BMP’s)” means turf and landscape practices or  
4 combination of practices based on research, field-testing, and expert review, determined to be the  
5 most effective and practical site-specific means, including economic and technological  
6 considerations, for improving water quality, conserving water supplies and protecting natural  
7 resources.

8           “Commercial Fertilizer Applicator” except as provided in section 482.1562(9), F.S.,  
9 means any person who applies fertilizer for payment or other consideration to property not  
10 owned by the person or firm applying the fertilizer or the employer of the applicators.

11           “Fertilizing”, or “Fertilization” means the act of applying fertilizer to turf, specialized  
12 turf, or landscape plants.

13           “Fertilizer” means any substance or mixture of substances that contains one or more  
14 recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or  
15 provides other soil enrichment, or provides other corrective measures to the soil.

16           “Institutional Applicator” means any person, other than a private, non-commercial or a  
17 Commercial Applicator (unless such definitions also apply under the circumstances), that applies  
18 fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators  
19 shall include, but shall not be limited to, owners, managers, or employees of public lands,  
20 schools, parks, religious institutions, utilities, industrial or business sites and any residential  
21 properties maintained in condominium and/or common ownership.

22           “Landscape Plant” means any native or non-native tree, shrub, or groundcover  
23 (excluding turf).



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1           "Pasture" means land managed for livestock grazing.

2           "Person" means any natural person, business, corporation, limited liability company,  
3 partnership, limited partnership, association, club, organization, and/or any group of people  
4 acting as an organized entity.

5           "Prohibited Application Period" means the time period during which a Flood Watch or  
6 Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for  
7 any portion of Town of Lake Park, issued by the National Weather Service, or if heavy rain (2  
8 inches or more within a twenty-four (24) hour period) is likely.

9           "Saturated Soil" means a soil in which the voids are filled with water. Saturation does  
10 not require flow. For the purposes of this Ordinance, soils shall be considered saturated if  
11 standing water is present or the pressure of a person standing on the soil causes the release of  
12 free water.

13           "Slow-Release", "Controlled Release", "Timed Release", "Slowly-Available", or  
14 "Water Insoluble Nitrogen" means nitrogen in a form which delays its availability for vegetative  
15 uptake and use after application, or which extends its availability to the vegetation longer than a  
16 reference rapid or quick release product.

17           "Turf", "Sod", or "Lawn" means an area of grass-covered soil held together by the roots  
18 of the grass.

19           "Urban Landscape" means pervious areas on residential, commercial, industrial,  
20 institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or  
21 landscape plants. For the purposes of this section, agriculture has the same meaning as provided  
22 in section 570.02, Florida Statutes.

1     **SEC. 81. FINDINGS:**

2             As a result of the Florida Department of Environmental Protection’s (FDEP)  
3     determination that certain water bodies within Palm Beach County are impaired for excessive  
4     nutrient levels, the Town finds that the best management practices contained in the most recent  
5     edition of the “*Florida-Friendly Best Management Practices for Protection of Water Resources*  
6     *by the Green Industries*”, should be implemented by this Ordinance. Overgrowth of algae and  
7     vegetation hinder the effectiveness of flood attenuation provided by natural and constructed  
8     stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen  
9     contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.

10    **SEC. 82. PURPOSE AND INTENT:**

11            These regulations are intended to provide for the proper use of fertilizers by any  
12    applicator; to require the training of commercial and institutional fertilizer applicators; to  
13    establish training and licensing requirements; to establish a Prohibited Application Period; and to  
14    specify allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions.  
15    It is also the intent and purpose of these regulations to require the use of Best Management  
16    Practices to minimize negative environmental effects associated with excessive nutrients in the  
17    Town’s natural and constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries  
18    and other water bodies. Collectively, these water bodies are an asset important to the  
19    environmental, recreational, cultural and economic well-being of the residents of the Town and  
20    Palm Beach County and the furtherance of the public’s health, safety, and general welfare.

21    **SEC. 83. APPLICABILITY:**

1           This regulation shall be applicable to and shall regulate any and all applicators of  
2 fertilizer and areas of application of fertilizer to urban landscapes within the area Town, unless  
3 such application is specifically exempted as provided for herein.

4           **SEC. 84. TIMING OF FERTILIZER APPLICATIONS.**

5           1.       No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf  
6 and/or landscape plants during the Prohibited Application Period or to saturated soils.

7           2.       Fertilizer containing nitrogen and/or phosphorus shall not be applied before  
8 seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding,  
9 except when hydro-seeding for temporary or permanent erosion control in an emergency  
10 situation (wildfire, etc), or in accordance with the Stormwater Pollution Prevent Plan for that  
11 site.

12           **SEC. 85. FERTILIZER FREE ZONES:**

13           Fertilizer shall not be applied within 10 feet, or 3 feet if a deflector shield or drop  
14 spreader is used, of any pond, stream, water body, lake, canal, or wetland as defined by Chapter  
15 62-340 of the Florida Administrative Code or from the top of a seawall or lake bulkhead. Newly  
16 planted turf or landscape plants may be fertilized in this zone only for a 60 day period beginning  
17 thirty 30 days after planting if needed to allow the vegetation to become well established.  
18 Caution shall be used to prevent direct deposition of fertilizer into the water.

19           **SEC. 86. FERTILIZER CONTENT AND APPLICATION RATES:**

20           1.       Fertilizers applied to turf within Town shall be applied in accordance with  
21 requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code,  
22 *Labeling Requirements For Urban Turf Fertilizers*. Under Rule 5E-1.003(2), Florida

1 Administrative Code, the required application rate and frequency maximums, which vary by  
2 plant and turf types, can be found on the labeled fertilizer bag or container.

3 2. Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants  
4 except as provided for hereinabove, or in UF/IFA recommendations for landscape plants,  
5 vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified  
6 by an approved test.

7 3. Fertilizer used for sports turf at golf courses shall be applied in accordance with  
8 the recommendations in “Best Management Practices for the Enhancement of Environmental  
9 Quality on Florida Golf Courses”, published by the FDEP, dated January 2007, as amended.  
10 Fertilizer used at park or athletic fields shall be applied in accordance with Rule 5E-1.003(2),  
11 Florida Administrative Code.

12 **SEC. 87. FERTILIZER APPLICATION PRACTICES:**

13 1. Spreader deflector shields shall be used when fertilizing via rotary (broadcast)  
14 spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all  
15 impervious surfaces, fertilizer-free zones and water bodies, including wetlands. Any fertilizer  
16 applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall  
17 be immediately and completely removed to the greatest extent practicable.

18 2. Fertilizer released on an impervious surface shall be immediately contained and  
19 either legally applied to turf or any other legal site, or returned to the original or other  
20 appropriate container.

21 3. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into  
22 stormwater drains, ditches, conveyances, or water bodies.

1           4.     Property owners and managers shall use an Integrated Pest Management (IPM)  
2 strategy as currently recommended by the University of Florida Cooperative Extension Service  
3 publications.

4     **SEC. 88. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER:**

5           In no case shall grass clippings, vegetative material, and/or vegetative debris intentionally  
6 be washed, swept, or blown on to or into stormwater drains, ditches, conveyances, water bodies,  
7 wetlands, sidewalks or roadways.

8     **SEC. 89. EXEMPTIONS:**

9           The provisions set forth above shall not apply to:

10          (a)     bona fide farm operations as defined in the Florida Right-to-Farm Act, Section  
11 823.14, Florida Statutes.

12          (b)     other properties not subject to or covered under the Florida Right-to-Farm Act  
13 that have pastures used for grazing livestock.

14          (c)     any lands used for bona fide scientific research, including, but not limited to,  
15 research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or  
16 horticulture.

17     **SEC. 90. TRAINING:**

18          1.     All commercial and institutional applicators of fertilizer within the Town shall  
19 abide by and successfully complete the six-hour training program in the “*Florida-Friendly Best*  
20 *Management Practices for Protection of Water Resources by the Green Industries*” offered by  
21 the FDEP through the University of Florida/Palm Beach County Cooperative Extension Service  
22 “Florida-Friendly Landscapes” program or an approved equivalent program.

1           2.     Non-commercial and non-institutional applicators not otherwise required to be  
2 certified, such as private citizens on their own residential property, are encouraged to follow the  
3 recommendations of the University of Florida/IFAS “Florida-Friendly Landscape Program” and  
4 label instructions when applying fertilizers.

5     **SEC. 91. LICENSING OF COMMERCIAL APPLICATORS:**

6           1.     All businesses applying fertilizer to turf or landscape plants (including, but not  
7 limited to, residential lawns, golf courses, commercial properties, and multi-family and  
8 condominium properties) must ensure that the business owner or his/her designee holds the  
9 appropriate “*Florida-Friendly Best Management Practices for Protection of Water Resources by*  
10 *the Green Industries*” training certificate prior to the business owner obtaining a Local Business  
11 Tax Certificate. Owners for any category of occupation which may apply any fertilizer to Turf  
12 and/or Landscape Plants shall provide proof of completion of the program to the Town’s  
13 Business Registration Office. It is the responsibility of the business owner to maintain the  
14 “*Florida-Friendly Best Management Practices for Protection of Water Resources by the Green*  
15 *Industries*” certificate to receive their Business Tax Receipt annually.

16           2.     After December 31, 2013, all commercial applicators of fertilizer within Town,  
17 shall have and carry in their possession at all times when applying fertilizer, evidence of  
18 certification by the Florida Department of Agriculture and Consumer Services as a Commercial  
19 Fertilizer Applicator per Rule 5E-14.117(18), Florida Administrative Code.

20           3.     All businesses applying fertilizer to turf and/or landscape plants (including, but  
21 not limited to, residential lawns, golf courses, commercial properties and multi-family and  
22 condominium properties) must ensure that at least one employee has an appropriate “Florida-  
23 Friendly Best Management Practices for Protection of Water Resources by the Green Industries”



1 training certificate prior to the business owner obtaining a Local Business Tax Certificate.  
2 Standard Business Tax Receipt (BTR and transaction fees shall apply).

3 **SEC. 92. ENFORCEMENT:**

4 The provisions of this Ordinance shall be enforced by the Town's Code Enforcement  
5 Board or Special Magistrate pursuant to the authority granted by Section 162.01 et. seq., Fla.  
6 Stat., as amended and the Town Code, as amended.

7 1. Failure to comply with these regulations shall constitute a violation and shall be a  
8 separate violation for each new day the violation continues to exist.

1       **SECTION 2. SEVERABILITY:**

2               If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
3       reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such  
4       holding shall not affect the remainder of this Ordinance.

5       **SECTION 3. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

6               The provisions of this Ordinance shall become and be made a part of the Town of Lake  
7       Park Code. The sections of this Ordinance may be renumbered or relettered to accomplish such,  
8       and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

9       **SECTION 4. EFFECTIVE DATE:**

10              The provisions of this Ordinance shall become effective upon adoption.

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**Palm Beach Post, The**

05/26/2013

Miscellaneous Notices

LEGAL NOTICE OF  
PROPOSED ORDINANCE  
TOWN OF LAKE PARK

Please take notice that on Wednesday, June 5, 2013 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 Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 07-2013

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32 ENTITLED "UTILITIES", BY CREATING A NEW ARTICLE IV ENTITLED "FLORIDA-FRIENDLY FERTILIZER USE" AND ESTABLISHING REGULATIONS TO ADDRESS STORMWATER RUNOFF WITH EXCESSIVE NUTRIENT LEVELS IN WATER BODIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR 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

5-26/ 2013 #87863